



OAU DRIVE, TOWER HILL, FREETOWN

PARLIAMENTARY DEBATES

[HANSARD]

OFFICIAL HANSARD REPORT

FIFTH SESSION - FIRST MEETING

MONDAY, 4TH DECEMBER, 2017

SESSION – 2016/2017



OAU DRIVE, TOWER HILL, FREETOWN

PARLIAMEN TARY DEBATES

[HANSARD]

OFFICIAL HANSARD REPORT

VOLUME: I

NUMBER: 61

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 Monday, 4th December, 2017.

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Official Hansard Report of the Proceedings of the House

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

Monday, 4th December, 2017.

I. PRAYERS

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

[The House met at 11:15 a.m. in Parliament Building, Tower Hill, Freetown].

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

The House was called to Order

Suspension of S. O. 5[2]

HON LEONARD S. FOFANAH: Mr Speaker, Honourable Members, I crave your indulgence to amend the Order Paper and to insert a new item. We will now have item III [A] and item III [B] under 'Laying of Paper' by the Minister of Energy:

The Sierra Leone Regulatory and Water Commission general Licence Direct Agreement and Amendment Restatement Agreement relating to the Acknowledgement and Consent Agreement in respect of the Power Purchase Agreement.

THE SPEAKER: I am sure there is no objection. Mr Clerk, do not forget to amend the Order Paper.

II. CORRECTION OF VOTES AND PROCEEDINGS FOR THE PARLIAMENTARY SITTING HELD ON FRIDAY, 1ST DECEMBER, 2017

COMMUNICATION FROM THE CHAIR

THE SPEAKER: Honourable Members, we go through the record of Votes and Proceedings for the parliamentary sitting, held on Friday, 4th December, 2017. Page 1? Page 2? Page 3? Page 4? Page 5? Page 6? Page 7? Page 8? Page 9? Page 10? Page 11? There being no amendments, could someone move for the adoption of the record of Votes and Proceedings for the parliamentary sitting, held on Friday, 4th December, 2017 as presented?

HON. ALPHA B. LEWALLY: Mr Speaker, I so move.

THE SPEAKER: Any seconder?

HON. ALIMAMY G. KARGBO: I so second, Mr Speaker.

[Question Proposed, Put and Agreed to]

[Record of Votes and Proceedings for the parliamentary sitting, held on Friday, 1st December, 2017 has been adopted as presented]

III. PAPERS LAID

[A] THE MINISTER OF FINANCE AND ECONOMIC DEVELOPMENT

MR MOMODU KARGBO [*Minister of Finance and Economic Development*]: Mr Speaker, Honourable Members, please permit me to lay on the Table of this Honourable House the following paper:

Financing Agreement [Extractive Industries Technical Assistance Project Phase II] between the Republic of Sierra Leone and the International Development Association [IDA]. I thank you very much, Mr Speaker.

[B] THE MINISTER OF ENERGY

HON. LEONARD S. FOFANAH: Mr Speaker, Honourable Members, I am in communication with the Minister of Energy and as Majority Leader of this Honourable House and Leader of Government Business, I have been asked to lay the following papers:

[i] Sierra Leone Electricity and Water Regulatory Commission, Generation Licence Direct Agreement; and

[ii] Amendment and Restatement Agreement relating to the acknowledgement and consent Agreement in respect of the Power Purchase Agreement.

IV. GOVERNMENT MOTIONS

[A] THE MINISTER OF TRANSPORT AND AVIATION

MR LEONARD B. KOROMA [*The Minister of Transport and Aviation*]: Mr Speaker, Honourable Members be it resolved that this Honourable House ratify the following Agreement which was laid on the Table of the House on Thursday, 26th October, and Friday, 1st December, 2017 respectively:

[i] Addendum No.1 to the Cargo Tracking Note System Agreement [27th November, 2014], Dated 20th September, 2017 by and among Sierra Leone Ports Authority ["SLPA"] and the Government of Sierra Leone; represented by the Ministry of Transport and Aviation [the "GOSL"] and National Commission for Privatisation ["NCP"] Global Tracking and Maritime Solutions Holdings [GTMS Holdings] [the "Sponsor"] and Transport and Ports Management System, West Africa, Sierra Leone – [TPMS, WA-SL] [the "Contractor"]; and

[ii] Addendum No.1 to the Licence Agreement Bulk and Break-Bulk Terminal at Queen Elizabeth II Quay, Dated 24th June, 2015 [“Licence Agreement”] by and among Sierra Leone Ports Authority [SLPA] and the Government of Sierra Leone, represented by the Ministry of Transport and Aviation [GOSL] and National Commission for Privatisation [NCP] and Nectar Group Limited [NGL] Nectar Sierra Leone Bulk Terminal Ltd [NSBT], Dated 28th November, 2017.

Mr Speaker, Honourable Members, on the 24th January, 2017, the CTN Agreement was laid on the Table of this House by myself in my capacity as the Honourable Minister of Transport and Aviation for parliamentary ratification. The Agreement was ratified by Parliament on the 2nd February, 2017 with accompanying recommendations for a review. On the 6th February, 2017 the Clerk of Parliament forwarded a letter to the Commission with observations made during the ratification of the Agreement to which both parties to the Agreement were advised to review as outlined below:

[i] to renegotiate the agreement for it to be in conformity with other agreements for concessions in SLPA premises;

[ii] that the yearly fixed concession fee is negotiated and charged to the contractor; and

[iii] the renegotiation to be speedily concluded to allow certainty and a conclusive working environment.

Acting upon the recommendations of Parliament, Mr Speaker, Honourable Members, a Monitoring and Review Committee [MRC] was set up, comprising representatives from the National Commission for Privatisation [NCP], Ministry of Transport and Aviation [MTA], The Sierra Leone Ports Authority [SLPA], the Ministry of Finance and Economic Development [MoFED], the Sierra Leone Maritime Administration [SLMA] and the contractor. Transport and Ports Management System, West Africa, Sierra Leone, [TPMSWASL] as per provisions, is the contract for a review of the operational parameters. The MRC prepared this addendum to the CTN Agreement in line with guidance from Parliament and a copy of the addendum, which is in compliance with the guidance from Parliament, is hereby laid before the House for ratification. Please be

informed that 2015 and 2016, the contractor to the CTN Agreement [TPMS WASL], a company under the management of Sierra Leoneans, has paid in excess of **US\$1.8mln** to the Consolidated Revenue Fund. This is indeed what our President, Dr Ernest Bai Koroma, meant by empowering local content and developing the Sierra Leoneans business community.

Mr Speaker, Honourable Members, this addendum has created a level playing field with other agreements at the port by creating a fixed licence fee that would provide revenue to government, while at the same time, allow the investor to expand operations and consolidate the other gains the system would bring; i.e., accuracy of cargo statistics at the port for the use of the National Revenue Authority [NRA] and other agencies, so as to avoid discrepancies or compromise in the compilation of the statistics, thereby increasing the financial gains of the country.

Mr Speaker, Honourable Members, the revised Agreement is that the government will receive in excess of **US\$10,000,000** over the next 8 years and the Sierra Leone Ports Authority as the landlord at the quay will also receive a percentage of that amount. Additional clauses have been inserted in the addendum relating to monitoring operations, revenue sharing, terms or payment, termination and dispute resolution, so as to achieve a win-win situation between the private investors and the government.

Mr Speaker, Honourable Members, I want to thank you all and trust that the addendum will be ratified by this noble House to establish a proper basis not only for increased revenue generation for government, but also to enhance the tracking of all cargo entering and leaving our ports to prevent terrorism, money laundry and the movement of contraband goods.

Mr Speaker, Honourable Members, I hereby lay before this House the Addendum No.1, dated 28th November, 2017 to the bulk and break-bulk licence Agreement that was signed on the 24th June, 2015. The NSBT Licence Agreement was laid in Parliament by myself as the Honourable Minister of Transport and Aviation for parliamentary ratification and the agreement was ratified by Parliament in July, 2015. This addendum No.1 is to convert the break-bulk licence Agreement into a Concession Agreement

under the berth extension project of the East side of the quay that will involve construction of a new berth and provision of new equipment for bulk and break-bulk cargo operations at an estimated cost of **US\$18.4mln.**

Mr Speaker, Honourable Members, the review of the Licence Agreement was based upon an initial presentation made by NSBT on the proposed berth extension to the NCP, SLPA and thereafter to His Excellency the President of the Republic of Sierra Leone and that the government of Sierra Leone was convinced that there was a need for an earlier review of the Licence Agreement.

