

**MAURITIUS
FOURTH NATIONAL ASSEMBLY**

**FIRST SESSION
TUESDAY 12 May 2009**

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MAURITIUS
FOURTH NATIONAL ASSEMBLY

Debate No. 7 of 2009

Sitting of Tuesday 12 May 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)

PAPERS LAID

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

A. Prime Minister's Office –

Certificate of Urgency in respect of The Probation of Offenders (Amendment) Bill (No. VIII of 2009).

B. Ministry of Finance and Economic Empowerment -

- (a)* The Annual Report of the Accountant-General and the Accounts of the Republic of Mauritius for the year ended 30 June 2008.
- (b)* The Digest of Agricultural Statistics 2007.
- (c)* The Digest of External Trade Statistics Year 2007.
- (d)* The Digest of Statistics on Rodrigues 2007.
- (e)* The Household Budget Survey 2006/07 and The Updated Consumer Price Index Methodological Report.

C. Ministry of of Public Infrastructure, Land Transport & Shipping -

The Deloitte Final Report on the Assessment of Financial Situation and Review of the Organisational Structure of the National Transport Corporation Volume I and Volume 2 – Job Descriptions – March 2009 (In original).

D. Ministry of Social Security, National Solidarity & Senior Citizens Welfare & Reforms Institutions -

The Report of the Director of Audit on the Financial Statements of the National Solidarity Fund for the year ended 30 June 2007.

E. Ministry of Agro Industry, Food Production and Security –

The Annual Report 2005 – 2006 of the Farmers Service Corporation.

F. Ministry of Labour, Industry Relations and Employment -

The Report of the Export Processing Zone Labour Welfare Fund for Financial years 2005-2006, 2006-2007 and 2007-2008 (In original).

ORAL ANSWERS TO QUESTIONS

NHDC HIGH-RISE HOUSING ESTATES – SEWERAGE, WATER INGRESS/LEAKAGES & WATER TANKS PROBLEMS

The Leader of the Opposition (Mr P. Bérenger) (*By Private Notice*) asked the Minister of Housing & Lands whether, in regard to the NHDC high rise housing estates, he is aware of the sewerage, water ingress/leakages and water tanks problems being encountered by their owners/occupiers and, if so, will he, for the benefit of the House, obtain from the Company, information as to –

- (a) the urgent remedial measures taken to address same;
- (b) if an Action Plan for improving the living environment and conditions in and around those blocks will be implemented, and
- (c) how the setting up and proper functioning of Syndics is being encouraged.

The Minister of Housing & Lands (Dr. A. Kasenally): Mr Speaker, Sir, I wish first of all to thank the hon. Leader of the Opposition for this Private Notice Question and for having raised an issue which has been high on my agenda since I have assumed Office as Minister of Housing & Lands in September last.

Mr Speaker, Sir, I am perfectly aware of the problems being encountered by owners of NHDC high-rise apartments.

As a matter of fact, one of the very first things I did was to carry out site visits in several housing estates across the island to personally take stock of the living conditions of the residents of those housing estates and the general conditions of the housing units, including high-rise apartment blocks.

I wish to also point out that some of my colleagues have, *inter alios*, also undertaken similar exercises, namely hon. Dr. A. Boolell and Dr. V. Bunwaree, who have been regularly holding one on a Sunday morning and the other one usually during the week.

My Ministry also received several representations from inhabitants of those housing estates concerning mainly sewerage, water ingress/leakages and defective water tanks. In fact, hon. Cuttaree also put a PQ which, unfortunately, was withdrawn, but I had given him the information.

I have requested the NHDC to undertake a complete survey of all NHDC Housing Estates and to submit a comprehensive report, including the estimated costs of all remedial actions to be taken. Mr Speaker, Sir, I must inform the House that, on 10 April 2009, I received the report.

Mr Speaker, Sir, there are to date 100 NHDC Housing Estates, out of which 44 have a *règlement de copropriété*. 33 of these Housing Estates are high-rise apartment blocks. Construction of these apartments started as far back as 1992.

In normal course of things, it should rest with the purchasers/owners to set up their own syndic to look into the management and maintenance of these housing estates and common areas. Unfortunately, in most cases, syndics have never been functioning properly since the very beginning.

I am informed that, due to the above, the NHDC has always had to intervene in emergency cases with a view to maintaining good living conditions of the inhabitants of these estates.

In this respect, I have been further informed that the NHDC has, over the years, been carrying out de-sludging of the sewerage system. Moreover, the NHDC has also undertaken repair and rehabilitation of electrical and water networks.

Coming back to the report, Mr Speaker, Sir, I understand that there is a series of repairs and rehabilitation works that need to be carried out. These include -

- water proofing works at La Caverne, Beau Vallon, La Tour Koenig, Camp Le Vieux, Vallée des Prêtres and Plaine Verte;
- repair to electrical installations at Camp Levieux and La Tour Koenig;
- repairs to common CEB meter cabins, which have been damaged due to vandalism and lack of maintenance in no less than 15 Housing Estates - I am laying on the Table of the House some pictures, which show evident vandalism that has caused tremendous prejudice to the inhabitants of these estates, Mr Speaker, Sir.
- reinforcement of concrete works mainly at Beau Vallon.

The estimated cost of undertaking all these rehabilitation and repair works is around Rs235 m.

The report has been thoroughly examined at the level of my Ministry, and we have prioritised works to be undertaken. The estimated cost would be around Rs70 m., and arrangements are being made for works to start soon.

In regard to parts (b) and (c) of the Question, taken together, I believe, Sir, it is most pertinent to remind and emphasise in no uncertain terms that all NHDC apartment blocks are co-owned property, with "*parties communes*" and "*parties privatives*" in accordance with standard "*règlement de copropriété*". As such, it is legally the sole and entire responsibility of co-owners to ensure that the living environment and conditions in and around those blocks, as well as those in the "*parties privatives*" of their apartments, are overall and always immaculately salubrious, and "*où il fait vraiment bon vivre*". It is also entirely and essentially co-owners' responsibility to elect a syndic, as well as an advisory "*conseil syndical*"; and the hon. Leader of the Opposition is himself aware of the difficulties in the appointment of a syndic and in the provision of syndic services. I understand that, when he was Prime Minister, he personally presided over several meetings to find solutions to the problems caused by the absence of, or by the ineffectiveness and the inefficiency of the syndic and syndic services. I also understand that he had stated the following or words to the same effect, with my apology if I have misquoted him -

"Syndic is the toughest nut I have had to crack."

Sir, irrespective of the lacunas and difficulties, and of the legal responsibilities and liabilities of co-owners, themselves, this Government shall unflinchingly continue to come to the assistance of those of our citizens who are really in need of such assistance. The NHDC is a case in point.

Mr Bérenger: May I thank the hon. Minister for the details provided and the intentions declared! He says that he is perfectly aware of the situation on these high-rise apartment blocks housing estates, and that he has carried out site visits. Therefore, Mr Speaker, Sir, he must be aware that things have been deteriorating terribly, and the quality of

life on these housing estates is unbearable. I thank him for the action that is being envisaged. But, Sir, can I start with sewerage, which is the most serious problem, because of health hazards and the terrible conditions in which the owners/occupiers are living? Can I ask him whether he is aware that, as in Dagotière recently, regularly the health of these occupiers is hurt because of old pipes and water pipes – older still – causing pollution of drinking water? There have been hospital cases in Dagotière recently. The septic tanks are too small. They are placed too near to the blocks and, in some cases, less than ten metres away, and we can imagine the smell that all this generates. In most cases, most of those septic tanks are not being serviced, since - we'll come back to that later – there are no syndics to take care of these. Will he and his colleague, the Minister of Health, give the assurance that urgent action is being taken, in collaboration with both the Wastewater Authority and the Central Water Authority?

Dr. Kasenally: Mr Speaker, Sir, in fact, as regards the sewerage, I understand - and I appreciate fully – that, if the sewerage is not working in any home for that matter, life is hell. It is for this reason that procedures have already started all over the sewerage system in the NHDC estates to be undertaken by the WMA, which is the competent authority and has the necessary expertise for the sewerage system.

I must also point out, Mr Speaker, Sir, that, unfortunately, in some of these housing estates, people have also been trying to divert grey water into these sewer tanks which, as has been said, are not meant for that. In fact, this is part of the problem, as well as the infrastructural work done at the time these housing estates were built in 1991.

Mr Bérenger: If I can move on to the second most urgent and biggest problem, that is, water leakages and problems with water tanks. I am sure the hon. Minister is concerned that, in quite a number of these high-rise estates, water is leaking into the rooms, especially the highest storey. There is, in fact, the danger of loss of life through electrocution, especially at Camp Levieux, but I will also add La Tour Koenig, Cité La Cure and elsewhere. There is danger to life in that situation, apart from the terrible situation in which they are living, with water in the rooms and it keeps on leaking to the lower floors, Mr Speaker, Sir. Can I ask the hon. Minister whether we are going to look at the possibility of removing those wrecked water tanks on top of these blocks? Because they are regularly out of use, you have problems, it leaks and so on. Is consideration going to be given to building towers next to the blocks of apartments – dedicated towers if I can call it - with the water tanks separate from the main building, placed on those dedicated towers?

Dr. Kasenally: Mr Speaker, Sir, the technicians and engineers of the NHDC are looking at all the problems. As far as ingress of water is concerned, I am sorry to say that it is very unfortunate that when reroofing has been done, some of the inhabitants have been drilling holes to set up television antenna and, invariably, it damaged the roof and, with time, there is a bit of a crack which causes water ingress. This is my main concern; that is why we have given priority to this, to attend to these cracks to prevent whatever water ingress. There has also been another problem, where the pipes coming down have been fractured, and this also causes water to get in. We are giving top priority to that because of safety, as this may cause electrocution. Electrocution is more dangerous with all these metre cabins which have been damaged, and you can see the bare wires. That is why, when I was at the Ministry of Public Utilities, arrangements had been made to isolate all these.

As far as water is concerned, the tanks have been there, but the technicians and engineers will have to find a way to see whether to have a tank at ground level and use a pump to pump the water. Because, Mr Speaker, Sir, some of the roofs may not be able to withstand - as the hon. Leader of the Opposition has pointed out - such a mass, when the

water tank is full. In fact, the problem is that water sometimes does not go up or we have already put water pumps which sometimes are ineffective. Anyway, this is being looked at carefully because it is imperative, and this Government will ensure that everybody in this country, in fact, gets adequate water, maybe, not 24-hr a day but, at least, for a good period of time, because it is essential for life and good sanitation.

Mr Bérenger: I have just raised the two main problems: the sewerage problem and water leakages, dangers to life itself. These are the two main and most urgent problems. But, is the hon. Minister aware of the other problems that arise because of non-functioning syndic or non-existent syndic - and I'll come to these later on? Is he aware that the common areas are in a terrible state, because no one takes care of them? Each one takes care of his apartment; no one takes care of the common areas. Rats are a real problem, the cutting of grass, with mosquitoes and other nuisances coming up, and even drains, which are not really within the syndic; but drain problems also add up to the water problems and to the sewerage problems. Is the hon. Minister aware of all these and will his plan of action - if I can call it like that, and I'll come back to that later on - take care of those aspects of things also?

Dr. Kasenally: Mr Speaker, Sir, in fact, on my site visit, I noticed this sorry state of affairs. In fact, I had the opportunity of getting the help of my colleague, the Minister of Environment, and also I impressed upon and asked the Municipalities and the District Councils to help out. But there is also one thing, I must say, that while we are trying to do our best, we have also met the inhabitants and asked them to cooperate, and some of them have cooperated; but where there is no cooperation, sometimes they throw the bins everywhere. Another thing, which I have noticed, is that some of them have illegally built garages on car parks, causing tremendous difficulties to the other inhabitants. I have impressed upon them to remove these, failing which, legal action may be undertaken by the NHDC. I approached the NHDC to that effect, but they tell me this concerns the syndic. So, you can see the difficulty; these are the people who are proprietors. But, we will try to find a solution. As far as the salubrity of the environment is concerned, although it is there, we have enlisted the support of the local authorities to do that and the NHDC has also, on a few occasions, had to get in and clean it, because we could not accept that sorry state of affairs.

Mr Bérenger: The hon. Minister quoted what I had said years ago, because this question of syndic is the toughest nut for any Government, for all of us to crack and, as Prime Minister, I really had a go at it. I think, Mr Speaker, Sir, the hon. Minister will agree with me that high-rise apartments are relatively new things in Mauritius. People are not used to that, and syndic is completely new. Is the hon. Minister aware that, some years back - I won't dwell into the past - one Government, when conditions were laid for repaying back the loans, put in it Rs200 for syndic purposes? A following Government, out of sheer demagoguery, got that out, and that literally killed the syndic. They won't see the end of those troubles, with the best goodwill on Government and Opposition side, without syndic really being set up and working. Can I ask, therefore, the Minister whether Government is looking at ways of setting up syndic where they are not in existence and improving their operations where they are in existence - and in a very few cases? Can we, for example - because we are dealing with poverty, with environment, there are funds available - at least, on a temporary basis, for a number of years, envisage a grant paid per block for setting up syndic purposes and the functioning of syndics, at least, on a temporary basis, because the issue is basically financial? It is also a question of not being used to syndics and so on, but the issue is basically financial.

Dr. Kasenally: As the hon. Leader of the Opposition says, it is a tough nut to crack. So, I am going to have another go at it and see what can be done. I agree that all options are

open, and I think we have to instil it into *les moeurs* of these co-proprietors that their *salut* is to get together and, if there is need for any financial incentive, certainly we will consider that. I think we have to get them going and launch it, and once they are airborne, probably then we can gradually withdraw. But I think a big effort will have to be made, and I have already had working sessions with my officers at the Ministry and with the NHDC. It is very important that we get the people along. It is a question of communication and education because, in the long run, it will be in the interest of the proprietors and of the children especially, who are vulnerable, if we do not have proper sanitation and good environment.

Mr Dayal: Mr Speaker, Sir, the problem at NHDC complex of Dagotière has already been identified. The pump there is defective and is leaking in the houses of several people. Therefore, I would like to ask the hon. Minister if he could provide the necessary remedial action there.

Dr. Kasenally: In fact, action has been initiated, and it is being given top priority as a matter of fact. The hon. Member has phoned so many times to the Ministry and to me. We will look into that.

Mr Jhugroo: Mr Speaker, Sir, as the hon. Minister is well aware, the syndic is not functioning as it should be. Would he consider to get rid of all these syndics and replace them by a special unit to look after all these NHDC housing estates?

Dr. Kasenally: Mr Speaker, Sir, the co-proprietors and syndics are regulated by law. It is not within my power or that of the NHDC to get rid of them. We have opened dialogue and tried them to come to reason, and I think that by asking this question it will raise awareness in the community, and we'll have to find a solution. In fact, if there is no syndic, we cannot dissolve anything. But it is a question of getting communication with these people. Quite rightly, the hon. Leader of the Opposition has said that it is a tough nut to crack, but we must not give up; I will not give up, and this Government will not give up and, with the help with all the Members of Parliament, we must be able to try to find a long-term solution. But, in the meantime, a short-term solution will be found, to ensure proper living, good sanitation and good water supply.

Mr Jugnauth: I am sure the hon. Minister is aware that, with regard to the case of Dagotière, both the CWA and the wastewater pipes burst and, probably, there might have been contamination. I am told that these pipes are so old that the occurrence of bursting is likely to happen again. Would the hon. Minister use his authority to look at this problem and see to it that those pipes are replaced? Because this is not connected with the problem of the syndic.

Dr. Kasenally: Mr Speaker, Sir, in fact, all the infrastructure should be under the aegis of the syndic. However, sewerage is very important, and we also realise that these were built in 1991 and should have lasted much longer. I think the problem is also whether, at the time it was built, there were proper inspections but, be it as it may, I have already been told that WMA is looking into it, and I'll ask them to expedite things because we cannot leave sewerage and water together. I can give the assurance to this House that I will personally look into it again. It is being looked into, but they will have to apply some accelerator.

Mr Speaker: I would like to have brief answers.

Mr Cuttaree: Can I ask the hon. Minister, pending the priority repairs which are going to be undertaken, whether he could do something regarding immediate works? This can be done by getting coordination with all the institutions involved. For example, at Camp Levieux - these problems have been highlighted by the Leader of the Opposition - there are problems with CWA pipes which are broken for a long time, and seeping water is creating

pools where grass has already grown up with mosquitoes, and people have got their windows opening on these pools. I want to entreat the hon. Minister to have a team going there immediately to try to sort out the problem of the environment in that area.

Dr. Kasenally: Mr Speaker, Sir, I shall.

Mr Speaker: Thank you for your collaboration.

Ms Deerpalsing: Mr Speaker, Sir, the hon. Minister, in one of his answers, just mentioned the collaboration of the district councils and the municipalities. In the NHDC Palma, every two weeks we have to run after X, Y and Z to cut grass. We talk about *Maurice Ile Durable*. Can the hon. Minister, with the help of the NHDC, make sure that there is a permanent agreement between the NHDC and the Municipality of Quatre Bornes, for example, to go and cut that grass? Because there are people in the Municipality of Quatre Bornes who can go and cut the grass, but they say they do not have the permission as NHDC is a private property. It is always passing the buck around, Mr Speaker, Sir.

Dr. Kasenally: We will have the bucks to be stopped to be passed and I will, in fact, liaise with the NHDC to have this done.

Mr Guimbeau: Mr Speaker, Sir, one of the biggest problems of the residents of the NHDC high-rise is when there are mortalities on the second or third floor, where families cannot even have the coffin in their house. What I would like to propose to the Minister, Mr Speaker, Sir, is that...

Mr Speaker: I am sorry. This is a question dealing with the environment and not with a specific case. The hon. Member can come with a specific question. Then, the Minister can answer it. This deals with the environment and not with the issue that has been raised by the hon. Member.

Mr Bhagwan: Mr Speaker, Sir, can I ask the hon. Minister whether he can see with the NHDC to set up a system to attend to emergencies? One of the main problems is sewerage, and people complain to the Wastewater Authority to attend to emergencies. Can the hon. Minister see with the Wastewater Authority and the Ministry responsible to have a hot line and, at least, attend to the problems on the same day or within a certain number of hours?

Dr. Kasenally: I think I'll get a dedicated team, after discussion with the Ministry of Public Utilities, to attend to sewerage problems promptly.

Mr Dowarkasing: Mr Speaker, Sir, I would like to draw the attention of the hon. Minister and ask him what he is going to do, as all these houses do not have any emergency exits; and they should have had emergency exits according to construction norms.

(Interruptions)

Mr Speaker: Order!

Mr Dowarkasing: Can I know from the hon. Minister whether he will consider the possibility of relooking at the whole structure of the NHDC?

Dr. Kasenally: Emergency exits should have been done at the time of construction, but we will look into the problem because we don't want to let anybody get stuck.

Mr Ganoo: I will come back to this question of sewerage, Mr Speaker, Sir. Is the hon. Minister aware that, when the septic tanks are full, they have to be emptied? Unfortunately, now it is the inhabitants who have to bear the cost of these cesspits emptiers. One trip costs about Rs5,000, and you will use 2 or 3 trips. Can the hon. Ministry of Housing

& Lands bear the cost when these lorries - because they are run by private entrepreneurs now - come to empty the septic tanks?

Dr. Kasenally: One trip actually costs Rs500 and not Rs5,000. There is always the question of who is going to foot the bill eventually. I think these cesspits have to be rehabilitated, so as we do not have these problems.

Mr Lesjongard: Mr Speaker, Sir, I believe the hon. Minister is aware that, on certain of these housing estates, facilities like community centres or nurseries have been built, but have been abandoned because of lack of syndic, and have turned out, unfortunately, to be *des refuges pour les drogués*. Can we know what the Ministries are envisaging regarding those facilities which have been abandoned?

Dr. Kasenally: In fact, I am looking at all these facilities. Some of them have been taken by the Ministry of Women's Rights, Child Development & Family Welfare. As far as the *drogués* are concerned, I have to get the police to look into that. I, personally, cannot go and chase the *drogués*. There is a problem of security, but we have to look at it in a very global way. There are certain areas which are prone to that - it is not proper for me to mention it - but I think I shall ask the authorities, especially the police, to look into the matter, because we do not want drugs to spread into these NHDC estates.

Mr Barbier: Mr Speaker, Sir, during the last general election campaign, in my constituency, it was promised to the people of the NHDC high-rise building at La Tour Koenig that Government will install elevators in all the NHDC blocks ...

(Interruptions)

Mr Speaker: I am sorry, this question relates to sewerage water leakages and water tanks problem. These are the three things on which supplementary questions can be asked.

Mrs Labelle: Mr Speaker, Sir, some years back, the NHDC was envisaging the setting up of a separate entity in lieu of syndic. May I ask the hon. Minister whether he is aware of this plan or whether it has been submitted to his Ministry?

Dr. Kasenally: Mr Speaker, Sir, as I mentioned earlier, there is a legal provision for these. I think the NHDC cannot, by law, take over the syndic. We have to work out a sort of *modus operandi*. But, thus, the proprietors must be party to it.

Mr Bérenger: Mr Speaker, Sir, we have been informed by the hon. Minister that, recently, a comprehensive survey has been carried out and that he has received a full report, and that we are now in presence of what I would call a plan of action, with priorities established, and that would cost more than Rs200 m. I am happy not to have heard the hon. Minister say that there are financial problems, because these are urgencies and there are different funds dealing with property, environment and so on, available. Will the hon. Minister agree with me that, after what we have discussed today, what is now required is *la volonté politique* and a sustained effort - not a one-off expression of interest and intention?

Dr. Kasenally: Mr Speaker, Sir, the effort is being sustained. In fact, as I said, it will cost Rs70 m. in the immediate. And we are sure to get our funds; funds will not be a problem, although we are in a very deep recession, there is credit crunch and so on. But, I can assure the House and all the Members of this august Assembly that we will leave no stone unturned. I am getting the support of the Prime Minister to do all these things, and I am sure we can, at least, start tackling the problem, because sewerage, water must be dealt with, as far as possible, promptly.

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

AGRICULTURAL SECTOR – THEFTS

(No. B/410) Mrs S. Hanoomanjee (Second Member for Savanne & Black River) asked the Prime Minister, Minister of Defence & Home Affairs whether, in regard to thefts in the agricultural sector, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number of reported cases thereof over the past two years, indicating if consideration will be given for the setting up of a special unit to deal therewith.

The Prime Minister: Mr Speaker, Sir, first of all, let me make it clear that thefts in the agricultural sector are not a new phenomenon, although, I must say, we have seen an increase in the last year.

I am informed by the Commissioner of Police that, in 2007, there were 353 cases, 419 cases in 2008, and 135 cases have been reported to the police so far this year.

Mr Speaker, Sir, in my reply to Parliamentary Question B/1042 on 05 August of last year, I had indicated to the House that concerted actions were being taken by the Ministry of Agro Industry, Food Production & Security, the Police, the Small Planters Welfare Fund and the local authorities to tackle the problem of thefts in the agricultural sector. Accordingly, a series of measures have been taken -

- (1) regular meetings between planters and representatives of the Police Force for the identification of strategic places requiring more attention are taking place;
- (2) sensitisation campaigns around the island by the Crime Prevention Unit, aiming at sensitising planters on their rights and preventive measures to be taken to protect their fields;
- (3) control measures with local authorities on agricultural produce sold on road sides without any permit;
- (4) intensive patrols by station personnel, local CID, Divisional Support Unit, and Emergency Response Service on a 24-hour basis;
- (5) stop and search of all suspicious characters found loitering near vegetable plantations;
- (6) frequent checks of vegetable carriers and questioning of occupants and drivers, and
- (7) active use of Public Police Partnership Policing to report any suspicious Behaviour, and act to provide timely information to the police.

I am further informed that the police have further stepped up efforts to tackle the problem. Divisional Commanders are having regular meetings with planters, with a view to enhancing preventive measures. A coordinated patrol scheme has been established at divisional level, with the involvement of the Divisional Support Unit (DSU), the Emergency Response Service (ERS), the *Police du Transport*, the Traffic Branch, the Local CID and the ADSU to prevent all types of larceny.

In addition, Mr Speaker, Sir, the police has provided the Vegetables Planters' Association with a direct line of communication with the Divisional Commanders and the Divisional Operations Room on dedicated lines, to enable the association to seek assistance at

short notice and for a prompt response. Visible police presence is also being ensured at station levels through foot and mobile patrols.

Mr Speaker, Sir, in order to ensure that those who indulge in such criminal activities are caught and punished, the Ministry of Agro-Industry, Food Production & Security has given its approval for the Small Planters Welfare Fund to implement a delivery note system, with a view to ensuring traceability of vegetables and fruits on the market. Under this arrangement, the Small Planters Welfare Fund would issue delivery notes to planters of vegetables and fruits who would, in turn, issue such notes to stallholders to certify the sales transaction.

I am further informed, Mr Speaker, Sir, that the Ministry of Local Government, Rodrigues & Outer Islands is bringing necessary amendments to the existing Councils Market/Fair Regulations to empower market inspectors to require stallholders to produce the delivery notes during their routine inspections or upon receipts of complaints. In the event any stallholder fails to produce the required delivery notes, the matter would be reported by market inspectors to Small Planters Welfare Fund or the police for necessary action. It is considered that such a system will enable to track down stolen agricultural produce and ensure better control on the sales of these products.

The Plant Protection Act will be, therefore, amended, as well as a review of legislation to provide for more severe penalties.

Mr Speaker, Sir, in view of the current measures being taken to tackle the problem, it is felt by the police that, at this stage, there is no need to set up a special unit to deal with such cases, although the situation is being closely monitored.

Mr Speaker Sir, in view of the current measures being taken to tackle the problem, it is felt by the police that, at this stage, there is no need to set up a special unit to deal with such cases, although the situation is being closely monitored.

Mrs Hanoomanjee: Mr Speaker, Sir, the Minister has just mentioned some control measures as to where these vegetables or fruits or flowers are being sold. Has there been any report so far from the Commissioner of Police on this issue of traceability?

The Prime Minister: We will have to amend the law on this issue of traceability, Mr Speaker, Sir, and this is why I said this is going to be done.

Mr Bhoda: Mr Speaker, Sir, for this year, we have 135 cases and, last year, we had 419 cases. Can we have an idea of the value of stolen goods?

The Prime Minister: No, I have no idea of the value of stolen goods; they are vegetables, but there is no value as such.

Mrs Hanoomanjee: Mr Speaker, Sir, among the cases of thefts that the Prime Minister has just mentioned, there have been some cases resulting in *mort d'homme*, and there has recently been a case. The person who was recently beaten to death had four cases of police theft against him, and each time he has been released on parole. Can the Prime Minister say whether he is envisaging to amend the law, so as to make the penalty more severe in these cases? He has been released on parole four times.

The Prime Minister: This is a problem that is dealt with by whatever court is looking at it, Mr Speaker, Sir. We have a judgment from the Privy Council to say that we should not try to impose. On the discretionary power of the Judge, of the Magistrate, it is our hope that they take this into consideration, but often they look at all the circumstances, as you know. I do not know about the circumstances of this particular case, but I did mention that we are also

coming with legislation to strengthen the penalties.

