

No. 25 of 2009



**FOURTH NATIONAL ASSEMBLY**

**PARLIAMENTARY**

**DEBATES**

**(HANSARD)**

**FIRST SESSION**

**TUESDAY 20 OCTOBER 2009**

## CONTENTS

**ANNOUNCEMENTS**

**PAPERS LAID**

**QUESTIONS (*Oral*)**

**BILLS (*Public*)**

**ADJOURNMENT**

**QUESTIONS (*Written*)**

**MAURITIUS**

**Fourth National Assembly**

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**FIRST SESSION**

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**Debate No. 25 of 2009**

**Sitting of Tuesday 20 October 2009**

**The Assembly met in the Assembly House, Port Louis,**

**at 11.30 a.m**

**The National Anthem was played**

*(Mr Speaker in the Chair)*

**ANNOUNCEMENTS**

**BUSSIER, MR EMMANUEL MARIE LAVAL - OBITUARY**

**The Prime Minister:** Mr Speaker Sir, it is with deep regret that we have learnt of the demise of Mr Emmanuel Marie Laval Bussier on 29 July 2009 at the age of 83.

He was born on 25 November 1925 at Rose Belle.

Mr Bussier attended the Royal College of Port Louis and later on that of Curepipe.

After his secondary education, Mr Bussier went to the United Kingdom to study law at the University of London where in 1951 he was made a member of the Institute of Advanced Legal Studies of the University.

In 1953, Mr Bussier was called to the Bar at Gray's Inn.

On his return to Mauritius, Mr Bussier practised as a barrister. He later joined the *Parti Mauricien Social Démocrate* (PMSD) and was elected as Town Councillor for Beau Bassin/Rose Hill in 1963. In 1966, he became the Vice-Chairperson of the Town Council.

In 1963, Mr Bussier stood as a candidate for the general election in Constituency No. 12, Mahebourg for the *Parti Mauricien*, but was not returned.

At the general election of 1967, he stood as a candidate in the Constituency No. 16 and was elected under the Best Loser System.

In January 1974, he joined the Labour party and served as Attorney General and Minister of Justice from 1974 to 1976.

He was appointed Minister of Works in June 1976.

Mr Bussier was a candidate for the 1976 general election and was returned as the Second Member for the Constituency No. 16 - Vacoas and Phoenix. He was re-appointed Minister of Works, a position which he held until the general election of 1982.

After 1982, Mr Bussier returned to his legal practice and had a particular interest in litigation in regard to insurance claims arising out of road accidents. He is remembered as a man of integrity and unassuming manners.

Mr Speaker, Sir, may I request you to be kind enough to direct the Clerk of the National Assembly to convey the deep condolences of the House to the bereaved family.

### **OLIVIER, MR JEAN ALOIS REYNALD - OBITUARY**

**The Prime Minister:** Mr Speaker, Sir, we have also, with deep regret, learnt of the demise of Mr Jean Aloïs Reynald Olivier on 18 October 2009 at the age of 79.

Mr Olivier was born on 14 May 1930 in Rose-Hill. He attended the St Jean Bosco Government School for his primary education and the

New Eton College for his secondary education. He started his career as a teacher in 1949 at the New Eton College. He even worked at the Windsor College before joining the civil service from 1951 to 1958 as a primary Government School teacher.

He followed a course in Political Economics, organised by *Le Secrétariat Social de Paris* in 1961 and he also obtained his diploma in journalism from the *Institut International de la Presse* at Nairobi, Kenya, and came out first at the examinations in 1963.

However, he had started his long career as a journalist in 1958, first as a Reporter for the newspaper “*Action*”, and then for “*Le Mauricien*” between 1959 and 1965. Thereafter, he occupied the post of Chief Editor of the newspaper “*Action*” between 1965 and 1967 and that of the “*Cernéen*” between 1967 and 1973.

Mr Olivier has also been a correspondent for the American magazine “*Time*” between 1966 and 1978.

His political career started when he stood as a candidate for the general election in 1967 under the banner of the *Parti Mauricien Social Démocrate* (PMSD) and was returned as the Third Member for the Constituency No. 2 Port Louis South and Port Louis Central.

In 1968, Mr Olivier was also elected Councillor at the Municipal Council of Curepipe

In 1973, he joined the Mauritius Labour party. He served as a Parliamentary Secretary from November 1973 to December 1976 at the Ministry of Commerce and Industry and the Ministry of Economic Planning and Development.

From 1978 to 1982, he was posted to our Mission in Brussels while he participated actively in the negotiations leading to the Lomé Convention.

On his return to Mauritius, he went back to his profession as journalist and occupied the post of Editor of "*Mauritius Today*" between 1983 and 1985. Thereafter, he joined "*Le Mauricien*" again and stayed there up till 1996.

During his long and distinguished career as teacher, journalist, Municipal Councilor, Parliamentarian, Parliamentary Secretary and Diplomat, he was the recipient of several distinctions. Mr Olivier travelled widely and attended several international conferences at the behest of Sir Seewoosagur Ramgoolam, the then Prime Minister. He was also a life Member of the *Commonwealth Parliamentary Association* and of the *Association Internationale des Parlementaires de Langue Française*.

He was the man who felt deeply about the need to abolish capital punishment. It may be recalled that in 1972, he tabled a Private Member's Motion for the abolition of capital punishment.

Mr Speaker, Sir, may I also request you to be kind enough to direct the Clerk of the National Assembly to convey the deep condolences of the House to the bereaved family.

**The Leader of the Opposition (Mr P. Bérenger):** Mr Speaker, Sir, we join with the hon. Prime Minister in paying homage to the two Members of Parliament who have left us and may I also request you to convey our condolences to their families.

**Mr Speaker:** I associate myself with the tribute paid to the late Mr Emmanuel Marie Laval Bussier and the late Mr Jean Aloïs Reynald Olivier by Dr. the hon. Prime Minister and the hon. Leader of the Opposition and direct the Clerk to convey to the bereaved families the assurance of our sincere condolences.

## **PAPERS LAID**

**The Prime Minister:** Sir, the Papers have been laid on the Table

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**Office of the President** —

- A. The Annual Report of the Ombudsperson for Children for the period September 2008-2009.

**B. Prime Minister's Office –**

- (a) Certificate of Urgency in respect of The Small and Medium Enterprises Development Bill (No. XVII of 2009).
- (b) The Passports (Amendment) Regulations 2009 (Government Notice No. 85 of 2009).
- (c) The Civil Aviation (Passenger Service Charge) (Amendment) Regulations 2009 (Government Notice No. 87 of 2009).

**C. Ministry of Renewable Energy and Public Utilities –**

The Time (Specification of Summer Time) Regulations 2009 (Government Notice No.118 of 2009).

**D. Ministry of Tourism, Leisure & External Communications) –**

- (a) The Ports (Fees) (Amendment) Regulations 2009 (Government Notice No. 82 of 2009).

- (b) The Tourism Authority (Speed Limit and Prohibited Activity Zone for Pleasure Craft) (Trou d'Eau Douce) (Amendment) Regulations 2009 (Government Notice No. 92 of 2009).

**E. Ministry of Finance and Economic Empowerment –**

- (a) The Digest of Business Activity Statistics for the financial year 2007-2008.
- (b) The Digest of Productivity and Competitiveness Statistics 2008.
- (c) The Annual Report of the Gambling Regulatory Authority for the period ended June 2008 (In original).
- (d) The Excise (Valuation of Motor Vehicles) (Amendment) Regulations 2009 (Government Notice No. 97 of 2009).
- (e) The Public Procurement (Amendment No. 3) Regulations 2009 (Government Notice No. 86 of 2009).
- (f) The Customs (Suspension of Permit or Authorisation) Regulations 2009 (Government Notice No. 81 of 2009).

- (g) The Investment Promotion (Real Estate Development Scheme) (Amendment No. 2) Regulations 2009 (Government Notice No. 101 of 2009).
- (h) The Digest of Labour Statistics 2008.
- (i) The Digest of Public Finance Statistics 2008.
- (j) The Digest of Statistics on Rodrigues 2008.
- (k) The National Accounts of Mauritius 2008.
- (l) The Digest of Agricultural Statistics 2008.
- (m) The Income Tax (Amendment) Regulations 2009 (Government Notice No. 119 of 2009).
- (n) Mauritius in Figures for the year 2008.
- (o) The Loan Agreement between the Republic of Mauritius and The OPEC Fund for International Development of the Terre Rouge Verdun Road Project (Phase II) (In original).

**F. Ministry of of Public Infrastructure, Land Transport & Shipping –**

- (a) The Report of the Director of Audit on The Financial Statements of the Bus Industry Employee Welfare Fund for the year ended 30 June 2006.
- (b) The Merchant Shipping (Registration of Ships) Regulations 2009 (Government Notice No. 105 of 2009).

**G. Minister of Industry, Science and Research –**

The Legal Metrology (Assize Fees) (Amendment) Regulations 2009 (Government Notice No. 100 of 2009).

**H. Ministry of Local Government, Rodrigues and Outer Islands –**

- (a) The Beau Bassin/Rose Hill Plaisance Market Fair Regulations 2008 (Government Notice No. 98 of 2009).
- (b) The Black River District Council (Other Public Place Naming) Regulations 2008 (Government Notice No. 95 of 2009).

- (c) The Municipal Council of Port Louis (Streets and Squares) (Amendment) Regulations 2009 (Government Notice No. 109 of 2009).
- (d) The Vacoas-Phoenix (Street Naming) (Amendment) Regulations 2009 (Government Notice No. 113 of 2009).
- (e) The Annual Report of the Outer Islands Development Corporation for the years ended 30 June 2004, 30 June 2005 and 30 June 2006.
- (f) The Report of the Director of Audit on the Financial Statements of the Statutory Bodies Family Protection Fund for the year ended 31 December 2008 (In original).

**I. Ministry of Social Security, National Solidarity & Senior Citizens Welfare & Reforms Institutions –**

- (a) The Actuarial Review of the Mauritius National Savings Fund as at 30 June 2005 (In original).
- (b) The Report of the Director of Audit of the Non-Governmental Organisation Trust Fund for the year 2007/2008 (In original).

- (c) The Report of the Director of Audit on the Financial Statements of the Ilois Welfare Fund for the year ended 30 June 2008.
- (d) The Audited Accounts of the Lois Lagesse Trust Fund for the period ending 30 June 2008 (In original).

**J. Ministry of Women's Rights, Child Development & Family Welfare –**

- (a) The Convention on the Civil Aspects of International Child Abduction (Amendment of Schedule) Regulations 2009 (Government Notice No. 112 of 2009).

**K. Ministry of Education, Culture and Human Resources –**

- (a) The Annual Report 2006-2007 of the National Library.
- (b) The Annual Report and Accounts 2007-2008 of the Tertiary Education Commission.
- (c) The Mauritius Qualifications Authority (Registration) Regulations 2009 (Government Notice No. 99 of 2009).

- (d) The Annual Report of the Mauritius College of the Air for the period July 2007 to June 2008.
- (e) The Tertiary Education Commission (Fees and Charges) Regulations 2009 (Government Notice No. 116 of 2009).
- (f) The Report of the Director of Audit on the Financial Statements of the Industrial and Vocational Training Board for the year ended 30 June 2008.
- (g) The Annual Report of the Mauritius Examinations Syndicate for the year 2005-2006.

**L. Attorney General's Office –**

- (a) The Permanent Court of Arbitration (Privileges and Immunities) Regulations 2009 (Government Notice No. 117 of 2009).
- (b) The Witnesses' Attendance Allowances (Amendment of Schedule) Regulations 2009 (Government Notice No. 107 of 2009).

**M. Ministry of Agro Industry, Food Production and Security**

—

- (a) The Annual Report and Accounts of the Tobacco Board for the year ended 30 June 2007.
- (b) The Annual Report and Accounts of the Tobacco Board for the year ended 30 June 2008.
- (c) The Annual Report of the Fisheries Division for the year 2007.
- (d) The Fisheries and Marine Resources (Fishing of Sea Cucumbers) Regulations 2009 (Government Notice No. 110 of 2009).
- (e) The Fisheries and Marine Resources (Extension of Net Fishing Season) Regulations 2009 (Government Notice No. 111 of 2009).

**N. Ministry of Health & Quality of Life –**

- (a) The Report of the Director of Audit on the Financial Statements of The Trust Fund for Specialised Medical Care for the year ended 30 June 2007 (In original).

- (b) The Food (Sale of Food on Premises of Educational Institutions) Regulations 2009 (Government Notice No. 94 of 2009).
- (c) The Traditional Medicine Board (Ayurvedic and Other Traditional Medicines Institutions) (Amendment) Regulations 2009 (Government Notice No. 88 of 2009).
- (d) The Dental Council (Medical Institutions) (Amendment) Regulations 2009 (Government Notice No. 83 of 2009).
- (e) The Medical Council (Medical Institutions) (Amendment) Regulations 2009 (Government Notice No. 84 of 2009).
- (f) The Dental Council (Medical Institutions) (Amendment No. 2) Regulations 2009 (Government Notice No. 120 of 2009).
- (g) The Public Health (Restrictions on Tobacco Products) (Amendment No. 2) Regulations 2009 (Government Notice No. 106 of 2009).

**O. Ministry of Consumer Protection and Citizens Charter –**

- (a) The Rodrigues Consumer Protection (Control of Price of Taxable and Non-Taxable Goods) (Amendment No. 16) Regulations 2009 (Government Notice No. 89 of 2009).
- (b) The Consumer Protection (Control of Price of Taxable and Non-Taxable Goods) (Amendment No. 7) Regulations 2009 (Government Notice No. 90 of 2009).
- (c) The Rodrigues Consumer Protection (Control of Price of Taxable and Non-Taxable Goods) (Amendment No. 17) Regulations 2009 (Government Notice No. 91 of 2009).
- (d) The Consumer Protection (Control of Price of Taxable and Non-Taxable Goods) (Amendment No. 8) Regulations 2009 (Government Notice No. 102 of 2009).
- (e) The Rodrigues Consumer Protection (Control of Price of Taxable and Non-Taxable Goods) (Amendment No. 18) Regulations 2009 (Government Notice No. 103 of 2009).
- (f) The Rodrigues Consumer Protection (Control of Price of Taxable and Non-Taxable Goods) (Amendment No. 19) Regulations 2009 (Government Notice No. 104 of 2009).

- (g) The Consumer Protection (Control of Price of Taxable and Non-Taxable Goods) (Amendment No. 9) Regulations 2009 (Government Notice No. 114 of 2009).
- (h) The Rodrigues Consumer Protection (Control of Price of Taxable and Non-Taxable Goods) (Amendment No. 20) Regulations 2009 (Government Notice No. 115 of 2009).

**P. Ministry of Labour, Industry Relations and Employment –**

- (a) The Employment Rights (Workfare Programme) Regulations 2009 (Government Notice No. 93 of 2009).
- (b) The Occupational Safety and Health (Transitional Provisions) (Amendment) Regulations 2009 (Government Notice No. 108 of 2009).

**Q. Ministry of Environment and National Development Unit**

—  
The Environment Protection (Amendment of Schedule) (No. 3) Regulations 2009 (Government Notice No. 96 of 2009).

**R. Ministry of Civil Service and Administrative Reforms –**

The Civil Establishment Order 2009 and Civil Establishment (Rodrigues Regional Assembly) Order 2009 (In original).

## **ORAL ANSWERS TO QUESTIONS**

### **CONSTITUTIONAL AND ELECTORAL REFORM – SACHS COMMISSION –**

#### **CODE OF CONDUCT**

**The Leader of the Opposition (Mr P. Bérenger)** (*By Private Notice*) asked the Prime Minister, Minister of Defence and Home Affairs whether in regard to the Code of Conduct to be formulated as per the recommendation of the Sachs Commission on Constitutional and Electoral Reform, he will state if –

- (a) he has now had discussions with the Electoral Commissioner and the Electoral Supervisory Commission and, if so, the outcome thereof, and
- (b) Government proposes to introduce legislation to give it force of law before the forthcoming National Assembly Election, and, if so, indicate if –
  - (i) Additional provisions will be made in regard to election expenditure and tougher penalties, and

- (ii) The Electoral Supervisory Commission will be given regulatory powers over the Mauritius Broadcasting Corporation as from nomination day.

**The Prime Minister:** Mr Speaker, Sir, with your permission, I will reply to this question as well as to part (a) of question B/959 as they relate to the same subject.

In reply to Parliamentary Question B/257 at our sitting on 21 April last, I stated that the Sachs Commission on Constitutional and Electoral Reform had recommended that adequate provision should be made in the Representation of the People Act to empower the Electoral Supervisory Commission to formulate a model Code of Conduct which political parties and candidates should observe during the election campaign. The Sachs Commission also had stressed that this model of Code of Conduct should be evolved after maximum possible consensus had been arrived at with all the major political parties and, once published by way of Regulations, they should have the force of law and any violation thereof should be visited with appropriate penalties to be imposed by the Electoral Supervisory Commission.

Following the observations and recommendations made both by the Supreme Court and the Privy Council in the case of Raj Ringadoo against Ashock Jugnauth, the Electoral Supervisory Commission drew

up a Code of Conduct in connection with the by-election in Constituency No. 8, Quartier Militaire and Moka.

This was, Mr Speaker, Sir, a voluntary one, but was endorsed by all the candidates taking part in the by-election.

With regard to part (a) of the question, I wish to confirm that I have had preliminary discussions with both the Electoral Commissioner and the Chairperson of the Electoral Supervisory Commission and I was given to understand that the Electoral Boundaries Commission whose composition is identical to that of the Electoral Supervisory Commission had embarked on the exercise of boundary delimitation soon after the by-election. I understand that the Electoral Supervisory Commission, after having given due consideration to the boundary delimitation exercise, will be giving its attention to the definition of a Code of Conduct.

As the House is aware section 39 (2) of the Constitution provides that the Electoral Boundaries Commission shall review the boundaries of the constituencies at such times as will enable them to present a report to the Assembly 10 years, as near as may be, after the 12 August 1966 and, thereafter, 10 years after presentation of their last report.

I am advised that as soon as the boundary delimitation exercise is over, the Commission will resume work on the Code of Conduct with regard to its application for the next general election.

Mr Speaker, Sir, the House will appreciate that this exercise is a fundamental part of the democratic culture of our country.

Regarding part (b)(i) of the PNQ, Part IV of the Representation of the People Act deals with the whole issue of Election Expenditure, the ceiling of expenditure and the penalties to be incurred in the event of a breach.

As the House is aware, the maximum amount of election expenses that can be incurred by a candidate in respect of a National Assembly Election is -

- (i) Rs250,000 by the candidate who does not belong to any party or where there is no other candidate belonging to the same party at the election, in other words, an independent candidate, and
- (ii) Rs150,000 where the candidate is not the only candidate belonging to a party at the election in a Constituency.

Any candidate who exceeds these ceilings will be guilty of illegal practice for which he is liable to a fine not exceeding Rs1,000, and, more importantly shall be incapable during a period of five years from the date of his conviction, of being registered as an elector or of voting at an election or of being a candidate at an election, or if elected before his conviction of retaining his seat.

The candidate also runs the risk of having an election petition lodged against him under section 45 of the Representation of the People Act and of having his election declared null and void.

It is widely accepted, Mr Speaker, Sir, that both the ceiling of expenditure and the maximum pecuniary fine in the legislation need to be reviewed. Such a review will necessitate the widest possible consultation on this complex and sensitive issue with a view to achieving a reasonable and realistic level of electoral expenditure so as to match the cost of election, as rightly pointed out in the Sachs Commission. The practical timing for such consultations will have to be looked into. These consultations should also take on board a Code of Conduct on media as obtains in other mature democracies.

As regards part (b)(ii) of the question, such powers will need to extend to cover all written, spoken and electronic media and not just the MBC. As the House is aware, since 2003, the Independent Broadcasting Authority issues general guidelines for private and public broadcasters regarding political broadcasts.

Mr Speaker, Sir, my Government has always considered that it is a fundamental right of every citizen of our country to participate in Government through free and fair elections.

I wish to reiterate my personal commitment to ensure that electoral procedures in Mauritius are not only free and fair, but are also seen to be free and fair.

**Mr Bérenger:** The hon. Prime Minister has told us that he has had preliminary discussions with the Electoral Commissioner and the Chairperson of the Electoral Commission. Can I ask the hon. Prime Minister why that expression “preliminary”? What does that mean? Are there to be other discussions, if yes, when?

**The Prime Minister:** In fact, I made a point of saying that I am sure that the first thing that the hon. Leader of the Opposition is going to say is: why have I used the word “preliminary”? I anticipated his question. But, in fact, Mr Speaker, Sir, it is because I wanted to know what the position is and when we can start the ball rolling on the side of the Commission as well as on Government side, because we will have to legislate afterwards; because we have a calendar for legislation, we have a Budget coming up in November, so we have to look at when we can bring the legislation and that is why we had preliminary discussions.

**Mr Bérenger:** The hon. Prime Minister reminded us that, as things stand - but it is not necessarily so under the Constitution and the Law - the members of the Electoral Supervisory Commission are the same members as those of the Electoral Boundaries Commission. I must say that I am a bit disturbed on hearing that because this is so; the hon.

Prime Minister has been informed that they will get back to work on the Code of Conduct once the work on the delimitation of the constituencies has been finalised. Will the hon. Prime Minister agree with me that it would be good for Mauritius for the Code of Conduct to be before the House as long as possible before the next general election and, if yes, has he conveyed that stand to the Electoral Boundaries cum Supervisory Commission ?

**The Prime Minister:** Mr Speaker, Sir, yes, I agree with what the hon. Leader of the Opposition is saying but, unfortunately, the Electoral Supervisory Commission is not a full-time Commission. In fact, this is pointed out by Sachs who has recommended actually that the ESE and the Boundaries Commission be merged and be made a permanent Body with a full-time Chairperson. I think that is necessary, because they don't meet as often as it is part-time at the moment. They are well aware. Maybe I gave the wrong impression that they are going to work on the Code of Conduct after the Boundaries Commission. They have already started the work. The work was done already; a Code of Conduct was prepared for the by-election in Constituency No. 8, but they are going to refine it and tune it, and I also am very keen that this should be made before the elections. That is why there is no need to rush for an election.

*(Interruptions)*

**Mr Bérenger:** Can I ask the hon. Prime Minister whether he discussed that idea with the Commission, whether the idea is to have a draft Bill and, if yes, whether he will see to it that the Bill is circulated to Members long before it comes before the Legislative Assembly?

**The Prime Minister:** Yes, that is the point and that is also what I want to do, to circulate it in time so that Members can have a look and make their point of view known and then, maybe, if the corrections are to be made good, to do amendments.

**Mr Bérenger:** As far as the control of electoral expenditure is concerned - I listened to the hon. Prime Minister carefully and it seems that he agrees - the provisions as they exist now are totally unsatisfactory. They cannot even be taken seriously, but it is the law. Will he agree with me that there should be really tough penalties, including disqualification in case the law is not only violated, but grossly so? And will he agree with me that the Commission will also need to be given the required powers to inquire with regard to this matter of electoral expenses?

**The Prime Minister:** Yes, the first point, Mr Speaker, Sir, on the tough penalties, we agree. Already the penalties are tough, but the fine is too low – obviously, Rs1,000 are too low. But also, there is the possibility that after his conviction, of being deregistered as an elector or being a candidate in the election. And there is also the possibility as we

have seen that the election maybe declared null and void in the past. I agree that this should be toughened and the ceiling must be increased; there is no other point.

I think the other point was about the powers...

*(Interruptions)*

Yes, they have to have the powers to be able to do so. If it does not have tough penalties that can bite, it would be useless.

**Mr Bérenger:** The hon. Prime Minister knows right now that candidates go and swear before a Magistrate and that's it. No one takes any notice of what we sworn and so on and the same will happen even if we put tough penalties in the legislation and if the Electoral Commission is not given powers to inquire and to start action. So, can I request through the hon. Prime Minister that this should be included in the Code of Conduct being prepared by the Commission ?

**The Prime Minister:** Maybe the hon. Leader of the Opposition misunderstood me. That's what I said, I agree with that.

**Mr Bérenger:** As far as regulatory powers on the MBC and, of course, the press in general are concerned, will the hon. Prime Minister see to it that all parties get fair treatment by the MBC, to start with by the radios, the press and so on? I am sure that the hon. Prime Minister will realise that I put as from Nomination Day, because that's when the

electoral campaign starts and so on, whereas at other times, it should be other bodies, strengthen or not, that's another debate. But does he agree with me that, as from Nomination Day, the Code of Conduct having force of law should provide that the MBC, the radios, the press and so on, do treat everybody in a fair manner and that there also penalties must be provided for and powers given to the Commission?

**The Prime Minister:** In fact, I totally agree with that. I have been saying that since some time, Mr Speaker, Sir. In fact, I want to suggest - I don't know if hon. Members have read it, this is referred in the Code of the Institute of Democracy and Electoral Assistance, which is based in Stockholm, of which Mauritius is a Member. I think it makes all these points there. If hon. Members want it, I can lay copy of that on the Table of the National Assembly. I suppose the hon. Leader of the Opposition has looked at it. It mentions all this in this Code of Conduct.

**Mr Bérenger:** My last question will relate to the work being done by the Electoral Boundaries Commission. Since we have been informed that the Commission is going to complete its work on that and the report will be presented to Parliament and then they will go back to work on the Code of Conduct, in the course of that conversation, being given that the hon. Prime Minister agrees with me that the sooner the Code of Conduct is before the House to have force of law, the better, has he been

given some indication of when the report on the electoral boundaries is to be presented to Parliament?

**The Prime Minister:** I did not go into the possibility of the Electoral Boundaries Commission in the report. All I know is that copy will be laid on the Table of the National Assembly. I know it is very soon, I know the work is nearly completed, but I did not inquire further on that.

**Mr Ganoo:** Can I ask the hon. Prime Minister another question on the expenditure issue? This is the point which had been made by Mr Sachs in his report. Besides the fact that the ceilings are observed only in their breach, as he said, there is another loophole in our law, that is, the ceilings do not take into account expenditure made by political parties and other sponsors. Mr Sachs suggested that this also should be reviewed, that is, the ceiling should not cover expenditure made by the candidate himself, but made also by the party and other sponsors, especially in view of the fact that the ceilings are low already.

**The Prime Minister:** Yes, I know the Sachs Commission mentioned that, but it is a very delicate issue that has to be looked at very carefully. First of all, I believe that parties will have then to become a legal entity which will mean that they will have to have auditors who would audit their accounts and all those things. All this will have to be looked into and also we must ensure, Mr Speaker, Sir,

that nobody gets barred from election for a very petty offence, that also we must ascertain.

**Mr Bhagwan:** Can we know from the hon. Prime Minister whether while preparing this Code of Conduct, the Electoral Supervisory Commission could also make provision for *les limites d'opérations des collectivités locales, des entreprises gouvernementales, parastatal bodies, public companies as from Nomination Day?* We all know how local authorities are run, as well as the public companies, government companies and also parastatal bodies. While preparing the Code of Conduct *les limites d'opérations en temps de période électorale des ces organisations doivent être bien précisées.*

**The Prime Minister:** This is a difficult situation, because we cannot paralyse the whole country as well. Suppose we have an electoral campaign for six months...

*(Interruptions)*

Yes, of course!

**Mr Ganoo:** Doesn't the hon. Prime Minister think also that there should be a time frame within which an electoral petition should be heard? The case should be dealt with celerity once the case is filed before the Supreme Court. The case should be disposed of as quickly as possible; in other instances, cases are heard *de die in diem*, that is every

day, until the case be disposed of, that is, now an electoral petition can be disposed of after three or four years, which makes a mockery of justice. Doesn't he think that we should also address this question?

**The Prime Minister:** We saw the example of the former Member of Parliament. The case was taken up soon after the election and when did he actually have to leave the House in disgrace?

**Mr Bérenger:** I took it for granted, but I rather put it on record. I have suggested that the Commission should be given regulatory powers on news coverage, coverage of political activities and so on as from Nomination Day. One thing I think we can be proud of is electoral time as it has been practised in Mauritius. I think it is being fair, whoever has been in Government, that there has been an understanding between the Commission, the MBC and so on. So, different parties have been given fair treatment in electoral time for presenting manifestos and so on. Does the hon. Prime Minister know whether the Commission intends putting that in the Code of Conduct also, putting that in the law also, because, as it is, it is working, but it can stop working depending on who is where? Does he agree with me that this should be in the law also?

**The Prime Minister:** I think so. I think I agree with the hon. Leader of the Opposition that in the past, whoever was in Government, we think this was fairly done with all fairness, but it will be good to have it in the law.

**Mr Speaker:** Questions addressed to Dr. the hon. Prime Minister! The Table has been advised that PQ No. B/963 has been withdrawn and PQ No. B/1005 in regard to the proposed setting up of a *Police des Polices* addressed to the hon. Attorney-General will be replied by Dr. the hon. Prime Minister. Hon. Bhagwan!

## **TELEPHONE TAPPING – REPRESENTATIONS**

**(No. B/938) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière)** asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to telephone tapping, he will state –

- (a) if he has recently received representations from an honourable Member of Parliament and the media, in connection therewith, and
- (b) if such practices are resorted to by the National Security Service.

**The Prime Minister:** Mr Speaker, Sir, may I be allowed at the outset to remind the House that section 3 of our Constitution guarantees the fundamental rights and freedoms of the individual which also covers the right of the individual to protection for the privacy of his home and other property. However, we must make sure that the Police have the powers and tools they need to carry out their functions, especially to safeguard our national security, and, at the same time, we must also ensure that those powers and tools are not used inappropriately. They

have to operate within the framework of the law of the country and strike the right balance between supporting law enforcement and respecting privacy.

Coming to the specific question, let me refer the hon. Member to the reply I made to Parliamentary Question No. B/424 at the sitting of 09 May 2006 wherein I stated that telephone tapping is a clear violation of fundamental rights of free speech, except under certain very specific situations, where it is rightly provided by our laws in the interests of the sovereignty of the State, national security and public order and for which there are already established parameters. Since then, there has been no change in our policy in regard to telephone tapping.

Mr Speaker, Sir, I am not aware of any representations having been made to me recently in regard to telephone tapping. Besides, no such complaints have been reported to the Police.

I am also informed by the Information and Communication Technologies Authority that as at to date, the Authority has not made any recommendation to authorise interception of telephone message to the Minister responsible for the subject of information technology and telecommunications pursuant to section 3(2) of the ICT Act 2001 nor has any operator so far referred to it any message under section 32(5)(b) of the Act for written directions.

I wish to inform the House that when the Police wish to resort to telephone tapping in connection with criminal proceedings, whether pending or contemplated in Mauritius, they have to go to a Judge in Chambers to obtain the appropriate order. This is resorted to only when it is necessary, and, even then it has to be justifiable.

**Mr Bérenger:** Mr Speaker, Sir, we have just been discussing earlier about modernising and completing the legislation as per in relation to elections. But in that case of telephone tapping also, like in other countries, for example, the United Kingdom, have provided for specific legislation, including watchdogs, institutions to which members of the public can turn to - and it is working, it is raised regularly in the House of Commons. Does the hon. Prime Minister not feel that we should provide for such safeguards and watchdogs also here?

**The Prime Minister:** The suggestion is good on paper, Mr Speaker, Sir, but the problem in Mauritius is otherwise. We know this because there was a case – I can say that to the House – where we wanted to go to a Judge in Chambers to have the telephone tapped for somebody who was, we think, clearly involved in criminal activity.

*(Interruptions)*

But, the procedure, Mr Speaker, Sir, is that we have to go and swear an affidavit, we have to go to do this and that, and people have to type their affidavit. By the time all this is done, the person would

probably have known that his telephone is about to be tapped and he will cancel it. This has happened in the past and that is why we have to be careful about how we can make it swift, do it quickly and, at the same time, keep it within the minimum possible people. That is what I think.

**Mr Bhagwan:** Mr Speaker, Sir, I have two questions. What guarantee the Prime Minister is giving to Members of Parliament that their telephone is not tapped? There is a problem. When I talk to my friends – a few, not many - on the other side, their first reaction is: “*pas cause lors telephone*”. This is my personal worry. I have very few good friends on the other side, but this is a problem. Everybody knows, even people of the press. Now, we are starting to talk to people of the press. I think the hon. Prime Minister, who is the most informed person in Mauritius, must give a guarantee and make a solemn affirmation to the House that there is no tapping as far as political opponents are concerned. I am not saying the Prime Minister. We all know that there is modern technology and all sorts of apparatus. I still remember one good friend who, when we enter his office, puts a small apparatus *pour brouiller la piste*. This is where I started worrying. I still remember *la rue Desforges*. I am asking the hon. Prime Minister at least to clear the air as far as this issue is concerned.

**Mr Speaker:** The hon. Member has already put his question.

**The Prime Minister:** I feel a lot of sympathy for the hon. Member because I, myself, even though I am Prime Minister, I am very careful. I speak the minimum. You can see my bills for mobile phone. I practically never speak on the phone because you get this reaction. I find, Mr Speaker, Sir, that in Mauritius the trouble is the minute you speak to somebody, he will go and speak to somebody else and you get to know what is happening without even having to do anything else. I have good friends on the other side too. Even when I was also Leader of the Opposition, I felt I have said something to somebody, I get the impression the other side knows. But, in fact, when you question, he has talked to one person, that person has gone and talked to another one. Very often, this is how a lot of information is given. I suppose in the press also you get a lot of information, not all true, but sometimes somebody is speaking to somebody. I must tell you also what happens sometimes and I tell members of the press to be careful. If you see what I was saying about the code of conduct, very often, some people say something on purpose to somebody else, making him believe that this is what “x” or “y” has said. Sometimes people take this up believing it to be true. In fact, it is not true.

**Mr Bhagwan:** Can I know from the hon. Prime Minister whether he still has an adviser? I think he had an adviser who was an expert on these IT or communication matters, somebody who was very professional. Can we know whether this person is still his adviser?

