

MAURITIUS

Fifth National Assembly

FIRST SESSION

Debate No. 13 of 2011

Sitting of Tuesday 21 June 2011

The Assembly met in the Assembly House, Port Louis,

at 11.30 a.m

ORAL ANSWERS TO QUESTIONS

PEDESTRIAN CROSSINGS - ACCIDENTS

The Leader of the Opposition (Mr P. Bérenger) (*By Private Notice*) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to pedestrian crossings, he will -

- (a) for the benefit of the House, obtain from the Commissioner of Police, information, since 2005 to date, on a yearly basis, as to the number of pedestrians
 -
 - (i) killed, and
 - (ii) injured,

in accidents, when crossing on same, indicating in each case -

- (i) the age of the victim and of the driver, indicating if the driver was previously convicted of road traffic offences;
 - (ii) if it was a case of hit and run, and
 - (iii) the outcome of the court case;
- (b) state the additional measures that will be taken, including amendments to the existing legislation, in relation thereto, for the safety of the users thereof.

The Prime Minister: Mr Speaker, Sir, at the very outset, I would like to extend my sincere condolences to the families bereaved by the tragic death of the two persons on Sunday 18 June, following the road accidents at Beau Bassin.

I am informed that one of the two accidents occurred on a pedestrian crossing, the other one occurring on the main road. My condolences also go to all the families of pedestrians, including other victims who have lost their lives in road accidents.

Mr Speaker, Sir, I have on several occasions informed the House that road safety is one of the priorities of the Government. A special Road Safety Management Unit has been set up under the aegis of my Office since 2009 to coordinate all road safety activities, by adopting an integrated approach to the issue. Our priority is to have an effective road management team.

Government is investing massively in improvement of physical infrastructure. New and better roads are being constructed. Pavements, street lighting, traffic lights, underpasses, overpasses and crossings are being installed to protect pedestrians.

Mr Speaker, Sir, I am tabling statistics on the number of road accidents from year 2000 to May 2011. The figures indicate that the number of road accidents reported to the police has decreased from a high of 19,178 in 2003 to 7,049 in 2010. In terms of the number of fatal road accidents, the figures were 148 in 2000 and 151 in 2010. With regard to the number of persons killed in road accidents, including pedestrians, the figure was 163 in 2000 and was 158 in 2010 and, up to May 2011, the figure is 53. In regard to pedestrians who lost their lives, the figure is 57 for 2010, which is the same as for 2000.

It is worth noting that, over the period of 2001 to 2010, the number of vehicles has increased by 50 percent, that is, from 255,149 to 384,115 which is, as we can see, a much higher percentage increase than the increase in the number of road accidents.

Mr Speaker, Sir, in regard to parts (a)(i) and (a)(ii) of the question, I am also tabling the information requested. The other information requested by the hon. Leader of the Opposition is being compiled and will be laid on the Table of the National Assembly.

Mr Speaker, Sir, with regard to part (b) of the question, I am informed that a number of measures have already been taken to address the issue of fatal accidents by the Traffic Branch of the Police, the Traffic Management and Road Safety Unit of the Ministry of Public Infrastructure, National Development Unit, Land Transport and Shipping, and the Road Safety Management Unit:

- (i) the Traffic Management and Road Safety Unit and the Traffic Branch have intensified their education and sensitization campaigns, by targeting those categories of road users who are considered to be more at risk, namely pedestrians, auto/motorcyclists, senior citizens, as well as school children. Those campaigns are carried out through the media, pictorial boards placed at vulnerable spots across the island, lectures and talks conducted in primary and secondary schools, youth centres and community centres and specific sectors such as sugar factories, which employ a number of drivers, firms employing motorcyclists for delivery, and public transport companies;
- (ii) the police are reinforcing its enforcement activities, which include checking of vehicles, preventive patrols, breathalyser tests and regular speed checks;
- (iii) regular snap road blocks and stop and search operations are carried out at strategic points, especially at night, involving officers of the Traffic Branch, the Special Support Unit, the Special Mobile Force, the Emergency Response Service and the regular Police;
- (iv) to deter speeding, two fixed speed cameras have been installed by the Ministry of Public Infrastructure, National Development Unit, Land Transport and Shipping. The police are also using four mobile speed cameras and nine hand-held speed

gun throughout the country. Additional fixed speed cameras are being purchased, and

- (v) it is also proposed to privatise the vehicle fitness centres for the examination of vehicles.