Mrs Hanoomanjee: Mr Speaker, Sir, one last question. Obviously, those stolen fruits and vegetables are being sold to the public immediately after they have been stolen. Can the Prime Minister say whether there has been any arrest of those who are selling vegetables in every nook and corner of the island? Because there are some hot spots like La Marie, Belle Mare and so on. Can the Prime Minister say whether there has been any arrest of those vegetable sellers along the road, those *marchands ambulants*?

The Prime Minister: The answer is yes, Mr Speaker Sir. Many people have been arrested.

LATE PC J.S & PC J.C.P. – SEARCH & RESCUE OPERATION – DEATH

(No. B/411) **Mr J. R. Speville (Second Member for Rodrigues)** asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to the inquiry carried out in the case of late PC J. S. and PC J. C. P., who lost their lives in a search and rescue operation, on or about 13 May 2007, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to where matters stand, indicating if compensations have been paid to their heirs -

- (a) in compliance with the PRB Report 2003 and, if so, when, and, if not, why not and,
- (b) under the Prime Minister's Relief and Support Fund.

The Prime Minister: Mr Speaker, Sir, I am informed that late Police Constable J.C.P. reckoned 6 years of service and late Police Constable J.S. reckoned 12½ years of service. Compensation, under the Pension Regulations, amounting to Rs355,487.81, has been paid to the heirs of late Police Constable J.C.P., and the sum of Rs705,462.30 to the heirs of late Police Constable J.S.

I am also informed that the High Powered Committee has approved payment of the extra compensation, as recommended by the PRB Report 2003, to dependents of the two deceased police officers. Arrangements are being made by the Accountant General for the payment of Rs676,440 to the dependents of late PC J.C.P., and Rs789,480 to the heirs of late PC J.S.

As regards part (b) of the question, I informed the House on 12 August 2008, in reply to Parliamentary Question B/1090, that a notice has been served upon the hon. Attorney General by the heirs of late PC J.C.P on 07 March 2008 for damages worth Rs2 m. With regard to late PC J.S, a notice has been served on 05 June 2008 for damages worth Rs1.6 m.

A decision on the payment of an extra compensation under the Prime Minister's Relief and Support Fund would be only taken on the conclusion of the court cases, as is usually the case.

Mr Bérenger: Mr Speaker, Sir, I listened to the Prime Minister. We are now in May 2009, and this sad incident took place in May 2007. I am sure that the hon. Prime Minister would agree with me that those extra payments could have been decided upon and paid a long way back; not two years later. It is now being paid.

The Prime Minister: As I mentioned, Mr Speaker, Sir, the pension under the Pension Regulations has already been paid. As for the compensation, unfortunately, under the PRB, it is payable under the Workmen's Compensation Act and not under the Pension Regulations.

This Act refers to dependents and not heirs. Therefore, a new affidavit has to be prepared and, thus, the Industrial Court will have to determine who are the dependents before payment is effected, and that is why the delay has taken place.

Mr Spéville: I listened to the Prime Minister. Can he confirm whether the payment from the Prime Minister's Relief and Support Fund will depend on the outcome of the case that they have filed to the Attorney General?

The Prime Minister: Mr Speaker, Sir, generally the Prime Minister's Relief and Support Fund has the following objectives. First of all, assistance to victims of accidents, injuries or severe handicap and two, financial support to persons and organisations engaged in activities for a good cause in the public interest. Concerning the criteria to be considered in order for benefit from assistance from the Fund, there are different criteria, Mr Speaker, Sir, and we don't need to go into all of this. But the victims, or dependent of victims, eligible for any form of compensation under the Workmen's Compensation Act or National Pension Fund or other statutory benefits or schemes, will not, in principle, qualify for assistance under this scheme. However, notwithstanding that, Mr Speaker, Sir, victims or dependent of victims may benefit from relief if the Board is of the opinion that the benefits obtained from the different schemes that they had before are not sufficient; that is the criteria that is used. But, when there is a court case, then they suspend all the decisions, until the court case is over.

NATIONAL COAST GUARD - VESSELS

(No. B/412) 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 National Coast Guard, he will -

- (a) for the benefit of the House, obtain from the Commissioner of Police, information as to the number of vessels presently available, indicating the number thereof attached to each post, and
- (b) state if Government proposes to sell the Le Vigilant and, if so, indicate if it will be replaced.

The Prime Minister: Mr Speaker, Sir, there are at present 52 vessels attached to the National Coast Guard, of which 11 are attached to the Port Louis Harbour.

The other 41 Vessels are based at the NCG Posts and support services as follows -

NCG Post	No. of Vessels
Black River	5
Flic en Flac	1
Albion	1
Bel Ombre	1
Mahebourg	1
Blue Bay	3

Souillac	2
Grand' Baie	3
Trou aux Biches	2
Grand Gaube	1
Poudre d'Or	1
Flat Island	1
Poste Lafayette	1
Belle Mare	1
Ile aux Cerfs	1
Trou d'Eau Douce	1
Deux Frères/GRSE	2
Rodrigues NCG	5
Agalega NCG	3
St. Brandon NCG	2
Marine Training Establishment	1
Quick Reaction Group South	1
Police Driving School	1

As regards part (b) of the question, as I have mentioned in an earlier reply to the House, the contract for the construction of the CGS Vigilant was signed in February 1994. Since its commissioning, the vessel had repeatedly encountered shaft problems, as we all know, and had undergone major repairs on various occasions at the Naval Dockyard, Mumbai, India, in 2000, 2001, 2003 and 2004.

After several unsuccessful attempts to repair the vessel, in July 2007, a Board of Survey was set up for the early disposal of the vessel.

I am given to understand that the survey of the vessel has now been completed, and all reports and documents have been forwarded to the official consultant appointed to assist the Board of Survey in finalising the report, and that report is being finalised now.

Mr Speaker, Sir, perhaps I should add that, during my visit to India in October of 2005, the Government of India agreed to provide an Offshore Patrol Vessel to the Government of Mauritius under the US\$100 million Indian line of credit. The project for the acquisition of the Offshore Patrol Vessel was included in the list of projects submitted by the

Government of Mauritius at the 10th session of the India-Mauritius Joint Commission, held in Port Louis on 18 December 2007. Following the Joint Commission meeting, specifications for the vessel were conveyed to the Indian authorities, on the basis of which a design has been prepared. The design has been approved by the Mauritian side, and it meets the operational requirements of the Mauritius Police Force. The Indian authorities have already identified a Government of India undertaking under the Indian Ministry of Defence to build the vessel. The estimated construction time of the vessel is around three years.

Although I must add that we are still looking at the price that the vessel will cost us, I would like to add also, Mr Speaker, Sir, that we will shortly obtain a Fast Patrol Boat, donated by the US Government, which is currently under construction, and this will improve our capability for patrolling our areas.

Mr Bérenger: Mr Speaker, Sir, can I ask the hon. Prime Minister whether, out of the vessels scattered all around the main island and in the outer islands, he has checked how many are not in working order?

The Prime Minister: I do not have the exact figure, but I know there were cases where some of them were not in order. But I believe that some of them have already been repaired. Whether there is still some being repaired, I can't say, Mr Speaker, Sir.

Mr Bodha: Mr Speaker, Sir, may I ask the hon. Prime Minister whether he will agree that, with the growing problem of piracy in the Indian Ocean - in fact, we had cases of piracy in the Seychelles - the fleet has to be upgraded as urgently as possible?

The Prime Minister: It is a question of how much money we have also, Mr Speaker, Sir.

Mr Jhugroo: May I ask the hon. Prime Minister whether he will consider to have a NCG post between North and South Island of Agalega, and to put a vessel there?

The Prime Minister: We have already placed some boats in that area.

POLICE TRAINEES – RECRUITMENT EXERCISE

(No. B/413) **Mr Y. Varma (First Member for Mahebourg & Plaine Magnien)** asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to the forthcoming recruitment exercise of police trainees, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if a waist hip ratio will be used together with the Body Mass Index to indicate overweight or obesity in the assessment of physical fitness.

The Prime Minister: Mr Speaker, Sir, I am informed by the Commissioner of Police that, in January 2005, the Disciplined Forces Service Commission requested the police to consider amending the scheme of service for the post of Trainee Police Constable, in view of the fact that some apparently physically strong candidates might not satisfy the necessary requirements, as there was no provision to exclude any candidate who might be overweight or obese in the absence of provisions for the calculation of the Body Mass Index of candidates. Consequently, the Body Mass Index was introduced as a requirement for enlistment as Trainee Police Constable.

In my reply to PQ B/971 on 07 August 2007, I mentioned, *inter alia*, that the Ministry of Health & Quality of Life had advised that waist circumference alone may provide a more practical correlate of abdominal fat distribution and associated ill health. It recommended

that waist circumference be utilised as an adjunct to Body Mass Index in the recruitment of Police Trainees.

I understand from the Commissioner of Police that action has subsequently been initiated for the scheme of service for Trainee Constables to be amended accordingly. However, in the course of consultations on the proposed amendment, it has been found that the issue of Body Mass Index and waist circumference as indicators of overweight and/or obesity needs to be reassessed. I am informed that the matter is currently being examined.

Pending the review of the scheme of service, the forthcoming recruitment exercise for police trainees is being carried out on the basis of the existing scheme of service.

Mr Dayal: Mr Speaker, Sir, may I ask the hon. Prime Minister whether, instead of introducing the Body Mass index as an additional criteria for recruitment, it is not high time to revisit the whole recruitment and selection process, in order to develop a profile of a police officer who can better serve our modern society, more particularly the psychometric test, to ensure that applicants are mentally stable and capable of functioning in stressful and traumatic situation, which are inherent to Police Force, instead of giving much weightage to the BMI and waist hip ratio?

(Interruptions)

The Prime Minister: That is the test that we should do for everyone. I will pass the information to the Commissioner of Police.

PARASTATAL BODIES & GOVERNMENT OWNED COMPANIES – CHAIRPERSONS – DECLARATION OF ASSETS

(No. B/414) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to the Declaration of Assets Act, he will state if Government will consider making regulations thereunder, with a view to making it compulsory for the Chairpersons of parastatal bodies and Government owned companies to declare their assets on their appointment and on the expiry of their contract.

The Prime Minister: Mr Speaker, Sir, the House will recall that, in my reply to PQ B/1282 in November of last year, I explained that declaration of assets, by one category of officials alone, would not be an adequate safeguard against unethical or corrupt practice in the public sector. I emphasised the need to extend the requirements of the declaration of assets to all categories of officers and office holders who perform duties, and exercise powers of such a nature that people may be tempted to offer them gratification.

I am, therefore, all in favour of extending the application of the Act not just to chairpersons of parastatal bodies, but to all categories of officers and office holders.

I must point out, Mr Speaker, Sir, that it appears that chairpersons of parastatal bodies cannot be brought under the ambit of the Act by way of regulations, as the hon. Member is suggesting. The reason is that the word “officer” in the Declaration of Assets Act does not extend to persons who hold chairmanships or memberships of parastatal bodies.

In the same breath, when we do the amendment, provisions will be made for the Act to be also extended to Municipal and District Councillors.

Insofar as Government owned companies are concerned, I am advised that they do not again come under the ambit of the Declaration of Assets Act, since they do not fall within the

meaning of “statutory body” as defined in the Act. As the House is aware, Government owned companies are governed by the provisions of the Companies Act. The Companies Act does not make any provision for the declaration of assets by the chairpersons. It would not be appropriate, it is felt, to amend the Act in order to extend it to chairpersons of Government owned companies. We think this is better left to the Government owned companies themselves providing, in their own constitutions, for the disclosure of the assets of the chairpersons.

Having said that, Mr Speaker, Sir, I am informed that Government owned companies are already reporting the remuneration of directors, including those of the chairpersons, in their financial statement, as part of their compliance with the principles of good governance laid down in the Code of Corporate Governance.

I wish to reaffirm our unequivocal subscription to public governance and our commitment to restore and maintain the integrity of our institutions. Besides, it is in this context that the Government has started a new Public Enterprise Reforms Programme with the assistance of the World Bank. The programme is expected to bring along a new culture of transparency and accountability in parastatal bodies.

Mr Bhagwan: Can I ask the hon. Prime Minister whether, in the course of the amendment which he contemplates to bring, he can add the advisers? We have seen, in the recent past, advisers appointed....

(Interruptions)

Why? Am I not right? I won't mention names. Hon. Members know to whom I am making reference. Can I ask the Prime Minister whether...

Mr Speaker: They will include advisers.

Mr Bhagwan: Advisers who are appointed by Government in different Ministries and also in parastatal bodies.

The Prime Minister: I will look into it, Mr Speaker, Sir.

Mr Ganoo: Can I ask the hon. Prime Minister whether he has taken cognizance of a report made by the Parliamentary Committee of the ICAC to the effect that this whole matter should be looked into in a comprehensive manner? Suggestions have been made to amend this Act, in order to cater for all types of officials, advisers and chairmen. The suggestion has been made already.

Mr Speaker: The Prime Minister has already answered the question in a comprehensive manner.

Mr Ganoo: I am asking my question, if you listened to me properly, Mr Speaker, Sir.

Mr Speaker: I have listened.

(Interruptions)

Sorry, I am on my feet! I listened to the hon. Member when he said whether the report of ICAC has been mentioned or amending the law. This is what he said. The Prime Minister has answered it.

(Interruptions)

The Prime Minister has already answered.

(Interruptions)

The Prime Minister: Yes, I have.

Mr Speaker: Not on the report, but he has answered on the issue.

Mr Ganoo: My question was whether he has taken cognizance of the report.

The Prime Minister: As the hon. Member knows, in fact, there are court decisions on this issue. The court case of the Local Government Services Commission and Mr Bancillon clearly illustrates that principle that I have just mentioned. Even the report of ICAC falls into that ambit.

MBC – CHAIRPERSON – OVERSEAS MISSIONS

(No. B/415) **Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière)** asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to the Chairperson of the Mauritius Broadcasting Corporation, he will, for the benefit of the House, obtain from the Corporation, a breakdown of the official overseas missions attended to, since his date of appointment to date, indicating in each case -

- (a) the amount of money paid out in terms of air tickets, *per diem* and other allowances, and
- (b) the countries visited and the purpose of each mission.

The Prime Minister: Mr Speaker, Sir, the information requested is being compiled.

POLICE OFFICERS – RECRUITMENT EXERCISE

(No. B/416) **Mrs M. Martin (Second Member for Curepipe & Midlands)** asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to the ongoing recruitment exercise of police officers being carried out, he will state -

- (a) the number of applications received;
- (b) when application forms were issued;
- (c) the criteria laid down for selection;
- (d) the date of the examinations, and
- (e) the expected date of completion of the exercise.

The Prime Minister: Mr Speaker, Sir, I am informed by the Commissioner of Police that the post of Trainee Police Constable was advertised by the Disciplined Forces Service Commission on 04 December 2008. The recruitment exercise is currently ongoing.

With regard to parts (a), (c), (d) and (e) of the question, these relate to privileged information held by the Disciplined Forces Service Commission, which cannot be disclosed in accordance to Regulation 4 of the Service Commission Regulations.

Mrs Martin: Mr Speaker, Sir, can the hon. Prime Minister give information with regard to the percentage, at least, in terms of gender, in the letters which have been sent?

The Prime Minister: No, Mr Speaker, Sir, this is privileged information of the Disciplined Forces Service Commission.

Mrs Martin: Can the hon. Prime Minister say what is the number of police officers aimed to be recruited after the current exercise?

The Prime Minister: I think in the region of 550, as far as I remember.

Mr Bodha: Mr Speaker, Sir, may I ask the hon. Prime Minister whether he will not consider the possibility that the candidates be informed of the different stages of the exercise? Everybody knows that, in fact, we have the first stage, where we have the measurements, the exams, interviews, medical examinations and police clearance. In most cases, the candidates are not aware where they are and at what stage they have reached in the exercise. I think something should be done.

The Prime Minister: The more information given is better, but I don't know whether this would not cause an administrative problem, Mr Speaker, Sir. For example, there must be more than 1,050 people who have applied. I don't know whether we can actually do this administratively, and if it is practical. But I'll look into it.

Mrs Labelle: Mr Speaker, Sir, may I ask the hon. Prime Minister whether he can inform the House in which publications these advertisements appeared in December 2008?

The Prime Minister: I am not sure in which publication, but it must have been published. People obviously know of it, because they have applied.

Mrs Martin: Mr Speaker, Sir, can I ask the hon. Prime Minister whether he knows if the place or region of residence of the applicants will also be a determining factor in the recruitment exercise?

The Prime Minister: It is again for the Disciplined Forces Service Commission to look into that. There is no political interference in that. We have a Constitution that says everybody has to be treated equally.

Mr Léopold: Mr Speaker, Sir, can I ask the hon. Prime Minister whether, during the recruitment exercise, the candidates will be given the possibility to choose whether to join the SMF, the National Coast Guard or the Police Force?

The Prime Minister: I don't think so. They eventually have a rotation, but I don't think they will be given this choice.

Mr Jhugroo: Can I ask the hon. Prime Minister how many persons have applied for this post?

The Prime Minister: Mr Speaker, Sir, as I explained, this is an information that the Disciplined Forces Service Commission will not give to me.

Mrs Martin: Mr Speaker, Sir, can I ask the hon. Prime Minister what is done with regard to transparency following these exercises?

The Prime Minister: If the hon. Member would remember, I have already passed a Bill, and if she has complaints, she can do so. There is also the court. But, again, there must be confidence in the Disciplined Forces Service Commission. It is not the Prime Minister who chooses, and this is why there is this institution.

CUREPIPE & MIDLANDS - POLICE STATIONS – POLICE OFFICERS

(No. B/417) **Mrs M. Martin (Second Member for Curepipe & Midlands)** asked the Prime Minister, Minister of Defence & Home Affairs whether, in regard to the police stations in Constituency No. 17, Curepipe and Midlands, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number of police officers presently posted in each of them, indicating the unit to which they are attached.

The Prime Minister: Mr Speaker, Sir, I am informed by the Commissioner of Police that there are four police stations in Constituency No. 17 – Curepipe/Midlands, and these are staffed as follows -

	<u>No. of police officers</u>
i. Eau Coulée Police Station	41
ii. Midlands Police Station	36
iii. Curepipe Police Station	90
iv. Dubreuil Police Station	23

I would also like to inform the House that there are no Units as such at police stations. However, there are Police Operational Units which are based, and are operational at Divisional level.

I am further informed by the Commissioner of Police that, for policing purposes, the abovementioned police stations all fall under the jurisdiction of the Central Division, except Dubreuil Police Station, which falls under the Eastern Division.

Mrs Martin: Is the hon. Prime Minister aware that some of those police stations are understaffed and cannot often answer distress calls that they receive?

The Prime Minister: From what I see, Mr Speaker, Sir, there seems to be quite a number of police stations. For example, at Curepipe, there are 90. Whether it is felt that it is understaffed, I will pass this on to the Commissioner of Police.

SUBUTEX – ARRESTS - JULY 2005-MAY 2009

(No. B/418) Mr A. Ganoo (First Member for Savanne & Black River) asked the Prime Minister, Minister of Defence & Home Affairs whether, in regard to possession of Subutex, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number of arrests effected in connection therewith, since July 2005 to date, on a yearly basis.

The Prime Minister: Mr Speaker, Sir, I am informed by the Commissioner of Police that, from July 2005 to date, the number of suspects who have been arrested in connection with possession of Subutex are as follows -

<i>Period</i>	<i>No. of suspects arrested</i>
July to December 2005	177
Year 2006	820
Year 2007	805
Year 2008	843
Year 2009 (up to 06.05.09)	311

CANNABIS – ARREST – JULY 2005-MAY 2009

(No. B/419) **Mr A. Ganoo (First Member for Savanne & Black River)** asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to possession of Cannabis, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number of arrests effected in connection therewith, since July 2005 to date, on a yearly basis.

The Prime Minister: Mr Speaker, Sir, I am informed by the Commissioner of Police that, since July 2005 to date, the number of suspects who have been arrested in connection with possession of Cannabis, are as follows –

<i>Period</i>	<i>No. of suspects arrested</i>
July to December 2005	220
Year 2006	595
Year 2007	709
Year 2008	754
Year 2009 (Up to 06.05.09)	298

PLAINE VERTE, VALLEE PITOT, ROCHE BOIS AND STE CROIX – DRUG OFFENCES – ARREST

(No. B/420) **Dr A. Husnoo (Second Member for Port Louis Maritime & Port Louis East)** asked the Prime Minister, Minister of Defence & Home Affairs whether, in regard to drugs offences, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the measures taken over the last three years to prevent the sale thereof in Plaine Verte, Vallée Pitot, Roche Bois and Ste Croix, indicating the number of drug peddlers who have been arrested.

The Prime Minister: Mr Speaker, Sir, I am informed by the Commissioner of Police that, since May 2006 to April 2009, a total of 94 drug peddlers have been arrested in the regions of Plaine Verte, Vallée Pitot, Roche Bois and Ste Croix.

Since the last three years, Police has reinforced its capacity and has empowered these regions with different units with a view to curbing down these drug problems. There are nine units of ADSU covering the regions, with a strength of 121 police officers and 36 vehicles. The following measures have been implemented by police -

- (a) regular searches and arrests by ADSU units based in and outside the four regions;
- (b) the organisation of crack down/joint operations, with the support of other adjuncts of the Force against drug traffickers;

- (c) special mobile patrols by ADSU with the collaboration of Alpha Squad, CID North and the Divisional Support Unit North to prevent and deter sale of drugs during day and night;
- (d) community policing with socio-cultural groups, with a view to raise awareness on drug abuse among the inhabitants, and
- (e) active participation of ADSU personnel in close collaboration with NATReSA and other civil society organisations in prevention and rehabilitation campaigns in these regions.

Mr Speaker, Sir, to further reinforce the present existing measures, CCTV cameras will be installed in these regions next year. This will help police to monitor and control the movements of suspected persons and vehicles even better.

Mr Speaker: Time is over! The Table has been advised that Parliamentary Questions nos. B/432, B/461, B/464 and B/468 have been withdrawn. Hon. Guimbeau!

COASTAL REGION - STATE LAND LEASE

(No. B/428) Mr E. Guimbeau (First Member for Curepipe & Midlands) asked the Minister of Housing & Lands whether, in regard to State land on the coastal region, he will state if reservation letters have been issued to prospective promoters for the lease thereof, since September 2008 to date, and, if so, indicate in each case-

- (a) the name and address of the beneficiaries thereof;
- (b) the date of the reservation;
- (c) purpose of the lease;
- (d) the extent;
- (e) the location, and
- (f) the rental value proposed.

Dr. A. Kasenally: Mr Speaker, Sir, the information is being compiled and, as soon as it is ready, I shall arrange for it to be placed in the Library of the National Assembly.

HAJJ PILGRIMAGE 2008 - SHORTCOMINGS

(No. B/429) Mr S. Lauthan (Third Member for Port Louis Maritime & Port Louis East) asked the Minister of Education, Culture & Human Resources whether, in regard to the Hajj pilgrimage, he will state if he has received a letter from one Mr D. B., a member of the 2008 Hajj mission, stating the shortcomings in relation to the last Hajj pilgrimage and, if so, will he, for the benefit of the House, obtain from the Islamic Cultural Centre, information as to the measures that will be taken to avert the recurrence thereof.

The Minister of Housing & Lands (Dr. A. Kasenally): Mr Speaker, Sir, with your permission, I shall reply to this question.

The reply to the first part of the question is in the affirmative.

Regarding the second part of the question, I would wish to refer the hon. Member of the House to PQ B/239, wherein he raised the same issue, that is, measures to be taken to avoid shortcomings for the forthcoming Hajj.

The last Hajj pilgrimage went on generally well. I wish to assure the hon. Member that the Islamic Cultural Centre will take any corrective measure(s) that may be required to ensure that the Hajj pilgrimage proceeds smoothly in the future.

Mr Lauthan: Mr Speaker, Sir, the main problem lies with the senior officer of the Islamic Cultural Centre who takes everything on him. He does not even give access to his office to members of the mission there.

There is also the issue of a special visa called the *Mafee* visa, which enables persons to move around the big cities in Makkah. We have learnt from the letter of this gentleman that four members of the mission were deprived of this visa while one, a friend of that senior officer from Reunion Island, got the same visa. This is unacceptable. Can the hon. Minister assure us that this visa will be distributed in an appropriate manner?

Dr. Kasenally: Mr Speaker, Sir, I took cognizance of that and, in fact, all the visas for the next Hajj mission are with me. I will ensure, with the help of my colleague, the Minister, and the ICC, that it is properly distributed to those people who are involved in the Hajj mission.

Mr Lauthan: Mr Speaker, Sir, I can't understand the presence of the ex-Chairman of the ICC in the mission. While he was the Chairman, with full capacity and authority as such, he did not perform and was replaced by another Chairman. How is it that, now, he continues to be a member of the mission as adviser?

Dr. Kasenally: Mr Speaker, Sir, this gentleman was taken as my special Adviser because he is a very efficient and capable man and has helped in the past. There might have been shortcomings in other fields, but I take the responsibility for taking him, and it was approved by Cabinet.

Mr Lauthan: Mr Speaker, Sir, can the hon. Minister confirm that, following the submission of this report by the member of the mission, the case was presented to Justice Ahmed, and whether it was recommended that the officer, Mr T. B. - I won't mention his name. He is a friend of mine, but in terms of fundamental principles of Islam, no friendship comes in the way - be sacked?

Dr. Kasenally: Mr Speaker, Sir, as far as the Ahmed Report is concerned, there was never a question of sacking him. In fact, that report was submitted to our Legal Adviser, who is no less than Sir Hamid Moollan, Q.C., and he recommended the reintegration of that gentleman. I can bow for this gentleman. He is very efficient; he worked night and day during the Hajj mission, and performed well. However, there were some shortcomings, as there are shortcomings with everybody in everyday life, but especially with the Hajj organisers. I am taking appropriate action with the ICC to ensure that these are not repeated.

Mr Lauthan: Mr Speaker, Sir, for the sake of transparency, can I ask the hon. Minister to lay on the Table of the Assembly a copy of the Justice Ahmed Report?

Dr. Kasenally: Mr Speaker, Sir, this is privileged information. I'll have...

(Interruptions)

Mr Speaker: The Minister is answering, why are you...

(Interruptions)

Dr. Kasenally: No, if the hon. Member wants to get political mileage out of Hajj...

(Interruptions)

Mr Speaker: Wait! Order!

Dr. Kasenally: If the hon. Member wants to get political mileage out of Hajj...

(Interruptions)

Dr. Kasenally: Can I answer, please?

Mr Speaker: Every time, there is a problem. I am sorry. The hon. Member has put a question as to whether the hon. Minister can lay the report. Let the hon. Minister answer whether he is going to lay it or not.

(Interruptions)

I am sorry. The hon. Member provoked the Minister while he was answering the question.

Mr Bérenger: On a point of order, Mr Speaker, Sir. I want your ruling. Is it not imputing motives when a hon. Minister tells a hon. Member that he wants that report for political politicking? This is what he said!