**The Prime Minister:** He is still my adviser, but he has not anything to do with tapping. He looks at security issues because he is in that field to ensure that everything is secure. Even the Prime Minister's Office has to be checked to make sure. I did say to the House that in 1995 I did find a bug in my office.

**Mr Ganoo:** How can the hon. Prime Minister then explain that he knows every move of the Opposition and ...

*(Interruptions)*

**Mr Speaker:** I will not allow this question!

**Mr Jhugroo:** Mr Speaker, Sir, the former Minister of IT mentioned about the purchasing of a bug detector. Can we know whether this has already been purchased?

**The Prime Minister:** I think this question was put in the National Assembly and I did answer this. As far as I remember, it was a long time ago. This again was done to make sure that there is no bug in his office.

## **MONTEBELLO – ROAD ACCIDENT - INQUIRY**

**(No. B/941) Mr P. Jhugroo (Third Member for Port Louis North & Montagne Longue)** asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to the road accident which occurred in the morning of Tuesday 08 September 2009, at Montebello, involving a lorry and a bus, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the outcome of the inquiry.

**The Prime Minister:** Mr Speaker, Sir, with your permission, I shall reply to Parliamentary Question Nos. B/941 and B/951 together as they relate to the same issue.

I am informed by the Commissioner of Police that, on 08 September 2009 at about 0647 hrs, a road accident occurred along the New Trunk Road, Montebello, Pailles, involving an articulated motor vehicle carrying 20.07 tonnes of sugar and belonging to the Constance La Gaieté Sugar Estate and a NTC bus, both proceeding towards Port Louis in the same direction. Both vehicles were seriously damaged and four passengers in the bus were unfortunately killed. Let me, once again, express my deepest sympathy to the families of the victims of this tragic accident.

The Police initiated an immediate enquiry into the accident. The lorry driver was tested negative for alcohol. The two drivers were admitted to hospital. The lorry driver and the bus driver were arrested on

their discharge from hospital on 14 and 17 September 2009 respectively. They appeared before the Port Louis Division III Court on the day following their discharge from hospital on a provisional charge of “Involuntary Homicide by Imprudence”.

The lorry driver was released on bail on furnishing a surety of Rs20,000 and signing a recognizance of Rs100,000. The bus driver was also released on bail on furnishing a surety of Rs20,000 and signing a recognizance of Rs50,000 with condition to report to the Vacoas Police Station every Saturday. Their next appearance before the court is on 17 February 2010.

Mr Speaker, Sir, I am further informed by the Commissioner of Police that the lorry and the bus were examined on the spot on the day of the accident by a panel of experts comprising the Police, the Mechanical Engineers of the Ministry of Public Infrastructure, Land Transport and Shipping and the Forensic Science Officer of the Forensic Science Laboratory. The lorry was again examined on 09 September 2009 by the same panel of experts at the Pailles Police Station.

On 10 September 2009, after such examination, the vehicle was handed over to Constance La Gaieté Sugar Estate to be kept in its garage under lock and key with the undertaking not to interfere with the lorry. It is, I am told, Mr Speaker, Sir, the normal practice for the Police to

hand over any vehicle involved in an accident to its owner after they have examined it.

However, following further consultation between the Police Vehicle Examiner and the Mechanical Engineers of the Ministry of Public Infrastructure, Land Transport and Shipping, it was decided to verify certain specific components of the vehicle. These components were removed on 14 September 2009 at the garage of Constance La Gaieté Sugar Estate in the presence of the representative of the Sugar Estate and the Motor Surveyor of Swan Insurance and were sent to the Forensic Science Laboratory for examination.

The police have, in the course of its enquiry, recorded the statements of seven persons including that of the two drivers. It is awaiting the Medico-legal Report from the Police Medical Officer and the medical reports of the injured persons from the Ministry of Health and Quality of Life to complete its enquiry. Thereafter the advice of the Director of Public Prosecutions would be sought.

Mr Speaker, Sir, it is not the first time that we have witnessed such fatal accidents. Government is, however, concerned about the number of fatal accidents on our road network. It is precisely in this context that I am myself chairing a special unit set up within my office, to work in close and constant consultation with the Ministry of Public Infrastructure, Land Transport and Shipping and other stakeholders to

consider measures that could be taken to further reinforce road safety. Following a high level meeting under my Chair, the Police and the Ministry of Public Infrastructure, Land Transport and Shipping are already implementing a series of measures in that respect.

The police have taken the following measures -

- (a) with effect from 21 September 2009, all goods vehicles whose unladen weight exceed 3500 kgs are prohibited from going into certain roads between 0630 hrs and 0930 hrs on weekdays;
- (b) a Highway Mobile Patrol Scheme has been set up to operate round the clock along the highway from Grand Bay to Sir Seewoosagur Ramgoolam International Airport. A team of eight traffic riders supported by two highway patrol cars cover the stretch of the highway and this has been done for 24 hours with different slots for each of them;
- (c) speed check exercises have been intensified along the highway by day and night, and
- (d) the Traffic Branch is being re-organised and a Standing Operating Procedure is under preparation in respect of serious cases of road accidents.

In addition, the Ministry of Public Infrastructure, Land Transport and Shipping is reinforcing the existing legislation to further enhance road safety by first -

- (a) making it compulsory for heavy vehicles to be fitted with a speed limiter. A moratorium will be given to owners of heavy vehicles for the implementation of this measure, and
- (b) providing for the operation of Vehicle Examination Stations by private operators. These stations would have to meet state-of-the art infrastructure and equipment requirements as well as manned by fully qualified personnel.

Other measures to ensure that our roads become safer are being considered. I wish to assure the House that the issue of road safety remains high on our agenda.

**Mr Jhugroo:** May I know from the hon. Prime Minister whether the Government is trying to review the driving tests before issuing licences to lorry drivers or goods vehicles or buses.

**Mr Speaker:** I am sorry, this question does not arise from the answers that the Prime Minister has given. The question is related to the accident and not to the policy on driving licence.

**Mr Lesjongard:** Mr Speaker, Sir, may I ask the hon. Prime Minister whether some sort of black box later referred to as a tachometer was collected from the scene of the accident and whether the same tachometer was sealed from the time it was collected?

**The Prime Minister:** From what I know, Mr Speaker, Sir, the

police have done all the procedures that need to be done, and whatever they have taken has been sealed and taken. As I said, though after having examined the vehicles, after having satisfied themselves that they have examined the vehicles, they had discussions and decided then further to take some parts from the vehicles, which they did according to what procedures laid down.

**Mr Lesjongard:** May I ask the hon. Prime Minister whether pressure was exerted on officers of the MPI to modify their report?

**The Prime Minister:** How can the hon. Member say something like this? It is beyond me! That is the kind of allegation that made people lose confidence in all the institutions. That is not true! I don't know where the hon. Member got this information! That is absolutely not true! Who can put pressure on whom? The Member thinks people have died and we are going to put pressure, somebody is going to put pressure? How can the Member make such an allegation? I am disgusted!

**Mr Mohamed:** I have looked into the law surrounding the Road traffic Act, the National Transport Authority issues and also all the laws pertaining to construction of buses in Mauritius. I have found that there is no code for construction of buses...

**Mr Speaker:** I am sorry, the question is not relevant. We are talking about a particular accident. We are not talking about the policy about buses etc.

**Mr Mohamed:** The question talks about the outcome of the inquiry by the police, and I was going to ask the hon. Prime Minister whether he could ask the police to enquire into the aspect as to whether those buses are properly constructed. This is what my point is: whether the Prime Minister could ask the police to enquire into whether the bus and the lorry that were involved in the accident - since both were built in Mauritius; the body was built in Mauritius - are road worthy or not, since in Mauritius there is no test for road worthiness and crash tests for those vehicles.

**The Prime Minister:** Personally I think, Mr Speaker, Sir - I am just saying my personal opinion - it is wrong to bring buses and then try to modify them, because there is a lot of safeguards going into the building of a vehicle and this also is being looked at, including a code if need be.

**Mrs Hanoomanjee:** Mr Speaker, Sir, the hon. Prime Minister just said that the lorry was handed over to Constance La Gaieté after first examinations were carried out. This has been the practice, he has just pointed out. Does the hon. Prime Minister agree that the practice of handing over a vehicle involved in an accident should be reviewed?

**The Prime Minister:** I understand the point, but the other difficulty is whether you can keep the lorry. If the court case takes four years, do you keep the lorry for four years? That is the problem. They are satisfied that they have done what was needed, even if they have to

relook at it, they will have access. There is also a problem as to how many things can we park in a police station. But I will ask the police to look at that also.

**Mr Bérenger:** May I ask the hon. Prime Minister first, how was this decision to ban heavy lorries from 6:30 to 9:30 arrived at? Who was involved in that decision and were there any consultations? Secondly, since we have learnt that last Friday apparently - days after the accident - a committee - one more - has been set up, can we know what is that committee? Who is going to chair it, what are the terms of reference, and whether it is going to review this decision of banning heavy lorries from 6:30 to 9:30 in the morning?

**The Prime Minister:** That high level committee was already started by hon. Minister Bachoo. They are also looking at all complaints. Of course, there is a question on this later on, but I can say what I know. There have been complaints. Of course, we expected to have complaints about lorries not being able to travel early in the morning. There is an economic cost to that, Mr Speaker, Sir, and we are well aware of this. Some people have written to me also to say that we should review that decision. On the other hand, the peak hours are the time we have noticed that all these major accidents are happening; fatal accidents that we have to bring down. Until we put more safety measures in place, we wanted to make sure that, at least, for the beginning, there is no such traffic during the peak hours. The high level

committee, which is chaired by the hon. Minister, is looking at that aspect as well, because we know there is an economic cost, but we have to balance it with the risks of fatal accidents early during the day where there is a high peak flow. But we are looking at that, provided we take other measures. This is coming, and that is why I have also put this unit in my office to look at other policy decisions that have been taken. For example, there was a question earlier on how it gives licences to bus or heavy vehicles.

**Mr Gunness:** Can I know from the hon. Prime Minister whether, recently, the Minister or the Prime Minister has met representatives of the Joint Economic Council, and whether he has got representations on that particular time frame and if any decision is to be taken soon?

**The Prime Minister:** I have not met them, but I believe the hon. Minister has met them.

**Mr Bodha:** May I ask the hon. Prime Minister whether he finds it judicious that the vehicle should be handed on the 9<sup>th</sup> and that the team carrying the enquiry should go to the garage at Constance La Gaieté to remove a certain number of parts of the vehicle the day after? Is that a current practice?

**The Prime Minister:** Well, it was not handed over on the 9<sup>th</sup> it was handed over on the 10<sup>th</sup>. They examined the vehicle on the 8<sup>th</sup> and on the 9<sup>th</sup> and on the 10<sup>th</sup> after further examination, they handed over the vehicle to Constance La Gaieté. I am told that is the practice, because

once they feel that they have all the information, there is no need to keep it. But that is why it is put under lock and key. That is why the owners have to ensure that it is kept under lock and there is no interference; that is why the insurance people also have to come there, and that is why if they need specific parts, they go and get these specific parts. If, for some reason, there has been any kind of tampering with these parts, it will be known.

**Mrs Labelle:** Mr Speaker, Sir, regarding this examination at the garage of Constance, is it not because the MPI did not have the expertise or the equipment to remove parts that this lorry was sent to Constance? Because there they do have equipment and expertise to remove these parts. Is it not the main reason why this lorry has been sent there?

**The Prime Minister:** This is not the information I have. They had the equipment, but they did not think at the time that there was need to look at it. But when they thought they should, they took those parts and examined them.

**Mrs Martin:** The hon. Prime Minister mentioned that he was thinking of telling the lorry owners to equip themselves with speed limiters. Can we know whether a specific time frame has already been decided and a date given to those lorry owners so that they would be indeed able to equip themselves with those limiters?

**The Prime Minister:** As I said in my answer, Mr Speaker, Sir, we have to give a moratorium. That is being done, and I know the hon.

Minister is coming up with regulations for that.

**Mr Bhagwan:** With regard to measures to prevent accidents, is there the possibility of installing cameras as it is done in Europe, in other countries on highways as a deterrent? I think there is a shortage of road signs on the motorway.

**The Prime Minister:** I tend to agree with the hon. Member. Again, we have to be stricter on many aspects and not just on this. That is why I have set up this special unit. I am taking on board somebody who has done very well in the past, and he is going to become an adviser. I can mention his name; it's a former policeman, Mr Buntipilly, who is coming to the office. We also have to educate people. We are going to do lots of things. I want to do it personally, because I also love driving and I know how many bad drivers there are in this country.

**Mr Bodha:** Mr Speaker, Sir, may I ask the hon. Prime Minister whether he can confirm that there were contradictory reports as regards the road worthiness of the vehicles, when you compare the report of the owners at *Constance La Gaieté* and the report of those who carried out the inquiry?

**The Prime Minister:** Mr Speaker, Sir, I don't want to prejudice the inquiry. If I mention anything, I might prejudice the inquiry. Let the inquiry carry on, we'll see.

**Mrs Labelle:** Mr Speaker, Sir, may I request the hon. Prime Minister to see to it whether the MPI does have the necessary equipment to remove parts from these lorries, such as the brake booster, the cylinder and the exhaust brake?

**The Prime Minister:** My understanding is that they have the equipment, but I will pass on to them what the hon. Member has said.

**LONG MOUNTAIN, CRÈVE COEUR, CONGOMAH AND  
NOTRE DAME – LARCENY CASES –2006-OCTOBER 2009**

**(No. B/942) Mr P. Jhugroo (Third Member for Port Louis North & Montagne Longue)** asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to larceny, he will, for the benefit of the House, obtain from the Commissioner of Police and now table the number of reported cases thereof committed in the regions of Long Mountain, Crève Coeur, Congomah and Notre Dame, since 2006 to date, on a yearly basis, indicating the number of arrests effected to date in connection therewith.

**The Prime Minister:** Mr Speaker, Sir, I am tabling the information requested by the hon. Member as submitted by the Commissioner of Police.

**Mr Jhugroo:** Can the hon. Prime Minister inform the House whether there is a shortage of staff at Long Mountain police station?

**The Prime Minister:** I have not been told that there is a shortage, but that is for the Commissioner of Police to look at. I know that he is re-organising the police, and he is looking at other things as well.

**Mr Jhugroo:** Can the hon. Prime Minister consider having a second police vehicle for this Long Mountain police station?

**The Prime Minister:** I am told that this is already being done. They have just purchased vehicles.

#### **AGALEGA - MISS J. E.- ALLEGED RAPE**

**(No. B/943) Mr P. Jhugroo (Third Member for Port Louis North & Montagne Longue)** asked the Prime Minister, Minister of Defence and Home Affairs whether he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if a case was reported to the Agalega North Police, to the effect that, on or about 01 September 2009, one Miss J. E. was allegedly victim of a rape and, if so, if any arrest has been effected in connection therewith, indicating -

- (a) the date of the arrest, and

(b) if the suspect has been transferred to Mauritius and, if so, when.

**The Prime Minister:** I am informed by the Commissioner of Police that, on 03 September 2009, one Miss J. E., aged 23, residing at Ste Rita Village, Agalega South, reported to the Agalega North Police Station to the effect that on 01 September 2009 at around 09 00 hours, she was raped at her place by one Mr J. J. F., aged 20, residing at the same address.

On the same day, Miss J. E. was examined by the Government Medical Officer posted at the Agalega North Health Centre.

On 04 September 2009, the accused, Mr J. J. F., was arrested and detained in Agalega. On the same day, he was examined by the Government Medical Officer at Agalega North Health Centre. The police draughtsman and photographer also attended to the case.

Both Miss J.E. and Mr J. J. F were transferred to Mauritius by the next available flight of the Dornier aircraft on 17 September 2009. On 18 September 2009, a provisional charge of rape was lodged against Mr J. J. F. before the Port Louis Court Division III. He was released on bail on the same day after having furnished a surety of Rs10,000 and a recognizance of Rs50,000. He will next appear before Court on 17 February 2010.

## **POLICE OFFICERS - PROMOTION - CRITERIA**

**(No. B/944) Mrs S. Grenade (Second Member for GRNW & Port Louis West)** asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to the Police Force, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the criteria being used for the promotion of police officers in the grade of Sergeants to that of Inspectors.

**The Prime Minister:** Mr Speaker, Sir, I am informed by the Commissioner of police that promotion in the Police Force falls under the purview of the Disciplined Forces Services Commission and is governed by Regulation 19 of the DFSC Regulations as well as Standing Order No. 16 of the Police Force. Recommendations for promotion are made to the DFSC by the Commissioner of Police when vacancies arise.

All Police Sergeants who have completed two years' service in a substantive capacity as Sergeant are eligible and may apply to sit for the competitive examination to the rank of Inspector of Police, which is conducted by the DFSC.

I am further informed, Mr Speaker, Sir, that, subject to vacancies available in the grade of Sub-Inspector and Inspector, Police Sergeants posted to specialised units of the Force such as NCG, SMF Engines Squadron and Dog Unit, may be considered for promotion to such ranks

on the basis of their experience, qualification, merit and seniority by the DFSC upon recommendation of the Commissioner of Police.

Police Sergeants who have been successful in the competitive examination are considered for promotion in the first instance, in a temporary capacity as Inspector of Police, depending on the availability of vacancies.

Furthermore, Police Sergeants who are nominated with the approval of the DFSC to follow approved training courses of about one year's duration or more in Military Academies abroad or in other recognised institutions or academies may, on successful completion of such courses and subject to the recommendation of the Commissioner of Police, be considered for promotion as Inspector in a temporary capacity for one year in the first instance. Thereafter, they are confirmed as Inspector of Police in a substantive capacity, whenever this is available.

Mr Speaker, Sir, I wish to point out that sitting and passing the examination is one important aspect of the exercise. The Commissioner of Police then has to go through the whole list to check whether any police officer, who has passed the examination, is not under suspension or has not committed any serious offence in the meantime, or has not shown gross negligence in the exercise of his or her duty.

It is now expected that, with the verification exercise which is nearing completion, the whole exercise will be completed by mid-November.

## **GOODS VEHICLES – OPERATION AT NIGHT**

**(No. B/945) Mr S. Soodhun (Fifth Member for La Caverne & Phoenix)** asked Prime Minister, Minister of Defence and Home Affairs whether, in regard to the heavy goods vehicles, he will state if he will consider the advisability of taking measures to provide for these vehicles to operate their activity of transport of goods from warehouses at night, as preventive measures to avert accidents.

**The Prime Minister:** Mr Speaker, Sir, the terms and conditions of workers involved in the transportation of goods and materials in heavy vehicles for some specific sectors are governed by the Road Haulage Industry (Remuneration Order) Regulations 1989, as amended. There is no restriction in these regulations regarding night work, provided there is a break of at least ten hours between the cessation at work and its resumption.

Furthermore, there is no restriction under the Road Traffic Act for goods vehicles to operate at night.

As the House is aware, Government is encouraging extended hours of economic operation through the 24 by 7 concept, which will be beneficial to our economy in this globalised world. The Human Resource Development Council has taken a laudable initiative in this context and sensitised the business sector throughout the media. However, this paradigm shift in our culture will take time, and more sustained efforts need to be carried out.

Mr Speaker, Sir, the hon. Member is probably referring to a recent decision to further restrict the hours of operation of heavy vehicles following this tragic accident, as they just mentioned, on the motorway. The restriction of heavy vehicles along the motorway and some specific roads has been, as I said, subject to some contentions. On 18 July 2000, goods vehicles of unladen weight 3.5 tons were prohibited to use the M1 motorway between Phoenix roundabout and Quay D roundabout, and A1 road between 0730 hours and 0900 hours as weekdays. As from 17 October 2006, heavy vehicles are prohibited to use Ebene Road from Vandermeersch Street to the motorway, and Julius Nyrere Street from Rose Hill police station, Ebene Road to the motorway between 0730 hours and 0900 hours.

This restriction has allowed all the composite sectors of the economy as well as traffic activities to continue without restricting the activities of heavy vehicles to operate at night only.

This measure, as I said earlier, obviously has an economic cost. We must balance this against the greater risks of serious accidents during these times when traffic flow, as I was saying, is at its peak. But, as I said, a high level committee, which Government has set up to review the Road Traffic Act, is also actively considering this issue.

**Mr Soodhun:** Mr Speaker, Sir, I am talking especially of goods vehicles carrying equipment for road construction, and I think that the Prime Minister is aware. Everywhere we can see big lorries carrying equipment, thus causing a problem of traffic congestion. I will make an appeal to the hon. Prime Minister to consider these categories of goods vehicles, at least when they use to carry big equipment for road construction, as many roads are under construction. So, this can be done at night instead at daytime.

**The Prime Minister:** They are also subject to these restrictions, but the hon. Member wants to make sure that they are travelling only at night. That is basically what the hon. Member is saying.

**Mr Soodhun:** Yes, Mr Speaker, Sir.

**Mr Speaker:** Time is over! Questions addressed to hon. Ministers. The Table has been advised that Parliamentary Questions B/977, B/980, B/982 and B/986 have been withdrawn. Hon. Jhugroo!

### **NTC – BUS ROUTES - RELINQUISHMENT**

**(No. B/968) Mr P. Jhugroo (Third Member for Port Louis North & Montagne Longue)** asked the Minister of Public Infrastructure, Land Transport & Shipping whether, in regard to the bus routes that will no longer be served by the National Transport Corporation, he will -

- (a) for the benefit of the House, obtain from the Corporation the list thereof, indicating the date on which they will take effect, and
- (b) state the measures that will be taken to ensure bus services along these routes.

**Mr Bachoo:** Mr Speaker, Sir, in view of the precariousness of the financial situation of the National Transport Corporation where the latter was suffering from a negative balance of around Rs15 m. monthly between its current revenue and expenditure, the Corporation embarked on the implementation of a Recovery Plan aimed at reducing costs and generating extra revenue.

In this context, on 24 April 2009 the National Transport Corporation applied to the National Transport Authority for the relinquishment of eight highly non-profitable bus routes as follows –

<b>Route No.</b>	<b>Description of Route</b>
176	Flacq – Port Louis
221	Rivière du Rempart – Flacq
5/5A	Quatre Bornes – Baie du Cap – Chamarel
71	Port Louis – Poudre d'Or
8/8A	Souillac – Baie du Cap/ Rivière des Galets
14/14A/14B	Curepipe – Rose Belle – Pavé Citron
34	Curepipe – Bois Chéri
79	Rose Belle – Bois Chéri

Following arrangements made by the National Transport Authority, bus operators of the Flacq Bus Owners Co-operative Society have started operating along Route 176 (Flacq - Port Louis) and Route

221 (Flacq - Rivière du Rempart) with effect from 21 September 2009. On the other hand, three buses belonging to individual bus operators which were operating between Quatre Bornes and Baie du Cap have extended their services up to Chamarel (Route 5/5A) since 21 September 2009.

The National Transport Authority is at present discussing with the Bus Owners Co-operative Society (North) for the complete taking over of bus services along Route 71 (Port Louis – Poudre d’Or) which is being served jointly by the National Transport Corporation and three individual bus operators.

Route 8/8A overlaps with route 133 (Curepipe - Choisy). As the existing services were erratic on route 8/8A, they were supplemented by route 133. The National Transport Authority is looking into the advisability of cancelling this route. In so doing, the Corporation will be requested to provide short services, in case of need, in order not to penalise the public.

Existing operators are not willing to take over routes 14/14A, 34 and 79 as bus operation is adversely affected by competition from *taxi trains* and *taxi marrons*. The Authority is exploring other alternatives available, including the issue of licences to new operators and the operation of low seating capacity buses.

I wish to assure the House that the Corporation will be maintaining its services along these routes, until suitable alternatives are found.

**Mr Gunness:** Can I know from the hon. Minister, as the NTC has a particular timetable, whether the individual bus operators are observing the same timetable?

**Mr Bachoo:** We have given instructions to the NTA inspectors to see to it that the timetable is properly observed and until now we have not received any complaint.

### CHILD ABUSE CASES

**(No. B/969) Mrs S. Grenade (Second Member for GRNW & Port Louis West)** asked the Minister of Women's Rights, Child Development and Family Welfare whether, in regard to cases of child abuse, she will obtain from the Child Protection Unit, information as to the number of reported cases thereof since 2007 to date, indicating the actions taken by her Ministry and the Unit in connection therewith.

**Mrs Seebun:** Mr Speaker, Sir, the number of cases of child abuse reported to the Child Development Unit of my Ministry for the past three years is as follows –

(a) 2007	3,523
(b) 2008	3,397
(c) 2009 (Jan to Sept)	3,663

Mr Speaker, Sir, I would like to inform the House that as soon as a case of child abuse is reported to my Ministry, a first-hand assessment of the situation followed by a site visit is effected by officers posted at the Family Support Bureaux covering the locality to ascertain whether the child is in immediate danger and needs to be removed from his/her living environment.

Where the child is found to be in immediate danger, the District Magistrate is informed and an application for an Emergency Protection Order (EPO) is made in accordance with section 4 of the Child Protection Act. The child is thereafter sent to a place of safety under the responsibility of my Ministry. Psychological and medical support are provided by psychologists of my Ministry and medical officers of the Ministry of Health and Quality of Life.

Moreover, as regards cases of sexual abuse where the parents are the perpetrators or are refusing to give support to the victim, the latter is immediately removed to a place of safety. In such cases, officers of my Ministry assist in the recording of the statements of the victims and accompany them for medical examination and for spot reconstruction, if the need arises.

Follow-up is ensured by the officers and necessary support services are provided to the victims for their rehabilitation and reinsertion into their family and society.

Mr Speaker, Sir, I would like to reassure the House that my Ministry is very concerned about cases of child abuse and a 24-hour on call service is provided to attend to emergency cases.

A Protocol of Assistance in respect of assistance to victims of sexual assault between my Ministry, the Police Department and the Ministry of Health and Quality of Life is also put in place whereby rapid service through first hand counselling, assistance in recording of statement, medical examination and intervention is ensured.

Mr Speaker, Sir, in addition to this, my Ministry has embarked on a forceful sensitisation campaign whereby children are made aware of their rights and are empowered to voice out any attempt of abuse or violence that may have been perpetrated on them by relatives, teachers or friends.

These Information, Education and Communication campaigns are carried out jointly by my Ministry and the National Children's Council not only for children but also for parents, teachers, police officers, NGOs and the Civil Society who have an important role to play in combating child abuse.

Mr Speaker, Sir, my Ministry has also initiated a series of other measures to curb the problem of child abuse and these include -

- (1) The National Parental Empowerment Programme whereby parents are equipped with appropriate skills so that they are empowered to manage their parental problems.
- (2) The Child Mentoring Programme.
- (3) A Joint Monitoring Committee and a common Plan of Action with the *Brigade des Mineurs* in view of implementing –
  - (a) crackdown operations in high risks areas, and
  - (b) surprise checks and visits in guest houses, boarding houses and *pensionnats*.

It is to be noted that since January 2008 to date, 498 crackdown operations have been effected.

- (4) The Community Child Protection Programme which is a formal forum set up district-wise trickling down to grassroots so as to ensure community development with respect to children protection and welfare.
- (5) The Foster Care System which aims at providing the opportunity to children victims of abuse and/or neglect to live in a substitute family.
- (6) The setting-up of a Drop-in-Centre at Bell Village to provide specialised services with a view to ensuring the recovery and rehabilitation of victims of Commercial and Sexual Exploitation of Children. My Ministry will also be

proceeding with the laying of the foundation stone for the construction of a Residential Drop-in-Centre at Grand River North West next month.

(7) The provision of care and accommodation to children victims of abuse and neglect in Residential Care Institutions run by Non-Government Organisations which have been declared as a place of safety.

Mr Speaker, Sir, in addition to these programmes, my Ministry has also amended the Child Protection Act in December 2005 to make provision for all cases of child trafficking, abandonment and abduction to be dealt with by officers responsible for child welfare and development. Tougher penalties have also been provided for in case of contravention of the provisions of the law.

Furthermore, my Ministry is coming up with a Consolidated Children's Bill, which the Prime Minister himself is very keen at and it aims at domesticating the Convention on the Rights of the Child and to ensure promotion of the rights and protection of children in a consistent, coherent and holistic manner.

**Mrs Grenade:** Mr Speaker, Sir, the number mentioned by the hon. Minister is very alarming. May I know the time frame allocated for the protection of these abused children and for their follow up?

**Mrs Seebun:** There is no specific time frame for recovery as it is dealt on a case to case basis and on the gravity of the abuse. Some may take a short time for a few psychological sessions and some may take a very long time. So, we cannot just generalise it.

**Mrs Grenade:** Mr Speaker, Sir, in November 2008, the hon. Minister mentioned in PQ No. B/1200 that as a preventive programme, there is a regular awareness campaign in primary and secondary schools. May I know from the hon. Minister the number of primary and secondary schools which have been covered up to now?

**Mrs Seebun:** I do not have the exact figures right now; maybe I can give it to the hon. Member later during the day.

**Mrs Labelle:** Mr Speaker, Sir, the hon. Minister has mentioned a series of measures, but true it is, despite of the measures, that the number is increasing. May I ask the hon. Minister whether she has made an evaluation of the measures implemented since she is in office and what has been the conclusion, if ever, such evaluation has been made?

**Mrs Seebun:** At my Ministry's level certainly we are carrying out an evaluation to ensure that child abuse is not on the increase.

**Mrs Hanoomanjee:** Mr Speaker Sir, in view of the increasing number of cases of child abuse, will the hon. Minister say whether there are specific units or at least a small private room which has been set up

in some hospitals where a child victim of abuse can at least be examined in all discretion by the Police Medical Officer, receive psychological treatment and receive medical treatment at the same time and, if so, will she say in what hospitals these units have been set up?

**Mrs Seebun:** In all the main hospitals we do have a special ward. We have, in fact, put up a protocol with the Police and the Ministry of Health and Quality of Life to ensure that children, victims of abuse, are treated differently. They do not go to the Casualty.

**Mr Ganoo:** Mr Speaker, Sir, the hon. Minister has given us the figures of the child abuses for the past three years. From these figures, if one makes a rapid calculation, it means that every day about eight children have been abused in this country for the past three years. Can I ask the hon. Minister whether she has the figures of the number of cases for each of the three years referred for prosecution and where successful conviction has been secured?

**Mrs Seebun:** Unfortunately, I do not have it at hand, but I can certainly give it. This is referred to the court and it normally takes time.

**Mr Speaker:** If the hon. Minister does not have the answer, she has just to say that she that she needs notice of the question.

**Mr Dowarkasing:** Mr Speaker Sir, the hon. Minister has given figures about the number of child abuses. Can I know from those

figures how many incest cases are there? How is the child abuse issue being tackled with the Ombudsperson's Office?

**Mrs Seebun:** We work in close collaboration with the Ombudsperson's Office and we have a common plan of action. Of course, the Ombudsperson is equally concerned.

**Mr Mohamed:** Mr Speaker, Sir, I would like to ask the hon. Minister with regard to the figures of child abuse that she has referred to in the answer, is there an increase in the number of children being abused or is it because there is an awareness that more are coming forward and more are being detected and it is not an increase in the number of children being abused. The distinction should be made.

**Mrs Seebun:** Mr Speaker, Sir, I thank the hon. Member and this is actually the case. We are encouraging children to come and voice out if they are victims of abuse. This is why we are getting more cases to attend to.

**Mrs Martin:** Mr Speaker, Sir, the hon. Minister was asked about the number of incest cases and she did not reply to it. But I wanted to ask in relation with that question, since she mentioned that children are threatened within their natural environment, their homes themselves, whether she has the average number or the figure of the number of children who have been removed from their immediate environment within that period of time frame that she has given?

**Mrs Seebun:** I do not have the exact figure.

**Mrs Navarre-Marie:** Mr Speaker, Sir, does not the hon. Minister think that one of the main causes of this problem is the lack of parental skills. Will the hon. Minister state what measures are being taken by her Ministry to educate parents on such issues?

**Mrs Seebun:** Mr Speaker, Sir, the Parental Empowerment Programme has recently been put in place and it is giving its results.

**Mr Speaker:** Next question, hon. Mrs Grenade!

## **SCHOOLS – TEACHERS - AGGRESSION**

**(No. B/970) Mrs S. Grenade (Second Member for GRNW & Port Louis West)** asked the Minister of Education, Culture and Human Resources whether, in regard to cases of aggression against teachers within the school premises, he will state the number of reported cases thereof to his Ministry, since July 2007 to date, at the primary and secondary levels respectively, indicating the actions taken to prevent such aggressions.

**Dr. Bunwaree:** Mr Speaker, Sir, I am informed that, as from July 2007 to date, there have been 28 reported cases of aggression against Educators within the school premises. Out of these 28 cases, 14 are at primary level and 14 are at secondary level. These include both verbal and physical aggressions involving mainly -

- (i) students and Educators, especially at secondary level, and
- (ii) parents and Educators, especially at primary level.

Mr Speaker, Sir, my Ministry views with much concern the issue of aggression against Educators and has taken the following measures to prevent same -

- (i) access to school premises is controlled and Heads of schools have been advised to restrict access to unauthorised persons;
- (ii) students involved in such cases are referred to the School Disciplinary Committee which decides on the sanction depending on the gravity of the case. Punishment for aggression may lead to rustication from secondary school for a specific period of time;
- (iii) the matter is also taken up by the Head of School in the morning assembly so as to send a strong deterrent signal to the student community. In some cases, students are referred to the Educational Psychologist for counselling;

- (iv) for some extreme cases, schools enlist the collaboration of the “*Brigade pour la Protection des Mineurs*” and “*the Crime Prevention Unit*” as well as the “*Child Development Unit*” for a closer monitoring and follow up. Sensitisation programmes on indiscipline and violence are being sustained in the schools on a regular basis with the support of these institutions;
- (v) in cases of aggression of teachers by parents, the matter is normally referred to the Police for enquiry. When such cases occur and it is felt that the security of the teacher is at stake, police presence is requested on the school premises and in the vicinity of the school, and
- (vi) schools are being encouraged to organise extra-curricular and co-curricular activities so as to allow students to channel their energy and efforts to interesting activities and thus create a better school climate.

