

*OAU DRIVE, TOWER HILL, FREETOWN*

# **PARLIAMENTARY DEBATES**

**[HANSARD]**

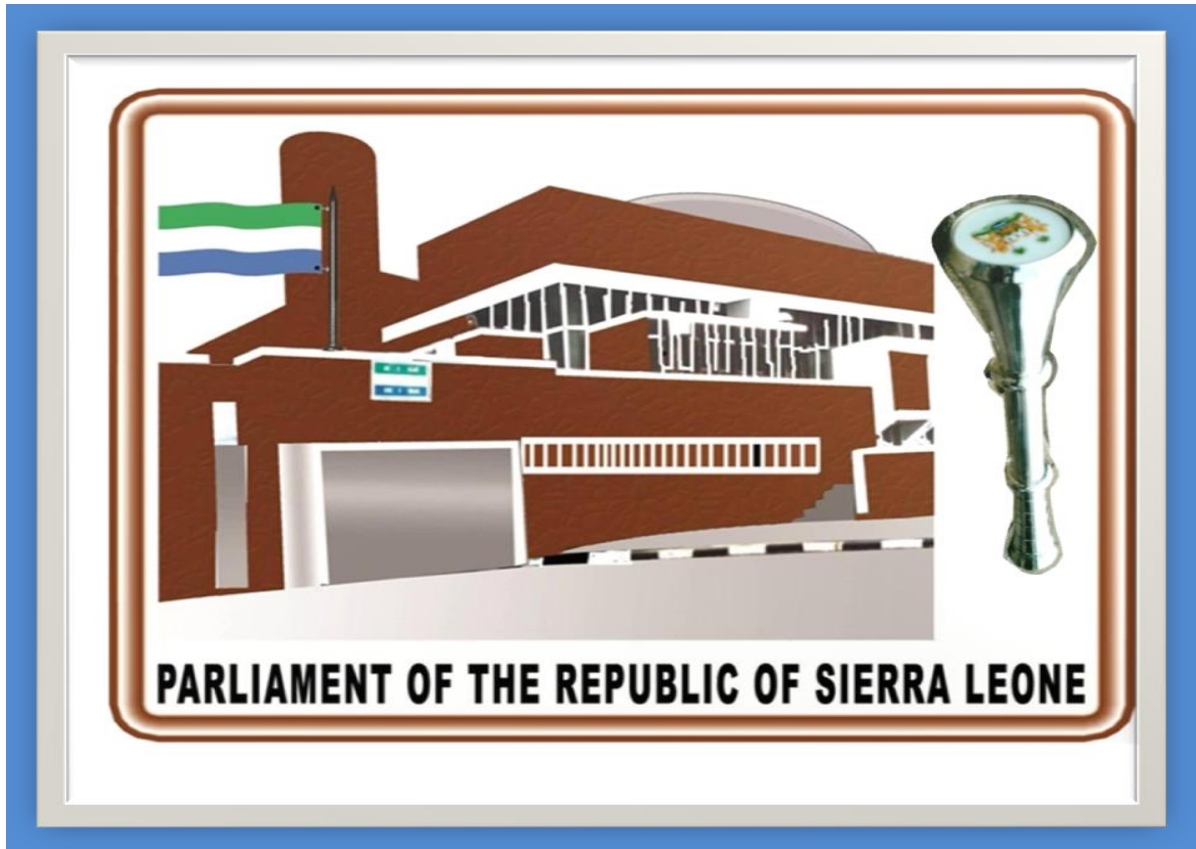
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**OFFICIAL HANSARD REPORT**

**FIFTH SESSION - FIRST MEETING**

**THURSDAY, 11<sup>TH</sup> MAY, 2017**

*SESSION – 2016/2017*



*OAU DRIVE, TOWER HILL, FREETOWN*

# **PARLIAMENTARY DEBATES**

**[HANSARD]**

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**OFFICIAL HANSARD REPORT**

**VOLUME: I**

**NUMBER: 25**

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First Meeting of the Fifth Session of the Fourth Parliament  
of the Second Republic of Sierra Leone.

Proceedings of the Sitting of the House  
Held Thursday, 11<sup>th</sup> May, 2017.

