

**MAURITIUS**

**Fifth National Assembly**

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**FIRST SESSION**

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**Debate No. 10 of 2011**

**Sitting of Tuesday 31 May 2011**

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

**at 11.30 a.m.**

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**ORAL ANSWERS TO QUESTIONS**

**MPs & PUBLIC OFFICERS - DECLARATION OF ASSETS & LIABILITIES**

**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 the Declaration of Assets Act, he will state if –

- (a) the Independent Commission Against Corruption has caused declarations of assets and liabilities made by Members of the National Assembly to be laid before the Assembly as per the Act, and if not, why not, and
- (b) by regulations, he will consider extending the application thereof to such categories of public officers and officers of any statutory body as he may designate.

**The Prime Minister:** Mr Speaker, Sir, first of all, I wish to remind the House that the Declaration of Assets Act 1991, was expressly amended by section 88(2)(a) of the Prevention of Corruption Act 2002 in order to provide that, on receipt of a declaration of assets and liabilities of any Member of the National Assembly, it would be the Independent Commission Against Corruption, and no longer the Clerk of the Assembly who would, in accordance with such directions as the Speaker may give, cause such declarations to be laid before the National Assembly.

I am informed, Mr Speaker, Sir, that the reference in the former Declaration of Assets Act 1985 to directions being given by the Speaker was in relation to non-disclosure of such declarations by the Clerk once they have already been filed with him.

Section 5(1) of the 1985 Act reads as follows -

“Subject to subsection (2), the Clerk shall not communicate to any person other than the Speaker any declaration filed with him except in accordance with such directions as the Speaker may give.”

Notwithstanding what I have stated at the beginning of my reply, it is strongly arguable that when the 1991 Act was amended in 2002 to replace “*Clerk*” by “*Commission*”, the words “*in accordance with such directions as the Speaker may give*” in section 5 became redundant and should therefore have been deleted.

I understand that the Speaker has therefore not deemed it appropriate to issue any directions under section 5 of the Prevention of Corruption Act.

Mr Speaker, Sir, the filing of Declaration of Assets with the ICAC possesses two objectives -

(a) to discourage corruption and ensure greater transparency by exposing Members of the National Assembly to the risk of being investigated for ill-gotten assets; in that regard it is noteworthy that section 84 of the Prevention of Corruption Act provides, *inter alia*, for the power of the ICAC to investigate any public official or any person for having committed a corruption offence where he owns or is in control of property to an extent which is disproportionate to his emoluments or other income, and

(b) the better preservation of the confidentiality of the declarations of assets and the protection of those who make the declarations from being subjected to unwarranted publicity and an unsubstantiated, irresponsible and malicious allegation regarding the source of the assets.

Mr Speaker, Sir, I am informed by the Director-General of the ICAC that, subject to what I have stated earlier, the declaration of assets and liabilities made by Members of the National Assembly have not been laid before the National Assembly, but consultations, I believe, with Mr Speaker are ongoing regarding the modalities and the specific circumstances that would warrant the issue of a direction from the Speaker. If the law requires to be amended following such consultations, this will be done at the earliest opportunity.

Mr Speaker, Sir, in regard to part (b) of the question, the House will recall that in my replies to PQ B/1282 and PQ B/414, I emphasised the desirability of extending the requirements of the Declaration of Assets Act to all categories of officers and office holders who performed duties and exercised powers of such a nature that people may be tempted to offer them gratification. I also stated that I am in favour of extending the application of the Act to

Chairpersons of parastatal bodies. However, regarding Chairpersons of parastatal bodies, I was advised that they cannot be brought under the ambit of the Act by way of Regulations. This will require an amendment to the Declaration of Assets Act.

I wish to add that notwithstanding that the Regulations and amendments are not ready, it is open to the ICAC, under section 84(1) to order any public official or other person suspected of having committed a corruption offence, to make a statement under oath about his assets and liabilities.

Mr Speaker, Sir, I have always been a strong advocate of transparency in public affairs. However, we must strike a balance between the proper and legitimate public interest in transparency and the interest of the public in attracting talented people to public life and retaining experienced officers in the public service; thus a proper respect for privacy and protection from ill-informed and irresponsible publicity.

It is also worth reminding ourselves that the objective of a declaration of asset legislation is not to label any public official as a corrupt individual. Its purpose is to monitor and to keep in view their assets. In a document published by the World Bank in November 2009, relating to income and assets declaration, specific mention is made of the central issue at stake which is, I quote -

“Whether or not public access to this information violates the privacy of public officials, or poses a threat to their security”.