My Ministry is also working with the State Law Office. I am personalising regularly liaising with the Attorney General with regard to the Juvenile Offenders (Amendment) Bill and the Reform Institutions (Amendment) Bill where proposals will be made for amendments regarding undisciplined students.

Mr Speaker, Sir, we have to reckon with the fact that that this issue cannot be tackled by the school alone but requires the involvement and participation of all stakeholders including the PTA, the Students Council, teachers and the Pastoral Care Committee. During my recent meeting with representatives of Students' Council of State Secondary Schools on 2 September 2009, I stressed the need for students to contribute towards the creation of a fully disciplined school environment and to the promotion of an educational system which will not only foster their intellectual development but also help them become good and law-abiding citizens.

With a view to achieving this objective, I am proposing to appoint a committee to work on the introduction at school level of a "*carnet scolaire*" for each student in respect of whom a record will be kept on his/her behaviour, conduct, achievement and performance which will be monitored. This proposal will, of course, be subject to discussions with various stakeholders of the education sector. I intend to introduce the system early next year.

**Mrs Hanoomanjee:** Mr Speaker, Sir, among the 28 cases which the hon. Minister has just mentioned, I bet there are many cases of aggressions of children/students against their teachers. This is a serious societal problem that we have. Does not the hon. Minister think that

there is need to have an in-depth sociological study to know the real sources of the problem?

**Dr. Bunwaree:** Yes, insofar as schools are concerned, some work is being done already. We are constantly monitoring at the same time, doing an in-depth study with the help of our psychologists. I agree that we have to follow along the line that the hon. Member is saying.

**Mr Gunness:** In the case of the 14 aggressions in primary schools, I understand it is aggression by parents on teachers. Can I know from the hon. Minister, since 2007, how many inquiries have been completed; how many have been sued in court and what is the outcome, if any, which the Minister knows? In how many schools there was a need for Police to be posted after the aggression?

**Dr. Bunwaree:** This is a question that will need a long answer, and I don't have all the information. In fact, I will see to it that whatever information we receive can be given to the House.

**Mr Mohamed:** Mr Speaker, Sir, would the hon. Minister consider, in cases of violence of pupils upon teachers, an amendment to the law whereby parents are somehow held liable for the wrongdoing of their children thereby acting as more of a deterrent and continuing the good education and work being done at home whereby - I say it again - parents are held liable somehow?

**Dr. Bunwaree:** I fully agree with the suggestion. Firstly, it is going to be taken up in the *carnet scolaire* of the child, and secondly, as I said, I am liaising regularly with the Attorney General to see how this can be taken on board.

**Mr Bodha:** May I ask the hon. Minister whether there are cases where there have been actually rustications of students for violence, that is, they have been removed from the school?

**Dr. Bunwaree:** I cannot answer offhand, but I don't think there has been any so far. I try to see to it that this is not the case as far as possible.

**Mr Jhugroo:** Mr Speaker, Sir, can I ask the hon. Minister whether in the 28 cases mentioned any aggressed teacher has been admitted to hospital for wounds and blows?

**Dr. Bunwaree:** There has been, but I can give further information if a proper question is put.

**Mr Dowarkasing:** Mr Speaker, Sir, may I know from the hon. Minister how many of these cases he has mentioned are related to the consumption of alcohol?

**Dr. Bunwaree:** Direct relation has not been found in particular cases, but there could be the influence of alcohol in certain cases. Here

again, if a proper question is put, we can look into the details and come to the House.

**Mrs Martin:** The hon. Minister mentioned the introduction of a *carnet scolaire* for students for conduct reporting. Can I know from the hon. Minister whether this *carnet scolaire* is intended to act as a deterrent, whether it is going to have any bearings upon the marks of the students? What is the reflection that has been behind the introduction of this *carnet scolaire* and when does exactly the Minister intend to initiate the discussions between the different stakeholders in order to put forward the *carnet scolaire* which he intends to put forward in January?

**Dr. Bunwaree:** I think it is something that is already taking place in many countries. In fact, in Mauritius, in schools which are not ours, they use *carnet scolaire*. Hon. Bodha, I think, made mention of a list of 35 parameters on which students are noted and I mentioned that it is going to keep some sort of record of the behaviour, the conduct, the achievement, the performance of the child. I think we have given enough explanation. What is going to happen is that this will follow the child from Standard I till he leaves school at HSC or School Certificate or whatever class the child decides to leave school. It is going to follow the child from the beginning to the end. Of course, as I said, if the child or the parent happens to do something which is not acceptable, this will

appear in the *carnet scolaire* and then at the time when the leaving certificate will be given, it will be taken care of.

### **RÉSIDENCE RICHE-LIEU - FOOTBALL GROUND - TOILET BLOCK AND CHANGING ROOM FACILITIES**

**(No. B/971) Mrs S. Grenade (Second Member for GRNW & Port Louis West)** asked the Minister of Local Government, Rodrigues and Outer Islands whether he is aware that the contractors have not completed the construction works for the installation of toilet blocks and change rooms as facilities for the football ground found at Résidence Riche-Lieu and, if so, will he state when same are expected to be completed.

**Dr. David:** Mr Speaker, Sir, I am informed by the Black River District Council that the construction of the toilet block and changing rooms at the Résidence Riche-Lieu football ground has been undertaken by the contractor of the Compagnie Mauricienne de Textile Limitée as part of its corporate social responsibility. These works were completed in October 2008.

I am also informed that the company has planned to complete the lighting of the football ground by the end of February 2010 before

handing over the whole facility to the Black River District Council for management and maintenance.

**Mrs Grenade:** Is the hon. Minister aware that all amenities have been stolen and everything has to be done over?

**Dr. David:** Mr Speaker, Sir, as I said, that was the responsibility of the CMT and I am glad to commend what the CMT has done in that area.

*At 12.58 p.m. the sitting was suspended.*

*On resuming at 2.33p.m. with the Deputy Speaker in the Chair*

## **OCCUPATIONAL SAFETY HEALTH INSPECTORATE – STAFF RECRUITMENT**

**(No. B/972) Mr S. Soodhun (Fifth Member for La Caverne & Phoenix)** asked the Minister of Labour, Industrial Relations and Employment whether, in regard to the incident which occurred at a work place in Ebène whereby the scaffolding structure collapsed, he will state if he is aware of the shortage of staff to visit the sites of work and, if so, indicate if his Ministry proposes to recruit additional staff for the conduct of surprise checks.

**Mr Chaumière:** Mr Deputy Speaker, Sir, I would like, first of all, to inform the House that my Ministry acts promptly as soon as any serious accident is reported. With regard to the accident at Ebène to which the hon. Member is referring, as soon as the news were broadcast on the radio in the morning of Monday 14 September, four officers of my Ministry proceeded to the site of the accident and were already there at 09.45 a.m. to start their enquiry.

It is a fact that there is an acute shortage of staff at the Occupational Safety Health Inspectorate of my Ministry. This shortage of staff has resulted from the non-filling of vacancies which is particularly due to the dearth of qualified persons on the labour market. Recruitment exercises conducted by the PSC in 2007 and 2008 have resulted in only four persons being appointed. Some officers who were in post have also left to take employment in the private sector.

The PSC will be invited to proceed with a fresh recruitment exercise as soon as the new scheme of service for the post of Occupational Safety and Health Officer, which has been amended to take on board the recommendations made by the PRB in its 2008 report and in the errors and omissions report 2009, is prescribed. I am informed that the prescription process is in its final stage.

New cohorts of qualified persons from the University of Mauritius and the University of Technology of Mauritius have joined the labour market recently and hopefully the next recruitment exercise will be more fruitful.

**Mr Soodhun:** Mr Deputy Speaker, Sir, I thank the hon. Minister because I have no quarrel about what he said in Parliament. I am fully aware of the situation. I would just want to know from the hon. Minister whether an inquiry has been carried out and is there any result from it? Has a decision been taken especially in the specific case we are referring to?

**Mr Chaumière:** Of course, Mr Deputy Speaker, Sir, as I have said, an inquiry has been carried out on the site of the incident itself. The report of the inquiry will be useful to decide as to whether there will be prosecution or not. It is up to the PPP to decide whether there will be prosecution.

## **VACOAS CLUB ROAD COMMUNITY HEALTH CENTRE – CONSTRUCTION**

**(No. B/973) Mr Soodhun (Fifth Member for La Caverne & Phoenix)** asked the Minister of Health and Quality of Life whether, in regard to the former Health Centre, found at La Route du Club, in Vacoas, which has been closed down, he will state the reasons therefor, indicating if he is aware of the difficulties being faced by the inhabitants of the region as a result thereof and, if so, the remedial measures he proposes to take.

**Dr. Jeetah:** Mr Deputy Speaker, Sir, my Ministry has embarked on a massive programme of embellishment and construction of hospitals, area health centres and community health centres to the tune of Rs3 billion.

I am informed that the Vacoas Club Road Community Health Centre (CHC) was housed in an old wooden structure which was in a deplorable state and represented a source of potential hazard to both patients and staff. It was closed down for the construction of a new building.

Consequently, action was taken to divert patients attending the Vacoas Club Road CHC to the nearest health service point which is La Caverne Area Health Centre (AHC) located within three kilometres from the point of residence of any person living in the catchment area of the Vacoas Club Road CHC. The construction of the new building will start shortly. The contract has already been awarded and the works will be of a duration of twelve months.

#### **CIRCONSTANCE, ST PIERRE - MUSLIM CEMETERY AND INCINERATOR**

**(No. B/974) Mr S. Dayal (Second Member for Quartier Militaire & Moka)** asked the Minister of Local Government, Rodrigues and Outer Islands whether in regard to the construction of a Muslim cemetery and an incinerator on a portion of land of 3 *arpents 48 perches* at Circonstance, St Pierre, acquired by Government, he will state when works are expected to start, indicating the duration thereof.

**Dr. David:** Mr Deputy Speaker, Sir, I am informed by the Ministry of Housing and Lands that a plot of land of the extent of 3A 48p at Circonstance, St Pierre has been acquired from Mon Désert Alma Limited for the extension of the Muslim cemetery and construction of an incinerator with parking facilities.

I am further informed by the Ministry of Housing and Lands that the deed of sale is presently being finalised and thereafter arrangements

will be made for the vesting of the land in my Ministry for implementation of the project. However, the owner of the land has granted permission to enter the land to start preliminary works which comprise clearing and fencing of the site, and submission of plans for approval.

The House may wish to note that there is a standing sugar cane crop on the site and the Moka/Flacq District Council is awaiting its harvest by Mon Désert Alma Limited before starting the preliminary works.

**Mr Dayal:** Mr Deputy Speaker, Sir, I would request the hon. Minister to liaise with the relevant authorities so as to speed up matters because they have to take the dead even as far as Port Louis or Flacq because the Muslim cemetery at Circonstance, St. Pierre is full.

**Dr. David:** Mr Deputy Speaker, Sir, we are liaising and hurrying.

#### **MOUNT ORY, MOKA - CREMATION GROUND**

**(No. B/975) Mr S. Dayal (Second Member for Quartier Militaire & Moka)** asked the Minister of Local Government, Rodrigues and Outer Islands whether, in regard to the project for the installation of a cremation ground at Mount Ory, Moka, he will state where matters stand.

**Dr. David:** Mr Deputy Speaker, Sir, I am informed by the Moka/Flacq District Council that, following a site visit effected on 15 July 2009 with representatives of the Ministry of Housing and Lands, a plot of land of the extent of 25 perches was found suitable for acquisition in respect of this project.

I am now informed by the Ministry of Housing and Lands that the Water Resources Unit has advised that the site identified is not suitable as there is a risk of water contamination in the adjoining river particularly during rainy periods as the site borders Rivière Profonde. On the other hand, the Ministry of Health and Quality of Life has pointed out that it would be advisable to look for an alternative site being given that the proposed location is within view of existing residential dwellings and a primary school and the inhabitants are likely to be exposed to environmental nuisances arising from the activities of the proposed cremation ground.

I am informed that an alternative site is being identified.

**Mr Dayal:** Mr Deputy Speaker, Sir, the degree of civilisation of a nation also depends on how it treats its dead. Since the year 2000, people of the region are looking for a cremation ground. Actually, there is a plot of land which has to be acquired – call it a compulsory acquisition – and it is already being used as cremation ground. Can this piece of land be acquired and the cremation pyre be upgraded?

**Dr. David:** I'll certainly look into it, Mr Deputy Speaker, Sir.

**The Deputy Speaker:** The Table has been advised that Parliamentary Question B/981 has been withdrawn. Hon. Dayal!

### **ALMA - SUB HALL - CONSTRUCTION**

**(No. B/976) Mr S. Dayal (Second Member for Quartier Militaire & Moka)** asked the Minister of Local Government, Rodrigues and Outer Islands whether, he will consider using his good offices to obtain, from the Mon Désert Alma Sugar Estate, authorisation for the construction of a sub hall at Alma.

**Dr. David:** Mr Deputy Speaker, Sir, I am informed that the Verdun Village Council had made a request for a plot of land at Alma to Mon Desert Alma Sugar Estate for construction of a sub hall. However, since no response has been received, I propose to convene a meeting with the Moka/Flacq District Council in order to discuss the way forward.

### **BASSIN LOULOU, ST. JULIEN D'HOTMAN- UPGRADING**

**(No. B/977) Mr S. Dayal (Second Member for Quartier Militaire and Moka)** asked the Minister of Environment and National Development Unit whether, in regard to the Bassin Loulou, at St. Julien d'Hotman, he will state if his Ministry will consider the upgrading thereof by –

- (a) the construction of a retaining wall;
- (b) effecting terracing works;
- (c) the fixing of handrails, and
- (d) the construction of a platform.

*(Withdrawn)*

### **BUILDINGS - PATRIMOINE NATIONAL**

**(No. B/978) Mrs M. Martin (Second Member for Curepipe & Midlands)** asked the Minister of Education, Culture and Human Resources whether, in regard to the buildings listed as *patrimoine national* which have been renovated since 2005 to date, he will state if any of them has had its original structure modified and, if so, indicate the –

- (a) reasons therefor, and
- (b) purposes thereof.

**Dr. Bunwaree:** Mr Deputy Speaker, Sir, I am informed that apart from a specific case concerning the Dr. O. Beaugeard Government

School which was partly demolished in 2007, none of the buildings listed as National Heritage which have been renovated since 2005 to date, has had its original structure modified.

The Dr. O. Beaugeard Government School, also known as Edith Cavell Government School, will be restored and refurbished to preserve its original characteristics.

Works will be conducted under the supervision of the Ministry of Public Infrastructure, Land Transport and Shipping in close collaboration with the National Heritage Fund which has already approved all the drawings and proposals for the renovation.

**Mrs Martin:** I thank the hon. Minister for his answer. May I ask him - when I speak of modification of the existing buildings, I also speak of the interior of the building - whether there has not been any building listed as *patrimoine national* where the inside of the building has been modified, not the exterior, but the inside.

**Dr. Bunwaree:** Which building?

**Mrs Martin:** I am asking precisely the hon. Minister...

**Dr. Bunwaree:** If a proper question is put on one specific building, I may come forward with it, because, generally speaking, this is the reply that I have been given.

**Mrs Martin:** Can the hon. Minister say whether the list of the existing buildings is updated and, if yes, at which frequency?

**Dr. Bunwaree:** I can mention because there are not too many buildings which have been renovated since 2005 and then if the hon. Member has specific questions she can come next week with them. These are Martello Tower, La Preneuse, Government House, Port Louis, General Post Office, Aapravassi Ghat, Dongeon, St. Louis and Citadelle. These are the lists of buildings which have been renovated since 2005. Now to go into the details of the interior and so on, if specific questions are put on one of these buildings, I will reply with pleasure to the House.

**Mrs Martin:** The Minister has just mentioned La Citadelle and he has said that the interior has been modified. Can I ask the hon. Minister, before modifying the structures, whether the stakeholders have been consulted and whether they agree to this?

**Dr. Bunwaree:** I don't know whether they have been consulted or not, but they must have been aware. In fact, additions have been made to address the issue of water leakage within the stone walls of La Citadelle. These, I am informed, are reversible. The National Heritage Fund which has the responsibility of overseeing all these additions has authorised the additions and has made a detailed documentation of the site before they started the works and will carry out another similar exercise after completion of the works. Concerning the question of all

stakeholders, whether discussions have taken place, I will have to look into the matter, but I am almost sure, they must have been made aware.

**Mrs Martin:** The interior, for example, of La Citadelle has been modified also to accommodate commercial shops, I believe. Can I ask the hon. Minister whether this does not, in fact, put into jeopardy, the original cachet of La Citadelle itself?

**Dr. Bunwaree:** I will have to transmit this question to the National Heritage Fund, but I can give the assurance to the House that they work with seriousness, they know what they are doing. But if there is a particular point that is being raised by the hon. Member, I will take it into consideration and see what has been the outcome.

#### **IAN PALACH BUS STATION - CUREPIPE – SECURITY MEASURES**

**(No. B/979) Mrs M. Martin (Second Member for Curepipe & Midlands)** asked the Minister of Local Government, Rodrigues and Outer Islands whether, in regard to the Ian Palach Bus Station, in Curepipe, following the accidents which have occurred thereat over the past months and with a view to enhancing the security on and around the premises, especially the north wing, he will, for the benefit of the House, obtain from the relevant authorities, information as to the measures that will be taken to prevent the recurrence of such accidents, indicating the details thereof, including the time frame for their implementation.

**Dr. David:** Mr Deputy Speaker, Sir, I am informed by the Municipality of Curepipe that following the accidents which occurred at the Ian Palach Bus Station, consultations were held with all concerned stakeholders including the Traffic Management and Road Safety Unit and Police Authorities with a view to reinforcing the security measures in place at the bus station.

I am informed that the following measures have already been implemented –

- (a) the fixing of handrails along the boundary of the Ian Palach North Bus Terminal from Curepipe Market to Malartic Street and along the green space of Jerningham Street up to corner of Leclézio Street;
- (b) the creation of pedestrian pathways from Malartic Street up to Ian Palach North and two flattop pedestrian crossings, one at Malartic side of Ian Palach North and the second one at the market side of Ian Palach north, and
- (c) transfer of Bus Terminal for five routes from Ian Palach North to Ian Palach South in order to provide additional space at Ian Palach North for alighting bays.

I am further informed that the street lighting network in the traffic centre is currently being reviewed and all hawkers at the Bus Terminal have been relocated to ensure the free movement of travellers.

**Mrs Martin:** May I ask the hon. Minister whether any specific measure is envisaged for the alighting of passengers, especially when we know that we have a problem at the Ian Palach North, that there are lots of buses and people alight just anywhere? Can we know whether any measure can be taken so that the passengers are at least made aware that they have to alight at a certain point and not just anywhere along the road which can cause accidents?

**Dr. David:** Mr Deputy Speaker, Sir, I believe that I have answered that question, but if there are other measures taken by the Municipality of Curepipe, I will let the hon. Member know.

**Mrs Martin:** The hon. Minister is perhaps aware that when the passengers alight from the bus, they have to cross near the market place or Ian Palach South; there is a road which they have to cross where the buses go through. Is there any measure that has been taken into consideration in order to make that crossing place safer?

**Dr. David:** As I said, Mr Deputy Speaker, Sir, a lot of measures has already been taken. If there are additional ones, I shall certainly contact the Municipality of Curepipe and bring it to the House or to the Member.

**Mr Dowarkasing:** May I ask the hon. Minister whether, in the light of all the measures that have been envisaged by the Municipality of Curepipe and which he has stated in this House, he is fully satisfied that onwards all precautions have been taken for the safety of passengers in that region?

**Dr. David:** Mr Deputy Speaker, Sir, you can never be hundred percent satisfied, but measures are being taken to ensure safety.

**ABBE DE LA CAILLE STREET, CUREPIPE - OPEN DRAINS**

**(No. B/980) Mrs M. Martin (Second Member for Curepipe & Midlands)** asked the Minister of Environment and National Development Unit whether he is aware that there exists open drains in the impasses, along the Abbé de La Caille Street, Curepipe, thus representing real hazards to the inhabitants thereof and if so, will he state if remedial works will be carried out thereat and, if so, when and if not, why not.

*(Withdrawn)*

**NHDC HOUSING COMPLEX, DAGOTIÈRE – SEWERAGE PROBLEMS**

**(No. B/981) Mr S. Naidu (Third Member for Beau Bassin & Petite Rivière)** asked the Minister of Housing and Lands whether, he is aware of the sewerage problems existing at the NHDC housing complex

at Dagotière, and if so, will he, for the benefit of the House, obtain from the National Housing Development Company Ltd., information as to the remedial measures that will be taken.

*(Withdrawn)*

### **RÉDUIT - RAIN WATER DRAINAGE SYSTEM**

**(No. B/982) Mr S. Naidu (Third Member for Beau Bassin & Petite Rivière)** asked the Minister of Environment and National Development Unit whether, he is aware of the problems caused by the absence of a rain water drainage system at Réduit, and if so, will he state the remedial measures that will be taken.

*(Withdrawn)*

### **VICTORIA HOSPITAL - MRS B. S. J. - DEATH**

**(No. B/983) Mrs F. Labelle (Third Member for Vacoas & Floreal)** asked the Minister of Health and Quality of Life whether, in regard to the death of one Mrs B. S. J., at the Queen Victoria Hospital, on 11 August 2009, he will state if his Ministry has carried out an inquiry thereinto and, if so, the outcome thereof.

**Dr. Jeetah:** Mr Deputy Speaker Sir, with your permission, I shall reply to PQ Nos. B/983, B/984 and B/985 together as they are all related to the same subject matter.

I wish to inform the House that, for ethical and confidentiality reasons, it would not be possible for me to give medical details pertaining to such cases. This is in accordance with section 300 of the Criminal Code and section 25 of the Data Protection Act 2004.

In line with existing policy, all cases of alleged mismanagement or medical negligence referred to my Ministry, are investigated into by a technical team composed of consultants within the speciality concerned under the chairmanship of one Regional Health Director. The report of the Enquiry Committee is then examined by a high level technical committee chaired by the Director General Health Services and consisting of all Directors Health Services. In some cases, in the light of the findings of the Enquiry Committee, disciplinary action as appropriate is taken by my Ministry in line with the PSC Regulations. In other cases whenever it is deemed necessary, same are referred to the Medical Council for an in-depth inquiry for determination of either mismanagement or medical negligence.

Preliminary inquiries have been carried out by officers of my Ministry in respect of the three abovementioned cases and all of them have been referred to the Medical Council for in-depth inquiries.

**Mrs Labelle:** Mr Deputy Speaker, Sir, with your permission, I would like to ask the hon. Minister - he has mentioned the code of conduct or code of ethics - that when Fact Finding Committees are being

set up, if the report is not made public, whether the next of kin of those deceased are being made aware of the findings of such report.

**Dr. Jeetah:** I concur with the hon. lady and I can make arrangements that the next of kin can meet with the Director General for him or her to be informed of the outcome of the inquiry.

**Mrs Labelle:** With your permission, Mr Deputy Speaker, Sir, in 2006 there was a lady who passed away following a delivery and the Ministry of Health set up a Fact Finding Committee which was presided by a Magistrate. May I know from the hon. Minister whether this report - because this was a Fact Finding Committee - will be made public or whether the findings of this report have been forwarded to the next of kin in such case?

**Dr. Jeetah:** I am not aware, Mr Deputy Speaker, Sir, I will have to look into the matter.

**The Deputy Speaker:** Maybe the hon. lady could come with a substantive question.

**Mrs Labelle:** Mr Deputy Speaker, Sir, since we have experienced such cases during the last years, may I know from the hon. Minister whether any disciplinary action has been taken against any practitioner during the past years?

**Dr. Jeetah:** Mr Deputy Speaker, Sir, I will have to look into the matter. If the hon. Member puts a substantive question, I shall certainly provide the right information.

### **FLACQ HOSPITAL - MRS N. K. J. – DEATH - INQUIRY**

**(No. B/984) Mrs F. Labelle (Third Member for Vacoas & Floreal)** asked the Minister of Health and Quality of Life whether, in regard to the death of one Mrs N. K. J., at the Flacq Hospital, on 19 August 2009, he will state if his Ministry has carried out an inquiry thereinto and, if so, the outcome thereof.

*(Vide reply to PQ No. B/983)*

### **DR. JEETOO HOSPITAL - BABY P. – DEATH - INQUIRY**

**(No. B/985) Mrs F. Labelle (Third Member for Vacoas & Floreal)** asked the Minister of Health and Quality of Life whether, in regard to the death of one Baby P., on 05 June 2009, at the Dr. Jeetoo Hospital, he will state if his Ministry has carried out an inquiry thereinto and, if so, the outcome thereof.

*(Vide reply to PQ No. B/983)*

### **BABIES - SUB-STANDARD VACCINES - INJECTION**

**(No. B/986) Mrs A. Navarre-Marie (First Member for GRNW & Port Louis West)** asked the Minister of Health and Quality of Life whether he is aware that sub-standard vaccines, which may prove

detrimental to health, are presently being injected in babies and, if so, state the date of their importation.

*(Withdrawn)*

### **JINFEI PROJECT – INFRASTRUCTURE WORKS, TERMS & CONDITIONS OF AGREEMENT**

**(No. B/987) Mr G. Gunness (Third Member for Montagne Blanche & GRSE)** asked the Vice-Prime Minister, Minister of Finance and Economic Empowerment whether, in regard to the ex-Tianli Project, now Jing Fei, he will state the -

- (a) amount of money spent by Government as at to date on infrastructure works;
- (b) reasons why Tianli did not turn up, and
- (c) if the terms and conditions of the agreement with Jinfei are the same as those with Tianli and, if not, indicate the changes.

**The Vice-Prime Minister, Minister of Finance & Economic Empowerment (Dr. R. Sithanen):** Mr Deputy Speaker, Sir, the House would recall that, in reply to a number of questions regarding investments from China for the setting up of the economic and trade cooperation zone at Terre Rouge-Riche Terre, I had stressed the fact that Mauritius had to compete against many other African countries to seize

this business opportunity. I also mentioned that Tianli had been offered much more favourable terms and facilities in other African countries such as zero corporate tax, financing of on-site infrastructure facilities and land free of charge. In fact, these were the initial requests made by Tianli to set up the economic zone in Mauritius. However, after protracted negotiations and discussions, we reached an agreement that was acceptable to both parties to implement this massive project.

Insofar as infrastructure is concerned, during negotiations between Government and the project promoters, the latter have undertaken to finance the on-site infrastructure at their own cost, i.e. the totality of the on-site infrastructure, and the cost is approximately Rs2.5 billion. To develop a zone of such size, it is imperative that the promoters are comfortable with the availability of basic utilities and supplies such as road, water, power, telecommunications and wastewater. In this regard, Government has undertaken to upgrade existing roads, build a new link road at a cost of Rs170 m. However, Mr Deputy Speaker, Sir, these facilities will benefit the entire region.

In addition, providers of public utilities have to invest upfront to make water, power, wastewater and telecommunications available for the implementation of the project.

It must be noted that the pre-financing of these utilities will be recovered through charges for the services that will be billed to users and operators of the zone.

It should be pointed out that all these infrastructural facilities will benefit the entire region, more specifically the residents in the surrounding locality and not only the Jinfei project.

Mr Deputy Speaker, Sir, insofar as part (b) of the question is concerned, Tianli Enterprise Group is still in the project shareholding.

The ex-Tianli project was expected to contribute decisively to the achievement of our objectives of economic growth and job creation in line with Government's strategy of openness in the economy. This objective has not changed with the Mauritius Jinfei Economic & Trade Cooperation Zone Project.

The objective of the project has been reinforced with two very strong companies, namely the Taiyuan Iron & Steel Group Co Ltd (TISCO) and Shanxi Coking Coal Group Co Ltd (Shanxi Coking) from the Shanxi Province China joining the project as shareholders.

TISCO's main business activity is manufacture of steel and stainless steel products and is the no. 1 world producer of stainless steel. The company's annual turnover is about USD14.7 billion, i.e. Mr Deputy Speaker, Sir, twice our GDP. It employs 45,000 people.

The second shareholder, Shanxi Coking, its main business is the production of coal. Its annual raw coal production is 65.8 million tonnes with a turnover of USD10.3 billion, i.e. 150% of our GDP. It employs 150,000 people. TISCO and Shanxi Coking are the two largest companies in Shanxi Province, China.

Tianli Enterprise Group main business is trading. Its annual turnover is USD 294 million, and it employs 1,000 people. Tianli, as the House is aware, Mr Deputy Speaker, Sir, is present in Mauritius since 2003 in the textile sector with its spinning operations. The company has invested USD35 million and created 300 jobs.

The new shareholding structure of Jinfei – I understand Jinfei means corporation between Shanxi and Africa - is presently constituted of the following shareholders -

1. Taiyuan Iron & Steel Group Co. Ltd	50%
2. Shanxi Coking Coal Group Co. Ltd	30.2%
3. Tianli Enterprise Group	19.8%

It is following the joining in of these two top Chinese companies that the project's name has changed to the Mauritius Jinfei Economic & Trade Cooperation Zone Project.

Furthermore, the China Africa Development Fund (CADF), which was set up by the Chinese Government to support the setting up of

economic and trade zones in Africa, is expected to become an equity partner in the project. It is also envisaged that the China Development Bank will provide financing options to Chinese businesses to set up in the Economic and Trade Cooperation Zone.

I wish to add that a project of this magnitude could not be undertaken lightly or in haste. Both the Governments of the People's Republic of China and Mauritius have given their full support to its implementation. The project was given a boost and sealed following discussions between our hon. Prime Minister and His Excellency President Hu Jintao during the latter's visit to Mauritius in February this year.

The project, which represents no doubt the largest single development project in our country, requiring foreign direct investment to the level of Rs25 billion, was launched on 16 September 2009.

As regards part (c) of the question, with the change in the project shareholding structure, the promoters have set up two new companies – one investment company in China and one company in Mauritius for the project implementation. With these changes, new agreements were signed between Government and the two companies. In the agreements, Government has ensured that the interests of Mauritius are safeguarded and that the Jinfei Project is developed according to the laws of our country.

Mr Deputy Speaker, Sir, the underlying principles of the project have not changed, that is, the promoters will set up an economic and trade cooperation zone, the investment has to be of foreign capital, employment provided to our local people in the zone, and the promoters will develop the on-site infrastructure at their own cost.

In substance, the Jinfei Project has essentially remained the same; it will have an industrial zone, a trade and logistics zone, a business and information zone, and a hospitality zone. Moreover, acting as the facilitator and enabler of economic activities, Government will allow activities to be developed in the zone in line with the dynamics of the international business environment.

Mr Deputy Speaker, Sir, in the wake of the global financial crisis and the economic recession, the following changes have been brought to the agreement -

- The construction period has changed from 5 years to 8 years, with the project to be implemented in two phases.
- The lease period has remained at 99 years. However, the rental would now increase by 50% every 15 years as against an increase of 50% every 10 years.

- Companies from China and from other countries outside Mauritius will be allowed to operate in the zone - initially only companies from China would have been allowed.
- Initially, it was agreed that leasehold rights may be pledged only with banks in China. Now, for the construction and development of the zone, the project promoter is authorised to pledge leasehold rights to banks outside Mauritius and, for the business operations, the companies may pledge their leasehold rights to banks in and outside Mauritius.
- Initially, it was agreed that Government will construct the new access road and upgrade the Riche Terre road, now the Baie du Tombeau Road also will be upgraded.

Mr Deputy Speaker, Sir, the House will certainly note that with amendments brought first to allow other companies from China and outside Mauritius to operate in the zone, and for the leasehold rights to be pledged with local banks as well, will contribute significantly towards broadening the base of the development zone and for stronger linkages to be built with the local banking sector.

In addition, as it is generally the case for all mega projects, for greenfield investment, project promoters request for numerous incentives such as concessionary rental charges, favourable investment incentives, attractive tax policies, tax breaks and investment in offsite infrastructure. Mr Deputy Speaker, Sir, in this case, Government has,

however, acted responsibly by providing some concessions in terms of rental conditions, as has been the case for many projects in the past.

We have also ensured that the agreement provides firm commitment in terms of foreign direct investment, local job creation and export earnings. It must be noted that all companies in the zone, including the project promoters, will pay corporate tax at 15%.

**Mr Bérenger:** Can I ask the hon. Vice-Prime Minister and Minister of Finance whether the agreement between Tianli and the Government of Mauritius had a confidentiality clause, those new agreements with the new shareholders and the Government of Mauritius? Has the Government of Mauritius again agreed to confidentiality clauses?

**Dr. Sithanen:** Yes, there is a confidentiality clause, Mr Deputy Speaker, Sir, Article 11. As I said, Mr Deputy Speaker, Sir, I will reveal information on questions put to me. The Chinese do business in a different manner. They have insisted on this confidentiality clause, but I am willing to give information on the three main issues where concession can be made. They are -

- (i) off-site infrastructure;
- (ii) taxes, and
- (iii) the concession given on land.

**Mr Bérenger:** May I know from the hon. Vice-Prime Minister

what is provided for in the new agreements as far as passports are concerned?

**Dr. Sithanen:** It is the same as in the old agreement, Mr Deputy Speaker, Sir. Let me inform the hon. Leader of the Opposition that there is already in our legislation a requirement that, for a given level of investment, investors are eligible to become residents subsequently and permanent residents in the other instance. The investment is about US \$750 million. Theoretically, they are eligible to US \$750 million divided by US \$500,000 per resident permit. We are not going to give that amount. A limited amount of such facilities will be given to the promoters.

**Mr Bérenger:** Mr Deputy Speaker, Sir, if you will allow me. I heard references to coal, steel, iron industries and so on. Is there any risk to the environment? Are there any risks? Are the EIA procedures followed?

