



OAU DRIVE, TOWER HILL, FREETOWN

PARLIAMENTARY DEBATES

[HANSARD]

OFFICIAL HANSARD REPORT

FIFTH SESSION - FIRST MEETING

TUESDAY, 30th MAY, 2017

SESSION – 2016/2017



OAU DRIVE, TOWER HILL, FREETOWN

PARLIAMETARY DEBATES

[HANSARD]

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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 Tuesday, 30th May, 2017.

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THE WARD [BOUNDARY DILIMITATION AMMENDMENT] REGULATIONS, 2017

THE CONSTITUTION OF SIERRA LEONE, 1991 [ACT No. 6 of 1991]

STATUTORY INSTRUMENT No. 57 of 2017



THE CHAMBER OF PARLIAMENT OF THE REPUBLIC OF SIERRA LEONE

Official Hansard Report of the Proceedings of the House

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

Tuesday, 30th May, 2017.

I. PRAYERS

[The Clerk of Parliament, Mr Sulaiman Ibrahim 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

Suspension of S. O. 5[2]

II. CORRECTION OF VOTES AND PROCEEDINGS FOR THE PARLIAMENTARY SITTING HELD ON THURSDAY, 25TH 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 Thursday, 25th May, 2017. As usual, we go page by page. Page 1? Page 2? Page 3?

HON. ROSALINE J. SMITH: Mr Speaker, I was absent with excuse.

THE SPEAKER: Madam Bintu Weston, please take note of that. Page 4? Page 5? Page 6? Page 7? Page 8? There being no other correction or amendment, could somebody move for the adoption of the record of Votes and Proceedings for the parliamentary sitting held on Thursday, 25th May, 2017?

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

THE SPEAKER: Any seconder?

HON. NAVO KAIKAI: Mr Speaker, I so second.

[Question Proposed, Put and Agreed To]

[Record of Votes and Proceedings for the parliamentary sitting held on Thursday, 25th May, 2017 has been adopted as amended]

III. PAPERS LAID

[A] THE MINISTER OF STATE [I], MINISTRY OF FOREIGN AFFAIRS AND INTERNATIONAL COOPERATION

DR GIBRILLA SESAY: Mr Speaker, Honourable Members, please permit me to lay on the Table of this Honourable House the following Paper:

AGREEMENT ON PORT STATE MEASURES TO PREVENT, DETER AND ELIMINATE ILLEGAL, UNREPORTED AND UNREGULATED FISHING

[B] THE ATTORNEY GENERAL AND MINISTER OF JUSTICE

HON. LEONARD S. FOFANAH *[Majority Leader of the House and Leader of Government Business]*: Mr Speaker, Honourable Members, I beg to lay on the Table of the House, on behalf the Attorney-General and Minister of Justice, who is unavoidably absent, the following Papers:

THE WARD [BOUNDARY DILIMITATION AMMENDMENT] REGULATIONS 2017
THE CONSTITUTION OF SIERRA LEONE, 1991 [ACT No. 6 of 1991]
STATUTORY INSTRUMENT No. 57 of 2017

HON. EDWARD S. JENGO: Mr Speaker, Honourable Members, I stand on S.O 25[1] to give a notice of motion on the agreement relating to Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing. I want that Agreement to be debated as Chairman of Fisheries and Marine Resources.

THE SPEAKER: Honourable Edward S. Jengo, this is not a Statutory Instrument, but an Agreement. Therefore, whether we like it or not, we have to debate it.

IV. BILLS

[A] THE LOCAL GOVERNMENT AMENDMENT ACT, 2017

INTRODUCTION AND FIRST READING

THE MINISTER OF LOCAL GOVERNMENT AND RURAL DEVELOPMENT

SECOND READING, COMMITTEE STAGE AND THIRD READING

MR IBRAHIM H. KALOKOH *[Deputy Minister of Local Government and Rural Development]*: Mr Speaker, Honourable Members, I move that the Bill entitled, 'the Local Government Amendment Act, 2017 be read the first time.

