



OAU DRIVE, TOWER HILL, FREETOWN

PARLIAMETARY DEBATES

(HANSARD)

OFFICIAL HANSARD REPORT

THIRD SESSION - THIRD MEETING

THURSDAY, 25TH JUNE, 2015

SESSION – 2014/2015



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Third Meeting of the Third Session of the Fourth Parliament
Of the Second Republic of Sierra Leone.

Proceedings of the Sitting of the House
Held on Thursday, 25th June, 2015.

CONTENTS:

I. PRAYERS

II. RECORD OF VOTES AND PROCEEDINGS FOR THE PARLIAMENTARY SITTING HELD ON TUESDAY, 23 JUNE, 2015.

III. LAYING OF PAPER

THE MINISTER OF TRANSPORT AND AVIATION

A CONCESSION AND LEASE AGREEMENT FOR TERMINALS AND FERRY SERVICES BETWEEN LUNGI AND FREETOWN BY THE MINISTRY OF TRANSPORT AND AVIATION AND THE WEST MINSTER FACILITIES MANAGEMENT LIMITED, DATED 17TH NOVEMBER, 2014.

IV. MOTION OF THE COMMITTEE ON APPOINTMENTS AND THE PUBLIC SERVICE

PROPOSER: HON. LEONARD S. FOFANAH
SECONDER: HON. KOMBA E. KOEDYOYOMA



THE CHAMBER OF PARLIAMENT OF THE REPUBLIC OF SIERRA LEONE

Official Hansard Report of the Proceedings of the House

THIRD SESSION - THIRD MEETING OF THE FOURTH PARLIAMENT OF THE SECOND REPUBLIC

Thursday, 25th June, 2015.

The House met at 10:07 a.m. in Parliament Building, Tower Hill, Freetown.

I. PRAYERS

[The Table Clerk, Mr Lamin Yansaneh, Read the Prayers].

[The Deputy Speaker, Hon. Chernor R. M. Bah, in the Chair].

The House was called to Order

Suspension of S.O 5(2)

II. CORRECTION OF VOTES AND PROCEEDINGS FOR THE PARLIAMENTARY SITTING HELD ON TUESDAY, 23 JUNE, 2015.

COMMUNICATION FROM THE CHAIR

THE SPEAKER: Honourable Members, we go through the record of Votes and Proceedings for the parliamentary sitting, held on Tuesday, 23rd June, 2015. Page 1? Page 2? Page 3? Page 4? Page 5? Page 6? Page 7? There being no amendment, can someone move for the adoption of the record of Votes and Proceedings for the parliamentary sitting, held on Tuesday, 23rd June, 2015?

HON. MABINTY K. SILLAH: Mr Speaker, I so move.

THE SPEAKER: Any seconder?

HON. BENNEH BANGURA: Mr Speaker, I so second.

(Question Proposed, Put and Agreed To)

[The record of Votes and Proceedings for the parliamentary sitting, held on Tuesday, 23rd June, 2015, has been adopted as presented]

III. PAPER LAID

THE MINISTER OF TRANSPORT AND AVIATION

A CONCESSION AND LEASE AGREEMENT FOR TERMINALS AND FERRY SERVICES BETWEEN LUNGI AND FREETOWN BY THE MINISTRY OF TRANSPORT AND AVIATION AND THE WEST MINISTER FACILITIES MANAGEMENT LIMITED, DATED 17TH NOVEMBER, 2014.

IV. MOTION OF THE COMMITTEE ON APPOINTMENTS AND THE PUBLIC SERVICE

PROPOSER: HON. LEONARD S. FOFANAH

SECONDER: HON. KOMBA E. KOEDYOYOMA

1. Introduction

HON. LEONARD S. FOFANAH (*Deputy Majority Leader of the House*): Mr Speaker, Honourable Members, I am happy to present to you the Third Session of the Fourth Parliament of the Second Republic of Sierra Leone, Sixteenth Report of the Committee on Appointments and the Public Service on Parliamentary vetting of Presidential Nominations. The Committee met on Thursday, 18th June, 2015, and interviewed five Presidential nominees for appointment as:

- Board Chairman, Sierra Leone Housing Corporation (SALHOC)
- Two Board Members, Sierra Leone Postal Services (SALPOST)
- Board Member, Sierra Leone National Shipping Company (SLNSC)
- Board Member, Sierra Leone Airports Authority (SLAA)

2. Procedure

Mr Speaker, Honourable Members, the Committee maintained strict consistency to its established procedure. Probing questions put to the nominees covered wide range of issues pertaining to their educational background, track records in public service, declared assets, tax obligations and their visions for a successfully and nationally productive tenure.

