

OAU DRIVE, TOWER HILL, FREETOWN

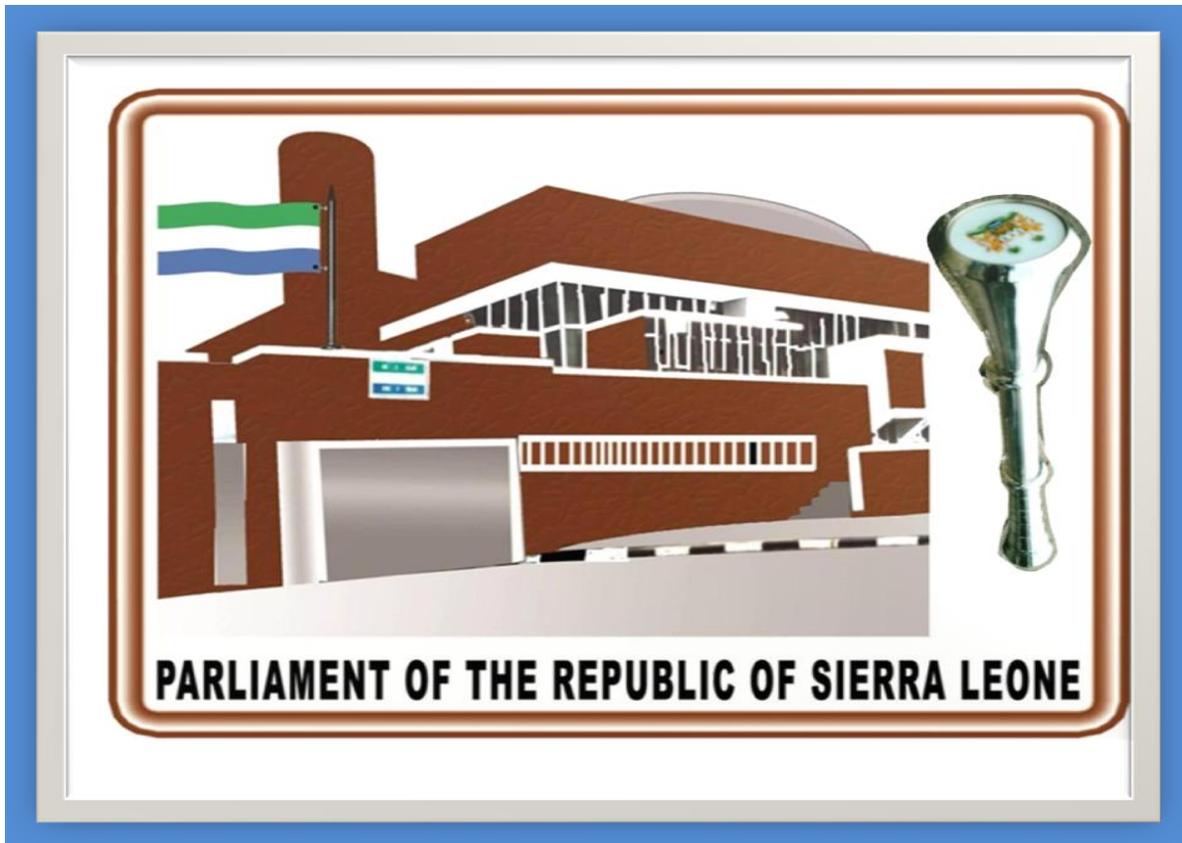
PARLIAMENTARY DEBATES

(HANSARD)

OFFICIAL HANSARD REPORT

SECOND SESSION-SECOND MEETING

TUESDAY, 19TH NOVEMBER, 2013



SESSION 2013/2014

OAU DRIVE, TOWER HILL, FREETOWN

PARLIAMENTARY DEBATES

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OFFICIAL HANSARD REPORT

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

Proceedings of the Sitting of the House
Held on Tuesday, 19th November, 2013.

CONTENTS:

I. PRAYERS

**II. CORRECTION OF VOTES AND PROCEEDINGS FOR THE SITTING HELD
ON THURSDAY, 14TH NOVEMBER, 2013**

III. BILL.

THE CONSTITUTION OF SIERRA LEONE (AMENDMENT) ACT, 2013

INTRODUCTION AND FIRST READING

THE ATTORNEY-GENERAL AND MINISTER OF JUSTICE



THE CHAMBER OF PARLIAMENT OF THE REPUBLIC OF SIERRA LEONE

Official Hansard Report of the Proceedings of the House

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

Tuesday, 19th November, 2013.

The House met at 10:00 a.m. in Parliament Building, Tower Hill, Freetown.

I. PRAYERS

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

[The Deputy Speaker, Hon. Chernor Ramadan Maju Bah, in the Chair].

The House was called to Order

HON. IBRAHIM S. SESAY (Clerk of Parliament): Honourable Members, I announce the unavoidable absence of the Speaker of Parliament, and pursuant to Sub-Section 2 of Standing Orders 10 and Section 88 sub-section (b) of the Constitution of Sierra Leone, Act NO.6 of 1991, I call on the Deputy Speaker to preside.

HON. CLAUDE D. M. KAMANDA: Mr Speaker, Honourable Members, I move that S.O. 5 (2) be suspended so that the business of the House may commence.

THE SPEAKER: Any seconder?

HON. SONGOWA BUNDU: I so second Mr Speaker.

THE SPEAKER: Any counter motion?

(Question Proposed, Put and Agreed to)

II. CORRECTION OF VOTES AND PROCEEDINGS FOR THE SITTING HELD ON THURSDAY, 14TH NOVEMBER, 2013

COMMUNICATION FROM THE CHAIR

THE SPEAKER: Honourable Members, we go through the record of Votes and Proceedings for Thursday, 14th November, 2013. As usual, we go page by page. Page 1? Page 2? Page 3? Page 4? Page 5? Page 6? Page 7? Page 8? There being no amendment can someone move for the record of Votes and Proceedings for Thursday, 14th November, 2013 be adopted as presented?

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

THE SPEAKER: Any seconder?

HON. ALHAJI JOSEPH ALIE KAUVRA KONGOMOH II: Mr Speaker I so second.

THE SPEAKER: Any counter motion?

(Question Proposed, Put and Agreed to)
(Record of Votes and Proceedings for Thursday, 14th November, 2013
was unanimously adopted as presented)

III. BILL.

THE CONSTITUTION OF SIERRA LEONE (AMENDMENT) ACT, 2013

INTRODUCTION AND FIRST READING

THE ATTORNEY-GENERAL AND MINISTER OF JUSTICE

MR ARROW BOCKARIE *(Deputy Attorney-General and Minister of Justice)*: Mr Speaker, Honourable Members, I move that the bill entitled the Constitution of Sierra Leone (Amendment) Act, 2013 being an act to amend the Constitution of Sierra Leone be read the first time.