[Question Proposed, Put and Agreed To]

[The Bill has been read the first time]

[SECOND READING]

MR IBRAHIM H. KALOKOH: Mr Speaker, Honourable Members, I move that the Bill entitled the Local Government Amendment Act, 2017 be read the second time.

Mr Speaker, Honourable Members, the proposed amendment is brought before this House because of the recent de-amalgamation of chiefdoms and the subsequent redistricting and division of the Northern Province into two provinces, which has resulted in the creation of two additional districts and one provisional Head Quarter. This necessitated the establishment of three Local Councils, which currently are not listed among the Local Councils in the Local Government Act, of 2004. The town Councils listed in the Local Government Act, 2004 have been upgraded to cities status, but the Local Government Act was not amended accordingly. The amendment of the First Schedule of Act No. 1 of 2004 is geared towards addressing the above issues. Part two of the First Schedule of the Local Government Act of 2004 makes provision for a number of Paramount Chiefs to be represented in Local Councils located in Chiefdoms. The number of Paramount Chiefs to be represented in each Council is as follows:

- District Councils with thirteen Chiefdoms and below two Paramount Chiefs;
- District Councils with fourteen Chiefdoms and above three Paramount Chief; and
- City and Town Councils the Paramount Chief or Chiefs of the Chiefdoms that constitute the Local Council represent those Chiefdoms in that Council.

Mr Speaker, Honourable Members, with the advent of the de-amalgamation of Chiefdoms and the redistricting, the number of Chiefdoms in the Local Councils have changed, hence the need for the amendment of the provisions in the Local Government Act of 2004.

Therefore, Mr Speaker, Honourable Members, the amendment of of Part Two of the First Schedule of the Local Government Act is meant to address the above issue. I move again that the Bill entitled the Local Government Amendment Act, 2017 be read the Second Time.

[Question proposed]

HON. ABU B. KOROMA: Thank you very much, Mr Speaker. Mr Speaker, Honourable Members, I want to start by supporting this Bill because we all know that we need such a Bill to come to this House, especially when we are about to enter into the electioneering process.

Mr Speaker, Honourable Members, there is one thing that puzzles me, which is the Ministry of Local Government and Rural Development. The Ministry seems to be bringing this Local Government Act in pieces. We want everything that has to do with amendment of that Act to be presented to this House. On that note, I want to send a message to the Minister himself through his Deputy that this House is looking forward to the Ministry to come with the whole Bill. There are so many issues in that Act that this Honourable House would want to amend. One thing that I am happy about is that Port Loko District is going to be a city.

Mr Speaker, Honourable Members, this Bill is very important because there are areas in the country that are not developed, so if the Ministry is bringing this Bill to this House, some of the Chiefdoms that are underdeveloped are going to be developed. I am not going to waste any more time because this is not a controversial Bill. I am calling on the House to approve this Bill speedily. Thank you very much.

HON. CLAUDE D. M. KAMANDA: Thank you, Mr Speaker. Mr Speaker, Honourable Members, the Bill before us is in tandem with the Provinces Act. We have done this in the Provinces Act and what we are doing now is merely dotting the 'Is' and cutting the 'Ts' in the Local Government Act. This is going to be like what we did as a Parliament on the Provinces Act. I think it is straight forward at least to ensure that documents relating to Local Government are in tandem with the Provinces Act. Thank you very much, Mr Speaker.