Mr Speaker: Let me put it in the right perspective! The hon. Member put the question to ask the hon. Minister to lay the report on the Table of the Assembly, and when the hon. Minister started to say that this was privileged information, there was a reaction from the hon. Member.

(Interruptions)

I am sorry, let me finish! Then, I don't know how the hon. Minister reacted as to political mileage. I would ask him to answer the question. If he wants to lay the report, he lays it; if he does not want to lay it, that's his own decision.

Dr. Kasenally: Mr Speaker, Sir, to every action there is a reaction. I will consult...

(Interruptions)

... the Islamic Cultural Centre and the legal people to see if we can, for the sake of transparency, lay this. If not, it will not be laid.

LANDLORD & TENANT (AMDT) ACT – TENANTS - REPRESENTATIONS

(No. B/430) Mr P. Jhugroo (Third Member for Port Louis North & Montagne Longue) asked the Minister of Housing & Lands whether he will state if he has received representations from the tenants following the proclamation of the Landlord and Tenant (Amendment) Act and, if so, the actions, if any, that will be taken.

Dr. Kasenally: Mr Speaker, Sir, on a point of order. I would like to have you ruling. The hon. Member was imputing all sorts of motives or passing all sorts of remarks when I was sitting, and I will...

(Interruptions)

Mr Speaker: Let us put an end to this! I have said it so many times that there is no need at all in generating so much heat on a particular question like this. I will request hon. Members to please behave as hon. Members of this House.

Dr. Kasenally: Mr Speaker, Sir, following the proclamation of the Landlord and Tenant (Amendment) Act in May 2005, my Ministry has, in fact, received representations from the Association of Tenant Traders and Professionals to the effect that the ensuing increases in the rent of business premises were too high, putting at stake the existence of small businesses.

Sir, we have been sympathetic to these representations, and, in a spirit of fairness and transparency, a number of meetings have been held with all stakeholders since 2005, and several proposals have been put forward for discussions.

I am pleased to inform the House that, at the last meeting held on 21 April 2009, the Association of Tenant Traders and Professionals and the Joint Economic Council have undertaken to come forward with proposals agreeable to both parties by mid May 2009 and, if need be, amendments to the existing legislation will be presented to the National Assembly.

VALLÉE DES PRÊTRES – DRAINS - CONSTRUCTION

(No. B/431) Mr P. Jhugroo (Third Member for Port Louis North & Montagne Longue) asked the Minister of Environment and National Development Unit whether, in regard to the construction of drains in the Vallée des Prêtres region, since July 2005 to date, he will state in each case –

- (a) the length thereof;
- (b) the name of the contractor;
- (c) the cost thereof, and
- (d) when works are expected to start and to be completed.

Mr Bundhoo: Mr Speaker, Sir, the information sought is being tabled.

BINS - DISTRIBUTION

(No. B/432) Mr P. Jhugroo (Third Member for Port Louis North & Montagne Longue) asked the Minister of Environment and National Development Unit whether he will state if his Ministry has distributed bins since September 2008 to date and, if so, the number thereof region-wise, indicating in each case, the costs thereof.

(Withdrawn)

CAMP THOREL ROAD/BUS PARK – UPGRADING AND TARRING

(No. B/433) Mr S. Dayal (Second Member for Quartier Militaire & Moka) asked the Minister of Public Infrastructure, Land Transport & Shipping whether he will state if Government will consider upgrading and tarring the road leading to the newly constructed bus park at Camp Thorel.

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

I am informed by the Moka/Flacq District Council that the base work of the road leading to the newly constructed bus park at Camp Thorel has been completed while the bus park project implemented. However, the resurfacing of the road with Premix asphalt was not undertaken due to financial constraints.

I am further informed that, following the recent rainfalls, part of the base work has been washed out, and same will be reinstated by the Council next week. The Council has indicated that it will construct a drain and resurface the road with Premix asphalt in the next financial year.

Mr Dayal: Mr Speaker, Sir, can I request the hon. Minister to consider the possibility of having two lay-bys along the road because of the narrowness of the road leading to the bus park?

Dr David: Mr Speaker, Sir, I will convey the message to the appropriate authorities.

NTC - LOSSES

(No. B/434) Mrs L. D. Dookun-Luchoomun (Third Member for La Caverne & Phoenix) asked the Minister of Public Infrastructure, Land Transport & Shipping whether, in regard to the losses incurred by the National Transport Corporation for the period 2007-2008, he will, for the benefit of the House, obtain from the Corporation information as to if the increases in the salaries and the wages, as a result of the implementation of the recommendations of the National Remuneration Board and of the Pay Research Bureau, account therefor.

Mr Bachoo: Mr Speaker, Sir, I am informed by NTC that the operational loss can be attributed to a series of factors, ranging from the high volatility in the price of fuel, the increase in the cost of operational and maintenance of an ageing bus fleet, and a bus tariff structure which is not reflective of the principles of full cost recovery. The increase in staff costs in the wake of the NRB award which amounts to Rs14 m. for May and June 2008 has also contributed in the financial distress of the NTC.

Mrs Dookun-Luchoomun: May I ask the hon. Minister whether he could confirm, from the reply he has given to a former PQ, that the cost of NRB and PRB amounted to around Rs7 m. and that the amount of revenue obtained from an increase in tariff, diesel, petroleum products, etc, amounted to Rs12 m. per month, which would mean that the cost of NRB and PRB increases cannot account for the losses incurred by the NTC? Furthermore, can he explain how the volatility in petroleum prices have been such even earlier and there were still profits obtained at the NTC?

Mr Bachoo: I did not say that the increase in the NRB and PRB has been solely responsible for the present situation of the NTC. I have mentioned that it has partly contributed to the prevailing situation at the NTC. Secondly, there has been an increase of about 28% in the ticket fares but, unfortunately, the 28% increase in tariff hasn't given us the desired results. There has been only an increase of 18% in real terms. The second apprehension that the hon. Member has shown is how is it possible that, with the increase that there has been in the past, much of the loss wasn't felt but, now, we are seeing it. There is a series of reasons for this, Mr Speaker, Sir. For example, I have mentioned that there has been an increase of 28% in the tariff and it had not been reflected in real terms; it is only 18%. This is number one. Secondly, it was when the base price was increased from Rs11.44 to Rs25 that the real problem was felt, because whatever difference had to be met by the NTC, that is, the full compensation was not obtained to NTC, and NTC made a very big loss. The amount of money which was recovered from the increase in the tariff was too small compared to what we were spending at the NTC. Another problem which occurred was that the amount of 200,000 litres of petrol was not paid by the NTA to NTC and that is the reason why I have requested a performance audit of the scheme by the National Audit Office and, at the same time, I have also requested the MAB to look into the problem, the conflict which is arising between the NTA and the NTC, and then we have requested the MAB to come with a formula which is more transparent, fair and equitable.

Mrs Dookun-Luchoomun: Can the hon. Minister confirm whether, out of the bus fleet of 440 buses, the NTC is being given compensation by the NTA on only 390 buses,

whether this does not account for the losses and whether this loss incurred by the NTC is not being caused by the way things have been dealt with at the level of the NTA or the Ministry itself?

Mr Bachoo: Mr Speaker, Sir, in fact, it is not 440 but 520 buses, and it is not being compensated for all those buses. It is only 92% of the fleet that is being compensated. This is one of the causes which have probably led to this situation of conflict between the NTA and the NTC. We have decided that the MAB would look into the issue and come up with suggestions. Another reason also which is attributed to this situation is that 40% of the routes are non-commercial and unproductive. At the same time, we are providing a bit of social services for which the NTA is not providing any additional cent to NTC. There are numerous reasons which had led to the present situation. But I can assure the House that the MAB has undertaken this work and, probably, within a fortnight the report will be ready and we are going to act on that.

Mrs Dookun-Luchoomun: Concerning that issue, Mr Speaker, Sir, the Minister is trying to say that there is some problem between the NTA and the NTC. May I ask the hon. Minister why did we wait for so long to take action? I have information and I am going to ask the Minister to confirm whether this is also true that, for every 100 kilometres run by the bus, the NTC is being provided compensation on 26 million litres, whereas the consumption is around 32.5 million litres, and whether such a situation could be allowed to prevail for such a long time and then the impression being given is that the NTC is not being run properly whereas this has all been created by policies of the Ministry itself?

Mr Bachoo: Mr Speaker, Sir, in fact, I can't say that the NTA had been partial towards the NTC. It is the same for other companies also. It is a fact that for the automatic buses which are being utilised by the NTC, the consumption is 42 litres of petrol for 100 kilometres and we are paying only 32 litres for 100 kilometres. There are 51 air-conditioned buses where 62 litres of consumption per 100 kilometres are being utilised and, in fact, the payment is only for 32 litres. The same situation is also for the private companies. Since the very beginning, we had been trying hard to find a solution to the problem, but even the NTA has its own reasons why it does not want to pay more than that. It is for that reason only that we had requested the MAB, which is an independent body, to come forward with recommendations.

Mrs Hanoomanjee: Since the Minister has mentioned himself that the problem between the NTA and the NTC is a very thorny problem, which requires an urgent solution, has the MAB been given any time frame to complete this exercise?

Mr Bachoo: I have just mentioned that in a fortnight the report will be ready and, at the same time, we had been looking into the report which the NTA has submitted. But, at first, it would appear that the NTA is right by providing only 32 litres for 100 kilometres and, of course, NTA does not look into other considerations like the social services which are being provided by the NTC.

Secondly, under the Bus Modernisation Programme, which was started by the previous Government itself, for example, we have introduced new type of buses, air-conditioned buses. So, these factors have not been taken into account by the NTA.

Mr Soodhun: Mr Speaker, Sir, can the hon. Minister confirm whether there has been any request for the increase of ticket fare recently?

Mr Bachoo: There has not been officially any request for the increase as such till now.

Mr Bhagwan: Can the hon. Minister inform the House whether the MAB will also look into the unnecessary expenditure of the Corporation? Last time, I raised the issue of car for the Chairperson - we are still expecting a reply from the Minister - and also the purchase of unnecessary spare parts which are laying dormant in the stock. Can the hon. Minister, at least, inquire whether one particular firm, MIDAS, - I mentioned that to him, he knows who is the owner - has been supplying unnecessary spare parts to the NTC?

Mr Bachoo: Mr Speaker, Sir, in fact, we have taken a series of measures. I had earlier announced in the House that a committee had been set up under the chairmanship of my Permanent Secretary, where we have taken a series of measures, for example, looking at the conduct allowance, at the overtime which has to be reduced by 25%; we are trying to discontinue night services. The central workshop...

(Interruptions)

Mr Speaker: The last question is simple and straightforward: whether the MAB will look into all these matters as well. The Minister should say either yes or no.

Mr Bachoo: In fact, the committee set up by the Permanent Secretary of my Ministry is looking into all these.

Mr Jhugroo: Can I know from the hon. Minister the amount of money paid by NTC for the purchase of spare parts last year?

Mr Bachoo: I don't have it in mind, but it is under strict control.

Mrs Dookun-Luchoomun: Mr Speaker, Sir, the hon. Minister just mentioned that the same treatment is being given to NTC and other bus companies. If other bus companies make around 32 or 42 litres per 100 kilometres, it is fine that they get compensation for that amount. But, he himself has mentioned that the NTC buses are consuming more petroleum for every 100 kilometres. Now, this is not fair treatment. I would like the hon. Minister to confirm this.

Mr Bachoo: According to the NTA, if the NTC buses are consuming more petrol, it means that there is something basically wrong at the garage of the NTC; this is what they claim. According to the NTA, we have to see to it that they become more competitive like the other private companies, and that is the reason of the clash.

At 1.00 p.m. the sitting was suspended.

On resuming at 2.30 p.m. with the Deputy Speaker in the Chair.

NTC – BUSES – PURCHASE & MAINTENANCE

(No. B/435) Mrs L. D. Dookun-Luchoomun (Third Member for La Caverne & Phoenix) asked the Minister of Public Infrastructure, Land Transport & Shipping whether, in regard to the buses of the National Transport Corporation, he will, for the benefit of the House, obtain from the Corporation, information as to the –

- (a) number thereof purchased yearly, since 2003 to date;
- (b) maintenance cost thereof
 - (i) for each of the years 2005 to 2008, indicating in each case the amount of money spent on tyre replacement and
 - (ii) since 2008 to date and
 - (iii) the amount earmarked therefor for 2009, and

(c) number of engine replacement effected on buses purchased in 2007.

Mr Bachoo: Mr Deputy Speaker, Sir, I have arranged for the information to be laid in the Library of the National Assembly.

Mrs Dookun-Luchoomun: May I ask the hon. Minister, Sir, whether he could give us information, as far as engine replacement is concerned for the buses purchased in 2007, the number of buses which are involved?

Mr Bachoo: I have got the information with me: 11 engines have been removed, reconditioned and fitted to the buses purchased in 2007.

Mrs Dookun-Luchoomun: May I ask the hon. Minister whether he could give, for the buses purchased in 2007, the number of buses which had their tyres replaced and the rate at which the replacement is being done?

Mr Bachoo: Mr Speaker, Sir, I don't have that information regarding the replacement of tyres.

Mrs Dookun-Luchoomun: Can the hon. Minister then give us some information about the increase in the cost of maintenance as far as these buses are concerned as compared to 2006/2007?

Mr Bachoo: Regarding the maintenance, for 2006/2007, the cost was Rs53,479,499 and for 2007/2008, it was Rs60,778,343.

Mrs Dookun-Luchoomun: May I ask the hon. Minister then, Mr Deputy Speaker, Sir, whether he can account for such a situation, since he himself has mentioned that the number of buses has increased? The fleet is a new one as from 2007 onwards. How come the cost of maintenance is increasing?

Mr Bachoo: Firstly, it is because the prices of spare parts have gone up and, secondly, let's us not also forget that we have got an ageing fleet of buses that needs regular reparation. Because of the multitude of makes and models, we are bound to keep different types of mechanics for those works.

Mrs Dookun-Luchoomun: Mr Deputy Speaker, Sir, the hon. Minister is referring to an ageing fleet of buses. Could he just inform the House on the number of buses purchased between 2005 and 2007?

Mr Bachoo: I am circulating the list, but let me have a look at it. The number of buses purchased in 2003:16; 2004: 15; 2005: 95; 2007:100, and 2008: nil.

Mrs Dookun-Luchoomun: Mr Deputy Speaker, Sir, if I go by the figures given by the Minister, it would seem that almost half of the fleet consists of new buses and the point of view expressed by the hon. Minister of an ageing fleet of buses does not stand good.

Mr Bachoo: No, it is above 60% of ageing bus fleet. We have got, let us say, less than half which we can consider to be new. Despite this, the costs of spare parts have gone up. We should not forget, Mr Deputy Speaker, Sir, that we are utilising all of these buses to the maximum, and that explains the reason why there had been so many breakdowns. I would also like to add that technicians from India have also been invited to conduct a survey of the buses. They have submitted the report. Technicians and engineers from my Ministry have also submitted reports concerning the conditions of those buses, and I am going to lay copies on the Table of the House.

Mrs Dookun-Luchoomun: Mr Deputy Speaker, Sir, the Minister just mentioned that the 11 of the new buses purchased in 2007 have had their engines replaced. I consider that the

replacement of engines is a major maintenance. Could he explain how, within one year, these buses have had to have their engines changed and whether there was not a performance bond or anything attached to the purchase of these buses?

Mr Bachoo: We had performance bonds and partly the mother company was able to bear the costs. As far as those engines are concerned, I am not in a position to say much because, according to the report which was submitted by the Indian experts as well as Mauritian engineers, they have come to the conclusion that the mechanical and technical problems were due to lack of proper maintenance of vehicles and to the use of spare parts which were not at all appropriate or compatible to the engine design. In fact, in Mauritius, we have a lack of that type of spare parts.

Mrs Dookun-Luchoomun: Mr Deputy Speaker, Sir, in one year, an engine of a bus has had to be replaced, and we are being told that it is due to maintenance. I think it is a very serious issue. What type of maintenance do we have to give to an engine that, in one year, it has to be replaced? Talking about the same buses, can the Minister confirm whether there was no guarantee?

Mr Bachoo: The guarantees were there. It was when the guarantees were over that most of the engines were changed. Mr Deputy Speaker, Sir, I have just mentioned that, being given they are new buses, they have utilised them to the maximum and, probably, there has been a problem.

Mrs Dookun-Luchoomun: Mr Deputy Speaker, Sir, the hon. Minister is stating that there are reports, and that the buses are fine. It seems that the problem arose after the one-year guarantee period. Will the Minister confirm whether it is not true to say that, from day one of the use of these buses, there were complaints made by both drivers and conductors about the engines and the buses themselves?

Mr Bachoo: Mr Deputy Speaker, Sir, there had been complaints even in the past; there used to be complaints. When I was the Minister of Public Infrastructure, I remember we bought 100 buses from Ashok Leyland. We had the same problem all the time. The conductors and bus drivers were complaining. Even at that time, these buses were procured from India, and there were complaints. As I just mentioned, I am not an expert nor am I a mechanic. The reports of those experts are in front of me, and according to the reports, all the buses were in good condition. In fact, we had problems regarding the engines and they had to be replaced. I have also mentioned that we are utilising them to the maximum, to the full, and this might have been the basic reason why there have been so many breakdowns.

Mrs Dookun-Luchoomun: Mr Deputy Speaker, Sir, the Minister is saying that we used them to the maximum extent. Is he aware that the replacement of tyres on buses is done normally after 25,000 kilometres and that for the new buses the replacement of tyres has been done after 9,000 kilometres only? Furthermore, will the Minister confirm that the petroleum consumption of these buses exceeds that of the air-conditioned buses and still there is news that such buses are going to be ordered again? Will the Minister confirm same?

Mr Bachoo: This is not true, Mr Deputy Speaker, Sir. First of all, as far as the tyres are concerned, these buses are 12 metres long, they have the capacity of 66 passengers; hence, more tyres are used. But I am not an expert, as I just said, to know how many kilometres they have to go. I am not a *casseur la roue!*

(Interruptions)

The Deputy Speaker: Order! Order, please!

Mr Bachoo: Secondly, the hon. Member has mentioned that the utilisation of petrol of these buses is more than that of air-conditioned buses. This is not true because air-conditioned buses are utilising 62 litres of petrol per 100 kilometres. These automatic buses are consuming an average of 42 litres of petrol per 100 kilometres.

Mr Jhugroo: Mr Deputy Speaker, Sir, can the hon. Minister confirm to the House whether any inquiry has been conducted regarding the failure of the engine of the said bus?

Mr Bachoo: Inquiries were conducted, and that is the reason why a team of experts came from India. I have received their report, which I have already submitted before the Assembly.

Mr Bhagwan: Mr Deputy Speaker, Sir, the hon. Minister has made mention of spare parts. Is he aware that the spare parts, which were not according to specifications, have been used, and whether an inquiry has been made as to who is the supplier? In a question earlier, I mentioned MIDAS. Is he aware that these spare parts, which were sold at an excessive price to the National Transport Corporation, were not according to specifications?

Mr Bachoo: Mr Deputy Speaker, Sir, the hon. Member asked me this question this morning, and I have said that I am waiting a reply from them at Bonne Terre, Vacoas.

Mrs Dookun-Luchoomun: Mr Deputy Speaker, Sir, the hon. Minister is stating that the buses purchased in 2007 have got a petroleum consumption of 62 litres per 100 kilometres. I would like the Minister to confirm whether this is correct, because my information is that the same buses are using more than 68 litres per 100 kilometres.

Mr Bachoo: According to the information available to me, automatic buses which we bought are utilising 42 litres of petrol, whereas air-conditioned buses which were bought a few years back are using 62 litres of petrol.

Mrs Dookun-Luchoomun: Mr Deputy Speaker, Sir, the hon. Minister is stating that the 80 new buses purchased in 2007 have got a consumption that is lower than the air-conditioned buses. Will he confirm and give, once again, the values as he is mentioning here, so that there is no confusion?

Mr Bachoo: I am only making a statement that is available to me. I hope that they are all accurate statements. It is 42 litres for automatic buses, 62 litres for air-conditioned buses and for ordinary buses; it is 34 litres of petrol per 100 kilometres.

MAURITIUS REVENUE AUTHORITY - ARREARS

(No. B/436) **Mr M. Dowarkasing (Third Member for Curepipe & Midlands)** asked the Vice-Prime Minister, Minister of Finance & Economic Empowerment whether, in regard to the arrears on revenue, he will, for the benefit of the House, obtain from the Mauritius Revenue Authority, information as to the amount thereof in relation to the -

- (a) Value Added Tax;
- (b) Gaming Tax;
- (c) Sales Tax, and
- (d) Companies Division, indicating the steps taken to recover same.

Dr. Sithanen: Mr Deputy Speaker, Sir, I am informed by the Mauritius Revenue Authority that the arrears on revenue as at 30 April 2009 are as follows -

VAT: Rs703 m.

Gaming Tax: Rs109 m.

Sales Tax: Rs5.0 m.

As regards the amount of arrears of revenue at Registrar of Companies, I am informed that it stood at Rs276 m. as at end April 2009. They consist primarily of licence fees that all registered companies have to pay annually.

I am informed that action has already been initiated by both the MRA and the Registrar of Companies to recover those arrears of revenue. In fact, payment of arrears of tax is enforced using a number of instruments as provided in our tax legislation. These include, amongst others -

- attachment order on the banks and on the debtors of the indebted taxpayer;
- issue of distress warrant;
- inscription on immoveable properties;
- prosecution, and
- objection to departure.

On the other hand, the Registrar of Companies issued letters of reminders and initiated actions for striking off of companies failing to settle their outstanding dues, in accordance with the provisions in the Companies Act.

In fact, Mr Deputy Speaker, Sir, during the current financial year up to 30 April 2009, an amount of Rs295 m. of VAT arrears has been collected, Rs26 m. under gaming tax and Rs0.05 m. under the sales tax.

The Registrar of Companies has, on its part, recovered during the same period Rs7 m. as arrears.

Mr Bérenger: Mr Deputy Speaker, Sir, if I heard the hon. Minister correctly, there are more than Rs700 m. of arrears of Value Added Tax. Can we know how the situation has evolved, let's say, as from 2004? Has it been deteriorating?

Dr. Sithanen: Mr Deputy Speaker, Sir, let me also tell the House that when we say that it is Rs703 m., many of them have already made arrangement to pay over a period of time. I have the list here of how many notices for payment have been issued, how many attachment orders on salary inscription, and there are many people who have reached an agreement, but since the amount has not been fully paid, it is shown in the book as an arrear.

Mr Dowarkasing: I will come back again to the same question. Can the hon. Minister confirm whether the debts are on the increase from 2004/2005, every fiscal year, and, if this is so, I want to know what the MRA is actually doing to overcome this problem?

Dr. Sithanen: It depends how we count. If we count it as a percentage of the tax, I think it has come down. There is always a difference between absolute and percentage level. What has happened is that, in many cases, they have reached an agreement, but this agreement is going to last in some cases for 12 months, in other cases between 24 months and 60 months. Work is being done in order to recover arrears. But, there is always pressure put by these people. They will say that if you force them to pay, they will go into liquidation and they will lay off workers. I must also inform the hon. Member that for the case of Companies Division, there is a slight anomaly - in my mind - in the system, because there are many companies that are dormant companies. They have not been struck off, but their names are

still on the book, and the amount that they ought to have paid is shown as an arrear until their name is struck off.

Mr Dowarkasing: Mr Deputy Speaker, Sir, can I ask the hon. Minister whether the arrears have increased under the Voluntary Disclosure Scheme?

Dr. Sithanen: It cannot, because the very purpose of the VD Scheme is to bring it down. Even if you collected one rupee from VDS, it has to come down. But, in fact, in the first year of VDS - I think I did give the figures to this House - they have collected quite a lot of money, but there is also an agreement signed, because not everybody who has chosen to come under VDS will pay the actual amount of money that they owed for a number of years in one particular year. Obviously, the payment will go on over three or four years.

Mr Bérenger: The Minister gives us a precise figure, more than Rs700 m. of arrears on Value Added Tax as at now. The question is simple. A year ago, what was the figure?

Dr. Sithanen: The figure I have, Mr Deputy Speaker, Sir, is Rs971 m. The balance of old debts is Rs598 m., the new debts is Rs104. m. It is very clear that you always start with a stock and then you add two flows, a flow of old debts and a flow of paid debt. It was Rs971.4 m. at 30 June 2008, and it is Rs703.7 m. now.

Mr Dowarkasing: Mr Deputy Speaker, Sir, I will come to the arrears on the gaming tax. The hon. Minister would agree with me that no such company that is involved in gaming is running at loss. Is there any sort of measure to recover - especially in that particular case - that Rs109 m. which are lying, and whether he could consider the fact of even suspending their licence, if they don't pay?

Dr. Sithanen: It is a very fair question, Mr Deputy Speaker, Sir. Every year, we have this problem on the eve of the beginning of the racing season, with essentially the bookmakers. They have to submit a paper from the MRA that they don't owe any money to the Gaming Regulatory Authority. Again, every year, there is a lot of pressure, and we have taken the decision this year, Mr Deputy Speaker, Sir, that we will apply the law strictly. In the majority of cases, I am being given to understand they have signed an agreement with the MRA in order to pay the outstanding amount. Over what period of time? Obviously, it varies from one bookmaker to another.

Mr Jhugroo: Mr Deputy Speaker, Sir, can I ask the hon. Vice-Prime Minister which companies are not paying their gaming tax?

Dr. Sithanen: Mr Deputy Speaker, Sir, I can't tell.

Mr Dowarkasing: Mr Deputy Speaker, Sir, the figures the hon. Minister has already given is about Rs1 billion that is outstanding as arrears on revenue, and we know that we are going through difficult days. Is the hon. Minister happy with the way MRA is functioning in terms of recovering the arrears?

Dr. Sithanen: The MRA has done a very good job in terms of tax administration, Mr Deputy Speaker, Sir. As I said, as a percentage of revenue, the debt has come down. I am also answering the hon. Leader of Opposition: even in absolute terms, it has come down. Obviously, there is room for improvement, and they are doing their best to recover arrears. And again, you have to use the benchmark that exists in the world, that is, outstanding debt compared to the revenue that you're collecting. I think we are well within the parameters that are accepted as international norm. But, obviously, we will try to do the best, and I fully share the view of the hon. Member that, in this difficult time, money that is owed to Government should be paid.

Mr Dowarkasing: May I know from the hon. Minister whether he has the figures with respect to the large taxpayers? Have any of these companies that owe Government applied for the stimulus package? Insofar as the companies which fall under the category of large taxpayers are concerned, is the hon. Minister aware or has he got information as to whether anyone of them has applied for support under the stimulus package?

Dr. Sithanen: I don't think there is any such company which has benefited yet, because - I'm speaking from memory - as I said to the House a couple of weeks ago, there are different levels of entry into the stimulus package, and there are some that have just started to make an application. But, I will check and let the hon. Member know.

Mr Soodhun: Mr Deputy Speaker, Sir, I would like to know from the hon. Minister whether there has been any application for the stimulus package.

Dr. Sithanen: I don't know; I'll have to check. If the hon. Member comes with a specific question, I will go and check.

