

*OAU DRIVE, TOWER HILL, FREETOWN*

# **PARLIAMENTARY DEBATES**

**[HANSARD]**

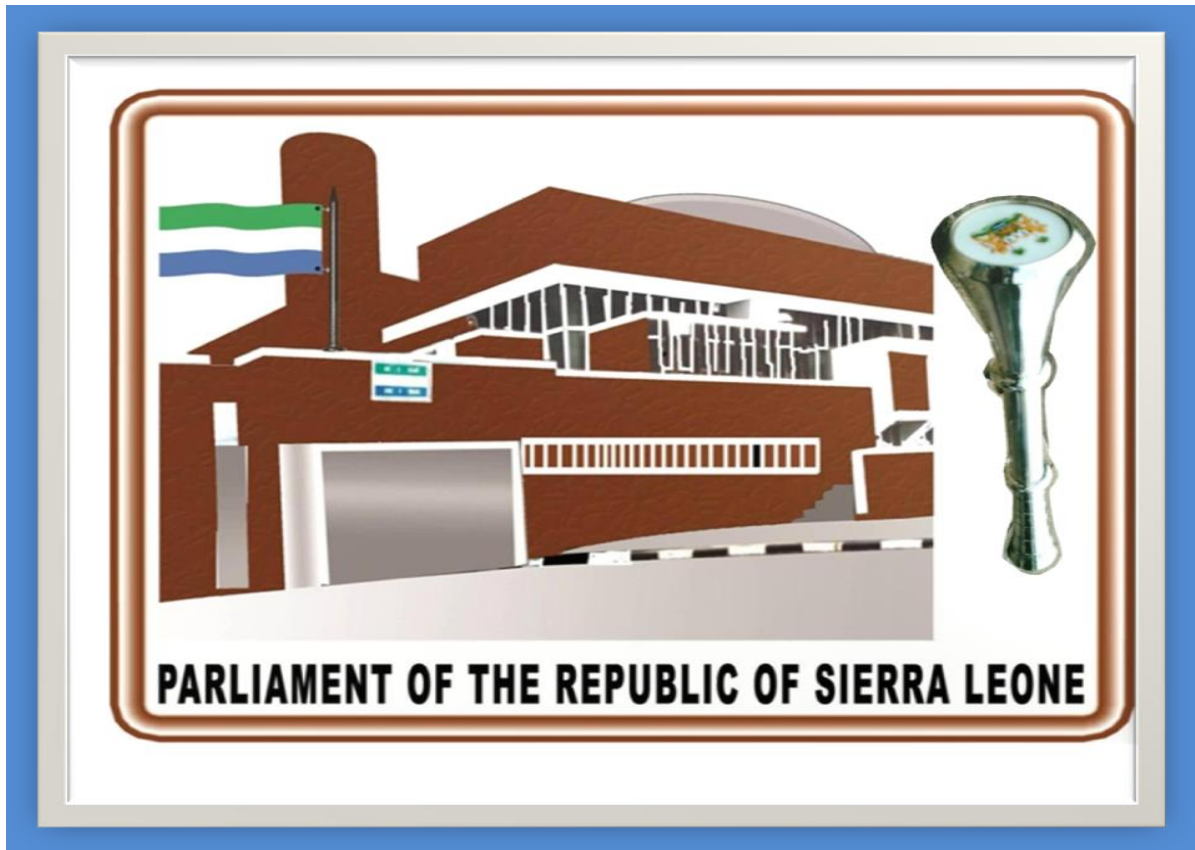
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**OFFICIAL HANSARD REPORT**

**FIRST SESSION –FIRST MEETING**

**TUESDAY, 13<sup>TH</sup> FEBRUARY, 2024**

*SESSION – 2023/2024*



*OAU DRIVE, TOWER HILL, FREETOWN*

# **PARLIAMENTARY DEBATES**

**[HANSARD]**

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**OFFICIAL HANSARD REPORT**

**VOLUME: I**

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First Meeting of the First Session of the Sixth Parliament  
of the Second Republic of Sierra Leone.