**Dr. Sithanen:** Mr Deputy Speaker, Sir, first, in the agreement they have to meet all the requirements for the EIA. In fact, they have submitted the EIA to the Ministry of Environment. Mr Deputy Speaker, Sir, we all know that there are many companies in the world that are huge, but that diversify. The fact that they are in coal does not mean that they will invest in coal in Mauritius. Maybe in steel probably they could process some steel and convert them into light industrial goods to be exported to Africa. These are among two of the biggest companies in the

world. There are many organisations in the world that start in one particular sector and then they diversify in other sectors. They will meet the requirement for an EIA like any other organisation or any other company that invest in our country.

**Mr Gunness:** Mr Deputy Speaker, Sir, I heard the hon. Vice-Prime Minister mentioning Rs170 m., I think, on road, but he did not mention any figure for utilities. Can we have the figure for utilities?

**Dr. Sithanen:** What applies to this organisation applies to all other companies that invest in our country. When we started the Export Processing Zone - we can't have an Export Processing Zone without the supply of electricity, of water and of wastewater. This is an investment that has to be done by each of these providers of public utilities and I said in my reply that they will get the money back as they will charge fixed charges and variable charges. So, this is an ongoing exercise that will last for another six or seven years. They will supply these facilities as and when it is required. The only one where we have directly made the investment is the road. And for the road also, as I have mentioned, this will benefit the entire region, the locality, in addition to the services that will be provided by Jing Fei.

**Mr Gunness:** Mr Deputy Speaker, Sir, regarding employment in the Agreement, can we know what is the percentage of Mauritians that will be employed in the projects undertaken by the companies?

**Dr. Sithanen:** Mr Deputy Speaker, Sir, even though we have the

habit of being focussed on numbers, this is a project that will be implemented over eight years. It is difficult to know precisely how many jobs would be created directly, how many indirectly, and how many jobs would be provided by what the economists call the multiplier effect. We think that it will be about 35,000 to 40,000, depending on the activities in which they are and this is once we reach the cruising altitude and all the four pillars have been developed. We agreed with the promoters that even in the construction and development phases, though it is difficult for them - they had a discussion with me yesterday, they find it difficult to recruit people - we have told them to recruit a certain number of local people. Mr Deputy Speaker, Sir, they have already recruited some local people. We have also discussed with them that they will use some local contractors and sub-contractors and, in addition to using local firms for the legal services, financial services, for banking and for security – *le service de gardiennage* - they are using Mauritians. We have some minimum guarantees in the agreement. But let me tell my hon. friend that they are finding it difficult to recruit people locally. My colleague, the hon. Minister of Labour, knows that there are jobs that are available, but we know that many Mauritians don't want to take some of these jobs. If the hon. Member wants me to give a figure, I think it will be quite high; how much exactly will depend on the activities being developed in the zone.

**Mr Gunness:** With regard to the electricity supply, can we know

from the hon. Vice-Prime Minister whether the company will produce their own electricity in that region or it will be from the CEB?

**Dr. Sithanen:** Not now. I think that probably the confusion arises, because in the second phase of development, one of the pillars that they will develop is renewable energy. China is becoming very strong in renewable energy. What they have suggested is that one of the potential areas of development would be renewable energy, but in the construction phase, they will have to rely on the CEB. And because it is a major project the CEB will set up a substation there just like they have set up substation in the EPZ zone.

**Mr Bérenger:** May I ask the hon. Vice-Prime Minister whether requests have already been put in for construction materials to be imported, including sand and macadam?

**Dr. Sithanen:** I don't know about sand and macadam. I don't know whether my hon. friends realise the size of the investment that will take place there. There is no way that the local cement factory can supply that demand. We are talking of a development of 500 acres, so obviously, they will have to bring in their own materials from abroad; there is no way even for steel. There is no way that our local supplier will be able to meet this demand. The same thing will apply for Highlands. The day we develop Highlands there is no way that cement and steel can be supplied from Mauritius.

**Mr Gunness:** Is the hon. Vice-Prime Minister saying now that in

the zone companies outside China will also be entitled to operate there? Can I know whether there is any firm outside China which has shown interest up to now?

**Dr. Sithanen:** There will be. There are even Mauritian companies that want to go there. Mr Deputy Speaker, Sir. When China set up the CADF (China Africa Development Fund), the idea was to support China enterprises into Africa, that is why in the initial contract, we could not get them to change this condition. They said that they are using money from China and it has to be for Chinese enterprises that will use Mauritius as a bridgehead to export to Africa. In the second agreement we told them that it is better to broaden the scope of the investment and it might be easier also to attract business from countries other than China and they have accepted. What will happen now is that they have started to market in China and with the support of the Board of Investment they will market for firms to come and to set up in the zone.

**The Deputy Speaker:** I have been very fair, but I would not like the question to become like a Private Notice Question and last for 30 minutes. I have seen five people asking for questions; the last five questions will be from hon. Guimbeau ...

*(Interruptions)*

Then come with a Private Notice Question, please! We cannot have that at Question Time! So, hon. Guimbeau, hon. Lesjongard, hon. Ganoo, hon. Hanoomanjee and hon. Gunness last! There are so many.

We start with hon. Guimbeau.

**Mr Guimbeau:** Mr Deputy Speaker, Sir, I would like to ask the hon. Minister why is it that in Mauritius, there is a confidentiality clause while in other African countries where there have been such projects, all the framework agreements have been made public. Why is it that in Mauritius the framework agreement is not made public?

**Dr. Sithanen:** It is very simple, I asked that question also. It is a commercial decision by them; they don't want the information to be revealed to the competitor. I have tried my best to do it and, in fact, as I stated in reply to hon. Gunness, there are three areas where we can give concessions - infrastructure, taxation and land and I am willing to reply on all three of them. Let me say, Mr Deputy Speaker, Sir, in the case of land, they would be paying land much more than others have paid for lower investment. Obviously, I don't want to release their names. I can give you cases of hotels, EPZ or even others, but I am not going to reveal the names where they have paid less than 50% of what Jing Fei is paying and we are talking of an investment of \$750 m. So, I have all these figures, Mr Deputy Speaker, Sir. I have also given the information on off-site infrastructure and after negotiation, they have been willing to contribute Rs100 m. and they are doing all the on-site infrastructure which is approximately Rs2.5 billion.

**Mr Lesjongard:** Will the hon. Vice-Prime Minister and Minister of Finance agree that this mega project will in time have a very negative impact on small businesses operating in the capital city of Port Louis and in its suburbs?

**Dr. Sithanen:** Again, Mr Deputy Speaker, Sir, there are three components to that project; one is FDI, the second is jobs and the third is export earnings. I have stated in my earlier reply that they are going to export the equivalent of \$200 m. once it reaches its cruising altitude. They have not come for the Mauritian market, my dear friend; they have come for SADC and for COMESA. We had to compete with other countries in SADC and COMESA to get them. They are interested in 1 billion market. That is why they are setting up there. It is going to be for the export market. In fact, in the short term, all the SMEs, especially those who supply are going to benefit in terms of outsourcing.

**Mr Ganoo:** Mr Deputy Speaker, Sir, I come again on this question of infrastructure. The hon. Minister has said clearly that the promoters will bear the cost of on-site infrastructure. Can he give us an idea of what will be the total value of the off-site investment as far as infrastructure and utilities are concerned, especially for the water sector because, as we all know, a lot of investments will have to be made to provide water to this big zone? So, what is the total cost of the off-site infrastructure?

**Dr. Sithanen:** In fact, in the discussion, one of the reasons why there has been a slight change in the architecture of the project is that we wanted them also not to use a lot of energy and a lot of water. There is ongoing work that needs to be done at La Nicolière and there is some additional work that needs to be done in order to supply them with water. But, as I said, in the case of water, electricity and telecom, it is an investment that has to be made in order to supply these services and this is not being done by Government; this is basically a client-supplier relationship. Tomorrow, if there is going to be a big investment by A, B, C, it is the responsibility of this provider of services to make sure that these are available and they will be paid for this. This is an investment that is being made and they are going to recoup this investment by charging to the operators and to the developers and it is going to be done over a period of eight years.

**Mrs Hanoomanjee:** Mr Deputy Speaker, Sir, the Vice-Prime Minister and Minister of Finance has just mentioned that in the new agreement with Jing Fei, there are concessions with regard to land and corporate tax. Should we...

**Dr. Sithanen:** No, not corporate tax.

**Mrs Hanoomanjee:** The hon. Minister did mention tax.

**Dr. Sithanen:** No, there is no concession on corporate tax.

**Mrs Hanoomanjee:** The hon. Minister mentioned three elements.

**The Deputy Speaker:** The hon. Member should put her question and the hon. Minister will answer it.

**Mrs Hanoomanjee:** I understood it was land tax among others. Should we understand that in the new agreement with Jing Fei, these are further concessions that have been made to Jing Fei than those which were in the original agreement with Tianli?

**Dr. Sithanen:** Maybe I did not express myself properly. What I did mention is that usually there are three areas of concession that these promoters seek. One, is land; two, is tax and three, is infrastructure. On tax, we have not budged, neither in the first contract, nor in the second one. They are going to pay corporate tax like any other company in Mauritius at 15%.

With respect to off-site infrastructure, we are providing the road network but, as I said, this road network is going to be of benefit to people in the region also. The area where some concession has been made is basically on land. Here also I have said it very clearly, they are not getting a better treatment than other investors with lower level of investment, far fewer jobs and far less export earnings have obtained in the past. I have checked and this is true for tourism, EPZ and even for filling stations. But we had to give something. Zambia was giving them

free land, investing in infrastructure and zero corporate tax. We also have two big players that have joined this consortium.

I don't know whether my friends in the House realise it, to get a company where the turnover is twice the GDP of Mauritius to come and invest in Mauritius, we don't get that everyday round the corner of every street of our country.

**Mr Gunness:** I heard from the Minister that the company is making much effort in contributing in on-site and off-site. Can I know from him whether he can ask the company to make an additional effort? We know that the sugar cane planters have been compensated. Vegetable growers who are 'non-genuine', that is, those who have left their land idle, we know as we have photos here, that we are left with 23 vegetable growers where there is a dispute on the compensation because Government is proposing a compensation of Rs120,000 when the loan that is outstanding is more than that in certain cases. Their lease will end in 2015, which means that it was still on. Apart from the contribution that Government is making, can I ask the hon. Minister whether he can request the company as a CSR to put some money so that we can compensate these people adequately?

**Dr. Sithanen:** It has been a difficult subject and we have done our best and we took the decision sometimes back to set up a committee

under the chairmanship of my colleague, the Minister of Agro Industry, to see where it is possible to do something.

## **SUGAR SECTOR REFORMS – DEROCKING & IRRIGATION PROJECT**

**(No. B/988) Mrs S. Hanoomanjee (Second Member for Savanne & Black River)** asked the Minister of Agro Industry, Food Production and Security whether, in regard to the derocking and the irrigation project initiated in the context of the sugar sector reforms, he will, for the benefit of the House, obtain from the Mauritius Sugar Authority, information as to -

- (a) the name of its Project Manager, and
- (b) if irrigation equipment have been purchased for installation in planters' fields, and, if so, indicate the total cost of equipment purchased as at to date.

**Mr Faugoo:** Mr Deputy Speaker, Sir, I am advised by the Mauritius Sugar Authority as follows -

- (a) the name of the Project Manager is Narain Khem Baguant

who is an Agricultural Engineer employed on contract since August 2005, and

(b) irrigation projects under the FORIP have so far been implemented on one site at Albion and two sites at Petite Rivière for a total acreage of 94 hectares. Another project is currently underway at Pointe-aux-Piments on an acreage of 18 hectares. The total cost of equipment purchased for these four projects is around Rs19 m.

I am also informed that a fifth site of an acreage of 140 hectares is now being developed at Le Bosquet, Petite Rivière. Following a bidding exercise, contracts for the procurement of equipment have been awarded in August this year. The cost of equipment is Rs 25.5 m.

**Mrs Hanoomanjee:** I thank the hon. Minister for his reply. Can he say who proposed the actual irrigation system, whether it was done with the collaboration of the Irrigation Authority or was the Irrigation Authority totally ignored in the process?

**Mr Faugoo:** In fact, all the projects are decided by the Project Implementation Committee (PIC) where the Irrigation Authority forms part of the Committee.

**Mrs Hanoomanjee:** Is the hon. Minister aware that the actual Project Manager has claimed total ownership of the project?

**Mr Faugoo:** He is the Project Manager, he manages the project. The project itself is decided by the committee.

**Mrs Hanoomanjee:** The hon. Minister just said that tender procedures were made in August for the purchase of equipment. Can he say whether there was a technical committee which examined the bids, who formed part of the technical committee, who chaired the technical committee and who were the members?

**Mr Faugoo:** I am told, Mr Deputy Speaker, Sir, that there was a Bid Evaluation Committee which processes, analyses and assesses the bid, the tender exercise. It is composed of Dr. Seeruttun who is the Research Manager of MSIRI and the Chairman of the Committee. There is Mr Sonya who is the Assistant Director of FSC, Farmers Service Corporation. Mr Khoushal, the Accounting Technician of MSA and Mr Jhurry, the Technical Officer of MSA. This is the Board.

**Mrs Hanoomanjee:** Does the hon. Minister have information on the contractor who is actually laying the irrigation equipment and, if so, will he give some information about that contractor, how he was awarded the contract?

**Mr Faugoo:** I need notice of this question, Mr Deputy Speaker, Sir.

**Mrs Hanoomanjee:** Is the hon. Minister aware that the Project Manager together with the contractor who is now working and laying out the irrigation equipment did travel together to go, select and purchase equipment for this project?

**Mr Faugoo:** I am not aware of this, Mr Deputy Speaker, Sir.

**Mrs Hanoomanjee:** Will he enquire into the matter and report to the House, please?

**Mr Faugoo:** Certainly, Mr Deputy Speaker, Sir.

#### **EPZ LABOUR WELFARE FUND - FACT FINDING COMMITTEE – REPORT**

**(No. B/989) Mrs S. Hanoomanjee (Second Member for Savanne & Black River)** asked the Minister of Labour, Industrial Relations and Employment whether, in regard to the Export Processing Zone Labour Welfare Fund, he will state if the Fact Finding Committee set up to look into the management thereof has submitted its report and, if so, will he table copy thereof.

**Mr Chaumière:** Mr Deputy Speaker, Sir, I have to inform the House that, following various allegations made of irregularities at the Export Processing Zone Labour Welfare Fund, the EPZLWF Board

decided to have an internal enquiry carried out to determine whether the allegations made were substantiated. A Fact Finding Committee presided over by the Assistant Manager Internal Control from the Ministry of Finance and Economic Empowerment was set up in that context.

I am informed that the Committee has already submitted its report to the Board and, in the light thereof, the Board has instituted disciplinary action against two officers of the Fund. Action has been completed in one case and, in the other, disciplinary action is still proceeding.

In the circumstances, and given also that the fact finding exercise was in relation to matters pertaining to the internal management of the Fund, the hon. Member will agree that it would not be appropriate to table a copy of the report of the Committee.

**Mrs Hanoomanjee:** Mr Deputy Speaker, Sir, I beg to differ from the hon. Minister on the question of laying the report on the Table of the Assembly, because soon we will be voting the Budget and we know that the EPZ Labour Welfare Fund gets a grant from Government. So, I do not see the reason why a copy of that report should not be laid on the Table of the Assembly.

**Mr Chaumière:** Mr Deputy Speaker, Sir, the Fact Finding Committee was set up by the Board. The ownership of report of the Fact

Finding Committee is theirs. Secondly, Mr Deputy Speaker, Sir, there is a Disciplinary Committee which is on for the time being. I do not think it would be fair for the person who is being heard that the report be circulated here, there and everywhere. I think for the sake of justice it should remain the property of the Board and let the Disciplinary Committee continue with its process.

**Mrs Hanoomanjee:** Mr Deputy Speaker, Sir, that is the opinion of the hon. Minister. Will the hon. Minister say whether on the same enquiry, there was formerly a first committee which was set up under the chairmanship of one Mr Molaye, the representative of the Ministry of Industry, but that report never came out?

**Mr Chaumi  re:** I am not aware about that, Mr Deputy Speaker Sir.

**Mrs Hanoomanjee:** Will the hon. Minister agree to look into the matter and let us know?

**Mr Chaumi  re:** Certainly, but I am not sure whether we are talking about the same ...

*(Interruptions)*

Mr Deputy Speaker, Sir, I have been following very closely the whole process and seeing to it that things are being done according to the law. Indeed, it is not within my knowledge that there have been other committees. There has been a Fact Finding Committee; there has been a

Disciplinary Committee which is being presided over by former Senior Magistrate, Denis Vellien - I think he is the Chairperson of ICTA now - but there has never been question of another committee.

**Mrs Hanoomanjee:** Mr Deputy Speaker, Sir, if the hon. Minister is not willing to lay a copy on the Table of the Assembly, is he willing to agree to the request of the unions so that the unions may know - because it is employees' money as well - at least what is in the report?

**Mr Chaumière:** Let me apprise the hon. Member and the House as well that the EPZ Labour Welfare Fund is a tripartite fund which is composed of representatives of Government, unions and of employers.

**Mrs Hanoomanjee:** Yes.

**Mr Gunness:** It seems that the hon. Minister is not aware that there was a first subcommittee which was set up to look into the matter. The subcommittee was under the chairmanship of one Mr Molaye, representative of Ministry of Industry, Small and Medium Enterprises, Commerce and Cooperatives, which was set up to investigate into the allegation and the Chairman never came up with the report. Can the hon. Minister look into that matter?

**Mr Chaumière:** I will have a look and then I will come back later.

**MINISTRY OF HOUSING & LANDS/SOLID WASTE  
RECYCLING LTD. - LEASE AGREEMENT**

**(No. B/990) Mrs S. Hanoomanjee (Second Member for Savanne & Black River)** asked the Minister of Housing and Lands whether, in regard to the Solid Waste Project, he will state if an agreement has been signed between his Ministry and the Solid Waste Recycling Ltd. for the lease of land and, if so, indicate –

- (a) when, and
- (b) the terms and conditions thereof.

**Dr. Kasenally:** Mr Deputy Speaker, Sir, the Solid Waste Recycling Ltd holds an industrial site lease over a plot of State land of an extent of 8 hectares being part of State land La Ferme at La Chaumi  re for the setting up of a Solid Waste Project. The lease agreement was signed on 05 March 2007.

The land is leased for the purpose of setting up a Solid Waste Project. The lease is valid for period 10 October 2006 to 30 June 2026 and provides for renewal for four consecutive periods of 10 years each at a rental reflecting the market rental value. The rent for the current period is at the rate of Rs55,000 per annum.

**Mrs Hanoomanjee:** Can I ask the hon. Minister whether a letter of retrieval was given to the company in spite of the fact that all permits had already been obtained?

**Dr. Kasenally:** Mr Deputy Speaker, Sir, not a letter of retrieval, but there was a notice served by the State Law Office informing that Government was about to cancel the lease and resume possession as there were still some conditions which were not met. Not all the conditions were met, but following representations made by the company, the matter has been put on hold. The company has been given another three months to sign an agreement with the Ministry of Local Government for a contract for the provision of waste and secondly, to start construction.

**Mrs Hanoomanjee:** Is the hon. Minister aware that in spite of the fact that the promoter was asked to leave and vacate that portion of land, his Ministry requested the same company just afterwards to effect payment? In spite of the fact that no agreement was reached between the parties, his Ministry requested the promoter to make a payment of Rs55,000 regarding the lease of land and that payment was accepted by his Ministry. Up to now, the promoter does not have any information from the Ministry on what is happening.

**Dr. Kasenally:** That is not quite correct, Mr Deputy Speaker, Sir. The promoter paid whatever was due at the time it was due and this is a routine payment which he made, but the legal procedure was already set in action. In fact, the promoter knows everything and to clear all the matter, I got all my officers and the promoter, because there were so

many dark corners, to sit down and he now knows exactly where he stands namely that, within three months, he has to do whatever he has been told to do within the lease agreement.

**Mrs Hanoomanjee:** Concerning that part which was missing with the Ministry of Local Government, can the hon. Minister say whether now the agreement has been reached between the Ministry of Local Government and the promoter? Is the Minister aware of any development?

**Dr. Kasenally:** As I said, I am fully aware, he has been given three months to reach an agreement and I hope that within those three months he gets that agreement because the lease has not yet been cancelled. It has been put on hold and he has been given every opportunity because this is an important project. I think it is the duty of everybody, including Government, to act as a facilitator and not as an obstructor towards any entrepreneur who is setting up a big project.

#### **RODRIGUES - MAURITIUS PRIDE AND TROCHETIA VESSELS - DECEMBER 2009/JANUARY2010 – TRIPS**

**(No. B/991) Mr A. Nancy (First Member for Rodrigues)** asked the Minister of Public Infrastructure, Land Transport and Shipping whether he is aware that many Rodriguans, especially those working in Mauritius, wishing to visit their families in Rodrigues for the forthcoming new year festivities, are encountering difficulties to secure

seats on the Mauritius Pride and the Trochetia vessels for the period 15 to 31 December 2009, as they are fully booked and, if so, will he consider using his good offices to request the Mauritius Shipping Corporation to increase the number of trips of these vessels during that period.

**Mr Bachoo:** Mr Deputy Speaker, Sir, I am informed by the Mauritius Shipping Corporation Ltd that it is a normal feature for more passengers to travel from Mauritius to Rodrigues and *vice versa* during the month of December. They travel either by Mauritius Pride or Mauritius Trochetia.

Consequently, more trips have been programmed on Rodrigues route during the months of December 2009 and January 2010. In fact, a total of eight trips - six by MS Mauritius Pride and two by MS Mauritius Trochetia - have already been scheduled.

With these arrangements, Mauritius Shipping Corporation Ltd considers that it will be able to the greatest extent possible meet the demand. Depending on the situation obtainable, adjustments, as appropriate, will be envisaged.

#### **RODRIGUES – COOKING GAS - SUPPLY**

**(No. B/992) Mr A. Nancy (First Member for Rodrigues)** asked the Minister for Consumer Protection and Citizens Charter whether he is

aware of the increasing difficulties being faced by the consumers of Rodrigues for the supply of cooking gas and, if so, will he state the remedial measures that will be taken in the short and long terms.

**The Minister of Local Government, Rodrigues and Outer Islands (Dr. J. B. David):** Mr Deputy Speaker, Sir, with your permission, I shall reply to this question.

In September this year, it had been brought to my attention that gas cylinders which are sent on a monthly basis to Rodrigues to be sold by petrol companies get depleted within days of arrival mainly because of a tendency for Rodriguans to purchase 3-5 gas cylinders as buffer stock in their homes. However, at no point in time there was a shortage of cooking gas in Rodrigues.

I am informed by the Rodrigues Regional Assembly that the prevailing situation may be assigned mainly to the distribution system. However, in a bid to alleviate the problem, the Chief Commissioner, in the RRA Budget Speech of 18 September 2009, announced that the RRA is making arrangements for AEL-DDS Ltd, the supplier of LPG gas to be now also responsible for effecting the distribution of LPG gas all around the island. Further, petrol companies will be pressed upon to improve the supply of LPG gas to Rodrigues.

I am further informed that the RRA is also implementing, amongst others, the following measures:

(1) as from October 2009, only AEL-DDS Ltd will supply gas cylinders to 100 retailers who have been identified by the Consumer Protection Unit, Shop Owners Association, Association des Consommateurs de l'Ile Rodrigues and the Fire Department throughout the island.

(2) licensing for storage of gas and retail selling of gas will be required for retailers engaged in the activity, and

(3) the Consumer Protection Unit will effect regular site visits to monitor the situation.

In the long term, the possibility of the filling of gas cylinders in Rodrigues is being looked into and a feasibility study is under way by the AEL-DDS Ltd in that respect.

#### **RODRIGUES - SAVING JOBS AND RECOVERY FUND – AMOUNT DISBURSED**

**(No. B/993) Mr A. Nancy (First Member for Rodrigues)** asked the Vice-Prime Minister, Minister of Finance and Economic Empowerment whether, in regard to the Saving Jobs and Recovery Fund, he will, for the benefit of the House, obtain from the Fund, information as to the number of applications received as at to date for Rodrigues, indicating the amount of money disbursed.

**The Vice-Prime Minister, Minister of Finance and Economic Empowerment (Dr. R. Sithanen):** Mr Deputy Speaker, Sir, to support enterprises in difficulty due to the financial crisis, Government has launched a series of initiatives to be funded from the Savings Jobs and Recovery (SJR) Fund.

As at now, 11 schemes for SMEs have been finalised and are in operation and they are as follows -

- Leasing Equipment Modernisation Scheme (LEMS) I - for SMEs with turnover below Rs50m.
- Leasing Equipment Modernisation Scheme (LEMS) II - for enterprises below Rs150m turnover.
- Mauritius Approach - Lending by Commercial Banks to SMEs and equity finance to reduce gearing.
- Transitional Support for Small Companies with turnover less than Rs5 million - DBM.
- Mix of work and training scheme.
- Scheme for Small Hotels and Restaurants.
- Energy Management in Small and Medium Hotels and Restaurants.
- New Micro Enterprise Financing Scheme for Women

- Loan rescheduling of SMEs.
- Scheme for taxi owners operating at hotels under renovation
- Scheme for Mentoring services.

Regarding Rodrigues, as the House is aware, its tourism sector has been most affected. Following discussions with RRA and the stakeholders in Rodrigues a special holiday package for Rodrigues has been devised and is being implemented since August. Accordingly, a decrease in air fares by 33% is being applied. The cost is being met under the SJR Fund. In addition, the cost of passenger service charge which has been suspended is also being financed under the SJR Fund.

So far Rs2 m. has been disbursed and a claim of Rs1.5 m. is being processed for settlement.

Mr Deputy Speaker, Sir, out of the 11 schemes that I have mentioned earlier, there has been a higher interest for the Mix of Work & Training Programme in Rodrigues. In this respect, I am informed that applications have been received from 12 entrepreneurs (11 *Gites* and 1 Hotel) for training of employees as an alternative to laying off of workers. A first batch of 20 employees will be trained. The training cost and a stipend for trainees is met by this fund. It is expected to cost around Rs 360,000.

Furthermore, to enable Rodriguans entrepreneurs and stakeholders to benefit from the various schemes a sensitisation campaign was launched nearly a month ago, on Saturday 26 September 2009 at Port Mathurin, with the collaboration of the Ministry of Business, Enterprise and Cooperatives, SEHDA and Rodrigues Regional Assembly.

I am informed that some 250 entrepreneurs attended the one day sensitisation campaign. It has been observed that many entrepreneurs who had expressed interest to make use of the schemes need to be mentored to submit a proper business plan.

In this context, SEHDA and National Empowerment Foundation are facilitating the application process of these entrepreneurs.

#### **CITE MANGALKHAN, CITE LOYSEAU AND HENRIETTA - FOOTBALL GROUNDS**

**(No. B/994) Mr N. Bodha (First Member for Vacoas & Floreal)** asked the Minister of Youth and Sports whether, in regard to the projects for the construction of football grounds at Cité Mangalkhan, Cité Loyseau and Henrietta, he will state when they will be implemented.

**The Minister of Local Government, Rodrigues and Outer Islands (Dr. J. B. David):** Mr Deputy Speaker, Sir, with your permission, I shall reply to this question.

I am informed by the Municipality of Curepipe that Cité Mangalkhan and Cité Loyseau are already provided with football

grounds. However some upgrading works are required and the Municipal Council proposes to undertake same during financial year 2010.

As far as Henrietta is concerned, I am informed by the Municipality of Vacoas-Phoenix that the contract for the construction of a football ground on the plot of State land vested in the Council has already been awarded on 08 October 2009. Works are expected to be completed by end of January 2010.

**Mr Bodha:** I thank the hon. Minister for the answer. May I ask him a specific question as regards lighting facilities at the football ground at Cité Mangalkhan and Cité Loyseau? Can he enlighten the House as to when these projects will be implemented?

**Dr. David:** That question is not directly connected with lighting facilities, but I'll certainly contact the Municipality of Curepipe to find out what is the calendar for that.

## **SUGAR SECTOR REFORM - SMALL PLANTERS - REGROUPING & LAND PREPARATION**

**(No. B/995) Mr N. Bodha (First Member for Vacoas & Floreal)** asked the Minister of Agro Industry, Food Production and Security whether, in regard to the sugar sector reform, he will state the area where

the project for the regrouping and land preparation for small planters has been implemented, indicating the –

- (a) amount of money spent since the beginning of the project, and
- (b) planning for the future.

**Mr Faugoo:** Mr Deputy Speaker, Sir, the Field Operations, Regrouping and Derocking Project (FORIP), a major component of the Multi Annual Adaptation Strategy (MAAS), aims at modernising and upgrading the production set up of small and medium planters to enable them to cope with the impact of the 36% cut in the price of sugar through enhanced production at lower costs.

The objective of the FORIP is to prepare and derock 15,000 out of the 20,000 hectares of land belonging to small and medium planters by 2015. As at June 2009, Phases I, II and III have been completed and some 2,400 hectares belonging to some 2,806 planters have been derocked and regrouped. For the period July to December 2009, a target of 900 hectares has been set. It is expected that by the end of 2009, around 20% of the extent targeted under the Multi Annual Adaptation Strategy (MAAS) would have been covered. I am tabling a list of the 98 sites where the FORIP has been implemented as at end of June, this year.

It is relevant to mention that the extent of land derocked and regrouped comprised one of the key performance indicators for the disbursement of funds under accompanying measures by the EU. The target set has been successfully achieved during the past years and this has enabled Government to secure the necessary funds from the EU.

With regard to part (a), the amount of money spent under the FORIP for the preparation and derocking of the 2,400 hectares of land is around Rs399 m. Additionally, an amount of Rs260 m. has been spent under the project for the purchase of equipment by the Sugar Planters Mechanical Pool Corporation to undertake the derocking and the land preparation.

Regarding part (b), the FORIP for the period 2010-2015 is planned to be implemented on an acreage of 1,500 ha annually. Any outstanding acreage remaining out of the 15,000 ha earmarked will be completed in 2016 and 2017.

The new sites are being identified by the Farmers Service Corporation in consultation with the planters. The project is being implemented under the overall guidance and supervision of the Project Implementation Committee which comprises representatives of my Ministry, the Ministry of Finance and Economic Empowerment, MSIRI, FSC, SPMPC, Irrigation Authority, Sugar Insurance Fund Board and Mauritius Sugar Authority.

**Mr Bodha:** Mr Deputy Speaker, Sir, may I ask the hon. Minister whether there has been any harvest on land which has already been prepared and regrouped so far?

**Mr Faugoo:** Mr Deputy Speaker, Sir, since 2008 we are harvesting on land which has been prepared.

**Mr Bodha:** May I ask the hon. Minister whether the yield on the land which has been prepared and regrouped is better than what it was before?

**Mr Faugoo:** The yield has gone up by 30%, Mr Deputy Speaker, Sir, and the cost is going down by 30%.

**Ms Deepalsing:** May I ask the hon. Minister how many planters there are in the regrouped project, how many acreage we are talking about that have been left abandoned and how many years of harvest have these planters lost?

**Mr Faugoo:** They have not been left over or left behind, Mr Deputy Speaker, Sir. It is a project which is ongoing. There was a target, we have reached our target. In fact, we have gone further than what the target was initially.

**Mr Bodha:** Following what hon. Ms Deepalsing was saying, is the hon. Minister aware that in some cases there has been loss of harvest? May I ask the hon. Minister to make the inquiry about this and

to see whether some sort of compensation can be granted to those planters from the funds available, from the accompanying measures of the European Union, because there are planters, in fact, who have lost their harvest?

**Mr Faugoo:** Mr Deputy Speaker, Sir, it is a new project and I would be the last person to come and say that it is flawless. We have had certain problems encountered and there are certain representations which have been made by various planters on different issues. In fact, when we take the land for preparation, they forego one crop and they are compensated for that one crop. It has happened in some cases where they have lost two crops and we are looking at the issues and we will see how to compensate them for their lost crops.

**Ms Deepalsing:** I am afraid I don't think that was the question that I asked. My question was whether the Ministry will enquire about how many planters who have joined the regroupment project whose lands have not - even up to now 2009 - yet even been planted. Therefore, my information is that there are several planters - not only one - who have joined the regroupment project, but their lands have been left abandoned and not even the first crop has been planted and, therefore, this is the second or third year of harvest that they have lost. My question is whether the Ministry will perform a census, an inquiry, about

how many of those there are and how many acreage of land is involved in those kinds of regroupment projects.

**Mr Faugoo:** Mr Deputy Speaker, Sir, initially when we started the project, it was very, very difficult to call the planters to come and join the regrouping project. I must say after two years now, there is a higher demand for regrouping, they want to join in. As far as I know, there is no need for inquiry to be done at the level of the Ministry. As I said earlier, there are in certain cases where instead of one crop, they have foregone two crops. I am not aware of three crops so far, I am going to look into it, but there are not too many. There was always a list of the people who are waiting, but, as I said, our target in April 2008 was 750, in fact, and we did 1,140 hectares, much more than what was targeted within the capacity that we have, Mr Deputy Speaker, Sir. The target for December 2008 was 2,000 hectares and we had completed 2,400, again, an advance of 400 hectares. So, we are moving quite fast and we have a schedule for the coming years up to 2015/2016, as I said, but there are certain flaws, there are certain practical problems which some planters are facing, but I am going to look into it.

**Mr Jhugroo:** As the hon. Minister is well aware, there are many small planters in the region of Holyrood and Henrietta. Is there any demand for regrouping and land preparation in that region, if not, can I know whether these planters will be regrouped?