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THE COMMUNITY HEALTH PRACTITIONERS ACT, 2017

THE DEPUTY CHAIRMAN OF THE LEGISLATIVE COMMITTEE, HON. DANIEL B. KOROMA

REPORT OF THE LEGISLATIVE COMMITTEE ON THE BILL ENTITLED: 'THE  
COMMUNITY HEALTH PRACTITIONERS ACT, 2017'

[COMMITTEE STAGE]



*THE CHAMBER OF PARLIAMENT OF THE REPUBLIC OF SIERRA LEONE*

**Official Hansard Report of the Proceedings of the House**

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**FIFTH SESSION – FIRST MEETING  
OF THE FOURTH PARLIAMENT  
OF THE SECOND REPUBLIC**

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**Thursday, 11<sup>th</sup> May, 2017.**

**I. PRAYERS**

*[The Clerk of Parliament, Mr Ibrahim Sulaiman Sesay, Read the Prayers].*

*[The House met at 10:20 a.m. in Parliament Building, Tower Hill, Freetown].*

*[The Speaker, Hon. Sheku Badara Basiru Dumbuya, in the Chair].*

The House was called to Order

**II. CORRECTION OF VOTES AND PROCEEDINGS FOR THE PARLIAMENTARY SITTING HELD ON TUESDAY, 9<sup>TH</sup> MAY, 2017**

COMMUNICATION FROM THE CHAIR

**THE SPEAKER:** Honourable Members, we go through the record of Votes and Proceedings for the parliamentary sitting, held on Tuesday, 9<sup>th</sup> May, 2017. Page 1? Page 2? Page 3? Page 4? Page 5? Page 6?

**HON. NAVO KAIKAI:** Mr Speaker, I contributed on that day, but my name is not mentioned.

**THE SPEAKER:** Mr Clerk, please take note of that. She did contribute on that day. Page 6? Page 7? Page 8? Page 9? There being no other corrections or amendment, would somebody move for the adoption of the record of Votes and Proceedings for the parliamentary sitting held on Tuesday, 9<sup>th</sup> May, 2017 as amended?

**HON. MOSES B. JOKIE:** I so move, Mr Speaker.

**THE SPEAKER:** Any seconder?

**HON. FRANK KPOSOWA:** I so second, Mr Speaker.

*[Question Proposed, Put and Agreed to]*

*[Record of Votes and Proceedings for the parliamentary sitting held on Tuesday, 9<sup>th</sup> May, 2017 has been adopted as amended]*

**III. PAPERS LAID**

THE MINISTER OF TRANSPORT AND AVIATION

**HON. MOHAMED A. JALLOH, [*Deputy Minister of Transport and Aviation*]:**

Mr Speaker, Honourable Members, I beg to lay on the Table of the House the following documents:

[I] THE SIERRA LEONE CIVIL AVIATION, AUTHORITY [AIRCRAFT REGISTRATION AND MARKING] REGULATIONS, 2016

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THE CIVIL AVIATION ACT, 2008 [ACT NO.2 OF 2008]

STATUTORY INSTRUMENT NO.53 OF 2017

**THE SPEAKER:** Mr Minister, please sit down. I know you have forgotten, Mr Minister at one stage you would say civil aviation and at another stage you would say civil 'eviation.' Which is which, Mr Minister?

**HON. MOHAMED A. JALLOH:** Civil Aviation

**THE SPEAKER:** For the information of Honourable Members, the Honourable Deputy Minister was one time a Member of Parliament between 2002 and 2007 and he was one time even Deputy Majority Leader of the SLPP [*Applause*].

#### **IV. BILL**

THE COMMUNITY HEALTH PRACTITIONERS ACT, 2017

THE DEPUTY CHAIRMAN OF THE LEGISLATIVE COMMITTEE, HON. DANIEL B. KOROMA

REPORT OF THE LEGISLATIVE COMMITTEE ON THE BILL ENTITLED: 'THE COMMUNITY HEALTH PRACTITIONERS ACT, 2017'

[COMMITTEE STAGE]

[THE HOUSE RESOLVES INTO COMMITTEE]

**THE SPEAKER:** Honourable Mohamed L. Mansaray, please come and occupy your seat.

**HON. DANIEL B. KOROMA** [*Deputy Chairman, Legislative Committee*]:

Thank you very much, Mr Speaker. Mr Speaker, Honourable Members, I present to you the 'Frist Report of the Legislative Committee, Fifth Session of the Fourth Parliament of the Second Republic of Sierra Leone on the Bill entitled: "**The Community Health Practitioners Act, 2017,**" presented to Parliament on Thursday, 11<sup>th</sup> May, 2017.