FISH & FISH PRODUCTS - TESTING

(No. B/437) **Mr M. Dowarkasing (Third Member for Curepipe & Midlands)** asked the Minister of Agro Industry, Food Production & Security whether he will state if Government has entered into an agreement with a private laboratory for testing fish and fish products and if so, indicate -

- (a) when and,
- (b) the amount of money paid out as at to date.

Mr Faugoo: Mr Deputy Speaker, Sir, the European Union has, since 01 January 2006, following the visit of an FVO mission in Mauritius, laid down strict rules and regulations for certification of fish and fish products, and auditing of fish establishments involved in the export of fish and fish products to the European Union. Prior to 2006, certification was effected only on the final product.

All establishments exporting fish and fish products to the EU should, therefore, comply with the EU requirements on food hygiene and safety. In this context, they have put in place all necessary infrastructure and systems to satisfy the established norms. Analysis on fish, fishery and aquaculture products, ice and water is an integral part of their activities.

The competent authority is responsible for the certification of fish and fish products exported to EU and other countries. In this respect, prior to issuing health certificates for export purposes, the competent authority carries out analysis on samples of fish and fish products, aquaculture products, water and ice to countercheck whether the EU norms and standards are being complied with by the establishments. As per the recommendations of the FVO Mission, such tests should be carried out by a laboratory which is accredited to ISO 17025. It is, therefore, mandatory that the tests are carried out as recommended by the EU; otherwise, Mauritius may run the risk of being penalised through a ban on our export.

However, none of the Government laboratories is accredited to ISO 17025. Thus, the competent authority has had to have recourse to the services of a private laboratory. There is only one laboratory in Mauritius, which is accredited to ISO 17025. After approval of the Central Tender Board was obtained, a contract was signed with that laboratory, namely *Société Générale de Surveillance Ltée* (SGS), in November 2007. Measures are currently being taken for the accreditation of the Food Technology Laboratory of the Government.

With regard to part (b), I am informed that the amount paid to SGS Ltée so far is Rs5,987,525.

Mr Deputy Speaker, Sir, I would like to inform the House that a number of shortcomings were noted by the FVO Mission in January 2006, and a decision was accordingly taken by the EU that no new establishments would be added on the list of companies eligible to export fish and fish products to the EU unless and until those shortcomings, including testing by accredited laboratories, have been addressed to EU's satisfaction. Following corrective measures taken by my Ministry, this ban was lifted in October 2007. Moreover, I would like to add that the seafood hub sector has an annual turnover of Rs16 billion, and export earnings are around Rs8 billion annually.

Mr Dowarkasing: Mr Deputy Speaker, Sir, the hon. Minister has stated in his answer that none of the Government laboratories has the capacity or is certified ISO 17025. Can we know, therefore, what he intends to do in terms of, at least, having one of these laboratories ISO certified?

Mr Faugoo: I am very grateful that the Member has asked this question, Mr Deputy Speaker, Sir. In fact, we have applied for accreditation of the food lab. But, I must highlight here that, when the FVO mission had come, back in 2006, they had this to say -

“The information provided by Mauritius after previous FVO mission - and the mission was about five years before the 2006 mission - proved to be factual only in relation to the transfer of the cannery to its new premises, given that the competent authority has no legal text regulating its organisation and official control functions. Secondly, the accreditation process of the official laboratory is not yet finalised after more than six years.”

This is what they had to say, Mr Deputy Speaker, Sir, and I am confirming, today, to this House, that we have started the process back in 2006, and we are going to get it soon.

Mr Dowarkasing: Mr Deputy Speaker, Sir, with regard to those exported fish, does not the law or regulation provide that the onus is on the applicant to submit all the necessary and appropriate certification? If this is the case, why is it that Government has to pay for the lab fees?

Mr Faugoo: This is not the case, and this is also the case, Mr Deputy Speaker, Sir. This is the case as far as local law is concerned. We have regulations in our local law, and this passes the onus on the establishment if this is asked by the competent authority. But then, we have EU regulations, which prevail over our local law and regulations. Under the EU Regulations, we need to have control over the whole process, and not only the final product. It is from the beginning, that is: fish/fish going in the can/export. We have to control the whole process. This onus is on us. We do charge a fee. For example, when we effect any visit, or any survey is done on the establishment, they have to pay; there are regulations to that effect. They will not be charged directly as fees for the examination, but we are charging them for whatever work that is being done.

Mr Cuttaree: Mr Deputy Speaker, Sir, several times, the hon. Minister has made reference to the competent authority for certification, testing and all that. May we know what is that competent authority?

Mr Faugoo: A competent authority is provided for in every country which exports any item to the EU. We are exporting 92% of the fish products to the EU. Under the EU regulations, we need to have a competent authority, which gives certification as to the quality, that is, whether it is safe for human consumption. I must say that, even the competent authority was not there before. We amended the law back in 2006, and provided for the setting up a competent authority which is responsible to give export certificates towards the EU.

Mr Cuttaree: This is my point. What is that competent authority? We are all hearing about a competent authority. What is it? Is it a person, an organisation?

Mr Faugoo: It is a unit within my Ministry, which is being run by a foreigner, Mr Thepaut, who is a specialist.

(Interruptions)

He is doing a very good and brilliant job I must say. He is supported by vets, because competent authority falls within the purview of the DVS (Divisional Veterinary Services) of my Ministry. There are vets, technicians and inspectors. It is a whole unit which we have set up, because there are very strict conditions imposed by the EU. In fact, they banned us when they came in 2006; they said that, apart from those 10 exporting to the EU, they would not allow any single extra establishment to export until we comply with all the conditions that they have imposed.

Mr Guimbeau: Can the hon. Minister inform the House whether fish which have been tested so far has revealed any presence or trace of mercury?

Mr Faugoo: Not to my knowledge.

Mr Dowarkasing: Mr Deputy Speaker, Sir, may I know from the hon. Minister whether, since the setting up of this competent body, we have received any complaint so far from the EU as regards the norm and quality of the fish exported?

Mr Faugoo: We have received compliments that we are, at least, complying with whatever conditions they have imposed so far, and we have gone a long way, Mr Deputy Speaker, Sir, in being compliant to EU regulations.

SOLIDARITY LEVY – AMOUNT COLLECTED

(No. B/438) Mr M. Dowarkasing (Third Member for Curepipe & Midlands) asked the Vice-Prime Minister, Minister of Finance & Economic Empowerment whether, in regard to the Solidarity Levy, he will state the amount of money collected for each of the last three years, indicating how these sums have been used.

The Vice-Prime Minister, Minister of Finance & Economic Empowerment (Dr. R. Sithanen) : Mr Deputy Speaker, Sir, I am informed that the amount of Solidarity Levy collected for the financial year 2006-2007 was Rs145 m.; Rs201 m. for financial year 2007-2008 and, as to date, an amount of Rs101 m. for the current financial year. This is only till December 2008.

Insofar as the use of the Levy is concerned, and as the House is aware, these sums have primarily contributed to the financing of the Empowerment Programme, as mentioned in the 2006 Budget Speech.

However, to support enterprises in the tourism sector in the current economic crisis, and as announced in December 2008 under the ‘Additional Stimulus Package’, the Solidarity Levy has been suspended for a period of two years ending 31 December 2010.

Mr Dowarkasing: May I know from the hon. Minister whether the MEF has requested any sum of money from this Solidarity Levy Fund for training purposes?

Dr. Sithanen: No. Let me explain, Mr Deputy Speaker, Sir! I have said it before that money that comes in the treasury is fungible by nature. You cannot identify that this specific money comes from that specific tax, and that it will be earmarked for that item of expenditure. But we did mention, Mr Deputy Speaker, Sir, that this money will be used primarily for the Empowerment Programme. I am not aware of such request by the MEF.

Mr Guimbeau: Can the hon. Vice-Prime Minister give a breakdown of the Solidarity Levy collected per hotel?

Dr. Sithanen: I do not have this. I don't know whether we'll publish this, Mr Deputy Speaker, Sir. I do not know whether for corporate tax, or even for individual tax, the hon. Member will ask me to publish the names of 75,000 or 80,000 taxpayers. I don't think that it is in the spirit of taxation to do that, Mr Deputy Speaker, Sir.

Mr Dowarkasing: The hon. Minister will reckon that it is quite a large amount of money that is being collected from the Solidarity Levy. Can we know at what time this Levy has been suspended? Is there any time frame; is it indefinitely or whatever?

Dr. Sithanen: I did mention in the additional stimulus package that we have created a corridor of two years, starting 01 January 2009 and ending 31 December 2010.

ALIMONY – NON-PAYMENT - COMPLAINTS

(No. B/439) Mr M. Dowarkasing (Third Member for Curepipe & Midlands) asked the Attorney-General whether he will state if he has received complaints from the public, especially mothers, for non-compliance with arrangements in respect of alimony and, if so, indicate the measures he proposes to take.

Mr Valayden: Mr Deputy Speaker, Sir, it is true to say that, from time to time, I do receive complaints from members of the public regarding non-payment of alimony. I must, however, immediately point out that payment of alimony is a matter falling under the jurisdiction of the courts. Where a person fails in his obligation to pay an alimony, which has been ordered by a court, three distinct avenues are open to the unsatisfied claimant –

First, civil action is possible for attachment under the general law; attachment maybe for property or person; as far as an alimony case is concerned, attachment of property is more realistic than attachment of person - section 55 of the court Civil Procedure Act.

Second, the aggrieved spouse may report the matter to the Police for the initiation of criminal proceedings under section 261(1) of the Criminal Code, since failure to pay alimony is an offence under that section.

The problem with this second option is that it does not empower the court to make an order for a defendant to honour his/her undertaking. It only provides for a penalty in case of conviction, which is a fine or imprisonment. In practice, only very grave or persistent failure may lead to imprisonment.

I wish to point out that, where a person is convicted of an offence under section 261(1) of the Criminal Code, this does not extinguish the civil liability of a defendant.

Finally, the aggrieved spouse may bring an action for civil contempt of court for disobedience of an order of the court. Section 18(c) of the Courts Act provides that the Supreme Court, on a motion made to that effect, supported by affidavit, may find that a person has committed a contempt and may sentence that person to imprisonment for a term not exceeding one year or to a fine not exceeding Rs300,000, and may make such order as it thinks fit.

In conclusion, provisions already exist in the law for the court to deal with payment of alimony and failure to do so. As it is a very serious matter concerning children, I still intend to request the Law Reform Commission to look into the matter and come up with recommendations on how to improve the existing legal framework.

Mr Dowarkasing: Mr Deputy Speaker, Sir, I thank the hon. Minister for his reply. But, he will agree with me that all these provisions in the law with regard to this question of non-payment will come in force only after the person responsible has not paid the alimony for three consecutive months. What is happening is that they do not pay for two months and, on the third month, they go and pay for it. Then, they play again with this three months' time. I will just ask the hon. Minister whether he could review the law in that perspective. People are just doing away with it, because there need to be three consecutive months of non-payment. We can use the provisions of the actual law to remedy the situation. Will he look into that matter?

Mr Valayden: Mr Deputy Speaker, Sir, I intend to send the matter to the Law Reform Commission, and I will also refer that particular proposal from my hon. friend.

TIANLI PROJECT

(No. B/440) Mr E. Guimbeau (First Member for Curepipe & Midlands) asked the Vice-Prime Minister, Minister of Finance & Economic Empowerment whether, in regard to the Tianli project, he will state where matters stand.

The Vice-Prime Minister, Minister of Finance & Economic Empowerment (Dr. R Sithanen): Mr Deputy Speaker, Sir, with your permission, I will reply to PQs B/440 and B/465 together.

As the House is aware, in March 2007, Government and the Tianli Enterprise Group signed a Framework Agreement for the setting up of the Mauritius Tianli Economic and Trade Cooperation Zone over 211 hectares of land over a period of five years. As per the Agreement, the project promoter has the responsibility to construct onsite infrastructure and buildings whereas Government, on the other hand, has the responsibility to develop the required offsite infrastructure, namely access roads and other utilities.

The detailed Project Master Plan for the Mauritius Tianli Economic and Trade Cooperation was approved by Government in March 2008. At that time, the Tianli Group had secured around 30 investors to invest in this zone in Mauritius. The project implementation was initially scheduled to start last year. However, it has been delayed, as the clearance from the Chinese authorities on the detailed engineering design was being awaited. Added to that, the global financial crisis has also prevented Tianli from securing additional investors to implement the project rapidly.

Mr Deputy Speaker, Sir, the visit of His Excellency, Mr Hu Jintao, President of the People's Republic of China to Mauritius in February this year has given a new impetus to the project. It will now be financed by three main shareholders as opposed to one; the China Africa Development Fund, the Shanxi Government through a special investment vehicle, and the Tianli Group of Companies.

I understand that the Provincial Government of Shanxi has been requested to ensure swift implementation of the project. There is also now confirmation from the Chinese side that construction works will, in all likelihood, start in the third quarter of this year, namely by September 2009.

I wish to further inform the House that BOI has been entrusted with the task of facilitating and monitoring the project implementation. It is closely following up with the project promoters to ensure that the new deadline is met, and the project is effectively started in the 3rd quarter of 2009.

Mr Guimbeau: Mr Deputy Speaker, Sir, as regards the Framework Agreement, in reply to a PNQ of the Leader of Opposition on 10 June 2008, the hon. Minister stated that he

would have no problem to request the Chinese to have the agreement made public. I would like to ask the hon. Minister if he made that request to the Chinese.

Dr. Sithanen: I do not think that the Chinese side are very keen to make this public.

Mr Guimbeau: Mr Deputy Speaker, Sir, the same project was done in Zambia, and it was signed and made public. So, why is it that, in Mauritius, we cannot have the agreement made public?

Dr. Sithanen: Because we have signed an agreement where there are clauses of confidentiality, and we have to respect the clauses of confidentiality. This is one of the biggest projects that this country will ever know. We have to respect what our Chinese friends also have requested us.

Mr Guimbeau: Will the Tianli Project be granted exemption of VAT and, if so, can the Vice-Prime Minister give an estimate?

Dr. Sithanen: It is primarily for exports, and I'm sure the hon. Member would know that when you are exporting there is no VAT.

Mr Soodhun: Can the hon. Vice-Prime Minister indicate whether there is any modification of the plan?

Dr. Sithanen: Yes, there has been modification. In fact, this has been an ongoing process. They have to review it, based on what the market demands and what they would be able to sell to Africa.

Mr Guimbeau: Mr Deputy Speaker, Sir, as regards the offsite infrastructure, which adds up to Rs750 m. paid by Mauritius, can the hon. Minister state how much has been spent so far?

Dr. Sithanen: I do not have the exact figure. Mr Deputy Speaker, Sir, let me explain to the hon. Member.

(Interruptions)

It is good that we know the context. The Chinese are going to invest 700 million dollars, and if we multiply this by Rs34, we get about Rs22 billion. They are going to create about 30,000 jobs directly. They will export annually about 300 million dollars. There are countries in Africa that are queuing up, lining up in order to get the Chinese to come. You have to do something to get this investment, Mr Deputy Speaker, Sir. I do not understand where the hon. Member is coming to. There are countries in Africa that have sent their Prime Minister, their Minister of Finance to China to beg the Chinese to have this Trade and Economic Corporation Zone in their country. This is one of the most important projects that will come our way.

Mr Guimbeau: Mr Deputy Speaker, Sir, we all agree with what the Vice-Prime Minister is saying. But, all we are asking for is transparency in that project, which is one of the biggest projects, as he has just stated. Now, as far as the State land is concerned, the hon. Vice-Prime Minister stated it was leased at a concessionary rate. Can we know what is the rate?

Dr. Sithanen: Mr Deputy Speaker, Sir, let me again explain, for the enlightenment of my hon. friend. In some countries, they are willing even to pay the salaries of the workers that will work in that zone, and they did not get this zone. We do not have oil; Nigeria got an industrial zone because of oil. We do not have copper; Zambia got it because of copper. There are other countries that are giving zero corporate tax. We did not give zero corporate

tax. But, as I said, - I have said this anecdote - we are not the only beautiful girl in town. You need to make sure that you compete and offer a conducive environment to attract people to come and do business in this country. We have had to make some concessions, Mr Deputy Speaker, Sir. I think that, in Zambia, they are not paying any corporate tax. Here, they will have to pay 15% corporate tax. Mr Deputy Speaker, Sir, you need to have some unique selling propositions in order to attract investors to this country. You can't just pray God, and hope that investors will come.

Mr Soodhun: The Vice-Prime Minister has just mentioned about changes. We would like to know what are the major changes.

Dr. Sithanen: Mr Deputy Speaker, Sir, it was primarily light engineering, freeport, logistics, and now they have broadened it to include a warehousing facility where they will showcase what China can do. Then, they have decided to add business services and training institutes.

Mr Guimbeau: Mr Deputy Speaker, Sir, we all agree with what the Vice-Prime Minister has said, but he has not answered my question. What is the rate per *arpent* for the State land? As we are taxpayers, we would like to know the rate per *arpent*. Can he also indicate what type of lease it is? Is it a commercial, agricultural or industrial lease?

Dr. Sithanen: Mr Deputy Speaker, Sir, let me repeat to the hon. Member: this is the largest single investment that this country has known, and we have had to make concessions. Let it start! They want to kill the project before it starts. This is the intention of the hon. Member. They always do this; they want to kill the project.

Mr Guimbeau: Mr Deputy Speaker, Sir, I have a last question. Can the Vice-Prime Minister tell the House then if it is still Rs50 an *arpent* for a 500-*arpent*?

Dr. Sithanen: I do not know; I don't have the exact figure.

AIR MAURITIUS LTD – FLEET

(No. B/441) **Mr N. Bodha (First Member for Vacoas & Floreal)** asked the Vice-Prime Minister, Minister of Tourism, Leisure and External Communications whether, in regard to the recent policy of Air Mauritius Ltd. to do away with some of its fleet, he will, for the benefit of the House, obtain from the Company, information as to the consequences thereof on the number of flights on different destinations.

The Vice-Prime Minister, Minister of Tourism, Leisure and External Communications (Mr X. L. Duval): Mr Deputy Speaker, Sir, I am informed by Air Mauritius Ltd. that fleet planning is a long-term decision-making process based on market requirements and projected network development. However, in order to cope with market uncertainties, fleet flexibility is also built into the fleet planning process.

As a result of anticipated decline in demand due to the current international economic crisis, and with the arrival of a second A330-200 aircraft in October 2009, the company has taken the decision not to renew the lease of an A340-300 aircraft as from the same month. Consequently, the number of its wide-bodied aircraft will remain unchanged.

Furthermore, given the prevailing market conditions, one aircraft is in excess of the company's requirements. This aircraft is being offered for a short-term lease also from end 2009.

The House may wish to note that the above will not have any impact on the operations capability of Air Mauritius Ltd.

Mr Bodha: Mr Deputy Speaker, Sir, may I ask the hon. Vice-Prime Minister whether there has been a reduction in the number of flights on a certain number of destinations like Italy, for example?

Mr X. L. Duval: Yes, there has been according to demand. It is a normal thing. It varies according to low and high seasons.

Mr Bodha: We have the impression that we are more relying on foreign carriers like Emirates or Corsair, which have increased the number of flights from France and from Dubai.

Mr X. L. Duval: Not really, Mr Deputy Speaker, Sir. In fact, as from the beginning of this year, the number of flights from a number of carriers was reduced by at least 10. So, gradually, we are catching up. In fact, we have less flights from foreign carriers today than we had at the beginning of the year.

Mr Guimbeau: Can the hon. Vice-Prime Minister state if there has been any sale of Air Mauritius ATR to Air Pacific?

Mr X. L. Duval: No, Sir. The planes are at the airport! The hon. Member can have a look at them.

Mr Guimbeau: Mr Deputy Speaker, Sir, I would like to table a document, which shows that there has been some kind of transaction between the Fiji and Air Mauritius.

Mr X. L. Duval: Mr Deputy Speaker, Sir, firstly, I don't think this is true. But, even if it was, I do not answer here for the commercial operations of Air Mauritius.

Mr Guimbeau: Mr Deputy Speaker, Sir, I would like to table a document I received concerning a transaction between ATR Air Mauritius and Air Pacific.

Mr X. L. Duval: Mr Deputy Speaker, Sir, I object to the laying of this document. I do not know what it is, but the principle is that, as Minister, I am not responsible for the commercial operations of Air Mauritius Ltd. It is a limited company. I provide information insofar as planes are concerned, because it concerns tourism and travel overseas. But, the operations of Air Mauritius Ltd. are not to be examined in the House.

Mr Guimbeau: Mr Deputy Speaker, Sir, I was just trying to come on the question, that is, to do away with some of its fleet; this is part of the question.

Mr X. L. Duval: I don't mind. It is up to the hon. Member. But, it's not a good principle.

The Deputy Speaker: Next question, hon. Bodha!

MAURITIUS/INDIA - COMPREHENSIVE ECONOMIC COOPERATION PARTNERSHIP AGREEMENT

(No B/442) Mr N. Bodha (First Member for Vacoas & Floreal) asked the Minister of Foreign Affairs, Regional Integration & International Trade whether, in regard to the Free Trade Agreement with India, he will state where matters stand.

Dr. Boolell: Mr Deputy Speaker, Sir, as the House is aware, India and Mauritius entertain very close and unique ties, which encompass virtually all aspects of bilateral and multilateral relations. With a view to giving a new momentum to bilateral relations in the context of the globalising world economy, both parties have agreed to conclude a Comprehensive Agreement that goes beyond a simple Free Trade Agreement.

Discussions on the Comprehensive Economic Cooperation Partnership Agreement (CECPA) started in 2005.

An Empowered Negotiating Team comprising senior officials of Indian and Mauritian side was established. Four main areas have formed the basis of discussions, namely the Preferential Trade Agreement, Trade in Services, Investment and Economic Cooperation. So far, India and Mauritius had ten rounds of negotiations.

While we have completed negotiations on the PTA and Economic Cooperation, the chapters on services and Investment are yet to be finalised. Our position is that we should move to sign and implement the PTA as an early harvest, given the huge potential for trade that exists on the Indian market. We have, in this regard, raised the possibility for an early signature of the PTA both with the Indian Minister of Commerce & Industry and the Minister of External Affairs.

As Members of the House are aware, India is one of the leading economic, trade and investment partners of Mauritius. The total trade of Mauritius with India in 2008 stood at Rs25,060 m. and is currently the 6th largest trading partner of Mauritius. The balance of trade is, however, largely skewed towards India. Mauritius exports to India in 2008 stood at Rs141 m., whilst our imports amounted to Rs24, 900m. The conclusion of the CECPA agreement, in particular the implementation of the Preferential Trade Agreement, is expected to open new avenues for trade and diversify our export basket to India.

Once signed, the agreement would offer several benefits to local businesses, including preferential access on an array of products such as rum, textile products, fish, fresh cut flowers, pasta, ship models and sunglasses amongst others. India would also provide enhanced market access for rum on an initial quota of 150,000 litres. On textiles products, Mauritius would obtain duty free access for 3 million pieces of garment. It is also expected that our exports to India will increase fourfold with the implementation of the PTA and open new avenues in the services sector, such as computer related services, telecommunication, accountancy and distribution services.

With respect to the Economic Cooperation, several sectors have been identified, namely Information and Communication Technology, Telecommunications, Health Care, Pharmaceutical sector, Agriculture and Agro Industry, Fisheries, Tourism, Industrial and SME development. The issue of triangular cooperation has also been discussed in view of using Mauritius as a launching pad for Indian investors willing to penetrate the SADC or COMESA region.

The PTA and Economic Cooperation chapter would be operational, following the signature of the whole CECPA agreement. I need to underscore that the PTA is an initial step undertaken by the Mauritian and Indian side to consolidate trade relations. It is expected that the conclusion of the Preferential Trade Agreement will pave the way for an eventual Free Trade Agreement with India, where substantially all trade will be duty-free basis.

In view of the general elections currently being held in India, we intend to pursue the matter with the next Indian Government.

Mr Bodha: Mr Deputy Speaker, Sir, may I ask the hon. Minister whether he has some time frame in mind for the signature of the first leg, that is, the Free Trade Agreement?

Dr. Boolell: I'm sure my hon. friend is aware that, until and unless they agree to decouple the PTA from the CECPA, it would be impossible for us to move the process.

Mr Bodha: May I ask the hon. Minister whether, at some point in time, the delay in the discussions was linked to the decision or desire of India to renegotiate the Non-double Taxation Treaty?

Dr. Boolell: This is what I have stated. But, let me impress upon my hon. friend that there are ongoing discussions between the Financial Services Sector and the Securities of India, and many of these issues have been addressed.

Mr Cuttaree: With regard to the PTA, can I ask the hon. Minister whether the issue of Rules of Origin has been sorted out now?

Dr. Boolell: No, in fact, if anything, matters have been completed following the negotiations between India and the LDCs of COMESA and SADC.

SUGAR SECTOR – EX-EMPLOYEES – VRS II

(No. B/443) Mrs S. Hanoomanjee (Second Member for Savanne & Black River) asked the Minister of Agro Industry, Food Production & Security whether, in regard to the ex-employees of the sugar sector who have benefited from the Voluntary Retirement Scheme II, he will state the number thereof who have already been given their lot numbers, pending the preparation of the title deeds by the notaries.

Mr Faugoo: Mr Deputy Speaker, Sir, 6,627 employees of the sugar sector have retired under VRS II as from December 2007. These employees are eligible to a land compensation in addition to a cash compensation.

With regard to land allocation, a Steering Committee, comprising representatives of different institutions, is screening the 63 sites mutually identified by the employers and the employees to determine their suitability for housing purpose. These sites cover a total area of some 650 *arpents*. As at date, 36 sites have been cleared, and letters of intent for 14 sites have been issued by the *Morcellement* Board.

I am advised that the drawing of lots exercise has been effected for one site so far, namely at Lady Barkly, Souillac, which concerns 140 beneficiaries. The drawing of lots for the 13 other sites, involving 1,009 beneficiaries, is being organised and will be effected shortly

Mr Deputy Speaker, Sir, I would like to point out that the allocation of land to employees who retired under VRS I in 2001 has taken considerable time because of a number of bottlenecks. A large majority of these employees, i.e. more than ninety per cent, obtained their title deeds from 2006 onwards, thanks to the efforts made by my Ministry to address these bottlenecks.

For VRS II, amendments have been brought to the SIE Act in February 2007 to *inter alia* address two major constraints, namely the time taken to process applications for land conversion and the absence of a time frame for the completion of infrastructure works. The SIE Act 2007 accordingly provides for the elimination of land conversion permit for VRS sites and for completion of infrastructure works within a period of 15 months as from the date of letter of intent issued by the *Morcellement* Board.

Mrs Hanoomanjee: Mr Deputy Speaker, Sir, my question related to VRS II, but since the Minister has deemed it fit to mention VRS I, let me inform him that VRS I was something new where we had to define the procedures, to establish and set up the committees. He has inherited all this and, yet, VRS II is taking its time. Can I come now to my question? Can the Minister inform the House what is the procedure which is being adopted for those who benefited from VRS II to obtain their plot of land?