I should also add that six reflective number plates have recently been introduced, so that they are more visible.

Mr Speaker, Sir, as I have indicated earlier, we are adopting an integrated approach to deal with the problem of road safety.

Emphasis is also being laid on the need to review the way people learn to drive. In this connection, the Road Safety Management Unit is working, in consultation with all stakeholders, on a project for the setting up of a Driver Education and Training Centre, with the objective of improving the driving competencies of drivers.

The legal framework is being reviewed to address the issue of road safety. In this context, amendments to the Road Traffic Act are being worked out for the introduction of a penalty point system, under which road traffic offenders will be sanctioned not only by fines but also by penalty points, which may lead to disqualification of the licence of a driver. A probationary driving licence scheme will also be introduced at the same time. The draft bill is currently being finalised by the Ministry of Public Infrastructure, National Development Unit, Land Transport and Shipping, in consultation with the Office of the Attorney General and other stakeholders. In fact, I have been made aware that, next week, the Law Reform Commission is meeting all the stakeholders before we come with the Bill.

Furthermore, a draft Road Traffic (Duties of Pedestrians) Regulations 2011 has been prepared by the Special Road Safety Unit at my Office, and is being studied by the Ministry of Public Infrastructure, National Development Unit, Land Transport and Shipping. The main objective of these regulations is to enhance the safety of pedestrians on the roads.

Mr Speaker, Sir, I wish to reassure the House that Government is not remaining passive to the problem relating to road traffic accident and, today itself, the Road Traffic (Amendment) Bill is being introduced into the National Assembly. This Bill will include private medical

institutions and health centres in the definition of hospital, and police will then have access to those premises for the purpose of breath tests and alcohol level in blood being determined.

Mr Speaker, Sir, amongst other measures envisaged in the overall context of road safety and security, it is proposed -

- (i) to place what is called Belisha flashing lamps for more visibility of pedestrian crossing, to forewarn both drivers and pedestrians, and
- (ii) to revisit the location of pedestrian crossings.

Mr Speaker, Sir, In order to enhance driving standards, an expression of interest will be invited for the setting up of a Driving Education Training Centre to review and upgrade the learner driving skills and testing standards.

Additionally, with the proposed introduction of the penalty points, a driver, after disqualification period, would need to undergo a refresher training, through the Driving Education Training Centre, before obtaining his driving licence anew.

Furthermore, more than 15 sets of road traffic legislation are currently at different stages of drafting, and they aim at addressing different problems encountered in fields of road traffic and road safety.

Mr Speaker, Sir, as it can be seen, Government is doing its utmost to address the problems that may be leading to accidents, resulting in injury and loss of life.

Mr Bérenger: Mr Speaker, Sir, the hon. Prime Minister is tabling the number of persons who were either killed or injured on pedestrian crossings. Can we, at least, have the total number of persons who have been killed on pedestrian crossings and injure since 2005?

The Prime Minister: The total number of pedestrians who have been killed from 2005 to date, that is, as at June, is 17 and the number of wounded is 358.

Mr Bérenger: I am sure the hon. Prime Minister will agree with me that - especially after the events of last Tuesday at Beau Bassin - one person killed or injured on pedestrian crossings is one too many. But, now, we are told that 17 people have been killed since 2005 on pedestrian crossings and 350 wounded. Can I ask the hon. Prime Minister, especially after what happened last Tuesday, whether police have objected to bail, at least, in that case of last Sunday?