*1. Introduction*

Mr Chairman, Honourable Members, "**The Community Health Practitioners Act, 2017,**" being an Act to establish the Community Health Practitioners Board for the purpose of regulating all professional community health service providers in the performance of their duties and for other related matters. This Bill, having gone through the second reading was committed to the Legislative Committee for scrutiny, pursuant to Standing Orders 51[1]. Subsequently, the Committee met on Wednesday, 15<sup>th</sup> March, 2017 in the Conference Room, Parliament Building, with the following objectives:

[i] to scrutinise the detail provisions of the legislative proposals after the second reading in the House; and

[ii] to ascertain the constitutional and legal implications contained therein and to report to Parliament in accordance with the provisions of the Standing Orders of this Honourable House.

Mr Chairman Honourable Members, in attendance were the Chief C.H.O. and the Senior C.H.O. from the Ministry of Health and Sanitation who made meaningful contributions.

## 2. Recommendations:

Mr Chairman, Honourable Members, the Legislative Committee, having scrutinised the Bill line by line and clause by clause recommended the following amendments to the House for Approval:

1. Preliminary – from the definition of the word acceptable qualification to the word 'clinic' be approved.

2. on the definition Community Health Centre the word 'staff' be amended to read staffed by adding an '**ed**' and 'General Practitioners' be deleted and replaced with 'Community Health Professionals.'

3. The definition of 'Community Health Post' be amended to read 'network of clinics,' headed by 'Community Health Assistants' with a catchment population between 5,000 and 10,000 within a three mile radius.

4. From the definition of 'Disciplinary Committee to Sierra Leone Association of Community Health Officers [CAVO] be approved. I would also like to make the following amendments:

- Establishment of the Community Health Practitioners Board;
- Clause 2 be approved;
- Clause 3, sub-clause 1[i] be deleted;
- Clause 3 sub-clause two be amended as follows: **"The Chairman of the Board shall be appointed by the President on the recommendation of the Minister and subject to the approval of Parliament."**
- Clause 4, sub-clause 2[d] be amended by inserting the following words at the end. It should read: 'fraud, dishonesty, sexual and domestic violence.' In this Bill, it is stated only fraud or dishonesty, but we want to include **fraud, dishonesty, sexual or domestic violence.**

Mr Chairman, Honourable Members, on the issue of offences that cause a person to cease to be a member of the Board, the Committee recommends that further offences be stated by the plenary. If there is none, then we leave it that way.

- that Clause 5 be amended as follows:
  - a. Sub-clause 2 be amended by deleting the words 'if present;'

b. Sub Clause 4 be amended by deleting the word 'in' and replacing with 'on;'

- Clause 6 be approved.
- Clause 8, sub-clause [3] be amended by deleting the word 'Executive Director' and replacing it with 'Chairman.'
- that Clause 9 be approved.

**HON. FODAY RADO YOKIE:** Mr Chairman, Honourable Members, for the sake of time, I am appealing to my brother on the other side that as he is reading the recommendations from the Legislative Committee, we do it alongside with the Bill itself. He is presently going through the entire report. For example, if you start with the preliminaries, you do that alongside your recommendation on preliminaries and then allow Members of Parliament to go along with what is in the Bill. That will save time and we can understand what you are presenting.

**THE SPEAKER:** Honourable Members that is a suggestion. I don't know.

**HON LEONARD S. FOFANAH:** [*Majority Leader of the House and Leader of Government*]: Mr Speaker, with respect to my colleague, I thought the Committee is submitting its report; thereafter, the House will sit as a Committee and look at it clause by clause.

**THE SPEAKER:** Honourable Foday Rado Yokie, I think we have to follow what the Majority Leader has suggested.

**HON. DANIEL B. KOROMA:** Thank you, Mr Chairman.

- Clause 7 be amended by deleting the word 'from Sierra Leone.'

Part 3 – Functions of the Community Health Practitioners Board be approved.

Part 4 – Administrative Provisions:

[i] That Clause 12 be amended as follows:

[a] Sub-Clause be amended to read: 'The Board shall have a Registrar who shall be appointed pursuant to ....

[b] This one should be 'pursuant to Paragraph B of sub-section 1 of Section 3,' upon such terms and conditions as the Board shall have after consultation with the Sierra Leone Health Commission determined.

[c] Sub-clause (2) be deleted.

[2] Clause 13[b] be amended as follows:

[a] Sub-clause 2 be amended to read: 'It shall be the duty of the Registrar in accordance with the directions of the Board.'

[b] Sub-clause [a] be amended to read: 'to correct any entering and remove the repeated word. In the Register, which the Board directs him to correct, has been in the opinion of the Board and entry which was incorrectly made.'