3. Eighteenth Sitting of the Committee on Thursday, 18th June, 2015. The following nominees were interviewed on oath:

i. Commodore (Rtd) Andrew Augustus Koroma, Proposed Chairman, Sierra Leone Housing Corporation

Mr Speaker, Honourable Members, Rtd Commodore Andrew Augustus Koroma is a professional Mechanical and Electrical Marine Engineer with a wide range of technical, managerial skills and considerable work experience obtained in both the military and civilian sectors in Europe, West Africa and Sierra Leone. In his interview, Commodore Koroma said he was well aware of the acute housing situation in the country. He said, *"There are just not enough houses and I will inquire if there are any more lands available to the Corporation that could be utilised to build more Low-cost houses."* Commodore Koroma observed that SALHOC, like many other institutions in Sierra

Leone, lacks long term financing. *"I am however optimistic because SALHOC has a contemporary window of savings that could be used to mobilize funds. Alternately, we could explore the possibility of a partnership with NASSIT for mortgage financing,"* he concluded.

ii. *Alhaji Oluwole A. Alghali, Proposed Board Member, Sierra Leone Postal Services (SALPOST)*

Mr Speaker, Honourable Members, Mr Alhaji Oluwole Alghali is a development oriented officer who has a wealth of experience and expertise in project management and appraisal. He has served in the following capacities:

- 1974-1976, Project Officer at the National Development Bank (NDB); and
- 1976-1992, Project Coordinator at the National Authorizing Office, Freetown.

Answering to questions, Mr Alhaji Alghali opined that SALPOST has been overtaken by developments in the telecommunication industry. *"Sending letters by e-mail today is more fashionable, easier, faster and cost effective than by post,"* he said. He told the Committee that the management of SALPOST ought to have had the initiative to come up with new ideas to keep the industry in business and one area they could have done so was in the Post Office Savings Bank. He went on to say that SALPOST has infrastructures all over the country and he would do his very best to help resuscitate the Post Office Savings Bank for the benefit of the public.

iii. *Mr Alhaji Ben Kamara, Proposed Board Member, Sierra Leone Postal Services (SALPOST)*

Mr Speaker, Honourable Members, Mr Alhaji Ben Kamara is a former teacher and community/Social Worker who has worked tirelessly to educate his people on the importance of decentralisation and the Local Government system. Reacting to questions, Mr Alhaji Ben Kamara said that although SALPOST might appear to be moribund, all is not lost yet. *"With hard work, some aspects of its previous functions could be resuscitated,"* he said. He stated that letters are hardly posted these days because everybody is now using the internet. *"What do we do? Are we to sit with*

folded arms? No! The Post Office could start an internet café, a courier service, reopen the Post Office savings bank and a host of other things," he concluded.

iv. Mr Patrick I. Lambert , Proposed Board Member, Sierra Leone National Shipping Company (SLNSC).

Mr Speaker, Honourable Members, Mr Patrick Lambert had a brief sojourn in the Royal Sierra Leone Military Forces from 1966 to 1969 before joining the Petroleum Industry, Shell Company Sierra Leone from 1970 to 1973, and AGIP Sierra Leone Limited from 1974 to 1976. In 1977, he joined the Sierra Leone Civil Service and served in several Ministries until his retirement in 1996. Responding to the Committee's inquiries, Mr Lambert said, *"I will do all in my power to ensure that the Sierra Leone National Shipping Company starts paying dividend to government for nation building."*

v. Alhaji Mohamed Abu Sesay, Proposed Board Member, Sierra Leone Airport Authority.

Mr Speaker, Honourable Members, Mr Alhaji Sesay is a multi-talented personality who has served as Sport/Football Administrator at the club, regional, national and African Regional levels between 1982 to 1996. In journalism (1996 -2007), Mr Alhaji Sesay had served as Editor of the 'We Yone Newspaper', and Editor and Managing Editor of the POINT Newspaper. Mr Alhaji Mohamed Abu Sesay has also served in the following capacities:

- 2015, Contracted Executive Director, Sierra Fishing Company; and
- 2014 to 2015, Corporate Secretary and Deputy General Manager, SLPA Consultant

Mr Speaker, Honourable Members, Mr Alhaji Mohamed Abu Sesay promised to work assiduously to ensure that the Sierra Leone Airports Authority becomes the revenue generating institution it used to be.