(Questions proposed put and agreed to)

(Bill entitled the Constitution of Sierra Leone (Amendment) Act, 2013
has been read the first time)

SECOND READING

MR ARROW BOCKARIE: Mr Speaker, Honourable Members, I move that the Bill entitled the Constitution of Sierra Leone (Amendment) Act, 2013, being an act to amend the Constitution of Sierra Leone be read the second time.

Mr Speaker, Honourable Members, controversy has always been erupting about who is qualified to be a Speaker of Parliament in respect of Sub-section 1 of Section 79 of the 1991 Constitution of Sierra Leone. Sub-section 1 states that: "*The Speaker of Parliament shall be elected by the Members of Parliament from among persons who are Members of Parliament or are qualified to be elected as such and who are qualified to be appointed judges of the Superior Court of Judicature or have held such office.*"

Mr Speaker, on one side of the controversy is whether a Speaker of Parliament should be elected from among Members of Parliament or from persons who are qualified to be Members of Parliament. The other part is saying that a Speaker, apart from being a Member of Parliament or qualified to be a Member of Parliament should also be qualified to be appointed as a judge of the superior court of judicature or should have held the office of a judge of a superior court of judicature.

Mr Speaker, Honourable Members, if the latter argument is to be considered, then it is only a legal practitioner who has served as a judge of the superior court of judicature that is qualified to be a Speaker as has been the case in the Parliament of the Second Republic.

Mr Speaker, Honourable Members, this Bill seeks to put an end to all the arguments or controversies by stating that a Speaker is to be elected either from persons who are Members of Parliament, and who have been Members of Parliament for not less than 5 years or from persons who though are not Members of Parliament are qualified to be Members of Parliament. This latter category can be teachers, lawyers, doctors etc. This present Act intends to widen the qualification for the position of Speakership. With the amendment of this Act, it is open to all persons as long as at the end of the day, Parliament do not lose sight of the fact that the dignity of Parliament has is upheld at all times. And whosoever that attains that position reflects the dignity of Parliament.

Mr Speaker, Honourable Members, the rationale for Clause 2 of the Bill is simply to elect the Deputy Speaker once for the life of Parliament in which the Deputy Speaker was elected. It also provides that where a vacancy occurs in the Office of the Deputy Speaker, a replacement of the Deputy Speaker shall be done by election either at the first sitting of Parliament after the recurrence of the vacancy or as soon as it is convenient to elect a Deputy Speaker.

Mr Speaker, Honourable Members, I am sure you know what normally happens when the Deputy Speaker is elected at every session of Parliament. The impact of this

amendment is that the Deputy Speaker's tenure of office is for the life of Parliament in which he or she is elected.

Mr Speaker, Honourable Members, I am always being reminded of the admonition I was given by the Chairman of the Parliamentary Committee on Appointments and the Public Service, Honourable S. B. B. Dumbuya when I appeared before him. I was about to quote a provision of the law and said: *"don't quote the law, we make the law."* So, I am still reminded by that admonition. I am not going to quote whether the present amendments fall within the entrenched clauses of the Constitution. That is within the parliamentary domain. Mr Speaker, the amendment will not, in any way affect the work of the present Constitutional Review Committee. I am a member of that Committee. Parliament is doing its work and Parliament will continue to do its work alongside the Constitutional Review Committee.

In view of this Mr Speaker, Honourable Members, I move that the Bill entitled "The Constitution of Sierra Leone (Amendment) Act 2013" be read the second time.

(Question Proposed)

HON. IBRAHIM R. BUNDU: Mr Speaker, Honourable Members, I want to crave your indulgence to lend my voice to this Constitutional Amendment. These amendments seek to amend the Constitution of Sierra Leone, Act No.6 of 1991. My contribution, I believe, is not to convince Members of Parliament, but rather to continue to educate members of the public the purpose and object of this Bill. Members of Parliament would excuse me if I tend to be repetitious in what has just been said by the Attorney General and Minister of Justice. This is because our people need this kind of education so that they understand clearly what this is all about.

Mr Speaker, Honourable Members, I want to first of all come back to Section 79 of the 1991 Constitution of Sierra Leone which we are going to hopefully amend this morning. With your permission Mr Speaker I quote: *"The Speaker of Parliament shall be elected by the Members of Parliament from among persons who are Members of Parliament or*

who are qualified to be elected as such and who are qualified to be appointed judges of the superior court of judicature or have held such offices."The Minister has just stated that what I have quoted above has been a source of controversy and that is why the object of this Bill states that: *"The object of the Bill is to clearly and unambiguously state the persons who are qualified to be Speaker of Parliament and the mode of election of the Deputy Speaker"*This is the object of this Bill.

Mr Speaker, Honourable Members, I want to take you to the functions of the Speaker. The functions of the Speaker are in Section 79(7). With the leave of Mr Speaker I read: *"The Speaker or in his absence the Deputy Speaker, shall preside over all sittings of Parliament except when the President is present."* That is the function of the Speaker/Deputy Speaker.

Mr Speaker, Honourable Members, I have been talking from one radio to the other, educating the public on this particular Bill. Mr Speaker, after a Member of Parliament has spent 5 years in Parliament, I don't think anybody outside would claim to have more knowledge of Parliamentary practices and procedures than those who have served this House for five years. This is a separate institution. It is an Arm of Government and not an appendix of any other Arm. We are an independent and a separate Arm; and we should be seen to do such.

Mr Speaker, Honourable Members, the third reason is that we are merely amending this Constitution in accordance with global best practice. Somebody answered a puzzle yesterday that in the whole world can somebody name me a country that takes the Speaker from outside of Parliament. The answer was only Sierra Leone.

Mr Speaker, Honourable Members, I am not here to influence Members of Parliament again, but rather to educate the electorate who elected us to this office. We are mindful of the dignity that has to go with the Office of the Speaker. We are very mindful of that Mr Speaker. That is why we are conducting ourselves thoroughly when we are in this House. We have our jokes and undertones, but that is parliamentary. But when the Speaker speaks, the rules and regulations are upheld by all Members of Parliament.