**Mr Faugoo:** I cannot say offhand, Mr Deputy Speaker, Sir. I need to look into this. I need notice.

### **PARA-STATAL BODIES - FINANCIAL STATEMENTS**

**(No. B/996) Mr M. Dowarkasing (Third Member for Curepipe & Midlands)** asked the Vice-Prime Minister, Minister of Finance and Economic Empowerment whether, in regard to the public finances allocated to the para-statal bodies, he will state the amount in each case

—

- (a) indicating if all of them have regularly submitted their audited accounts, and
- (b) giving details of the financial situation of each of them for the past three years

**Dr. Sithanen:** Mr Speaker, Sir, as the House is aware, Statutory Bodies are required by law to submit their financial statements to the Director of Audit for auditing and thereafter to lay their audited financial statements in the National Assembly.

Insofar as part (a) of the question is concerned, at Appendix IV A and IV B to the 2007/2008 Report, the Director of Audit has stated that as at 12 November 2008 –

(i) 36 Statutory bodies had not yet submitted their financial statements to the Director of Audit. Some of these Financial Statements date back to the year 2004/2005.

(ii) 80 Statutory Bodies had not yet laid their audited Financial Statements before the National Assembly. Some date back to the year 1991 although certified by the Director of Audit.

However, regarding the 36 statutory bodies which had at that time not submitted their Financial Statements, I am given to understand that large majority of them has now already done so.

Mr Deputy Speaker, Sir, regarding part (b) of the question, information on the financial highlights of each of the para-statal bodies for the last three years as well as financial resources allocated to each of them is being compiled. The information will be tabled once the exercise is completed.

To address the issue of late submission of financial statements by Statutory Bodies, Government has prescribed corrective measures by amending the Statutory Bodies (Accounts and Audit) Act under the Additional Stimulus Package (Miscellaneous Provisions) Act 2009 namely -

(i) the preparation by every Statutory Body of an Annual Report that contains among other items the financial statements prepared in

accordance with International Financial Reporting Standards (IFRS) and the report on outcome and outputs, duly signed by the Chairperson and the other members of the Board;

(ii) to provide for disciplinary action by the Board against the officer responsible for not complying with the Act;

(iii) the Director of Audit shall, within five months of the date of receipt of the annual report submit its Annual Report thereon and his audit report to the Board;

(iv) on receipt of the Annual Report including the audited financial statements, and of the audit report thereon, the Board shall, not later than one month from the date of receipt from the Director of Audit furnish to the Minister responsible the Annual Report.

Furthermore, the Financial Reporting Act requires the Chief Executive of statutory bodies listed in the Schedule to the Act to submit, within six months of the end of the financial year, a copy of the Annual Report including the audited financial statements and the audit report thereon, to the Financial Reporting Council.

## **PRIVATE COMPANIES – SECURITY GUARDS – CONDITIONS OF WORK**

**(No. B/997) Mr M. Dowarkasing (Third Member for Curepipe & Midlands)** asked the Minister of Labour, Industrial Relations and Employment whether in regard to the security guards employed by the private companies, he will state if his Ministry has conducted any inquiry on their conditions of work, including contributions to pension schemes and, if so, indicate the outcome thereof and, if not, will he consider the advisability of having such an inquiry carried out.

**Mr Chaumière:** Mr Deputy Speaker, Sir, no specific inquiry has been conducted by my Ministry with regard to the conditions of work of security guards employed by private companies. The terms and conditions of employment of security guards are governed by the Security Guards (Remuneration Order) Regulations as amended. I can apprise the House that whenever a complaint is reported at the level of my Ministry in any sector, an inquiry is conducted and actions as appropriate are taken.

As regards contributions to the pension schemes in respect of this category of workers, I am informed by the Ministry of Social Security, National Solidarity and Senior Citizens Welfare & Reform Institutions that there are 17 private companies employing security guards which are registered with the National Pensions Scheme and paying contributions on behalf of their employees. Officers of that Ministry effect visits periodically (at least once in every six months) to ensure that contributions are being paid regularly and correctly.

**Mr Dowarkasing:** Mr Deputy Speaker, Sir, may I ask the hon. Minister whether he has been apprised of the various complaints that have been registered in the labour offices all around the country regarding the non-regular payment of salaries of security guards and, if so, what measures has his Ministry taken in order to make sure that employees receive their salaries in time?

**Mr Chaumière:** Mr Deputy Speaker, Sir, as I said, we act every time that we get complaints but we don't conduct inquiries sectorwise, I must say, on conditions of work generally, but whenever complaints have been received from individuals on specific issues. For example, I can give details of cases which have been registered. The number of complaints which have been registered is 121; the number of complaints which have been settled is 44; the number of cases which have been referred to court is 2; the number of cases withdrawn or rejected is 3; the number of cases referred to the Workfare Programme is 1 and the number of cases pending is 71.

**Mr Dowarkasing:** Mr Deputy Speaker, Sir, I just want to ask the hon. Minister whether he is aware that many of these companies are recruiting people who are above 60 years old. I would like to know whether this is in accordance with law. Those people who are being employed and who are above 60 years old are not being paid their

contribution to the pension scheme as, I think, they are not legally entitled to it.

**Mr Chaumière:** Mr Deputy Speaker, Sir, if the hon. Member comes with a substantive question, I'll be happy to answer it.

**Mr Dowarkasing:** One of the conditions of employment is that those who are working for these private companies get the proper training. Has the Ministry ensured that all the security officers employed so far have gone through that training?

**Mr Chaumière:** As far as I remember, Mr Deputy Speaker, Sir, this is one of the requirements which pertains to the conditions set up by the Home Affairs for the obtention of a licence. It does not fall under the purview of my Ministry. I think the question should be put to the appropriate Ministry.

### **CEB – WOODEN POLES - PURCHASE**

**(No. B/998) Mr M. Dowarkasing (Third Member for Curepipe & Midlands)** asked the Deputy Prime Minister, Minister of Renewable Energy and Public Utilities whether in regard to wooden poles, he will, for the benefit of the House, obtain from the Central Electricity Board, information as to if they are still being used and, if so, obtain from the Board, the amount of money spent for the purchase thereof in its last three budgets.

**The Deputy Prime Minister:** Mr Deputy Speaker, Sir, I am informed by the CEB that wooden poles are still being used.

The amount spent for the purchase was Rs16.78 m. in 2007, Rs21 m. in 2008 and Rs 19 m. in 2009.

**Mr Dowarkasing:** Mr Deputy Speaker, Sir, I thank the hon. Deputy Prime Minister for his reply. I just want to know whether an overall assessment has been made on the importation of these wooden poles to those which have been manufactured locally and whether we have put in a balance. Being given that the hon. Deputy Prime Minister is responsible for “*Maurice Ile Durable*”, is it proper for a country which wants to forge ahead on the environment to keep on importing wooden poles?

**The Deputy Prime Minister:** Mr Deputy Speaker, Sir, whether you import it or you use local, it is still using forest wood. So, I am not sure where the question takes us.

**Mr Dowarkasing:** No, concrete!

**The Deputy Prime Minister:** The alternative is more expensive; it is more difficult to implement. If you have concrete, it is heavier; it is difficult to put in the forests and the households. We use concrete for high voltage. It is difficult to carry concrete ones near houses. So, there is the question of practical considerations.

#### **VICTORIA HOSPITAL, CANDOS – MORTUARY – UNCLAIMED BODIES**

**(No. B/999) Mr Y. Varma (First Member for Mahebourg & Plaine Magnien)** asked the Minister of Health and Quality of Life

whether in regard to the mortuary of the Queen Victoria Hospital, in Candos, he will state the -

- (a) number of dead bodies found thereat as at August 2009, and
- (b) policy of his Ministry with regard to unclaimed bodies.

**Dr. Jeetah:** Mr Deputy Speaker, Sir, I wish to inform the House that the number of dead bodies at Queen Victoria Hospital as at August 2009 was as follows -

- (i) Stillborn - 25
- (ii) Adults - 6

As regards part (b) of the question, I am informed that in line with the Unclaimed Bodies (Burial Regulations), whenever there are unclaimed bodies, the matter is referred to the police and the latter conducts an enquiry to look for the relatives of the deceased.

In case, the relatives do not turn up, the Health Office of my Ministry undertakes a pauper's burial after necessary clearance has been obtained by the police from appropriate authorities.

I am informed that as at 16 October, 2009, there were no dead unclaimed bodies for adult whilst the number of unclaimed bodies for stillborn stood at 14.

**Mr Varma:** Mr Deputy Speaker, Sir, could the hon. Minister inform the House for how long the bodies of the stillborns have been at the mortuary of Victoria Hospital?

**Dr. Jeetah:** I did request the information myself, Mr Deputy Speaker, Sir; it is being compiled. I can let the hon. Member have the information at a later stage.

**Mr Varma:** I have one more supplementary question, Mr Deputy Speaker, Sir. What is being done with the bodies of these stillborns? The hon. Minister just stated that there are 14, if I heard him correctly.

**The Deputy Speaker:** I heard 25.

**Mr Varma:** 25 as at August, but as at 16 October, the figure went down to 14. What is being done so that the relatives of these stillborns come and claim the bodies?

**Dr. Jeetah:** I can circulate the protocol for burial of unclaimed corpses, Mr Deputy Speaker, Sir. I have a list of activities that have to be carried out.

**The Deputy Speaker:** The hon. Minister can circulate the protocol.

**MON TRÉSOR MON DÉSERT/UNION VALE HOUSING  
ESTATES – INHABITANTS - RELOCATION**

**(No. B/1000) Mr Y. Varma (First Member for Mahebourg & Plaine Magnien)** asked the Minister of Agro Industry, Food Production and Security whether in regard to the relocation of the inhabitants of the Mon Trésor Mon Désert and the Union Vale Housing Estates, he will, for the benefit of the House, obtain from the Mauritius Sugar Authority, information as to where matters stand.

**Mr Faugoo:** Mr Deputy Speaker, Sir, I am informed by the Mauritius Sugar Authority that the inhabitants of the three sugar camps at Mon Désert, Union Vale and Mon Trésor will be relocated to Desplaces, Trois Boutiques and Mémoire, Plaine Magnien respectively.

With regard to the Desplaces site which will accommodate 133 inhabitants, all infrastructural works, i.e. water supply, road and drainage network, have been completed. However, the inhabitants cannot be relocated right now because a cavity has been found on the site during the cut and fill works. A geotechnical study is being carried out under the supervision of the University of Mauritius and the report is expected by the end of November this year. Necessary measures will be taken in the light of the report.

Regarding the sites at Trois Boutiques and Mémoire to be allocated to 23 and 12 sugar camp dwellers respectively, I am advised that infrastructural works for water supply have been completed by the Central Water Authority in May this year.

Tenders for the road and drainage networks have been awarded by the National Housing Development Co Ltd, the Project Manager, in September 2009 for the sites at Trois Boutiques and Mémoire as well as two other sites at Britannia. The contractor has started work on the sites at Britannia and will thereafter commence the works at Trois Boutiques and Mémoire in April 2010 which are expected to be completed by July 2010. I have requested the Mauritius Sugar Authority to follow up on this project to ensure that the works are completed within the scheduled time frame.

**Mr Varma:** I thank the hon. Minister for his answer Mr Deputy Speaker, Sir. As far as the Desplaces site is concerned, can the hon. Minister inform the House when was the cavity found?

**Mr Faugoo:** I don't have the date, Mr Deputy Speaker, Sir.

**Mr Varma:** Can the hon. Minister inform the House whether there is any time frame for the study to be completed?

**Mr Faugoo:** Yes, we are expecting a report by the end of November.

## **LE BOUCHON & MAHEBOURG - INTEGRATED RESORT SCHEME PROJECTS-**

**(No. B/1001) Mr Y. Varma (First Member for Mahebourg & Plaine Magnien)** asked the Vice-Prime Minister, Minister of Finance and Economic Empowerment whether, in regard to the Integrated Resort Scheme projects, he will, for the benefit of the House, obtain from the Board of Investment, information as to -

- (a) where matters stand regarding the one proposed to be implemented in Le Bouchon, and
- (b) if any other Integrated Resort Scheme project will be implemented in Constituency No. 12 , Mahebourg and, if so, where matters Stand.

**Dr. Sithanen:** Mr Deputy Speaker, Sir, I wish to refer the hon. Member to the reply I gave to PQ B/389 wherein I informed the House of the details regarding implementation of Le Bouchon Development, an IRS project in Mahebourg. I am informed by the Board of investment that the project will entail an investment of around USD 338 million and is expected to create over 500 jobs. The project will be implemented over 143 *Arpents* of freehold land belonging to the Sugar Investment Trust and 20 *Arpents* of *Pas Géométriques* leased from Government. I understand that a Letter of Reservation for the 20 *Arpents* has already been granted by the Ministry of Housing & Lands on 25 June 2009.

In view of the level of investment in the project, I am further informed that the BOI has requested for a financial comfort from the

promoters that they have available funds for the implementation of the project.

Once the proof of funds will be submitted, the Board of Investment will issue the Letter of Approval for the project. This comfort is required as some developers have delayed the implementation of their projects across the world due to the financial crisis.

In respect to part (b) of the question, I am informed that there is currently no other similar project in the pipeline for IRS in Constituency No. 12.

**Mr Varma:** Mr Deputy Speaker, Sir, I would like to thank the hon. Vice Prime Minister, Minister of Finance for his answer. Can the hon. Vice Prime Minister inform the House whether the Board of Investment has given a time frame for the production of the proof of fund.

**Dr. Sithanen:** Usually they give a time frame, but I am not very sure on this specific case whether it is three months or less than three months.

**Mr Bhagwan:** I would like to ask the hon. Vice Prime Minister and Minister of Finance whether he is aware that lot of hopes have been given by certain people to the inhabitants of Le Bouchon and whether he could see to it together with his other colleagues that it is after four years

that the inhabitants from Le Bouchon can *trouver inpé la limière*? This is a very special region where there is a problem of land and the SIT has been promising since years, but the project is still “*Anne Ma Soeur Anne*” for these people. Can we ask the Vice Prime Minister to see to it together with his other colleagues as the Budget is coming and we must see action and not only promises?

**Dr. Sithanen:** Mr Deputy Speaker, Sir, the three MP's of the region are looking after their constituencies very well.

*(Interruptions)*

**The Deputy Speaker:** No cross talking please! Thank you.

**Dr. Sithanen:** Mr Deputy Speaker, we have made significant progress, but I think it is a very good initiative that the BOI has taken to ask the proof of funds and once this is furnished, the Board of Investment can start in other fields.

**The Deputy Speaker:** The Table has been advised that PQ Nos. B/1006 and B/1007 have been withdrawn.

## **MINISTRY OF FOREIGN AFFAIRS/EMBASSIES & HIGH COMMISSIONS – ADVISERS – OFFICIAL MISSION**

**(No. B/1002) Mrs D. Perrier (Fourth Member for Savanne and Black River)** asked the Minister of Foreign Affairs, Regional

Integration and International Trade whether he will state if advisers of his Ministry and Advisers of our Embassies and High Commissions have travelled abroad for any specific mission, since January 2009 to date and, if so, indicate in each case the -

- (a) purpose thereof, and
- (b) costs incurred.

**Dr. Boolell:** Mr Deputy Speaker, Sir, I am informed that Mr Raj Virahsawmy, Adviser on Regional Integration of my Ministry travelled to Mozambique from 22 to 28 August 2009 on official mission. The purpose of the mission was to pursue negotiations with the Government of Mozambique and local chiefs for the obtention of 18,500 hectares of land for the production of rice in the Marracuene Province of Maputo, which has been identified within the framework of Government's Cross Border Initiatives.

With regard to part (b) of the question the total cost incurred was Rs81,066.74.

Mr H. Narsinghen, Economic and Trade Adviser posted at the Mauritius Mission to the UN in Geneva attended a Regional Trade Policy Course as Resource person from 08 to 10 July 2009 in Swaziland. All costs of participation were met by the World Trade Organisation (WTO).

Dr. P. Brizmohun, Economic and Trade Adviser posted at the Mauritius High Commission in Pretoria formed part of two trade and investment missions to Mauritius from 02 to 6 March 2009 and from 21 to 22 May 2009 at no cost to Government.

**Mrs Perrier:** Mr Deputy Speaker, Sir, to come again to the case of Mr Raj Virahsawmy travelling to Mozambique to discuss with the Mozambican Government, do we have a High Commissioner in Mozambique? Is it not the duty of the High Commissioner to do this sort of job?

**Dr. Boolell:** Mr Deputy Speaker, Sir, as I have stated, Mr Raj Virahsawmy is Adviser on regional integration and he was mandated by Government to engage negotiations with the Mozambican Authorities and we know the prowess of a commitment by Mr Raj Virahsawmy who, as former High Commissioner to Mozambique, did deliver on promises and we are about to conclude a strategic partnership with our friends in Mozambique. Thank you, Mr Deputy Speaker, Sir.

**The Deputy Speaker:** Time is over.

*At 4.10 p.m. the sitting was suspended.*

*On resuming at 4.43 p.m with Mr Speaker in the Chair.*

## **PUBLIC BILLS**

*First Reading*

*On motion made and seconded the Small and Medium Enterprises Development Authority Bill (No. XVII of 2009) was read a first time.*

*Second Reading*

**THE MAURITIUS LAND TRANSPORT AUTHORITY BILL  
(NO. XIV OF 2009)**

*Order for Second Reading read.*

**The Minister of Public Infrastructure, Land Transport and Shipping (Mr A. Bachoo):** Mr Speaker, Sir, I move that the Mauritius Land Transport Authority Bill (No. XIV of 2009) be read a second time.

This piece of legislation, which I have the privilege to present to the House, constitutes an important milestone in the land transport sector. This Government is bringing about the most important reform in the legal and institutional framework governing the land transport sector. For too long, this reform has been cruelly missing. After due diligence has been carried out, it has been found that we need to revamp the systems currently in place, and create a synergistic combination of the actions of the different departments having a stake in the development of

the sector. Thus, we can have a framework which would be more responsive to the emerging needs, which development of the sector dictates.

The object of this Bill is to provide for the establishment of the Mauritius Land Transport Authority through the integration of the National Transport Authority, the Road Development Authority and the Traffic Management and Road Safety Unit.

Mr Speaker, Sir, for the time being, the relevant public bodies shouldering responsibilities related to transport services and traffic include the NTA, the RDA and the TMRSU. The National Transport Authority was established under the Road Traffic Act as far back as in November 1980, and it became operational on 01 January 1981. The bus transport industry is regulated by the NTA, and the latter grants licences to operate bus routes and it regulates operations as a whole. It is also responsible for the registration, examination and use of motor vehicles.

With the means available, the NTA is exercising its role and its responsibilities. With the introduction of new measures like privatisation of the examination of motor vehicles, reinforcing of smoke emission control, granting of personalised registration numbers, use of reflectorised and security devices in number plates and so on, the existing administrative and legal back-up has to be overhauled.

As for the Road Development Authority, it is a body corporate established by the Road Development Authority Act of 1998. This Authority operates under the aegis of my Ministry. It is responsible for the construction, maintenance and improvement of motorways and main roads, commonly known as classified roads. It is, in fact, the executing arm of my Ministry for the purposes of planning, designing and implementing all road infrastructure development projects. By virtue of its scope of activities, the RDA is represented, among others, on the *Morcellement* Board and the Environment Impact Assessment Committee.

The Traffic Management and Road Safety Unit is the department which advises my Ministry on road safety and traffic management issues. It falls under the Land Transport Division of the Ministry, and it formulates its recommendations in keeping with the provisions of the Road Traffic Act and the associated Regulations. This department has a very determinant role to play in planning proposed developments in the country irrespective of whether such developments pertain to the tourist, manufacturing, residential, industrial and any other sector. Thus, the TMRSU has a say on many boards and committees such as the *Morcellement* Board, the Motor Vehicle Insurance Arbitration Committee, Traffic Committees at all local authorities, Environment Impact Assessment Committee, the Road Transport Advisory Board, the

Technical Committee of the RDA, the National Road Safety Council and the Urban Transport Programme Secretariat.

Mr Speaker, Sir, the present institutional set-up leaves room for improvement despite the goodwill of one and all. Not only is there an ad hoc approach to address problem and consider actions in the field of transport, but also duplication in responsibilities for transport policy-making and action taking. This leads to dysfunctions and procedural obstacles to effective project implementation. With each department functioning as a silo, there is a lack of overall planning to achieve desirable outcomes. The existing organisations adopt conflicting approaches at times, making it hard to develop a clear vision of priorities for action and obstructing the path to policy coherence and uniformity of action. It has been observed that recommendations for improving transport system have often been delayed because of the lack of an appropriate institutional framework.

Mr Speaker, Sir, undeniably, with an improved framework, we shall be able to make better use of the resources which are being injected to uphold the development of the land transport sector, hence Government initiative to come up with a bold measure to create that sort of organisational configuration.

The MLTA will have the following major responsibilities -

- (i) to develop the necessary institutional mechanisms for integrated and coordinated policy formulation and project implementation;
- (ii) to produce a land transport master plan and manage transport resources effectively according to the direction of the Government;
- (iii) to integrate transport policy with the goals of other areas of Government and, in particular, the need of land use planning;
- (iv) to plan, execute and manage all land transport projects, in line with Government policy directions, while ensuring consonance with other Government goals and objectives in areas such as land use, urban development and the environment, and
- (v) to remove duplication and bureaucracy and improve cost efficiency of operations, while ensuring capacity building, especially in terms of transport and management professional skills and competencies.

It is expected that the MLTA will assume an instrumental role in strategic policy development and coordination. The MLTA would handle the transport functions and have the mandate of planning, executing approved projects, and managing transport resources

effectively. The Authority will be administered and managed by a Board, which will consist of stakeholders from all sectors, namely-

- (a) a Chairperson, to be appointed by me;
- (b) a representative of the Prime Minister's Office;
- (c) a representative of my Ministry;
- (d) a representative of the Ministry of Finance and Economic Empowerment;
- (e) a representative of the Ministry of Local Government, Rodrigues and the Outer Islands;
- (f) a representative of the Ministry of Housing and Lands;
- (g) a representative of the Police Force;
- (h) two elected representative of employees, and
- (i) two representatives from the private sector.

According to the provisions of the Bill, the Chief Executive Officer will be appointed by the Board, with the approval of the Minister, on a fixed term performance contract and on such terms and conditions as the Board thinks fit. To ensure transparency and good governance, the CEO will have to submit a declaration of assets with the Chairperson by way of an affidavit. All employees will be under the administrative control of the CEO and will have to submit a declaration

of assets to the CEO. In addition, every employee will have to make a fresh declaration of assets every three years and at the expiry or termination of his employment.

Mr Speaker, Sir, I have referred earlier to traffic congestion as being one of the major problems which are impeding the economic development of the country. In fact, it has become a major drawback in the studies which Government is taking to boost up the economy. It is known that many road projects have been approved to alleviate the problem. Thus, provision has been made in the Bill for a Road Decongestion Programme Fund in order to finance the Bus Rapid Transit System, the East-West Connector, the Harbour Bridge, the Ring Road, the Terre Rouge-Verdun Link Road, and the Verdun-Ebène Link Road and such other projects relating to road decongestion, as may be prescribed. The projects would be implemented on a Build and Operate basis by the Road Development Company. The Road Development Company will ensure viability of the projects and will mobilise grants and concessional financing to make these roads affordable.

These infrastructure improvement projects need massive investment, which even the most affluent nations cannot achieve without the support of private partners. The philosophy behind the creation of the Road Development Company is to take on board potential private partners who are willing to invest in certain Road Projects. The RDC

will operate as a private company and it may embrace development partners. The company will invest and manage Toll Roads.

The RDC would operate as a State-owned Company and would be able to attract high calibre staff and reputable strategic partners. Government would participate in the equity capital of the RDC.

While the RDC together with the strategic partner would administer the new road network on a tolled basis, existing and non-tolled road network would be managed by the MLTA.

Mr Speaker, Sir, in order to ensure transparency, the Bill has made provision for the approval of the Minister of Finance and Economic Empowerment to be obtained by the MLTA to be able to sell or exchange any property or make any donation or borrow any money and also to invest such parts of the funds of the Authority that are not required to meet its liabilities.

The Bill also provides for all the assets and funds of the NTA, the RDA and the TMRSU to be vested in the MLTA and all rights of obligations and liabilities subsisting in favour or against these organisations to continue to exist under the same terms and conditions in favour of or against the MLTA.

Mr Speaker, Sir, in any organisation, the most important single factor is the human factor. Bearing this in mind, my Ministry has had

consultations with the employees' Unions to find the best deal for their movement to the new entity. There is general consensus among all staff members of the three organisations on the principle of the setting up of MLTA. Provision has been made for the employees of the NTA, the RDA and the TMRSU who are employed on a Permanent and Pensionable Establishment to be transferred to the PPE of the Authority on terms and conditions which shall be not less favourable than those of their previous employment.

A Swedish Consulting Firm, namely SIPU International AB has already been appointed to look into the institutional set up of the proposed MLTA. The Consultant will advise on initial aspects of legislation, labour issues, the overall programme for design and implementation of MLTA. He will work at all times in consultation with all key stakeholders, including the RDA, the NTA, the TMRSU, the NTC, the Police, relevant Ministries and Departments and trade unions. Great care will be taken to ensure that at the implementation stage, there is active consultation and participation of one and all. Thus, the process will certainly run smooth. The Consultant will start work on the organisational change at the earliest possible once the Bill is passed. The report is expected to be submitted within 30 weeks from the date of commencement of the consultancy contract.

Mr Speaker, Sir, the MLTA will provide an efficient, cost-effective and people-centered land transport system for the needs of all the sectors of the Mauritian economy and its vision is a people-centered land transport system. The MLTA will plan the long-term transport needs of Mauritius, taking care of those who drive as well as those who use public transport. It will deliver a land transport network that is integrated and responsive to the nation's needs and aspirations. Moreover, it will, in the pursuit of its objectives, cater for a quality environment while making optimal use of our transport measures and safeguarding the well-being of the travelling public. The ultimate goal of the MLTA would be a smooth and seamless journey for all. This Bill will create the legal framework for the accomplishment of this goal.

Mr Speaker, Sir, with these words, I commend the Bill to the House.

**Mr Gokhool rose and seconded.**

(4:53 p.m.)

**The Leader of the Opposition (Mr P. Bérenger):** Mr Speaker, Sir, this morning we had the First Reading of the Small and Medium Enterprises Development Authority Bill and now we have the Second Reading of the Mauritius Land Transport Authority Bill.

At the end of last week, we had a press conference by the hon. Vice-Prime Minister and Minister of Finance who said that the next Budget - to be presented next month - will concentrate in particular on road infrastructure, and small and medium enterprises. I say that I agree - not for the same reasons that the hon. Vice-Prime Minister and Minister of Finance thinks. I agree that these two areas, Public Infrastructure which we are discussing now, Small and Medium Enterprises that we will be discussing probably next week, are two areas where, after more than four years, this Government has been a dismal failure. *C'est un aveu d'échec!* Now at this late hour, with general election next year, Government is trying to hide this dismal failure as far as public infrastructure, especially road infrastructure, is concerned, and the treatment that has been meted out to small and medium enterprises, Government is trying at this late hour to hide this double failure behind these two pieces of legislation. *Trop tard, le mal est fait!* Everybody knows that these two areas - I heard hon. Minister Bachoo talking about traffic congestion - are worse than ever more than four years after Ministers on the other side said '*péna tracas solution dans poche; kouma nou prend*, traffic congestion *fini*. More than four years later, *quel aveu d'échec*, both in the case of public infrastructure, traffic congestion and in the case of small and medium enterprise!

These last few days before and after what the hon. Minister of Finance said concerning SMEs, we had press conferences, we had

articles spelling out *l'amertume des petites et moyennes entreprises*. A lot of bitterness! They have been left behind, and now, at this late hour, *effets d'annonce*. *Effet d'annonce, comme toujours!* More than four years have been wasted! And now *effets d'annonce!* Today, we are talking about public infrastructure, the setting up now through the integration of the National Transport Authority, the Road Development Authority and the Traffic Management and Road Safety Unit, of the Mauritius Land Transport Authority. *Où est la baguette magique qui va tout résoudre?* One more company under the Companies Act, the Road Development Company!

When everything else has failed, now *c'est la fuite en avant, la création d'un* Road Development Company which is supposed to be *la formule magique, la baguette magique qui va réaliser ce que, pendant plus de quatre ans, le gouvernement a été incapable de réaliser en termes d'infrastructures publiques, des routes surtout, le Dream Bridge, the Ring Road and so on à la veille des élections générales*. I personally don't have any problem with the integration of the National Transport Authority, the Road Development Authority and the Traffic Management and Road Safety Unit. If it is a matter of rationalisation, of doing away with duplication we can go along with that. *Ce ne sera pas une baguette magique, une formule magique*, but we can go along with that. But we disagree fully with the setting up of two separate funds,

with the setting up of the Road Development Company and with the procurement provisions that are not to be found in the legislation.

I come to my third point: why two funds? Why a general fund and then a Road Decongestion Programme Fund? Unless there is a hidden agenda, otherwise there is absolutely no reason to have two different funds. We disagree totally with the setting up of the Road Development Authority. The hon. Minister has been very blunt today. I listened to him - if I understood him correctly – and he has been very blunt to say that all the projects under the so-called Road Decongestion Programme Fund are going to be *à péage*. There will be tolls. The six projects, as we know, Mr Speaker, Sir, are the Ring Road, the Harbour Bridge, the Terre Rouge-Verdun Link Road, the Bus Rapid Transit System, the East-West Connector and the Verdun-Ébène Link Road. I believe that it is the first time that we are being told bluntly that all of those six projects are going to be *à péage*. All of them are going to be under the control of the Road Development Company, a company like any other private company registered under the Companies Act. We disagree totally with that, Mr Speaker, Sir. I have said it before and I repeat it here, especially so when we know what procurement procedures apply to companies that are registered under the Companies Act. They do what they want. If they do tendering procedures, they do it the way they want to do it. When I put a PNQ some time back, the hon. Minister finally gave some kind of guarantee that the Public Procurement Act provisions would apply. I see

nothing of the sort - on the contrary! At clause 31 Consequential Amendments, we are today asked to amend the Public Procurement Act so that the Mauritius Land Transport Authority falls within the Schedule. Therefore, the Mauritius Land Transport Authority will have to follow the procedures provided for in the Public Procurement Act. We should have also amended the Schedule to the Public Procurement Act to include the Road Development Company. That would have ended the bluff. We were given the impression by the hon. Minister, when he replied to my PNQ, that this would be so, but this is not so. Clearly, this is not so. We include the Mauritius Land Transport Authority in the Schedule to the Public Procurement Act, but on purpose there is no amendment to include the Road Development Company in the Schedule to the Public Procurement Act, Mr Speaker, Sir. Yet, we know billions and billions of rupees are going to be spent. I don't know how many contracts are going to be awarded between now and the next general election. We will have the opportunity of coming back to that. We are very concerned. We disagree totally as I have said with the setting up of the two funds separately. We disagree with the setting up of a Road Development Company registered under the Companies Act like any other private company, and more than anything else, we disagree with the absence of any amendment in today's Bill to place the Road Development Company like we are placing the Mauritius Land Transport Authority within the Schedule of the Public Procurement Act,

Mr Speaker. What Government at this late hour is doing, as I said, *c'est un aveu d'échec*. I don't think more than four years after the last election, Government will now, through some *formule magique*, the Road Development Company, will solve the problem of road congestion, but we will be very careful. Let not all this time wasted – more than four years - be used as a pretext to give tenders, to give contracts, to give projects left, right and centre between now and the next general election. I am following the situation very carefully, we have seen what has happened already at the Central Electricity Board where tendering procedures, emergency procurement procedures have already been used and abused where billions of rupees have been involved. I understand there are going to be more cases of emergency procurement procedures being used. But in this case - in the case of the Road Development Authority - it is not a question of emergency procurement procedures, there are none at all. It is left under the Companies Act to the Road Development Company to decide whether it will tender out, whether *ce sera de gré à gré*, it is quite frightening, I must say. As a patriot, I am quite frightened. I am shocked by the way, four years have been wasted as far as public infrastructure and congestion and small and medium enterprises are concerned. I am quite shocked, but I am frightened when I see this kind of legislation coming before the House to set up the Road Development Company not including it in the Schedule to the Public Procurement Act. I am very

worried with this resorting to emergency procurement procedures left, right and centre. The road congestion is worse than ever. The small and medium enterprises are crying in the wilderness. Today, the first reading of the Small and Medium Enterprises Development Authority has been moved. We are debating the setting up of the Mauritius Land Transport Authority. Next month, we will be listening to the Budget Speech and taking note of what is provided therein for road congestion and SMEs, as I said, *c'est un aveu de double échecs. Plus de quatre ans ont été perdus et la solution est pire que le mal.* Things are going to get worse and not better with that kind of free-for-all legislation.

Thank you, Mr Speaker, Sir.

(5.07 p.m.)

**Mr S. Mohamed (Third Member for Rivière des Anguilles & Souillac):** Mr Speaker, Sir, I stand up to speak on this Bill that is being proposed by the hon. Minister and I have listened very carefully to the words spoken by the hon. Leader of the Opposition. I must say that I have not at all been surprised by his stance and the words that have been used by him as trying to tell us that he is so frightened and shocked by what he has heard. Each and every time that he stands up, he does stand up and tells us that he is shocked and frightened. He ended his speech by saying that the solution proposed by this Government is worse than the situation that was taking place all this time. It is my duty to stand up to

refute, at least, his words, his ideas. I have listened so carefully, trying to put my ideas together by listening to his words in order to refute them, but while listening to his words, I have realised one thing, namely he has not put forward any solution and it is no surprise. It is of no surprise at all because the fact remains, and that is undisputed by history, that when he was in Government, when he was in charge, nothing was done with regard to small and medium enterprises and nothing was done with regard to road infrastructure. It is so easy to stand up in the Opposition and try to make the population scared, to try to invent some fear when there is none. It is so easy. The fact remains, and the fact that he has talked about small and medium enterprises, to let it be known that since this Government is in power, it has been since then and only since then that small and medium enterprises have flourished. It has been since then and only since then that small and medium enterprises have massively contributed to a massive creation of jobs. That is a fact! Mr Speaker, Sir, the fact is that when the hon. Leader of the Opposition was in power, he did nothing with regard to road infrastructure and now he comes to talk about four years wasted. Is this an admission on his part that his years in Government were wasted years? Because if that is the parallel to be drawn, I would tend to agree with him, that his years were wasted years. He did nothing, now to stand up and come to say that this is wrong and that is wrong, we are hiding behind our failures. As the hon. Prime Minister stated earlier on this morning, I am sorry, certain

people seem to think that elections are tomorrow, some people are in a hurry for general elections to come, each and every time mentioning them, creating a *psychose* that does not exist, only to try to hide their own failure. That is what they are doing. We are going to go on and on, but when one comes to this Bill, what we see and in essence...