HON. JUSUFU B. MANSARAY: Thank you, Mr Speaker. Honestly this Bill is not controversial. However, I want to caution the Deputy Minister of Local Government that the Chiefdom de-amalgamation has taken place twenty-one days after January 30th 2017. In some Chiefdoms, since that de-amalgamation took place, Paramount Chiefs in those Chiefdoms are taken chances with the Chiefdoms that have been de-amalgamated. Therefore, I want to kindly crave your indulgence to start thinking about sending Regent Chiefs to those Chiefdoms. It is very important and we have debated the Provinces Act here. I want to state here that Parliament is ready to support you in terms of sending Regent Chiefs to those Chiefdoms, otherwise those Paramount Chiefs

will continue to take chances and do the wrong thing to the other Chiefdoms. My Chiefdom Jaima Bongor is a victim of that situation. I support this Bill and really want to ask that you do that as soon as possible. Thank you very much.

HON. LEONARD S. FOFANAH *[Majority Leader of the House and Leader of Government Business]*: Mr Speaker, Honourable Members, let me take this opportunity to congratulate the Acting Minority Leader. Yesterday, I had personally congratulated him when he called on me and today it is his very first official function in this Parliament this week. Everybody has said that the Bill is non-controversial. Indeed it is not controversial, but Government is making every effort in preparation for the general elections in March, 2018. We hope that the preparations would continue and we would be able to conduct a healthy and straightforward General Election come 2018.

Mr Speaker, Honourable Members, the Acting Minority Leader has indeed made a very good suggestion; and as a Government, I am sure the message has been received by the Deputy Minister of Local Government. I hope they would make it their duty and responsibility to ensure that the Regent Chiefs are installed in those Chiefdoms that have been recreated. It is important that we do that because if you leave a vacuum, a lot of interferences would take place and we do not want that to happen. We do not want any issues to affect those elections of the new Paramount Chiefs who are going to be installed in those new Chiefdoms. Therefore, I want the Minister to take that message very seriously and act upon it urgently and expeditiously.

Having said that, Mr Speaker, Honourable Members, since this Bill is supported by the entire House in readiness for the elections, I pray that the process be expedited, so that it can be passed into law. I thank you, Mr Speaker.

[Question Proposed, Put and Agreed to]

[The Bill entitled 'the Local Government Amendment Act, 2017 being an Act to amend the Local Government Act 2004, to provide for the addition of new Districts created under the Provinces Administrative Division Order 2017 and other related matters has been read the second time].

[COMMITTEE STAGE]

[THE HOUSE RESOLVES INTO COMMITTEE].

Clause 1 stand part of the Bill

MR IBRAHIM H. KALOKOH: Mr Chairman, Honourable Members, I move that Clause 1 stand part of the Bill.

[Question Proposed, Put and Agreed to]

[Clause 1 form part of the Bill as amended].

[THE HOUSE RESUMES ITSELF]

MR IBRAHIM H. KALOKOH: Mr Chairman, Honourable Members, I report that the Bill entitled 'The Local Government Amendment Act, 2017', having gone through the Committee of the whole House, I now move that the Bill be read the third time and passed into law.

[Question Proposed, Put and Agreed to]

[The Bill entitled "The Local Government Amendment Act 2017", being an Act to amend the Local Government Act of 2004, to provide for the addition of new Districts created under the Provinces Administrative Division Order 2017 and other related matters, have been read the third time and passed into Law].

[B] THE NATIONAL WATER RESOURCE MANAGEMENT AGENCY ACT, 2017

HON. AJIBOLA MANLEY-SPAIN

CHAIRMAN, LEGISLATIVE COMMITTEE

[COMMITTEE STAGE]

[THE HOUSE RESOLVES TO COMMITTEE]

REPORT OF THE LEGISLATIVE COMMITTEE, FIFTH SESSION OF THE FOURTH PARLIAMENT OF THE SECOND REPUBLIC OF SIERRA LEONE ON THE BILL ENTITLED, 'THE NATIONAL WATER RESOURCES MANAGEMENT AGENCY ACT, 2017.