Mr Speaker, Honourable Members, the NSBT have undertaken various studies and surveys to ascertain the condition of the existing quay side and the berths and identified the need to refurbish part of the operational area to ensure the long term viability of the port, due to silting and a shallow draft. The NSBT shall dredge berths 1 and 2 to increase its capacity and then implement a redevelopment plan for the area of operations, including the proposed new berth.

Benefits to the Government and our people

Mr Speaker, Honourable Members, investment in ports infrastructure and handling equipment in the new and existing berths at an estimated cost **US\$18.4mln.** The concession period was negotiated at 21 years, including the original 10 years in the Licence Agreement. The NSBT has operated under the licence for 2 years and the government of Sierra Leone to be paid concession fees for the 19 remaining years will be between **\$10 and \$12mln.** The NSBT is to pay the fee to Sierra Leone Ports Authority, amounting to **10\$%** of revenues actually paid to NSBT in addition to rental income paid to SLPA on its properties within the concession area.

Mr Speaker, Honourable Members, during the two years of operation, 2015 to 2017, under the Licence Agreement, the NSBT has complied on its obligations under the Agreement and has made the following investment and payments to the government of Sierra Leone and Sierra Leone Ports authority; company capital investment in asset valued **Le17mln,** payments made to Government of Sierra Leone, SLPA cooperate social responsibility, licence fees to the Government of Sierra Leone 2015 to 2016

Le644,000,000, fees paid to Sierra Leone Ports Authority **Le6.63,000,000**, [3] Corporation tax paid to date **Le1.32,000,000** October, 2015 to November 2017. PAYE on behalf of employees **Le1.317, 000,000** and NASSIT contributions of **Le523, 000,000**. **Again**, NSBT has spent **Le75, 000,000** on PPE and uniforms for all staff and incurred staff training cost amounting to **Le166, 000,000**.

Mr Speaker, Honourable Members, Corporate Social Responsibility has contributed towards the building of six classroom school for the Muslim Brotherhood in Race Course Road, Cline Town and contributing approximately **Le80,000,000** to other activities in the area. In addition to this, NSBT also purchased two fire engines for the Ports to improve the emergency response capability of the Port. I thank you all and trust that the addendum will be ratified by this noble House to ensure that the Ports' facilities at the East side of the quay are developed and expanded, so that we can compete with other Ports within the Sub-region.

With these comments, few Mr Speaker, Honourable Members, be it resolved that this Honourable House ratify the following Agreement which was laid on the Table of the House on Thursday, 26th October, and Friday, 1st December, 2017 respectively:

[i] Addendum No.1 to the Cargo Tracking Note System Agreement [27th November, 2014], Dated 20th September, 2017 by and among Sierra Leone Ports Authority ["SLPA"] and the Government of Sierra Leone; represented by the Ministry of Transport and Aviation [the "GOSL"] and National Commission for Privatisation ["NCP"] Global Tracking and Maritime Solutions Holdings [GTMS Holdings] [the "Sponsor"] and Transport and Ports Management System, West Africa, Sierra Leone – [TPMS, WA-SL] [the "Contractor"]; and

[ii] Addendum No.1 to the Licence Agreement Bulk and Break-Bulk Terminal at Queen Elizabeth II Quay, Dated 24th June, 2015 ["Licence Agreement"] by and among Sierra Leone Ports Authority [SLPA] and the Government of Sierra Leone, represented by the Ministry of Transport and Aviation [GOSL] and National Commission for Privatisation [NCP] and Nectar Group Limited [NGL] Nectar Sierra Leone Bulk Terminal Ltd [NSBT], Dated 28th November, 2017.

[Question Proposed]

HON. ALPHA B. LEWALLY: Thank you, Mr Speaker. Mr Speaker, Honourable Members, I want to respectfully ask this House to speedily ratify these two Agreements brought by the Minister of Transport and Aviation.

Mr Speaker, Honourable Members, you would recall that the first Agreement which was presented by the Minister; i.e., Addendum No.1 of the Cargo Tracking Note System was laid on the Table of the House on the 27th November, 2014. This House, on behalf of the Committee on Transport and Aviation, made recommendations to the Minister for certain actions to be taken. Certain grey areas were highlighted by the Committee on Transport and Aviation during the presentation and ratification of this Agreement, which was fearlessly and brutally debated in this Well. Due to the fact that I made these recommendations to the Minister and to the Investment Partners, today I am very much happy because I believe this should be the work of parliamentarians. I want to inform colleagues that whenever we are given documents, we have to ensure that we look at them holistically, critically and technically and proffer intelligible recommendations. This is where I want to thank both the Minister and NCP for taking our recommendations very seriously. We have put this document in line with other Agreements this House had ratified.

On that note, Mr Speaker, Honourable Members, without much ado, I want to ask this Honourable House to speedily ratify this Agreement.

For the second Agreement, Mr Speaker, Honourable Members, you would recall that it was also laid on the Table of this Honourable House by the Minister of Transport and Aviation. Like the Minister has said, the NSBT was laid and ratified as an Addendum for the expansion of the container concession at the Queen Elizabeth II Quay to the span of 273 meters long and 13 meters depth. The container Concession Agreement was in line with Government's desire to improve investment in trade and encourage the private sector participation. Today, we are doing justice to the NSBT Agreement, which will address the bulk and break-bulk sector in Sierra Leone. In that regard, this Agreement came as a result of the recommendations made by Sierra Leone Conference on

Development and Transformation in terms of expanding the private sector and encourages investment in the private sector.

On that note, Mr Speaker, Honourable Members, if this addendum is ratified, two years from now, Sierra Leone would become a regional centre for processing bulk and break-bulk manufacturing, assembling and distributing for bulk and break-bulk. Therefore, I want to call on my colleagues to speedily ratify these two Agreements. Thank you.

THE SPEAKER: Honourable Members, I have just been informed that electricity would be switched off for about two minutes.

HON. ROSALINE J. SMITH: Thank you very much, Mr Speaker. Mr Speaker, Honourable Members, as the host Member of Parliament for Constituency 103 now Constituency 121, it would interest the Honourable Member to know that NSBT is still in my constituency and the expansion of the berth is in my constituency. So, it is prudent for me to add my voice to this very important Agreement.

Mr Speaker, Honourable Members, I would base my presentation on the second addendum dealing with the NSBT. The expansion of the Ports or the constructions of the new berth would not only attract bigger vessels and more investment in Sierra Leone, but it would also create employment for the people of this country.

Mr Speaker, Honourable Members, the quantum of investment that is involved in this Agreement is a clarion call for this House to ratify this Agreement because it will create more revenue for the Government and also attract bigger vessels. Again, the Agreement will attract more investors who may want to invest in this country. However, I want to state here that as we are about to go into the elections, one of the tough questions I would have to answer to my constituents is that 'Honourable member, you have been in Parliament for five years and we want to know how many employment you created for the youth.' This is going to be one of the questions for me that I would have to answer to the people of my constituency. They are going to ask this question and I would be obligated to respond to them.

THE SPEAKER: Honourable Member, you have to tell them that it is not within your mandate.

HON. ROSALINE J. SMITH: It is not within my mandate, Mr Speaker, but it my people are expecting me to advocate on their behalf; and this is what I am doing now. I want to thank God because these sittings are broadcast live on the national broadcaster television, on the radio and newspapers. It is very important for my constituents to know that as their representative, I am talking on their behalf. I want to appeal that employment opportunities are given to the youth and people of constituency 121. It is an appeal and I am asking this appeal to be considered.

Mr Speaker, Honourable Members, I am thanking NECTAR for their numerous supports, especially in providing two fire engines for the Ports. I want to thank them for that support because the support was not only meant for the Ports, but for the community and the country as a whole. I would also like to thank them for the construction of the six class rooms building and other supports they have been giving to the Constituency. For the benefit of the country and the people living in the community, I am calling on my colleagues to speedily ratify this Agreement. I thank you.

HON. UMAR PARAN TARAWALLY: Thank you, Mr Speaker. Mr Speaker, Honourable Members, I am also going to lend my voice to the Agreement, as read out by the Minister of Transport and Aviation. Of course the Minister is my friend and I am going to bring a very critical issue to his notice because I would not want him to make mistakes.