Mr Speaker, Honourable Members, the Committee adjudged the following Presidential nominees to be suitably qualified for their proposed appointments and are recommended to the House for approval:

- i. Commodore (Rtd) Andrew Augustus Koroma, Chairman, Sierra Leone Housing Corporation;
- ii. Alhaji Oluwole A. Alghali, Board Member, Sierra Leone Postal Services;
- iii. Alhaji Ben Kamara, Proposed Board Member, Sierra Leone Postal Services;
- iv. Mr P. I. Lambert; Proposed Board Member, Sierra Leone. National Shipping Company; and
- v. Alhaji Mohamed Abu Sesay, Proposed Board Member, Sierra Leone Airports Authority.

Mr Speaker, Honourable Members, the Sixteenth Report is the unanimous decision of the Committee. I therefore move that the Sixteenth Report of the Third Session of the Committee on Appointments and the Public Service be adopted by the House and that the recommendations contained therein be approved.

THE SPEAKER: Any Seconder?

HON. KOMBA E. KOEDYOYOMA: Mr Speaker, Honourable Members, I second the motion moved by the Acting Chairman.

(Question Proposed)

HON. KOMBA E. KOEDYOYOMA: Mr Speaker, Honourable Members, we have before eminent Sierra Leoneans who have been nominated by the President to serve in various State offices. As Members of Parliament, we are here to approve the recommendations of the Committee on Appointments and Public Service. During the Committee's hearing, the nominees were examined based on their track records, work experience, tax obligation and what they have done for this country. As a Committee, we found the nominees to be suitably qualified for the respective positions they have been nominated to serve.

Mr Speaker, Honourable Members, according to the Report which has just been read out by the Acting Chairman of this Committee, the five nominees before us made some promises and commitments, and we must accept them on the basis of those commitments. They should also be reminded that their nominations are not a payback

for whatever they have done for the APC Party, but it is in recognition of their past works for this country they have been nominated to continue to serve this nation. Therefore, we expect nothing other than success. We hope that the commitments they have made during the course of their interview would be realised once this House approves their nominations.

Mr Speaker, Honourable Members, I want to briefly talk about the two nominees who have been nominated to serve at SALPOST. I want to state here that SALPOST is almost a moribund institution. However, I am happy to note here that the nominees have committed themselves to reactivating that SALPOST. It is only in this country that our postal services are not working properly, Mr Speaker. This is due to the lack of management initiatives. The two nominees who have been nominated to serve in that institution have promised to make SALPOST acceptable to the Sierra Leonean community. I am happy to also note my contribution to that institution, especially the SALPOST Bank. I donated some funds to SALPOST for it to be revived and resuscitated. Therefore, I want to appeal to the two nominees to go there and render their services diligently. They have to ensure that SALPOST becomes an enviable institution. SALPOST has structures almost everywhere in this country. The two nominees should go there to ensure that those structures become functional for the benefit of the people of this country. I hope that they will do more than what they have committed themselves to do. As a Parliament, we want a situation wherein when we come to look at their activities after their approval over a period of one year, they would have done better than what others have done before.

Mr Speaker, Honourable Members, I also want to talk about Alhaji Mohamed Abu Sesay, who has been nominated to serve in the Sierra Leone Airport Authority. It is no doubt that much has been done at the Airport to improve on its status, but more needs to be done, so that the achievement we have made will not go down the drain. The security situation in the Airport should be improved. The Airport is always inundated with people who normally hang around doing nothing, but to disturb the peace of the travelling masses. If this Honourable House approves the nomination of Alhaji Mohamed Abu

Sesay, I would like him to work with his colleagues on the Board to ensure that the security situation at the Airport is strengthened, so that the Airport will meet international standards. It is sometimes disgraceful to see visitors being ruffled around on their arrival by people who have no business to do there. We hope that with your vast experience, you would be able to put ideas together, so that international best practices are maintained in the Airport.

Mr Speaker, Honourable Members, I am sure Mr Patrick Lambert must have mustered vast experience, which he will use in bringing discipline in the management of the Sierra Leone Fishing Company. I want to inform him that there are challenges in that institution, but if you work hard, those challenges will be surmounted. I hope he will do everything possible to ensure that the Sierra Leone Fishing Company performs the duties for which it was originally created. On that note, Mr Speaker, Honourable Members, I want to entreat this Honourable House to approve these nominees. I thank you very much, Mr Speaker.