Mr Faugoo: As I said, it is simple. They have to identify the land mutually; agreed by the employees and the employers. These sites are visited by the authorities concerned. There is the Traffic Management Unit, the *Morcellement* Board and so many institutions which visit. Once they give the green light, the estate is given a couple of weeks to apply to the *Morcellement* Board. A letter of intent is given, and once a letter of intent is given for a particular site, according to law - this is where we have established a principle; there is a provision in the amended SIE Act - they have 15 months to complete the infrastructural work.

Mrs Hanoomanjee: Mr Deputy Speaker, Sir, will the Minister say what is the average time taken by the *Morcellement* Board to issue the letter of intent once it has obtained all the relevant documents from the Sugar Authority?

Mr Faugoo: I don't have the relevant information. The *Morcellement* Board does not fall under my purview.

Mrs Hanoomanjee: Mr Deputy Speaker, Sir, the *Morcellement* Board may not fall under the purview of the Minister of Agro Industry, but he has to work in close collaboration with the *Morcellement* Board to be able to...

The Deputy Speaker: Maybe, the hon. Member should come with a substantive question.

Mrs Hanoomanjee: Mr Deputy Speaker, Sir, this is where the problem lies. Can I know whether the Minister or his representative chairs any committee to monitor the situation closely, to see to it that things are done very quickly even at the level of his Ministry, the MSA or the *Morcellement* Board?

Mr Faugoo: This is exactly what my Ministry is doing, and this is why we managed since 2006 to complete 95% of the work which was left on VRS I, Mr Deputy Speaker, Sir.

Mrs Hanoomanjee: Mr Deputy Speaker, Sir, can the hon. Minister give, at least, a time frame? He has just mentioned that 16 letters of intent have been issued and, according to the SIE Act, there is a delay of 15 months from the time these have been issued. Can he, therefore, say whether that delay will be respected for sure?

Mr Faugoo: It is mandatory. It is in the provisions of the law, and they are bound to apply. Otherwise, it is an offence, and they will have to pay fines, Mr Deputy Speaker, Sir.

Mr Jugnauth: Since the hon. Minister has mentioned the time taken under VRS I, let me ask a simple question: how long does it take from the time that an employee expresses his interest to apply for VRS II up to the time all the clearances are obtained, that is, the letter of intent is issued? I know the Minister won't have the time for all the applications but, on average, how long does it take for that process?

Mr Faugoo: It would be proper if the hon. Member can come with a substantive question, as I don't have the information.

Mr Ganoo: Is the hon. Minister aware of any case where the delay of 15 months has not been respected, that is, since the time the letter of intent has been issued and the 15 months have elapsed, and the sugar estate has not yet handed the land to the employees?

Mr Faugoo: There is no such case, Mr Deputy Speaker, Sir.

Mr Ganoo: No case has been reported to the hon. Minister or he is not aware?

Mr Faugoo: I am affirming to the House that there is no such case.

Mrs Labelle: Since the procedure is that land has to be identified, may we know from the hon. Minister what is the time frame the person can expect for him to receive the letter of intent, once the land has been identified?

Mr Faugoo: This is administrative, Mr Deputy Speaker, Sir. It is not provided for under the law.

Mr Ganoo: Can the hon. Minister be so kind as to inform the House what is the situation in the case of Bel Ombre VRS II?

Mr Faugoo: Again, Mr Deputy Speaker, Sir, this is a specific question.

The Deputy Speaker: The hon. Member should come with a substantive question.

Mrs Hanoomanjee: Between the time the land has been identified and the issue of the letter of intent, can I know who chairs that committee, who forms part of that committee and what has been the frequency of the meetings of that committee?

Mr Faugoo: The hon. Member should come with a substantive question, Mr Deputy Speaker, Sir.

Mr Ganoo: In the case of St. Felix also, will the hon. Minister agree that 15 months have elapsed?

Mr Faugoo: This is not the case, Mr Deputy Speaker, Sir. As I said, there is no single application of a case where the 15 months prescribed by law has elapsed.

BASSIN, QUATRE BORNES - BUS SERVICE

(No. B/444) Mrs S. Hanoomanjee (Second Member for Savanne & Black River) asked the Minister of Public Infrastructure, Land Transport & Shipping whether, in regard to the bus service in the region of Bassin, Quatre Bornes, he will, for the benefit of the House, obtain from the National Transport Authority, information as to if it has received any complaint from the inhabitants thereof to the effect that the service is irregular and, if so, will he state the remedial measures that will be taken.

Mr Bachoo: Mr Deputy Speaker, Sir, I am informed by the National Transport Authority that complaints about bus service in the region of Bassin, Quatre Bornes have been received. In fact, on 24 February 2009, students and residents complained of a lack of transport facilities during morning and peak hours; on 17 March 2009, one lady reported that transport difficulties were encountered between 07.00 hours and 07.30 hours to travel to Rose Hill, and on 29 March 2009, residents made a complaint about irregular bus services.

The National Transport Corporation was informed of these complaints, and remedial actions were taken accordingly.

The National Transport Authority has informed that it is a fact that the services being provided by National Transport Corporation on the bus route in Bassin are erratic. Thus, it is liaising with the National Transport Corporation to ensure that the inhabitants of Bassin benefit from a satisfactory level of service. The NTA Inspectorate is monitoring the situation.

On the other hand, the NTC has informed that it has provided two additional services from Bassin to Port Louis for fare paying passengers at 07.30 hours and 08.00 hours respectively.

Inhabitants of Bassin also travel by the service starting from Beau Songes to Port Louis.

Mrs Hanoomanjee: Mr Deputy Speaker, Sir, Bassin is a densely populated area, and the Minister may be aware that the service is very irregular or there is absolutely no service on Sundays and public holidays. Can he take up the matter and consider whether, instead of putting a 60-seater bus on Sundays and public holidays, a 15-seater van be put, which would be more economical and, at the same time, a win-win situation for the NTA and the inhabitants as well?

Mr Bachoo: Unfortunately, the National Corporation does not have the 15-seater van, but I'll request the inspectorate to monitor the situation closely.

FOETAL ALCOHOL SYNDROME

(No. B/445) Mr S. Dayal (Second Member for Quartier Militaire & Moka) asked the Minister of Health & Quality of Life whether he is aware of cases where children have been diagnosed with foetal alcohol spectrum disorder (FASD) and, if so, will he state –

- (a) the number thereof, and
- (b) the steps that have been taken by Government to sensitise pregnant women on the ill effects of the consumption of alcoholic drinks during pregnancy, indicating the mechanism that has been put in place to achieve same.

Dr. Jeetah: Mr Deputy Speaker, Sir, I take it that the hon. Member is referring to Foetal Alcohol Syndrome (FAS), which concerns growth, mental and physical problems that may occur in a baby when a mother drinks alcohol during pregnancy.

I am informed that, from 2005 to date, only two cases of foetal alcohol syndrome have been reported in our hospitals. This may not necessarily reflect the real situation, as I understand that the parents may not volunteer all information and, therefore, it may be difficult to make the diagnosis.

Accordingly, my Ministry is taking necessary steps to review the present system for identifying and registering cases of foetal alcohol syndrome, with a view to ensuring that all newborns with any characteristics of foetal alcohol syndrome are recognised, and appropriate remedial measures are taken in time. In this connection, health education campaigns will be reinforced to encourage pregnant women to give all necessary information, so that they can be provided with optimal care.

As regards part (b) of the Question, the House may be aware that the Public Health (Prohibition on Advertisement, Sponsorship and Restrictions on Sale and Consumption in Public Places of Alcoholic Drinks) Regulations 2008 have been promulgated as from 01 March 2009, to address, amongst others, problems related to alcohol consumption. In this context, my Ministry is carrying out a series of activities to sensitise pregnant women on the ill-effects of the consumption of alcoholic drinks during pregnancy. These include –

- (i) sensitisation of pregnant women attending antenatal clinics in the public health institutions through one to one counselling as well as mass counselling;
- (ii) awareness campaigns and talks by health professionals in the community, namely in social welfare, community and women centres in collaboration with the Ministry of Women's Rights, Child Development & Family Welfare;
- (iii) distribution of pamphlets and brochures during antenatal clinics and sensitisation programmes;
- (iv) postnatal home visits by community midwives for follow-up, growth monitoring and medical check-up, and

- (v) regular sensitisation campaigns on both antenatal and postnatal care through the media.

Mr Deputy Speaker, Sir, the abovementioned measures are implemented through the network of Area Health Centres and Community Health Centres, with the participation of Community Health Care Officers, Community Midwives, Community Health Nurses and Community Physicians amongst others. The programme is run under the supervision of the Regional Public Health Superintendent of each Health Region.

Mr Dayal: Mr Deputy Speaker, Sir, being given the gravity of the disease in that, first, it causes brain damage to children; second, a range of physical, behavioural and cognitive disabilities resulting in learning difficulties and poor coordination and hyper activity, will the hon. Minister consider to forcefully advise pregnant women to totally abstain from consuming alcohol, especially during pregnancy?

Dr. Jeetah: I have explained, Mr Deputy Speaker, Sir. This country is governed by the rule of law, and there is only so much we can do. We have a programme of sensitisation, we have passed new regulations and, as I mentioned to the hon. Member, every action that can be taken to make sure that people get the information that alcohol is dangerous during pregnancy is being taken, as we have to make people aware of all the difficulties their would-be child could be suffering.

Mr Bérenger: Can I ask the hon. Minister whether, when hospital services make a diagnosis that a child suffers from this disorder, as a result of a pregnant woman having consumed alcohol, the diagnosis is simply 'yes/no, the disorder exists', or does the diagnosis evaluate the level of disorder, that is, the amount of alcohol that must have been consumed for that disorder to be present at a certain level in the young child?

Dr. Jeetah: I would like to thank the hon. Leader of the Opposition to allow me, Mr Deputy Speaker, Sir, to give characteristics of this syndrome. I have a list, and I would like to read it, so that everybody gets to know. Babies are born small for date. Babies may suffer from congenital heart disease and may be subject to pre-term deliveries. Babies are born with low birth weight. They also suffer from mental retardation, birth defects, abnormal facial features, growth problems, problems with the central nervous system, trouble remembering and/or learning, vision or hearing problems as well as behavioural problems. I am also given to understand, Mr Deputy Speaker, Sir, that this syndrome can last for a long time, and there is no cure. I cannot, at this stage, give an answer to the hon. Leader of the Opposition with regard to how much alcohol was consumed.

Mr Bérenger: I heard the Minister say that this is a country that has rule of law. Fair enough! But, we make the law, we change the law. In a case like that, I heard the hon. Minister say - and I think we all agree with him - that this is a very dangerous matter. These not-yet born kids are hurt because of alcohol consumption by the mother. Can I ask the hon. Minister what does the law say? Is there any offence that can be committed or should there be any offence that can be committed by a pregnant woman consuming or over consuming alcohol?

Dr. Jeetah: That again is a very valid point. I would like to mention to the House that I need to seek advice from the State Law Office on this issue.

Mr Lauthan: Mr Deputy Speaker, Sir, on the question of asking pregnant women who are already dependent on alcohol to stop drinking, it is more easily said than done. One taboo that all the Ministries and NGOs will have to face is that alcoholism has been for too long limited to categories of workers. I won't mention the categories of people, but it is now everywhere. Younger and younger people are getting drunk, and more women and young

girls. So, we need to target even the teenagers. We cannot wait for them to get pregnant and then target them. We need to be proactive, and target the youngsters more than anything else.

Dr. Jeetah: Mr Deputy Speaker, Sir, here again, allow me to give some information. In this country, with a population of 1.2 million, we consume 6,000,000 litres of rum, 17,000,000 litres of whisky and 36,000,000 litres of beer yearly. Over and above this, Mr Deputy Speaker, Sir, about 35% of patients who come to our hospitals are there because of alcohol...

(Interruptions)

The Deputy Speaker: Order, please!

Dr. Jeetah: ... and nearly 50% of our patients are in Brown Sequard Hospital because of alcohol abuse. That is the very reason why we have passed on these regulations, whereby one cannot sell liquor to children as well as one cannot drink in public. We are well aware of the difficulties that can arise in a community because of alcohol abuse. As I said, I am not totally satisfied with the way this issue is being handled insofar as pregnant women are concerned, and we are reviewing the system.

Mr Dayal: Mr Deputy Speaker, Sir, can I ask the hon. Minister whether he is satisfied with the mechanism he has put in place, and if it is delivering the expected results? Cigarette kills also!

Dr. Jeetah: This is a medium to long-term process, Mr Deputy Speaker, Sir. We will have to be able to educate our people of the difficulties that one could face with alcohol abuse. At least, we have had the courage to pass on these regulations.

TRIANON – TRAFFIC CONGESTION

(No. B/446) Mr S. Soodhun (Fifth Member for La Caverne & Phoenix) asked the Minister of Public Infrastructure, Land Transport & Shipping whether he is aware that the traffic congestion in the vicinity of Shoprite, Trianon, in the afternoon, is increasing and if so, will he state if –

- (a) an assessment thereof has been carried out, and
- (b) the matter will be addressed, in view of the new commercial and residential projects coming up in the neighbourhood.

Mr Bachoo: Mr Deputy Speaker, Sir, presently, it can be observed that St. Jean interchange, that is, in the vicinity of Shoprite, Trianon, operates practically under forced flow conditions during the afternoon peak hours because of major developments in its surroundings, amongst others.

With regard to part (a) of the question, I am informing the House that no previous overall traffic impact assessments had been done. However, the Consultant appointed for the Verdun-Trianon link road will assess the effects of all developments in this area, including around the St. Jean interchange.

As for part (b) of the Question, the surroundings of Shoprite Commercial Centre are developing at a very rapid pace. The Verdun-Trianon link road, the Phoenix-Beau Songes link road, the ring road, the bus way and the bus lane projects will alleviate the expected negative traffic impacts that would arise from the future development projects. In the meantime, the Traffic Management and Road Safety Unit and the Road Development Authority are both scrutinising applications for developments before granting the necessary traffic and access clearances.

Mr Soodhun: Mr Deputy Speaker, Sir, I am sure the Minister is aware – as he mentioned – that, in the afternoon, there is a big traffic congestion. For the time being, we do have police officers from the Traffic Branch up to 6.00 p.m. I would like to know from the hon. Minister if it is possible to liaise with the Commissioner of Police to increase it up to 8.00 p.m.

Mr Bachoo: I have already requested the Traffic Management Unit of my Ministry to look into it. I would like to inform the hon. Member that, in fact, from Trianon roundabout to the St. Jean roundabout, we are putting up a third lane to and fro on both sides. We are looking into this possibility, and I hope that the work will be completed soon.

NTC – MINOR GRADE STAFF - RECRUITMENT

(No. B/447) Mr S. Soodhun (Fifth Member for La Caverne & Phoenix) asked the Minister of Public Infrastructure, Land Transport & Shipping whether he will, for the benefit of the House, obtain from the National Transport Corporation, information as to if minor grade staff have recently been recruited thereat and, if so, give a list thereof, indicating their respective names and addresses.

Mr Bachoo: Mr Deputy Speaker, Sir, I have arranged for the information to be laid in the Library of the National Assembly.

SEHDA – MANAGING DIRECTOR - APPOINTMENT

(No. B/448) Mr S. Soodhun (Fifth Member for La Caverne & Phoenix) asked the Minister of Business, Enterprise & Co-operatives whether, in regard to the Small Enterprises Handicraft Development Authority, he will, for the benefit of the House, obtain from the Authority, information as to if a new Director has been appointed thereat and, if so –

- (a) if the post was advertised, and
- (b) the basis on which the selection exercise was carried out.

Mr Gowressoo: Mr Deputy Speaker, Sir, I wish to apprise the House that no new Director has been appointed at the SEHDA. The present Director is still in post.

If the hon. Member is referring to the appointment of a new Managing Director, then let me inform the House that the answer is yes. The new Managing Director, in the person of Mr Vijay Ramgoolam, has been appointed by the SEHDA Board as from 21 April 2009.

I wish to inform the hon. Member that he is the 4th Managing Director in post since the creation of the organisation. The first Managing Director was Mr Vassan Appanah, from May 2005 to April 2006; the second one was Mr Ramgoolam who was appointed on a contract basis for two years, as from 19 May 2006 to 18 May 2008. His contract was not renewed in 2008, as he could not be granted further leave without pay from the Civil Service. The third Managing Director appointed by the SEHDA Board was Mr Rajesh Boodhoo. His contract was terminated in April 2009.

In all these cases, Mr Deputy Speaker, Sir, there was no advertisement for the post.

Mr Vijay Ramgoolam has been reappointed by the Board on the basis of his competence and knowledge of the sector. He has 37 years of experience in the public sector, out of which around 25 years in the Ministry responsible for the industrial sector. He has been closely associated with the development of SMEs.

Mr Deputy Speaker, Sir, in this period of crisis, when it is crucial to attend to the needs of our SMEs, which we consider as the engine of our economic growth, we need to

have someone who already knows the sector and who can attend to its needs. Mr Ramgoolam is the appropriate person.

Mr Soodhun: Mr Deputy Speaker, Sir, can the hon. Minister inform the House whether, this time, he has been granted leave from the civil service?

The Deputy Speaker: Can the hon. Member put the question again?

Mr Soodhun: Mr Deputy Speaker, Sir, can the hon. Minister confirm whether, this time, he has been granted leave from the civil service when he was appointed?

Mr Gowressoo: Mr Deputy Speaker, Sir, he has been appointed as Managing Director of SEHDA on a permanent and pensionable basis.

Mr Ganoo: Mr Deputy Speaker, Sir, since this question of not renewing Mr Ramgoolam's contract at that time was raised in this very House, although the hon. Minister was not then the Minister responsible, is he aware that at the time Mr Ramgoolam's services were brutally done away with, the letter was sent to him and no reason was advanced in it as to why his contract was not renewed, as the hon. Minister is alleging today?

(Interruptions)

The Deputy Speaker: Order, hon. Bundhoo!

Mr Gowressoo: At that time, Mr Deputy Speaker, Sir, Mr Vijay Ramgoolam was appointed on a contract basis of two years. As he was a civil servant, he could not be appointed for more than two years, as it should be during the 10 years, Mr Deputy Speaker, Sir.

Mr Ganoo: No such reason was given to him when the letter was sent to him.

Mr Gowressoo: I am not aware, Mr Deputy Speaker, Sir.

Mrs Hanoomanjee: *Ce sont des propos très, très élogieux envers M. Vijay Ramgoolam !* The hon. Minister said that he has now been appointed as Managing Director on a permanent basis. Can we know whether that post was advertised?

Mr Gowressoo: I have already replied to this question, Mr Deputy Speaker, Sir.

Mrs Hanoomanjee: Mr Deputy Speaker, Sir, the Minister has not mentioned whether the post of Managing Director has been advertised or not.

Mr Gowressoo: Mr Deputy Speaker, Sir, as I have said in my main reply, since the creation of SEHDA, Mr Vijay Ramgoolam is the fourth Managing Director and the post has never been advertised before.

Mr Jhugroo: Mr Deputy Speaker, Sir, can I ask the hon. Minister whether the contract of Mr Rajesh Boodhoo, the third Managing Director, was only for one year and, if not, why his contract has been terminated?

Mr Gowressoo: Mr Deputy Speaker, Sir, the contract of Mr Rajesh Boodhoo was for two years. There is another PQ concerning the same matter, which I am going to answer later on.

Mr Jhugroo: Mr Deputy Speaker, Sir, can I ask the hon. Minister why his contract has been terminated?

Mr Gowressoo: Mr Deputy Speaker, Sir, I have just said that there is another PQ, which I am going to reply.

Mr Bérenger: Mr Deputy Speaker, Sir, can I ask the hon. Minister whether Mr Ramgoolam has resigned from the service?

Mr Gowressoo: Yes, Mr Deputy Speaker, Sir.

Mr Soodhun: Mr Deputy Speaker, Sir, can the hon. Minister inform the House about the criteria for the selection of the General Manager? Is it the Public Service Commission or the Minister who decides about it?

Mr Gowressoo: Mr Deputy Speaker, Sir, I don't have the criteria with me as to the appointment of the General Manager.

Mr Soodhun: Mr Deputy Speaker, Sir, is it the Minister or the Public Service Commission who appoints a General Manager?

Mr Gowressoo: Mr Deputy Speaker, Sir, I have just replied that it is the SEHDA Board.

Mr Jugnauth: Mr Deputy Speaker, Sir, doesn't the hon. Minister think that it is unfair not to have advertised the post although that would have allowed anyone to apply and then probably to choose the best one? It could well have been Mr Vijay Ramgoolam also. But, for the sake of transparency and fairness, they could have advertised the post, which is permanent and pensionable.

Mr Gowressoo: Mr Deputy Speaker, Sir, I have said in my reply that, since the creation of SEHDA, one Mr Vasant Appanah was appointed in May 2005. So, it is the previous practice, Mr Deputy Speaker, Sir.

RODRIGUES - CEB – BRANCH MANAGER

(No. B/449) **Mr J. R. Spéville (Second Member for Rodrigues)** asked the Deputy Prime Minister, Minister of Renewable Energy and Public Utilities whether, in regard to the post of Branch Manager of the Central Electricity Board Branch in Rodrigues, he will, for the benefit of the House, obtain from the Board, information as to –

- (a) when was the recruitment exercise carried out, indicating the -
 - (i) criteria laid down, and
 - (ii) qualifications requirements therefor.

The Deputy Prime Minister: Mr Deputy Speaker, Sir, I am informed by the CEB that the post of Branch Manager was occupied by Mr Claude Roussety, until his retirement in February 2004. The post was advertised subsequent to his retirement, but no candidate was found suitable.

The qualifications and experience required for the post are –

- degree in electro-mechanical or electrical or mechanical engineering or equivalent;
- registered professional engineer in Mauritius;
- five years experience in a utility environment;
- knowledge of transmission and distribution of electricity of customer service functions of an electricity utility, and
- familiarity with generation of electricity and generation equipment.

It is the policy of the CEB to give priority to Rodriguan candidates for the posts in Rodrigues, including that of Branch Manager. But, I am informed that, due to lack of qualified and experienced candidates, the CEB has opted for a tour of service by an engineer

from Mauritius, as stipulated in the collective agreement between CEB and the CEB Staff Association, for a period of two years, to assume duty in an acting capacity, pending the appointment of a Rodriguan candidate.

Mr Spéville: Mr Deputy Speaker, Sir, can I ask the hon. Minister how many Branch Managers on tour of service have been going to Rodrigues since 2004 till now?

The Deputy Prime Minister: There has been every one or two years' rotation, and there have been three or four in all. But I would like to inform the House that, yes, it is our policy and I can understand that we have to form Rodriguans to take charge in Rodrigues. We did try. We have Mr St. Pierre who has been in post in Rodrigues for the past four or five years, but he is going to Australia, unfortunately. He has resigned, and there is a letter that he is going to Australia. If he comes back, we will find a job appropriate for his qualification and experience, such as a post of Superintendent in charge of power stations. I hope he does come back. He has asked for leave and I think he is going to Australia on contract. And further, there are two other Rodriguans who are engineers, who have been recruited, and are being trained. It is the policy of the CEB firmly to get appropriate Rodriguans, well-trained candidates for the post in Rodrigues.

Mr Spéville: Mr Deputy Speaker, Sir, according to my information, since Mr Roussety left, Mr Payen took over. Now, we are at the fourth Branch Manager on tour of service in Rodrigues. In fact, in 2004, the then Minister, in a previous PQ, said that Mr St. Pierre was to be given appropriate training. Being a Mechanical and Electrical Engineer, he was supposed to have management training for six months to take over after Mr Payen. The hon. Minister just confirmed that Mr St. Pierre is going to Australia. May I ask the hon. Minister whether it is in the interest of Government to have people going abroad instead of being given appropriate training?

The Deputy Prime Minister: Mr Deputy Speaker, Sir, Mr St. Pierre is a graduate in Mechanical Engineering, not Mechanical and Electrical, as mentioned by the hon. Member. Secondly, he has been trained and, at the moment, there is no post of Station Superintendent in charge of power stations. Should he come back, this post will be created, and he will be given the post. But he has no training so far to take over the whole establishment in Rodrigues.

Mr Spéville: My main concern remains, Mr Deputy Speaker, Sir, why has this post not been advertised as such?

The Deputy Prime Minister: As I have said, Mr Deputy Speaker, Sir, the post was advertised. We are looking for a suitable Rodriguan candidate. We have not found any. If the hon. Member has any qualified and experienced candidate who responds to the qualifications required, I will be only too happy to put an end to this rotation and appoint him.

AIR MAURITIUS LTD – RODRIGUES ROUTE – FLIGHTS CANCELLATION

(No. B/450) **Mr R. Spéville (Second Member for Rodrigues)** asked the Vice-Prime Minister, Minister of Tourism, Leisure and External Communications whether he is aware that the Air Mauritius Ltd. is operating a short notice cancellation policy on flights on the Rodrigues route and, if so, will he, for the benefit of the House, obtain from the Company, information as to the reasons therefor.

The Vice-Prime Minister, Minister of Tourism, Leisure and External Communications (Mr X. L. Duval): Mr Speaker Sir, I am informed by Air Mauritius Ltd

that, with regard to Rodrigues, the Company has put in place a flight monitoring process to forecast forward loads and, consequently, identify flights with abnormally poor loads. Since April 2007, the Company has also introduced a guideline, whereby any cancellation of flight is normally effected within a period of at least 10 days prior to departure.

However, I am also informed that there have been instances where flights have been cancelled at very short notice. Mr Speaker Sir, I have received representations regarding much inconvenience caused to the public due to the cancellation of flights on the Rodrigues route at short notice. I have requested Air Mauritius Ltd to avoid such cancellations, except in exceptional circumstances, with the exception, of course, of cancellations effected for technical reasons.

Mr Spéville: Mr Speaker, Sir, when somebody don't travel to Rodrigues or elsewhere, they are asked to pay a penalty fee of Rs500 and, then, Air Mauritius, at short notice, does not even have the decency of informing the customers. Now, the Minister is saying that he has received complaints from the public and customers. What does he envisage to compensate these people who have been victims?

Mr X. L. Duval: That's a good point, Mr Deputy Speaker, Sir. As you know, in Europe, if you cancel somebody's flight, then you have to compensate the person. However, in this case, Mr Deputy Speaker, Sir, to put it in context, Air Mauritius has always said that it is a loss making route and it is, in fact, effecting this route for social reasons and national interest reasons. Therefore, this is a difficult situation where, in fact, as I mentioned, I will try to see that such cancellations are kept to a minimum. But, nevertheless, Mr Deputy Speaker, Sir, what happens, say, on the eve of the flight, a large group cancels its reservations? Then, Air Mauritius just finds itself with a nearly empty plane, and cancels the flight. But, I agree that it is a lot of inconvenience to Rodriguans and the travelling public.

Mr Léopold: Mr Deputy Speaker, Sir, can I ask the hon. Minister whether he is agreeable that, at least, two flights per day are maintained in Rodrigues? One in the morning and one at night or late in the afternoon? At least, for cases of emergency, where we have come to Mauritius to be treated.