Proceedings of the Sitting of the House  
Held Tuesday, 13<sup>th</sup> February, 2024

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# **CONTENTS**

## **I. PRAYERS**

## **II. CORRECTION OF VOTES AND PROCEEDINGS FOR THE PARLIAMENTARY SITTING HELD ON THURSDAY, 8<sup>TH</sup> FEBRUARY, 2024.**

## **III. ANNOUNCEMENT BY MR SPEAKER**

## **IV. LAYING OF PAPER**

THE DEPUTY MINISTER OF EMPLOYMENT, LABOUR AND SOCIAL SECURITY



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

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

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### **FIRST SESSION – FIRST MEETING OF THE SIXTH PARLIAMENT OF THE SECOND REPUBLIC**

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**Tuesday, 13<sup>th</sup> February, 2024.**

#### **I. PRAYERS**

*[The Table Clerk, Mr Edward Sahr Lebbie, Read the Prayers]*

*[The House met at 10:15 a.m. in Parliament Building, Tower Hill, Freetown]*

*[The Speaker, Hon. Abass Chernor Bundu, in the Chair]*

The House was called to Order

**II. CORRECTION OF VOTES AND PROCEEDINGS FOR THE PARLIAMENTARY SITTING HELD ON THURSDAY, 8<sup>TH</sup> FEBRUARY, 2024.**

**THE SPEAKER:** Honourable Members, we shall now consider the record of Votes and Proceedings for the parliamentary sitting, held on Thursday, 8<sup>th</sup> February, 2024. As usual, we shall start with Page 5. Page 6? Page 7? Page 8? I want to take the opportunity to draw the attention of the Table Clerks to Page 1. Let them take note of my first name and middle name. That is consistent until you reach Page 8. I see a change on Page 8. Let me state here that putting the Chernor as my middle name was quite deliberate and that is the way it should be. In my own ethnic group, it is something that I dare not parade. I am not qualified for it. The Chernor is a professor in Quranic studies and I do not have that qualification nor do I pretend to have it. So, I switched my names around when I realised the heavy burden that the name carries. So, I am contented with Abass Chernor and please do not use Chernor Abass. Even in my village, if they call me Chernor Abass, I usually frown at it. Page 9? Page 10? Page 11.

**HON. UMPHA S. G. KOROMA:** Page 11, Mr Speaker. I want to express similar view about your name. My name was reversed to Gbassay Sorie, instead of Sorie Gbassay.

**THE SPEAKER:** Noted, Honourable Member. If there is no other correction or amendment, can someone move for the adoption of the record of Votes and Proceedings for the parliamentary sitting, held on Thursday, 8<sup>th</sup> February, 2024 as amended?

**HON. BRIMA MANSARAY:** I so move, Mr Speaker.

**THE SPEAKER:** Any seconder?

**HON. RUGIATU R. KANU:** I so second, Mr Speaker.

*[Question Proposed Put and Agreed To]*

*[Record of Votes and Proceedings for the parliamentary sitting, held on Thursday, 8<sup>th</sup> February, 2024 has been adopted as amended]*

### **III. ANNOUNCEMENT BY MR SPEAKER.**

**THE SPEAKER:** I do not think I have any substantial announcement to make today. However, there was a slight lapse in our punctuality, but I am sure we will regain momentum as time goes on. I want to state here that starting from the next adjourned date, we shall endeavour to start on time.

**HON. DANIEL B. KOROMA:** Mr Speaker, if I could recall from the last sitting, I did inform this House that I intend to prepare a notice. I gave the notice here and I promised to do the needful under S.O.19, to invite the Minister of Transport and Aviation for a brief explanation of the current bus issue. The normal rule is ten days. It should be ten days' notice, but the Standing Orders also make provision in the case where the situation is significant or is of utmost importance, Mr Speaker has the authority to cut the time down and you did it. You instructed that it should be done today, but unfortunately, I did not see it on the Order Paper. So, I do not know why. This is contrary to your instructions, Mr Speaker. I did not see it on the Order Paper and it is of utmost importance. This is just an observation. I thank you.

**HON. MATTHEWS. NYUMA:** Mr Speaker, thank you very much for bringing us to speed. I believe we have Committees in the House; and prior to your decision which nobody can question, I called on the Chairman of the Committee and we met few days ago. So, I informed the House about the present situation of the buses. I said we have to be well informed about what is happening. So, that has a lot to do with your notice of Motion. I have not really received any formal notification for onward inclusion on the Order Paper. We need to discuss these things accordingly. I have sent the copy of the draft of the Order Paper to be signed. So, I was expecting you to ask me why it is not on the Order Paper. Mr Speaker accepted the notice of Motion. I did not receive any formal notification to enable me include it on the Order Paper.

Mr Speaker, Honourable Members, I want to say something relating to the issue of good office. We now ask the Committee to present to us the good office report based on the meeting they held on that particular day. I want my colleagues on the other side to be well informed about what they discussed. These are new challenges coming up and we need to address them. For me, I really want a senior colleague of the House to question

the Minister on Wednesday and I told the Speaker about it three weeks ago. To refer the Minister of Agriculture to the Committee is one, but his can be another thing. We are going to address these issues on Wednesday. We will even ask questions regarding the Ministry as well. So, inasmuch as I have taken into consideration the notice of Motion, I am still looking forward to my colleagues on the other side as senior Members to also do the needful. We appreciate you very much for always bringing us to speed. Thank you very much Honourable Member and God bless us all.