Mr Speaker, Sir, as announced in the Government Programme 2010-2015, Government has reorganised the former Management Audit Bureau into the Office of Public Sector Governance which is now operating under the aegis of my Office. The main responsibility of this Office is to ensure that Public Sector Management is in line with best practices of governance, in particular those relating to transparency and accountability. I wish to restate our unequivocal subscription to public governance and our commitment to continue enhancing our governance framework in order to maintain the integrity of our institutions.

**Mr Bérenger:** Mr Speaker, Sir, I believe the hon. Prime Minister will agree with me that section 5 Publication of declaration of the Declaration of Assets Act is perfectly clear and mandatory. It reads -

“On receipt of a declaration the Commission shall cause such declaration to be laid before the Assembly through Mr Speaker.”

I take it that it cannot mean anything else. So, it is mandatory on the Commission to send such declarations to Mr Speaker. What Mr Speaker does is something different. Whether he makes or does not make it, gives directions is something different. Will the hon. Prime Minister agree that it is, therefore, unacceptable that the Independent Commission Against Corruption should have taken upon itself not to abide by the law, not to send to Mr Speaker, to the Assembly, the declarations of assets?

**The Prime Minister:** Mr Speaker, Sir, it is not as clear as the hon. Leader of the Opposition is making it. In fact, it appears that there are different interpretations. The Legal Adviser of ICAC has interpreted it differently. He believes the two should be taken together, that is, section 5, which says that -

“On receipt of a declaration under section 3 or 4, the Commission shall, in accordance with such directions as the Speaker may give”.

He interpreted that the ‘shall’ and the ‘may give’ should be taken together and not separated. His interpretation is that the Commission should await the directions of the Speaker before causing such declaration to be laid before the National Assembly and that, in the absence of such a direction from Mr Speaker, he cannot cause such a declaration to be laid before the National Assembly. That’s his interpretation.

I have tried to check with other people what should be the interpretation. It is very difficult; there are different views on that interpretation. In fact, when the change of law happened in 1982, it appears, maybe, there was room for clarification for the procedures concerned. The fundamentals are clear; there is no difficulty about the fundamentals, what is the objective. But regarding how ICAC should send it to the Speaker, it seems the procedure is not very clear. Perhaps we should have to modify this part of the law, Mr Speaker, Sir, because, quite rightly I think, it is not appropriate for Mr Speaker to give directions to an independent body, and neither do they feel they can send it, and in what procedure they should send it to the Speaker, unless there is such directive. That is the interpretation from ICAC.

Therefore, it is clear that we need to relook at this, and clarify the procedures as far as they are concerned. The fundamentals, as I said, are clear, but the procedures, how an independent body should give it to the Speaker, are not clear. I really believe that when the amendment was brought in 2002, this should have been looked at. Perhaps, this is where the difficulty is.

**Mr Bérenger:** With regard to the first part of his statement, the hon. Prime Minister himself said that the only interpretation that can be put on any directions, as the Speaker may give, must be targeting the Clerk, as it was under the previous law. So, in the first part of his statement, the Prime Minister says that and, now, he quotes ICAC. Why quote ICAC’s Legal Adviser? Has the State Law Office’s opinion on that been taken instead of ICAC’s lawyer?

**The Prime Minister:** Obviously, we have taken the opinion of the State Law Office, but we also have to take the opinion of ICAC as to why they have not sent it; and that is the interpretation. The hon. Leader of the Opposition makes remarks about the beginning of my reply. I am just saying what the law is at the moment. I am not saying whether the interpretation is right or wrong.

**Mr Bérenger:** What is clear at any rate is the intention of the law to make these declarations of assets public; transparency to which the hon. Prime Minister has referred to, and we have obtained the opposite result. Will, therefore, urgent amendments be brought to clarify

the situation and have it that all the declarations of assets and liabilities of all Members of Parliament will be, through Mr Speaker, placed in the Library of the Assembly? Because the whole purpose was for transparency.