M Speaker, Honourable Members, I just want to talk on the issue of concessions relating to the extension of the berth. I want your Ministry to be very careful not to give the same portion of concession to another institution because it would breed conflict and even slow down the process of development and extension. This is something I picked up and it is very critical to the Agreement. Therefore, I want him to take note of that. I thank you.

HON. DR BERNADETTE LAHAI [*Minority Leader of the House*]: Thank you very much, Mr Speaker. Mr Speaker, Honourable Members, we have the two documents dealing with our Ports. These documents are meant to expand our Ports, so that our Ports could handle large vessels. Despite the fact that we have one of the best natural harbours, but over the years [because of sea rotation], our Ports is not able to handle very large vessels and this limit our development. If our Ports is not developed to international level, we would not be able to get very big vessels. Sea transportation is the one that brings bulky machinery for capital intensive projects. This is why we need to continuously improve on our Ports.

Mr Speaker, Honourable Members, we have with us the addendum No. 1 to the License Agreement. We also have the other Addendum to the Cargo Tracking Note System Contract Agreement. We have looked at it before and when the documents were laid before us in this Parliament, as the Chairman on Transport and Aviation Committee was saying, a lot of studies were carried out and the Committee came up with very salient issues. He did say that he is happy that some of those issues had been addressed and so that is why we have these two documents before us. The implementation has only been for two years, from 2015 to 2017 and much has not been done, but the Minister has enumerated some of the achievements they have made. I only hope that the Committee would follow those achievements to ensure that what we have been told here and the assurance we have been given is true representation of what has transpired during the two years of implementation. This is very important because we rely on the Committee to continuously inform us as to the level of implementation of this project. That is what the Committee ought to do. All of us cannot go out there to provide oversight, but we expect the Committee to periodically come back to this House and tell us whether the content of these Agreements are being followed to the latter. This is what we expect the Committee to be doing. They do not have time to do it now because elections are round the corner and the life time of this Parliament is about to end, but we hope that when we come back three years would have elapsed and there would be enough time for the implementation of this project.

Mr Speaker, Honourable Members, we hope that whoever comes back and whoever chairs the Committee on Transport and Aviation, he/she will take from where we have stopped or takes from what we are doing today as their base line. We really do not need to be laboured this because as I said, if you look at the air, land and sea transportation, sea transportation is very important because it carries bulky inputs and capital intensive inputs into a country. Our Ports is such that it cannot accept bigger ships and it will be better for us because more things can come into the country in the form of development. We hope that the Minister is satisfied with the two years of implementation as he has enumerated to us. I have said that the Committee's role is really to ensure that they come back with a verification of the things that have happened or the things that have not taken place, with a view to ensuring that the feedback from those oversight exercises are taken as points of implementation.

Mr Speaker, Honourable Members, I do not have much to say, but we should go ahead and approve these two documents before us. The next Committee on Transport and Aviation would have to ensure that the issues we are discussing here today are monitored for proper implementation. I thank you very much.

HON. LEONARD S. FOFANAH: Mr Speaker, Honourable Members, I was just laughing at the Minority Leader when she said that she was not going to talk much, but she was still continuing to talk. We have agreed that both Amendments to these Agreements are for the good of this nation and the Ports Authority. I want to thank Honourable Members who have perceived that point that the benefit would accrue is for the State of Sierra Leone; and that when the Agreements are being implemented, they would be for the good of the Ports Authority and Sierra Leone. I want to thank all those who spoke in favour of these two Agreements. I hope we would speedily ratify these Agreements. Thank you very much, Honourable Members.

MR LEONARD B. KOROMA: Mr Speaker, Honourable Members, I want to thank you for your contributions. I also want to thank Honourable Rosaline J. Smith for her positive contributions. I also want to note the issue raised by Honourable Umar Paran Tarawally on double concessionary. The fact of the matter is that every concession is

painstakingly demarcated. Maps are being drawn, which means that the possibility of double concessionary to happen will be very difficult. I am not in any way saying that it is not happening, but I have noted his observation. I want to however assure him that it would be taken into consideration.

Mr Speaker, Honourable Members, I want to thank the Honourable Minority Leader for her contributions. She spoke at length about the draft at the Ports and the eligibility to handle large scale vessels. She was saying this because we found that before this time, large vessels coming for approximately two hundred and fifty thousand tons of vessels cannot berth at the Ports, even though we have the possibility that has to be addressed by the issue of drenching. Sierra Leone has an enviable draft of about 13 metres with the possibility of further drenching. We can achieve 17 metres which can accommodate the large size vessels. She also spoke about the need for verification of the level of implementation of the Agreement. I want to assure her that that issue would be taken into consideration.

Mr Speaker, Honourable Members, I want to thank the Majority Leader for his support. With those few comments Mr Speaker, Honourable Members, be it resolved that this Honourable House ratify the following Agreements which were laid on the Table of the House on Thursday, 26th October, and Friday, 1st December, 2017 respectively:

[i] Addendum No.1 to the Cargo Tracking Note System Agreement [27th November, 2014], Dated 20th September, 2017 by and among Sierra Leone Ports Authority ["SLPA"] and the Government of Sierra Leone; represented by the Ministry of Transport and Aviation [the "GOSL"] and National Commission for Privatisation ["NCP"] Global Tracking and Maritime Solutions Holdings [GTMS Holdings] [the "Sponsor"] and Transport and Ports Management System, West Africa, Sierra Leone – [TPMS, WA-SL] [the "Contractor"]; and

[ii] Addendum No.1 to the Licence Agreement Bulk and Break-Bulk Terminal at Queen Elizabeth II Quay, Dated 24th June, 2015 ["Licence Agreement"] by and among Sierra Leone Ports Authority [SLPA] and the Government of Sierra Leone, represented by the Ministry of Transport and Aviation [GOSL] and National Commission for Privatisation

[NCP] and Nectar Group Limited [NGL] Nectar Sierra Leone Bulk Terminal Ltd [NSBT],
Dated 28th November, 2017.

[Question Proposed, Put and Agreed to]

[Government Motion by the Minister of Transport and Aviation has been carried]

[B] THE ATTORNEY GENERAL AND MINISTER OF JUSTICE

First Amendment Agreement to the Petroleum Agreement of 17th September, 2012 between the Government of the Republic of Sierra Leone and African Petroleum Sierra Leone Limited, Dated 1st November, 2017.

MR ARROW BOCKARIE *[Deputy Attorney General and Minister of Justice]*: Mr Speaker, Honourable Members, be it resolved that this Honourable House ratify the following Agreements which were laid on the Table of the House on Friday, 1st December, 2017; Agreement dated 23rd April, 2010 and 17th September, 2012 between the Government of the Republic of Sierra Leone and Africa Petroleum Sierra Leone Limited.

Suspension of S.O. 5[2]

MR ARROW BOCKARIE: Mr Speaker, Honourable Members, the Amendment tries to tackle the challenges. For instance, Clause [1] makes part of the licenses work program obligation for the first schedule period due to a combination of reasons in compliance with Section 45[2] of the Petroleum Exploration and Production Act of 2011.

Secondly, Clause [2] establishes that Petroleum Directorate accepts the contractor's relinquishment of **25%** of the contract area. Clause [3] establishes the term of the second extension period to two years, subject to Clause [4] and further block SL 03 is one of the blocks located in ultra-deep waters and the prospect marked thus requires further re-risking in other to justify drilling in water and at such water depth. Clause 4 [1] and Clause [5] provides details of the re-risking plan and how it would be implemented during the second extension period.

Mr Speaker, Honourable Members, although the second extension period is for two years; i.e., the extension period terminates on the 23rd April, 2019, Clauses [4] and [5]

require the contractor to either commit to drilling one exploration oil on or before 31st October, 2018 before the termination of the second extension period or the Petroleum Agreement shall terminate automatically on the 1st November, 2018. This provision, in essence, shortens the contractor's second extension period to eighteen months if the re-risking plan does not identify drillable prospect. Clause [5] amends the contractor's minimum expenditure to a more realistic figure in line with the re-risking plan.