**HON. DANIEL B. KOROMA:** Mr Speaker, I did promise that I will do the needful and I did exactly what I was supposed to do. I filed it to the Office of the Clerk and I even reserved some copies for you. Well, we should not bother about those lapses, but I appreciate my Leader that he has given the room to the latter date. He said Wednesday and I do not know whether he meant tomorrow. If he meant tomorrow's Wednesday, I have no problems with that. However, my only issue is that Committee reports cannot substitute the summon of the Ministers to come and give their explanations. Besides, the public perception will be better satisfied if Ministers come and explain, other than just presenting Committee reports. The Committee reports cannot substitute the appearance of the Ministers. However, if he is given another date, I am okay with that. We have multiple questions that will be asked to the Ministers.

**THE SPEAKER:** I want to appreciate the comments made by both of you on this issue of questions for Ministers. We did our dimness in the Fifth Parliament, but we never rarely got around to do anything in that direction. I think we should break the glass again and make it, instead of the exception. The Ministers should begin to come to the Well to answer relevant questions. In certain parliaments, it is the tradition that they do so on a particular day and I just want the effort to invite both the Leader of Government Business and the Leader of the Opposition to come out for a moment to confirm this issue.

Honourable Members, I think I can say with great enthusiasm that this Sixth Parliament is going to make substantial progress in this issue of questions for Ministers. As I said, the Fifth Parliament failed woefully on that issue, but we are about to change things for the better. I am now reassured, after the consultations I have had with the two Leaders, that we are all on the same page with regards this critical mission. At our next sitting, I will be

making the infinitive announcement as to how we are going to proceed with the Question Time and a particular day will be set aside for that purpose. We start on the experimental basis and then glide with it becoming slowly a norm, rather than the exception. So, I thank you for your indulgence and for your patience. Let us get on with today's business.

**HON. MATHEW S. NYUMA:** Mr Speaker, before that, you have raised a very important issue. I want to state that in the Fifth Parliament, we struggled in trying to implement the Question Time in this House. We are not creating a platform of any embarrassment. We are just trying to have a platform where we can treat democracy to be at the level where it can be best practiced. I am sure that is the best time for us to interact with our Ministers and that is the reason we need Question Time. The provisions are very clear, Mr Speaker. I appreciate my colleague on the other side. As Mr Speaker stated earlier, Question Time once a month is very good.

Mr Speaker, Honourable Members, when we are talking about Question Time for Ministers, we also need to come in numbers to do so because it might affect all of us. What explanation do we need from Ministers in relation to Feed Salon Project and the buses? So, subsidiary questions must be asked. Mr Speaker, as I always said, we appreciate you because of the way you are running this Parliament as Presiding Officer. I want to assure that this time that we will use the new model in the Sixth Parliament. Question Time in Parliament is part of democracy. I thank you very much.

**THE SPEAKER:** I just want to add for the edification of new Members of Parliament. When you visit your constituencies, I am sure you are faced with some constituents coming up with questions that you might find difficult to answer. This is because you do not have all the facts. Question Time is actually a channel for your constituents to ask the government questions through your good selves in the Well. That is essentially what Question Time needs. It gives an opportunity for your constituents to echo their concerns through your good selves to the Ministers. This is because it resonates more widely than if you adopted another proceedings. It is not intended to embarrass Ministers; it is meant to elicit vital information that is not otherwise available in the public domain. So, looking through the CVs of our new Members of Parliament, I am very impressed that we have people of very high calibre in this Parliament who will take advantage of Question Time to



formulate their questions for Ministers. The questions will bear no malice and no grudge against anyone, but merely to solicit information for the benefit of your constituents and the general public. Once again, I thank you for your forbearance and I cannot wait for the day when Question Time will occupy a prominent feature of our proceedings.

#### **IV. LAYING OF PAPERS**

THE DEPUTY MINISTER OF EMPLOYMENT, LABOUR AND SOCIAL SECURITY

**MR MOHAMMED LANSANA DUMBUYA** [*Deputy Minister of Employment, Labour And Social Security*]: Mr Speaker, Honourable Members, with your leave, I beg to lay on the Table of this Honourable House the following Papers:

Work Permits Fees Regulation 2024.

The Work Permit Act, 2023 No 11 of 2023.

Statutory Instrument No. 1 of 2024.