**The Prime Minister:** Yes, I agree. In fact, Mr Speaker, Sir, I should say that, since the law was passed in April 2002, from 2002 to 2005, ICAC never sent any declaration to Mr Speaker. It was like this; perhaps nobody raised the issue at that time. There is clearly confusion, different interpretations of the law and, clearly, we need to amend it. I think it would be a simple amendment; personally, I don't think it should be a difficult amendment. Maybe, we should say that ICAC should send the declaration of assets to the Clerk of the National Assembly, who should then perhaps lay it on the Table of the Assembly, upon such directions given by Mr Speaker. I think it should be a small amendment.

**Mr Bérenger:** Mr Speaker, Sir, being given that there has been no transparency at all, can I know from the hon. Prime Minister whether he has been made aware of any case of failing to comply with the law or of making a false declaration under the Declaration of Assets Act?

**The Prime Minister:** Neither one nor the other, Mr Speaker, Sir.

**Mr Bérenger:** Can I, again, put the question, which I put just before the last one? Will urgent amendments be brought to the Declaration of Assets Act, to clarify the situation and achieve the goal of having the Declaration of Assets Act of all Members placed in the Library?

**The Prime Minister:** That's what I said, Mr Speaker, Sir. In fact, as I said, I believe there have been consultations between your Office and ICAC. I think it should not take that long, and we could then bring the amendments that need to be made.

**Mr Bérenger:** I move to the second part of my question. I will have to check on this opinion received that, for officers in parastatal bodies, the law does not apply. But, as far as public officers are concerned, there is no need to amend the law. The hon. Prime Minister has the power to make regulations under section 7 of the Declaration of Assets Act. We just had the most shocking example of the Chief Government Valuer. Will the hon. Prime Minister agree that it is urgent to have such regulations, and provide that officers like the Chief Government Valuer will also have to declare their assets and liabilities - to be made public there also?

**The Prime Minister:** As I said, Mr Speaker, Sir, in my answer, I have been advised that Chairpersons of parastatal bodies - I am taking the whole lot and not just the person being referred to - cannot be brought under the ambit of the Act by way of regulations. An amendment of the law will be required; we can look at that amendment at the same time, I suppose.

**Mr Bérenger:** In the meantime, can I ask the hon. Prime Minister whether he has given due consideration to the categories of officers that should be governed by such regulations?

**The Prime Minister:** We are looking at it but, like in all laws, we must be able to balance between competing public interest. That is why we have to look at it very carefully. We must also remember that we not only need to attract but retain talented and experienced people in

the service. At the same time, there is the public interest that we have to look at. I think we have to strike a balance between the two.

**Mr Bhagwan:** I have not heard the hon. Prime Minister talking about Government-owned companies. We have heard about parastatal bodies. There are 100% State-owned companies, and we would like to know whether these would be included in the list of those who have to declare their assets.

**The Prime Minister:** The question was asked to me about this some time back in 2009, and I made the remark that the Government owned companies are already reporting the remuneration of Directors, including those of the Chairpersons, in their financial statements, as part of their compliance with the principle of good governance laid down in the code of corporate governance. As to whether it would be appropriate to extend that to them, we will have to look at it very carefully.

**Mr Bhagwan:** What about the assets and liabilities? Can they be included? Because now we are mentioning assets and liabilities.

**The Prime Minister:** We will look at all this together. There is no need to do it separately.

**Mr Ganoo:** The hon. Prime Minister has just talked about the advisability of reviewing the law. The Declaration of Assets Act defines the word 'assets', and this dates back to 1985 when the law was passed. But, now, with the passage of time, with the new financial crisis and economic evolution, we know that the word 'assets' has a wider meaning. Does the hon. Prime Minister think that we should review the definition of 'assets', and not include only property, vehicles, boats and shares as in the law, but widen it so that it can include promissory notes, other derivatives, gold and even other new instruments that have now come into existence?

**The Prime Minister:** I suppose we will have to look at that. Perhaps, the hon. Member could give me idea of what he thinks, how wide it has to be.

**Mr Guimbeau:** *Mr Speaker, Sir, I am referring to the Declaration of Assets Act. Je voudrais savoir du Premier ministre si the Declaration of Assets Act de ce jour couvre aussi les comptes bancaires et autres avoirs des honorables membres de l'assemblée nationale à l'étranger et, si non, est-ce que le Premier ministre va proposer des amendements à la Chambre afin que les membres de l'assemblée déclarent aussi leurs avoirs à l'étranger?*

*(Interruptions)*

**Mr Speaker:** Order!

**Mr Guimbeau:** Foreign countries!

**The Prime Minister:** We must look at the practicability of this. I believe - I am talking from memory - a long time back, there was an article in "*L'Express*", citing a Judge of the Supreme Court having an account abroad and that he should have declared it. The Judge sued

the paper and won the case, I believe, because he suggested that this was money that he earned abroad and not here. So, we must look at it very carefully; whether it is practical or not.