The Prime Minister: The police normally have to look at whether they have to object to bail, whether it is reasonable that objection will be accepted by the Magistrate. So, they look at it on a case to case basis.

Mr Bérenger: That is my point. That occurred on Sunday, and everybody across the country was deeply disturbed. What happened on Monday when that person was brought before court? Did police have instructions? Did police object to bail?

The Prime Minister: Normally, the instruction is for the police to object to bail, but they consult the State Law Office before deciding whether they will or not. But, generally, they do object to bail.

Mr Bérenger: Can I know if the hon. Prime Minister has had the occasion of looking at how many driving licences were suspended or cancelled since 2005?

The Prime Minister: We had a problem with that case of suspension of driving licence. Under section 123, the immediate suspension of a driving licence, which was being carried out, has been held to be unconstitutional in the Supreme Court in 2008. So, immediate suspension is not being done because of that provision. I must say, Mr Speaker, Sir, that, last year, in Singapore, they have been discussing on passing a similar law. Perhaps we would need to be in agreement with the Opposition as to whether we should amend this, so that we can immediately suspend the licences of such people.

Mr Bérenger: I did not say 'immediate'. I said 'as a result of due legal process, how many licences have been suspended or revoked', and I did not get an answer. In the case of hit and run, there were again a deterioration of the situation; 162 hit and run in 2010. Can I know how many of these 162 cases of hit and run were accidents on pedestrian crossings?

The Prime Minister: Mr Speaker, Sir, the details are being provided by the police. It is a long procedure that is why I said I will table the information once we have all, because all of them are not classified as such. They need to reclassify them and give the details.

Mr Bérenger: I understand that people having killed somebody on the pedestrian crossings or in general traffic offences, are brought to court under section 239, Involuntary homicide and wounds and blows, which says that -

“Any person who, by unskilfulness, imprudence, want of caution, negligence or non-observance of regulations, involuntarily commits homicide, or is the unwilling cause of homicide shall be punished by imprisonment and by a fine not exceeding 50,000 rupees.”

Has the hon. Prime Minister had the occasion of looking at the court’s rulings since 2005, as I asked, for this extremely serious offence of killing somebody on a pedestrian crossing? What has been the pattern of court findings?

The Prime Minister: Unfortunately, I must say, Mr Speaker, Sir, the pattern has been for a fine instead of arresting these people and locking them up. Unfortunately, as I said, this has been the pattern.

Mr Bérenger: The Road Traffic Act has a number of different sections dealing with of all sorts of things, breath test, everything; at least 50 different sections, but, in fact, there is no section dealing – according to what I have studied - pedestrian crossings at all. Has the attention of the Prime Minister been brought to that and will this gap in our legislation be filled?

The Prime Minister: In fact, I mentioned it, Mr Speaker, Sir, no sanctions can be taken because there is nothing in the regulations or the law, that is why it is being addressed. I think I mentioned it at one point that this is also being looked at.

Mr Bérenger: We have been told earlier that fresh legislations will be forthcoming, but concerning the measures – I am glad I heard it. The hon. Prime Minister will remember, it is not the first time that I am raising this issue of pedestrian crossings here. Two points which I made, one has been taken up, - I am glad - that is, flashing lights to signal, especially at night, but even in daytime to signal a pedestrian crossing, so that the driver coming, especially tourists, will know. I am glad to hear that these will be reinstated because some were installed in the past, but I know that there have been acts of vandalism. So, we will see to it that there is a campaign on. Measures being taken not only to install them, but to blame seriously those who commit acts of vandalisms.

The Prime Minister: This is what I said, this is being brought and also to address this question of vandalism. I should perhaps also add that they are relooking at all the marking on the roads for pedestrian crossings, whether we should change it. Some countries have changed it, some haven’t, but we are looking at that as well.