Mr X. L. Duval: Mr Deputy Speaker, Sir, it is a whole question of who should pay for these social flights and national interest flights. Air Mauritius is making a loss on its flights. As the Member knows, travelling to Rodrigues, at least, by Mauritian citizens, has fallen sharply over the recent months and Air Mauritius, being a commercial company, is trying to do its best, but I will pass on his comments to the direction.

Mr Guimbeau: Mr Deputy Speaker, Sir, the hon. Minister just stated that Rodrigues-Mauritius is a loss-making profit route. Can he inform the House where matters stand as far as the second carrier is concerned?

Mr X. L. Duval: Mr Deputy Speaker, Sir, happily, there is room for a second carrier. There is nobody wanting to operate.

Mr Jhugroo: Would the Vice-Prime Minister agree with me that if we decrease the air fares between Mauritius and Rodrigues, we will have more people travelling from Mauritius to Rodrigues and vice versa?

Mr X. L. Duval: Mr Deputy Speaker, Sir, that depends on the price and demand on that route but, obviously, the solution lies in a longer airfield where, in fact, larger planes will be able to go to Rodrigues, thereby reducing the cost of air ticket.

Mr Guimbeau: The hon. Minister just stated that there is room for a second carrier, but nobody applied. Can he inform the House about Cato Vair?

Mr X. L. Duval: Mr Deputy Speaker, Sir, what about Cato Vair? Cato Vair has its permits; it can operate tomorrow. It has its assets; there is no problem with Cato Vair or anybody. Obviously, Mr Deputy Speaker, Sir, given that it is a loss-making route, Air Mauritius will be happy to have somebody taking over, at least, part of that load.

Mr Lesjongard: Mr Deputy Speaker, Sir, since the hon. Minister has stated earlier that it is a loss-making route, that is, the route to Rodrigues, is he aware that, with regard to taxes on that air tickets, it amounts to Rs3,200 taxes?

Mr X. L. Duval: Mr Deputy Speaker, Sir, it depends on what you call taxes. A lot of people confuse taxes and surcharges, which are often called taxes. In fact, we have got airport charges. I myself took away the airport charges when I was Minister responsible for IML, but you also have a fewer surcharges.

Mr Guimbeau: Can the hon. Minister confirm to the House whether Cato Vair has never applied for a route Maurice-Rodrigues?

Mr X. L. Duval: Mr Deputy Speaker, Sir, I don't understand this. Cato Vair was running the route Mauritius-Rodrigues for a long time. The problem with Cato Vair - I don't know if it is relevant to this - was the route Mauritius to Reunion, never the route Mauritius to Rodrigues.

GLOBAL POSITIONING SYSTEM TECHNOLOGY

(No.B/451) **Mr Y. Varma (First Member for Mahebourg & Plaine Magnien)** asked the Minister of Public Infrastructure, Land Transport and Shipping whether, in regard to the Global Positioning System Technology in respect of motor vehicles, he will state if it is currently being used and, if so, since when and, if not, the reasons therefor.

Mr Bachoo: Mr Deputy Speaker, Sir, the Global Positioning System Technology in respect of motor vehicles was first introduced in Mauritius in early 2000. It is being used mainly by the police department E.R.S. Division, private companies, such as those engaged in cash transit, tour operators, and the distributive trade for the tracking of vehicles. The Rose Hill Transport Ltd is the only bus company which uses this system, mostly for monitoring of its bus services along route one, that is Rose Hill-Port-Louis via Beau Bassin and Route 174, that is, Express services between Rose Hill and Port Louis via Réduit and Pailles.

As at the date, some 1,500 vehicles are equipped with G.P.S: of which, there are 60 buses for Rose Hill transport Ltd, 40 for the police, and the remainder in respect of vehicles owned by private companies.

It is to be pointed out that it is not compulsory for any individual or company to make use of such technology. However, some operators, such as taxi owners, have been encouraged to have recourse to such system to enhance their own security.

PETIT BEL AIR, MAHEBOURG – VILLAGE HALL

(No. B/452) **Mr Y. Varma (First Member for Mahebourg & Plaine Magnien)** asked the Minister of Local Government, Rodrigues and Outer Islands whether, in regard to the project for the construction of a new building to house the village hall in Petit Bel Air, Mahebourg, he will state where matters stand.

Dr. David: Mr Deputy Speaker, Sir, I wish to refer the hon. Member to the reply made on 20 November 2007 to Parliamentary Question B/1137 on this issue.

The House may wish to note that the plot of land of an extent of 1858.58 m² near the Petit Bel Air Social Welfare Centre and football ground has already been acquired and vested

in the Grand Port/Savanne District Council for the construction of the Multipurpose Complex.

I am informed that the Council has submitted a request to the Local Infrastructure Fund for the funding of this project.

PLAINE MAGNIEN – FOOTBALL GROUND

(No. B/453) Mr Y. Varma (First Member for Mahebourg & Plaine Magnien) asked the Minister of Youth & Sports whether, in regard to the football ground in Plaine Magnien, he will state if Government will consider the advisability of -

- (a) having its fencing repaired, and
- (b) building a change room for the benefit of the users.

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 Grand Port/Savanne District Council that it will not be in a position at this stage to undertake the fencing of the football ground in Plaine Magnien at one go due to the exorbitant cost involved. It has, therefore, decided to repair the fencing facing the sugarcane field as a priority and in respect of which funds are available.

I am further informed that a tender has already been launched in this respect and the closing date for submission of bids is 22 May 2009.

With regard to part (b) of the question, I am informed that the National Development Unit will be providing a cloakroom and lighting facilities to the football ground.

AIR MAURITIUS LTD – HELICOPTERS – SERVICES

(No. B/454) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Vice-Prime Minister, Minister of Tourism, Leisure and External Communications whether, in regard to the helicopters of the Air Mauritius Ltd., he will, for the benefit of the House, obtain from the Company, information as to if, following the losses incurred as a result of the recent hedging transactions, the services provided thereby would be ceased and if so, if same will be sold, indicating where matters stand.

The Vice-Prime Minister, Minister of Tourism, Leisure and External Communications (Mr X. L. Duval): Mr Deputy Speaker, Sir, I am informed by Air Mauritius Ltd that the Company is currently conducting an exercise to examine strategic options for its helicopter operations. The exercise is expected to be completed in July 2009, on the basis of which an appropriate decision will be taken by the Company.

EAU COULEE - DRAINS

(No. B/456) Mrs M. Martin (Second Member for Curepipe & Midlands) asked the Minister of Environment & National Development Unit whether he is aware of the infrastructural problems in the region of Eau Coulee, namely in regard to the evacuation of water and to the drains during heavy rainfall and, if so, will he state the remedial measures Government proposes to take.

Mr Bundhoo: Mr Speaker Sir, I have taken note of the request. A site visit will soon be undertaken by the Consultant of the National Development Unit in collaboration with the Municipality of Curepipe. On receipt of the survey report, a decision will be taken in respect of the infrastructural problems in the region of Eau Coulee.

May I, Mr Deputy Speaker, Sir, assure the hon. Member that some remedial works are already being carried out and others are in the pipeline. Some available information is being tabled for the benefit of the House.

Mrs Martin: Mr Deputy Speaker, Sir, could I ask the hon. Minister whether the local MPs will also be invited to these site visits?

Mr Bundhoo: I would certainly look into the matter if this request comes from such a hon. MP.

The Deputy Speaker: Yes, hon. Dowarkasing.

Mr Dowarkasing: Mr Deputy Speaker, Sir, the hon. Minister has said in his reply that he will undertake a site visit together with the Municipal Council of Curepipe. Will he make sure that funds are available for such projects? As per my information, there are no more funds available for the construction of drains. Will the hon. Minister make sure that funds from the NDU are available for that project?

Mr Bundhoo: May I, Mr Deputy Speaker, Sir, remind the hon. Member that it is precisely why I have taken the pains of informing that the visit will be conducted with the Municipal Council of Curepipe? I also assure the hon. Member that the Vice Prime Minister will shortly be presenting the Budget for the next six months, where I am sure funds will be made available under the NDU, the RDA and the Local Government Council.

The Deputy Speaker: Next question!

PIGLETS – IMPORTATION

(No. B/457) **Mr J. R Spéville (Second Member for Rodrigues)** asked the Minister of Agro Industry, Food Production & Security whether he will state if 3,420 piglets have recently been imported from South Africa under the National Empowerment Programme.

Mr Faugoo: Mr Deputy Speaker, Sir, as the hon. Member is aware, following the outbreak of the African swine Fever (ASF) in 2007, which has been successfully eradicated, a Pig Sector Restructuring Committee was set up to relaunch the sector on a more professional basis.

In that context, there was a need to import pigs both for fattening purposes and for reproduction. In fact, it was the Mauritius Pig Marketing Cooperatives Federation which imported 3420 pigs from South Africa in January of this year, namely 3,000 weaners for fattening, 400 gilts and 20 boars for reproduction. The necessary funds and logistic support were provided by the National Empowerment Foundation.

The Deputy Speaker: Hon. Members, I have had a chance of perusing the document purported to be tabled by hon. Guimbeau in relation to PQ No. B/441. After looking at it, I have come to the conclusion that this unsigned document does not appear to establish any alleged sale or any kind of transaction regarding the ATR or any ATR by Air Mauritius to Air Pacific. I, therefore, rule out this document. Time is over!

MOTION

SUSPENSION OF S.O. 10(2)

The Deputy Prime Minister: Sir, I beg to move that all the business on today's Order Paper be exempted from the provisions of paragraph (2) of Standing Order 10.

Dr. Sithanen rose and seconded.

Question put and agreed to.

At 4.13 p.m the sitting was suspended.

On resuming at 4.47 p.m with Mr Speaker in the Chair

STATEMENTS BY MINISTERS

UNIVERSITY OF MAURITIUS - ACADEMIC STAFF – COMMUNICATION TO MEDIA

The Prime Minister: Mr Speaker, Sir, with your permission, I wish to make a statement following articles which appeared in l'Express today and comments made on private radios regarding communication by the academic staff of the University of Mauritius to the media.

As the House is aware, public officers are bound by the provision of the Official Secrets Act and the Code of Ethics for Public Officers.

It has been noted of late that, on a few occasions, erroneous information pertaining to the policies and decisions of Government have been communicated to the media.

This has very often led to confusion in the minds of the public.

It was, therefore, felt necessary in the public interest to remind public officers of the need to comply with the existing legal provisions relating to communications to the media.

Accordingly, a circular dated 22 April 2009, relating to communication to the press by public officers, was issued to all supervising officers of Ministries and Departments.

I wish to inform the House, Mr Speaker, Sir, that this practice is not new. On numerous occasions in the past, such circulars to and within Government departments have been issued.

The attention of public officers was drawn to the proper procedure to be followed for communication to the press, as laid down in the Personnel Management Manual.

Public officers were reminded that they should refrain from making any statement to the written or spoken press, except as provided in the Personnel Management Manual.

The attention of all public officers was drawn to the fact that those who are duly authorised to communicate to the press by their supervising officers should do so in strict compliance with the provisions of the Official Secrets Act and the Code of Ethics for Public Officers.

Furthermore, in so doing, public officers should restrict themselves to presenting and explaining Government policies.

The circular referred to in the media was clearly not intended to apply to institutions like the University of Mauritius.

As a matter of fact, a number of articles written by members of the academic staff of the University are regularly published in the press and, although critical of certain policies of Government, have never been the subject of any form of disapproval by Government.

I have given instructions this very morning, Mr Speaker, Sir, for a thorough inquiry to be conducted as to the circumstances in which this circular was sent to all academic staff of the University of Mauritius. Anyone at fault in this matter should bear the consequences of his or her action.

I wish to state in a categorical manner that my Government fully subscribes to the fundamental principle of academic freedom, which in my view is the very foundation of institutions of higher learning in the world.

I thank you, Mr Speaker, Sir.

MORCELLEMENTS SEETLOO & SEGOBIN, QUATRE BORNES – STREET LIGHTINGS & BARE LANDS

The Minister of Local Government, Rodrigues and Outer Islands (Dr. J. B. David): Mr Speaker, Sir, with your permission, I shall make a statement on the issue raised by the hon. Second Member for Savanne and Black River during the adjournment time at the sitting of the House on 28 April 2009, and pertaining to the lack of street lighting and problem of abandoned lands within *Morcellement* Seetloo and *Morcellement* Seegobin at Bassin Road, Quatre Bornes.

I am informed by the Municipality of Quatre Bornes that appropriate actions have been taken to clear the bare lands in the region of Bassin and Mgr Leen Avenue, which include the *Morcellements* Seegobin and Seetloo. In this context, 28 interventions have been conducted by the Council during the period 15 July 2008 to 20 April 2009.

With regard to the issue of street lighting, a survey has already been carried out by the Council, and it has been found that nine additional street lanterns would be required for fixing within these *morcellements*. Appropriate arrangement is being made by the Council for the procurement of these lanterns.

PUBLIC BILLS

First Reading

On motion made and seconded the Probation of Offenders (Amendment) Bill (No. VII of 2009) was read a first time.

Second Reading

**THE COMMUNITY SERVICE ORDER (AMENDMENT) BILL
(NO. VII of 2009)**

Order read for Second Reading read.

The Minister of Social Security & National Solidarity (Mrs S. Bappoo): Mr Speaker, Sir, I move that the Community Service Order (Amendment) Bill (No. VII of 2009) be read a second time.

M. le président, la loi sur le *community service* avait été introduite en 2002 pour favoriser le travail communautaire pour ceux qui ont été sanctionnés pour un terme d'emprisonnement ne dépassant pas deux ans ou à une amende n'excédant pas R 10,000. C'est un texte de loi qui a fait son chemin mais, néanmoins, on est arrivé à un point où il est devenu nécessaire d'apporter certains amendements.

Avant d'aller plus loin, faisons un constat. Depuis l'entrée en vigueur de cette loi, le nombre de personnes qui ont bénéficié du travail d'intérêt général, c'est-à-dire, *le community service*, n'a cessé d'augmenter. Les chiffres en témoignent. En 2003, on avait répertorié 108 cas, dont 104 hommes et quatre femmes. En une année, ce chiffre a presque doublé pour

atteindre 201 cas (191 hommes et 10 femmes). Cette courbe ascendante est maintenue pour passer à 235, dont 225 hommes et onze femmes en 2007. Finalement, l'année dernière, le nombre de personnes ayant bénéficié du *community service* s'est élevé à 3,17, dont 294 hommes et 23 femmes.

Pour vous dire, M. le président, que pendant ces six dernières années, le nombre total de personnes ayant bénéficié du *community service* s'élève à 1,300, dont 1,215 hommes et 85 femmes. C'est conséquent, mais cela démontre un constat de satisfaction par rapport à l'efficacité structurelle du système. Le taux de réussite est de 90%, ce qui dépasse largement nos attentes en relation avec d'autres pays. Avec ces amendements, on va consolider davantage le système et, pour atteindre cet objectif, il est impérieux d'avoir un personnel engagé et dévoué à l'esprit du service communautaire.

Mr Speaker Sir, punishment in the community is considered to be far more economical than punishment within the four walls, as the current estimated cost for the maintenance of a prisoner is around Rs11,000 monthly. From 2003 to 2007, the prison authorities have made savings round about Rs46 m. As far as the Ministry of Social Security and National Solidarity is concerned, savings amounting to Rs3 m. have been made in terms of social aid. The fact that the convicted persons have not been to prison and have continued to work, they themselves and their family have ensured income earnings amounting to some Rs39 m. *C'est un exemple édifiant d'alléger la pauvreté pour bon nombre de community service workers.*

Mr Speaker Sir, the institutions also can take benefits in terms of manpower. These institutions that offered unpaid work to community service have also made savings up to Rs6.9 m. during the period 2003 to 2007. This confirms the cost effectiveness of the Community Service Scheme.

Mr Speaker Sir, when this Government sworn office in July 2005, we were faced with a harsh reality. The number of offences was increasing and particularly those involved were young people. *Il y avait une progression globale de la délinquance.* Official statistics revealed that the number of offences involving juveniles between 12 and 17 years continued to increase, and replying to a question in Parliament in August 2007, the acting Prime minister, hon. Dr. Rashid Beebeejaun pointed out that 291 cases of assaults in schools were reported only in 2006.

In this context, the government has been devising preventive strategies to address the problem and, at the same time, to make penalty less severe in order to provide a lesser form of punishment in respect of certain offences, which I mentioned at the very beginning. It is a way to allow the juvenile offenders, that is, minors aged between 16 and 18 years, to be included in community service scheme. Moreover, it will protect these minors from the effect of stigmatisation or any other negative labelling associated to prisons, and it will allow them to stay and remain with their families and thereby facilitating their rehabilitation through responsible unpaid work to society. The amendments to the Community Service Order Act of 2002 before the House today are fully justified. They will consolidate the existing legislation. Secondly, they will open new avenues for necessary improvement to the existing system and they go *dans le droit fil* in the process of modernisation of the whole system to allow it to be better structured.

Allow me, at this stage, Mr Speaker, Sir, to put on record my appreciation for the good work done by the Commissioner and the staff of the Probation and After Care Service. They have been really dedicated to their work, and this has brought about these positive results.

Before going further, I would like to mention the reasons, which have compelled us to bring along the amendments. There is the absence of counselling to Community Service workers. There is also lack of consistency in the conversion of sentences in respect of the same type of offences among the various courts. Moreover, the procedures with respect to breach cases are quite complex and even lengthy.

As a caring Government meaning business, in November 2007, we had organised a workshop on Community Sentencing – Reforms and Perspectives with stakeholders comprising of the Judiciary, the Ombudsperson for children, the Attorney General, the Police and Prison Department, various Ministries (Women Rights and Family Welfare, Youth and Sports and Education) and other organisations offering work placement were also present. As a result of that workshop, it was felt that urgent amendments should be brought to the existing legislation.

In my speech on that day, I did stress that as a caring Government, we need to bring such amendments to give a better shape to the national policy for rehabilitation and resocialisation of our juvenile offenders.

Mr Speaker Sir, it is a societal obligation to respond to current realities. We will have to go in line with international Conventions and instruments such as the United Nations Standard Rules for the Administration of Juvenile Justice, i.e. the Beijing Rules and the Convention on the Rights of the Child.

Mr Speaker, Sir, let me now come to the proposed amendments.

The first amendment deals with the definition of community service officer, so that only probation officers are entrusted with the supervision of community service workers, who have been subjected to a Community Service Order.

In relation to section 2 of the Principal Act, the definition of minor is included, so that minor means a person who has attained the age of 16 and is under 18, so that they may also benefit from the community service. We have taken into consideration the existing Labour laws and the Convention on the Rights of the Child.

M. le président, c'est mieux d'essayer de réhabiliter un enfant dans son milieu familial que de l'envoyer dans une institution pénitentiaire avec les séquelles négatives. Dans l'intérêt de l'enfant, nous voulons apporter les réformes appropriées au plan de la réhabilitation pour lui permettre de réintégrer plus facilement la société, au lieu de se retrouver entre les quatre murs de la prison. En passant, il convient de souligner, ici, M. le président, qu'il y a eu un cas, où un jeune de moins de 18 ans avait été condamné à six mois de prison. Subséquemment, alors qu'il purgeait sa peine, il avait comparu devant le *District Court* de Rivière du Rempart pour un autre délit et, là, le magistrat a émis un décret pour l'envoyer au *Correctional Youth Centre*.

Puis-je également me référer à un jugement de la Cour suprême en 2004, auquel le chef juge faisait référence de l'absence de travail communautaire pour les jeunes de moins de 18 ans. Donc, l'autorité judiciaire, elle-même, avait consenti qu'il n'y pas de provision pour permettre à un jeune de moins de 18 ans (dans le cas précis, l'accusé avait plus de 16 ans) de bénéficier du *community service*. Donc, on est vient ici combler une lacune.

Section 3(1) makes provision for the suspension of a sentence of imprisonment passed on a minor aged 16 or over that would make him the subject of a Community Service Order.

At section 3(3), the fine for which a Community Service Order is applicable is being increased from Rs10,000 to Rs25,000. The idea behind that amendment is to enable more

fine defaulters to benefit from Community Service Order. Moreover, if an offender has been sentenced to a fine of more than Rs25,000, and there is an unpaid balance of Rs25,000, he may equally benefit from community service.

Section 5(1) of the Principal Act is amended and deals with an important aspect of bringing uniformity in the calculation of the period of a community service. At present, there is no consistency among the various court jurisdictions regarding the conversion of a term of imprisonment into the number of hours of community service. For example, a three-month imprisonment may be converted into 100 hours of community work by a magistrate, whereas another magistrate may convert same into more or less hours of community service. Henceforth, there will be a grid that would guide magistrates as to the conversion of a term of imprisonment into the number of hours of community service. Hon. Members can take cognizance of this grid in the Second Schedule of the proposed amendment.

There are, at least, five amendments be made at section 6 of the Principal Act.

- (a) The first one deals with team placement. Presently, only individual placement is made. In order to facilitate team community placement, the period within which an Order can come into operation is extended from 10 to 45 days. A longer commencement period would allow more time for teamwork organisation. Teamwork has such advantages as offering the possibility of doing bigger work and promoting team spirit and responsibility.

C'est une tendance qui a été adoptée dans plusieurs pays, tels que les Etats-Unis, le Royaume Uni et la France. Elle donne l'opportunité au Probation Service le temps nécessaire d'organiser le travail en groupe.

- (b) The second amendment to this section will, henceforth, provide the opportunity to the Commissioner of Probation and After Care to select community service officers. Currently, it is the court only that can specify the name of the officer who will supervise the case. This will avoid unnecessary appearances before court in case the community service officer has to be replaced.
- (c) Let me come to the third amendment now. As the Community Service Order scheme is currently in force, it is predominantly punitive in nature whereby the offender is being supervised on the task that he has to accomplish. The question of rehabilitation is not well pronounced. *C'est une faiblesse du système. Pour combler à ce manquement, provision est faite pour y inclure une dimension réhabilitative et un aspect humain du système plus prononcés.* Henceforth, a convicted person can be subject to counselling and to receive visit at his home by the community service officer.
- (d) The fourth amendment will allow for timely delivery of the Community Service Order to the convicted person and the community service officer. Presently, the delivery time is not clearly specified.
- (e) The last and fifth amendment to that section will make mandatory the submission of periodical reports on every convicted person by the community service officer.

There is also a minor amendment which is brought in section 9, and this is simply the words "Second Schedule" being replaced by the words "Third Schedule".

Mr Speaker, Sir, may I come now to the final amendment in relation to section 10.

The amendment in section 10, subsection 1, will simplify procedures for bringing to court a convicted person who fails to comply with any condition of a Community Service Order or breaches any of his obligations specified in section 7. Presently, the system for breach is complex and lengthy. The community service officer has to swear information before the court and records statement from the offender. Then, the court fixes a date to hear the case. The community service officer has to attend court, and cases may be postponed several times. Furthermore, the breach case is not a new one, since sentence has already been imposed upon the offender. All that has to be done is to reactivate the original sentence by simple procedures and the court will, henceforth, rely on the periodical reports submitted by the community service officer.

And also an amendment in subsection 4(a), where the fine of Rs5,000 is being increased to Rs10,000 and will also provide for the continuation of the Community Service Order after a convicted person has been fined for the breach of any of the conditions of the same Order.

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

Dr. Boolell rose and seconded.

(5.08 p.m.)

The Leader of the Opposition (Mr P. Bérenger): Mr Speaker, Sir, a few minutes ago, the hon. Minister of Social Security moved for the First Reading of the Probation of Offenders (Amendment) Bill (No. VIII of 2009), which means clearly that, in the near future, we will be debating the Probation of Offenders (Amendment) Bill, and we'll then have plenty of time to talk about that other important piece of legislation, the Probation of Offenders Ordinance.

But allow me, Mr Speaker, Sir, to go down memory lane and quote part of the debates when the Probation of Offenders Ordinance was approved by the then Legislative Council on 08 October 1946, that is, two years before the first real general election in Mauritius. In those days, the Legislative Council was presided over by the Governor but, unlike Mr Speaker, he used to take part in the debates. This is what he had to say on 08 October 1946, when the Probation of Offenders Ordinance was first voted. I quote His Excellency the Governor –

“We are working out a system whereby Magistrates will convict a person for a crime or misdemeanour and the administrative authority will be given power to offer the convicted person the alternative of going to jail or of performing penal labour in freedom, returning to his home every night and going back to his work every morning. This is called extramural detention. It works extremely well whenever it has been tried and, before I leave the colony, I hope to see it instituted here as a third step in the implementation of our policy of penal reform.”

That was in 1946. What the Governor called the extramural detention is, in fact, what came on 09 July 2002, when precisely the Community Service Order Bill was approved by Parliament here. It took, therefore, quite a while for the wish expressed by the Governor to become legislative reality. Therefore, what took place on 09 July 2002 was *une révolution*. I went back through the debates - hon. Dulloo and hon. Dr. Boolell were then in the Opposition - and it was a refreshing moment, because there was unanimity in favour of the legislation introducing the community order system in Mauritius. Not only was there unanimity, but my colleague, the then Minister, hon. Lauthan, was congratulated by one and

all. It was a very special moment; it was a refreshing moment. After going back to the 2002 *révolution*, I am glad that the present hon. Minister for Social Security showed how successful it has been. The results are there. The hon. Minister gave us the number of people who have benefited from this system instead of going to jail, but also the fantastic *taux de réussite*. 90% is most certainly amongst the best throughout the world, including countries like the United States and others that have been practising this system for many more years than us.

Allow me to remind the House how my colleague, the then hon. Minister of Social Security and, myself, Ag. Prime Minister, insisted that the introduction of community service was only one aspect *d'une vision globale de la prévention et de la réinsertion de ceux qui ont des problèmes avec la loi*. There were a series of other measures going from prevention, detention and reinsertion, and that important step taken on 09 July was but one. We stressed that this was introduced after experts from overseas, including from Zimbabwe of those days, from UK and elsewhere and Non-Governmental Organisations were fully consulted before the then Minister came to the House.

One thing I am glad we did also, because people had the impression and maybe still have the impression that the main reason for having introduced community service was *pour décongestionner les prisons déjà surpeuplées*. Wrong! Both myself, as Ag. Prime Minister, and the then Minister of Social Security, made it a point to say: yes, this is one reason, but not the main reason. We stressed the human side of things. We said the main reason is to prevent young offenders, first offenders to be in contact with recidivists, with hardened criminals and, therefore, turn bad for good, if I may say so. We stressed that this was, and this still remains more than ever the main reason.

Of course, the second reason was *décongestionner les prisons déjà surpeuplées ailleurs* and still *surpeuplées* today, especially, being given *le retard qu'on a accumulé pour la construction d'une nouvelle prison décidée en 2001 et qui va se faire maintenant*.

The third reason was savings for Government. The hon. Minister has given a figure. When we discussed it in 2002, that is, seven years ago, the estimate was that *un détenu* would cost Rs100,000 per year to the State. Now, the figure has gone up to Rs11,000 per month, and it will keep on going up, obviously.