HON. SULIAMAN M. SESAY: Mr Speaker, Honourable Members, as a former Chairman of the Sierra Leone Postal Services, I will like to say few words about some of these nominees. When I took over the Chairmanship of the Sierra Leone Postal Services, I was able to turn it around within a period of six months. Whenever the President travels to the provinces, people always ask him why he removed me from that Office to come to Parliament. I met that Office with no water, electricity or even computers, but I was able to ensure that those amenities were provided. I had two officers who helped me in reviving that institution.

Mr Speaker, Honourable Members, I also want to talk about the nominee who has been nominated to the Sierra Leone Housing Corporation. I am sure that with his effort and expertise, he will ensure that SALPOST functions again as initially intend. Mr Speaker, for Mr Patrick I. Lambert, some of us know him personally. In 1967, he was the ADC to Brigadier Juxon-Smith. He also helped in turning the Post Office around; and I am sure with the level of his experience, Post Office will be viable again. When we went to Europe and America, we saw that the Postal Services in those countries were working

effectively. I don't understand why the Sierra Leone Postal Services, as an institution, is not functioning properly. I am pretty sure that the two nominees who have been nominated to go to SALPOST will work very hard to resuscitate that institution. With these few words, Mr Speaker, I want to support the recommendations of the Committee on Appointments and the Public Service. I thank you.

HON. KOMBA E.S BOYA: Mr Speaker, Honourable Members, I happen to know almost all the nominees before us this morning. I want to talk about two of the nominees before us this morning. Mr Lambert left the Sierra Leone Military forces in 1969, seven years after I was enlisted into the army. He was one of the finest Officers of his time. Therefore, I have no doubt that if this House approves his nomination, he will do his best for the betterment of this country.

Mr Speaker, Honourable Members, for (Rtd) Commodore Andrew Koroma, I served with him for over 30 years. The President did not make any mistake for nominating him because he was a good military officer. Mr Speaker, like what my colleague from Bombali said, this nominee was in SALPOST and his records are still there. Now that he had been moved to SALHOC, I have no doubt that he will continue to work hard. I want to urge my colleagues to support the approval of all the nominees before us this morning. I thank you very much.

HON. P.C BAI KURR KANAGBARO SANKA III: Mr Speaker, Honourable Members, the previous speakers have spoken very well about the nominees before us. These are illustrious sons of this country. They have served this country in different capacities and they did well in their areas of responsibilities. I am happy for the caliber of people being nominated to SALPOST. SALPOST needs a facelift, Mr Speaker and these nominees should go there to ensure that SALPOST is fully revived. We want SALPOST to create employment for the youth of this country. We have been talking about privatisation for some of our institutions in this Parliament. We need to have our own Companies to do our jobs and to create employments for our youth. If you look at the construction industry, we have qualified engineers in this country, but we don't have the companies to do our jobs. If we are talking about 15% or 35% growth, why the money is not

entering our banks in Sierra Leone? This is not happening because the Contractors are all foreigners. As a Parliament, we are not here to approve things for people to make money. We need Sierra Leoneans on both sides of this Parliament to create jobs for the youth of this country. Mr Speaker, if Sierra Leoneans own some of these Companies, they will be awarded contracts to construct roads in this country. The proceeds will definitely reflect in our banks. Therefore, I want to appeal to this Honourable House to encourage our brothers and sisters to establish Companies in this country. I want to say here that all the institutions these nominees are going to serve are revenue generating institutions. Therefore, I want the nominees to go there and do something extraordinary for the betterment of this country.

Mr Speaker, Honourable Members, when I was going to school, I had a Savings Bank Account at SALPOST, and the My Deputy Majority Leader of this House can testify to that when we were in school. I used to go to the Post Office and collect money. We used to make order from England and that was where we made the payment. We had to open an account for us to get our order and when it comes, they would have to deduct the amount we owed. SALPOST was also serving as a bank, and we still want that trend to continue. Some speakers have said that the infrastructure is all over this nation to enable you generate revenue. Today, DHL is charging 10 times what EMS is charging. The question is, why can't you revive it, so that people could use EMS instead of DHL? I was in the US when DHL started operations. It was a small company in Maryland, but it has become a worldwide institution. Our Post Office will not be a viable institution if we fail to do our job.