1. Introduction

HON. AGIBOLA MANLEY-SPAIN [Chairman, Legislative Committee]: Thank you, Mr Chairman. Mr Chairman, Honourable Members, I rise to present to you the Second Report of the Legislative Committee of the Fifth Session of the Fourth Parliament of the Second Republic of Sierra Leone on the Bill entitled, 'The National Water Resources Management Agency Act, 2017, being an Act to provide for the equitable, beneficial, efficient and sustainable use and management of the country's water resources to:

- establish a National Water Resources Management Agency; and
- provide a Water-basin Management Board and Water Catchment Area Management Committees for the management of the Water Resources and for other related matters.

Mr Chairman, Honourable Members, this Bill, having gone through the second reading was committed to the Legislative Committee for scrutiny, pursuant to Standing Order 51[1]. Subsequently, the Committee met on Thursday, 23rd February, 2017 in Committee Room No.1, Parliament Building with the following objectives:

- to scrutinise the detailed provisions of the Legislative proposal after the Second Reading in the House;
- 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 Minister of Water Resources and officials of the Ministry, the Chairman, National Commission for Privatisation and team; the Executive Chairperson, Environmental Protection [EPA-SL] and team; representatives of the Freetown City Council, Ministry of Local Government and Rural Development, Sierra Leone Roads Authority [SLRA], Ministry of Works Housing and Infrastructure, Ministry of Agriculture Forestry and Food Security and Ministry of Lands.

2. Recommendations

Mr Chairman, Honourable Members, the Legislative Committee, having scrutinised the Bill line by line and Clause by Clause, recommends the following amendments to the House for approval:

- On the long title of the Bill, we insert the word '**Agency**' after the word '**Management;**'
- the long title be amended to read 'Being an Act to provide for the equitable, beneficial, efficient and sustainable use and management of the country's water resources;
- to establish a national Water Resources Management Agency; and
- to provide a Water-Basin Management Board and Water Catchment Area Management Committees for the management of the water resources and for other related matters.

1. Part I: Preliminary

From the definition of the word '**Agency**' to the word '**holder**' be approved.

Interpretation Clauses: On the definition of integrated water resources management, the spelling of the word sustainability to be corrected to read '**sustainability.**'

From the definition of the word '**Minister**' to the word '**Water course**' be approved.

From the definition of the word '**Water Resources,**' the word '**water**' before the word '**flowing**' be amended to read '**waters.**' The word '**pand**' after the word '**stagnant**' be deleted and replaced with the word '**pond.**'

2. Part II: Establishment and Functions of National Water Resources Management Agency.

Clause 2, Sub-clause 4[d] be amended by deleting the word '**promoting**' and replaced with '**promotion.**'

Clause 3 be approved and Clause 4 be amended as follows:

Sub-clause 2[k] be amended by inserting '**one of whom shall be a woman**' immediately after the word '**organisation.**'

A new sub-clause 'n' be added to read: **'the Permanent Secretary, Ministry of Agriculture or his representative not below the rank of Director.'**

Clauses 5 – 10 be approved and Clause 11 be amended by deleting the word **'from Sierra Leone.'**

Clause 12 be approved.

3. Part III: Functions of Agency and Administrative Provisions

That clauses 13-19 be approved

4. Part IV: Financial Provisions

Clause 20 -21 be approved and Clause 22 be amended by deleting the word **'the'** before the word **'government'**

Clause 23 be approved.

5. Part V: The Water Basin Management Board

Clause 24 be approved and Clause 25, Sub-clause 2[d] [i] be amended by inserting the words **'Forestry Division'** after **'Ministry of Agriculture.'**

6. Part VI: The Water Catchment Area Management Committees

Clause 26 be approved and Clause 27 be amended as follows:

[a] Sub-clause 2[a][i] to read: **'the Electricity Distribution and Supply Authority'**

[b] Sub-clause 2[a][vi] be amended by inserting the word **'one of whom shall be a woman'** immediately after the word **'organisation'**

[C] a new Sub-clause 7 be added to read: **'the Forest Division'**

7 Part VII: Water Use and Permit Procedures

Clause 28 be approved and Clause 29, Sub-clause 1 be amended by adding another Sub-clause 1 to read **'Any other purpose.'**