**Mr Guimbeau:** The Prime Minister is referring to accounts; that's good. But also, about the flats and all the *châteaux* abroad, Mr Speaker, Sir!

*(Interruptions)*

**The Prime Minister:** You will be surprised to know how many people have flats and all these abroad - and not flats - in the best places; you can think of in Paris and England. You will be surprised!

*(Interruptions)*

That is why I said, Mr Speaker, Sir, we must balance the two. We must look at the public interest but, at the same time, they are competing public interest. We have to look at that very carefully.

*(Interruptions)*

**Mr Speaker:** Order! Hon. Bhagwan, please! Yes, hon. Leader of the Opposition!

**Mr Bérenger:** Can I ask a general question? Would the hon. Prime Minister agree with me that the mood at present in the country is crying for new measures to combat fraud and corruption and doing what has been mentioned, what I have proposed here would send a strong signal? Would the hon. Prime Minister agree with me?

**The Prime Minister:** I have always maintained that, Mr Speaker, Sir. As I said, even between 2002 and 2005, nothing was sent to Mr Speaker because that was the interpretation by ICAC at that time as well. So, it's not new.

*(Interruptions)*

I am sorry! Well, you were such "competent", you should have seen it yourself!

*(Interruptions)*

**Mr Speaker:** Order! No more questions! Questions addressed to Dr. the hon. Prime Minister! Hon. Ms Deerpalsing!

#### **MR M. G. - BELLE ROSE - ROAD ACCIDENT**

**(No. B/419) Ms K. R. Deerpalsing (Third Member for Belle Rose & Quatre Bornes)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to the road accident which occurred on the Royal Road, Belle Rose, on or about 26 March 2011, and which caused the death of one Mr M. G., he will, for the benefit of the House, obtain from the Commissioner of Police, information as to where matters stand as to the inquiry carried out thereinto.

**The Prime Minister:** Mr Speaker, Sir, I am informed by the Commissioner of Police that on 26 March 2011 at about 22 00 hours, following an anonymous phone call received at Rose Hill Police Station, the Police attended to a case of road accident along Royal Road, Belle Rose, involving a private car and a motorcycle.

One Mr M. G., aged 50 who was on the motorcycle was found injured. He was conveyed to Victoria Hospital by SAMU personnel.

An alcohol test was performed by the personnel of the Emergency Response Service of the Western Division on the driver, one Mr S. P. of the private car involved in the accident. The test was positive. The driver refused to give further specimens of his breath as well as specimens of blood and urine. He was duly cautioned and later allowed to go on the condition that he calls back at the Police station on the following day for further enquiry. The next morning at 08 30 hours, the driver duly called at the Police station and his statement was recorded.

On 29 March 2011, Mr M. G. passed away in hospital without giving any statement to the Police. Autopsy performed on the same day by the Police Medical Officer revealed that death was caused by shock due to multiple injuries.

On the same day, a provisional charge of Involuntary Homicide by Imprudence was lodged against the driver of the car before the Rose Hill Court. He was allowed bail on the same day upon furnishing a surety of Rs8,000 and a recognizance of Rs20,000.

Enquiry into the matter is ongoing.

**Ms Deerpalsing:** Mr Speaker, Sir, may I ask the hon. Prime Minister whether, in these cases - in this case it appears to be a hit and run - there are the possibilities that the...

**Mr Speaker:** In this case! Not these cases!

**Ms Deerpalsing:** In this case. Thank you, Mr Speaker, Sir. I would like to know whether, in this case, the alleged culprit could go to the clinic and whether the laws should not be amended to prevent the Police from furthering their inquiry.

**The Prime Minister:** In fact, I think we need to re-look at that law also, Mr Speaker, Sir, to make it even a stronger piece of legislation. One of the things that hon. Minister Bachoo did, quite rightly, which a lot people could not understand, for example, people do hit and run and you can't identify the number plate. With the new number plates, at least, it's easier to identify - I don't say you could always identify - and even from a long distance you can see it. There is also the obligation for the person who is driving to assist. For any person failing to render assistance is also an offence. The person is supposed to report within four hours at the very latest about the accident.