Mr Speaker, Honourable Members, I want to emphasize here that if SALPOST is fully revived, documents can be delivered overnight. We can use it to send money to the provinces. Why are we allowing Airtel sending money from one place to another in this country? That Company is a foreign Company. Therefore, I want these nominees to go to those institutions and be creative in the performance of their duties. They are not going there to further wreck those institutions.

Mr Speaker, Honourable Members, this Government has spent a lot of money in the process of giving the Sierra Leone Airport Authority a facelift. Today, the Airport Authority has employed approximately two hundred Sierra Leoneans and more jobs are going to be created for our people. Mr Speaker, these five nominees can change the face of this country if they are ready to contribute positively towards the workability of those institutions. Nobody is challenging your honesty, sincerity and hard work, but you need to be creative if those institutions are to work effectively. In other words, you have to employ new initiatives, so that Sierra Leone becomes a better place for us. On that note, Mr Speaker, we have to be paying our taxes, so that we do not have to always depend on donors. I want to thank the Speaker for this opportunity (*Applause*).

HON. IBRAHIM R. BUNDU: Mr Speaker, Honourable Members, I stand here to lend my voice and to particularly comment on not the individuals, but the institutions they have been sent to serve. This will be in respect of the Sierra Leone Postal Service and the Sierra Leone Housing Corporation. My primary and early secondary school education taught me to know that the basic needs of life are food, clothing and shelter. These three are basic needs of any human being in this world. You do not expect somebody to go hungry and live as a human being. Any decent human being must not go out naked as well. That is why clothing is very important to human beings. If you do not have shelter, your situation could be described as a pathetic one. It is against this backdrop that during the 80s the government then thought it fit to fulfill its obligation.

Mr Speaker, Honourable Members, the Sierra Leone Housing Corporation Act was enacted in this House in the 70s. The huge acreage of land where the OAU Villas are situated is the property of the Sierra Leone Housing Corporation. Also, the land where the Seven Battalion is located is the property of the Sierra Leone Housing Corporation. There is a bank at Siaka Steven Street which is also the property of Sierra Leone Housing Corporation. All of these are the property of the Sierra Leone Housing Corporation. The question is what is going on in this Corporation? The Institution is there; the laws are also there; but what is going on, Mr Speaker. I will use the bank as an example. This bank is expected to create the enabling financial structures for

tenants to those houses, but the bank is not functional, and it is one of the moribund institutions in this country.

Mr Speaker, Honourable Members, when I read the resume' of the Mr Commodore Koroma, proposed Chairman of the Corporation, I noticed one of the challenges he will encounter. I am saying this because the Seventh Battalion took over the property of the Sierra Leone Hosing Corporation. Members of the Committee on Works, Housing and Infrastructure will attest to this House that there is still a problem in terms of payment. This is one of the challenges Mr Commodore Koroma is going to face.

Mr Speaker, Honourable Members, one of the nominees before us was a member of the Sierra Leone Housing Corporation, Mr Oluwole Alghali. I want to remind him that if we fail to fulfill government's obligation, it would be a human right issue. The construction of houses in this country is not even helping the government at all. I am saying this because when we have the opportunity to build houses, we construct big houses that we may not be able to renovate, especially when there are no tenants to ensure the renovation of those houses. We have seen people in other countries constructing modest houses for people who are starting life, but this is not happening in this country. People want to construct castles in this country. The question is, what will you do with it in this frail and fragile economy? We have seen situations wherein once houses are sublet to people who cannot afford to take care of those houses, they appear moribund and dilapidated. This is because even your children will not want to live in those houses because they would have appeared unfashionable. We have houses in this country that are not occupied because people are afraid to go there. Why don't we convert them to quarters for our youth, who have just graduated from the Universities?

Mr Speaker, Honourable Members, this is a very big challenge for Mr Commodore Koroma. Throughout my secondary school days, my school fee was paid through the Post Office. Students at that time were not carrying moneys in their pockets. It was through that institution moneys were transferred from one place to another. Money transfer started way back when the Post Office was very effective in this country. The

former Deputy Speaker of this House was a Post Master. Post Masters were very important personalities in this country. They were held in high esteem in this country. In fact, when I was going to school, the Post Office was one of the institutions I admired most in this country. My brothers used to send me to the Post Office to collect their lanky shorts, Allan Bucklin shoes and many other things. They order them at the start of the week and by Friday; we would go there to collect those things, so that they could go to their parties on Saturdays. This has been one of the vital roles of Post Office in this country. What has actually gone wrong, Mr Speaker? Today, we are seeing moneys being transferred by foreign companies, whilst the Post Office is doing nothing just because it is owned by the government.