However, this does not prevent the contractor for exceeding the quoted amount [if exceeding that amount is necessary] to fulfil the contractor's work program obligation. Clause [7] provides a more detailed social program obligation and requires greater regulatory supervision on the utilisation of social funds. The social program obligation becomes contingent on the drilling of a well in line with Clauses [4] and [6]. Clauses [7], [8] and [9] shorten the notice period and the Petroleum Directorate is required to provide the contractor to amend any breach of the obligation.

Mr Speaker, Honourable Members, I would like you to adopt this explanation proffered so far in respect of the Agreement, dated 17th September, 2012 because in essence it is geared towards meeting the challenges posed. Thank you, Mr Speaker.

[Question Proposed]

HON. SIDIE M. TUNIS: Thank you, Mr Speaker. Mr Speaker, Honourable Members, I have always told Honourable Members in this House that the areas where these oil companies are operating are very deep, which means that they require special skills to enable them to find what we called the 'black gold.' The amendments, therefore, geared towards encouraging the companies to continue to stay.

Mr Speaker, Honourable Members, you would recall that three to four years ago, the whole idea of oil came to this country and there were over five or six companies that expressed interest in our oil industry. But because the amount of capital involved to carry out their exploration work was very huge, you would notice that that number has dwindled down to just about two or three companies. As an institution, the Petroleum Directorate continues to encourage these companies to stay because without these

Amendments, those people would just pack one day and leave this country. If that happen, that will be the end of our desire to even talk about oil in this country.

Without reiterating everything that the Minister has said, I want to appeal to Honourable Members to ratify the two Agreements that have just be amended to allow the companies to carry their work. Thank you very much.

HON. IBRAHIM BEN KARGBO: Thank you, Mr Speaker. Mr Speaker, Honourable Members, these Amendments are very necessary and useful, especially at a time when the Government and the people of Sierra Leone are looking forward to the development of the crude oil industry.

Mr Speaker, Honourable Members, for somebody who has actually visited the rig and operated on the shores of Sierra Leone, it is quite an expensive exercise. I was told when I visited the rig that it was costing the explorers at ADACO at the time close to **\$1,000,000** a day for exploration purposes. That is quite expensive. However, because of the publicity given to ADACO and to other companies operating in Sierra Leone, more companies, including Nigerian Companies are interested in investing in this sector in Sierra Leone.

Mr Speaker, Honourable Members, I want to state the reasons why this Agreement is necessary. Mr Speaker, because of what we expect the companies to pay even before they start effective production, this country is going to generate revenue in the form of tax. A good number of these companies stayed away because of what is involved in the production stage. In other words, the business of attracting more investors became extremely low. There is good reason why the President agreed that we should take a second hand to look at the Agreement for the purpose of making it clear that we put in place mechanisms to attract more investors into this country. In fact, it has become necessary to look at this because we are also talking about terrestrial mining. At first, we all thought that the mining in Sierra Leone were maritime; i.e., going to the sea and extract the oil. However, experts have discovered that we can also undertake terrestrial mining, which means that there is also the potential for an expansion of this sector. For

us to be able to expand this sector, we should make it clear and easier for the investors to come to this country and invest.

Mr Speaker, Honourable Members, what this amendment seeks to achieve, therefore, is to ensure that it becomes easier for the investors to come to this country and invest and to make it less expensive and less challenging. This is because what happened at one time was that the whole business became extremely challenging. I was there and when I was told that it cost them **\$1,000,000** a day for exploration, I knew it was a great challenge. This is why we should reduce our demands to make it easier for these companies and these investors to come and invest into this country, especially now that we are looking at an expansion of the sector, both maritime and terrestrial.

With those few words, Mr Speaker, Honourable Members, I want to thank you very much for this opportunity.

HON. DR BERNADETTE LAHAI: Mr Speaker, Honourable Members, we have two documents with us and of course they are almost the same. We are asking for extension of the two blocks that are currently being held; i.e., Block 3 [Block SL-03] and Block 4 [Block A-10]. We are being told that where these blocks are currently operating, they are facing challenges because of the depth they have to go; and as a result, they have not been able to do much.

Mr Speaker, Honourable Members, given the location of these blocks, it is not possible for the two contractors of these blocks to actually go according to the initial plan. So, what we have here is an amendment to those initial plans and the initial work programmes. The type of machinery they would need and the type of expenditure we expect them to undergo within the first period of the contract. This is normal because the work they are doing is such that sometimes you are not able to predict the encumbrances you will face as you go about with your exploration.

Mr Speaker, Honourable Members, this Agreement is in place and it is not strange to us at all. It is within the initial Agreement that was signed, but they were unable to meet the initial work plan. However, they can always come with justifiable reasons why they

have not been able to work within the work plan and they can ask for an extension. This is exactly what is happening now. I want to state here that we need them to stay in this country and invest. They can only do that if we give them more time to continue with the exploration, especially where they are facing challenges. That is why we are here and I think we should give them this extension. Let us hope that with this new extension, they will be able to work within the new work plan to ensure that they do their work. This is what these two documents represent, but we are confident that it is not just extension, but they have very good reasons for asking for this extension.

As I said earlier, Mr Speaker, Honourable Members, the Committee responsible should go out and look at what has been done against the background of what we have been given here by the Deputy Minister, so that we can see whether it is justifiable or not. That notwithstanding, we should give them this extension. I thank you very much.

HON. LEONALD S. FOFANAH: Mr Speaker, Honourable Members, all hope is not lost yet. The oil exploration is still going on and that notwithstanding the amendments to the existing Agreement, we have already discovered oil in Sierra Leone except that it is not in commercial quantity as of now. However, the quality is encouraging the exploration companies to continue their work. There is also the likelihood that onshore activities might give us oil more than the offshore activities.

Therefore, Mr Speaker, Honourable Members, the Agreements are in place and whether it happens tomorrow or next tomorrow, we are praying fervently that generations to come will benefit from this God given wealth; so that once we leave the diamond fields, we will go into the oil fields. We are very enthusiastic and confident about this.

With those few remarks, Mr Speaker, Honourable Members, I move that we ratify the Agreement before us, so that we can move further and the companies can continue to do their work. I thank you very much, Honourable Members.

MR ARROW BOCKARIE [Attorney General and Minister of Justice]: Mr Speaker, Honourable Members, be it resolved that this Honourable House ratify the following

Agreements which were laid on the Table of this Honourable House on the 1st December, 2017:

Agreement dated 23 April, 2012 and Agreement dated 17th September, 2012 for ratification.

[Question Proposed, Put and Agreed to]

[Government Motion by the Attorney General and Minister of Justice has been carried]

BILL.

THE CIVIL AVIATION ACT, 2017

INTRODUCTION AND FIRST READING

MR LEONARD B. KOROMA *[Minister of Transport and Aviation]*: Mr Speaker, Honourable Members, I move that the Bill entitled, 'The Civil Aviation Act, 2017 be read the first time.

[Question Proposed, Put and Agreed to]

[The Bill entitled, "The Civil Aviation Act, 2017 has been read the first time]

SECOND READING

THE MINISTER OF TRANSPORT AND AVIATION

MR LEONARD B. KOROMA: Mr Speaker, Honourable Members, I move that the Bill entitled, 'The Civil Aviation Act, 2017 be read the second time.

Mr Speaker, Honourable Members, the object of the Bill is to provide for the repeal and replacement of the Civil Aviation Act, 2008 to provide for the continuing existence of the Civil Aviation Authority to provide for a more effective and efficient regulation of international and domestic air transports and cargo services in Sierra Leone. The Bill seeks to establish a clear and distinct separation of responsibilities between the Sierra Leone Civil Aviation Authority as the regulator and the other service providers, including Sierra Leone Airport Authority. The Bill further seeks to ensure that sufficient legal authority is bestowed on the Sierra Leone Civil Aviation Authority Director General to issue supplementary regulatory provisions in a timely manner for the safety and

security of Aviation. The Bill will address the following gaps which were identified by the International Civil Aviation [ICAW] during a recent audit on the Aviation Sector:

- determining legal framework;
- apportioning responsibility for the issuance, suspension and revocation of the aircraft radio station license;
- establishing legal basis for oversight, particularly in the area of aircraft accidents and incidents investigation;
- determining the means of promulgation and publication for regulations, orders and rules issued by the SLCAA;
- delegating or providing a sub-delegation of legal authority to the Sierra Leone Civil Aviation Authority Inspectorate Staff;
- empowering the Sierra Leone Civil Aviation Authority Inspectorate Personnel to prohibit any person from exercising the privileges of any aviation license certificate or the documents for just cause, either directly or by using an established process that can be applied in a timely manner;
- promulgating requirement for the formal designation of a specific agency;
- issuing orders, directives and instructions in support of current and prospective Civil Aviation activities;
- determining the independence of the investigation process and of the authority in charge of conducting aircraft accidents and serious incidents investigations; and
- promulgating provisions for the issuance of inspectorate credentials in the areas of ANS and EURO DRUMS, air roads and ground aids.