We also gave as reasons for coming forward with the community service system that the offender remains in touch with his family, the children have his presence, his wife or spouse and he keeps his work, as well. Finally, amongst the other reasons put forward was also *l'effet thérapeutique* on the offender himself. Instead of being in jail with hardened criminals and others, through community service, he would know his responsibilities in society and, therefore, this community order penalty - because it is after all a penalty - would have an *effet thérapeutique sur la personne concernée*.

I think it is worth making the point. As we made it then, we should, I think, make it clear that when we go for Community Service Order, there must not be a wrong perception, that this is *aux dépens de zéro* tolerance as far as crime is concerned and, especially, drug trafficking. I remember in those days and, maybe even today, some people can be under the wrong impression that we are being too soft on criminals, generally. No! *Zéro* tolerance as far as crime is concerned and, specifically, drug trafficking, goes hand in hand with this humane approach to first offenders, young offenders. One complements the other and is not, at all, in contradiction to the other.

I wish also to repeat what was said, because there also some people thought that if we impose community service on certain offenders, it sends the wrong message as far as *travail*

volontaire is concerned in general; the scouts and so on. Wrong! We can do both again. We can give all its value and promote *le travail volontaire, le scoutisme, etc*, and, at the same time, help those first or young offenders with the Community Service Order system. There was unanimity on 09 July 2002, and I am sure there is unanimity again today, since what those amendments purport to do, *c'est étendre aux jeunes de 16 à 18 ans - comme souhaité par la Cour suprême elle-même - le système du community service et y inclure aussi certains amendements*.

I have asked myself whether this question of predetermination of a sentence of so many days, weeks is equivalent to so many days of community work, should not be left to the courts, to the Magistrates. But I am satisfied, although I don't agree with the word used by the hon. Minister, that the table at the back is to guide Magistrates. No! They have to apply this predetermination, but they keep the decision to sentence before predetermination with the Magistrates. Therefore, I have no quarrel with that also.

I did not hear the hon. Minister say that, but I am sure that the figures that we have arrived at in this predetermination schedule must be based on empirical experience, on what has been practised and so on, and, therefore, we have no quarrel with that either. It is, therefore, not surprising, Mr Speaker, Sir, that, as on 09 July 2002, there should be unanimity, as far as we are concerned, on this piece of legislation.

Thank you, Mr Speaker, Sir.

(5.20 p.m.)

Mrs M. Martin (Second Member Curepipe & Midlands): Mr Speaker, Sir, the amendment we are discussing today constitutes, in my humble opinion - and we are consciously aware of it - a meagre attempt to address a multi-fold problem. How do we disentangle ourselves out of the intricate problem of overcrowding of prisons? How do we treat with fairness and equity our youth who have committed minor offences? How do we try to solve, up to a certain measure, the constant and increasing lack of volunteers in the community service? How do we endeavour to create a society where the youth are responsible of their acts? How do we make savings out of taxpayers' money, which could be put to more fruitful use? The Minister, herself, mentioned that some Rs11,000 are spent monthly on each prisoner, and this is quite a hefty amount. In short, how do we create a better society, in full consciousness that there are members in this same society who will commit crimes and have to be, in fact, punished, sanctioned, but, at the same time, these offenders ought to be given a fair chance to redeem themselves without causing prejudice to those who have been offended? All these questions, which are bound to arise when we speak of the present amendments, Mr Speaker, Sir, aim to allow for community service as an alternative to imprisonment.

In my mind, Mr Speaker, Sir, community service does not sit well with coercion. It seems a bit unnatural that something as generous as community service be associated with a court order to be forcefully accomplished rather than springing from a genuine desire to help the needy and the society in general. Nevertheless, in a society that is becoming increasingly individualistic, it is a fact that a very small percentage of our youngsters engage voluntarily into such activities. That is why, when I speak of meagre attempt, Mr Speaker, Sir, I do not mean it in any derogatory way. On the contrary, it is my opinion that we are to start somewhere, and this amendment does just that. It starts a process which, in my opinion, should be furthered and looked in a wholesome perspective to give it its full value. For, without a global vision and plan and the means to achieve that goal, all this attempt at

finding an alternative path to imprisonment would be a waste.

Mr Speaker, Sir, in clause 3 of the principle Act, the amendment states in which cases the juvenile and an adult may be sentenced to community service. I would like to think that this aims not only at diminishing the population in the prisons, although the reality is that overcrowding in prisons is threatening to become a real problem. We heard the Prime Minister himself say so, answering a question on the subject. I think it was last month, if my memory serves me right. But, being more down to earth, the cost to taxpayers and the damages that being in prison causes to familial relationships and professional careers - to mention a few arguments in favour of community service - is very real and quite potent.

Furthermore, putting someone in prison for a minor offence can be more detrimental than remedial, especially where youth are concerned. Studies have shown that prisons - when dealing with them - are to be used only as a last resort because, whether we like it or not, prison is a damaging experience - morally for sure, physically often. It also increases the risk of re-offending. It is statistically proven that, among adult offenders, many were juvenile delinquents. Maybe, this is what accounts for the success of community service.

In Britain, for example, the Howard League for Penal Reform, which is the oldest penal reform charity in the UK and entirely independent of Government, believes that children should not be held in prisons because it is ineffective in terms of reducing offending, that is, 82% of boys sentenced to prison are reconvicted within two years of release. 56% are recommitted to custody. The prisons are, according to the Howard League, designed for security rather than care. The basic structure of the prisons, such as the size of units and the low level of staffing, mitigates against delivering child centre care. The treatment of children, experienced by children in prison would in any other setting be considered abusive and trigger a child protection investigation, for example, the use of methods of restraint or strip searching and solitary confinement, which brings me to clause 6 of the Bill, as amended, which provides for an increase in the number of days in which the court can specify community service is to commence.

Mr Speaker, Sir, I appreciated that the Minister gave some clarification on the matter. The Minister has mentioned that team work organisation. Fair enough! But, in my view, I would ask a question: why are we allowing for so much time to pass before the offender is due to start his community service if the aim is - as it should be - to make the offenders acknowledge their responsibility in committing a crime and, more importantly, realise their misdeeds, even more so when they are young, so as to have a chance to be fully rehabilitated? Should we allow for time delays during which the offender will have time to internally come to terms with his sentence and rationalise it in such a way as to make it seem relatively unimportant, thereby not fully comprehending the scope of the sanction that has been imposed on him? Because, during the period of 45 days, if the youth is not in detention, he will most likely go back to his usual environment where such factors as peer pressure, lack of parental supervision will influence his judgment upon his acts and the ensuing legal sentence. In addition, by repealing section 6 paragraph 2(f), the Minister is leaving it to the discretion of the court to determine whether or not the convicted person should be subject to counselling.

Mr Speaker, Sir, we believe that counselling, after having committed a criminal act, be it a minor offence or a major one, should be compulsory. Now, it is another thing if we say that we lack the number of professionals to ensure such follow-up. But, Mr Speaker, Sir, if we want to see rehabilitation succeed, there is no two-way process, and we cannot beat about the bush. Counselling, psychological follow-up and examination, which help to determine the root problem which had caused a person to commit an unlawful act and help

him to realise as well his mistake and repent, is an essential step that must not be overlooked or discarded or even made a possibility. It should be rendered compulsory and should, in the case of community service summons, be even more so because that person will return every day to his or her usual environment, where all temptations will still be there. All the negative persuasive influence will still be there. How do we fight it, if it is left to the court to decide whether a convicted person shall be subject to counselling and shall receive visits at home by the community service officer? With all due respect to the courts, they are not experts in psychological assessment of criminals, and they deal mainly with the facts that are exposed to them.

Finally, Mr Speaker, Sir, I would like to state that crimes, especially youth crimes, should receive our utmost attention because it is, indeed, one of the most upsetting and unfortunate acts against acceptable norms in society.

It also reflects upon the rest of the people living in that same society, upon our failure to construct a social system where the youth would all feel themselves included. Its increase is an indicator of our society's ability to maintain law and order and its moral standards. The youth of our country is our primary responsibility. They are the future of this country. Community service, as a court order, should be viewed and applied not with the aim of obtaining easy and cheap labour force or to help relieve prison population, but should also serve to strengthen the sense of civic engagement which these offenders, obviously, lack. It is, indeed, ironical that what is viewed as an altruistic act by some constitutes as a punishment for others. But, in the end, hopefully, it can be accepted as a step towards building a more conscientious and generous youth.

To sum up, Mr Speaker, Sir, let me mention that we welcome these amendments, but we would like that some of the clauses that I have mentioned be looked into.

Thank you.

(5.31 p.m.)

The Attorney-General (Mr J. Valayden): Mr Speaker, Sir, I will, first of all, take this opportunity to congratulate my colleague, hon. Mrs Bappoo, for introducing this Community Service Order (Amendment) Bill to the House. I must also seize the opportunity to congratulate what was passed in 2002 by hon. Lauthan because really, it is a Bill that has a consensus.

I believe what has been said by hon. Mrs Bappoo in favour of the amendments needs no more clarification. Furthermore, there have been some very persuasive arguments coming from the hon. Leader of the Opposition on that issue. It is very rare that I agree with him, but it has been put in a very succinct way, and all the arguments speak a lot for themselves.

I will take two points from what has been said by hon. Mrs Martin. The first one is the issue of 10 to 45 days. Mr Speaker, Sir, it takes a bit of time because you don't have a specific job for a specific person. Therefore, you need to look what 'job' you have to give to a person for that person really to do some community work in order to be reinserted in society. The period of 10 to 45 days is only to give ample time for the authorities to look at what has to be done, whether he or she will be able to do what sort of work, and what are the difficulties that person may face in doing what has been awarded to him or her.

The second point concerns section 6(f). It is a question about whether the Magistrate is capable of assessing that person's capacity. The Magistrate determines first the question of guilt. Then, if the person is agreeable to go on community, the Magistrate will ask a

probation officer to look into it and report back to the court. In preparing the report, the probation officer will look at different circumstances of the person, that is, the environment of the person, his or her antecedents, his or her criminal history, whether he or she has a job and so on. He will also assess the psychological part of it. This means that the Magistrate will be favoured with a report before deciding. He has the experience, because on a day-to-day basis, he assesses the demeanour of persons and he looks at the files. Therefore, with these arguments, I hope I will allay the fears of hon. Mrs Martin.

I will be very brief, Mr Speaker, Sir. I will come straight to two points on the Bill. First of all, the aim of this Bill, as has been stressed by hon. Members, is to amend the current legislation, to extend the range of convicted persons to benefit from the Community Service Order. When we are dealing with reinsertion, we must also deal with the pecuniary aspects. We must put people at the centre of reinsertion. The pecuniary aspects are the other consequences of what we are doing. In the same breath, more practical solutions are being proposed to reflect the needs of our modern society.

Mr Speaker, Sir, of course, I fully agree with the proposed amendments brought forward and the explanation given by my colleague, and I would not repeat what she has said. However, I would like to point out two main features which, in my opinion, are of utmost significance. Section 5 of the Principal Act is being amended to provide that the duration of a Community Service Order shall already be calculated. The Legislature does not prescribe the sentence to be imposed in an individual citizen's case. The Legislature only states the general rule, and the application of that rule remains solely in the hands of the courts. The House will recall that, in the case of *Philibert v.s the State* 2007 SCJ 274, the Supreme court had to decide whether, by fixing a penalty, the legislature will not in effect be fettering the sentencing power of the Judiciary, which is an essential element in passing sentences. The Supreme court held, in fact, that it would be unconstitutional for a piece of legislation to require the Mauritian courts to impose any substantial amount of prison's sentence, which will be mandatorily fixed by the legislature and which would be binding the hands of the Judiciary. The Privy Council has recently reintegrated that principle, as it is eminently the role of the Judiciary to impose the appropriate sentence. In a democratic society, the Judiciary should be independent as it has always been in this country, and the Executive should respect that independence.

Mr Speaker, Sir, I wish to draw the attention of the House that, by predetermining the hours of community service to be performed by a convicted person, the Legislature is not interfering with the powers of the Judiciary to sentence a convicted person, as a Community Service Order is not a sentence as such. In fact, it is an alternative to a sentence, which enables a convicted person to avoid serving a term of imprisonment imposed upon him by the court. Furthermore, a Community Service Order may be ordered only after an appropriate period of imprisonment will have been determined by the court, having regard to all the circumstances surrounding the offence. The duration of the order will only reflect that sentence.

Mr Speaker, Sir, this Bill is also curing an ambiguity. Previously, where a convicted person failed to comply with the conditions attached to the Community Service Order, there was confusion as to whether a new information had to be lodged against him. In this present Bill, this ambiguity has been cleared, inasmuch as no new information will have to be lodged. Section 10 of the Principal Act is being amended by deleting the words "information upon oath" and replacing them by the words "on a report submitted by a Probation Officer". Therefore, Mr Speaker, Sir, it will be enough for the court, which imposes the Community Service Order, to be in presence of a report from a probation officer

to summon the convicted person to appear before it and see why he should not be fined or the Community Service Order should not be revoked, which means that the file remains live.

Mr Speaker, Sir, to conclude, I wish to reiterate that law and order still remains one of the main priorities of this Government. When I introduced the Judicial Provisions Bill to this House, I made it clear that this Government is fully committed to take all necessary steps to consolidate law and order, with a view to clamping down on violence and crimes in the country. By allowing a minor between the age of 16 and 18 to benefit from a Community Service Order does not mean that we are running away from our commitments by being soft to them. In fact, this was long overdue, since there was no logic for a minor not to benefit from a Community Service Order while such an order could benefit an adult. It is, therefore, in the best interest of a convicted minor to have the opportunity to reform himself by doing unpaid work than by serving a term of imprisonment. This, Mr Speaker, Sir, would also be beneficial to the society at large.

I thank you, Mr Speaker, Sir.

(6.40 p.m.)

Mr S. Lauthan (Third Member for Port Louis Maritime & Port Louis East):
M. le président, je voudrais féliciter le gouvernement et le ministre d'avoir fait un pas en avant après le *Community Service Order Act* de 2002. Comme en 2002, aujourd'hui encore, il y a consensus, et il n'est pas question d'opposer pour le besoin d'opposer.

Les amendements vont dans la bonne direction. C'est dans l'ordre des choses. Et là, je félicite la ministre d'avoir révélé ces chiffres. Il y a une augmentation du nombre de délits par les jeunes. Il y aurait, peut-être, une tentation de la part d'une certaine partie du public. Deuxièmement, il faut durcir la loi, mais si l'expérience ailleurs et à Maurice a démontré qu'avec le *Community Service Order* il y a un taux de succès, c'est tant mieux. Je sais qu'en 2003, une année après la mise en œuvre du projet, on avait fait une évaluation qui nous avait donné 95% de succès mais, après sept ans, 90% c'est déjà très bien. Il faut, donc, continuer.

Actuellement, il y a une dégénérescence de la jeunesse, beaucoup de violence, de *gang violence*. Je voudrais également, avec ce taux de réussite, féliciter les *probation officers* pour le bon travail qu'ils continuent de faire. Malheureusement, je ne sais pas si la ministre a les chiffres de *relapse rate* dans les prisons pour adultes, c'est-à-dire, le taux traditionnel. A cette époque-là, j'avais fait une évaluation et le *relapse rate* était de 60%. Je ne sais pas si on a les chiffres. *Anyway, we are all for restorative justice*. Je voudrais citer, encore une fois, ce que j'avais cité lors de la présentation du CSO. J'avais cité le Père Henri Gilbert qui parlait de la prison. J'avais cité le titre de son livre : 'Les prisons : des jeunes y entrent, des fauves en sortent'. En effet, les jeunes sont endurcis en côtoyant - comme le *Leader* de l'opposition l'a dit - des *hard core criminals*. Il faut surtout tenter de ramener cette facilité aux jeunes de seize à dix-huit ans. Il est important dans le sens où, ailleurs et à Maurice, il y a un phénomène très connu, ce qu'on appelle *the accidental offenders*, c'est-à-dire, des personnes qui ne sont pas sorties avec l'intention de faire du tort ou de blesser quelqu'un, mais il y a des circonstances qui font, qu'entre jeunes, parfois sous provocation ou sous l'influence du *peer group*, arrivent à commettre un délit sans même réfléchir aux conséquences. Dans ces cas-là, c'est important de ne pas les envoyer en prison.

Avec la paupérisation de la population, nous sommes appelés à constater - je suis la dernière personne à encourager les gens à voler - une augmentation du nombre de petits

larceny, de *wounds and blows*, etc. Alors, ça c'est une bonne chose. Je voudrais faire un appel, car c'est dans cette démarche qu'on a fait introduire le concept d'éducateurs des rues. On n'en entend pas beaucoup parler malheureusement. Il faudrait qu'on soit un peu plus actif à ce niveau-là, c'est-à-dire, *prevent offending in the first place*. Avant même d'attendre qu'ils aient commis des délits, il faut aller à la rencontre de ces jeunes de la rue.

Côté réinsertion, je sais que lorsqu'on avait introduit une certaine supervision de l'IVTB où les métiers qui se pratiquent à l'intérieur de la prison dès la première année, sur un examen national, celui qui est sorti premier était un détenu. Dernièrement, j'ai eu l'occasion de partager une plateforme avec l'*Attorney-General* au Centre D'accueil de Terre Rouge et j'ai été agréablement surpris d'entendre que, récemment encore, un détenu de la prison est sorti premier au niveau national, pour dire que la prévention paie, la réinsertion également donne des dividendes. Pourquoi ? Parce que lorsqu'on envoie ces jeunes, ces adolescents à la prison, il y a des risques d'agression, des risques de *gang violence*. Il y a des clans à la prison, des clans aux CYC/RYC. Il y a aussi évidemment le risque que ces jeunes soient sodomisés. Ce n'est un secret pour personne ; dans toutes les prisons du monde, il y en a. Donc, il y a un gros risque d'avoir des infections avec l'acte de sodomie, telles que l'hépatite B ou C, ou le HIV. Lorsque ces jeunes sont endurcis, ils font l'escalade – je n'ai pas les chiffres avec moi maintenant - ils font d'autres bêtises et atterrissent dans des prisons pour adultes; ce qu'il faut éviter absolument. Je parlais tout à l'heure de *peer pressure*. Lorsque ces jeunes qui ont fait le RYC ou CYC retournent dans la communauté, ils sont perçus comme des jeunes à risques, comme des modèles négatifs, des modèles de jeunes rebelles. Donc, ils peuvent influencer d'autres jeunes à mal se comporter.

En passant, deux remarques sur la clause 4(b) pour le non-paiement d'une amende ou le non-paiement d'une partie d'une amende. C'est important, parce que dernièrement les lois ont été amendées pour augmenter considérablement les amendes et les peines d'emprisonnement. J'avais dit déjà que c'est un gros risque de gonfler davantage la population carcérale.

En ce qui concerne la clause 5, je vois quelque chose qui a été amendée mais qui n'apparaît pas dans le projet de loi, c'est-à-dire, la question de *CSO for two or more offences* où il y avait une provision pour que ce soit *committed concurrently or consecutively*. Cela n'apparaît pas dans l'amendement.

J'aimerais venir sur la clause 6 - la question de 45 jours. La ministre a donné une explication pour ce qui est du paragraphe (b) qui parle du *Community Service Order*. C'est vrai que ce n'était pas mentionné dans la loi de 2002, où il est dit que *the delivery of the copy of the order will be effected on the very day the order is made*, c'est à-dire, immédiatement, le même jour. Mais d'un autre côté, au paragraphe (a)1, on change la question of *implementation* de 10 à 45 jours. Personnellement, je trouve que c'est un peu long. Je comprends qu'on peut avoir besoin de deux à trois semaines, mais 45 jours c'est un peu long parce que l'enfant ne va pas être pris en charge pendant ces 45 jours, surtout que maintenant on parle de *counselling*. Et, puisqu'il ne va pas être pris en charge, beaucoup de choses peuvent arriver en 45 jours, *relapse or more offending, etc.*

Une bonne note concerne la clause 6 (c), *submission of periodical report* qui n'était peut-être pas *mandatory*, mais maintenant devient *mandatory - the magistrate shall require periodical report*. Cela va représenter un volume additionnel de travail sur les *probation officers*, et il faut qu'on se donne les moyens.

Avant de terminer, je voudrais dire deux mots sur les parents. C'est bon que les officiers puissent visiter les parents mais, du point de vue préventif aussi, il faudrait mettre

les parents au courant, car ce sont des mineurs, M. le président. Il y a des parents qui, malheureusement, trop souvent, - on l'a dit l'autre jour - ne font que condamner les jeunes en faisant une comparaison avec leur enfance, leur adolescence. J'ai pour habitude de dire qu'il devient de plus en plus difficile de nos jours avec la technologie, le *sms*, l'internet, etc. pour un jeune d'être jeune aujourd'hui et, par conséquent, il devient de plus en plus difficile d'être parent d'un jeune aujourd'hui. Alors, il faut qu'on se donne les moyens pour travailler avec les parents, pour travailler avec les jeunes.

Dernière proposition en ce qui concerne la question de *referral*, puisque ce sont des jeunes qui ont été *convicted*, je souhaiterais quand même que priorité dans leur placement soit accordée à des ONG telles que 'Elan', 'Passerelle' et 'Qui Nou Été', où il y a des personnes qui peuvent aider dans le *counselling*, car ces personnes ont longuement travaillé dans les prisons et, donc, peuvent être d'un apport extraordinaire. Avec tous ces efforts, espérons qu'on va éviter à ce que - comme le Père Henri Gilbert avait dit - des fauves en sortent lorsque des jeunes y entrent.

Je vous remercie M. le président.

Mrs Bappoo: M. le président, je tiens à remercier tous les parlementaires, tous les honorables membres qui ont participé au débat. Le *Leader* de l'opposition a fait mention de l'entrée en vigueur de cette loi en 2002 et a, de nouveau, fait le point sur le fait que tout le sujet de *community service*, travail d'ordre général, n'est pas simplement un problème de pouvoir décongestionner les prisons mais qu'il faut quand même voir le tout comme une thérapie, et c'est avec ces amendements qu'on est en train de consolider encore plus ce projet de loi. Je dois aussi remercier mon ami et collègue, l'*Attorney General*, qui a donné tout son support et, là, c'est un remerciement personnel, parce qu'il nous a aidés à déclencher toutes les consultations, que ce soit judiciaire, police, prisons, ONG, les institutions et les ministères, et aussi pour avoir éclairé les honorables membres sur quelques points qui ont été soulevés. Je voudrais aussi remercier les *Parliamentary Counsels* qui ont travaillé en collaboration avec le commissaire et ses officiers, ainsi que les officiers du ministère qui ont fait un travail excellent.

Finalement, je dois dire que la volonté politique est là, et la nouvelle provision, c'est-à-dire, d'étendre le *community service* aux mineurs de seize à dix-huit ans, apporte un consensus et tout le monde est d'accord.

Le *community service* - comme cela a été dit - *is no doubt a human way of dealing with offenders and the various forms of sentencing*, mais, en même temps, it should not be dealt without seeing the security side, not losing sight of the aspect of public security once *community service* is being ordered by the Magistrate for offenders. D'ailleurs, nous avons, en première lecture aujourd'hui, le *Probation of Offenders (Amendment) Bill*, qui prend soin aussi des problèmes concernant les *juvenile offenders*, que nous allons débattre après. Mais, j'aurais aimé aussi dire que, très prochainement, l'*Attorney General*, le ministre de l'éducation et moi-même allons nous lancer dans une série de consultations en ce qui concerne les *juvenile laws*, parce qu'après le *Probation of Offenders (Amendment) Bill*, nous viendrons avec les *juvenile laws* pour pouvoir de revoir d'une façon générale les problèmes des jeunes, de la jeunesse *and the youth*.

Ceci dit, j'aurais aimé peut-être reprendre la question de *sentencing grid*, parce qu'il y a un honorable membre qui en a fait mention. Naturellement, it will come to the Magistrate, they will be having their prerogative of fixing sentences prior to the determination of the number of *community service* hours. The sentencing has always been based on such factors as seriousness of the offence, any guilty plea, the remand period, etc.

by the offender. The sentencing will, therefore, be still left to the good judgment of the Magistrate to decide. It is only the conversion of the number of hours of community service which would be consistent throughout for the same type of offences.

Hon. Mrs Martin spoke about the issue of counselling. Of course, it cannot be mandatory to everyone, but counselling will be on a case to case basis, and it will generally be given to specific appropriate cases and to those offenders whose psychological, family and social needs are most pressing.

There has been the issue of 10 to 45 days for teamwork. Of course, to give way to teamwork, it is a bit more time-consuming. That is why it has been extended up to 45 days. It can, therefore, be any time before 45 days or even the number of 10 days also can actually be the case. But this will provide the opportunity to the Probation Unit to better organise the work and give it the major task to be accomplished by one or two community service workers only.

On the issue of prevention work, I need to say, Mr Speaker, Sir, that it is already being carried out by the probation service. They go to the secondary institutions, colleges in the various centres around the island to carry prevention work. I do agree with hon. Lauthan who speaks about prevention and reinsertion. That's very good. I need here to congratulate the NGOs, because we are really doing a lot of partnership work as far as field work is concerned, *parce que la prévention, the psychological support, l'écoute, le suivi est un problème. Parfois, nous avons un jeune qui quitte le RYC, mais après une courte durée, deux ou trois mois, il y retourne. Alors, il y a un manquement dans le suivi. On est en train de revoir tout cela. Il y a les ONG comme 'Elan' et 'Qui Nous Eté' qui sont avec nous.* The halfway home concept also is being developed, so that they can be of help to the young offenders.

Je voudrais mentionner l'apport de la coopération française, parce que le ministère de la justice du gouvernement français est aussi avec nous à travers les experts et professionnels de l'île de la Réunion qui sont venus en deux missions pour faire toute une étude, un *survey* sur la formation de nos officiers pour la réhabilitation des centres de RYC garçons et filles. Donc, je pense que nous sommes tous sur la bonne voie, et l'unanimité est là. Tout le monde est d'accord, la volonté politique est là.

M. le président, je terminerai en citant ce que Douglas Herd, ancien ministre de l'intérieur de la Grande Bretagne avait dit, *I quote -*

"Prisons are a very expensive way of making bad people worst."

Alors, c'est le contraire que nous voulons faire. Quoi de plus approprié que d'avoir des alternatives au système carcéral! Le travail est là, nous sommes tous d'accord, et ce n'est plus une deuxième punition. Mais, on va poursuivre l'objectif vers un programme rationnel de réhabilitation afin de le rendre beaucoup plus humain.

Merci, M. le président.

Question put and agreed to.

Bill read a second time and committed

COMMITTEE STAGE

(Mr Speaker in the Chair)

The Community Service Order (Amendment) Bill (No. VII of 2009) was considered and agreed to.

On the Assembly resuming with Mr Speaker in the Chair, Mr Speaker reported accordingly.

Third Reading

On motion made and seconded, the Community Service Order (Amendment) Bill (No. VII of 2009) was read the third time and passed.

ADJOURNMENT

The Deputy Prime Minister: Sir, I beg to move that this Assembly do now adjourn to Friday 22 May at 4.30 p.m.

Dr. Boolell rose and seconded.

Question put and agreed to.