Mr Speaker, Honourable Members, I want to admonish and encourage the nominees to do their best in terms of rekindling the functions of the Sierra Leone Postal Services. You are going to institutions that are not new to you. Your experiences and qualifications have enabled you to know better than most of us here. The failure of those institutions has negatively affected past governments, including this government. On that note, Mr Speaker, I want to join my colleagues in asking this Honourable House to ratify these nominees. I also want the nominees to know that failure is not an option this time. I thank you very much (*Applause*).

HON. PATRICK L. M. KARGBO: Mr Speaker, Honourable Members, I am very happy this morning because I know one of the nominees who was my classmate. He was my senior at the Madina Secondary School.

Mr Speaker, Honourable Members, I want to talk about Mr Alhaji Mohamed Abu Sesay. When we were attending school, he was a Christian because his uncle, who was the Principal of that school, was a Christian. However, he has been nominated to serve as Board Member at the Sierra Leone Airport Authority. I have no doubt about his ability to perform his duties effectively. He was one of the Senior Prefects in that school; and he was a disciplinarian. According to the Report, the nominee had got series of state appointments; and I want to believe that he did well in the offices in he has served. I knew this nominee to be a fastidious somebody who always performed his functions to

perfection. Therefore, if this House approves his nomination, I want him to live up to his responsibilities. I am convinced that the gentleman I knew during our school days will surely perform exceptionally well. The expectations of the people of this country are extraordinarily high and they rely on us for positive results. We know that he is going to face with challenges, but with his knowledge and experiences he has marshaled over the years, he will definitely bring some positive changes in that institution. He has to work very hard to make a positive difference. With these few words, I want to urge this Honourable House to speedily approve these nominees. I thank you very much.

HON. ANSUMANA J. KAIKAI (*Acting Minority Leader of the House*): Mr Speaker, Honourable Members, I participated in the interview process of the nominees seated before us this morning. During the interview, I personally found the nominees very articulate and impressive. I also discovered that none of these nominees has been an active politician. As a result, I wasted no time but to recommend them to this House for approval. He has appeared before us less than a year ago; and I was wondering why he has been nominated to serve in another capacity. I was made to understand that most of them on that Board were asked to be excused because they had asked questions that were going to lead into further probing, maybe by the Public Accounts Committee.

Mr Speaker, Honourable Members, with that in mind, and personally knowing Mr Commodore Koroma, I do not see any reason in delaying the approval of these nominees. I am asking this House to speedily approve them because they are patriotic Sierra Leoneans. I thank you very much (*Applause*).

HON. LEONARD S. FOFANAH (*Acting Majority Leader of the House*): Mr Speaker, Honourable Members, today is a very different day because we have not heard the usual rhetoric that characterises every speech delivered in this House by the Acting Minority Leader. This is clear indication that their own time has ended and it is going to take a very long time for them to resume again.

Mr Speaker, Honourable Members, the session you are witnessing this morning was the same session that characterised the interview of these nominees. The interview became

a discussion group between the Honourable Members who are on the Committee Appointments and the Public Service and the interviewees. There was a lot of trust of discussion between the Committee Members and the nominees. The same lectures, pieces of advice and admonitions that have been proffered here by the various speakers were the same accolades that featured prominently during the interview.

Mr Speaker, Honourable Members, the Majority Leader of this House has said that he had seen no reason why some of these institutions are failing us. They should be the pride of this country, but because of mismanagement, they are not functioning properly. We hope that the corrective measures the President is trying to put in place will be supported in terms of making sure that these institutions are rejuvenated for the betterment of this country. The Committee on Appointments and the Public Service did not only interview these nominees, but also provided a lot of suggestions to the various Board Members who are going to serve in those institutions. Mr Speaker, like what the other speakers have said, there is no reason why those institutions should be failing us. We hope the advised that the nominees have received this morning will go a long way to enhance their capacity and recuperate those institutions.

Mr Speaker, Honourable Members, having said these few words, I want to thank every speaker who has contributed so eloquently to the approval of these nominees. I thank you very much.