In view of the above, Mr Speaker, Honourable Members, I move that the Bill entitled, 'the Civil Aviation Act, 2017 be read the second time.

[Question Proposed]

HON. UMAR PARAN TARAWALLY: Mr Speaker, Honourable Members, when non-controversial Bills come to this Well, we should not waste much of our time. And this is one such Bill which is geared towards addressing minimum standards for the Agency. Therefore, I see no need for us to waste the time on this Well. I have read this Bill and

I was part of the Pre-legislative hearing. I am aware that this Bill does not conflict with any law that is presently in Sierra Leone. This Bill will further strengthen the Aviation Industry in this country. So, it is my opinion that this Bill will pass through this House with alacrity.

HON. DR BERNADETTE LAHAI: Mr Speaker, Honourable Members, indeed we have gone through the pre-legislative hearing for the Civil Aviation Act. We have professionals there; and of course, Members of Parliament raised several issues which were adequately addressed. That is why we are here this afternoon. I have always said in this House that we should not be beating a dead horse. Generally, transport is a requirement for the development of any country. If we are now talking about continental integration in Africa, then we are also talking about free movement of people, goods and services and that will only happen if we have a reliable air, land and marine transports. This is very important and it is what this Bill seeks to address. How can the skies of Sierra Leone and Africa be opened, so that we can benefit from that openness? Openness is very important because it is going to bring down the cost of air transportation, ensures safety of air transportation and the volume of trade through air is enhanced. So, this is what civil aviation is all about.

Mr Speaker, Honourable Members, we have the 2008 Civil Aviation Act; and between 2008 and 2017, we have had lots of improvements. Sierra Leone has also ratified the Yamasuku Decision of open skies. Also, we have ratified other important Air Transport Agreements. Let us bring the civil aviation governance to the level of other countries, so that we can benefit. We cannot do this within an African Union, when we are lagging behind. What we are doing is bringing the status of Sierra Leone to that of the other counties that have already had a progressive Civil Aviation Act. Those things have been addressed in this new Act and things will continue to exist in the parent Act. This is also what the Bill is talking about. There is nothing controversial in this Bill. We need to open and improve our skies and airport airports, so that can have big aircraft landing in Sierra Leone or bringing people, goods and services into this country. This is what this amendment is all about.

Mr Speaker, Honourable Members, I am happy to endorse these Agreements; and when we come to the Committee Stage, I would will draw the attention of the Minister to few areas. The import of the Bill is very clear and it is meant for the development of this country. It is also meant to bring Sierra Leone closer to the rest of the African Continent and the rest of the world. We can move ahead with the second reading of this amendment. I thank you very much, Mr Speaker.

HON. LEONARD S. FOFANAH: Mr Speaker, Honourable Members, I will hold my peace until we go to the Committee Stage. However, I want to state here that the essence of the pre-legislative briefing was exactly what took place. We went there and the queries raised were attended to. I want to believe that Honourable Members were satisfied. The Bill has now come to the whole House and we will do the final amendments in the Committee Stage. I thank you very much, Honourable Members.

MR LEONARD B. KOROMA: Mr Speaker, Honourable Members, I move that the Bill entitled, 'the Civil Aviation Act, 2017,' be read the second time.

Question, Proposed, Put and Agreed to

[The Bill entitled, 'the Civil Aviation Act, 2017 being an Act to provide for the repeal and replacement of the Civil Aviation Act, 2008 to provide for the continuing existence of the Civil Aviation Authority, to provide for a more effective and efficient regulation for international and domestic air transport and cargo services in Sierra Leone and to provide for other related matters has been read the second time]

THE SPEAKER: Honourable Members, at this juncture, I want to adjourn this sittings till 2:00 p.m. to enable you hold your meeting with the Minister of Finance and also for the Committee on Appointments and the Public to carry out its business.

[The House was adjourned at 12:10 p.m. and resumed at 2:00 P.m.]

[The Speaker, Honourable Sheku Badara Basiru Dumbuya, in the Chair]

[THE HOUSE RESOLVES INTO COMMITTEE]

Parts 1, 2 and 3, Clauses 1-21 proposed

MR BALOGUN KOROMA: Mr Chairman, Honourable Members, I move that Parts 1, 2 and 3, Clauses 1-21 stand part of the Bill.

THE CHAIRMAN: Honourable Members, Part 1 is on Page 2. We go page by page. Page 2? Page 3? Page 4? Page 3? Page 2?

HON. DANIEL B. KOROMA: Mr Chairman, Page 2. What I am seeing at the top is not supposed to be there and it should be deleted. Also, the commencement provision should be deleted at the side note.

THE CHAIRMAN That is clear. Page 2? Page 3? Page 4? Page 5? Page 6? Page 7? Page 8? Page 9? Page 10? Page 11? Page 12? Page 13? Page 14?

HON. DANIEL B. KOROMA: Mr Chairman, Page 14, Sub-clause 3 reads, 'the Chairman shall, on the advice of the Minister, be appointed by the President from among persons appointed under Paragraph 'd' of Sub-section 2. There are two issues here I want to flag up. The first is that the approval provision by Parliament is being excluded and if the Chairman is to be appointed by the President on the recommendation of the Minister, then it should be subject to the approval of Parliament. Subsection 2 states: 'no person shall be appointed Chairman if he has any financial interest, whether directly or indirectly, in any business or undertaking in any Civil Aviation. The phraseology is different, although it is still correct. It is wrong, but it is different from the others and that is an indication of inconsistency. If we retain it, it is not wrong, but it is inconsistent with the others.

THE CHAIRMAN: Well, I know that every Bill has its own peculiarity, but the insertion of 'parliamentary approval' is key. I am also sure that the Minister will take your recommendation.

HON. DANIEL B. KOROMA: Normally these appointments are subject to Parliamentary approval.

THE CHAIRMAN: Honourable Member, how should that sentence be read?

HON. DANIEL B. KOROMA: Mr Chairman, it should read, 'the Chairman and other members referred to in paragraph 'd' of sub-section 2 shall be appointed by the President on the recommendation of the Minister, subject to the approval of Parliament. That is the normal standard.

THE CHAIRMAN: That is correct, Honourable Member.

HON. DANIEL B. KOROMA: Instead of 'the Chairman shall, on the advice of the Minister, be appointed by the President, it says now 'from among persons appointed under Paragraph 'd.' Paragraph 'd' makes provision for three people, but the sentence is saying that the Chairman will be appointed from among those three, which is not what they intend. That is exactly what the sentence is saying. Paragraph 'd' makes provision for three persons with corporate experience in aviation on the advice of the Minister be appointed by the President. So, this means that the Chairman is being appointed from among those three and I am sure that is not his intention anyway. So, the best phraseology is the one I recommended.

THE CHAIRMAN: I am sure the Minister will have no objection to that. Mr Clerk, please take note of that.

HON. DANIEL B. KOROMA: we are not supposed to be confused with this because we know what we are doing and we are on top of situation. If we are to go with what is in this Bill, then the three will reduce to two. This will also mean that the Chairman is now excluded from the three people because the Chairman is now going to be appointed by the President. The amendment is that, the three reduces to two.

THE CHAIRMAN: In that case, Honourable Member, we have an odd number, which is seven [7].

HON. DANIEL B. KOROMA: Exactly, Mr Chairman. For the appointment provisions, Sub-clause 3 reads: 'the Chairman and other members referred to [i.e., the two members in Paragraph 'd' of sub-clause 2 shall be appointed by the President on the recommendation of the Minister, subject to the approval of Parliament.' That is the standard, Mr Chairman.

THE CHAIRMAN: In that case, there should be a full stop there.

HON. DANIEL B. KOROMA: Yes, Mr Chairman.

THE CHAIRMAN: Then after the full stop, the sentence continues, beginning with 'no person...'

HON. DANIEL B. KOROMA: No problem, Mr Chairman. It it can continue that way.