[c] Paragraph 'B' be amended by inserting the word 'to' at the start of the sentence and by deleting the word 'an' before the word 'necessary' and replacing it with 'or.'

[d] Paragraph 'C' be amended by inserting the word 'to' at the start of the sentence and by deleting the word 'become' before the word 'insane' and replacing it with 'be declared.'

[e] Sub-Clause 3 be amended by inserting the word 'or' on the last line before the word 'that.'

3. That Clauses 14, 15 and 16 be approved.

Part 5 – Financial Provisions: 1.

That Clause 17 be approved.

3. Clause 18 be amended as follows.

[a] Sub-clause 1 be amended by deleting the word 'a' after the word 'Account.'

[b] Sub-clause 1 [c] by inserting the word 'any' before the word 'forms.'

[c] Sub-Clause 5[b] by deleting the words 'that are' before the word 'likely.'

3. Clauses 19 and 20 be approved.

Part 6 – Registration:

[1] Clause 21 be amended by deleting the word 'of' before the word 'such.'

[2] That Clause 22 be approved.

[3] Clause be amended as follows:

[a] Paragraph 'B' be amended by deleting 's' after the word 'respect.'

[b] Sub-clause [E] be amended to read: 'He pays any fees prescribed for Registration.'

[c] A proviso be inserted to it. The Board may if it thinks fit give directions that he shall be temporarily registered.

#### Part 7 – Training

1. That Clause 24 be approved.
2. Clause 25 Sub-Clause 3 be amended by inserting a **comma** after the word shall.

#### Part 8 - Community Health Practitioners licensing Regime.

1. That Clauses 26, 27 and 28 be approved.
2. Clause 29 be amended to read as follows:

[a] Sub-clause 1 be amended to read: 'Upon receipt of an application, the Board shall decide whether or not a grant of license within thirty [30] days of receipt of the application.'

[b] Sub-clause 2 be amended by inserting a new sub-clause 'C' to read: 'If he is convicted and sentenced for an offence involving fraud, dishonesty, sexual or domestic violence.'

[c] Clause 30 be amended by inserting the word 'as' after the word 'powers.'

[d] That Clause 31 be approved.

[e] Clause 32 be amended by deleting the word 'every' and replacing it with 'a.'

[f] Clause 33 be amended by deleting the word 'every' and replacing it with 'a.'

[g] That clause 34 be approved.

[h] Clause 35 be amended to read as follows: [a] 'Any person aggrieved by the decision of the Board made pursuant to Section 23, 29, 30 and 34 of this Act may appeal to the High Court within 30 days against the said decision.'

[b] Any person aggrieved by the decision of the Board made under Section 31 of this Act, may appeal against the decision by submitting to the Board a written Notice of Appeal containing the grounds thereof within fourteen [14] days of that decision.

## Part 9 – Privileges of Registration and Penalties for Non-Registration

[1] Clause 36 be amended by deleting the word 'Rural.'

[2] That Clauses 37, 38, 39 and 40 be approved.

[3] Clause 41 to be amended to read as follows:

Sub-clause 1 be amended by deleting the word 'if' and by also inserting the word 'who' after the word 'person.'

Sub-clause 41 be amended by inserting a proviso to read: 'Shall be guilty of an offence.'

sub-clause 11 be amended to read: 'it shall be an offence for the Registrar or any other person employed by the Board to wilfully make any falsification in any matter relating to any register maintained under this Act and on conviction shall be liable to a fine not exceeding **Le30mIn** or to a term of imprisonment not exceeding two years or to both fine and imprisonment.'

[4] Sub-clause 4 be amended by deleting the word 'proceeded' and replacing it with 'prosecuted.'

[5] Clause 42 be approved.

## **Part 10 discipline**

[1] 43 be amended by removing the bracket on 45.

[2] Clause 44 be amended as follows:

[a] Sub-clause 2 be amended by replacing the word 'at' after the word 'preside' and by removing the 's' from the word 'meetings' and by also deleting the word 'absent' and replacing it with 'absence.'

[b] Sub-clause 5 be amended by deleting the word 'at.'

[c] Sub-clause 5 be amended by deleting the word 'Assessor' and replacing it with 'who shall be a Law Officer of not less than 7 years standing'. I think our intention here was not to delete the word 'Assessor.' We do not intend to delete the word Assessor and that the Assessor should remain and then a new sub-clause be created to read as follows:

[i] The Assessor to be appointed under Sub-section 5 of Section 44 shall be a Law Officer of not less than 7 years standing.'