Mr Speaker, Honourable Members, please permit me to say few words. With your leave Mr Speaker, I want to thank the leadership of the Sixth Parliament for giving us the permission to withdraw the Statutory Instrument No. 1 of 2024 that was laid on the 8<sup>th</sup> February, 2024 due to certain issues that the Ministry of Employment, Labour and Social Security needs to address. I beg the leadership and the entire House to give us the permission. So, I am here to report that we have had consultations and I want to thank you for that. During those consultations, we emphasised the need for sensitisation planning and the transfer of skills to Sierra Leoneans. This is because the ultimate aim is that at the end of the day, we want our citizens to occupy most of the positions that have been occupied by the foreigners. I want to state here that with the support of the Committee and the entire parliamentary leadership, we will ensure the implementation of the dictate on the Work Permit Act, which this House passed in 2023. We will ensure that the managerial positions will be 50% Sierra Leoneans and 50% foreign nationals. I thank you.

**HON. DANIEL B. KOROMA:** Mr Speaker, Honourable Members, I do not intend to move a Motion for these instruments to be debated. That is not my intention, but we should not just remain static to the norms and procedures. If that happens, it means there will be no progress except we amend the Constitution. When Statutory Instruments come to this

House, we are almost incapacitated to do something about them. We are merely rubberstamping them due to Statutory Instruments rules and regulations inscribed in Section 170 of the 1991 Constitution of Sierra Leones. We have to amend Section 170[7] of the 1991 Constitution and I know we can do it. I am suggesting a new procedure, Mr Speaker. We cannot continue to be static. We must ensure that whenever rules, regulations, Statutory Instruments are brought to this House, we have to constitute a Committee to look at them before they are laid on the Table of this House. This is because once they are laid, we become a rubberstamp Parliament. We cannot change it as provided for in the Constitution. We are absolutely powerless by our own making because of the 1991 Constitution. We should have a Committee to first of all examine these Statutory Instruments brought under Section 170 [7] before they are laid here. This is to ensure that some modifications are made where necessary. This is because we are representing our people and not the Ministers. That is my suggestion, Mr Speaker.

**HON. SEGEPOH S. THOMAS:** Mr Speaker, Honourable Members, I adopt the submission made by my friend, who is also my brother, Hon. Daniel B. Koroma. I totally adopt his position and I wish to state here that I wish the Ministry of Labour brings these Statutory Instruments not later than one year today. This is because I have seen potential problems with this particular document with regards to these Statutory Instruments. I would have thought the fee in the schedule is presented differently order than the way it is presented in the document. If you say **NLe15,000** or its equivalence to that of the United State Dollars, it is about **\$600** as far as the current exchange rate is concerned. I am sure after one year and due to the volatility of the Leone against the dollar, they will end up paying three or four hundred dollars. It should have indicated in dollars or the Leones equivalence. That would have been the best way. I have just explained this to the Minister and I know he accepted. I told him to present it in a way where we would not need to come to Parliament for adjustment. If we would want to adjust it, probably we would have adjusted it several years from now. The way it is captured here will make the people to be paying hundreds of Dollars given the volatility of the Leones against the Dollar.

Mr Speaker, Honourable Members, I am saying this for the attention of the Minister. I want him to be here with this document not later than one year today. I really do not know why when it comes to Sierra Leone, it is done differently. In the whole of West

Africa, people are paying something appreciable. I just saw a letter presented to Mr Speaker by someone. I do not go with this idea. We have been on this for over sixty years now. Where is the knowledge or skills transfer? So, this argument does not hold. If this argument is something to go by, we have gained independence for over sixty two years now, but without the required knowledge and skills. We should have had enough knowledge or skills transfer by now. But the moment we want to make progressive laws in Sierra Leone, you will see all sorts of interest groups coming up to argue against them. Mr Speaker, I insist that the Minister of Labour should be here not later than one year or we will force him to be here. Honourable Members, let us consider this very seriously or else we will not progress in Sierra Leone. There is never going to be a progress in Sierra Leone if we continue to listen to interest groups. Of course, a private consultant who wants to inform us about what we should know as Members of Parliament. This is extremely unfortunate and we have to be serious about it.

**HON. MATTHEW S. NYUMA:** Mr Speaker, without much I do, I have taken into consideration the statement that was made by my colleague on the other side, and also the Deputy Speaker. We should not be too emotional. As a lawyer, I have tremendous respect for him. If you want to control the regulatory aspect of any Act, we should amend the Act. We should not give holistic powers to the Ministers to make regulations. Let us go back to the Act and it is clearly stated under the Disciplinary Provision, that ministers are charged with the responsibility by an Act to make regulations.