Mr Bérenger: The other point which I raised concerning pedestrian crossings is the signs - the *panneau* - warning motorists that there is a pedestrian crossing. I have raised that here several times. It is a few feet, two feet, three feet before the pedestrian crossing. There is absolutely no way, especially if it is a tourist, for the driver coming at certain speed, even if it is not a very high speed, to have the time to see and to act. Therefore, will that also be looked into? The flashing light will have to be on the pedestrian crossing, but the sign – the *panneau* - that there is a pedestrian crossing ahead will have to be reviewed and moved further.

The Prime Minister: In fact, when the question was raised, I know the hon. Minister had discussions on this. We have been told that they are as the international regulations, but we must review it if need be. But this is what the police have said: it is according to international regulations, that is, the distance that they have to be put.

Mr Bérenger: Can I raise, with your permission, something which I raised last week and which is, I believe, pertinent. In the past, when we were in Government, we banned *les vitres teintées* completely. In its wisdom, the present Government has come back with it, graduating. Now, we all have eyes to see. On the road, this morning, I saw at least three, four, five cars with *vitres teintées*, which are not to the norm. It does not help pedestrians. They don't see the driver coming and using a portable phone is supposed to be an offence. You can't see in all those cars whether the driver is using a portable phone and the pedestrian either cannot. Therefore, will that be reviewed? At least, police actions taken against those cars who are flouting the so-called regulations and, maybe, they need to toughen regulations firm.

The Prime Minister: Generally, we are toughening the regulations in all aspects, but I should point out that the tinted windows, they are not tinted as the hon. Leader of the Opposition knows, neither in front nor at the back. What we have done is, to apply the international regulations because we have had complaints, and I think rightly so, that if we had applied the regulations that were put in place, it would meant that every cars coming new from abroad would have to re-change their tinted windows; that is why we have applied the international standard of tinted windows, and no more. If there are and probably there are - since the hon. Leader of the Opposition himself said he saw one this morning - that is an offence and the police will certainly have to look into that.

Mr Bérenger: The hon. Prime Minister made reference to a special Committee set up for traffic issues at his Ministry. Is he aware that a few days ago, the staff of the Traffic Management and Road Safety Unit complained that, in fact, their staffing has been going down and that, therefore, it has become very difficult for them to perform as far as road accidents and so on are concerned?

The Prime Minister: This has not been brought to my attention whether this is actually the case, but we are, in fact, increasing the number of staff for different sections. As to whether that is the case precisely, I will have to look into it.

Mr Lesjongard: *Mr Speaker, Sir, with regard to those big bikes on our highways, ce qu'on appelle "les grosses motos", est-ce que le Premier ministre est au courant à quel point c'est dangereux de nos jours lorsque ces grosses motos traversent sur l'autoroute ? Peut-on savoir quelles sont les mesures prises en ce moment-ci afin de contrôler cette situation ? Parce ce que tout récemment on vu des accidents et très souvent cela arrive pendant les week-ends?*

The Prime Minister: I think hon. Obeegadoo raised that point last week at Adjournment time as to whether we should allow the big motorbikes. From what I understand, they are allowed on motorways in other countries – the big ones I am talking about; whether we should distinguish between the ones with big cylinders and the smaller ones is another matter. Whether we should also ban them completely, is that what you are saying? I don't know whether that would be appropriate.

(Interruptions)

Yes, I know, they do so in other countries as well. The police are taking that seriously, the racing bit; I know that already, but we have to enforce the law.

Mr Speaker: I will have to remind hon. Member that this question relates to pedestrian crossing alone. It is a very issue, I agree, but I have to apply the rule. This is pedestrian crossing.

Ms Deerpalsing: Mr Speaker, Sir, may I ask the hon. Prime Minister whether the accidents have happened at multiple occurrences at the same pedestrian crossings and whether Government will envisage placing CCTV cameras or speed cameras at these pedestrian crossings and other pedestrian crossings?

The Prime Minister: Whether that is practical, we are also looking at that. But there two questions relating to these accidents...