Mr Speaker: The House stands adjourned.

At 6.00 p.m, the Assembly was, on its rising, adjourned to Friday 22 May 2009 at 4.30 p.m.

WRITTEN ANSWERS TO QUESTIONS

ST PIERRE TRAFFIC CENTRE - ACCIDENTS

(No. B/421) Mr S. Dayal (Second Member for Quartier Militaire & Moka) asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to the St Pierre Traffic Centre, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if fatal accidents have occurred thereat since its coming into operation and, if so, indicate the number thereof.

Reply: I am informed by the Commissioner of Police that, since the coming into operation of the St Pierre Traffic Centre in July 1992 to date, five cases of fatal road accidents have been reported to police.

I am also informed by the Ministry of Public Infrastructure, Land Transport & Shipping that the Traffic Management and Road Safety Unit (TMRSU) has studied the problem. It has observed that passengers are disembarked in a hazardous manner and at non designated locations, thus creating traffic hazards. Also, some buses were overtaking and manoeuvring dangerously in the Traffic Centre.

The TMRSU has, accordingly, implemented the following measures inside the traffic centre to improve road safety conditions -

- (a) construction of two road humps, including one humped pedestrian crossing and one road hump to reduce speeding;
- (b) fixing of handrails on the central reservation, to prevent pedestrians to walk across the bus carriageway;

- (c) yellow lines, to prohibit stopping of buses at hazardous locations, and
- (d) yellow lines and a yellow box inside the car park adjacent to the bus terminal.

POLICE - MONEY - DISAPPEARANCE

(No. B/422) Mrs F. Jeewa-Daureeawoo (Third Member for Stanley & Rose Hill) asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to the sum of money which has disappeared, whilst being in the police custody in April 2009, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to –

- (a) the amount and the origin thereof,
- (b) if an inquiry has been carried out thereinto, and
- (c) other cases, if any, of important sums of money kept as exhibits having disappeared, since April 2008 to date.

Reply: I am informed by the Commissioner of Police that no case concerning the disappearance of a sum of money while being in police custody has been reported in April 2009. However, two such cases have been reported to police on 09 April and 26 November 2008.

In both cases, police enquiry has been completed and police constable K has been charged under section 309 of the Criminal Code.

The two cases are pending court decision. The accused police officer has been interdicted from the exercise of the powers and functions of his office.

GAMING HOUSES – STUDENTS – SCHOOL HOURS

(No. B/423) Mrs F. Jeewa-Daureeawoo (Third Member for Stanley & Rose Hill) asked Prime Minister, Minister of Defence and Home Affairs whether, in regard to the gaming houses, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if there are reported cases of students who have been caught thereat during school hours, since 2005 to date, and, if so, the number thereof, indicating the measures that will be taken to avert same.

Reply: I am informed by the Commissioner of Police that no case involving children being caught in gaming houses during school hours has been established by the police for period 2005 to date (07 May 2009).

However, for the same period, there were 136 cases where students were caught playing in places of amusement outside opening hours.

As for the second part of the Question, I am informed that the Ministry of Women's Rights, Child Development and Family Welfare has, jointly with the National Children's Council, the *Brigade pour la Protection des Mineurs*, together with NGOs and the '*Forces Vives*' of different localities organised intensive crackdown operations to discourage children from loitering in public places during school hours.

These crackdown operations have been carried out island wide and have covered places such as gaming houses and other places of amusement, bus terminals, commercial

centres, public gardens, and public beaches. From January 2008 to March 2009, 236 crackdown operations have been conducted.

On its part, the Ministry of Education, Culture & Human Resources is taking the following measures to avert students going to gaming houses and other places of amusement

- (i) reinforcement of measures to prevent truancy at the level of schools, whereby Heads of Schools have been requested to carry out sensitisation campaigns mainly during morning assemblies to inform students of the risks and consequences of such unlawful actions as well as the disciplinary measures which can be taken by the school against wrongdoers;
- (ii) encouraging schools to set up Pastoral Care Committees to monitor students' behaviour, and
- (iii) introduction of students' charter to control attendance of students.

PERSONS MISSING - JANUARY 2008-MAY2009

(No. B/424) Mrs F. Jeewa-Daureeawoo (Third Member for Stanley & Rose Hill) asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to people who have been reported missing, since January 2008 to date, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number thereof, indicating in each case, if inquiries have been carried out thereinto and the outcome thereof.

Reply: I am informed by the Commissioner of Police that, since January 2008 to date, 1,384 persons were reported missing. Out of these –

- 290 persons were traced out and found safe;
- 21 persons were found dead. After investigation, five cases were classified as no foul play was suspected, one case is pending judicial enquiry and 15 cases are pending enquiry, and
- 73 persons are still missing and the cases are still under investigation.

HOSPITALS – PERSONNEL – ASSAULT CASES

(No. B/425) Mrs F. Jeewa-Daureeawoo (Third Member for Stanley & Rose Hill) asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to the hospitals, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if there are reported cases of violence and aggressions against its personnel, including medical practitioners and nurses, since July 2006 to date and, if so, the number thereof, indicating the nature, in each case.

Reply: I am informed by the Commissioner of Police that, since July 2006 to date, (i.e. up to 07 May 2009), 28 cases of 'Assault' upon medical practitioners, nurses and staff at hospitals have been reported to the Police.

RELIGIOUS ORGANISATIONS – GRANTS & SUBSIDIES

(No. B/426) Mr E. Guimbeau (First Member for Curepipe & Midlands) the

Prime Minister, Minister of Defence and Home Affairs whether, in regard to the religious organisations registered in Mauritius, he will state the total amount of grant and subsidies given to each of them yearly by Government for the past two years.

Reply: The total amount of subsidies and grants distributed to religious organisations for the past two years under the Prime Minister's Office Vote '*Financial Support to Religious Organisations*' is as follows -

- Financial Year 2007/2008 - Rs68,453,919
- Financial Year 2008/2009 - Rs74,025,368

The subsidies allocated to each religious body are calculated on the basis of the religious distribution of the population as estimated on a yearly basis by the Central Statistical Office.

I am tabling the detailed information with regard to the amount of such subsidies and grants allocated to each religious organisation.

RODRIGUES – MBC/TV – LICENCE FEES & LOCAL EVENTS

(No.B/427) **Mr J. C. Leopold (Third Member for Rodrigues)** asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to the MBC/TV broadcasting in Rodrigues, he will, for the benefit of the House, obtain from the Mauritius Broadcasting Corporation, information as to –

- (a) if television licence fees are being charged and, if so, the quantum thereof,
- (b) the frequency at which local events of interest are broadcast, and
- (c) if events pertaining to the celebration of the Labour Day 2009 in Rodrigues was broadcast and, if so
 - (i) when, and
 - (ii) the reasons therefor.

Reply: With regard to part (a) of the question, I am informed by the Director General of the Mauritius Broadcasting Corporation that, with effect from 01 February 2002, the Corporation is collecting television licence fees in Rodrigues at the revised rate of Rs25 monthly from domestic customers and an annual fee of Rs500 per television set from non-domestic customers.

As regards part (b) of the Question, the Director General of the MBC has informed that local events are covered and broadcast on a regular basis, at least once a week. Priority is given to the proceedings of the Rodrigues Regional Assembly, and to decisions of the Executive Council of the Regional Assembly.

Other events are covered depending on availability of TV crews and on the basis of newsworthiness. The events thus covered are broadcast either in the daily Radio and TV news bulletins or in news programmes such as "*Carnet de Rodrigues*", which is a weekly news magazine or in the fortnightly feature programme on Rodrigues.

Insofar as the last part of the Question is concerned, I am informed by the Director

General of the MBC that, with regard to the celebration of Labour Day 2009 in Rodrigues, the activities organised by one party could not be properly recorded because of a technical problem. In the circumstances and on grounds of fairness, the MBC decided not to broadcast activities of other political parties held in Rodrigues on the occasion of Labour Day 2009.

I have requested the Director General of the MBC to initiate disciplinary action against the officers concerned for neglect of duty, that is, failing to properly record an activity for which they had been assigned the responsibility.

Notwithstanding this technical problem, the MBC did provide coverage of Labour Day 2009 activities on Radio in Rodrigues in the evening of 01 May 2009 at 20 00 hours and on 02 May 2009 at 6 00 hours in the morning.

ORIENTAL LANGUAGES - ASSISTANT SUPERVISORS - POSTS

(No. B/455) Mr S. Naidu (Third Member for Beau Bassin & Petite Rivière) asked the Minister of Education, Culture and Human Resources whether, in regard to the vacancies in the post of Assistant Supervisors in Asian languages, he will state the number thereof in each case, indicating –

- (a) since when, and
- (b) the reasons for the delay in the filling thereof, if any.

Reply: I am informed that there are 13 vacancies in all in respect of the post of Assistant Supervisor (Oriental Language) as at May 2009, out of which two in Hindi, one in Urdu, five in Tamil, one in Telugu, two in Marathi, one in Arabic, and one in Mandarin.

As regards part (a) of the Question, the vacancies occurred as from the following dates in each Oriental Language -

Hindi since March 2008

Urdu since August 2008

Tamil since December 2006

Telugu since June 2008

Marathi since August 2007

Arabic since September 2007

Mandarin since July 2006

The only candidate was appointed Deputy Head Teacher in December 2007 and will complete her three years experience in December 2010. She will then be able to postulate for the post of Assistant Supervisor

Regarding part (b), I am informed that the Scheme of Service for the post of Assistant Supervisor (OL) is being reviewed, and this is why it has not been possible to fill vacancies so far. The review has been a lengthy and time consuming procedure, and my Ministry is expediting matters for its finalisation to ensure that recruitment is made by PSC in two months' time.

SMEs/SEHDA - MEETING

(No. B/458) Mr G. Lesjongard (Second Member for Port Louis North & Montagne Longue) asked the Minister of Business, Enterprise & Cooperatives whether he will state if he has recently had a meeting with the representatives of the Small and Medium

Enterprises and, if so, indicate the outcome thereof.

Reply: Following representations received from associations of SMEs regarding the difficulties and problems faced by the sector due to the present economic situation, I requested the SEHDA to conduct a meeting with all operators in the sector. This would also be platform to give further information to them on the MASMED Fund and the Stimulus Package, which has been put at their disposal by Government.

Two resource persons from Enterprise Mauritius, in the person of Mr Darga and Mr Bedassy were invited to enlighten operators under the MASMED Fund and the Stimulus Package.

About 1,200 entrepreneurs were present, and the session was very interactive. Officers from the SEHDA have also met operators individually and explained to them on development of business plans.

The outcome of this meeting was very positive as the numbers of applications for assistance for the different projects under the MASMED Fund has, since then, increased considerably.

SEHDA – MANAGING DIRECTOR – TERMINATION OF CONTRACT

(No. B/459) **Mr G. Lesjongard (Second Member for Port Louis North & Montagne Longue)** asked the Minister of Business, Enterprise & Cooperatives whether, in regard to the former Chief Executive Officer of the Small Enterprises Handicraft Development Authority, he will, for the benefit of the House, obtain from the Authority, information as to the reasons for the termination of his contract of appointment.

Reply: The termination of the contract of the former Managing Director was made following repeated representations received from stakeholders in the SME sector regarding the conduct of affairs at the level of the SEHDA. There were also regular press articles and interventions on private radios complaining about the needs of the SME operators, which were not being addressed.

After investigation, the Board of SEHDA came to the conclusion that these representations were justified and that it would be in the interest of the SME sector that SEHDA be headed by a person well versed in the sector.

CEB – FINANCIAL SITUATION

(No. B/460) **Mr A. Ganoo (First Member for Savanne & Black River)** asked the Deputy Prime Minister, Minister of Renewable Energy and Public Utilities whether, in regard to the financial situation of the Central Electricity Board, he will, for the benefit of the House, obtain from the Board, information as to –

- (a) the amount of overdraft taken, and
- (b) the amount of debt and net losses for the years 2006, 2007 and 2008.

Reply: I am informed by the CEB as follows-

- (a) Amount of overdraft –
 - 2006 - Rs937 m.
 - 2007 - Rs1.378 billion
 - 2008 - Rs1.55 billion (unaudited)
- (b) Total borrowings –

2006 - Rs5.51 billion
 2007 - Rs4.89 billion
 2008 - Rs5 billion (unaudited)

(c) Net losses –

2006 - Rs1.1 billion
 2007 - Rs156.80 m.
 2008 - Rs321.32 m. (unaudited)

As the House is aware, the financial situation of the Central Electricity Board (CEB) has been influenced by rising costs of fuel oil and coal, coupled with the loss on foreign exchange against major foreign currencies such as USD and Euro and that electricity tariffs do not reflect market fluctuations.

It is to be pointed out that net loss had been exceptionally high in the year 2006 partly due to the first full capacity payment of Rs302.7 m. made to CTDS and partly to foreign exchange losses especially vis-à-vis the USD and the EURO, amounting to Rs582.3 m.

CAMP CRÉOLES, ALBION - PRIMARY SCHOOL

(No. B/461) **Mr S. Naidu (Third Member for Beau Bassin & Petite Rivière)** asked the Minister of Education, Culture & Human Resources whether, in regard to the new primary school set up at Camp Créoles, Albion, he will state if all the sanitary amenities have been installed and are in good conditions.

(Withdrawn)

EXPATRIATES - WORK PERMITS

(No. B/462) **Mrs A. Navarre-Marie (First Member for GRNW & Port Louis West)** asked the Minister of Labour, Industrial Relations & Employment whether, in regard to the issue of work permits to expatriates since 30 June 2008 to date, he will state the number thereof, indicating the number issued to-

- (a) professionals, and
- (b) skilled workers.

Reply: Since 30 June 2008, 20,572 work permits have been issued, out of which 1,769 are for professionals and 18,691 for skilled workers.

ST FELIX – MIDAS – LAND ALLOCATION

(No. B/463) **Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière)** asked the Vice-Prime Minister, Minister of Tourism, Leisure and External Communications whether, in regard to the land allocated to MIDAS for the construction of a hotel project at St Félix after having been retrieved from Ouest Concasseuse, he will state-

- (a) the date the new lease was issued;
- (b) the extent of the land;
- (c) the annual rent payable, and
- (d) when will the project be implemented.

Reply: In regard to parts (a) and (b) of the Question, only a letter of allocation has been issued to the Company on 10 October 2006 over a plot of 30 *Arpents* of State land at St

Felix for a hotel project.

In regard to part (c) of the Question, rental payable will be in accordance with the provisions of the Finance Act 2008.

It is to be noted that the Groupe Ouest Concassage has in, August 2007, entered a case against Government and Midas Acropolis Co. Ltd regarding the retrieval of the land and its ultimate allocation. The case is still *sub judice*.

HOSPITALS – RECEPTION DESK - OFFICERS

(No. B/464) Mrs L. D. Dookun-Luchoomun (Third Member for La Caverne & Phoenix) asked the Minister of Health & Quality of Life whether, in regard to the nursing and other officers posted at the reception desk to attend to emergency cases at the casualty departments in the hospitals, he will state the number thereof in each case.

(Withdrawn)

TIANLI PROJECT

(No. B/465) Dr. A. Husnoo (Second Member for Port Louis Maritime & Port Louis East) asked the Vice-Prime Minister, Minister of Finance & Economic Empowerment whether, in regard to the Tianli Project, he will state where matters stand.

(Vide reply to PQ No. B/440)

HIGHLANDS – CITY PROJECT

(No. B/466) Dr. A. Husnoo (Second Member for Port Louis Maritime & Port Louis East) asked the Vice-Prime Minister, Minister of Finance & Economic Empowerment whether, in regard to the new city project at Highlands, he will state where matters stand.

Reply: As the House may be aware, the project preparation of the new city at Highlands started in April 2007, with the appointment of a multidisciplinary team of consultants to carry out a feasibility study and to assist in the selection of a master developer for its implementation. The cost of the services was met from a grant under the Technical Assistance Facility Programme of the SADC Banking Association.

The feasibility study which was completed in March 2008 indicated that the project was commercially viable under a Public Private Partnership arrangement.

Furthermore, as part of a marketing strategy to attract high profile master developers, a series of road shows were conducted jointly by the Consultants and SLDC in key international locations between July and October 2008.

Following the feedback received from these road shows and taking into account the advice of the consultants, SLDC, the executing agency of the project, launched a Request for Qualification exercise in November 2008. Five submissions were received by the date limit of 21 January 2009.

In February 2009, two Committees were set up; one, a Steering Committee, chaired by the Secretary to Cabinet and Head of the Civil Service, to oversee the selection process and make recommendations to Government on the choice of a master developer for the project and, second, the Project Implementation Committee, chaired by the Financial Secretary, to address implementation issues.

An evaluation of the submissions was carried out by the Consultants. Based on the criteria set out in the Request For Qualification (RFQ), two applicants were short-listed as qualified (SQA) to participate in the second stage of the selection process, that is, the

competitive dialogue stage.

Furthermore, SLDC has, last month, informed the five respondents to the RFQ of the outcome of the evaluation exercise.

A letter explaining the steps involved in the competitive dialogue process will be issued to the qualified applicants by next week.

The Steering Committee will enter into competitive dialogue with the two qualified applicants and it is expected that, by September 2009, a Master Developer could be selected for the implementation of the new city at Highlands.

PAUL ET VIRGINIE/TRICHINAPOLY STREETS - BRIDGE

(No. B/467) Dr. A. Husnoo (Second Member for Port Louis Maritime & Port Louis East) asked the Minister of Public Infrastructure, Land Transport & Shipping whether, in regard to the bridge at the Corner of Paul et Virginie Street and Trichinapoly Street, Port Louis, he will state if the structural verifications thereof have recently been carried out and, if so, indicate the state thereof.

Reply (Minister of Local Government, Rodrigues and Outer Islands): I am informed by the Municipality of Port Louis that, following a survey of the bridge at corner of Paul et Virginie Street and Trichinapoly Street, Port Louis, carried out on 09 May 2009, it has been found that the bottom reinforcements to the slab are exposed at several places as a result of normal wear and tear.

I am also informed that, although the structure does not represent an immediate danger, it will have to be replaced for the safety and security of its users. The estimated cost of the project is Rs2m., and the Council is exploring the possibility of financing same out of its own funds.

VACCINATION PROGRAMME – INFANTS – VACCINES AGAINST CANCER

(No. B/468) Mrs L. D. Dookun-Luchoomun (Third Member for La Caverne & Phoenix) asked the Minister of Health & Quality of Life whether he will state if Government will consider including vaccines against cancer in the vaccination programme for infants.

(Withdrawn)

FOND DU SAC - CREMATION GROUND

(No. B/469) Mr D. Rucktooa (Second Member for Grand' Baie & Poudre d'Or) asked the Minister of Local Government, Rodrigues and Outer Islands whether he is aware of the bad state of the Fond du Sac cremation ground and, if so, will he state if upgrading works will be carried out thereat, indicating when.

Reply: I am informed by the Pamplemousses/Rivière du Rempart District Council that there are two cremation grounds at Fond du Sac, namely at Belle Vue Pilot and Aussaille.

I am further informed that-

- (i) both cremation grounds are provided with 2 pyres each and one of them is covered;
- (ii) one of the pyres at Belle Vue Pilot Cremation ground requires some minor repairs which will be carried out by the Council by the end of this month;
- (iii) the complete resurfacing of the roads leading to these cremation grounds

has been carried out in March this year by the Council, and
 (iv) both cremation grounds are regularly cleaned and maintained by the Council.

PETIT RAFFRAY - FOOTBALL GROUND

(No. B/470) Mr D. Rucktooa (Second Member for Grand' Baie & Poudre d'Or) asked the Minister of Youth & Sports whether, in regard to the Petit Raffray Football Ground, he will state if upgrading works will be carried out thereat, indicating when.

Reply: The project for upgrading works of the Petit Raffray Football Ground is in the list of priority projects of my ministry and comprises the following -

- (i) the removal of the existing fencing, supply and fixing of new high level chain link fencing and supply and fixing of new gate;
- (ii) renovation of cloakroom and toilets, and
- (iii) levelling and turfing of the pitch.

This project will be implemented in phases. My Ministry is in the process of carrying out a restricted bidding exercise for the first part of the project to enable its implementation on a fast track basis.

PRIMARY SCHOOLS - EDUCATIONAL TOURS

(No. B/471) Mr S. Lauthan (Third Member for Port Louis Maritime & Port Louis East) asked the Minister of Education, Culture & Human Resources whether, in regard to the circular letter recently issued to the primary schools stating that, henceforth, excursions will have to be organised on Fridays instead of Thursdays, he will state if he is aware of the prejudices that such a decision will cause to the teachers of the Muslim faith in accomplishing the Friday prayers.

Reply: It had been observed that a majority of pupils coming back from educational tours, commonly known as outings, absented themselves on the day following the tour on ground of tiredness. The rate of absenteeism was high in schools with, in some cases, going up to 100%. It generally ranged from 42% to 100% on many days. Moreover, in ZEP schools, it was noted that the problem was more pronounced and was becoming rampant.

With a view to addressing the problem of absenteeism in primary schools on the day following educational tours, it was decided in January this year that, henceforth, educational tours organised by primary schools for pupils should be held on Fridays. In this respect, a circular was issued by the Ministry on 22 January 2009 to all Heads of primary schools to convey the decision.

Following the issue of the circular, my Ministry received representation in February 2009 to the effect that the scheduling of educational tours on Fridays was not convenient for teachers of the Muslim faith who have to attend prayers.

After taking into consideration the representation, my Ministry reviewed the matter and decided that there should be flexibility in the scheduling of educational tours in primary schools with high concentration of teachers of Muslim faith.

This decision was communicated to the Principal Inspectors of all zones during the course of a meeting at the Ministry on 04 March 2009, and Heads of schools concerned were

informed accordingly.

SOOPAYA SOOBIAH GOVERNMENT SCHOOL – REDUIT – LANDSCAPING WORKS

(No. B/472) Mr S. Dayal (Second Member for Quartier Militaire & Moka) asked the Minister of Environment & National Development Unit whether, in regard to the Soopaya Soobiah Government School at Réduit, he will state if Government will consider carrying out landscaping works in the yard thereof, indicating if consideration will be given to the putting up of benches thereat.

Reply: I am aware of a request in this respect. It is under consideration at the Living Environment Unit of my Ministry. The hon. Member will be informed of developments.

LE MORNE – SMALL PLEASURE CRAFTS OPERATORS

(No. B/473) Mrs D. Perrier (Fourth Member for Savanne & Black River) asked the Vice-Prime Minister, Minister of Tourism, Leisure and External Communications whether he is aware of the difficulties being faced by the small pleasure crafts operators operating at Le Morne, and, if so, will he state the reasons therefor, indicating the remedial measures that will be taken.

Reply: I am informed that the Tourism Authority has received a representation from the “*Association des Pêcheurs Professionnels et de Plaisance*”, also regrouping small pleasure craft operators of that region, to the effect that officers of the National Coast Guard are restricting their ability to market their services on the beaches of Le Morne.

Following the introduction of the Tourism Authority Act 2006, a small number of provisional attestations were issued to eligible applicants already engaged in canvassing activities to operate on a pilot basis. However, following various representations received to the effect that some of the canvassers were unduly harassing tourists on our beaches, the Tourism Authority decided not to renew the attestations on expiry, pending a review of the situation.

We consider that, in order to ensure that our image as an up-market tourist destination is not tarnished and that tourists really enjoy a unique memorable experience during their stay in our country, they should not be harassed on our beaches, neither should our beaches become areas for commercial transactions rather than for fun and relaxation.

We consider that the small operators should be given an adequate opportunity to interface with the tourists and market their services. Various measures have accordingly been taken as follows -

- a) procedures for the granting of tour operator licences have been highly simplified with a view to facilitating the opening up of such activities to small operators, and many people have availed themselves of this;
- b) provision of facilities on the MTPA website for the promotion of small operators;
- c) contracting out of boating activities to small operators by hotels has been encouraged;
- d) in line with the democratisation policy of Government, priority is being given to small operators in the issue of licences in respect of certain types of activities, such as boathouse, and tour operators;
- e) negotiation is being finalised with MBC for the setting up of a TV channel

dedicated to tourism. This tourism channel will be available in all hotels rooms and will give a great opportunity to small operators to promote and market their services directly with tourists, and

- f) organisation on a regular basis of “*Foires Touristiques*”, in order to facilitate direct encounter of small operators and tourists.

I wish to seize this opportunity to mention that, in the same spirit of making our beaches a safer and pleasurable place for the tourists, my Ministry has facilitated the signature of a Code of Conduct between the “*Association of beach hawkers*” and the respective hotels where they operate. Under these arrangements, 19 hotels have already signed an agreement that provides for a number of facilities to be extended to the beach hawkers who in turn undertake to abide to certain conditions in their ways of operation.

Similarly, my Ministry is working on a new policy for canvassing activities based on our experience with beach hawkers.

SOREZE – STREET LIGHTING

(No. B/474) Mr S. Lauthan (Third Member for Port Louis Maritime & Port Louis East) asked the Minister of Local Government, Rodrigues and Outer Islands whether, he will, for the benefit of the House, obtain from the Black River District Council, information as to if consideration will be given for the installation of street lights in the Sorèze region, especially along the Old Moka Road.

Reply: I am informed by the Black River District Council that 40 street lanterns had already been installed in the Sorèze region, out of which five had been fixed between June to December 2008 along the old Moka Road.

CONSTITUENCY NO. 3, PORT LOUIS MARITIME & PORT LOUIS EAST – HUMPS

(No. B/475) Mr S. Lauthan (Third Member for Port Louis Maritime & Port Louis East) asked the Minister of Public Infrastructure, Land Transport & Shipping whether, in regard to the Constituency No. 3, Port Louis Maritime & Port Louis East, he will state the places where humps have been installed, since July 2005 to date, indicating if it is proposed to -

- a) install additional ones, and
- b) implement alternative safety measures to the installation of humps thereat.

Reply: I wish to inform the House that, since July 2005, 17 humps have been installed in Constituency No. 3. The details are as follows –

Two humps near bridge, and one near Bombay street along St François Xavier street, one hump near mosque and two humps near Forges Tardieu along Nicolay Road, three humps near school along Gorah Issack street, and three humps near school along Cocoterie Road.

Other humps have been installed along Sir Abdool Razack Mohammad street near school, Ambroisine street near mosque, Velore street near Yoloff street, Hassen Sakir street near mosque and Balisage street near school.

- a) Road hump is not a road safety measure that is implemented in a general and automatic manner. It is an exceptional measure, a measure of last resort, and opted for only when it is not possible to implement other road safety measures. Installation of humps is effected on a case to case basis. However,

as a matter of policy, road humps are installed where there is a school. The principle when examining requests for installation of hump is to contemplate other road safety measures and avoid the setting up of humps as far as possible.

- b) Other road safety measures like construction of footpath, provision of pedestrian crossings, provision of hand rails and guardrails, signalised pedestrian crossings, traffic lights at junctions are systematically considered and implemented where circumstances so dictate. The process of implementing road safety measures, other than humps, is an ongoing one and whenever spots are identified, the necessary surveys and studies are carried out and the solutions considered most suitable are implemented.