**HON. SEGEPOH S. THOMAS:** I think the Leader is... - *[Interruption]*.

**HON. MATTHEW S. NYUMA:** Mr Speaker, I think the Deputy Speaker should give me the chance to conclude.

**HON. SEGEPOH S. THOMAS:** Mr Speaker, I am still on my legs. The Leader should wait because I am still on my legs and that is the procedure. When I stand up, you have to wait, please. I am raising a Point of Order. The Leader is contradicting my statement. I have not referred to the rights of Ministers making regulations. That is not the point at all. Of course, I cannot argue against an issue of that nature. Like you said, I am a lawyer and I know some of these issues. What I am saying here is that these fees are unquestionable for Sierra Leone. This is because if you go to a place like Liberia, people pay one thousand

five hundred dollars [**\$1,500**] for Work Permit. Why should it be different in our case? I am sure this is why you have these shop attenders being brought into the country. That is the point I am making and not regulations.

**HON. MATHEW S. NYUMA:** Mr Deputy Speaker, you should have waited till the end of my statement. You decided to interrupt and I hope you will not do it again.

**HON. SEGEPOH S. THOMAS:** Please, I take the greatest exception to that, Mr Leader.

**HON. MATHEW S. NYUMA:** I Hope you will not do it again.

**HON. SEGEPOH S. THOMAS:** Thank you very much.

**HON. MATHEW S. NYUMA:** Mr Speaker, this is a very interesting argument. I said we should not be emotional and forget about the law. It is clearly stated in our law. The regulation is in the Act. When it is distributed based on the provision in the Standing Orders, we still have the Legislative Committee to look at it before it is laid. It will be discussed during the pre-legislative hearings. We are going to approach the new jack pattern. We are the people's representatives and I believe a gradual increment will be made in future. In the sub-region, it is one thousand Dollars based on the research we have conducted. When we went to a meeting with the Speaker, we wanted to know how we are going to make increment. We however proposed for a review, but based on Section 170, I refused to accept that we are a rubberstamp Parliament. This is why we should review the 1991 Constitution to rectify these issues. We cannot say we are a rubberstamp Parliament. I refrain from using that word because the law is the law.

Mr Speaker, Honourable Members, if the document is distributed, the Legislative Committee will look at it. I think we have done it with the first Instrument and that brought about the second Instrument which has been laid here. So, Mr Deputy Speaker, I am not saying they should not come in less than one year or in two or three months. They should come here and do the needful. What I am simply saying that we cannot just set the law aside. This is because the Act gives power to the Minister to present the regulations. Sometimes when doing comparative studies, we have to take it depends on how the two countries are doing in terms of their GDPs. Our GDP is different from Guinea or Liberia. Inasmuch as we are doing comparative analysis within the sub-region, we have to be very considerate or consider other variables. I know you are trying to protect the

interest of the state, but let us also look at the situation we find ourselves. We should also consider the interest of the employers.

Mr Speaker, Honourable Members, the key point that we have not talked about is the first layer of employment. The Employment Act states that before you get the Work Permit, you must exhaust the local market; i.e., employing Sierra Leoneans first. If you visit some of these shops or other companies, you will see foreigners doing all the menial jobs that are supposed to be done by Sierra Leoneans. Mr Speaker, I discussed with you that there is a primarily layer which we need to exhaust before coming to the Work Permit and I consider it as secondary layer. You have to first of all ensure where Sierra Leoneans are supposed to be employed. You cannot have a foreigner qualified to run a sales company without having a Sierra Leonean who is qualified for that job.

**THE SPEAKER:** That relates to the question of enforcement of the employment law.

**HON. MATHEW S. NYUMA:** The Work Permit, which I consider as the secondary layer, has to come after the primary layer. You first of all have to exhaust the primarily layer. When you fail to get a Sierra Leonean for a specified job, the law allows you to go for the Work Permit. We are not mortgaging the Work Permit; it is just a procedural process. What we first of all need to do as Sierra Leoneans is to ensure that we do not give jobs to foreigners when we have qualified Sierra Leoneans for the same jobs. I am sure that is what is happening in this country.

Mr Speaker, Honourable Members, let me buttress the point that was stated by the Speaker regarding the enforcement of the employment law. The implementation of the Employment Act is crucial. Even though you did not get qualified Sierra Leoneans for certain jobs, but the law states that after sometimes, you have to transfer the necessary skills to Sierra Leoneans. This is in the Employment Act. So, this is what we are talking about and it is in the secondary layer. The local content is also another important aspect. So, we have two complimentary Acts; i.e., the Employment Act and the Local Content Act. Are you saying we do not have qualified Sierra Leoneans to be sales men in the shops? So, if I say Work Permit worth ten thousand Leones or thirty thousand Leones in new currency, it means you are almost giving to foreigners for free. We are saying that the Act is very clear and explicit. You have to first of all exhaust the local market [in compliance

with the local content law], enforce before considering what we call Work Permit. Thank you, Mr Speaker for giving the space to speak.