(Question Proposed, Put and Agreed To)

[The Motion by the Committee on Appointments and the Public Service has been carried]

THE SPEAKER: Gentlemen, on behalf of me and the other Members of Parliament, I wish you well.

V. BILL

THE PUBLIC PROCUREMENT ACT, 2015

INTRODUCTION AND FIRST READING

THE MINISTER OF FINANCE AND ECONOMIC DEVELOPMENT

THE MINISTER: Mr Speaker, Honourable Members, I move that the Bill entitled, 'The Public Procurement Act, 2015' be read the first time.

(Question Proposed, Put and Agreed To)

(The Bill has been read the first time)

SECOND READING

THE MINISTER: Mr Speaker, Honourable Members, I move that the Bill entitled, 'the Public Procurement Act, 2015, be read the second time. Mr Speaker, as this Honourable House may be aware that approximately 70% of government fund is expended on public procurement to accomplish government programmes, meet targets and provide administrative support to Ministries, Agencies and Departments (MDAs). With the vast majority of public resources being expended in this way, there is the need to ensure the judicious utilisation of funds and to further ensure that their utilisation are in line with other public policy requirements. In order to guide the procurement process, and to ensure uniformity in the application of the Public Procurement Act, which was enacted in this Parliament in 2004, and other regulations like the Public Procurement Regulations of 2006, and the Procurement Manual. In order to supervise the mandate of the Act, a regulatory body called the National Public Procurement Authority was established, a requirement that was stipulated in the enabling Act. This body is responsible for ensuring compliance by procuring entities with the requirements of the Act. In the ensuing years, and as public procurement continues to evolve, it became apparent that there were inherent weaknesses in the 2004 Act. Mr Speaker, because procurement is an evolving and dynamic discipline, and since the Act was passed into law with relative haste, we want to ensure that no gap exists once the centralised system of procurement that was in existence at the time came to an end. The conflict that has been taking place with other legislations during the course of implementing this Act and other attendant documents will be addressed once and for all.

Mr Speaker, Honourable Members, noting the difficulties faced by the National Public Procurement Authority in managing this process, the Government of Sierra Leone

requested the World Bank in 2010 to conduct a review of the Act in an effort to align with internationally accepted standards. The ensuing Country Procurement Assessment Report (CPAR) was subsequently carried out as a joint exercise between the Government of Sierra Leone and the World Bank, the Organisation for Economic Corporation and Development (OECD) and the Development Assistance Committee (DAC). The aim was to assess Sierra Leone's country procurement systems. The CPAR highlighted some areas of weakness in the current Act. The World Bank and other Donor Partners recommended for a review of the Act. The objectives of the CPAR were:

- to provide a comprehensive analysis of the country's public sector procurement system, including the existing legal frame work, organisational responsibilities, control and oversight responsibilities or capacities, present procedures and practices;
- to undertake a general assessment of the institutional, organisational and other risk associated with the procurement process, including the identification of procurement practices unacceptable for use in bank finance projects; and
- to develop a prioritised action plan to bring about institutional improvements and to assess the competitiveness and performance of Local Private Industries with regard to participation in public procurement and the adequacies of commercial practices that relates to public procurement.

Mr Speaker, Honourable Members, following the country's Procurement Assessment Report, the following were identified as a key areas to be revised in the Public Procurement Act, 2004 and the Public Procurement Regulations of 2006:

- the procurement methods which were found to be imprecisely or not fully set forth and their conditions for use were not clear or consistently stated;
- the use of a two envelop system should be clearly prohibited for works and goods in both the Act and its Regulations except for the selection of consultancy;
- the Act should expressly provide that foreign bidders may participate in procurement conducted using national competitive bidding;

- in the case of a procurement involving multiple lots, the procurement records should be selected based on the estimated total value of the overall procurement package and not on a lots by lots value bases;
- the tender opportunity publication requirements are consistently set forth in the Act and its Regulations;
- the Regulations should be revised, so that they do not allow for individual determination or interpretation as to when nationality may be used as a discriminatory factor in public procurement participation;
- the registration process for private sector companies needs to be clarified, so that it is not an eligibility requirement or other condition for participation in public procurement;
- the Act does not contain expressed provisions relating to the debarment process, nor does it provide for an Independent Procurement Review Panel from a decision to debar bidders by the National Public Procurement Authority;
- the Act and its Regulations should explicitly describe the conditions for the participation of government own enterprises in public procurement;
- although the Act does permit negotiations to reduce the contract cost when the lowest evaluated responsive exceeds the contract price by a substantial margin, the distinction as to when such negotiations are acceptable and when rebidding is required should be made clearer;
- pre-convocations should not be used for the purpose of shortlisting in restricted bidding and registry systems;
- as contained in the Acts, the Regulations should make clear that nothing in the functions assigned to the NPPA shall construed to include the power to participate in any specific procurement contract and to otherwise intervene in procurement operations;
- regulations should be updated on regular bases, since regulations are normally updated more often than the primary Act. In Sierra Leone, the Procurement Regulations have not been updated since 2006;