THE CHAIRMAN: Certainly, there has to be a full stop and the sentence continues, beginning with the words, 'no person.'

HON. DANIEL B. KOROMA: Yes, Mr Chairman, 'no person shall be appointed Chairman if he has any financial interest, whether directly or indirectly...'

THE CHAIRMAN: I am sure the Minister is in agreement with that amendment. Page 14?

HON. DANIEL B. KOROMA: The Chairman and other members referred to in Paragraph 'd' of Sub-section 2 of Section 4 'shall be appointed by the President on the recommendation of the Minister subject to the approval of Parliament.'

THE CHAIRMAN: Page 14? Page 15?

HON. DANIEL B. KOROMA: Mr Chairman, Page 15, the second line of Sub-clause 2. You have to delete the words, 'if present.' And the quorum in Sub-clause 5 at any meeting of the Board shall be four [4].

THE CHAIRMAN: Honourable member, why do you have to delete the words, 'if present?'

HON. DANIEL B. KOROMA: It is because they are not necessary, Mr Chairman.

THE CHAIRMAN: In that case, please read the sentence.

HON. DANIEL B. KOROMA: It reads, 'the Chairman shall preside at every meeting of the Board and in his absence...' Mr Chairman, the phrase 'if present' is not necessary in this case.

THE CHAIRMAN: Honourable Member, that phrase is necessary because it has been said that after that, 'if present' and 'in his absence...' So, to give effect to the second

part of the sentence, 'in his absence' that is where 'if present' comes in. There is nothing wrong with that, Honourable Member.

HON. DANIEL B. KOROMA: Okay, Mr Chairman.

THE CHAIRMAN: There is nothing wrong with that and the phrase should be retained. Page 15?

HON. DANIEL B. KOROMA: Mr Chairman, Sub-clause 3 states, 'the quorum at any meeting of the Board shall be four and now we have agreed that the total is seven. So, four is more than half of seven. I know that to convey a Board meeting is very difficult and if the quorum is high, the Board might not meet at all.

THE CHAIRMAN: What do you want to suggest, Honourable Member?

HON. DANIEL B. KOROMA: I want three [3] Board members for the quorum.

THE CHAIRMAN: No, Honourable Member.

HON. DANIEL B. KOROMA: And three is an odd number, which is very important during voting.

THE CHAIRMAN: Honourable Member it is not advisable to have three exactly. We leave it at four because having three Board members as a quorum to take key decisions at meetings, it will not be proper. However, four is an even number and perhaps I will want to agree with Honourable Umar Paran Tarawally's proposal for five Board members to form the quorum. Again, it may be difficult.

HON. UMAR PARAN TARAWALLY: Mr Chairman, five will be okay.

THE CHAIRMAN: Mr Minister, what is your take on this issue?

MR LEONARD B. KOROMA: Mr Chairman, if five is too high and four is an even number, we can take three and the Board Chairman will come in where necessary.

THE CHAIRMAN: The Chairman can have a casting vote?

MR LEONARD B. KOROMA: Yes, the Chairman could also cast his vote.

THE CHAIRMAN: That is correct because the Chairman has to come in and cast a vote in that case *[Applause]*. So, a 'casting vote' by definition means if there is a tie, the Chairman will have to vote twice. That is what a 'casting vote' means. But Honourable Members, I am of the opinion that seven is too small to constitute the Board and nine is too much.

HON. IBRAHIM BEN KARGBO: The Chairman has 'a casting vote' is not an original member who is listed to vote. That means that we must make it very clear that if we want the Chairman to vote, it should be incorporated in this Bill, so as to avoid confusion. It is true to say five is too large to convene meetings these days. I would suggest that we reduce this number to three.

THE CHAIRMAN: Honourable member, are you saying three?

HON. IBRAHIM BEN KARGBO: Yes, Mr Chairman. Four or five may come to the meeting... - *[Interruption]*.

THE CHAIRMAN: Honourable Member, you want three people to go and decide on an issue?

HON. ALPHA B. LEWALY: Mr Chairman, I want to agree with what my colleague on the other side, Honourable Umar Paran Tarawally, has just said. I am also advising because to allow three people to take critical decisions on issues dealing with Civil Aviation is not prudent and I am not in support of that. Since the Chairman has the casting vote, I think four will be okay. The Chairman can vote twice when the need arises.

THE CHAIRMAN: No, Honourable Member. It is a difficult situation

HON. ALPHA B. LEWALY: But Mr Chairman, we cannot increase the membership of the Board to nine because that will be too large.

Suspension of S.O 5[2]

HON. IBRAHIM BEN KARGBO: For precedent, can we look at the situation wherein a Board can constitute an even number and then we create a situation whereby the Chairman can intervene in the event of a tie.

THE CHAIRMAN: But somebody said a few minutes ago that where you have four as quorum, the Chairman maybe included.

HON. ALPHA B. LEWALY: With your due consideration, Mr Chairman, I want to suggest that we leave it at five. It is not too much because the Board members will be receiving salaries. They will be paid to do this job they have to take their job very seriously.

HON. ALASSAN KAMARA: We make it seven, Mr Chairman.

HON. ALPHA B. LEWALLY: We can increase the quorum to five.

THE CHAIRMAN: Honourable Alhassan Kamara, I want to agree with you. The question of increasing the membership to nine will be too unwieldy.

HON. BRIMAH CONTEH: Considering that this industry is expected to undergo some expansion, it is but proper at this moment to consider nine members of the Board, so that you will bring the quorum to five. This is because it is not going to remain like this. I know that people are too conscious of the funding and the finances involved, but you have the sole aim of expanding the industry to make it more attractive. And when it is attractive, you raise more revenue to take care of these issues. Therefore, we should not limit the membership of the Board to seven. Some of these future changes or amendments should be avoided now.

THE CHAIRMAN: Mr Chairman of the Legislative Committee, what do you think? There is a suggestion that we increase the membership of the Committee to nine.

MR LEONARD B. KOROMA: Mr Chairman, Honourable Members, all over the World, the Aviation Industries are growing. In fact, almost every African country is building a new Airport and as the Majority Leader of this House said this morning, regional and continental connectivity is our dreams. So, I want to agree with the Honourable that

there should be room for expansion, so that we will not necessarily have to come back to this House every few years and ask for an amendment of the Act. Mr Chairman, if this is the view of majority of Members of Parliament, I will not be averse to suggesting that we increase it to nine.

THE CHAIRMAN: The question now is how can this increase be included in this Bill? I want to suggest that we go to Sub-section 2, and replace the words, 'two persons' with 'four persons.' In that case, the quorum shall be five.

HON. UMAR PARAN TARAWALLY: Mr Chairman, I am sure we have been discussing this issue for a while now. As member of the Legislative and Transport Committees, we were engaged by the technocrats during the pre-legislative meeting, and funding was earmarked as an obstacle. We do not want to pass an Act that is not workable. The issue of funding was flagged up very seriously. It was indeed a very good justification for leaving the membership of the Board at seven. Therefore, I am clearing my mind that we are making a law that should work effectively. So, it is too much for now.

HON. ALPHA B. LEWALLY: Mr Chairman, the document we are talking about is in line with our recommendations. In as much as we are thinking about expansion, it was however recommended that at least the Board must consist of seven members and that is the standard.

THE CHAIRMAN: Honourable Member, you are in Parliament and this is Parliament. As a legislative body, we do not yield to anybody. We do what is right for us.

HON. ALHASSAN KAMARA: Mr Chairman, I want to support Honourable Brima Conteh and the position of the Minister.

THE CHAIRMAN: Honourable Members, the membership of the Board is nine and the quorum should be five. Page 15? Page 16?

HON. DANIEL B. KOROMA: Mr Chairman, Page 16, Clause 9 states, 'the Authority shall have a secretary to the Board who shall also be a legal practitioner.' Mr Chairman, if you compare this provision to sub-clause 2[e] of Page 14, the Director-General [under

the appointment provision], states that the Director-General shall be the secretary to the Board.

THE CHAIRMAN: The Director-General shall be responsible to the Board for the performance of the following functions.

HON. DANIEL B. KOROMA: Mr Chairman, if you go to 'g,' it is part of his functions.

THE CHAIRMAN: Performance of the following functions. The Director-General shall serve as secretary to the Board.