*(Interruptions)*

**Mr Speaker:** Order!

**Mr Mohamed:** What is the essence of the Bill? There is a fear on the part of the hon. Leader of the Opposition...

*(Interruptions)*

**Mr Speaker:** Order! Order, please!

**Mr Mohamed:** There is a fear that this may go wrong or that may go wrong, procurement may go wrong, there may be something wrong. But, in actual fact, he has even referred to the situation at CEB, he has described this bad situation at CEB. We all know what is going on there. But has he or any Member of the Opposition, since today, since they talk so much about the CEB, have they taken it upon himself as a responsible citizen to go to the responsible authorities to report any wrongdoing? No! But they will go on and on talking about the CEB situation as though it is a problem, procurement was wrongly done there. There is a big problem, we have to worry about it, the population must

be made aware. I humbly believe that this is only politics that is being played for self-interest and the national issues and the national interests are being given the last seat. This is the methodology of the Opposition. Has the Opposition, instead of criticising, at least, what I call, constructively criticised? No! Have they proposed an alternative? No! Do they have an alternative? No! Could they have an alternative? Of course, not! Why? Because they are lost in this world of trying to create a storm in a tea cup, only in their own political interests. We are talking here, Sir, about political survival, because some people know that the time has come when their survival is in question and it is not a concern of this Government if they are going to be politicking around. What I would like to say with regard to this Bill, is about national issues. Congratulations I would like to say, Mr Speaker, Sir, to the hon. Minister, congratulations to the hon. Minister for having brought this Bill - even the hon. Leader of the Opposition has to agree – and bringing together all those organisations to streamline, what we are trying to do as a nation is what should have been done and what is being done. That is being constructive, that is being proactive and that's why I say this is positive thinking and not being lost in some sort of game. When one looks in the mirror one feels proud that one is talking to oneself. God knows what really is going on in people's minds sometimes. But this is what is constructive, this is what is positive. When one looks at this Bill and one hears the hon. Leader of the Opposition saying why two funds,

the answer is very simple. He just has to read the Bill itself and he will see. Instead of criticising, one should stop and read the Bill.

**Mr Speaker:** No! The hon. Member should not talk in a provocative language. This is provocative language. Does the hon. Member mean to say that the hon. Leader of the Opposition did not read the Bill? Answer his point!

**Mr Mohamed:** I have seen the point.

**Mr Speaker:** The hon. Member cannot say that he has not read the Bill.

**Mr Mohamed:** I am not saying that the hon. Leader of the Opposition has not read, I am saying one should read.

**Mr Speaker:** Don't argue with me, please!

**Mr Mohamed:** I am not arguing, Mr Speaker, Sir, I am saying...

**Mr Speaker:** I am asking the hon. Member not to argue with me. I have said my point. Carry on!

**Mr Mohamed:** I will change what I am saying then, he should read better. What the Bill says with regard to the two funds is very straightforward. There are specific reasons that are referred to in the Bill as to why two funds are being created and they are being provided for. I am sorry, Sir, I believe I have a correct attitude.

**Mr Speaker:** I am sorry the hon. Member is arguing with me again.

**Mr Mohamed:** I am not arguing, Sir.

*(Interruptions)*

**Mr Speaker:** Order! I don't want things to be repeated as it happened last time.

**Mr Mohamed:** Fair enough! So, the reason why the funds are mentioned in there is very simple. It is provided for under sections 19 and 20 of the Bill. Still when you listen to the hon. Leader of the Opposition, it is wrong as though to stand up here to try to refute in a debate. What I am trying here to do, Mr Speaker, Sir, is to refute his ideas, because what I have done is to listen to his ideas. He said that the creation of those two funds are dangerous and because they are dangerous it shocks him and it frightens him. But the hon. Leader of the Opposition has not said how he is frightened, he has not said why he is shocked, he has not said why it is dangerous. He has only said that it may be dangerous. There is a presumption of wrongdoing where nothing wrong has ever happened. There is a presumption on his part and what is his presumption based on? Is there any strong basis that he has brought forward? Nothing! That is my point. What I would like to get at with regard to the Bill, and I would like to try to be constructive, Mr Speaker, Sir, is the following: one issue which I, myself, have found

which I would humbly believe could be considered as a lacuna. I have already communicated that to the hon. Minister. True it is that it is important to have an organisation that takes care of road infrastructure, but in my reading, road infrastructure also includes road safety issues. When one talks of road safety issue, one also talks of the type of vehicles that are on our roads. Recently, there has been a serious road accident involving a motor bus and a lorry where some people have, unfortunately, innocently perished. Some people have been hurt and that is sad. The issues which I would like to get at here is that since this Bill talks about the National Transport Authority as well, I have gone through the legislation that is in relation to the National Transport Authority, the Road Traffic Act. The Road Traffic Act nowhere makes provision for any verification and that may surprise one and all but, in Mauritius, for many years, every single coach builder and body builder of buses, put up buses on bus chassis that are imported but, at no time, has there been any code for the construction of those buses. There has been no safety standard provided for by any regulation or code of practice. Therefore, as it stands today, anyone who just applies for a simple licence to run such a business can without anyone being able to verify whether they have the knowledge and the ability - not even the National Transport Authority - put up a bus body on a chassis. I am of the opinion that there should have been provision made either at section 5 or section 4, for a new section to be added therein that should also

have referred to the promotion, development and implementation of a code of practice for the design and building of vehicles in the automotive industry. This is what exactly the Government of India has done ever since 2007. In 2007, there has been a code of practice that has been implemented and that code of practice is mandatory upon anyone that puts up buses.

As this Bill and as the Road Traffic Act stand, if the Government comes up with a regulation in the form of a code of practice, in the form of a regulation, it would be *ultra vires* to the Road Traffic Act and this Mauritius Land Transport Authority Bill. That's why I humbly propose and suggest that this also should be taken into account.

The Government of India has brought in automotive industry standards, a code of practice for bus body design and approval. And I believe that was an opportunity when coming up with a Bill of this nature to make the necessary changes, to create the space in the Statute to allow the creation of regulations that would bring in the codes of practice for the body design and approval of those designs. In India again, there are another automotive industry standards which are requirements for the building of school buses. Those are standards that are mandatory in India, but we have a huge lacuna in Mauritius. It is possible that all the buses on our roads have been built without any verification, even when tests are carried out as provided for by the Road

Traffic Act and the relevant legislation. It is only the Road Commissioner who asks for certain details pertaining to weight and dimension of vehicles. Even with regard to the Road Traffic Act and public vehicle licences, once again, there are no tests that exist in any of the test centres in Mauritius with regard to road worthiness, crash tests or roll over tests. That does not exist and I believe that those issues urgently have to be brought in. And for no one to be able to challenge it later on, as legislators, I humbly suggest that section 4 or section 5 of this Bill should be amended in order to make provisions later on for such regulations.

Those are, Mr Speaker, Sir, my observations in relation to this Bill. Once again, I would like to congratulate the hon. Minister for having come up with this Bill. I would also like to draw the attention of the House to the Third Schedule of this Bill in relation to the Road Decongestion Programme Fund, the second Fund to be created, and that is specifically with regard to the projects referred to in the Third Schedule. As such, in my mind and in the mind of those who really read very deeply into the Bill, it is clear why there are two separate funds. I am not at all frightened or confused once again because I believe I have read deeply into it.

I thank you, Mr Speaker, Sir.

(5.23 p.m.)

**Mr M. Dowarkasing (Third Member for Curepipe & Midlands):** Mr Speaker, Sir, we are starting this session and, at the centre of our debates, there is a very important topic, that is, land transport and the Land Transport Authority. As a major agency reform, Mr Speaker, Sir, we have no problem to agree upon the setting up of a Land Transport Authority, but I will trend on another path to show that, maybe, we need another means of transport at this point in time, where we are forging ahead with modern Mauritius.

Mr Speaker, Sir, we are talking here of a vehicle park of around 350,000 vehicles in this small island of ours, about one vehicle for every four Mauritian citizen. We are talking here, Mr Speaker, Sir, of about 60,000 vehicles coming in and out of Port Louis either from the South or from the North during the peak hours. We are talking here of an increase of about 4% of new vehicles coming on the road every year, and if we add up to that, the number of reconditioned vehicles coming to this country, the percentage of growth on our roads due to vehicles will be about 6% annually. With such a rate of increase in the number of vehicles on our roads and the absence of clear-cut policies on road worthiness of vehicles, Mr Speaker, Sir, all the infrastructural works that we are undertaking would not serve the purpose in 10 years' time. What I am saying is that this country really needs an alternative means of public transport to solve the problem of traffic congestion. We don't say that we don't have to make the bus way, we don't need the ring road or

the dream bridge. The ring road is a good measure, the dream bridge may be another good measure, but that won't help us in the long run. When we are sitting here, we are looking for 40 or 50 years ahead, Mr Speaker, Sir. If this country today can afford investing Rs22 billion in road infrastructure, half of that sum would have been enough to provide this country with a light rail system, Mr Speaker, Sir. It would have been enough to provide this country with a modern, green, clean mode of public transport. And, on this side of the House, we stand very firm on this proposal, because what is being carried out now in terms of development in infrastructure will be only short term or, at the most, medium term measures. They are not going to be long term measures, Mr Speaker, Sir. We are talking of congestion rates that are being valued financially to be worth of Rs2.5 billion a year. This is what we are losing in terms of congestion rates. Investing Rs10 billion in a Light Rail System will be only an investment which will be covered in four years' time, if we just work out mathematically what we are losing in terms of congestion and investment. Isn't that a worthwhile investment for this country in the long run?

Mr Speaker, Sir, be it a modern or a very modern bus way is not the alternative. It will not change the travelling habit of people. People will keep on using their cars, because they do not have faith in the buses that we have. We have seen that for years. We have tried so many avenues, the Blue Line etc, but it has not worked. People keep on using

their cars to come to the capital. We have seen that by innovating, even by having the best type of buses in the country, has not solved the problem. What we are saying is that LRT has proved, and can change the travelling habit of the Mauritians. This is why we are convinced, Mr Speaker, Sir, that a new mode of public transport is very important.

Having said that, let me come to this Land Transport Authority. Recently, I heard on the media that the hon. Minister stated himself that he no longer trusts foreign consultants, and that we should not have recourse to them. But I think that this measure of setting up a Land Transport Authority is one of the recommendations made in 2006 by Mr Jonathan Richmond. I think the hon. Minister now is blindfolded by all his recommendations, because I see that those 18 recommendations are being taken on board one by one by this present Government. Mr Speaker, Sir, let us see this Land Transport Authority. To support the creation of this Land Transport Authority in 2006, the consultant based himself on the model that we have in Singapore. I have heard that a team from here went to Singapore to study the system, but our system is so different from what Singapore has, Mr Speaker, Sir. Do you know what is the process to purchase a private car in Singapore? It's means tested. Not everybody can buy a car in Singapore. You need to have a licence, and to get that licence is not a very easy thing. You have to prove that you can really run a car. We don't have these systems in Mauritius. How can the experts base themselves on the Singaporean

model and impose it to Mauritius? He had based himself also on stating that we have a lot of discrepancies in the system, in the way we are addressing the issues related to transport. He sustained the Land Transport Authority by stating that we have *ad hoc* approaches and we have duplication in responsibilities for transport policies.

I said it before, Mr Speaker, Sir, that agency transformation is needed for this country. We have seen this when we came up with the MRA and how it is working well now. We only favour such type of development. But what is taking place here with the LTA is that it is just a mere regrouping of authorities. We are not even copying well what Singapore has done, despite the fact that we are paying heavy money, heavy consultation fees to the consultants. We are just taking the NTA, the TMU and the RDA, regrouping them and putting on top of them a CEO. That's it! That's our Land Transport Authority! They will keep doing their business as usual.

*(Interruptions)*

The hon. Minister just said it now! Nothing will change; everybody will stay in his place, no structure will change; we are just going to add another structure on top of three other structures. Are we really coming up with a proper Land Transport Authority or are we just merely regrouping certain authorities? And that reminds me, Mr Speaker, Sir, of the old Ministry of Works? Are we now going backwards to that very

old structure that we had like the Ministry of Works where all these Units were under the Ministry of Works and later on we found out that it is not workable and then created the RDA, created the NTA and the TMU? This is the question we have to ask ourselves. We are not saying that we are against, but are we proceeding in the correct way so that tomorrow we give this country the proper structure it needs?

Mr Speaker, Sir, we see that the RDA is under the Supervision of the Public Infrastructure Section of the Ministry and headed by one Permanent Secretary. The NTA and the TMU are under the supervision of the Land Transport Division which is being headed by another Permanent Secretary in the Ministry. Now, the supervision work will be entrusted by the CEO of the Land Transport Authority. So, what will happen to the Land Transport Division of the Ministry? Is there a *raison d'être* for that Division? We just want to know what will happen to that Ministry. Does the Land Transport Division of the Ministry of Public Infrastructure *a sa raison d'être*? Because, Mr Speaker, Sir, the supervision work will be left now to the CEO. We want to know how things will be, Mr Speaker, Sir. We are talking of infrastructure and whenever we talk of infrastructure we are referring to building of roads, building of bridges. The main issue that crops in here is the land use issue and, up to now, we can say that very few developments have been fulfilled within the provisions of the National Strategic Guidelines 2006, though I believe that those guidelines now need to be updated.

The land issue which is the most important component has been completely left out by this Land Transport Authority. That issue has not been taken on board. It seems that when we are looking at the recommendations made by the consultant, Jonathan Richmond, we missed out one recommendation. He proposed the creation of a Land Use Cum Transportation Action Plan so that tomorrow whatever development we make in terms of road infrastructure need to be abided by a certain action plan and that is not there, and again, we are doing things without proper planification.

Mr Speaker, Sir, let me come to the objects of the Mauritius Land Transport Authority. When you come to the object of the Authority I would like to draw the attention that one of the objects is to construct, care and improve motorways and main roads. I repeat: the object of the Land Transport Authority is to maintain and improve motorways and main roads. I presume when we are talking of main roads, it is about roads classified A and B.

Mr Speaker, Sir, today we have a lot of changes in our road structure; we should admit it. Today, we see that minor roads have become major roads. We have seen that certain roads which were not being used previously now are being used more frequently. The traffic density on certain roads has been increased. I have learnt that it is only in 2006 that we made a revision of the classification of roads. Only one

road was included in the new classification and that was the Shivananda Avenue. Is it not high time when we are discussing this Land Transport Authority that we review our road structure and see which roads now are having an influx of traffic density so that they can be either classified A or B? There is a whole exercise to be taken again.

Mr Speaker, Sir, when we are talking now of motor ways, do we really have motorways in Mauritius? When I go to seek for the technical definition of a motorway, we see that it should be a free flow with no interruption, that is, no in and out movement of vehicles on either side of the road. This is the technical definition of motorways. Are we really having motorways in Mauritius? We don't have any motorways in Mauritius, Mr Speaker, Sir, by the technical definition.

Mr Speaker, Sir, today, if we have a look at our motorway, what they call M1 and M2, and we don't really know how they have classified the M1 and M2....

*(Interruptions)*

This is how it has been done, hon. Minister. Let it be M1 and the other be M2. Then if the next one will come, let it be M3; M1 has a signification and M2 has another signification but, unfortunately, we haven't based ourselves on any of these technical definitions to define our motorways. I must say that we don't have any motorways. We are

talking of road structure. Let's look at the whole structure again! Let's look at it completely!

Mr Speaker, Sir, I would like to raise another point on this issue. We say that this Land Transport Authority will be responsible to maintain only motorways and main roads. Mr Speaker, Sir, what will happen to local traffic measures along unclassified roads and which fall under the purview of the local authorities? I know that today if there is a problem, many hon. Members will knock at the door of the TMU to solve problems related to traffic of unclassified roads. So, now this Traffic Management Road Safety Unit (TMRSU) will no longer exist. It will be under the LTA. Which authority is going to look after the traffic measures of the unclassified roads? It has to be clear because, according to this piece of legislation, the Land Transport Authority will cater only for motorways and main roads. How about those unclassified roads? Who is going to look for security measures on those unclassified roads? Whether we'll need a double yellow line, a single yellow line, a pedestrian crossing here or a traffic light there, who is going to look after that now? We need a reply from the hon. Minister.

The other issue on which I want to talk is the Road Development Company. It seems that we have not learnt from the mistake of the State Trading Corporation. It seems that whatever happens in this country *on ne tire pas des leçons, M. le président*. Now, we are coming with the

Road Development Company, a private company which will be responsible for tendering, appointment, monitoring of projects and even toll. Mr Speaker, Sir, I just want to ask a few questions. How will a private company launch tenders where public funds are involved? *Ce sera du jamais vu; ce sera une grande première probablement pour l'île Maurice!* The question that comes in my mind immediately after this is: are we doing that simply to do away with the Central Procurement Board? The other question is: under the scrutiny of which regulator will the Road Development Company operate? The hon. Minister said that it is going to be under the LTA. How can a parastatal body scrutinise a private company? I need a reply for that. There are so many questions here, Mr Speaker, Sir. Can a parastatal body regulate a private company? We know that the private companies are not even under the scrutiny of this Parliament.

Similarly, Government has plans to privatise the fitness centres. What will be the role of the Land Transport Authority because we know that now the fitness centres fall under the National Transport Authority which will no longer be there? What will happen to those fitness centres? Which authority is going to regulate them?

The other issue I want to come to is about clause 11 which relates to the nomination of the CEO. Of course, I heard the hon. Minister stating that he will be appointed by him, but then when you see this

piece of legislation and the clauses relating to the CEO, there is no clarity as to the qualifications that are being required for the post of the CEO.

*(Interruptions)*

Mr Speaker, Sir, when we go again to the Richmond report, he mentions that we need a very strong executive leadership to head the LTA. He further acknowledges that we have a lack of adequate transport professionals to meet the needs of Mauritius. I believe that when the CEO will be chosen, he will be a professional who will be well versed in land transport issues and road infrastructure.

Mr Speaker, Sir, secondly, the CEO will be appointed on a fixed term performance contract. I highlight the word ‘performance’. This word is very subjective, Mr Speaker, Sir. Who will judge the performance of the CEO? There are so many flaws in this piece of legislation. What will be the cost of setting up this LTA - another Rs50 m. or Rs60 m.? We have already had recourse to a Swedish company despite the fact that the hon. Minister stated that we no longer need foreign consultants. Now, a Swedish company has already been appointed to work out the structure of the LTA. We want to know how much money it will cost - Rs50 m., Rs60 m. or Rs70 m.? It must be something around that figure, Mr Speaker, Sir.

Lastly, let me come to the Bill!

*(Interruptions)*

When I am saying the Bill, I am talking of the piece of legislation that is in front of this House. The hon. Minister stated that it is very innovative, we are going ahead and it is a brilliant piece of legislation. Has the hon. Minister compared the present legislation with the RDA Act? Has he compared the Land Transport Authority Bill and the RDA Act? 80% of the clauses are the same. What innovation are we bringing in? 80%! And the 20% relates only to the funds! This is why we are saying that the way we are forging ahead is totally incorrect. We are not moving ahead in the right direction. It is an important structure that we want to put in, but the way we are rushing into things, unfortunately, will end up in something which maybe will have to be reviewed very soon.

Mr Speaker, Sir, to conclude I will say that we are not against the setting up of a Land Transport Authority. We have said it, but we believe that it could have been done in a much better way. It could have been done in a well-planned manner, keeping in mind all the discrepancies that we have in the system. Again, before the LTA, Mr Speaker, Sir, we need the LRT.

Thank you very much.

(5.48 p.m.)

**Mr G. Lesjongard (Second Member for Port Louis North & Montagne Longue):** Mr Speaker, Sir, we have in front of us, today, the Mauritius Land Transport Authority Bill whose objective is the integration of two authorities and one unit, that is, the National Transport Authority, the Road Development Authority and the Traffic Management and Road Safety Unit.

Mr Speaker, Sir, we agree on the integration of those three bodies because we know that there is too much duplication, but we disagree on other aspects of this piece of legislation. When the Leader of the Opposition intervened, he said rightly - and I will explain why - that this piece of legislation is coming to the House at a very late hour, Mr Speaker, Sir. True it is because we have to go back to 2006 when Government was in the presence of a brief submitted by Mr Jonathan Richmond, a Transport Adviser recruited by the Government of Mauritius whereby in his brief he stated that one of the key proposals submitted to Ministers was the setting up of a Land Transport Authority.

Mr Speaker, Sir, it was through a consensus meeting regrouping, I should say, most of the stakeholders in the transportation sector ranging from contract bus operators, representatives of heavy vehicles, the National Road Safety Council, Local Authorities, the Joint Economic Council, the Ministry of Housing and Lands, Road Development Authority, the NTA, the Police Department, the Traffic Management

and Road Safety Unit, taxi owners, the Ministry of Finance, the National Transport Corporation, Advisers of the Ministries concerned, individual bus operators, the Triolet Bus Service, that recommendations were submitted to Government. One of the key recommendations, Mr Speaker, Sir, was the setting up of a Land Transport Authority, that is, in 2006. Three years later it is then that Government is bringing this piece of legislation to the House, Mr Speaker, Sir. It is also stated in that same report that the time frame for the implementation of that Authority will be one to two years Mr Speaker, Sir. You can imagine that we are in 2009 and the mandate of this Government will end July next year and this Authority will take one or two years to be implemented, Mr Speaker, Sir. True it is that this piece of legislation is coming at a very late hour to this House. When you have a look at this piece of legislation, you can clearly see at clause 5 the functions of the Authority, that is, planning and designing, supervision of the construction or reconstruction of bridges, tunnels, motorways, road construction, highway construction. But when we hear the hon. Minister at the end of his speech you tend to believe that this Authority will just be a regulatory body, Mr Speaker, Sir.

It is amidst a catastrophic, a chaotic situation, Mr Speaker, Sir, in the transportation sector that this piece of legislation is being introduced in the House. We all know the negative impact of traffic congestion on our everyday life. It is today not only unbearable at peak hours, but

even during off peak hours, Mr Speaker, Sir. When you have a look at peak hours, how traffic jam is being taken care of, Mr Speaker, Sir, in an era of advanced technology, during peak hours, we switch off all the traffic lights and we rely only on Police officers to do the job. Over the years one should ask the questions: what have all those authorities been doing, whether it is the RDA, the TMRSU or other bodies dealing with the transportation sector in the country? There has been a lot of studies, as the hon. Minister has stated himself, which, Mr Speaker, Sir, have made estimates, for example, for traffic congestion, we all know that it has been estimated at some Rs2 billion annually.

The economic cost of road accident on a yearly basis is around Rs1.5 billion and on the other side the amount of money spent on a yearly basis for upgrading or maintenance of existing road infrastructure is hardly Rs65 m. Another aspect which we should also take into consideration, Mr Speaker, Sir, is the one related to air pollution. Studies in 2007 have revealed that road vehicles consume some 395,000 tonnes or about 48% of fuel energy, as compared to 31% in the manufacturing sector with regard to emission of carbon dioxide which is a greenhouse gas causing global warming. 8,000 tonnes of CO<sub>2</sub> are emitted, that is, carbon dioxide is emitted on our roads, Mr Speaker, Sir, representing 23% of the total emissions from fossil energy consumption, which is second to power plant in the country which emits around 60%. This is, *je dois le dire, une image bien désolante pour notre pays, M. le Président.*

We should also take note, Mr Speaker, Sir, that the growth of motorisation today stands at some 5.5% on a yearly basis. You can imagine the impact of this growth, Mr Speaker, Sir, on the different sectors, whether it be economic, social or environmental. Without a well developed road network, without an efficient public transport system, you are putting at stake the development in this country. I heard somebody earlier saying that it is stated that this Authority will integrate different aspects, or will bring under one umbrella different aspects of land transport. But it is mentioned also in that report, among one of the recommendations - but which is not being taken on board by this present legislation - is the aspect of land and use planning, Mr Speaker, Sir.

We, as a Government, between 2000 and 2005 brought a superb piece of legislation. *Un projet de loi, une loi avant-gardiste* which was called the Land Development and Planning Bill, Mr Speaker, Sir. Unfortunately, the present Government has put this piece of legislation aside and we all know that land use and transportation development go side by side, Mr Speaker, Sir. What are the policies today in the transportation sector? We should take note that successive Governments over the years have rejected previous established policies and we know for political reasons. Between 2000 and 2005 the Government of that time recommended the Light Rail System as a mass transit option. Today, in this piece of legislation, we do not see any more of the light rail system, but in replacement, we are talking of a Bus Rapid Transit

System. In other words, what we call, the open bus way which is a recommendation in the Halcrow Fox report which was submitted to Government back in 2004. Halcrow Fox recommended firstly the light rail system; secondly the closed bus way and thirdly the open bus way which I stated, Mr Speaker, Sir, is the least favourable option for various reasons. We all know that the main problems with traffic congestion is at the entrance of our capital city and we all know that for years now we have been concentrating on these problems, we have been putting all our energy, all our efforts in trying to solve the problems at the entrance of our capital city. Unfortunately, we have had very little results, but we haven't learnt from those mistakes, Mr Speaker, Sir. Today when you go to the Cyber City where we have under construction a lot of buildings, you will take note, Mr Speaker, Sir, that we have started having severe traffic congestion problems within the Cyber City. I thought that we would have learnt and designed a good traffic system there in order not to have those congestion problems within the Cyber City. Earlier I heard about the town of Highlands. If still there we do not take the necessary measures, we will end up with the same problem in time to come, Mr Speaker, Sir. That is why I am saying that one of the important aspects which was recommended in the report submitted to Ministers was that of land use planning. This should have come in this piece of legislation.

I come to projects that have been mentioned in the Third Schedule of this piece of legislation, that is, the Harbour Bridge, the Ring Road,

the Bus Rapid Transit System. Let me take the ring road. We have been talking of the Ring Road for years now. Government is planning to go ahead with the implementation of the Ring Road which I understand is about some nine to ten kilometres in length but, Mr Speaker, Sir, what is stated is that Government will construct the road into phases. The first phase will be of a length of about 650 metres from Sorèze or Montebello to somewhere in Pailles behind the Domaine Les Pailles. We don't know when we are going to start that second phase which will be the remaining nine kilometres of that Ring Road. What is the point in building only 650 metres of that Ring Road which will be a dead end. It will not be connected, it will not help in solving the traffic congestion problem until we complete the whole of the Ring Road, Mr Speaker, Sir. With regard to the Harbour Bridge or the Dream Bridge, it is estimated at some Rs8 billion over a period of five years. We should not look at a project only from one point of view. There is the environmental aspect of the project, Mr Speaker, Sir. You know the amount of concrete which has to be used in such a project, and also the aesthetic aspect of the project because it will be located at the entrance of our port, at the entrance of the capital city. When we go ahead with all these projects, do we understand that we are delaying or are we cancelling the Light Rail System project? I think the Minister should let us know whether the Government is completely ignoring that project or it will be coming at a later stage. We have also heard the Minister talking about congestion

pricing on those roads. In that report which was submitted back in 2006 to Government or to the Ministers, it was clearly stated that it was a proposal to impose a congestion pricing charge of some Rs100 for private vehicles and Rs200 for freight vehicles with no other restriction on freight movement. Can you imagine, once you come forward with those pricing congestion charges after you have constructed those roads and those vehicles do not go on those roads, what will happen, Mr Speaker, Sir? It is a fact that with this piece of legislation we are addressing part of the constraints that exists in order to find a solution to the traffic problems in the country, but we still have a lot to do in order to bring solutions to the problems that we face in our everyday life, either when we are going to work or otherwise. Mr Speaker, Sir, somebody stated earlier - I think, it is the Leader of the Opposition - the amount of money which is going to be spent for the construction of all these projects which we don't know when we are going to start and whether the estimates that have been put forward or have been mentioned by the Minister are the exact estimates because figures that have been put forward, I think, go back to the beginning of 2006. It might be more today to implement those projects. It is for this reason that I say that we have to be very careful because this is tax payers' money and tax payers' money should be spent well. We all know the impact of traffic congestion and traffic problems in the country. I agree that we should implement some of the projects, but we have to be

careful as to the projects we are going to implement. And I hope that when Government is implementing those projects, we have a holistic approach to solving those problems.

Mr Speaker, Sir, I'll end up here, but I want to point out before ending that this piece of legislation is coming at a very, very late hour. I don't think that with this authority in the months to come, we are going to bring solutions to the problems we are facing in the transportation sector.

Thank you, Mr Speaker, Sir.

(6.10 p.m)

**Dr. R. Mungur (Second Member for Flacq & Bon Accueil):** Mr Speaker, Sir, an elderly was asked to define wealth and he pointed out to a pile of rock. That rock, he said, has no value, no wealth. Break those rocks, make it into aggregates, it has value; take these aggregates, make it into asphalts, it has more value, and take the asphalts, you start building your road network, you will start making wealth for you and for the nation.

Mr Speaker, Sir, our road network is our asset; our road network is our wealth. In fact, it is more than that. Our road network is going to be a wealth producer. Having said that, Mr Speaker, Sir, the same road network has to be managed; it needs to be regulated; it needs to be

maintained; it needs to be improved and, of course, it needs to be resourced. The best way to do it is first the Government commitment through legislative framework, the Government commitment through implementation strategies and policies. Mr Speaker, Sir, I think this is the essence of this Bill. This Bill represents the vision, the objectives and the strategies of this Government; a vision that our transport system needs to be integrated, needs to be responsive.

Mr Speaker, Sir, this legislation means many things to many people. First, let us see what this legislation means to the hon. Members of the Opposition. They have just said those words. This legislation means late hour; this legislation means time wasted; this legislation means that they are shocked and worried; this legislation means *baguette magique* and catastrophe, *la fuite en avant*.

Mr Speaker, Sir, we are losing track. We are talking of modernising a very important vital sector, that is, our road network. While discussing this Bill, let us not forget that this Bill is going to need resources, resources and resources. This Bill should be discussed from a supra-political level. What I was expecting was an array of ideas, but those ideas never came from the bench of the Opposition. There is a very distinguished psychologist, Elizabeth Kubler-Ross, and in her book 'Death and Dying', there is a psychological process that goes on when somebody is about to die or when somebody has been diagnosed with a chronic disease. The first psychological process is denial, then it is

anger, then it is bargaining, then there is depression and then, last, is acceptance. At this moment in time, I get this feeling that, from the bench of the Opposition, they are under the mode of denial and anger.

Mr Speaker, Sir, in this legislation, it is very important to tell what the layman is expecting from this, what is in his mind when this legislation is being brought today. To the common man on the street, this legislation means how to make our roads safer. To his mind, this legislation means that the problem of congestion will be dealt effectively. To the mind of the layman, this legislation means it is going to improve his/her waiting time at the bus stop. To the mind of the common man, this means that his/her journey on the bus or a car should be made pleasurable with, of course, less time. To the mind of the layman again, this legislation means that, whatever complaint that is being registered by him/her, this will be dealt effectively. Mr Speaker, Sir, for this Government, this legislation has a very wide canvas, and the first worrying factor for the Government is: how much resources do we need for the long term growth of our road system? This legislation means to the Government: how are we going to promote and protect public health in terms of pollution, in terms of case fatalities and case casualties? To this Government, the question means: how we are going to manage our current vehicle growth, which is about 5.2%? To this Government, through this legislation, it means: how we are going to manage the dramatic increase in the vehicle ownership and how we are

going to enhance connectivity and traffic flows, how we are going to address and safeguard our environment? Mr Speaker, Sir, we are all worried that our nation can be labelled as a gridlock nation, and this is the preoccupation of this Government. These are things that need to be looked out.

Again, this legislation means how we are going to use technology to diminish our dependency on fuel; what are the other viable alternatives to improve our public transport system and, of course, how to manage our city areas. These are the myriads of questions, Mr Speaker, Sir, that will need very plausible answers and, of course, you will agree with me that these are not easy issues. But, let us not forget that this Government has very strong credential and that credential is to take very hard and difficult decisions when the need is felt. One thing is sure: this Government is not going to postpone what is necessary and what is fundamental. This Government is not going to store up the trouble, and this Government is going to act decisively, because the road transport system is critical to sustain our economy; it is critical to sustain our national growth.

Mr Speaker, Sir, allow me to refer to Robert Zoellick who is the president of the World Bank. I quote -

“As developing countries are facing the trials of the global economic crisis, it is vitally important that economic stimulus

package in the developed world could support developing countries.”

In fact, Mr Speaker, Sir, the World Bank has two Funds. First, they have the Infrastructure Recovery Asset Fund (INFRA), which has a budget of nearly 45 billion dollars. There is a second Fund, which is called the Infrastructure Crisis Facility Fund which, again, has a budget of about 10 billion dollars. Mr Speaker, Sir, because of its inbuilt resilient economy, this Government did not resort to these Funds, because we have learnt one thing for the past four and a half years. We have learnt from the past that wealth lies in our own backyard. We did not hesitate to push the button, we did not hesitate to pour massive resources to rejuvenate our road network through the Additional Stimulus Package Bill and through the Transitional Bill of 2008/2009, because of all the effects that it has right from environment to public health, economic and social.