3. That from clause 30 to 33 be approved

8. Part VIII: Monitoring, Reporting and Information Systems

Clause 34, Sub-clause 2[c] [iii] be amended by inserting the word **'water'** before the word **'environmental.'**

Parts IX: Offences and Penalties

Mr Chairman, Honourable Members, although the Legislative Committee has recently been recommending penalties for offences, the Committee believes that in the event of the extreme importance of water-related issues, both fines - lower and upper levels and imprisonment should be discussed in the plenary. I will omit the last line because it has been stated before.

Part X: Miscellaneous

That clauses 36 and 37 be approved.

Conclusion

Mr Chairman, Honourable Members, the Legislative Committee, having scrutinised the Bill entitled 'The National Water Resources Management Agency Act, 2017' recommends these proposals to the House for approval. The report reflects the consensus of Honourable Members of the Committee. I therefore move that the House pass the Bill entitled 'The National Water Resources Management Agency Act, 2017' through Committee Stage and Third Reading into law. I thank you for your attention. Signed by Ajibola Manley-Spain, Chairman.

Parts 1 and 2, Clause 1 – 12 proposed.

MR MOMODU MALIGIE: Mr Chairman, Honourable Members, I move that Parts 1 and [Clause 1 – 12 proposed].

[Question Proposed]

MR MOMODU MALIGIE: Mr Chairman, Honourable Members, I move that Parts 1 and [Clause 1 – 12 form part of the Bill].

[Question Proposed, Put and Agreed to]

[Parts 1 and 2, Clauses 1 – 12 form part of the Bill as amended].

[Parts 3, 4 and 5 clauses 13 to 25 proposed]

MR MOMODU MALIGIE: Mr Chairman, Honourable Members, I move that Parts 3, 4 and 5, Clauses 13 to 25 stand part of the Bill.

[Question Proposed]

MR MOMODU MALIGIE: Mr Chairman, Honourable Members, I move that Parts 3, 4 and 5, Clauses 13 to 25 form part of the Bill.

[Question Proposed, Put and Agreed to]

[Parts 3, 4 and 5 clauses 13 to 25 form part of the Bill as amended]

[Parts 6, 7, 8, 9 and 10, Clauses 26 – 37 stand part of the Bill]

MR MOMODU MALIGIE: Mr Chairman, Honourable Members, I move that I move that Parts 6, 7, 8, 9 and 10, Clauses 26 – 37 proposed.

[Question Proposed]

HON. ABU B. KOROMA: Mr Chairman, according to the Chairman of the Legislative Committee, part 9 should be discussed. Part 9 has to do with Offences. Unfortunately, I do not have the Bill with me and I do not know whether Honourable Members would want to discuss it. I am just bringing it to the notice of the House.

THE CHAIRMAN: Honourable Member, which section are you referring to?

HON. ABU B. KOROMA: I was just bringing it to the notice of the House. The Chairman of the Legislative Committee said that that particular section should be discussed.

THE CHAIRMAN: The Chairman of the Legislative Committee did say that he would want these measures to be discussed by the whole House because of their importance.

HON. ABU B. KOROMA: I do not know whether Honourable Members would want to discuss it.

THE CHAIRMAN: So you are referring to Part 9, Clause 35.

HON. DANIEL B. KOROMA: Yes, Mr Chairman. It is Clause 35[1], under offences and the penalties. It says, 'fine not exceeding **Le5mln** or a term of imprisonment not exceeding one year.' In my opinion, Mr Chairman, I think this fine is too small in contemporary times. And when you use the phrase 'not exceeding,' it gives room to the seriousness of the offence at a lower level.

THE CHAIRMAN: Where are you referring to, Honourable Member?

HON. DANIEL B. KOROMA: I am referring to Clause 35, Mr Chairman; under 'Offences and Penalties.'