Now, we have seen in cases what they do; they do not go to the hospital, because if they go to the hospital, the Police can go to them and ask questions and do whatever they want to do; but when they go to clinic, apparently this cannot be done. So, that's the way of avoiding all the tests that need to be done. This, we will have a look at, because this would be an easy way.



And, very often, what happens, you get a barrister who comes and advises him to go to the clinic so that Police cannot have access to him; that we have to change.

**Mr Ganoo:** Can I ask the hon. Prime Minister one question? Even though a driver refuses to undergo the breath test, the blood test or the urine test, if the Police officer suspects him of being under the influence of alcohol, he has the power to arrest him. In that case, he might have refused, but I understand that the Police allowed him to go. But he should have been...

**The Prime Minister:** The hon. Member misunderstood me. He was already in custody and he did accept to have the breath test in that case, which was positive. But what he refused was to have the specimens of his blood and urine to be collected. He was then cautioned and, only later on, he was allowed to go, that is, not himself driving, but somebody else. That's the law as it is, and not just here. It's also the same in other countries. Once you have done the blood test, you cannot just lock him up. After a while, he was allowed to go; not himself driving, but somebody else driving him.

**Mr Ganoo:** The point I was making is that the Police in that case had power to arrest him for the night in question.

**The Prime Minister:** In fact, he was under arrest - so to speak - because he was in custody of the Police. He was taken, I think, to some station where he refused to have his blood and urine taken. Maybe, we should look at this while we look at the law - amend it. My understanding is that, in other countries, it is the same as it is here, that is, you don't lock him up. You can allow him to go, but then he goes to court and have all the procedures that have been followed here. But we can look at this.

**Ms Deerpalsing:** Mr Speaker, Sir, in the case of this Police inquiry, the fact is that the widow of this person does not work and has no revenue and they are waiting for the Police inquiry to end before they can go to the insurance, before they can do a lot of other things, where they can make payments for their house and so on. Can I ask the hon. Prime Minister whether, in this case or in such cases, the Police could fast track the inquiry and, at least, give some administrative help to the widow of this person?

**The Prime Minister:** I will have to ask the Commissioner of Police, but my understanding is that what takes a long time is the forensic, what they have done on the forensic side; they need to have all this before they can do this, unfortunately. But I will certainly pass this to the Commissioner of Police to see whether this can be done, not just in this case but in any case.

**Ms Deerpalsing:** Mr Speaker, Sir, I have one last question about this. In this case again, - it's a case that happens many times - would it be necessary to amend the law so that the financial institutions which are putting pressure waiting for the Police inquiry would give a *période de grâce* to these people?

**The Prime Minister:** Sorry, I did not quite understand. What does the hon. Member mean by 'période de grâce'?

**Mr Speaker:** I think the hon. Member has to be specific on the financial institution. Which financial institution is she referring to? Is it an insurance company?

**Ms Deerpalsing:** Yes.

**Mr Speaker:** Yes, insurance company.

**The Prime Minister:** Is it whether the insurance company should not press for payments? Does the insurance company give them loan? I am not quite clear.

**Mr Speaker:** I don't know. I am just trying to guide the hon. Member. This is a case; even if there is a Police inquiry going on, it does not stop the civil action to proceed. You can proceed concurrently with the civil action. It is only a question of liability; who is liable and who is not liable. The Police inquiry does not stop the civil matter to proceed.

*(Interruptions)*

**Ms Deerpalsing:** Mr Speaker, Sir, what I am trying to say is that, pending the completion of the Police inquiry, the insurance company is putting pressure for the widow to pay the loans and the woman does not have any revenue. They are waiting for the Police papers to go to the insurance company.

**Mr Speaker:** I think we have an institution which has been created by this House - I don't remember the name - in the wake of the sale by levy, she can address her problem there and have the loan rescheduled.

**The Prime Minister:** What I will do, Mr Speaker, Sir, is to take up the matter with the authorities concerned to see whether this can be accelerated.

**Mr Speaker:** Exactly!

**The Prime Minister:** Now I understand what the hon. Member is saying.

### **HORSE RACING BOOKMAKERS - RELOCATION**

**(No. B/420) Ms K. R. Deerpalsing (Third Member for Belle Rose & Quatre Bornes)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to the horse racing bookmakers, he will state if the High Level Committee on gambling will consider the relocation thereof back to the Champ de Mars, as a matter of priority.