HON. DANIEL B. KOROMA: That is the Director-General, but there is a conflicting interest that says 'the secretary to the Board shall be a legal practitioner.' Under 'g,' it is saying that the Authority shall have... - *[interruption]*.

THE CHAIRMAN: Honourable Daniel B. Koroma, I agree with you and that is an incongruity.

MR LEONARD B. KOROMA: The Director-General, who shall be secretary to the Board, should be deleted. In other words, delete the words, 'secretary to the Board.'

THE CHAIRMAN: Page 16?

HON. DANIEL B. KOROMA: Is he suggesting that we delete Director-General as secretary to the Board? The Director-General is also the 'Secretary to the Board.'

THE CHAIRMAN: Yes, Honourable Member. Page 17?

HON. DANIEL B. KOROMA: Mr Chairman, Sub-clause 4 of Page 17 states: "**The Secretary shall, unless under exceptional circumstances...**" The word following should be deleted and replaced with 'in' instead of 'is'

THE CHAIRMAN: Please read your proposed amendment now.

HON. DANIEL B. KOROMA: 'The Secretary shall, unless under exceptional circumstances in which the Board otherwise direct.

THE CHAIRMAN: That is correct. Page 17? Page 18?

HON. DANIEL B. KOROMA: Mr Chairman, Page 18, Clause 13[1] talks about the absence of the Chairman for a continuous period of three months. Mr Chairman, the other Bills we have passed in this House, we increased this to six months in the event of illness. In other words, if it is illness, then we increase it to six months, instead of three months. We have been doing the same.

THE CHAIRMAN: I think there should be no controversy on that. Page 18? Page 19?

HON. DANIEL B. KOROMA: Page 19, under Functions of the Authority.

THE CHAIRMAN: What is it about?

HON. DANIEL B. KOROMA: You put 'the' after 'of.'

THE CHAIRMAN: Where precisely?

HON. DANIEL B. KOROMA: Mr Chairman, the side note on Page 19, at the top. Also, we have to look at Page 18, under the 'Object of the Authority.' Mr Chairman, both side notes should read as 'object of 'the' Authority on Page 18 and functions of 'the' Authority.

THE CHAIRMAN: Why do you have to put 'the?' Do you think that if we say object of Authority without the definite article 'the', does not make sense? Honourable Member, without 'the' it still makes sense.

HON. DANIEL B. KOROMA: But I think it is better we include 'the.'

THE CHAIRMAN: Well, if you are qualifying it, 'the' is the definite article and it should now read as 'object of the Authority. I think leaving it that way makes more sense than qualifying it. You can say 'Object of Authority' and 'functions of Authority.'

HON. IBRAHIM BEN. KARGBO: Mr Chairman, don't you think that without the definite articles, both are collective nouns?

THE CHAIRMAN: 'Object of Authority?'

HON. IBRAHIM. BEN KARGBO: Yes, Mr Chairman. It is a collective noun and that is why we must put 'the.'

THE CHAIRMAN: Well, these are side notes and you must be precise.

HON. IBRAHIM BEN KARGBO: It is 'the Authority' that is the collective noun... -
[interruption].

THE CHAIRMAN: I agree with you, Honourable Member that it is a collective noun, but these side notes are what we called the rubrics; and the rubrics tell you about certain things that are going to happen. But if you want it there, we have to insert accordingly. We should now say, 'Objects of the Authority' and 'Functions of the Authority'. Page 19? Page 20? Page 21? Page 22? Page 23? Page 24? Page 25? Page 26? Page 27?

HON. DANIEL B. KOROMA: Mr Chairman, Page 27 and this is just for reference purpose. I want to look at Paragraph 'b,' under offences.

THE CHAIRMAN: Where, Honourable Member?

HON. DANIEL B. KOROMA: Mr Chairman, the third paragraph on Page 27.

THE CHAIRMAN: Do not say the third paragraph because it is still ambiguous. Say Paragraph 'b.'

HON. DANIEL B. KOROMA: It says: '...commit an offence and shall be liable on conviction to a fine not exceeding **\$5,000** or its equivalent in Leones or imprisonment for a term not exceeding twelve months or both fine or imprisonment. This is standard fine. This is just for reference purpose. So, by the time we go forward you, will see another provision and you will make easy reference for correction.

THE CHAIRMAN: Page 27? Page 28? Page 29?

HON. DANIEL B. KOROMA: Mr Chairman, Clause 20[1], the second line. It should 'an emergency.'

THE CHAIRMAN: You are very correct, Honourable Member. I have now come to the end of Clause 21.

MR LEONARD B. KOROMA: Mr Chairman, Honourable Members, I move that Parts 1, 2 and 3, Clauses 1-21 stand part of the Bill as amended.

[Question Proposed, Put and Agreed to]

[Parts 1, 2 and 3, Clauses 1-21 form parts of the Bill as amended]

Parts 4, 5 and 6, Clauses 22-47 Proposed

MR LEONARD B. KOROMA: Mr Chairman, Honourable Members, I move that Parts 4, 5 and 6, Clauses 22-47 do stand part Bill.

THE CHAIRMAN: Page 30?

HON. DANIEL B. KOROMA: Mr Chairman, I want to look at Clauses 22[2], which says: **“a person shall not be qualified for appointment as Director General...”** The next word [officials], officials should be deleted. And Clause 23[1], the second line says, ‘for the performance...’ There are two separate words there. Paragraph ‘a’ states, ‘shall exercise ‘all’ powers in the discharge of all duties of the authority. We should delete the word ‘an.’

THE CHAIRMAN: Separate ‘the’ from performance.

THE CHAIRMAN: Please read what you have in the original document.

HON. DANIEL B. KOROMA: ‘Exercise of all powers and the discharge of all duties of the Authority, including ...’

THE CHAIRMAN: Don’t you think what you have said is not necessary? You left out ‘of’. In English Language, the moment a word is left out, then it changes the whole sentence. You never took note of that, but should leave it like that because it is correct.

HON. IBRAHIM BEN. KARGBO: I was just wondering whether the use of ‘all’ in this sentence will not create superfluity.

THE CHAIRMAN: Honourable Member, the moment you take ‘of’ from that sentence, then the sense changes.

HON. IBRAHIM BEN KARGBO: I was just wondering that it is too odd.

THE CHAIRMAN: Let us see the principal sentence says, ‘The Director-General shall be responsible to the Board for the performance of the following functions:

a. excise of all powers in the discharge of all duties of the Authority.’

Honourable Ibrahim Ben Kargbo, I think it is okay. That gives them full powers and omnipotence. Page 31?

HON. CLAUDE D.M KAMANDA: Mr Chairman, Honourable Members, considering the current trend of the Aviation Sector, I see no reason why we should have two deputy Directors-General as stated in Clause 23[2]; which says: **"The Authority shall also subject to such terms and conditions as the Board shall determine to have two Deputy Directors-General."**

THE CHAIRMAN: But mind you, their functions have been specified; i.e., one of whom shall be responsible for Administration and the other for technical operations.

HON. UMAR PARAN TARAWALLY: Mr Chairman, if we are retaining the two, I want to believe that we should have two Deputy Directors-General.

THE CHAIRMAN: Two Deputy Directors-General?

HON. UMAR PARAN TARAWALLY: Yes, Mr Chairman.

MR LEONARD B. KOROMA: Mr Speaker, Honourable Members, I think the correct terminology is Deputy Directors-General, one for Administration and the other for Technical.

THE CHAIRMAN: Okay. Page 31? Page 32?

HON. DANIEL B. KOROMA: Mr Chairman, Page 31, Clause 34[1]. It says: **"The Director General may, in writing and subject to this Act, delegate a function to the Deputy Director-General."** That is also not clear.

THE CHAIRMAN: What do you want, Honourable Member?

HON. DANIEL B. KOROMA: It should be 'some of his functions' because he cannot be delegating functions.

MR LEONARD B. KOROMA: The function can be a specific and this has to do with Aviation issues.

HON. DANIEL B. KOROMA: It can also be functions, as the case may be.

THE CHAIRMAN: Mr Minister, can we say that the Director-General may in writing and subject to this Act delegate any function?

MR LEONARD B. KOROMA: Yes, Mr Chairman.

THE CHAIRMAN: Page 31? Page 32?