**HON. ABDUL KARGBO:** Mr Speaker, basically there are elements of misunderstanding from the exchanges we are having. This House, in accordance with Section 105 of the 1991 Constitution of Sierra Leone is the supreme legislative authority. This means we should have a role to play in any document that is laid in this House. You know how cumbersome it is to nullify Statutory Instruments. So, before it is being brought to this House, the content of the Instrument should not be a surprise to Members of Parliament. Members of Parliament could have contributed to the contents of the Statutory Instruments that are laid here. This is because once they are being laid, it is very difficult for this House to nullify them. So, I want to agree with the Deputy Leader here that we have a way of preventing the issues. This is because Parliament will not be happy for any document that has been laid in this House without agreement by Members of Parliament. We have to agree with the content of that document. So, I want to implore your office to ensure that we create an avenue, like what the Deputy Leader said, to constitute a Committee that will be advising the Ministries on most of the issues captured in the document, so that Parliament will have a say on same before they are laid in the House. This is because once they are laid, Parliament carries the highest responsibility. This is because it is a Statutory Instrument and you need two/third majority to modify it. So, that makes it difficult, Mr Speaker.

**THE SPEAKER:** Before giving the floor to anybody else, there are two critical points that have been raised in this House. May I have the attention of everyone? The one issue, which is of the wider dimension, is the question of enforcement of the employment laws of our country. Something has been proposed by the Leader of Government Business, which I want us to pay attention to very seriously. The second issue is about this Instrument and I am having a little difficulty with it. Maybe the Minister will be able to help me settle the reservation that I have by answering the simple question from me. Mr Minister, I hope you are well briefed before coming to the House? This is because I am about to ask you a question. When do you want this Statutory Instrument to come into force?

**MR MOHAMMED LANSANA DUMBUYA:** The Instrument would have taken effect this January, 2024.

**THE SPEAKER:** From this January?

**MR MOHAMMED LANSANA DUMBUYA:** Yes, this year, Mr Speaker.

**THE SPEAKER:** That is when you intend the Instrument to take effect.

**MR MOHAMMED LANSANA DUMBUYA:** That was the intention, but because of the procedure now, I think we have to observe the twenty one days before it comes to effect.

**THE SPEAKER:** Mr Minister, I am sorry to say that you are being rather disingenuous in the way you presented the answer. I want all of us to talk to the Instrument that has just been laid and I will explain what I mean by the Ministry trying to be disingenuous.

**HON. BASHIRU SILIKIE:** Mr Speaker, Point of Order. If we believe strongly, as Members of Parliament, that this Statutory Instrument should be debated, you should move a Motion, instead of debating it or asking the Minister questions.

**THE SPEAKER:** We are not debating it. I want to draw the attention of the Minister to something. There is a very serious issue in this Instrument that I want to draw the attention of the Minister and the whole House. One thing that I hate is to be told by any person outside of the House that under our watch, things are being done wrongly. The Minister was here last week and he is back this week. I want all of us to pay attention to this. In the very first paragraph, you said otherwise provided, these regulations shall be deemed to come into operation on the first day of January, 2024. That was why I ask a question. What was your intention? This is a regulation and you want it to have retroactive effect to the first of January, but the Constitution tells you different thing. So, I hope you will go by the Constitution.

**HON. MATTHEW S. NYUMA:** Mr Speaker, I do not intend to read the provision in the Constitution because the language is straight forward. There is anticipation for the 1<sup>st</sup> of January, but because of the Constitutional provision, it is going to be after twenty one days. So, it has to be based on the constitutional provision. It has already been laid and we will wait for twenty one days. Mr Speaker, we have laid the Paper. If we look at S.O. 25 and if they want us to debate the Instrument, it has to be done through a Motion and

accordingly captured on the Order Paper. I advise you do that. The provision in the Constitution, in accordance with Section 177 sub-section [C] is very clear. It says it should be after twenty one days, but if you want the instrument to be annulled, you can send the notice to us. Mr Speaker, S.O [8] and S.O [11] sub-section [8] are very clear. The Order Paper had already been distributed before the Instrument was brought here. So, if they want us to go down, which we have obeyed, we should do it. If colleagues want us to debate this, let us give a notice of Motion under S.O [25].

**THE SPEAKER:** No, I do not think anyone wants to debate it.

**HON: MATHEW S. NYUMA:** I have made my point clear.

**THE SPEAKER:** The way I am seeing it, you are not at cross-purposes at all.

**HON. MATHEW S. NYUMA:** I am now seeing that we are almost at cross-purposes.

**THE SPEAKER:** No, you are not at cross-purposes. The danger that I see is the intention of the Ministry to give effect to this Instrument. However, it is now clarified that you have told him it cannot be done as they intended. I hope you maintain that. They will respect that their intention cannot prevail in this particular instance.