(Interruptions)

I must say it has decreased, in fact.

Mr Baloomoody: Mr Speaker, Sir, the hon. Prime Minister just mentioned that we are reviewing the way people are receiving their driving licences. Can I ask the hon. Prime Minister to see to it that when people apply for a copy of their licence, an inquiry be conducted before he receives a copy? Because there are many people knowing that their licences will be suspended after they have committed an accident, they go and apply for a copy and when they are asked to surrender the licence, they surrender the original and they keep driving with the copy. It is so easy to get a copy apparently. Will the hon. Prime Minister look into the matter?

(Interruptions)

The Prime Minister: That is something that certainly the police will have to look into. People have to be made to be responsible. I think the law also has to be strengthened on that issue. If you are driving without a proper driving licence, you have to pay the consequences, that is, including the copy.

Mr Obeegadoo: Mr Speaker, Sir, my question relates to drunken driving. Do we have statistics which will allow us to have a clearer picture as to the responsibility to be attributed to driving under the influence of alcohol for the accidents on pedestrian crossings or fatal accidents generally?

Mr Speaker: No, 'generally' won't be allowed. The question relates to pedestrian crossings only.

The Prime Minister: I said the police are trying to compile all the figures that have been specifically asked, although they do not generally look at pedestrian crossings separately. That is why they have to sort out these answers. Again, people have to be made responsible. This is a terrible act of irresponsibility to drive while you are under the influence of alcohol. The penalty, I must say – what the hon. Leader of the Opposition has just said – will have to be reviewed. We have been told in the past that we should allow the discretion of the Magistrate to decide but we

are finding that decisions generally tend to be for a fine. I think personally it should be strengthened.

Mr Dayal: Mr Speaker, Sir, can I ask the hon. Prime Minister, with regard to pedestrian crossings and the number of accidents that he has just mentioned, how many of them involve heavyweight vehicles and 4 x 4?

The Prime Minister: Again, this is a statistic that the police - I don't even know whether they have it specifically; whether it is 4 x 4 or heavy vehicles, but they are looking at giving all the information that they have.

Mrs Labelle: Among the measures that the hon. Prime Minister mentioned, he talked about the probation driving licence. Will the hon. Prime Minister consider, after the issuing of a probation driving licence, accompanied driving for a certain number of kilometres or period, as it is the case, I think, in several countries? In France, it is the case; there is accompanied driving before issuing the final driving licence.

The Prime Minister: We have looked at that, in fact. We have to look at all the legal implications once you have given him the licence, but we think it can be done. This is one of the things. Also the probation licence, I should add, will not last for one year, but two years with a specific notice at the back and in front of the card that it is a probation driver; it is a new driver.

Dr. S. Boolell: Mr Speaker, Sir, may I ask the hon. Prime Minister whether he would look into the possibility of standardising the teaching and the training of the drivers by driving schools and monitoring the teaching and the training of those schools?

The Prime Minister: I totally agree with the hon. Member. This is one of the things that is being done at this new Driving Centre that is being set up.

Dr. Sorefan: The hon. Prime Minister has mentioned that 17 cases have been killed and about 358 cases injured. The Leader of the Opposition has mentioned one is too many. Would the hon. the Prime Minister consider setting up a Prime Minister's Assistance Fund for fatal cases, considering also assistance to bereaved families during insurance or court cases are being finalised?

The Prime Minister: This question, I think, was asked by hon. Deerpalsing last week or the week before, if I remember. We have a Prime Minister's Relief Fund specifically for this

kind of hardships but, unfortunately, we need to wait until the inquiry is over. That is why it takes time. There are legal implications of doing it before, but this is certainly something, after hon. Ms Deerpalsing asked the question, we are looking at. I must also say that the pattern has not changed. I have said 17 and 358, but the pattern is more or less the same. In fact, if you see the road traffic accidents – I will tabling this, but I mentioned the figures – the number has decreased but, as the hon. Member rightly said and as the hon. Leader of the Opposition rightly said also, one is one too many.