HON. DANIEL B. KOROMA: Mr Chairman, Page 34. I have some problems here. Mr Minister, in Clause 30[1], we want to know exactly what you mean here. It says: **“Notwithstanding anything containing any other law, no lawsuit shall lie against the authority, Board Members, Director-General or any other employee of the Authority in the execution of any public duty under this Act, or any other law in respect of any alleged negligence or default in execution of any public duty under this Act, or such law it is commenced within one year of this Act, negligence or default complain or in the case of continuance of damage or injury within one year after the season thereof.”** The question is why giving timeframe to lawsuit? It means that if I commit an offence, nobody can sue me until after one year. This is what this paragraph is saying. The paragraph also says that if I continue, you should sue me one year after I have stopped worked. If I am committing an offence continuously and I stopped on the 1st December, then you can sue me for that offence on the 30th November of the following year. Why are you determining when lawsuits should be taken against a Board member?

MR LEONARD B. KOROMA: It is within one year and not after one year, Honourable Member.

HON. DANIEL B. KOROMA: Mr Minister, paragraph is not saying within one year, but one year. Please look on Page 34, Clause 30[1].

MR LEONARD B. KOROMA: Well, ‘within’ is the operative word. We can take out the phrase ‘within one year.’

HON. DANIEL B. KOROMA: The question is why should you determine the time for the lawsuits? It will be taken against your opponent. Why do you think you should be protected until certain period?

MR LEONARD B. KOROMA: This is typical Aviation Language. It is a standardised Aviation Language. That is correct and it is the statute of limitation. You have the standard of limitation.

HON. DANIEL B. KOROMA: Mr Minister, there is a general law and you cannot conflict with the Limitation Act. We have the Limitation Act and it is a separate law.

MR LEONARD B. KOROMA: It is different when applied to Aviation. Personnel are moved and the dynamics are different in the Aviation Industry.

HON. AMADU M. KANU: Mr Chairman, we are impressed, but what makes Aviation so special that you make this law against the Limitation Law my colleague is talking about?

MR LEONARD B. KOROMA: It is because of the very technical nature of Aviation Industry.

HON. AMADU M. KANU: Mr Chairman, I fail to understand what makes the Aviation Industry so technical. You can think of a research laboratory, which is also very technical for that matter or an engineering company. We should see it in this Bill before it is passed.

MR LEONARD B. KOROMA: I see it in airplanes as a regulation and it is just an Aviation language.

THE CHAIRMAN: In that case, do you want us to leave it as it is, Mr Minister?

MR LEONARD B. KOROMA: Yes, Mr Chairman.

THE CHAIRMAN: Okay.

HON. MUSTAPHA BRAIMA: Mr Chairman, I want to humbly suggest that we hold discussions with the Acting Secretary-General and the Minister to get this issue clarified.

HON. DANIEL B. KOROMA: There is a standard. When you are served a writ of summon, there is a standard and you cannot dispute that. You cannot say I am governed by separate law and I will not appear within the time stated by the High Court. There is a timeframe for entering appearance and entering defence. So, for you

to say if you do not sue me within one year, you cannot sue me anymore, sounds bizarre.

THE CHAIRMAN: Honourable Member that is a law for this Act and what you are saying is Universal.

HON. DANIEL B. KOROMA: Mr Chairman, I am talking about the General Law in Sierra Leone.

THE CHAIRMAN: Honourable Member, what we are discussing now is being particularised for this particular Act. For this particular Act that is what they want; and for this particular Act, what has been stated here is what they want and I do not see anything wrong with that.

MR LEONARD B. KOROMA: Exactly, Mr Chairman.

THE CHAIRMAN: We proceed, Honourable Members. Page 35? Page 36? Page 37? Page 38? Page 39? Page 40? Page 41? Page 42? Page 43? Page 44?

MR LEONARD B. KOROMA: Mr Chairman, Honourable Members, I move that Parts 4, 5 and 6, Clauses 22-47 stand part of the Bill as amended.

[Question Proposed, Put and Agreed to]

[Parts 4, 5 and 6, Clauses 22-47 form part of the Bill as amended]

Parts 7, 8 and 9, Clauses 48-80 proposed

MR LEONARD B. KOROMA: Mr Chairman, Honourable Members, I move that Parts 7, 8 and 9, Clauses 48-80 stand part of the Bill.

THE CHAIRMAN: Honourable Members, we go page by page. Page 44? Page 45? Page 46?

HON. DANIEL B. KOROMA: Mr Chairman, Page 46, Clause 50[3] reads: **"A person who contravenes Sub-section [1] commits an offence and shall be liable to a conviction to a fine not exceeding twenty five thousand United States Dollars [\$25,000] or equivalent in Leones."** The custodian sentence provision is absent; i.e., 'for a term of imprisonment.' Again, the Proviso [however] is not included. Also, I

want to know why proceedings under this Provison should be decided by the Attorney-General before any action could be taken.

THE CHIARMAN: Mr Minister, why the custodian sentence is not included.

MR LEONARD B. KOROMA: Mr Chairman, that is accepted.

THE CHAIRMAN: And what should be the custodian sentence?

MR LEONARD B. KOROMA: Well, if you say the fine is **\$25,000** for two years.

HON. DANIEL B. KOROMA: Well, having gone through the Bill, there is a **\$50,000** fine or ten years. This means that for **\$25,000**, it should be five years imprisonment.

MR LEONARD B. KOROMA: We accept the five years imprisonment.

THE CHAIRMAN: Where is the Proviso?

MR LEONARD B. KOROMA: Mr Chairman, even in our employment, for example, there are certain matters that must be referred to the Attorney-General for clearance before charges are done.

HON. DANIEL B. KOROMA: I want to inform the Minister that this law is not going to be made for the Minister or for this course. It will stay until it is repealed. If such powers are being given to the Attorney-General, and these laws are not only made for this Government, then it is necessary to stand the test of time.

MR LEONARD B. KOROMA: Already, the Attorney-General has that power.

THE CHAIRMAN: He already has that power and there are certain things he must be asked to provide advice. Page 47? Page 48? Page 49? Page 50? Page 51? Page 52? Page 53? Page 54? Page 55? Page 56? Page 57? Page 58? Page 59? Page 60? Page 61? Page 62? Page 63? Page 64? Page 65? Page 66? Page 67? Page 68? Page 69?

MR LEONARD B. KOROMA: Mr Chairman, Honourable Members, I move that parts 7, 8 and 9, Clauses 48-80 stand part of the Bill as aamended.

[Question Proposed, Put and Agreed to]

[Parts 7, 8 and 9, Clauses 48-80 form part of the Bill as amended]

Parts 10, 11,12,13,14 and 15 Clauses 81-117 proposed

MR LEONARD B. KOROMA: Mr Chairman, Honourable Members, I move that Parts 10,11,12,13,14 and 15, Clauses 81-117 stand part of the Bill.

THE CHAIRMAN: Honourable Members, we go page by page. Page 69? Page 70? Page 71?

HON. DANIEL B. KOROMA: Mr Chairman, Page 71, the las line of Clause 85. The word 'training' should be deleted.

THE CHAIRMAN:Yes, it should be deleted. In that case, we will have 'five years consistently.'Page 72? Page 73? Page 74? Page 75? Page 76? Page 77? Page 78? Page 79? Page 80? Page 81? Page 82? Page 83? Page 84? Page 85? Page 86? Page 87? Page 88? Page 89? Page 90? Page 91? Page 92? Page 93? Page 94? Page 95? Page 96? Page 97?

MR LEONARD B. KOROMA: Mr Chairman, Honourable Members, I move that Parts 10, 11, 12, 13, 14 and 15, Clauses 81-117 stand part of the Bill as amended.

[Question Proposed, Put and Agreed to]

[Parts 10, 11, 12, 13, 14 and 15, Clauses 81-117 form part of the Bill as amended]

[THE HOUSE RESUMES]

MR LEONARD B. KOROMA: Mr Chairman, Honourable Members, I report that the Bill entitled, "The Civil Aviation 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 Civil Aviation Act, 2017' being an Act to provide for the repeal and replacement of the Civil Aviation Act, 2008 to provide for the continuing existence of the Civil Aviation Authority, to provide for a more effective and efficient regulation for International and Domestic Air Transport and Cargo Services in Sierra Leone, and to provide for other related matters has been read the third time and passed into Law]

ADJOURNMENT

*[The House rose at 4.25 p.m. and was adjourned to Tuesday, 5th December,
2017 at 10 .00 a.m.]*