**The Prime Minister:** Mr Speaker, Sir, as the House is aware, Government set up a High Level Committee, under my chairmanship, to examine the issue of proliferation of gaming houses and discotheques in the country. Then a Technical Committee was instituted under the chairmanship of the Secretary to the Cabinet and Head of the Civil Service to examine the consequences of the proliferation of gaming houses and discotheques and to make recommendations to the High Level Committee.

The terms of reference of the Technical Committee were restricted to 'gaming houses and discotheques'. However, in order to address the problem in a comprehensive manner, the Committee did cover other types of gambling activities, including those of bookmakers operating outside the Champ de Mars.

As I stated in my reply to PQ B/165 at our sitting of 12 April last, the Technical Committee has already submitted its report in which it has made numerous recommendations to mitigate the unintended consequences of gambling activities, including the activities of bookmakers operating outside the race course.

As the law stands, Mr Speaker, Sir, bookmakers are entitled to operate outside the race course or "off course", inside and outside Champ de Mars. There are at present 11 such bookmakers who are operating off course, including one in Rodrigues. In order to attenuate the negative consequences of the activities of these off course bookmakers, the Technical Committee has recommended that all bookmakers be eventually confined to the Champ de Mars. However, this will require an amendment to the Gambling Regulatory Authority Act.

In my reply to PQ B/165, I informed that consultations are under way with the Attorney-General's Office for the implementation of the measures which have been recommended by the Technical Committee. I also elaborated on the measures envisaged by the Gambling Regulatory Authority (GRA) to address the problems associated with gambling in general and I indicated that a review of the functions of the GRA is also being undertaken at the same time.

Mr Speaker, Sir, I wish to stress on the fact that, since the setting up of the High Level Committee, I believe no new licence has been granted to any bookmaker to operate either on or off course. Furthermore, the licences of existing gaming houses which have become a threat to public order are not being renewed on expiry. In this regard, at the request of the Gambling Regulatory Authority, the Local Authorities, with the assistance of the Police, are conducting an exercise with a view to identifying those gambling houses which constitute a public nuisance.

The House will recall, Mr Speaker, Sir, that the vice-Prime Minister and Minister of Finance also announced measures in his last Budget Speech which are aimed at minimising the harm caused by compulsive gambling. The measures included a 67% increase in the licence fees of all bookmakers. Moreover, in his replies to several Parliamentary Questions on this matter, the vice-Prime Minister and Minister of Finance explained that the GRA is looking into the whole issue of gambling advertisement in consultation with all stakeholders. He also informed that the licences of two on course bookmakers have not been renewed due to indebtedness to the MRA.

As announced, Mr Speaker, Sir, in the Government Programme 2010-2015, Government will relocate gambling activities either in specifically designated areas, or at one designated area, away from residential and commercial areas, with a view to mitigating the unintended consequences of gambling. I wish to reassure the House that we shall, as a responsible Government, continue to exercise the necessary oversight and control on gambling activities so

as to ensure that children, vulnerable people and the society at large are protected from the unintended consequences of gambling.

**Ms Deerpalsing:** Mr Speaker, Sir, I am very happy to hear that the Technical Committee has recommended that bookmakers be moved back to Champ de Mars. May I ask the hon. Prime Minister whether there is a time frame, sort of a deadline because in the meantime the bookmakers are laughing all the way to the bank while the society is being dilapidated?

*(Interruptions)*

**Mr Speaker:** No comments, please!

**The Prime Minister:** We haven't put a time frame, but we are practically finalising it. So, I don't think it will take that long. As I explained, Mr Speaker, Sir, the GRA together with the local authorities, with the assistance of the Police are looking one by one the cases. As soon as they finish, I suppose we should be ready by then.

**Ms Deerpalsing:** So, may I just ask where matters stand with respect to the consultations with the Attorney General's office for the Technical Committee to implement this recommendation?

**The Prime Minister:** I think I did say, Mr Speaker, Sir, that a review of the functions of the GRA are also being looked at, at the same time so that once we do it, we do it all in one go, not bits and pieces. So, what the Technical Committee recommended has already been looked at by the Attorney General's office, but we are waiting for the other to finish so that we can pursue the matter.