Mr Speaker, Honourable Members, to allay the fears of people who said it is not prudent for this House (after a Constitutional Review Committee has been set up) to amend the Constitution. The Constitution of Sierra Leone, Act No.6 of 1991 is not under suspension at all. The Constitutional Review Committee is not a coup d'état. The workings of Parliament shall continue. The mandate of the Constitutional Review Committee is to review the Constitution and not to amend it. We are here this morning to amend a section of the constitution. And I made it clear the other day on the radio that the essence of a review is to bring on board all amendments that are contained in the entrenched clauses so that members of the public are given the opportunity to go into a referendum. And a referendum is an election by all Sierra Leoneans. It is like a general election. We don't even know when that election will come. Are we going to sit by and wait for an election that we don't know when it would take place? I am sure the business of the House shall continue.

Mr Speaker, Honourable Members, like I said, I will not bore this House because this is our Bill. This is a Parliamentary Bill. We want complete independence of this Parliament because Parliament is for Parliamentarians. Thank you very much (*Applause*).

HON. DR BU-BUAKEI JABBI: Mr Speaker, Honourable Members, this is a very important Bill. This Bill is proposing very serious amendments to the current 1991 Constitution of this country. I want to begin my contribution in respect of the timing of this Bill. It has been said that there is a state appointed Constitutional Review Committee which was launched by His Excellency the President, Dr Ernest Bai Koroma a few months ago. That Committee is actively at work as we speak. The Report of the Constitutional Review Committee may be presented very soon to this House. Mr Speaker, I want to know the justification for the introduction of such Bill to Parliament, when the Constitutional Review Commission can take care of that. We should also take into account all the considerations that may come up in the debate in this House when the Constitutional Review Commission shall have presented its report to Parliament for

debate. This Bill can be a contribution and a proposal to the Constitutional Review Committee and those considerations will be taken into account by the Committee.

Mr Speaker, Honourable Members, the considerations that have already been proposed by this Honourable House, which are the basis for the introduction of this Bill could have been proposed to the Constitutional Review Commission. This will enable even members of the public or experts to make their own recommendations or comments. Why can't we wait for this Bill to be presented to Parliament after the Constitutional Review Committee must have looked at it with appropriate recommendations? What is the basis of the urgency of bringing the Bill to Parliament at this time? How do you justify this urgency when it is quite likely that in a few months from now, we may have the report of the Constitutional Review Committee presented to this House? Mr Speaker, what I am saying is that whatever we do now will still be part of the Constitutional Review Committee. There will be the likelihood of duplicating what we are doing here today. Why do we need to waste that time if the Constitutional Review Committee is expected to present its report to this House? Is there any particular reason why we should urgently make those omissions or subscriptions that are being proposed? Mr Speaker, I will want to submit that in terms of timing, the introduction of this Bill to Parliament is premature and we may have to go over it all over again within a short time.

Mr Speaker, Honourable Members, having considered the timing of this Bill, I want to look at the proposed amendments. The most crucial amendment is Section 79, Sub-section 1 of the 1991 Constitution of Sierra Leone, which deals with the position of Speaker. In effect, what the Bill is proposing is that Section 79, Sub-section 1 should be deleted. I am not using the same language, but in order to refer to the essence of the proposed amendment, I want to draw the attention of the House to the extant provision that is being recommended for deletion. In Section 79, Sub-section 1, there is reference to one of the qualification criteria of being qualified to be appointed judges of the Superior Court of Judicature or have held such office, with a proviso, which is also being proposed for deletion. The proviso being provided that a person shall be eligible

for election as Speaker of Parliament notwithstanding that such person is a public officer or a Judge of the High Court, a Justice of the Court of Appeal, or a Justice of the Supreme Court and such person, if elected, shall retire from the Public Service on the day of his election with full benefits. It is that criterion or the qualification for appointment as a Judge that should be very clear to us. This provision in the extant Section 79 (1) is not saying that the person has to be a Judge, as some interpretations seem to suggest. You have to be qualified to be appointed as a Judge of the Superior Court of Judicature or you have held such an office. That is the provision that is being proposed to be removed.

Mr Speaker, Honourable Members, I will want to draw the attention of this House to a particular provision establishing Parliament and the essence and nature of Parliament. And Mr Speaker, with your leave I would like to refer to Section 73 of the extant Constitution.

THE SPEAKER: Honourable Member, please proceed.

HON. DR BUBUAKEI JABBI: Section 73 has 3 Sub-sections. Section 73 (1) of the Constitution says: "*There shall be a legislature of Sierra Leone which shall be known as Parliament, and shall consist of the President, the Speaker and Members of Parliament.*" The crucial concept there is legislature. Section 73 (2) reads: "*subject to the provisions of this Constitution, the legislative power of Sierra Leone is vested in Parliament.*"

Mr Speaker, Honourable Members, when I come to the implications of this provision that I have just read, it is hoped that the same will be heard. So, I will go over the provision.

THE SPEAKER: Proceed to the third Sub-section Honourable Member.

HON. DR BU-BUAKEI JABBI: I now go to the third provision. It says: "*Parliament may make laws for the peace, security, order and good governance of Sierra Leone.*" Now, the essence and primary function of Parliament is to make laws. The legislative process of Parliament has to be supervised and chaired by somebody with sufficient

knowledge with legal background so that laws are implemented, enforced and interpreted.

THE SPEAKER: Honourable Members, let us allow the Honourable Member to make his point. Honourable Member, you have just made a statement I want you to rephrase. Interpretation of laws is the sole function of the Judiciary and not Parliament. I want you to advise yourself. We have separation of powers as far as the governance structure is concerned.

HON. BU-BUAKIE JABBI: Thank you Mr Speaker. I was trying to argue that a law making body is best supervised by somebody with proven competence in dealing with laws. Of course, Mr Speaker, the interpretation of legislations is a function of the judiciary, but understanding legislations is a primary capability of somebody that is professionally qualified. That was why the 1990-1991 Constitutional Review Committee ensured that the parliamentary process is put into the hands of somebody most qualified to be elected as a Member of Parliament, but also with requisite legal or juridical qualification to ensure that law making process is overseen by a professional officer.

Mr Speaker, Honourable Members, if you look at Section 79(1) of the Constitution, it is obvious from the present extant provision that qualification is a major and primary criterion for the position of Speaker of Parliament. There is no rejection or reduction of the significance of qualification as Member of Parliament, even in the extant provision. According to this provision, those who may be elected as Speakers are those who are Members of Parliament or are qualified to be elected as such. That is one criterion in the qualification criteria for being elected as Speaker. The emphasis in the proposed Bill that Members of Parliament are the law makers and so it is they who should be the primary set of people for election as Speaker. That fact is already included in Section 79(1); except that there is a conjoint requirement that will ensure the right person oversees the operations of Parliament.