The same Sub-clause 6 be amended by deleting the words 'Assessor' and replacing with 'Law-officer' and by correcting the word securing to ensuring. Whether 'Assessor' or 'Law-officer' based on the context they are the same.

- That clause 45 and 46 be approved.
- Clause 47 be amended as follows:

[a] Sub-clause 1[a] be amended to read: 'a person registered under this Act is convicted by a court or tribunal in Sierra Leone or elsewhere.'

[b] Sub-clause 3 to insert a proviso to read: 'shall be conclusive evidence of the fact found.'

- That clauses 48 – 50 be approved.

Part 11 - Miscellaneous be approved.

### *3. Conclusion*

Mr Chairman, Honourable Members, the Legislative Committee, having scrutinised the Bill entitled 'the Community Practitioner Act, 2017 recommends these proposals to the House for approval. The report reflects the consensus view of Honourable Members of the Committee. I therefore move that the House pass into law the Bill entitled 'the Community Practitioner Act, 2017 be passed into Act. I thank you for your attention. Signed by Honourable Daniel B. Koroma, for and on behalf of Honourable Ajibola Manley-Spain, Chairman, Legislative Committee [*Applause*].

Parts 1 and 2, clauses 1 – 10 to stand part of the Bill.

**HON. MOHAMED L. MANSARAY:** Mr Chairman, Honourable Members, I move that Parts 1 and 2, clauses 1 – 10 proposed.

*[Question Proposed]*

**HON. MOHAMED L. MANSARAY:** Mr Chairman, Honourable Members, I move that Parts 1 and 2, clauses 1 – 10 stand part of the Bill.

*[Question Proposed, Put and Agreed to]*



[Parts 1 and 2, clauses 1 – 10 form part of the Bill as amended].

Parts 3, 4, and 5, clauses 11 – 20 proposed.

**HON. MOHAMED L. MANSARAY:** Mr Chairman, Honourable Members, I move that Parts 3, 4, and 5, clauses 11 – 20 stand part of the Bill.

*[Question Proposed]*

**HON. MOHAMED L. MANSARAY:** Mr Chairman, Honourable Members, I move that Parts 3, 4, and 5 and clauses 11 – 20 stand part of the Bill.

*[Question Proposed, Put and Agreed to]*

[Parts 3, 4, and 5 clauses 11 – 20 proposed].

Parts 6, 7 and 8, and clauses 21-35 stand part of the Bill

**HON. MOHAMED L. MANSARAY:** Mr Chairman, Honourable Members, I move that Parts 6, 7, and 8, clauses 21 – 35 stand part of the Bill.

*[Question Proposed]*

**HON. MOHAMED L. MANSARAY:** Mr Chairman, Honourable Members, I move that Parts 6, 7, and 8, clauses 21 – 35 stand part of the Bill.

*[Question Proposed, Put and Agreed to]*

[Parts 6, 7 and 8, clauses 21-35 proposed].

Parts 9, 10, and 11, clauses 36- 52 to stand part of the Bill

*[Question Proposed, Put and Agreed to]*

**HON. MOHAMED L. MANSARAY:** Mr Chairman, Honourable Members, I move that Parts 9, 10, and 11, clauses 36-52 proposed.

*[Question Proposed]*

**HON. MOHAMED L. MANSARAY:** Mr Chairman, Honourable Members, I move that Parts 9, 10, and 11, clauses 36-52, including the schedules stand part of the Bill.

*[Question Proposed, Put and Agreed to]*

[Parts 9, 10, and 11 and clauses 36-52, including the schedules form part of the Bill as amended].

[THE HOUSE RESUMES]

**HON. MOHAMED L. MANSARAY:** Mr Speaker, Honourable Members, I report that the Bill entitled 'The Community Practitioner Act, 2017 having gone through the committee of the whole House with some amendments be read the third time and passed into law.

*[Question Proposed, Put and Agreed to]*

*[The Bill entitled the Community Health Practitioners Act, 2017 being an Act to establish the Community Health Practitioners Board for the purpose of regulating all professional Community health service providers in the performance of their duties and for other related matters has been read the third time and passed into law].*

**THE SPEAKER:** Honourable Mohamed L. Mansaray, I want to thank you very much. You can now go to your seat.

### **ADJOURNMENT**

*[The House rose at 11.20 a.m., and was adjourned to Tuesday, 16<sup>th</sup> May, 2017 at 10:00 a.m.]*