- the Act and the Regulations should be revised, so as to refer to the current Anti-Corruption Act, 2008 and not to the repealed Anti-Corruption Act of 2000;
- the need for a clear revision or cross reference to the Government Budgeting and Accountability Acts of 2005 with regards to the commencement of procurement proceedings to ensure that funds meant to finance procurement contract awards are available and covered by appropriations duly approved by Parliament;
- clear line of independence should be established between the National Public Procurement Authority and the Independent Procurement Review Panel;
- deadlines for the submission of complaints to the Independent Procurement Review Panel should be unambiguous in the Acts and the mechanism for the enforcement of decisions should be included in the Acts and the Regulations;
- a mechanism for enforcement of decisions of the Independent Procurement Review Panel should be included in the Acts and its Regulations; and
- the right to judicial review in the High Court of Sierra Leone of decisions of the Independent Procurement Review Panel should be provided for in the Act.

Mr Speaker, Honourable Members, following the identification and recommendations of the aforementioned issues as the key areas to be revised in the enabling Act and its Regulations, the Commonwealth Secretariats provided a legal consultant with extensive procurement experience to assist in the review process. A task force was set up, which comprised stakeholders led by the consultant who conducted a detailed review of the Act in line with the banks' recommendations and also taking in to account the operational landscape and environment prevailing in Sierra Leone. The findings and recommendations were encapsulated in a document titled, 'The Working Document', which was then shared among shareholders at a workshop. Again, all Stakeholders were given the opportunity to make known their views and make additional recommendations on the review process.

Mr Speaker, Honourable Members, it is apparent from the Board that this has not been easy. A major consideration throughout the review process was to ensure that stakeholders are included from all Ministries, Departments and Agencies of

Government, Local Councils, the Business Community, Key Non-State Actors, Civil society Organisations, the Office of the President and our Development Partners like the World Bank, the Commonwealth Secretariat and other International Financing Institutions. Following production of the first draft of the Bill, it was presented to Cabinet, where further inputs and comments were received and incorporated into the Bill. The Bill was then sent to the Law Officers Department in the Office of the Attorney General and Minister of Justice for further scrutiny. It was subsequently sent to the Government Printing Department for printing and then presented in accordance with the applicable law.

Mr Speaker, Honourable Members, once enacted into law, the newly revised Public Procurement Acts, 2015 will benefit the government and public financial management in Sierra Leone in the following ways:

- strengthen procurement Organisation practices, policies and procedures;
- increase the capacity of procuring entities to effectively plan and manage its procurement;
- strengthen the National Public Procurement Authority to effectively monitor and regulate the procurement process;
- strengthen the Independent Procurement Review Panel to effectively and independently adjudicate complaints;
- improve national accountability, transparency and promote efficiency in the public financial management process;
- reduce the likelihood of corruption and provide for appropriate sanctions where corruption is detected by Public Officials; and
- provide a procurement system that would be consistent with the latest internationally accepted standards, principles and practices.

Mr Speaker, Honourable Members, with these explanations, I move that the Bill entitled, 'The Public Procurement Act, 2015,' be read the second time. I thank you.

(Question Proposed)

HON. PATRICK L. M. KARGBO: Mr Speaker, Honourable Members, due to the importance of the document in front of us, and since it requires us to read and understand its content, I rise on S.O 37 to move that the debate be adjourned to another date.

THE SPEAKER: Any seconder?

HON. JUSUFU B. MANSARAY: Mr Speaker, I second the motion.

(Question Propose, Put and Agreed To)

(The Debate on the Bill, the Public Procurements Authority Act, 2015, has been deferred)

ADJOURNMENT

(The House rose at 11.35 a.m., and was adjourned to Tuesday, 30th June, 2015, at 10.00 a.m.)