Mr Speaker, Honourable Members, there are few factors that one should really look at. It is usually a matter of fact that in Parliament, maybe even invariably we have Members of Parliament who have those qualifications as contained in Section 79 (1). We have people on the other side who are supremely qualified Members of Parliament that can fill the provision of Sub-section 1. I think that point alone, should reduce the significance of the preclusive and exclusive provision that is now being proposed.

THE SPEAKER: Honourable Member, some of us are not here with our dictionaries today to look for the meanings of some of these jargons.

HON. BU-BUAKEI JABBI: Thank you Mr Speaker for drawing my attention to that. Mr Speaker, I was trying to say that the proposed amendment is trying to restrict the qualification for the election of Speaker to be exclusively meant for Members of Parliament. That is to say, it makes it both preclusive and exclusive to Members of Parliament, whereas the extant provision makes sufficient provision for Members of Parliament to be qualified for the position of Speaker. The question is why do we need that exclusive provision?

Mr Speaker, Honourable Members, let me go back to the issue of timing. The situation within the present Parliament is that you can have people elected as Speaker, who will fill the requirements of Section 79 (1). I am saying this because we already have a Constitutional Review Committee at work. Why can't we continue to operate under the present provision until the Constitutional Review Committee presents its report to Parliament? Is there a reason why this Bill should be passed into law at the moment? For instance, since a Constitutional Review Committee report will be coming to us, and a Bill derived from it and presented to Parliament with many provisions (some of which may attract a lot of controversy and we want to reduce the impact of any such controversy), should we insist on electing a new Speaker before that Bill comes to us, so that the debate on the Bill can be made to avoid any rejection of some of those proposals that would be in that Bill? Is that the reason why we want to change the Speakership situation now? That would be unfortunate Mr Speaker.

Mr Speaker, Honourable Members, even the present Bill that is before us on the basis of the extant provision, we are not going to effect the amendment proposed before the Bill is passed. The Bill is going to be defected under the extant provision. There is no defect in the present provisions. In view of the fact of Section 73, I consider that as an essential and indispensable requirement that the parliamentary process be conducted in terms of the Speakership qualification and criteria as contained in Section 79(1). There is no obvious reason or justification to amend Section 79(1) in the manner being proposed as at this time. Without doing it now, we have an opportunity to do it when the Constitutional Review Committee has presented its report and that is unlikely to take a long time.

Mr Speaker, Honourable Members, I want to talk on the proposed amendment in Section 80(3) of the Constitution. Well, this is very simple and straight forward, although it is also practically on the same basis in terms of expunging some required provisions from the Constitution. Mr Speaker, Sub-section 3 of Section 80 of the Constitution is proposed to be amended by merely deleting from it this very short phrase: "*in every session.*" The rest of the proposed amendment in the Bill is the same as the extant provision, except with the omission of that phrase: "*in every session.*" And that refers to the election of Deputy Speaker.

Mr Speaker, Honourable Members, the extant provision requires that a Deputy Speaker of Parliament be elected once in every Session of Parliament. This is the present constitutional requirement. And we have an annual system of sessions of Parliament. The present session is coming to an end within few weeks from now. At present, we have a Deputy Speaker who was elected at the beginning of this session. Therefore, sub-section 3 of Section 80 is saying that when the new session is about to start, the position of the Deputy Speaker will have to face a new election. That does not mean that the current Deputy Speaker will not be reelected, but the opportunity for a fresh election will have to take place. And that is the opportunity provided for by the phrase: "*in every session*" in the present current provision. There are few advantages of that Mr Speaker. That is we should not lose sight of the fact that the extant provision for

instance, creates an openness of access to that position to all Members of Parliament. That is to say, in every session, every Member of Parliament has an opportunity, if he or she so wishes to contest for the position of Deputy Speaker of Parliament. That is a democratic facility created by the extant provision for all Members of Parliament. The openness to such senior position to all Members of Parliament, once every year, is very important.

Mr Speaker, Honourable Members, apart from that openness, it also enables Parliament to understudy or observe the activities of the Deputy Speaker during that session. That will enable Members of Parliament to assess the Deputy Speaker whether he is presiding well or behaving in a way that will make sure that people will want to elect him again or not. In fact, one of the main functions of Parliament is to oversee and review the existing circumstances. So, by removing the phrase: "*in every session*" for electing a Deputy Speaker of Parliament once every session, we are in fact saying that we want a Deputy Speaker of Parliament to be elected once every five years or for the life of that Parliament. That is the intention we are trying to create here. Mr Speaker, those two advantages: 'the openness to other Members of Parliament; and more importantly, the oversight and review possibility to ensure that the Deputy Speaker performs in an excellent way are very important. We will be removing that if we expunge that phrase. What is the advantage of expunging that phrase? If we expunge it, we will be denying other people the opportunity to contest for the position of Deputy Speaker. And there will also be the possibility of a sitting Deputy Speaker behaving almost anyhow, not caring how well he performs in that position. Those are opportunities we should not lose.

Mr Speaker, Honourable Members, the position of a Deputy Speaker is already a special provision for Members of Parliament because it is only from Parliament, according to the present conditions, that a Deputy Speaker can be elected; unlike the Speakership. This means that unlike the Speakership position, the criterion for the position of a Deputy Speaker is different. That is to say, the criterion of being legally and juristically qualify is not provided for in respect of the Deputy Speaker. Mr Speaker, those are very

good concessions that are already in the existing law. The Deputy Speaker need not have any legal or judicial qualification or experience according to the present provisions in Section 80 of the 1991 Constitution of Sierra Leone. Notwithstanding that, there are a few aspects of the Deputy Speaker's position which are advantageous. For instance, as we see today, when Mr Speaker, for any reason, is unable to preside in any particular respect, the Deputy Speaker is required to take over those functions, irrespective of the difference in the qualification criteria for their election and experiences. I think that is a very great favour not necessarily the Deputy Speaker as such, but to Members of Parliament in general.

Mr Speaker, Honourable Members, I want to say that the provision that is been made for enabling the position of Speaker to be availed to Members of Parliament or people qualified to do so, that provision is already being provided for in those provisions for the Deputy Speaker. So, the need to remove the provision for the election of a Deputy Speaker "*in every session*" is not relevant. It is a way of denying the opportunities of other Members of Parliament to the office of the Deputy Speaker. We have to be very careful about this.