**HON: DANIEL B. KOROMA** Mr Speaker, right from the start, I made it very clear that the reason I stood up was not to move a Motion under S.O 25 to annul this Instrument. That has never been our intention here and we do not intend to debate this at all. I gave my reasons. As stated in Section 170[7], we cannot do anything or change it. Also, based on what the Deputy Speaker said, I proffered the best way forward, even if it has never been done. I want to submit here that society is dynamic and this Parliament is also dynamic. We are now going paperless and it has never been like that. So, we should give room for changes to take place. For instance, before Statutory Instruments come to this House by way of regulations or rules, the Legislative Committee should be briefed about the Instrument. I want to assure you that if this document had come before the Legislative Committee for just an hour, this embarrassment would not have happened. But because we never gave that opportunity for Members of Parliament to be briefed before it is laid in this House, that is why we are still arguing about it.



**THE SPEAKER:** I take note of what you have just said, Honourable Member; but the Minister has assured the House in answer to the question that I posed that though it was their intention to see the regulation come into force as from the 1<sup>st</sup> of January, 2024. They have, however, abandoned that intention.

**HON: DANIEL B. KOROMA:** In fact that is more dangerous.

**THE SPEAKER:** He has assured us of the abandonment of that intention by his Ministry and we have to accept that.

**HON: DANIEL B. KOROMA:** Mr Speaker, we are abandoning it on what purpose? It is Parliament that makes law.

**THE SPEAKER:** No, we are abandoning that and he has abandoned it. Having his attention been drawn to Section 107[7]; and when you look at Section 170[15], it is even more imperative that any law that is in conflict with the language of the Constitution, it is null and void. Indeed he has to respect Section 177, contrary to their intention as indicated in the issue

**HON. MATHEW S. NYUMA:** Mr Speaker, let us go to Section 106 [5] of the 1991 Constitution of Sierra Leone, Act No.6. It says: "No law made by Parliament shall come into operation until it has been published in the Gazette, but Parliament may postpone the coming into operation of any such law and may make laws with retroactive effect."

**THE SPEAKER:** And Parliament has no power to make any laws contrary to the Constitution. What is supreme is not Parliament, but the Constitution. I am aware of that retroactive effect.

**HON. MATHEWS. NYUMA:** Mr Speaker, I want to explain something to you. I was there during the Anti-Corruption law for the cocaine case. The reason why we make the law retroactive is because the charges at that time were very minimal. They were very minimal; one Leone or two Leones. Again, the clause that we inserted in order to save the face of the state was that we agreed to make the law retroactive by relying on Section 106[5] of the 1991 Constitution. When situation arises depending on the circumstance that we find ourselves, you can make it retroactive or you can even postpone same in accordance to section 106[5]. If they say it should come into effect on the 1<sup>st</sup> of January,

it means they rely on Section 106[5] of the Constitution. They are not in contravention of the Constitution. They are consistent with the provision of the Constitution by relying on Section 106[5] of the Constitution. Please go back and read that provision; it is very clear.

**THE SPEAKER:** Thank God the provision says unless otherwise provided; and the “unless otherwise provided” is contained in Section 171 of the Constitution. I am satisfied with the assurance given by the Minister.

**HON. UNPHA S.G. KOROMA:** Mr Speaker, I want to say something regarding the proposition that law can be made retroactive. Mr Speaker, this is a Statutory Instrument which is provided for by Section 170, Paragraph 5 of the Constitution. This clearly stipulates the procedures by which a Statutory Instrument can become a law. So, the question that I want to ask is that even if we decide to debate this Statutory Instrument, does this Parliament have the power to change anything in this Statutory Instrument, after it is clearly stated that it has to take twenty one days before it becomes law. If Parliament does not have the power to make any changes, it means this Parliament is powerless to alter the provisions in Statutory Instrument. The Minister will take care of that provision. We are law makers and we must follow procedure. Thank you very much, Mr Speaker.

**THE SPEAKER:** I will not open a pandora box here. We seem to be flogging the dead horse. We have two things; unless otherwise provided. For me, I am satisfied with the phrase “unless otherwise provided” and that provision is found in Section 170 [7] of the Constitution that clearly gives supremacy to the Constitution over the regulations. So, if I may say in krio S.O 2 case close.

**HON. DICKSON M. ROGERS:** Mr Speaker I am glad that you are closing the case. You are closing the pandora box now. In the first place, you are the one that opened it. This is because we have no reason to allow the Minister to make a statement after laying of the Paper.