THE CHAIRMAN: Okay.

HON. DANIEL B. KOROMA: The penalty is stated on the next page.

THE CHAIRMAN: What page is that?

HON. DANIEL B. KOROMA: Page 30, the third paragraph.

THE CHAIRMAN: The third paragraph?

HON. DANIEL B. KOROMA: Commits an offence.

THE CHAIRMAN: No, there are two offences.

HON. DANIEL B. KOROMA: That is why I said offences created under 35[i] and not 35[ii]. The penalties are different from offences created under 35[ii].

THE CHAIRMAN: Okay, proceed, Honourable Member.

HON. DANIEL B. KOROMA: Mr Chairman, Honourable Members, I was suggesting that increasing the fine and the time of imprisonment does not make it more punitive in the event the offence is not as serious. However, if we say, for instance, not exceeding **Le15, 000, 000**, that does not mean the court cannot fine **Le 500,000** if it is so required. If the offence is not as serious, then the court can fine **Le 500,000** as long as it does not exceed **Le15, 000, 000** or **Le20, 000, 000**. By raising it to **Le15, 000, 000** or **Le 20, 000, 000**, it creates room for more serious offences. If the offence is serious, then the court can fine accordingly. If you say not exceeding **Le5, 000, 000**, the offence might be more serious than **Le5, 000, 000** fine or one year imprisonment. Therefore, I am strongly suggesting that we increase the amount to **Le15, 000, 000** and an imprisonment of five years. If you leave it to **Le5, 000, 000** and later find out that the offence is graver, then the court cannot do anything.

THE CHAIRMAN: Honourable Members, he has made his suggestion.

HON. SUAHILO M. KOROMA: Mr Chairman, Honourable Members, with regards to the offences, shall we just say liable for conviction for a fine not less than **Le 5,000,000** and leave the rest to the court to decide?

THE CHAIRMAN: No, we should not.

HON. FODAY RADO YOKIE: Mr Chairman, I beg to defer. We do not want to leave everything in the hands of the Judges to decide. If you give a lower limit, then there should be an upper limit as well.

THE CHAIRMAN: I agree with you, Honourable Member. Do you agree to what Honourable Daniel B. Koroma has said?

HON. SUAHILO M. KOROMA: I agree, Mr Chairman.

HON. CLAUDE D. M. KAMANDA: Mr Chairman, Honourable Members, I ask that we leave it as it is because the offences are already there. Whosoever fails to use the water resources appropriately, fails to register, refuses to give data and information, intentionally refuse to perform a duty and these are all minimal offences. Clause 35[ii] is more grave. When you decide to pollute or contaminate... - *[Interruption]*.

THE CHAIRMAN: Honourable Kamanda, I do not agree with you.

HON. AJIBOLA MANLY SPAIN: Mr Chairman, Honourable Members, I think the distinction in the amount follows the seriousness of the offences. Clause 35[i] deals with people and their misdemeanors and Clause 35[ii] offences are more serious. This is why the fines are **Le20mln**. The problem we have now is whether we should have a minimum fine and a maximum with regards to 35[i]. This was why we asked that this Clause be debated in plenary. We want to have a minimum fine of **Le5mln** and a maximum of whatever sum less than **Le20mln**. Should we say a minimum of **Le5mln** and a maximum of **Le10mln**? That is what we ask the plenary to debate on.

THE CHAIRMAN: Well, **Le15mln** has been suggested here as the maximum fine.

HON. AJIBOLA MANLY SPAIN: Let us get the view of the Minister.

HON. FRANK KPOSOWA: Mr Chairman, Honourable Members, if we look at part 2, Clause 2[a], one of whom shall be a woman immediately after the word organisation....
- *[Interruption]*.

THE CHAIRMAN: Mr Minister, do you have anything to say on this.