**Ms Deerpalsing:** Mr Speaker, Sir, just one last question. My question was about horse racing, bookmakers, but, in his answer, the hon. Prime Minister talked about gambling activities and referred to the paragraph in the Government-Programme to move all of these gambling activities, not just horse racing bookmakers into one spot. May I ask the hon. Prime Minister to enlighten the House as to where matters stand on that aspect of moving all these gambling activities away from residential areas?

**The Prime Minister:** I must clarify, Mr Speaker, Sir. I don't think we can mix the bookmakers with all the other gambling activities. The bookmakers, if we move them to Champ de Mars, would be at Champ de Mars, but not to the same place as the other gambling activities are being carried out. What I did say was that we are looking at whether we should move them to specific areas, away from residential areas, or should we move them to one specific area and then only one place where all these gambling activities will take place.

**Mr Fakeemeeah:** Mr Speaker, Sir, I would like to come with a more direct question to the hon. Prime Minister. Is his Government for the promotion of gambling or against it?

**The Prime Minister:** That will give rise to a long debate, but there are two things we must look at. We must also look at the freedom of people. If somebody wants to gamble, we

don't want, like a complete authoritarian say 'you can do this, but not that.' People also have to be responsible themselves. But what we can do is not to encourage compulsive gambling.

*(Interruptions)*

That is also a point the Government does.

*(Interruptions)*

No. In all countries it is like this. Even in a country like Singapore which did not want to have any gambling, as you know, now they have gambling. I must tell the hon. Member when I was last in Singapore, I did ask the actual Prime Minister: how is it that you have changed the policy? His answer was: we regret we didn't do it before, but it has to be controlled.

**Mr Speaker:** Last question!

**Ms Deerpalsing:** Mr Speaker, Sir, precisely regarding the answer that the hon. Prime Minister gave about earmarking a site for all the other places, I would like to ask the hon. Prime Minister whether the Technical Committee has started to identify a site where the other gambling activities could be relocated to.

**The Prime Minister:** A few possible sites have been looked at. Whether we should proceed with one or the other, we haven't decided, but a few possible sites have been looked at.

**Mr Speaker:** Last question, hon. Ganoo!

**Mr Ganoo:** In the event of the relocation taking place at Champ de Mars or any other specified area, who will bear the cost of that relocation? Has the hon. Prime Minister given thought of the advisability of asking the bookmakers to contribute to that relocation exercise?

**The Prime Minister:** I think what we need to do is to give them notice, Mr Speaker, Sir, and they will have to bear the cost from what I see. Government cannot go and carry their stuff to whatever place, but I think what is important is that we give them reasonable notice of what we intend to do.

### **'LE VIGILANT' VESSEL**

**(No. B/421) Mr A. Ameer Meea (First Member for Port Louis Maritime & Port Louis East)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to 'Le Vigilant', he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if it is operational and, if not, why not.

**The Prime Minister:** Mr Speaker, Sir, the contract for the construction of the Vigilant between the Government of Mauritius and the Western Canada Marine Group was signed on 17 February 1994.

Since its commissioning, the vessel had repeated shaft problems and had undergone major repairs on various occasions at the Naval Dockyard, Mumbai, in the years 2000, 2001, 2003 and 2004.

However, the vessel continued to have problem with its shaft and it has not been deployed since March 2006.

After several unsuccessful attempts to repair the vessel, a Board of Survey was set up in July 2007 by the Ministry of Finance and Economic Development for the disposal of the vessel.

In September 2009, the Board of Survey submitted its report to the Commissioner of Police and recommended that some repairs be carried out to the vessel in order to obtain a better sale price and that the vessel be disposed of through an international broker, specialised in sales of navy vessels.

Subsequently, in June 2010, repairs amounting to Rs1,955,000 were carried out to the vessel at the Taylor Smith Ltd, as recommended by the Board of Survey.

I am informed that so far, three tendering exercises have been carried out by the Commissioner of Police for the disposal of the Vigilant.

The first one, in July 2010, where 11 international brokers specialised in the sale of navy vessels, was invited to submit their bids. By the closing date on 06 October 2010, no bids were received.

The second exercise was carried out in November 2010, after consultation with the Ministry of Finance and Economic Development again by the closing date on 14 December 2010, no bids were received.

A third tendering exercise is now being carried out. The closing date for submission of bids has been set for 20 July 2011.

Mr Speaker, Sir, we have already made arrangements to replace the Vigilant by a new and modern offshore patrol vessel.

In fact, during my visit to India in October 2005, the Government of India agreed to provide an offshore patrol vessel to the Government of Mauritius.