Mr Fakeemeeah: I very much appreciate all the positive measures being taken by our Government, but it seems that only the public is being blamed. That is why I want to come with a specific question on the authorities. I want to know from the hon. Prime Minister what is Mr Ben Buntipilly doing? What are the advices he is giving because I wonder...

Mr Speaker: No comment! The hon. Member should ask the question.

Mr Fakeemeeah: I wonder that he may be the very trouble for all these accidents. This is the outcry in Line Barracks.

Mr Speaker: The hon. Member is making a speech. He should put the question.

The Prime Minister: In fact, Mr Speaker, Sir, he has been chosen because of his experience and because of what he was doing before. He has great experience. We are very happy with what advice he is giving. In fact, he is discussing all these changes to bring in with me and the Minister concerned. As usual, if somebody is trying to bring change, there are some people who are unhappy, there is resistance. But we will have to do what needs to be done. What we want to do, as I have said, is to ensure that we have zero road traffic accident if we could. In no country is there zero! We need to bring the numbers down because a life lost is a life lost forever. Let me reassure the hon. Member. He is giving very good advice. Some of what he is saying, obviously, is not agreed with all the time. He is an adviser after all, but I am very happy that we have taken him on board and we will bring in some changes.

Mr Baloomoody: Now that we know there is no specific offence regarding accidents on pedestrian crossings, will the hon. Prime Minister consider amending the law so that we have an aggravated offence specific for pedestrian crossings which will carry harsher penalty.

The Prime Minister: Maybe there is confusion. What I said is that we are drafting regulations for pedestrians as well for they have also to be responsible, but all the laws are being relooked at. That is what I said earlier.

Mr Ganoo: The hon. Prime Minister has talked about changing the law, suggesting more repression and so on which is one side of the story. But doesn't he think also that the question of education, advertising, of publicity of awareness ...

Mr Speaker: He has said so.

Mr Ganoo: ... for young drivers should also be intensified?

Mr Speaker: The Prime Minister has already mentioned this in his answer. Hon. Leader of the Opposition!

Mr Bérenger: Mr Speaker, Sir, we had those figures. I think the whole country would be rather shocked: 17 people killed since 2005 and 358 wounded on pedestrian crossings. It is really shocking and we know that last year in 2010 fatal accidents increased by 14%, the worse year for the last ten years. His special adviser, Mr Ben Buntipilly, two months ago, announced a series of measures and some relate to this pedestrian crossing issue, specially one which I did not hear the hon. Prime Minister mentioning - maybe I missed it - a *centre de formation* to train, really well train young people, people who are going to become drivers. Are we going ahead with that? Finally, can I ask the hon. Prime Minister: would he agree with me that the priority is to come with this piece of legislation on pedestrian crossings, tough penalties, *une campagne* to get drivers and so on to be aware? Can we imagine something worse? Especially old people, they take care to go to the pedestrian crossings, they take care to cross there, and they get killed. I can hardly imagine worse circumstances. Therefore, will priority be given to that?

The Prime Minister: As I said, Mr Speaker, Sir, I need to point out again that the statistics that I have referred to show the same pattern. It is not a dramatic increase or an increase. It is the same pattern that is going on. In fact, road traffic accidents have been reduced from the high of 19,178 in 2002 to 7049. It is a dramatic reduction, in fact.

(Interruptions)

That is their problem! But that statistic could not have changed. It is still the same statistics.

Mr Speaker: No interaction please!

The Prime Minister: I must point this out because it is not correct to say as if there has been a dramatic increase. The other thing is about pedestrians. I am sure in the law - barristers on the other side would know - it is already an aggravating circumstance to kill somebody, but we need to toughen the law. That I agree and that is what we are doing.

Mr Speaker: Time is over! Questions addressed to Dr. the hon. Prime Minister.