Mr Speaker, Honourable Members, this is my second term in Parliament. My first term in Parliament was in 1986. During my second term in Parliament, the way and manner in which I have seen how the Deputy Speaker conduct the business of the House in accordance with the extant provisions in Section 80 has been exceptionally commendable. When the Deputy Speaker presides, it is very difficult for you to notice the absence of the substantive Speaker. I am not saying that we necessarily reelect for the next session the current Deputy Speaker, but what I am saying is that the current Deputy Speaker has performed excellently well in that position.

THE SPEAKER: Order! I am sure Dr Bu-Buakei Jabbie is wrapping up.

HON. DR BU-BUAKEI JABBI: And I don't think whether his exceptional performance is the basis for his illegibility for reelection. If the performance of the Deputy Speaker is up to standard, there is no reason why the Deputy Speaker should be elected only ones

in the life of a Parliament. We should not lose the opportunity of overseeing or reviewing the performance of a Deputy Speaker in a subsequent session. And when once that openness is there, it will make the Deputy Speaker perform in his best way possible so that when the next election comes, it will be almost obvious that he will be reelected. But if we expunge that provision, we are giving the Deputy Speaker's position a bad option.

Mr Speaker, Honourable Members, I want to conclude by saying that the proposed amendments in Section 79(1) and Section 80(3) of the 1991 Constitution of Sierra Leone are totally irrelevant and unnecessary. We do not need them at this time. We may be undermining the quality of performance in Parliament if the proposed amendments are effected. If some people do think that they are necessary, they should take them to the Constitutional Review Committee so that they will be included in the Committee's report and the draft Bill that the Attorney General and Minister of Justice, who has moved this motion, can include these provisions in the Bill that follows the Constitutional Review Committee report. Thank you very much.

HON. AJIBOLA MANLEY-SPAIN: Mr Speaker, Honourable Members, like my learned colleague Lawyer has said, many questions have been raised by this Bill, and there is no gain saying that we must face the questions that are raised. For example, the major question that my colleague has raised is why now? But Mr Speaker, why not now? I want to say that the Bill is before us and that is the reality. I think we should consider the option of whether this Bill, as proposed, will be the best that we can pass into law or whether we can contribute to make it a Bill that all of us can be proud of should be our focus; and that is what we should do today. We have the opportunity, when we come to the Committee Stage to make contributions that will give us something which we will go home with. And Parliament has passed a Bill that we can justify. I am of the opinion that the reality is what we should look at. Could this Bill enhance the good image of Parliament? Could this Bill go against the smooth running of Parliament? Will this Bill endanger parliamentary proceedings? These are some of the questions we should be asking ourselves.

Mr Speaker, Honourable Members, I am convinced that we can do something that will be of benefit to this Parliament. The point my learned friend has raised regarding the qualification criteria of the office of the Speaker is a serious point. But at the end of the day, if it is expunged, what happens? It does not prevent people with legal qualification to be elected as Speakers of this Honourable House. It merely opens up the possibility for other people to be elected.

Mr Speaker, Honourable Members, I want to take you back to the previous provisions, regarding Speakers in the days of One-Party politics in this country. I believe my colleague enjoyed it because he was here as a Member of Parliament. Mr Speaker, the substantive position of the Speaker under Section 48(1) of the 1978 One-Party Constitution states: *"The Speaker shall be elected by the Members of Parliament from among persons who are Members of Parliament or who are qualified to be elected as such."* This is exactly what is provided for in this Bill we are discussing today, except that there are certain qualifications which we can now include. But that Bill also provided that persons who are qualified to be appointed judges of the High Court, Court of Appeal or the Supreme Court could be appointed. It did not make it mandatory that the Speaker should be such a person. The 1991 Constitution makes it mandatory, but both Constitutions have one provision which we tend to overlook. We tend to overlook the fact that both Constitutions provided for a public officer who could also be appointed as Speaker. But what do we have in the proposed amendment? We have a Bill which proposes that the Speaker of Parliament shall be elected by the Members of Parliament from among persons who are:

a. "Members of Parliament and who have served as such for not less than five years."

Mr Speaker, Honourable Members, this is what this Bill proposes. But again, that may not be what we need here. The question we should ask ourselves is that is this provision meant only for Members of Parliament? My position is that it gives Members of Parliament a better opportunity to be Speakers of Parliament. In other words, it gives Members of Parliament a better opportunity to be a Speaker because it removes the

legal qualification, as enshrined in the extant provision of the 1991 Constitution of Sierra Leone. Most Honourable Members of Parliament have experience and expertise to be Speakers of Parliament. It has never been the case that the 1991 Constitution prohibits Members of Parliament from the position of being Speakers.

Mr Speaker, Honourable Members, if I should take you back to the 1961 Constitution of Sierra Leone, that Constitution provided that a Speaker should only be elected from Members of Parliament; and the qualification of being a legal practitioner or a judge was never there. It was only by convention that Speakers were elected among the senior Judges. The 1978 Constitution says: *"provided that persons shall be eligible for election as Speaker of Parliament, notwithstanding that such person is a public officer or a judge..."* This same provision is found in Section 79(1) of the 1991 Constitution of Sierra Leone states: *"provided that a person shall be eligible for election as Speaker of Parliament, notwithstanding that such a person is a public officer or Judge..."* These are identical provisions in both the 1978 and 1991 Constitutions of Sierra Leone.

Mr Speaker, Honourable Members, the question the last speaker raised was whether this Bill is timely or not. Well, we have a democratic system where the decision of the majority prevails. At the end of the day, all what we are saying now will be put to a vote. The reason why people are saying that this Bill is not timely is because of the existence of the Constitutional Review Committee. And if this is so, it appears as if we are giving them the goat or sheep with one hand and holding on to the rope on the other hand. That is how it will appear at first glance. But the real question is that if this amendment is done today, does it take away the right of the Constitutional Review Committee to come up with something else? I don't think so Mr Speaker. The Constitutional Review Committee can still come up with something different from what we are proposing and what we may pass. That is the prerogative of Parliament. Parliament, after the Constitutional Review Committee has met, will have the opportunity of looking at the entire Bill again and Parliament will have the opportunity to contribute to the Constitutional Review Committee's report.

Mr Speaker, Honourable Members, my submission here is that the amendment that is proposed will not stop the Constitutional Review Committee from doing its work. It is relevant to the work of Parliament. And I will say that in the light of what has been said, do we really need the provision that only Judges should be Speakers?