Mr Speaker, Sir, the transport sector, at the macroeconomic level, accounts for 6% to 10% of GDP and at the microeconomic level, it accounts for an average of 10% to 15% of household expenditure. Hence, this legislation, Mr Speaker, Sir, can neither be undermined, negated nor neglected. This Bill has been prepared pursuant to Government Programme 2005-2010. It has been designed to bring about a fundamental restructuring in terms of integration, strategic actions and long-term focus. It is a very clear indication, Mr Speaker, Sir, of our

political commitment at the highest level to bring about cohesiveness, efficiency and effectiveness in the road sector management.

This Bill, Mr Speaker, Sir, is a very strong statement of purpose. It spells out the road map for this Government; it spells out the plan, policies and strategies for a viable, strengthened land transport system. 16 specific interdependent and interconnected functions right from planning, designing, constructional land transport infrastructure to the collection, analysis, interpretations and the dissemination of relevant information. And it goes as far as research, Mr Speaker, Sir, just to ensure the safety and personal security of our road users.

Mr Speaker, Sir, at the end of December 2008, just over 350,000 vehicles had been registered at the NTA. This represents a net increase of 5.2% as compared to the end of 2005. This current vehicle growth rate of 5.2% - I can say it is about 3% in Singapore and 20% in China – represents an increase of 17,000 vehicles on our roads each year.

Mr Speaker, Sir, with the rising affluence of the average Mauritians, it stands to reason that not only Mauritians will be owning more cars, but they are going to use it more intensively. And the big question is: is our current vehicle growth rate of 5.2% compatible with our existing road network? How shall we address the growing traffic problems in terms of congestions and road traffic fatalities? These questions, Mr Speaker, Sir, will, of course, be addressed headlong. We

shall find out realistic, doable, achievable, intelligent and affordable transport solutions. This is our promise to the nation.

Mr Speaker, Sir, one “Time” magazine writer wrote that we go on building additional new roads and lanes. This is going to attract more traffic and congestion soon will return. In fact, he says that traffic is like water, it oozes across all the available surfaces. How true it is, Mr Speaker, Sir, but it does not mean that Government should stop investing in road network.

Mr Speaker, Sir, this Government has made unprecedented investment ever undertaken by any Government in land transport. I say it again, Mr Speaker, Sir, this Government has made unprecedented investment ever undertaken by any Government in land transport. If they want to prove me wrong, they can do it. This is the message and this is the underlying tone of this Bill. The pace of road expansion is being stepped up rapidly and vigorously. The bus corridor, Mr Speaker, Sir, will be given a rethink that will help us to improve the journey time, the average bus speed, frequency of bus services and a long waiting time.

Mr Speaker, Sir, we are already paying congestion not with our wallets but with time. We are losing and stuck in traffic gridlocks. I believe we need to introduce the electronic pricing system to manage our traffic and congestions. Megacities like London, Stockholm and Milan

have done so and other countries are considering. We need to consider the introduction of the ERPs. It may be a very short-term pain no doubt, but definitely, it will be a very long-term gain for the nation.

Mr Speaker, Sir, we need to save energy. All traffic lights, the old style incandescent halogen lamps need to be replaced by Light Emitting Diodes. I believe that this should be taken on board and for that we don't need strategies and Action Plans, we just have to decide and to do it. We are lagging behind, Mr Speaker, Sir. Many cities have already committed to convert the downturn street lights to LED and solar energy. In Australia, the LED street lights will be the main technology for the coming five to ten years. I understand that the Light Emitting Diodes have already been installed in sensitive areas like Place D'Armes. We can only wish that such healthy undertakings be spread all over the island. To do that, we might, Mr Speaker, Sir, come with a very structured, sustaining public lighting initiative plan. Under this plan, the solar energy can be harnessed for traffic management system like the solar traffic signs, solar street lighting, car parks and why not all the public areas.

Mr Speaker, Sir, road traffic accident is the biggest challenge in front of us. Our fatality rate per hundred thousand populations for the year 2000 was 14.2% and for 2005 it is about 13.6%. It means that just above 160 deaths on an annual basis. It means also, Mr Speaker, Sir,

that one Mauritian is a victim every second day due to road traffic accidents. And the reasons are mainly right from human errors, mechanical defects, infrastructural defect and high vehicle growth rates. Proactive measures, I believe, Mr Speaker, Sir, need to be enforced and strengthened. Road safety audit and hazardous road locations, road safety projects and accident trend analysis needs to continue. This Bill will give, of course, a very new impetus to all these proactive measures.

Reactive measures like the black spot programmes need also to be identified more aggressively to reduce the number and the severity of the road related accidents. Hopefully, Mr Speaker, Sir, this Bill can serve a trigger for road safety plan of action which will be based on five ‘Es’. The number one ‘E’ is encourage; we need to encourage coordination and participation with all stakeholders. We need to educate and to inculcate the correct mindset for road and road behaviour. We need to use enforcement to make our road safer and emergency preparedness should be the fourth ‘E’ that needs to be taken into consideration in terms of swift medical intervention. Of course, the last ‘E’ is engineering. We will need to continue to plan and design safe road infrastructure.

Mr Speaker, Sir, let me conclude that this Bill is all about integration and coordination. It is about strategic directions, long-term

focus and, above all, saving life. This Bill is not a finality on its own, but this is our cherished vision to make our land transport system responsive and sustainable.

The Mauritius Land Transport Bill is the first step to a journey of thousands miles, a classy transport system. Let me congratulate the Minister for bringing out this Bill and the Government for this resourceful Bill.

Thank you, Mr Speaker, Sir.

**Mr Gunness:** Sir, I move that the debate be now adjourned.

**Mrs Labelle** rose and seconded.

*Question put and agreed to.*

*Debate adjourned accordingly.*

## ADJOURNMENT

**The Deputy Prime Minister:** Sir, I beg to move that the Assembly do now adjourn to Tuesday 27 October 2009 at 11:30 a.m.

**Mr Bachoo** rose and seconded.

**Mr Speaker:** The House stands adjourned.

## **MATTERS RAISED ON ADJOURNMENT**

**Mr Speaker:** There are eight hon. Members who want to intervene at Adjournment time. I hope they are going to be short. Hon. Mrs Labelle!

### **GLEN PARK – ROAD HUMPS**

**Mrs F. Labelle (Third Member for Vacoas and Floreal):**  
 Thank you, Mr Speaker, Sir. I am going to be very brief indeed. I would like to raise a matter regarding difficulty being faced by the inhabitants of a small agglomeration in my constituency called Car Tickfine in the region of Glen Park. This region has a very narrow road and there is an increasing number of vehicles going through this region, particularly there is a garage in this region. The inhabitants have made several requests for road humps to be placed to avoid accidents. May I request the hon. Minister if he could look into this matter so as to alleviate the problem and to avoid serious accidents in this region? Thank you, Mr Speaker, Sir.

### **CAMP FOUQUEREAUX/ALMA - WATER SUPPLY**

**Mr S. Dayal (Second Member for Quartier Militaire & Moka):**  
 Mr Speaker, Sir, I have received lots of representations by my constituents regarding the erratic supply of water in the constituency.

This is throughout the year. I understand that from Camp Fouquereaux to Alma the pipe is supposed to be replaced by trunk main and this is to the tune of 175 m. but still awaiting fund. The pipe from Camp Fouquereaux to Alma is made of asbestos and is very old and burst out every now and then which causes lots of hardships to the people of the constituency and, on top of that, the Alma Reservoir can contain a capacity of 1000m<sup>3</sup> of water, which is not sufficient. It should be around 1500 m<sup>3</sup> and at Alma hill it is 680m<sup>3</sup> which is insufficient and a construction of a new reservoir is imperative and will cost some Rs20 m. My request will be to the hon. Deputy Prime Minister if he can look for the fund, because this is creating lots of hardships and this throughout the year; not only when the reservoirs are full in the country, but any time. My colleagues and myself regularly receive lots of complaints regarding this problem.

There is also the problem of water distribution. A timetable has been imposed, but it is not being respected, that is, when water is released and when it has to stop. People experience really lots of difficulties and, as I said, the volume of water cannot be increased because the pipes are old and burst out any time. Therefore, my urgent plea to the hon. Deputy Prime Minister is that the Budget is coming, if he could attend to this problem the soonest possible. Thank you.

**The Deputy Prime Minister:** Mr Speaker, Sir, I am fully aware and conscious of the problem and we will try to find a solution as quickly as possible.

### **CHA & EDC HOUSING ESTATES - SALE**

**Mr C. Sayed-Hossen (Fourth member for Montagne Blanche & GRSE):** Mr Speaker, Sir, I would like to bring to the attention of the hon. Minister of Housing and the Minister of Finance two issues related to occupiers of CHA and EDC housing estates. The House will remember that in 2007 a law was passed to sell the pieces of land on which stand these houses. Unfortunately, in quite a number of cases, the formal transfer has not been effected yet because the land still belongs to sugar estates and the transfer from the sugar estates to Government has not been effected yet. In this respect we have two issues. Firstly, we have a number of occupiers of these CHA and EDC houses who have settled their rentals, arrears, in case there are arrears, who have paid the Rs 2000 which they were requested to pay plus costs, but who have not yet become owners of the house because the formal transfer cannot be done. My first request would go to the Minister of Finance that, in these cases, where occupiers have paid rental, arrears, dues and costs etc, henceforth, rental be not charged to these families, that it be considered that they

have purchased and that they be not made to pay rental until such time as the situation is regularised.

The second issue relates still to the same housing units. In many cases, these houses have been damaged with time or are in a fairly derelict state with leaking roofs and falling walls. But again these occupants cannot have the houses repaired, cannot have the houses pulled down and built again because they cannot have a building permit to do so as they are not legal owners of the land for the reasons that I have mentioned just now.

My request would go to the Minister of Housing that, in these cases, again where all dues, arrears etc have been paid, that they be given the authority via the respective local authorities, municipalities or district councils, to rebuild or to repair the houses.

Thank you very much, Mr Speaker, Sir.

**The Deputy Prime Minister:** Mr Speaker, Sir, I will communicate this request to the Minister concerned.

## **OLLIER/ANTELME/BERTHAUD REGION – WATER SUPPLY & SEWERAGE**

**Ms. K. R. Deepalsing (Third Member Belle Rose & Quatre Bornes)**

Thank you, Mr Speaker, Sir. I have very briefly two issues that concern the Deputy Prime Minister. The first one is about shortage of water also in my constituency and, in particular, on the day of Divali, I was bombarded by phone calls and I had to really manage a lot of other areas in my constituency where there was no water. In fact, I thought the people were calling me to wish me happy Divali which was not the case. They were looking for water. I would like to ask the Deputy Prime Minister to see to it that in the future for any festival, whether it is Divali, Eid or any other festival, that there is an anticipation and a management of water resources. We know that on those days water consumption is going to be peak and higher than normal. I think we should manage the water resources in a way where on special occasions, festivals in this country, where people will consume more water, that this issue is managed and anticipated properly. That is the first thing. But the situation continues, and I would like to ask the Deputy Prime Minister to see what can be done in order to have better water resources in the constituency, especially in the Ollier/Antelme /Berthaud region.

The second issue, Mr Speaker, Sir, relates to waste water works in my constituency, spanning from the whole of *Vieux Quatre Bornes* with *Avenue Labourdonnais/ Bernardin de St Pierre, Avenue Naz* going all the way to *Avenue Berthaud/Antelme*. All of these areas are living a real *calvaire*. A real *calvaire* with total disorder with waste water works that

are going on in that area with the dust and the inhabitants are getting really angry about the recurrent coming and going of the workers. They have to do the drill apparently three times and this is causing a lot of inconveniences to the inhabitants of that area.

I would make a plea to the Deputy Prime Minister - I know the work has to be one in order to have this connection made - to increase the public relations with the inhabitants, to have not just one-off, but regular meetings with the inhabitants to inform them what is going on, and to also have a platform so that the inhabitants can interchange with either the contractors or people of the Wastewater Management Authority in order to vent their feelings. If the Deputy Prime Minister could kindly see to that. Thank you.

**The Deputy Prime Minister:** Mr Speaker, Sir, I think the two points that have been raised are important and I wish to make some clarifications. It is about two months now since we have instituted a national plan to deal with emergencies, day and night, whatever be the time of the year, whether festival or not. The six units are supposed to function 24 hours a day with someone in charge. Unfortunately, what cannot be predicted are burst pipes and in Quatre Bornes especially, we have lots of burst pipes due to high pressure unfortunately and this was one of the problems. The next - and I would appeal to the House – is that

we are going to have shortage of available water in the months to come. The reservoirs are less than the average for this time of the year.

I would make an appeal to each and all as we are going to start the save water campaign so that each and everyone understands that those who get 24-hour water are not going to get it and that they should not complain when it is reduced.

For the second one, I take note, and we have already discussed about the problems created by wastewater in this House. We do have a unit - I can communicate to the Members the names of those who are responsible to do the public relations - and I asked for a meeting. Unfortunately, it did not take place due to absences or non availability. But I will make sure that it is made known, and people can meet on a regular basis.

Thank you.

#### **CITE LA BRASSERIE, CUREPIPE - DRAINS**

**Mr M. Dowarkasing (Third Member for Curepipe & Midlands):** Mr Speaker, Sir, the issue that I want to raise concerns the hon. Minister of Local Government. Actually, the Municipality of

Curepipe is constructing drains in Cité La Brasserie, Curepipe. I have drawn the attention of the Supervising Officer of the Council about the poor state of the work that is being carried out there. I have even written to the Ministry to draw the attention of the hon. Minister on the status of the poor quality of work that is being carried out by the contractors there and, up to now, I don't see any measures that have been taken at Cité La Brasserie, Curepipe. I am just tabling here a set of photos that speak for themselves, Mr Speaker, Sir. I do hope that remedial actions will be taken to correct the poor quality of drains that are being constructed in Cité La Brasserie. Government is spending some Rs5 m. on these drains.

Thank you.

**The Minister of Public Infrastructure, Land Transport and Shipping (Mr A. Bachoo):** I will communicate this information to the substantive Minister.

## WATER SUPPLY - SHORTAGE

**Mrs D. Perrier (Fourth Member for Savanne & Black River):**  
 M. le président, je voudrais soulever deux problèmes en particulier. Le premier, comme plusieurs d'autres collègues avant moi ont soulevé, concerne le problème de l'eau. J'ai aussi, dans ma circonscription, eu le même problème que les autres et je suis d'accord, avec l'honorable Deerpalsing qui dit qu'il devrait y avoir une meilleure planification,

spécialement quand on sait qu'il y aura des festivités où l'eau a une importance capitale afin que la festivité se passe d'après la coutume. Mais, en dehors des festivités, il y a aussi un problème d'approvisionnement d'eau régulièrement à Rivière Noire. J'ai presque toutes les semaines l'obligation d'appeler la CWA pour avoir des citerne pour alimenter les maisons.

Avec le problème de la pandémie de la grippe H1N1, le ministère de la santé a demandé aux écoles de faire très attention à l'hygiène et a demandé à prendre des mesures strictes, où l'eau est encore une fois une denrée capitale pour pouvoir respecter les critères d'hygiène pour les enfants, les écoles de la région n'ont pas d'eau. J'ai ici une lettre qui a été envoyée par une garderie/école maternelle. Malheureusement, comme ils avaient eu la communication du ministère de la santé par rapport à ce problème d'hygiène avec la grippe H1N1, ils ont envoyé la lettre au ministère de la santé. Je vais la déposer sur la table de l'Assemblé, mais j'ai demandé au responsable d'envoyer une copie au ministère concerné. C'est un problème qui concerne surtout le ministère de *Public Utilities*. Donc, c'est au ministère de *Public Utilities* de résoudre ce problème de *shortage of water supply* dans la circonscription.

## **QUATRE BORNES – MUSLIM CEMETERY**

Le deuxième problème ne concerne pas ma circonscription, mais je me fais ici le porte-parole des habitants de Quatre Bornes, plus particulièrement de la communauté musulmane de Quatre Bornes qui a fait depuis plusieurs années une requête pour un terrain pour un nouveau cimetière. C'est un problème qui est en train de tourner et retourner ; ils ont fait trois visites, et ils n'ont pas eu de réponse. J'espère que le problème est réglé.

*(Interruptions)*

Tant mieux si le problème est réglé ! Mais, en tout cas, ils m'ont demandé de soulever le problème à l'Assemblé, parce qu'ils avaient reçu trois visites, avec trois options différentes, et puis plus rien.

Merci, M. le président.

**The Deputy Prime Minister:** Mr Speaker, Sir, I'll do better than that. I hope I will get the Communication Adviser tomorrow to get in touch with the hon. Member and sort out the problem at the school level and the district level.

As to the second, I don't think we should make any quarrel or politics about the cemeteries. It is done already. So, I don't think we should talk about it further.

## **PORT LOUIS NORTH & MONTAGNE LONGUE - BUS SHELTERS**

**Mr G. Lesjongard (Second Member for Port Louis North & Montagne Longue):** Mr Speaker, Sir, I think the matter which I am going to raise concerns the Ministry of Public Infrastructure or the National Development Unit.

Mr Speaker, Sir, for some time now, the Ministry concerned has constructed bus shelters on the various bus routes in Constituency No. 4, for example along Terre Rouge road, Montagne Longue road and at specific stops like Notre-Dame, Bois Pignolet, Montagne Longue, to name some. But, unfortunately, these bus shelters have been constructed on pavements. We all know that a pavement is constructed to provide for the safety or accommodation of pedestrians. The provision of proper and sufficient footpath is required to make provisions for what I have mentioned above.

When we have a look at those bus shelters which have recently been built, Mr Speaker, Sir, like I said earlier, they are built completely on the pavement. I understand that the normal practice, when Government wants to construct a bus shelter, is that either Government acquires land by purchasing land following the normal procedure or by compulsory acquisition and creating a lay-by to house the bus shelter for

safety reasons. I note with concern that the construction of such shelters on pavement represents a source of danger to pedestrians because when there are people waiting for the bus, those who walk close to the bus shelter have to go on the road side, thereby exposing themselves to danger. I would request Government to eliminate that source of danger by removing those bus shelters found on pavements and getting them constructed on lay-bys.

**The Minister of Public Infrastructure, Land Transport and Shipping (Mr A. Bachoo):** Mr Speaker, Sir, in fact, the hon. Member himself was Minister of Housing and Lands, and he knows the difficulty that one encounters in order to get a plot of land. These are highly residential areas, and it is next to impossible for us to move for acquisition of land. So far, I have not received any complaint from anyone of that region. I'll look into the issue over again.

## **BLACK RIVER - FIRE STATION**

**Mr A. Ganoo (First Member for Savanne & Black River):** Mr Speaker, Sir, I wish to raise an issue which concerns the Minister of Local Government. Unfortunately, he is not around, but I am sure the hon. Deputy Prime Minister will take note of my request. I have received several representations from my constituents for the setting up

of a fire station in the region of Black River. Mr Speaker, Sir, as we all know, this area is fast developing. With the recent developments that have taken place in terms of new commercial, touristic and even residential development, the IRS, the RES, the new hotels and so on, it is a matter of urgency to set up a fire station in Black River now. The nearest fire station is at Quatre Bornes. You can imagine, Mr Speaker, Sir, from Quatre Bornes, especially during peak hours, to go to Palma, Le Morne or La Gaulette, especially with the humps, how much time does it take. The other fire station at the other southern tip of the island is at Rivière des Anguilles, as you should know, Mr Speaker, Sir. Therefore, I am appealing to Government, to the hon. Deputy Prime Minister to convey the urgency of this matter to the Minister concerned, to set up as urgently as possible a fire station, which would provide fire services in that area which is fast developing.

Thank You.

**The Deputy Prime Minister:** I will certainly, Mr Speaker, Sir.

*At 6.52 p.m. the Assembly was, on its rising, adjourned to Tuesday 27 October 2007 at 11.30 a.m.*

**Debate No. 25 of 20.10.09**

**WRITTEN ANSWERS TO QUESTIONS**

**POLICE ASSISTANT SUPERINTENDENTS – APPOINTMENT**

**(No. B/939) Mr S. Lauthan (Third Member for Port Louis Maritime and Port Louis East)** asked the Prime Minister, Minister of Defence & Home Affairs whether, in regard to Police Officers in the grade of Assistant Superintendent of Police and above, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to (a) their respective (i) date of appointment and (ii) posting and (b) the number of vacancies that presently exist in each grade.

**Reply:** The information asked for by the hon. Member is available from official sources such as the budgetary estimates, the Civil Establishment Order, and the staff list.

Regarding specifically the questions of (a) (ii) posting and (b) the number of vacancies that presently exist in each grade, may I point out

that posting is the sole prerogative of the Commissioner of Police, while the number of vacancies, which exist and which need to be filled to meet the exigencies of the service, is a question which also concerns the sole prerogative of the Commissioner of Police in his day-to-day management and administration of the Police Force. May I add that the Minister responsible for the Police Force, under the Police Act, is only concerned with policy matters and not with the day-to-day running of the Force.

However, it is my understanding from the Commissioner of Police that the exercise for the filling of vacancies is actually in the process of being finalised.

#### **MOTORCYCLISTS – LOUD NOISES - EMISSION**

**(No. B/940) Mr S. Lauthan (Third Member for Port Louis Maritime and Port Louis East)** asked the Prime Minister, Minister of Defence & Home Affairs whether he is aware that some motorcyclists modify the silencers of their motorcycles thereby emitting loud noises when being run and, if so, will he, for the benefit of the House, obtain from the Commissioner of Police, information as to the actions taken in relation thereto.

**Reply:** Emissions of loud noises by vehicles are regulated under regulation 45 of the Road Traffic Regulations 1954.

Furthermore, the Road Traffic (Control of Vehicle Emissions) Regulations 2002 stipulate that the maximum permissible noise level in respect of motorcycles is 83 decibel. Exceeding this level of noise is an offence. A person contravening this provision of the law is liable to a fine not exceeding Rs 1,000.

There is a tendency for some motorcyclists to deliberately modify the silencers of their motorcycles to emit loud noises. There is no specific provision in the law which requires the owner of a motorcycle or autocycle to seek prior authorization before any modification is made to the silencer. However, Police take action against such persons under the Road Traffic Regulations 1954 for inefficient silencer.

Since January to 15 October 2009, 117 autocyclists and 85 motorcyclists have been booked for inefficient silencer.

The maximum fine for such an offence is Rs 10,000 and a term of imprisonment not exceeding one year.

I am informed that the following measures are being taken to prevent vehicles, including autocycles and motorcycles, to run with inefficient silencer:-

- (i) establishing contravention through road blocks or by Police Officer on mobile or foot patrol,

- (ii) issuing Prohibition Notice by the National Transport Authority in respect of the vehicles which emit noise level above the permissible limit; and
- (iii) sensitisation and education campaign by the “*Police de L'Environnement*”.

## **MBC – BUILDING - COMPLETION**

**(No. B/946) Mr S. Soodhun (Fifth Member for La Caverne and Phoenix)** asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to the new building project of the Mauritius Broadcasting Corporation, at Réduit, he will, for the benefit of the House, obtain from the Corporation, information as to where matters stand, indicating the scheduled date for the transfer of the operations of the Corporation thereto.

**Reply:** I am informed by the Director-General of the Mauritius Broadcasting Corporation that around 70% of the construction works of the new building have been completed. The expected completion date of the project is April 2010.

I am further informed by the Director-General of the Corporation that the process for the transfer of the operations of the Corporation will be initiated upon the handing over of the new building, the procurement and installation of some new items of equipment besides the existing ones and after completion of such infrastructural works as security fencing and access road.

### **CARDINAL JEAN MARGEOT – TRIBUTE**

**(No. B/947) Mrs M. Martin (Second Member for Curepipe and Midlands)** asked the Prime Minister, Minister of Defence and Home Affairs whether, following the demise of Cardinal Jean Margéot, he will state if he will consider the advisability of setting up a national committee to look into the possibility of honouring his memory.

**Reply:** The passing away of Cardinal Jean Margéot on 16 July last was a great loss to our nation. As I myself mentioned in one of my statements in the wake of this sad event “A giant has passed away”. In fact, the contribution of late Cardinal Margéot on the educational, social and religious fronts since the post-independence period cannot be overemphasized. This is why upon hearing the news of his demise, I immediately took the decision to organise a state funeral and declared three days of national mourning.

I wish to inform the house that in the course of the month of September, I had a meeting with the Bishop of Port Louis, Monseigneur Maurice Piat, and we discussed, *inter alia*, activities that may be organised and projects that may be implemented with a view to paying tribute to the memory of late Cardinal Margéot.

During our discussion, I was made aware of the proposed project of “l’Evêché de Port Louis”, for the setting up of a “Cardinal Jean Margéot Institute” with the objective of imparting training and promoting research in specific fields geared towards human development. I was further informed that the “Diocese de Port Louis” has set up a Cardinal Jean Margéot Foundation which would be responsible for securing financing for the project. I have given the assurance to Monseigneur Piat that Government will look favourably to the listing of the Cardinal Jean Margéot Foundation as an approved NGO so that it is eligible for financial support.

#### **MBC – FILMS – PURCHASE**

**(No. B/948) Mr R. Bhagwan (First Member for Beau Bassin and Petite Rivière)** asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to the purchase of films, since July 2005 to date, he will, for the benefit of the House, now obtain

from the Mauritius Broadcasting Corporation and table information as to the cost thereof, indicating if commissions have been paid in relation thereto and, if so, indicate the (a) name of the beneficiaries (b) amount disbursed and (c) when.

**Reply:** Following the reply I made to PQ B/535 on 16 June 2009, the information relating to expenditure incurred for purchase of rights of films for the period 01 July 2000 to 16 June 2009 has been placed in the Library.

I am informed by the Director-General of the MBC that for the period 17 June 2009 to 30 September 2009 an amount of Rs 9,537,666 has been spent for the purchase of rights of films.

I am also informed by the Director-General of the MBC that from records available, there is no indication to the effect that the Corporation has paid any commission in relation to the purchase of rights of films.

#### **GRAND' BAIE POLICE STATION - MR J. M. R. --ARREST**

**(No. B/949) Mrs F. Labelle (Third Member for Vacoas and Floreal)** asked the Prime Minister, Minister of Defence and Home Affairs whether he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if, on 24 September 2009, at

about 1100 hours, one Mr J. M.R. was arrested by the Police Officers of the Grand' Baie Police Station and, if so, the reasons therefor.

**Reply:** I am informed by the Commissioner of Police that at around 1025 hours on 24 September 2009, two Police Officers from Grand Bay Police Station accompanied two Court Ushers of the Intermediate Court to the Office of Libellule Tours at Royal Road, Grand Bay with a view to executing a warrant of "Giving Possession of Tenement" against one Mr K. A. J. , the tenant of the premises in favour of the owner, Mr J. R.

According to the Police report, Mr K. A. J was not present and the two Court Ushers were discussing with two employees of Libellule Tours when Mr J. R. started to insult the Court officers, accusing them of incompetence. Mr J. R. then entered the office, damaged several articles with a hammer and threw them on the road, thus causing obstruction. Mr J. R. was called to order by the Police Officers but he did not pay heed. Additional police assistance was sought from Grand Bay Police Station. At some point in time, Mr. J. R. pushed one of the Police Officers and the latter fell on the ground and got injured. The other Police Officers present on the spot tried to arrest Mr. J.R. but he resisted and attempted to escape. The Police Officers pursued him and caught him. However, he resisted further and struggled with the Police

Officers. The latter ultimately managed to overpower him. They arrested him and brought him to Grand Bay Police Station.

The following offences were reported against Mr. J. R. -

- (i) "Obstructing a Public Functionary in the exercise of his duty";
- (ii) "Assaulting police";
- (iii) "Larceny with violence"; and
- (iv) "Damaging property".

According to the Police report, during the struggle Mr. J.R. sustained minor abrasions over his body and, at his request, officers of Grand Bay Police Station brought him to Grand Bay Clinic on the same day at about 1340 hours. However, the Medical Officer of Grand Bay Clinic refused to examine Mr. J.R., stating that his injuries were related to a Police case. Mr. J. R. was thus taken, to SSRN Hospital at about 1600 hours. There he was examined by a Medical Officer who concluded that the injuries sustained by Mr. J.R. were not of a serious nature. It is to be pointed out that Mr. J. R. refused to undergo an x-ray examination when requested to do so at SSRN Hospital. Thereafter, still at his request, Mr. J. R. was brought to Darne Clinic at Floreal where he was admitted. The next day he was discharged from the clinic and

appeared before Rivière du Rempart District Court on provisional charges of -

- (i) Assaulting agent of civil authority; and
- (ii) Larceny with violence.

He was released on bail after furnishing sureties of Rs 5,000 and Rs 15,000.

The Central Crime Investigation Division is enquiring into the case, and upon completion of the enquiry, the matter will be referred to the Office of the Director of Public Prosecutions.

### **SCHOOL DRIVING LICENCE - GRANT**

**(No. B/950) Mrs A. Navarre-Marie (First Member for GRNW and Port Louis West)** asked the Prime Minister, Minister of Defence and Home Affairs whether he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if a policy has been adopted not to grant any more school driving licence and, if so, since when.

**Reply:** I am informed by the Commissioner of Police that since June 2006 no new Driving School Licences and Instructor's Licences are being issued as it is considered that the existing number of driving

schools is adequate to cater for members of the public who undergo driving test.

There are presently 123 registered driving schools scattered throughout the Island, including one run by the Institute of Vocational Training Board. The Professional Drivers Training Centre of the IVTB is specialized in providing training courses in driving for heavy vehicles, while the remaining 122 driving schools cater for the driving of private cars.

Every year an average of 40,000 persons are undergoing tests at the Traffic Branch in order to obtain a driving licence. This amounts to a ratio less than 300 aspiring drivers per Driving School taking into consideration that many aspiring drivers do not resort to the services of driving schools.

I take this opportunity to inform the House that I have already set the ball rolling for a complete review of the whole system geared towards the issue of driving licences. The components of this system are mainly specific and designated areas where driving tests are carried out, driving schools, and driving tests themselves.

## **MONTEBELLO – ACCIDENT**

**(No. B/951) Mr G. Lesjongard (Second Member for Port Louis North and Montagne Longue)** asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to the fatal accident which occurred on the Highway M1, at Montebello, on 08 September 2009, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the outcome of the inquiry carried out thereinto, indicating if the truck was removed from Police custody, before the end of the inquiry.

*(Vide Reply to PQ No. B/941)*

#### **MINISTERS' VEHICLES – ROAD ACCIDENTS**

**(No. B/952) Mr G. Lesjongard (Second Member for Port Louis North and Montagne Longue)** asked the Prime Minister, Minister of Defence & Home Affairs whether, in regard to the road accidents in which Ministers' vehicles have been involved over the past one year, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to (a) the number thereof (b) the number and names of the persons injured, if any, and (c) if all the inquiries have been completed.

**Reply:** I am informed by the Commissioner of Police that five vehicles attached to Ministers were involved in road accidents over the last year period.

One person, namely Police Sergeant Neermul was slightly injured in one of the accidents.

Regarding part (c) of the question, I am informed that, out of the five cases, four are still under inquiry and one case has been sent to the DPP for advice.

### **POLICE SERGEANTS - PROMOTION EXERCISE**

**(No. B/953) Mr G. Lesjongard (Second Member for Port Louis North and Montagne Longue)** asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to the Police Force, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to where matters stand in relation to the promotion exercise of Police Officers in the grade of Sergeant to that of Inspector.

**Reply:** I wish to refer the hon. Member to the reply I gave to PQ B/592 on 23 June, 2009. Therein, I mentioned that a list of 123 Police Sergeants having passed the examination for promotion to the rank of Police Inspector had been submitted by the Disciplined Forces Service Commission and published in the Routine Orders of the Police Force on 14 May 2009. I also mentioned that the Office of the Commissioner of Police was conducting an exercise with a view to confirming that none of the Sergeants concerned is under interdiction or subject of any adverse report.

As I indicated earlier in my reply to Parliamentary Question B/944, the whole exercise is expected to be completed by mid November this year.

### **CONVICT MR L.L.C. - ESCAPE - INQUIRY**

**(No. B/954) Mr G. Lesjongard (Second Member for Port Louis North and Montagne Longue)** asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to the escape of convict Mr L.L.C. from Mauritius, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to where matters stand as to the inquiry.

**Reply:** I wish to refer the hon. Member to the reply I made to the Private Notice Question at the sitting of 14 July 2009 wherein I explained in details the circumstances surrounding the escape of L.L.C from Mauritius.

As I then indicated to the House, I have set up a High Powered Committee under my chairmanship to look into the failings and possible loopholes which this case has revealed. At the first meeting of the Committee on 15 July 2009, we decided that a “Commission Rogatoire” would be sent to the French authorities and that the Police would beef up its procedures for the control over persons on bail.

On 07 August 2009, a Note Verbale was issued to the French authorities transmitting the “Commission Rogatoire” in respect of L.L.C. The French authorities were requested to confirm the presence of L.L.C. on the French territory and in the eventuality that he has already left the French territory, to inform us of his destination. The matter is being closely followed up with the French authorities.

The Commissioner of Police is maintaining constant contact with the Interpol for the location of the whereabouts of L.L.C. On 24 August 2009, la Gendarmerie Nationale Française of Reunion Island confirmed the departure of L.L.C. and Mr Vincent Lejeune for Paris by Air Austral on 28 June 2009 and 29 June 2009 respectively. The French authorities have not been able to locate L.L.C. so far.

Following the judgment of the Supreme Court rejecting the appeal of L.L.C. on 9 October 2009, the State Law Office has requested on 15 October 2009 the Ministry of Foreign Affairs, Regional Integration and International Trade to forward a copy of the judgment of the Supreme Court to the Bureau de l’Entraide Pénale Internationale of the Ministry of Justice of France and to urge the competent French authority to respond to our request for “Commission Rogatoire” forwarded on 7 August 2009.

On 15 October 2009, the Attorney-General, as Central Authority in mutual legal assistance pursuant to the Mutual Assistance in Criminal

and Related Matters Act 2003, has also requested the French authorities on behalf of the Government of Mauritius to *inter-alia*, record a statement from L.L.C. to explain the circumstances in which he absconded from Mauritius and in particular, the means he used to escape and the person, if any, who assisted him to leave Mauritius.