**THE SPEAKER:** No, please look at the Standing Orders.

**HON. MATHEW S. NYUMA:** Mr Speaker, this is a statutory instrument. What was the reason of advancing it? Now we are debating it already. I am happy that you are closing the pandora’s box.

**THE SPEAKER:** No, the Minister has every right to make an explanatory statement.

**HON. DICKSON M. ROGERS:** Mr Speaker, this is not an Agreement. This is an Instrument. What was the reason we opened the pandora's box in the first place?

**THE SPEAKER:** Then I refer you to S.O 18[7].

**HON. MATHEW S. NYUMA:** Mr Speaker, Point of Order. My colleague has made a very serious point. If you know there is a problem with the document, then give a notice of Motion. This is because even the Statutory Instrument that this Parliament ratify is also making reference to Section 170[7] of the Constitution. I have stated that Section 106[5] of the Constitution mentions retroactive effect. I gave example of the Anti-Corruption Act as one of the retroactive laws we passed in this Parliament. At that time I was on the other side, but we accepted with good faith because we knew it was for the benefit of this country. Mr Speaker, as you said, there is no debate on this one. If you have an issue, you give a notice of Motion.

**MR MOHAMMED LANSANA DUMBUYA:** Mr Speaker, we have to find solution to this issue, instead of going back and forth. Mr Speaker, the Deputy Speaker suggested that in as much some of these abnormalities are already before us and we do not intend to debate this Instrument because we cannot change anything, he is proposing that the Minister brings back the Instrument in less than one year. This will give the Legislative Committee the opportunity to look at this document and make it better, rather than going for a debate under S.O 25. That is not the best way, but if we are forced to do so, then I will stand on that. However, it is not our intention.

**THE SPEAKER:** No, I think if you listen to what the Leader of Government Business said and I reacted by saying that there were two issues. The bigger issue was the one raised by the Leader of Government Business, which has to do with the employment of Sierra Leoneans and that immediately invokes the question of enforcement of our employment laws. I believe there is something to be done by both the Legislative Committee and the Committee on Employment in Parliament, and the Local Content Agency and the Committee responsible for that as well. They can look at the question of employment of Sierra Leoneans outside of these fees. That is a wider question and it needs careful consideration by this House. So, let us envisage the possibility of the Employment

Committee of this House, inviting the Ministry, Local Content Agency and all other relevant agencies to address that particular issue. We are not going to touch the Instrument anymore. Thank you.

**HON. MATHEW S. NYUMA:** Mr Speaker, with your leave, he is just trying to compliment all the parties. First, he has supported us and we met in your Chambers, where we all accepted in good faith. Let us protect Sierra Leonean workers. We are not saying we cannot move on as mentioned by the Deputy Speaker. We are making our contributions. One thing I admire you for is collating these contributions together, whether they are facts or not. You always try to make sense out of what we are saying here. I always commend you for that, Mr Speaker. I also want to state here that Hon. Daniel B. Koroma has been very magnanimous in dealing with this Instrument. When we had the first instrument, I called your attention and I went to your Chambers, where we had fruitful discussions. We took some steps to support the Minister. I think we have no intention of creating a difficult situation. We agreed that this Instrument should come before one year, which the Deputy Speaker also mentioned here. The only aspect I was trying to clear is that we have the powers, through the Act of Parliament, to amend regulations. So, it is an easy understanding. Mr Speaker, even when he moved the Motion, he mentioned that we should come and ensure positive debate on this Instrument as accepted.

Mr Speaker, Honourable Members, before the Instrument, we agreed that we are not in conformity with the charges in other sub-regional countries. We agreed that this Instrument is going to be temporal. We are anticipating another Instrument before the end of one year. Mr Speaker, please do not forget that you have just ruled on this issue. I think it is good for us to develop some questions for the Minister. This will enable him to come and explain further. Mr Speaker, let me go back to the first point that I made about this Instrument. I was told that they would employ one thousand Sierra Leoneans. I said we should protect Sierra Leonean workers because those Agreements we refer to as Sovereignty Agreements are not always adhered to. I can challenge anyone on this. I have done my findings and I have urged the Minister to go after those Sovereignty Agreements. I fully agree with you that we should have a tripartite meeting to discuss possible ways of enforcing the Employment Act. The Committee on Labour, the Ministry of Labour and the Local Content Agency should meet for that purpose. Thank you very much, Mr Speaker. I

commend you again because you always bring us to speed by putting everything into context. I thank you.

***Adjournment***

*The House rose at 11:30 a.m., and was adjourned to Tuesday, 20<sup>th</sup> February, 2024 at 10:00 a.m.*