Mr Speaker, Honourable Members, with regard to best practice, I know that in majority of countries, it is only limited to Members of Parliament. We are looking for what will be good for us and the only people who can decide what is good for us are parliamentarians. We are the people who should decide what is good for us and nobody else. If you go to The Gambia, for example, the Speaker is a Member of Parliament; but he/she is a privileged Member of Parliament. This means that he is appointed by the Head of State and he has the constitutional rights to appoint 5 or 6 Members of Parliament, and it is amongst those 5 or 6 that the Speaker can be elected from amongst Members of Parliament as a Speaker. Maybe, the Constitutional Review Committee will come up with such recommendation. But the point I want to make is that it is up to this Honourable House to determine what we want. I strongly believe that it is up to us to determine what we should do because we have been elected by the electorate to make decisions in this Well for the good of this country. The trend, as it is, we should move this way as proposed. My last submission is that in supporting this Bill, we should make it a point of duty to make realistic and good contributions when we shall come to the Committee Stage. I thank you very much.

HON. JAMES N. ALIE : Thank you very much Mr Speaker. Mr Speaker, Honourable Members, please permit me to add my voice to the debate before us. We all agree that all countries have Constitutions. The Constitution may be written, as in the case of Sierra Leone and other countries; unwritten constitution, as in the case of Britain. And the democratic profiles of all countries are determined by the nature of the Constitution that the country has. We all know that the 1978 Constitution of Sierra Leone, which was a One Party State and the 1991 Constitution provides a multi-party democracy in this country. The constitution is a very sacred document; and because it is sacred, it should not be amended as and how the people wish. It should not be manipulated to

suit the interest of few individuals or a group of people. If we take the American Constitution, which is being written some 200 years ago, you will find out that it has gone through maybe two or three amendments only (*Uproar*).

THE SPEAKER: Honourable Members on my right, please allow the Honourable Member to make his point.

HON. JAMES N. ALIE : The framers of that constitution spelt out the interest and aspirations of the American people... - (*Interruption*).

HON. ALHAJI S. DUMBUYA: Mr Speaker, point of order. The American Constitution has undergone 27 amendments.

THE SPEAKER: Under what order are you standing on Honourable Member?

HON. ALHAJI S. DUMBUYA: Mr Speaker, on the statement made by the Honourable Member.

THE SPEAKER: Honourable Member, what order are you standing?

HON. ALHAJI S. DUMBUYA: Mr Speaker, I stand on S. O. 34.

THE SPEAKER: S. O. 34 (a) or (b)? There are two Sub-sections.

HON. ALHAJI S. DUMBUYA: I stand on S. O. 34(a). The American Constitution has undergone 27 amendments.

THE SPEAKER: Honourable Member, your observation is noted.

HON. JAMES N. ALIE: Thank you Mr Speaker. The important side is that the framers of the American Constitution did not put the interest of individuals in mind but the interests and aspirations of the American people. And this is true for all democratic nations. Mr Speaker, it is rather unfortunate that the APC government is always in the habit of amending Constitution ... - (*Interruption*).

THE SPEAKER: Honourable Member, I will ask that you withdraw that statement because we've never amended the current 1991 Constitution. This Parliament has never done that and you have been part of this Parliament.

HON JAMES N. ALIE: Withdrawn Mr Speaker.

THE SPEAKER: Thank you very much. Honourable Members, I want order in this House.

HON. JAMES N. ALIE: Mr Speaker, I was referring to the Sierra Leone Parliament because we have had instances where the Constitutions have been amended to suit certain situations and certain people... - *(Interruption)*.

THE SPEAKER: Honourable Member, I have advised you accordingly and very soon I will ask you to give instances where the 1991 Constitution has been amended to suit certain situations and certain people. I am sure you are not in a position to do that today.

HON. JAMES N. ALIE: Withdrawn Mr Speaker.

THE SPEAKER: Thank you.

HON. JAMES N. ALIE: During the 1960s, there were persistent rumours that this country was on the verge of becoming a Republican state. Those rumours were ignored by the then Prime Minister, Dr Siaka Stevens. But in August, 1970, high hierarchy of the APC met and decided that this country should become a Republic State with an Executive President. And that happened on the 19th April 1971. Two days later, the Constitution was also amended to make Siaka Stevens an Executive President which was not provided for in that Constitution. The question is who benefited from those changes? It was the Executive because that gave Siaka Stevens a chance not to face the elections. His term of office was automatically extended. That is one of the ways of amending a Constitution. Also, in 1978, we found out that the Constitution was amended to usher in a One Party State in the country; and the Constitution was amended accordingly. In 1985, Parliament also amended the national Constitution that

made provision for Joseph Saidu Momoh's ascendancy to power. That is why I said this Parliament is in the habit of amending our national Constitutions to suit certain situations and certain people. It is rather unfortunate that I was asked by the Deputy Speaker to withdraw that statement.

Mr Speaker, Honourable Members, for how long are we going to amend our Constitutions to suit certain situations? Do you think Parliament is designed for that purpose? And as my colleague said, the Constitutional Review Committee is in progress, they will be coming out with recommendations which will be laid on the Table of this House. What if those recommendations are going to be contrary to the recommendations of this Bill we are about to pass? I thank you very much.

HON. BLISS OSHO WILLIAMS: Mr Speaker, Honourable Members, I rise to lend my voice to the amendments before us. Permit me to say that history always repeats itself. And we have to learn from the past to appreciate and educate ourselves about the present. The Bill before us is not personal about the Speaker. It concerns with the Office of the Speaker and the office of the Deputy Speaker. Now, I will advise Honourable Members not to personalise these amendments. The Speakership of Parliament is one that we hold in very high esteem in this country. For instance, when the President and the Vice President are not within the country, the Speaker takes over the affairs of the State. I will like to quote in Krio. Mr Speaker S. O. 2: "*Wi we de insay, na wi no wetin de apin.*" In English, it means those within know what is happening.

Mr Speaker, Honourable Members, the learned Honourable Member on the other side asked a simple question. He said: "*why now?*" And my Honourable Member on this other side, Honourable Ajibola Manley-Spaine, answered him in like manner: "*why not now?*" And Mr Speaker these are two professional Lawyers in this country. One asked a simple question and the other answered his colleague in a simple manner. You could have stopped before it was laid on the Table of this Honourable House. It is here today and we have to deal with it; and we are going to deal with it accordingly.

Mr Speaker, Honourable Members, the current President was a Member of this House, he knows our constraints as Members of Parliament. He has done so much for this Parliament than any other President in this country. The current Speaker of this House is an outsider. He is my colleague, a brother to me and we went to school together. We also finished school together; but I later went to England whilst he stayed in Sierra Leone and studied Law. He is truly a democrat. He is not averse to development and he is not an anathema to progress. I think he will not say no to this proposal. What we are doing now is part of the development of this country. There are three people I admire in this House: the Speaker, the Majority Leader and the Minority Leader. When the Majority Leader wants to speak, he will say 'to thyself be true.' And when the Speaker wants to speak, he says advice yourself. But one person who is supreme is the Leader of the Minority. She does research to perfection. And the only person who imitates her in terms of conducting research on this side is Honourable Ibrahim R. Bundu, who is Deputy Majority Leader. I am saying this because I want to go back to history.