MR MOMODU MALIGIE: Mr Chairman, Honourable Members, on the offences, the prescribed penalties that are here are in line with the categories of offences, one being a misdemeanour. We cannot describe penalties greater than the range of which you can prescribe for a misdemeanour. It is also quite dangerous to have a maximum because let say for example, an oil company or mining company goes and pollute the water and they can only pay **Le20mIn**. It is profitable for them to pay that amount than to adhere to the various standards which we have set. So, I believe that the way it is in this Bill is good and it makes sense. I am saying this because the penalties are prescribed according to misdemeanours or felonies. Therefore, prescribing a maximum would actually be to the benefit of people that will break the law.

THE CHAIRMAN: Honourable Daniel B. Koroma, do you accept that?

HON. DANIEL B. KOROMA: I accept, Mr Chairman.

THE CHAIRMAN: Honourable Members, the view of the Minister is that let it stay as it is in the Bill; i.e., **Le 5mIn**.

HON. AJIBOLA MANLY SPAIN: Mr Chairman, when we are doing this, another thing we have to have in mind is that since it is a misdemeanour and it goes to court, the Magistrate has the power not to impose fine more than **Le5mIn**. So, if you charge offences under the first part and the law now says **Le15m**, we will be in a limbo as to which of the courts we should go. We cannot go to the High Court because it is a misdemeanour and since it is a misdemeanour, the Magistrate cannot fine what is not in the law. So we are in trouble. Therefore, I will accept what the Minister says.

THE CHAIRMAN: Not less than **Le5mIn** in the first case. What about the second instance? The second one is not exceeding **Le10mIn**. Therefore, it should now read as 'not less than **Le10mIn**?

MR MOMODU MALIGIE: I agree with you, Mr Chairman.

HON. CLAUDE D. M. KAMANDA: Mr Chairman, Honourable Members, I am very much worried and if you go to the definition, 'water' means 'underground streams, water upon the surface of the earth created naturally or artificially.' We might not be there when the lawyers will be interpreting this clause. In the villages, for instance, when we talk about water source, it is our streams and other areas where our people fetch water. If somebody goes to that water and pours palm oil, the water is being contaminated. The question is can we say that person should pay a fine of **Le5mIn** and above when that person is caught? That is the water source for the people in the villages.

THE CHAIRMAN: Mr Minister, would you like to respond?

MR MOMODU MALIGIE: I would like to respond to Honourable Claude D. M. Kamanda. Indeed you are right. In the village setting, if somebody goes and pour palm oil there, it would be wrong to fine him that amount. However, this Agency is so decentralised that even in the villages, there is a committee that will educate the people on this issue. In fact, the villages also have bye-laws. So, in taking this issue to the village level, there are bye-laws in the villages that would of help. The people in the villages will be educated. We have to start the process of how we change our peoples' attitude. Pollution is pollution, Mr Chairman. What is the difference between somebody who pours palm oil in the water and the one who pours oil?

HON. CLAUDE D. M. KAMANDA: Mr Chairman, Honourable Members, with the explanation of the Minister, I ask that the upper limit be **Le5mIn**, rather than the lower limit being **Le5mIn**.

THE CHAIRMAN: Honourable Ajibola Manly-Spain, as a very senior Lawyer, when we say a fine not less than **Le10mIn**, are you not giving leverage to the judge to even fine **Le15mIn**? This is now a grammatical issue. If you say not less than **Le10mIn**, the lawyer could even fine **Le15mIn**.

HON. AJIBOLA MANLY-SPAIN: It means 'anything above.' I do not know the position of the Minister, but it should not exceed **Le5mln**.

THE CHAIRMAN: In the first instance, not exceeding **Le5mln** then the second instance not exceeding **Le10mln**?

HON. AJIBOLA MANLY-SPAIN: Not below **Le10mln** in the second instance.