We are closely following up this case with the relevant authorities, namely Interpol and the French Authorities.

In order to prevent recurrence of such incidents, the Police have taken a series of measures to tighten control over persons released on bail with conditions with particular vigilance being exercised over foreign nationals. In that respect, there is now closer coordination between the different units of the Force.

We are also looking into the possibility of toughening the conditions of release on bail of suspects under the Bail Act. In that respect, we have recently received the proposals from the Law Reform Commission which are currently being examined by all stakeholders concerned.

#### **ATTORNEY-GENERAL – POLICE BRUTALITY - STATEMENT**

**(No. B/955) Mr R. Bhagwan (First Member for Beau Bassin and Petite Rivière)** asked the Prime Minister, Minister of Defence and Home Affairs whether he is aware of the recent statement made by the

Honourable the Attorney-General in regard to police brutality and, if so, will he, for the benefit of the House, obtain from the Commissioner of Police, information as to if the matter has been reported to the Police, indicating if an inquiry has been carried out thereinto and the outcome thereof.

**Reply:** Yes, I am aware of the statement which the hon. Member is referring to. I am informed by the Commissioner of Police that the matter has been reported to the Police. An enquiry has already been started and is continuing.

Since the Police enquiry is still underway, it would not be appropriate for me to make any further comment on the matter at this stage.

## **CASINOS, BETTING & GAMING HOUSES – HIGH POWERED COMMITTEE**

**(No. B/956) Mr R. Bhagwan (First Member for Beau Bassin and Petite Rivière)** asked the Prime Minister, Minister of Defence & Home Affairs whether, in regard to the High Powered Committee set up to look into the aspects of casinos, betting and gaming houses, he will

state where matters stand, indicating the number of times the committee met and when it is expected to submit its report.

**Reply:** As the House is aware, the Government has set up a High Level Committee under my chairmanship to examine the proliferation of gaming houses and discotheques in the country. The Government has also set up a Technical Committee under the chairmanship of the Secretary to Cabinet and Head of the Civil Service to examine the consequence of the proliferation of the gaming houses and discotheques and make recommendations to the High Level Committee.

The Technical Committee met on three occasions and has submitted its report. The recommendations of the Technical Committee are under study.

In the meantime no new licences for gaming houses and discotheques are being issued.

### **MBC – FINANCIAL SITUATION**

**(No. B/957) Mr G. Gunness (Third Member for Montagne Blanche and GRSE)** asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to the financial situation of the Mauritius Broadcasting Corporation, he will, for the benefit of the House, obtain from the Corporation, information as to if the new Director General thereof has caused an audit to be carried out and, if so,

indicate the amount of deficit as at to date, if any, and the remedial measures taken.

**Reply:** I am informed by the Director-General of the Mauritius Broadcasting Corporation that an internal exercise is being carried out on the whole financial situation of the Corporation. Any deficit can only be determined after completion of such a due diligence exercise.

In the meantime the Director-General of the Corporation has taken a series of measures to improve the efficiency and effectiveness of the organization. These measures include, among others, curtailment in operation costs, optimization of human resources, review of marketing strategy and a more attractive programme grid.

#### **POLICE VEHICLES - ACQUISITION**

**(No. B/958) Mr G. Gunness (Third Member for Montagne Blanche and GRSE)** asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to the emergency clause of the Public Procurement Act, he will, for the benefit of the House, obtain information from the Commissioner of Police, information as to if it has been resorted to for the procurement of police vehicles and, if so, the reasons therefor.

**Reply:** I am informed by the Commissioner of Police that since the coming into force of the Public Procurement Act 2006, there has been no

recourse to the emergency clause of the Act for the acquisition of police vehicles.

## **ELECTORAL REFORM**

**(No. B/959) Mr G. Gunness (Third Member for Montagne Blanche and GRSE)** asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to the forthcoming general election, he will state (a) if Government proposes to introduce legislation providing for a code of conduct in relation thereto and (b) where matters stand regarding the electoral reform.

**Reply:** Part (a) has already been answered in the PNQ.

Regarding part (b) of the question, as I have already stated in the House earlier, consultative meetings have already been initiated with the Leader of the Opposition and the Leader of the *Mouvement Socialiste Militant*.

However, as I indicated at our sitting on 07 April this year, with the onset of the world financial crisis, we have had to concentrate on the urgent measures which had to be taken in order to prepare the Mauritian economy to face the unprecedented challenges in the wake of the international financial crisis.

We have to be realistic. This present juncture particularly dictates that we consider all the practical aspects of such a reform. Bearing this in mind, I shall consider the way forward.

There is commitment in our Social Alliance Manifesto to consult the people on this matter by way of a referendum.

### **WOMEN POLICE OFFICERS – TRAINING ABROAD**

**(No. B/960) Mrs S. Hanoomanjee (Second Member for Savanne and Black River)** asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to the Women Police Officers, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number thereof, since June 2008 to date, who have been sent abroad for training, indicating in each case (a) the fields of training and (b) the countries offering the training courses.

**Reply:** I would like to remind the House that it was during my first mandate that Woman Police Officers were sent abroad for training for the first time. In line with this Government's policy to eliminate gender discrimination, we remain committed to provide all the necessary training and facilities to empower our Woman Police Officers to perform their duties efficiently.

I am informed by the Commissioner of Police that since June 2008 to date, ten Woman Police Officers have attended courses abroad.

As regards parts (a) and (b) of the Question, the information requested for by the hon. Member is as follows:

- two Woman Police Officers followed a course in Advanced Management in USA;
- one in Law Enforcement in Botswana;
- one in International Affairs in Russia;
- one followed a “Formation Initiale à l’école Nationale Supérieure des Officiers de Police” in France;
- one officer attended the 5<sup>th</sup> SARPCCO Women’s Network Sub-Committee Meeting in Namibia;
- one followed a training in “Scène de Crime” in France;
- one attended the 2<sup>nd</sup> Working Group Meeting on Illegal Immigrants and Fraudulent Travel Document;
- one in Policing Violence against Women and Children in Botswana; and
- one went for a study visit regarding the National Policing Strategic Framework in United Kingdom.

**GRAND’BAIE POLICE STATION - FRENCH LADY TOURISTS**

**SEXUAL ASSAULT - COMPLAINT**

**(No. B/961) Mr N. Bodha (First Member for Vacoas and Floreal)** asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to the case of two French lady tourists who have recently made a complaint of sexual assault at the Grand' Baie Police Station, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to where matters stand in relation to the inquiry.

**Reply:** I am informed by the Commissioner of Police that on 12 September 2009, two French lady tourists reported a case of attempt upon chastity against Messrs D.B. and K.A.J. at Grand Baie Police Station.

According to their statement, the services of Mr K.A.J., owner of Libellule Travel Tours were retained by the two ladies and their families for excursions. Mr K.A.J. offered the complainants a free massage to compensate them for an unsatisfactory tour. They accepted the offer and on 11 September 2009 proceeded to the Massage Therapeutic Centre at Grand Bay, in the company of the said Mr K.A.J. He introduced them to Mr D.B., owner of the Centre. The two tourists were then brought in two separate rooms and were provided with massage services by Messrs K.A.J. and D.B. respectively. According to the two ladies, Mr K.A.J. and D.B attempted upon their chastity.

Police instituted an enquiry into the matter. Mr D.B. was arrested and detained on 12 September 2009, and Mr K.A.J. was arrested on 14 September and was detained. On 13 September 2009, the two victims were examined by a Police Medical Officer at Victoria Hospital.

On 15 September 2009, both Messrs D.B. and K.A.J. were brought before Riviere du Rempart District Court and a provisional charge of “Attempt upon chastity” was lodged against them. They were released upon furnishing a surety of Rs 5,000 each.

On 17 September 2009, the case file was sent to the DPP, who on 22 September 2009, advised prosecution against both D.B. and K.A.J. for the charge of “Attempt upon Chastity”.

The main case has been lodged before Riviere du Rempart Court. The case was fixed for trial on a special Court sitting on Saturday 26 September 2009, when both victims were present. However, on a point of law raised by the Defence Counsel the case was postponed and has now been fixed for trial on 25 and 26 November 2009. The victims have been requested to appear in Court on these days.

I am further informed by the Commissioner of Police that both ladies left Mauritius on 27 September 2009.

## **CHAGOS ARCHIPELAGO - MAURITIUS SOVEREIGNTY - DISCUSSIONS**

**(No. B/962) Mr N. Bodha (First Member for Vacoas and Floreal)** asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to the Chagos Archipelago, he will state if he has raised the matter with the United Kingdom and the United States Authorities during his last missions abroad in view of the recent legal developments and political stand taken by Members of the House of Commons on the issue.

**Reply:** I had, in fact, raised the issue of the Chagos Archipelago with the British Prime Minister in London in June 2008 and proposed to him that our two Governments should start discussions on the Chagos Archipelago, including Diego Garcia.

Following my meeting with the British Prime Minister, two rounds of talks have subsequently been held between Mauritius and the United Kingdom, on 14 January 2009, in London, and on 21 July 2009, in Mauritius respectively. These talks addressed the following issues:

- (a) Sovereignty of the Archipelago
- (b) Resettlement
- (c) Exclusive Economic Zone delimitation and extension of Continental Shelf around the Archipelago
- (d) Exploitation of maritime resources
- (e) Establishment of a Marine Protected Area to protect biodiversity in the waters surrounding the Archipelago

A third round of talks is scheduled to be held in London in January next.

As the House may be aware, on 22 October 2008, the House of Lords delivered its judgment on an appeal made by the British Government against the decision of the Court of Appeal in the case of Secretary of State for the Foreign and Commonwealth Affairs VR (on the application of Bancoult). The House of Lords allowed the appeal and quashed the decision of the Court of Appeal, thus denying Mauritians of Chagossian origin the right to return to the Chagos Archipelago.

Mr Bancoult and his legal representatives thereafter requested the European Court of Human Rights to expedite the preliminary consideration of the application, which was lodged on 20 September 2004.

The European Court of Human Rights informed the legal representatives of Mr Bancoult that, following a preliminary examination of the admissibility of the application on 17 February 2009, a notice of application had been given to the UK Government inviting the latter to submit their observations by 12 June 2009. After seeking an extension of the deadline on two occasions, the UK Government submitted its observations to the Court on 31 July 2009, in which it declined the suggestion for a friendly settlement.

The observations of the UK Government were transmitted to the Applicants who were invited to submit their observations, if any, to the Court by 30 September 2009. The Applicants have asked for an extension of the deadline until 23 October 2009.

In the course of the official talks held on 21 July 2009 in Mauritius, the British side indicated that in the event of the European Court of Human Rights adjudicating in favour of the Chagossians, the UK Government will take the necessary steps to comply with the decision of the Court.

With regard to the United States authorities, during my last visit to Washington from 02 to 06 February 2009, in the margins of the 57<sup>th</sup> National Prayer Breakfast Meeting, I had met prominent personalities of the US administration including Senators and Congressmen and taken the opportunity to apprise them of our sovereignty over the Chagos Archipelago including Diego Garcia, and our dispute with the UK Government on this issue. I also had a meeting with the US State Department during which I strongly affirmed our sovereignty over the Chagos Archipelago and sought the support of the US Government for an amicable settlement of the long standing dispute between Mauritius and the United Kingdom over the Chagos Archipelago especially in view of the expiry of the UK/US lease in 2016.

In my statement to the United Nations General Assembly on 26 September 2009, I took the opportunity to reaffirm the sovereignty of Mauritius over the Chagos Archipelago, including Diego Garcia, which was unlawfully detached by the United Kingdom from the territory of Mauritius prior to our Independence. I recalled that such dismemberment of the territory of Mauritius was in total disregard to UN General Assembly Resolutions 1514 (XV) of 14 December 1960 and 2066 of 16 December 1965. In that regard, I referred to President Obama's statement at that very Assembly to the effect that we should demonstrate that international law should not be an empty promise.

## **POLICE RESIDENTIAL QUARTERS - OCCUPATION**

**(No. B/963) Mr M. Dowarkasing (Third Member for Curepipe and Midlands)** asked the Prime Minister, Minister of Defence and Home Affairs **Whether**, in regard to the Police residential quarters, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to (a) the number thereof (b) if any of them are being occupied by retired Police Officers and (c) the reasons why the quarters recently renovated in Curepipe are still vacant.

*(Withdrawn)*

**AGALEGA ISLAND – INDIAN MILITARY BASE**

**(No. B/964) Mr E. Guimbeau (First Member for Curepipe and Midlands)** asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to the Agalega Island, he will state if there is a request from the Government of India for the setting up of an Indian military base thereat.

**Reply:** I am not aware, either from official or from unofficial diplomatic channel, of any endeavour of India to set up a Military base on Agalega.

**RESIDENCE VALLIJEE - ROAD ACCIDENT - INQUIRY**

**(No. B/965) Mrs A. Navarre-Marie (First Member for GRNW and Port Louis West)** asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to the road accident which occurred near the Résidence Vallijee, Port Louis, on Thursday 08 October 2009, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if an inquiry has been carried out thereinto and the outcome thereof.

**Reply:** I am informed by the Commissioner of Police that a road accident involving a private van and an auto-cycle occurred on 8 October 2009 along Royal Road, Cité Vallijee.

The auto-cyclist passed away four days after the accident.

Statements were taken by Police from the driver of the van and an eye-witness.

A provisional charge of involving homicide by imprudence was lodged against the driver of the van before the District Court of Port Louis. He was released on bail after furnishing a surety of Rs10,000 and a recognizance of Rs25,000.

Police enquiry is ongoing.

### ***POLICE DES POLICES – SETTING-UP***

**(No. B/1005) Mr E. Guimbeau (First Member for Curepipe and Midlands)** asked the Attorney-General whether, in regard to the proposed setting up of a *Police des Polices*, he will state where matters stand.

**Reply (The Prime Minister):** I have on numerous occasions, in this very House, stated that Government is proposing to set up an

independent body with statutory powers to investigate complaints relating to offences and misconduct allegedly committed by members of the Police force. The main objective is to introduce a new, clear and transparent system to ensure that complaints against the Police are investigated and dealt with effectively and efficiently, in an impartial manner. The ultimate objective would be to avoid investigation of complaints against Police Officers by their peers, as is presently the case with the Police Complaints Investigation Bureau.

The proposed mechanism would also ensure that police duties are discharged within human rights ethics and that any Police Officer who departs from established regulations is held accountable for his misconduct.

In this respect, I wish to inform the House that the draft legislation providing for a new Police Complaints Division under the National Human Rights Commission has nearly been finalized and will be introduced in the National Assembly shortly.

### **PLAINE VERTE GARDEN – REPAIR WORKS**

**(No. B/966) Mr S. Lauthan (Third Member for Port Louis Maritime and Port Louis East)** asked the Minister of Local Government, Rodrigues and Outer Islands whether he is aware of the bad state of the Plaine Verte Garden, from the swimming pool to the Paul et Virginie Street, and, if so, will he, for the benefit of the House, use his good offices to request the Municipal Council of Port Louis to -

(a) carry out repair works of the existing -

- (i) benches
- (ii) lighting points
- (iii) fencing
- (iv) alleys, and the upgrading thereof

(b) install additional -

- (i) benches
- (ii) lighting points
- (iii) dustbins, and

(c) plant grass and decorative plants.

**Reply:** I am informed by the Municipality of Port Louis that necessary repairs to benches and lighting points at the Plaine Verte Garden are effected on a regular basis.

I am further informed of the following renovation works by the Council –

- the existing benches will be replaced by new ones by the end of this month;
- ten new lighting points will be installed in two months' time;
- Provision of fencing and alleys which is included in its current maintenance programme, will be implemented by the end of this month;
- Six dustbins will be installed at corner Paul & Virginie, Madad-Ul-Islam and Sir Edgar Laurents Streets by the end of this month, and

- Planting of grass and decorative plants is ongoing.

## **PLAINE VERTE GARDEN – LIGHTING & UPGRADING**

**(No. B/967) Mr S. Lauthan (Third Member for Port Louis Maritime and Port Louis East)** asked the Minister of Local Government, Rodrigues and Outer Islands whether, in regard to the Plaine Verte Garden, from the Paul et Virginie Street to the Diégo Garcia Street, he will, for the benefit of the House, obtain from the Municipal Council of Port Louis, information as to -

- (a) if consideration will be given for the installation of additional lighting points, in view of inadequate lighting thereat, and
- (b) where matters stand in relation to
  - (i) the upgrading of the pond found in the centre of the garden, and
  - (ii) repairs of the gates.

**Reply:** I am informed by the Municipality of Port Louis that the following works will be undertaken in the vicinity of Plaine Verte Garden, from Paul & Virginie Street to Diego Garcia Street –

- forty additional bollards will be installed by the end of November 2009 to supplement the twenty double arm lighting points already fixed;

- with regard to the upgrading of the pond, the provision of a fountain and other works are expected to start by the end of this month, and
- the gates are presently being manufactured and will be fixed by the first week of November 2009.

### **MOZAMBIQUE – LAND ALLOCATION - AGREEMENT**

**(No. B/1003) Mrs D. Perrier (Fourth Member for Savanne and Black River)** asked the Minister of Foreign Affairs, Regional Integration and International Trade whether, in regard to the land put at the disposal of Mauritius in Mozambique from the Mozambican Government, he will -

- (a) state the number of plots thereof earmarked, indicating their respective location and area, and
- (b) table copy of the agreement in respect of each plot of land.

**Reply:** Following negotiations with the Government of the Republic of Mozambique, a Memorandum of Understanding was signed on 28 February, 2008 between the Ministry of Agro Industry and the Republic of Mozambique under which an area of approximately 5,000 hectares of land was put at the disposal of Mauritius in Manica Province in the district of Barue, Mozambique, for cultivation of food crops to enhance food security in the two countries. A copy of the MoU is being tabled.

In February 2009, a technical mission visited the land allocated to Mauritius, and reported that the infrastructure and other logistics for the development of the land was inadequate and would require heavy investment.

In view of such constraints to develop the land in Manica province, further negotiations have been held with the Mozambican authorities with a view to obtain alternative land. In this regard, the Government of Mozambique has agreed in principle to allocate a land area of 18,500 hectares in the district of Maracuenne, Province of Maputo within the Government cross border initiative. Negotiations in this regard are being actively pursued.

### **SSS - EDUCATORS - TRANSFER**

**(No. B/1004) Mrs D. Perrier (Fourth Member for Savanne and Black River)** asked the Minister of Education, Culture and Human Resources whether, in regard to the transfer of teachers, he will state if it is a policy to transfer teachers teaching classes such as Form IV and Form V, two months prior to the holding of the examinations and, if so, the reasons therefor, and if not, if he is aware that such transfers have been effected recently, indicating the reasons therefor.

**Reply:** It is not the policy of my Ministry to transfer Educators teaching in Form IV and Form V or in any other Form, during the third Term. However, when the situation warrants it, a few transfers are effected.

Following a recent recruitment exercise conducted by the Public Service Commission, a few *ad hoc* transfers have been made for administrative convenience.

*(PQ No. B/1005- see after PQ No. B/965)*

### **L'ASSEMBLEE DE DIEU – INCORPORATION - LEGISLATION**

**(No. B/1006) Mr E. Guimbeau (First Member for Curepipe and Midlands)** asked the Attorney-General whether, in regard to the legislation for the incorporation of the *l'Assemblée de Dieu*, he will state where matters stand.

*(Withdrawn)*

### **MINISTRY OF TOURISM, LEISURE & EXTERNAL COMMUNICATIONS - ADVISER – APPOINTMENT**

**(No. B/1007) Mr E. Guimbeau (First Member for Curepipe and Midlands)** asked the Vice-Prime Minister, Minister of Tourism, Leisure and External Communications whether, he will state if any adviser has been appointed at his Ministry since August 2009 to date and, if so, indicate their respective

- (a) names and postings
- (b) qualifications, and
- (c) terms and conditions of appointment.

*(Withdrawn)*

### **MOUCHOIR ROUGE ISLET – DEVELOPMENT WORKS**

**(No. B/1008) Mr J. C. Barbier (Third Member for GRNW & Port Louis West)** asked the Minister of Agro Industry, Food Production and Security whether, he is aware that illegal developments have been carried out on the Mouchoir Rouge Islet and, if so, will he state if an assessment of the possible adverse impact that same may have on the fishers of the region has been carried out.

**Reply:** Following complaints received from fishermen on 16 July 2009, my Ministry carried out an enquiry on Mouchoir Rouge Islet

which revealed that the lessee was carrying out development works on the islet.

The enquiry also revealed that the lessee did not have an Interference Permit, as required under the Fisheries and Marine Resources Act (Marine Protected Areas) Regulations 2001. He was requested to stop all works with immediate effect.

An assessment of the scope of unauthorised works carried out by the promoter was effected on 28 July 2009 by a team comprising representatives of the Ministry of Housing and Lands, Ministry of Environment and National Development Unit and the Fisheries Division of my Ministry, followed by physical and ecological surveys. From the ecological surveys undertaken by my Ministry, it has been noticed that the marine environment has not been affected since -

- the water column was clear;
- sea grasses were present in the region;
- fish were present, namely mullet fingerlings as well as a variety of small fish.

On 24 September 2009, the Ministry of Housing and Lands was requested to carry out a detailed site survey to determine the exact extent of land reclaimed. The survey showed that an extent of 600m<sup>2</sup> of land has been reclaimed by the lessee.

During another site visit carried out on 16 October 2009 by the Fisheries Division of my Ministry, it was observed that demolition works were in progress.

Although no impact has been observed on the marine environment, the promoter has been requested to reinstate the site. The reinstatement works will be closely monitored by all the authorities concerned.

## LE BOUCHON - FISHERS - COMPLAINTS

**(No. B/1009) Mr J. C. Barbier (Third Member for GRNW & Port Louis West)** asked the Minister of Agro Industry, Food Production and Security whether, in regard to the developments at Le Bouchon, he will state if his Ministry has recently received any complaint from the fishers of the region and, if so, the remedial actions that have been taken.

**Reply:** My Ministry did receive complaints from a group of fishermen on 22 August 2009 regarding unauthorised developments at Le Bouchon.

A site visit was effected by the Flying Squad of my Ministry on the same day and it was established that development works in connection with a *morcellement* project were effectively being carried out by the promoter without authorisation. The promoter was ordered to stop all works with immediate effect.

My Ministry organised a site visit on 01 September 2009 with representatives of the Ministry of Housing and Lands, the Ministry of Environment and NDU, the Beach Authority, the Water Resources Unit and the Forestry Services. The following observations were made -

- (a) an access from the *morcellement* site leading directly to the sea had been created thus encroaching on the *Pas Géometriques*;
- (b) a canal was dredged to deviate an existing stream directly to the sea;
- (c) trees, namely badamiers and mangroves, have been felled, and
- (d) embedded rocks had been removed from the shore.

In the light of these observations, the following actions have been taken -

- (i) a stop order was issued to the promoter by the Beach Authority earlier on 21 August 2009 to stop all works with immediate effect;
- (ii) the Forestry Division of my Ministry has booked the promoter for felling of trees;
- (iii) the Fisheries Protection Service has taken legal action against the promoter for damage caused to mangroves, and
- (iv) the promoter has been instructed by the Beach Authority on 07 October 2009 to rehabilitate the site and in that connection was requested to submit a plan of work, including methodology and mitigating measures, to all relevant Ministries/Department for clearances prior to reinstating the site.

#### **TROU AUX BICHES - FISHERS - COMPLAINTS**

**(No. B/1010) Mr J. C. Barbier (Third Member for GRNW & Port Louis West)** asked the Minister of Agro Industry, Food Production and Security whether he will state if his Ministry has recently received any complaint from the fishers of Trou aux Biches, and, if so, indicate the -

- (a) nature thereof, and
- (b) remedial measures taken.

**Reply:** I am informed that the Fisheries Division of my Ministry has received complaints from fishers of Trou aux Biches on 15 July 2009 with regard to the following -

- (i) the placing of four yellow buoys outside the reef which was causing inconvenience to their fishing activities, and
- (ii) diving activities which were causing prejudice to them in that their basket traps were being damaged by divers and fish caught were thus being released.

With regard to the buoys, these have been placed by the Ministry of Tourism, Leisure and External Communications under its zoning project aimed at ensuring the security of sea users. Following consultations which that Ministry had with the fishers concerned on 28 July 2009, it has been agreed that reflector stripes would be affixed to the buoys for better visibility.

Regarding the diving activities, my Ministry convened a meeting on 23 September 2009 with all stakeholders concerned and it has been agreed that -

- (i) a technical committee comprising representatives of my Ministry, the Ministry of Tourism, Leisure and External Communications, the Tourism Authority, the National Coast Guard, the Mauritian Scuba Diving Association and fishermen associations be set up to make recommendations, and
- (ii) the Tourism Authority should reinforce conditions laid down in the Tourism Enterprise Licence for diving activities to deal with the problems faced by fishermen relating to damages to their traps and interference with fishing activities.

## **FISHERMEN INVESTMENT TRUST - PROJECTS - IMPLEMENTATION**

**(No. B/1011) Mr J. C. Barbier (Third Member for GRNW & Port Louis West)** asked the Minister of Agro Industry, Food Production and Security whether, in regard to the Fishermen Investment Trust, he will, for the benefit of the House, obtain from the Trust a list of the projects that have been implemented, since July 2005 to date.

**Reply:** The Fishermen Investment Trust Act has been set up under the Fishermen Investment Trust Act 2006 which was proclaimed with effect from 31 January 2007.

The FIT has launched its Corporate Plan 2009/2011 in February 2009 which outlines the projects which it is implementing during that period. These projects which have already been initiated are as follows -

- (i) the Development of a sea cucumber project at St. Brandon, in partnership with a private company, Brightwater Ltd. The new entity, named Brightfit Ltd. has started its operations in December 2008 and is employing 40 fishermen;
- (ii) a Fish Farm Project at Bambous Virieux will provide new opportunities to fishermen. The project will be financed under the Food Security Fund and will be implemented in collaboration with La Ferme Marine de Mahebourg Ltd.;
- (iii) the acquisition of fishing boats to promote outer lagoon and Fish Aggregating Devices (FAD) fishery is underway. A first tender exercise was carried out locally in June 2009 for the construction, supply and commissioning and testing of 4 fishing boats. However, the bids received are not responsive and FIT is now proceeding with the floating of international tenders for the procurement of the boats. This project is being implemented in collaboration with the Mauritius Export Association (MEXA) which is providing one boat in this venture, and

- (iv) a *Barachois* project at Poudre d'Or is in the pipeline. The allocation of the *barachois* by the Ministry of Housing and Lands to the FIT is being finalised.

I would also wish to inform the House that following my recent mission to Japan, the Japanese Fisheries Agency has delegated Mr H. Murozaki to Mauritius from 07 to 10 October 2009 to discuss and fine-tune the project proposal entitled “Poverty Alleviation and Creation of Employment”. This project proposal was jointly prepared by my Ministry and the Fishermen Investment Trust which was subsequently submitted to the Government of Japan for a grant and assistance. This project consists in the supply of eight small fishing boats and one semi-industrial fishing boat for the further empowerment of the artisanal fishermen.

I am also informed that a delegation from the Japan Tuna Fisheries Cooperative Association will be in Mauritius as from the 25 to 29 November 2009 to discuss joint venture possibilities with my Ministry and the FIT.

#### **GOVERNMENT GUARANTEED LOAN SCHEME - STUDENTS - MEDICAL COLLEGES -**

**(No. B/1012) Mrs L. D. Dookun-Luchoomun (Third Member for La Caverne & Phoenix)** asked the Minister of Education, Culture and Human Resources whether, in regard to the students, he will, for the benefit of the House, obtain from the Tertiary Education Commission, information as to if the Government Guaranteed Loan Scheme for students opting for tertiary education in Mauritius also applies to those seeking admission in the Medical Colleges operating in Mauritius.

**Reply:** The reply is in the affirmative.

The House may wish to be informed that the Government Guaranteed Student Loan Scheme is operated under the Human Resource, Knowledge and Arts Development (HRKAD) Fund of my Ministry and not by TEC. Since December 2008, the scheme is applicable to all students having secured admission in a Tertiary Education Commission (TEC) recognised local Post Secondary Educational Institution (including all TEC recognised Medical Colleges operating in Mauritius) and whose parents/spouse cannot provide any guarantee for the loans.

To date, only one student whose loan has been guaranteed by the HRKAD Fund is following MBBS programme at the Sir Seewoosagur Ramgoolam Medical College (SSRMC).

### **WOMEN ASSOCIATION OF *RÉSIDENCE VALLIJEE* – STATEMENT - FAMILY SUPPORT OFFICER**

**(No. B/1013) Mrs A. Navarre-Marie (First Member for GRNW & Port Louis West)** asked the Minister of Women's Rights, Child Development and Family Welfare whether she is aware of a statement made by an office bearer of a women association of *Résidence Vallijee*, against one Family Support Officer of her Ministry at the Independent Commission Against Corruption and, if so, will she state the nature thereof and the actions taken at the level of her Ministry.

**Reply:** No, my Ministry is not aware whether an office bearer of a Women Association of *Résidence Vallijee*, has made a statement against one Family Support Officer of my Ministry at the Independent Commission Against Corruption (ICAC).

In fact, we have taken cognizance of the case on receipt of a copy of an undated letter, from a certain Mrs M. A. R. claiming to be the President of the Association. In the letter, which has been transmitted to my Ministry on 14 October 2009, it is alleged that -

- (a) an officer (of the National Women's Council) has been using the women's association of *Résidence* Vallijee to get money, and
- (b) the money was not being used judiciously for the project.

My Ministry is carrying out an internal enquiry. I am informed that a project from a women association of *Résidence* Vallijee on "HIV & AIDS prevention and sensitisation for women and the family of *Cité* Vallijee and other deprived regions of Port Louis" was approved by the Ministry of Health and Quality of Life to the tune of Rs1,675,800. The Ministry of Health and Quality of Life is monitoring the project implementation.

## **HSC EXAMINATION PAPERS - LEAKAGE - MEASURES**

**(No. B/1014) Mrs L. D. Dookun-Luchoomun (Third Member for La Caverne & Phoenix)** asked the Minister of Education, Culture and Human Resources whether, in regard to the Higher School Certificate Examination Papers, he will, for the benefit of the House, obtain from the Mauritius Examinations Syndicate, information as to the measures taken by the Cambridge Examinations Syndicate and Mauritius Examinations Syndicate to avoid any leakage.

**Reply:** The Mauritius Examinations Syndicate (MES) has given assurance to my Ministry that action has been initiated at its end with the Cambridge International Examinations (CIE) to avoid leakages especially in examinations and to ensure that the Higher School Certificate examinations are held in the most suitable conditions.

In this context, a range of security measures have been taken since November 2008 to forestall leakages of the type that were experienced during the HSC examinations last year, through the internet. CIE has classified in specific time zones all the countries (about 150) taking its examinations and each time zone will receive specific examination papers.

The measures put in place by CIE are mainly as follows -

- (i) For the November 2009 examinations, CIE has introduced separate versions of the HSC examinations for the different time zones and candidates in Mauritius will take the examinations at the earliest in the time zone in which we are located. All HSC subjects involved in scholarship awards have been secured in this way.
- (ii) Over the past year, CIE has taken necessary actions to close down websites, involved in hosting improper student discussions, and continues to monitor such activities online, and will take action with website owners and hosting companies where concerns are identified.
- (iii) The Data Processing Section of the MES will also monitor discussion forums on the Internet to enable appropriate and timely measures to be taken, as and when required.
- (iv) The communication of security procedures has been strengthened and made sufficiently clear to students so that they are aware of the penalties. In this context, the MES has incorporated CIE's Notice in the instructions which are issued to candidates informing them that -
  - after the examination, they must leave behind the question paper, answer book or answer paper, rough work and any

other (used or unused) materials provided for the examinations;

- they must not attempt to remove or copy the content of the examination question paper or answer scripts in any form of media whatsoever;
- they must not discuss or disclose by any means the contents of the paper with any person who has not taken the examination for 24 hours after taking the examination.
- candidates not complying with these instructions will automatically be disqualified from the subject being taken.

(v) As per CIE regulations, the 24-hour security rule is being strictly adhered to regarding issue of papers to candidates. All question papers are collected at the end of the examination and retained under secure conditions until at least 24 hours have elapsed since the end of the time of examination session specified for each paper by CIE.

(vi) Posters are being affixed in Examination Centres to draw the attention of candidates on the consequences of exchanging information on question papers.

(vii) Arrangements have been made to provide a copy of the “Handbook for Centres 2009” which contains details of procedures for the organisation and conduct of examinations at the Centre to each Supervisor and Assistant Supervisor. This new arrangement is to sensitise the Supervisors and Assistant Supervisors to the importance of the instructions given in the handbook.

- (viii) Supervisors are briefed at least two weeks before the start of the examination. They, in turn, brief the invigilators highlighting the new arrangements put in place and sensitise them on their responsibilities for the smooth running of the examinations.
- (ix) The movement of candidates leaving temporarily the examination room is being recorded and monitored through the use of a new form.

I wish to inform the House that a 3-member delegation headed by Mrs Ann Puntis, Chief Executive of the CIE, which was in Mauritius in September 2009 in the context of the Brilliance in Education Award, has had discussions with the MES on the security measures put in place to forestall leakages during SC and HSC examinations 2009 onwards. Furthermore, Mr Vincent Richeley, CIE Inspector, is presently in Mauritius to inspect Examination Centres for the SC/HSC Examinations 2009 and to ensure that CIE procedures for the conduct of examinations are being applied.

The MES is following closely with the CIE to ensure that the SC and HSC examinations 2009 are held in the safest possible conditions and that the incidents of last year do not recur.

We also trust students to act responsibly and reflect an ethical and upright behaviour especially at a time when they are sitting for examinations.