THE SPEAKER: Honourable Member, you want to go back to history for this Bill?

HON. BLISS OSHO WILLIAMS: Yes Mr Speaker. It is very important that we get the right background information on this Bill. In the Fifth Century Athens, Philosophers like Aristotle, Plato and many others started the idea of democracy. The Speakership started from Athens and later migrated to other parts of the world. Philosophers like Aristophanes and others were Greek Philosophers and they all spoke about the Speakership of their constituent assemblies. Other Philosophers in the 'Middle Ages' also spoke about the Speakership. Ruth Philips also spoke about the Speakership of Parliament. This is one of the favourite writers of the Majority Leader of this House. I want to remind Honourable Members that the current President was a Member of this House, and he did his best for all parliamentarians. And any Speaker that is elected from among Members of Parliament will do his best for this Parliament and for the country. I will end up by saying that the Speaker, a friend of mine always say: "*Bɔku tɔk nɔ gud*," S. O. 2, Mr Speaker.

Finally, Mr Speaker, Honourable Members, this is not a witch hunt at all. We are not against anybody, and it is for the good of this country. Somebody mentioned the Constitutional Review Committee. But the Committee will put its recommendations. I wish you well.

THE SPEAKER: Honourable Member, please continue.

HON. BRIMAH CONTEH: Mr Speaker, somebody asked a question concerning the timeliness of this Bill thus: why now? Is it timely? Should we amend the Sierra Leone 1991 Constitution? I was listening the other day to the United Democratic Movement (UDM) Leader, Mohamed Bangura, when he said: "*It should not be now.*" If it is not now, why doing it now? I am the Chairman of the Parliamentary Council and also Liaison between the SLPP Members of this House. And Mr Speaker, the SLPP's position on this matter with your permission Mr Speaker, I will read.

THE SPEAKER: Honourable Member, do you want to read the statement?

HON. BRIMAH CONTEH: Mr Speaker, I want to read a few sentences.

THE SPEAKER: No the document you are about to read was not circulated to us. I will encourage you not to read it here.

HON. BRIMAH CONTEH: Mr Speaker... - *(Interruption)*.

THE SPEAKER: The procedure in this House is that we read documents here that are meant for public consumption, after they have been circulated. That is the practice here.

HON. BRIMAH CONTEH: This document has been circulated Mr Speaker.

THE SPEAKER: Honourable Member, if we don't have copies, there is no way you can read it.

HON. BRIMAH CONTEH: Mr Speaker, I want to tell you the gist of ... - *(Interruption)*.

THE SPEAKER: Honourable Member, I have ruled that the document you are making reference to, cannot be read on behalf of the party because it was not sent to us. That is my ruling. I will encourage you to resume your seat if that is what you wanted to say. I thank you very much.

HON. BRIMAH CONTEH: Not necessarily Mr Speaker. I still have issues to talk about.

THE SPEAKER: Honourable Member, if you want to contribute to this debate, you can go ahead. Make sure whatever you want to say should have no bearing to what you've referred to earlier. That is my ruling.

HON. BRIMAH CONTEH: Shall I continue Mr Speaker?

THE SPEAKER: You can continue.

HON. BRIMAH CONTEH: Mr Speaker, about 12 months ago, when we came to this House.

THE SPEAKER: Honourable Members, I want decorum in the House.

HON. BRIMAH CONTEH: Mr Speaker, 12 months ago, after the general elections, question of the Speakership of this Parliament started surfacing. It was speculated that we should have a Speaker from among Members of Parliament. I don't think there were many negative reactions in that regard but in all matters on human nature, there is time for everything we intend to do. If you have read the book of Ecclesiastes, it is written that 'there is time to be born, a time to die etc. This Bill is important for Members of Parliament and for the integrity of this country. We have done a lot of research on the legislatures in Africa and those in other parts of Europe. As somebody was saying, Speakers of Parliaments are not necessarily legal practitioners. But then they come from an environment that prepares them for these sorts of engagements. We are not against this Bill, but what we are saying on this side is... - *(Interruption)*.

THE SPEAKER: Honourable Member, let me repeat what I said earlier that you are not talking for Members on that side. You have to talk for yourself.

HON. BRIMAH CONTEH: Thank you Mr Speaker.

THE SPEAKER: Thank you very much.

HON. BRIMAH CONTEH: Mr Speaker, I want to suggest that this Bill is relegated to the Constitutional Review Committee. Mr Speaker, with the good intentions and the good objectives in mind, it could still be handled by the Constitutional Review Committee. That is my suggestion. I thank you.

THE SPEAKER: Thank you very much.

HON. DR BERNADETTE LAHAI (*Minority Leader of the House*): Mr Speaker, Honourable Members, I thank you for giving me this opportunity to talk on this Bill. I want to start by saying, 'to thyself be true.' I am saying this because when I die, I go to my grave alone. It is my good works and the truth I stand for that will remain. The Honourable Member from Bonthe, who has just spoken, did say that in the beginning of this session, there were talks going round the Parliament of us having one of us to be the Speaker. I want to say that this is not a new arrangement. It has started 2007. What we are doing today is a fulfillment of what all of us have planned years back. So, if we are honest with ourselves, this Bill is not just coming now. There is an adage which says: "*coming events cast their shadows.*" Mr Speaker, what is happening today is putting into practice what has been said in the corridors, either formally and informally.

Mr Speaker, Honourable Members, I was in Johannesburg when I first read the press release from my party concerning the position on this Bill. When I came back, I met a lot of public debates meant to educate, inform and sensitise the public on this Bill before us. We have had arguments for and against this Bill. Members of Parliament, particularly the Deputy Majority Leader has been in most radio stations two or three times. Equally so, other party members like United Democratic Movement (UDM) Leader and former Member of Parliament, Honourable Musa Tamba Sam of the Sierra Leone People's Party (SLPP) and other people have also been on the radio, discussing this Bill.

We also listened to the many text messages that accompanied those radio discussions and debates. I am sure we have also had arguments ably put forward by the two sides of this Honourable House for and against. On the side of the ruling party of this House, the argument is that we want to amend that which has set Sierra Leone apart from the rest of Africa, or from the rest of United Kingdom or America with regard to parliamentary best practice.