HON. CHERNOR R.M. BAH: Mr Chairman, it seems from what I am gathering that there are two separate sections being provided for offences. One of them is for misdemeanours and the other is not. For misdemeanours, the Magistrates have a limit because they cannot go beyond **Le5mln**. But after the Magistrate court, the High Court, they can go 'infinito'. So, what the Chairman is suggesting is that we focus on the Magistrate Court by stating here that it should not be more than **Le5mln**. However, when it comes to the High Court because of graver offences [as we talked about oil companies], we should not give it a limit. If we do that, we would tie ourselves. For instance, one of these oil companies is now selling petroleum products and if they pollute the water and pay not more than **Le10mln**, they would just go on benefitting and that is exactly what the Chairman is saying. For misdemeanours, it should not be more than **Le5mln** and for felonious offences, there should be no limit.

THE CHAIRMAN: Honourable Ajibola Manly Spain, let us come again to the phraseology. The phraseology, in the case of the first one, what should it be?

HON. AJIBOLA MANLY-SPAIN: It should remain as it is, Mr Chairman; i.e., 'a fine not exceeding **Le5mln**.'

THE CHAIRMAN: What about the second instance?

HON. AJIBOLA MANLY-SPAIN: We are dealing with the **Le10mln**.

THE CHAIRMAN: Yes, so it should be not less that?

HON. AJIBOLA MANLY-SPAIN: I would like to have the view of the Minister because there is a third fine of **Le 20mln**.

HON. AJIBOLA MANLY-SPAIN: In my opinion, the third fine should remain as it is. I think the problem is with the **Le10mIn**.

THE CHAIRMAN: Okay, let us hear from the Minister.

MR MOMODU MALIGIE: Mr Chairman, I totally agree with the first part that it should be 'not more than that amount.' However, the second part should be 'not less than the stated amount and the third part should also be 'not less than.'

THE CHAIRMAN: Okay. In the case of the **Le10mIn**, not less than, and then the third one ditto [not less than].

HON. DANIEL B. KOROMA: There is a fourth part on Page 31.

THE CHAIRMAN: It says, "**Any person who shall obstruct another person.**" Honourable Ajibola Manly Spain, let us look into this. To say shall obstruct is bad English.

HON. AJIBOLA MANLY-SPAIN: Who obstructs.

THE CHAIRMAN: Exactly. Therefore, please delete 'shall.'

HON. AJIBOLA MANLY-SPAIN: I think we mentioned that in the Legislative Committee.

THE CHAIRMAN: Another person in the performance of their functions under this Act commits an offence and shall be liable on conviction to a fine of **Le3mIn**.

HON. AJIBOLA MANLY-SPAIN: This one has no controversy.

THE CHAIRMAN: It has no controversy?

HON. AJIBOLA MANLY-SPAIN: No, Mr Chairman.

THE CHAIRMAN: Okay. So, we agree on what has been suggested and accepted.

MR MOMODU MALIGIE: Mr Chairman, Honourable Members, I move that parts 6, 7, 8, 9 and 10, Clauses 26 to 37 stand part of the Bill as amended.

[Question, Proposed, Put and Agreed to]

[Parts 6, 7, 8 9 and 10, Clauses 26 to 37 Form part of the Bill as amended]

[THE HOUSE RESUMES]

MR MOMODU MALIGIE: Mr Speaker, Honourable Members, I report that the Bill entitled, 'The National Water Resources Management Agency Act, 2017' having gone through the Committee of the whole House with some amendments, I now move that the Bill be read the third time and passed into law.

[Question, Proposed, Put and Agreed to]

[The Bill entitled, "The National Water Resources Management Agency Act, 2017' being an Act to provide for the equitable, beneficial, efficient and sustainable use and management of the country's water resources to establish a National Water Resources Management Agency to provide a Water Basin Management Board and Water Catchment Area Management Committees for the management of the water resources and for other related matters has been read the third time and passed into law].

ADJOURNMENT

[The House rose at 11.30 a.m., and was adjourned to Thursday, 1st June, 2017 at 10:00 a.m.]