An agreement has already been signed with the Government of India for the acquisition of an offshore patrol vessel which is at the moment being constructed by the Garden Reach Shipbuilders and Engineers Ltd, India. In this regard, the Government of India has provided a one-time grant of US\$ 10 million and a Line of Credit of US\$ 48.5 million extended through the Exim Bank of India to the Government of the Republic of Mauritius. The delivery of the vessel is expected in September 2014.

**Mr Bérenger:** Since the Prime Minister told us that the last time ‘Le Vigilant’ took to sea was in 2006, can I ask him whether he has a figure of how much, in terms of maintenance cost and staffing, “Le Vigilant” costs every year?

**The Prime Minister:** I have the cost here. In 1997, the cost was Rs1,507,000; between 1999 and 2000 it was Rs9,157,826. It includes the cost of repairs and everything together. From January 2001 to September 2001 it was Rs16 m.; from 2002 and 2003 it was Rs10,852,688;

2003 to 2004 it was Rs7,519,580; 2004 to 2005 it was Rs4,389,988; 2005 to 2006 it was Rs18,433,328; in 2010 it has cost us Rs1,955,000; that is the sum that we paid for the dockyard.

### **PRISONS - CHILDREN**

**(No. B/422) Mrs F. Labelle (Third Member for Vacoas & Floreal)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to the children who are staying with their mothers in the prisons, he will, for the benefit of the House, obtain from the Commissioner of Prisons, information as to the number thereof, indicating -

- (a) their respective age, and
- (b) the number of hours that they spend outside the cells.

**The Prime Minister:** Mr Speaker, Sir, according to section 27(2) of the Reform Institutions Act, a female detainee, if she so wishes, is allowed to keep her child with her in prison until the child attains the age of five.

I am informed by the Commissioner of Prisons that there are currently nine children who are staying at the Women Prison, Beau Bassin with their mothers, of whom three are foreigners. Two of the children are three years old, four are two years old, two are one year old and one is four months old.

In regard to the last part of the question, I am informed that the mothers along with their children remain outside their cells in the recreation area at the Mother and Child Care Unit during the day from 0600 hrs to 1800 hrs.

Mr Speaker, Sir, I wish to inform the House that, at the initiative of the vice-President of the Republic of Mauritius, the Child and Family Development Programme of the National Empowerment Foundation, in collaboration with the Mauritius Prisons Service, is working on a project for the setting up of a Crèche in a compound outside the Prisons at Beau Bassin. The Crèche will accommodate 20 children up to three years of age and will cater for children of prisons staff, those of detainees as well as those coming from families under NEF programmes.

The main objective of the project will be to ensure the psycho-social development of the babies whilst freeing the mothers to engage in productive activities.

**Mrs Labelle:** Mr Speaker, Sir, may I ask the hon. Prime Minister whether he will consider asking the Commissioner of Police to make arrangements for these children? Because at the age of five, they will have to leave the mother, if she is still having the sentence and go outside and live with the person who will take care of them just to avoid the trauma that they are experiencing. To let them go at regular visits to those people who will care for them after the age of five!

**The Prime Minister:** My understanding is that, once they reach the age of five, this is what they try to do. But, very often, you can't find people also who want to take care of them. Then I think the Ministry has provisions to take them to different Child Care Units.

**Mr Obeegadoo:** Mr Speaker, Sir, I am happy to hear that kindergarten facilities may be provided, but what about nutrition? It is now well-established that the quality of nutrition is fundamental to the development of cognitive abilities of children. Children up to five are imprisoned. Are they being offered a prison diet?

**The Prime Minister:** I will have to look into that. I am sure they give them proper diet, Mr Speaker, Sir. It won't be the same diet as the prisoners, I would think so.

**Mr Bérenger:** Can I ask the hon. Prime Minister whether special efforts are being made to get the countries - because we are told that several foreigners are among those lady prisoners - where they came from to have them to serve their remaining sentence in that country, including South Africa? South Africa has refused until now, but I think with a case like that, with young kids and the mother, it strengthens our arguments to have them accept that these ladies should terminate their sentence in their home country.

**The Prime Minister:** I would be always trying to do this, Mr Speaker, Sir. As the hon. Leader of the Opposition is saying, South Africa completely refuses to change the position on this. We have tried to stress on them that this could be important. I can renew the effort, but they have so far refused to do so.