Mr Speaker, Honourable Members, the Honourable Member from the Western Area spoke about what he sees as important; and he said: "*No Bill may be perfect, but what we, in this House, can do is to make it our bill.*" When it comes to the Committee Stage, we can move amendments to make the Bill what we want it to be. This Bill is going to serve every Member of Parliament. On this side, we have had counter arguments concerning the timing of this Bill. On this side of the 'ayes,' it has been argued that this is not the correct time. But debaters on this side have given succinct reasons and even asked '*why not now.*' Therefore, I think we are intelligent people. We are very sensible and can criticise, analyse and able to read in between the lines. I am sure, both within and without this Parliament the argument have been interesting. So, we are now well informed. I am sure, we now have all the tools we can use to proceed to the other stages of this Bill. And I think with this level of information that has been given to us, we can now proceed from an informed position to debate this Bill to its logical conclusion. I thank you very much (*Applause*).

HON. S. B. B. DUMBUYA: Mr Speaker, Honourable Members, in the contemporary world, 'international best practice' is a common phrase all over the cosmos. What does that mean? It means that whatever you are doing in terms of politics, it has to be in conformity with what other people do in other countries. It is therefore a global fact, if I should put it that way that what has been happening in this country has been an oddity to international best practice (*Applause*).

THE SPEAKER: Mr Majority Leader, our dictionaries are not with us here (*Laughter*).

HON. S. B. B. DUMBUYA: Mr Speaker, Honourable Dr Bu-Buakei Jabbi was... -
(*Interruption*).

THE SPEAKER: Mr Majority Leader, Honourable Bu-Buakei Jabbi is not around now.

HON. S. B. B. DUMBUYA: Mr Speaker, the lamentable incongruity is that it is only in Sierra Leone, and it is only Sierra Leone that has a Speaker who is not a Member of Parliament. That is an incongruity Mr Speaker. Why should this continue to be the case? I listened intently to what Honourable Dr Bu-Buakei Jabbi was saying. Mr Speaker, permit me to read Section 73, Sub-sections 1, 2&3 of the 1991 Constitution. It says: "*There shall be a Legislature of Sierra Leone which shall be known as Parliament and shall consist of the President, the Speaker, and Members of Parliament.*" But Mr Speaker, Honourable Dr Bu-Buakei Jabbi seems to centre his point on Sub-section 2. And Sub-section 2 says: "*Subject to the provisions of this Constitution, the legislative power of Sierra Leone is vested in Parliament.*" Mr Speaker, if the legislative power of Sierra Leone is vested in Parliament, let the Speaker of Parliament be elected from among Members of Parliament. That is the point we are trying to establish today.

THE SPEAKER: Order!

HON. S. B. B. DUMBUYA: Mr Speaker, if the legislative power is vested in Parliament, for God sake, why can't people allow Parliament to perform its legislative function? And that is what we are doing now.

Suspension of S.O 5(2)

HON S. B. B. DUMBUYA: Mr Speaker, all we are saying here is that our Speaker has not been a Member of Parliament. We have not been going according to the stipulation or provision of Sub-section 2 of 73. Honourable Dr Bu-Buakei Jabbi is not around to listen to lectures. He should be here to listen to our summations. Mr Speaker, as the Minority Leader said, we have to be sincere to ourselves. The question of having a Speaker from amongst Members of Parliament has been raised since 2002, when some of us first came to Parliament. *S.O. 2 Mr Speaker, "wetin mek wi no go get wi yon*

Spika? And Mr Speaker, I was surprised the other day when I heard some Members of Parliament, particularly were speaking against this Bill. I was surprised because one of those who went to that radio station was always in my office saying, S.O. 2 Mr Speaker, *"Bo S. B. B. u na Lida, us ka fityai dis? Na una de na pawa. Wetin mek una sef no go gi wi Spika from Paliment? we tin mek una de go tek dasay?"* That had been an aberration. But Parliamentarians want to correct not only what is wrong, but what has been wrong.

Mr Speaker, Honourable Members, I want to talk about the office of the Deputy Speaker. I was here in this Parliament and some people were with me when the Honourable Elizabeth Lavalie was Deputy Speaker of this House. I think she served in that position for about 7 years because even before we came in 2002, we were told that she has served as Deputy Speaker. Mr Speaker, in case Members of Parliament don't know, I want to tell them that even in the case of the Deputy Speaker, in all other countries, the election is only once and that is done at the start of the Parliament and after five years.

Mr Speaker, Honourable Members, Honourable Dr Bu-Buakei Jabbi was saying that the Speaker should have both legal and judicial knowledge. Well, in philosophy, we call that a fallacy. In other words, he was saying that for you to be a good Speaker, you must be a Lawyer or a judge. That is openly and patently fallacious.

Mr Speaker, Honourable Members, let us come to the position of the Deputy Speaker. Incidentally, the Deputy Speaker is a lawyer. I say incidentally because he was not elected Deputy Speaker because he is a lawyer, he was elected Deputy Speaker because we thought he was the popular choice among the Members. It could have been somebody that is not a lawyer. And in the case of the Honourable Elizabeth Lavalie, when she was a Deputy Speaker, she presided many times as Speaker but without any legal background. So, a non-lawyer or a non-judge could preside as Speaker. And I want anybody to tell me here that when Honourable Elizabeth Lavalie presided as Speaker she did not do well. She did very well although Elizabeth Lavalie is

not a lawyer. She does not have to be a lawyer for her to be effective as a Speaker. That is the point we are making here.

Mr Speaker, Honourable Members, Honourable Chukuma Johnson was not a lawyer as well but he did very well each time he presided as Speaker. Honourable Ajibola Manley-Spaine read the 1978 Constitution. Mr Speaker, we are more than qualified to occupy the Speakership of this Parliament. And I want to submit here that any Member of Parliament here is more than qualify than any High Court Judge to preside as Speaker of this Honourable House (*Applause*).

Mr Speaker, Honourable Members, I want to debunk the point made by Honourable Dr Bu-Buakei Jabbi. He said that the Deputy Speaker has to be elected each time there is a new Parliament so as to give opportunity to others. But perhaps, Honourable Dr Bu-Buakei Jabbie forgot, and I refer him to Section 80, Subsection 4 states that the Deputy Speaker shall vacate his office if he ceases to be a Member of Parliament or if he is removed from office by a resolution of Parliament. If we are not satisfied with the performance of the Deputy Speaker, we move a resolution to impeach him from office. So, he/she is elected only once and in the course of his tenure for five years, if at any point in time there is dissatisfaction on the part of anybody, then we remove him or her. Why do we have to be electing him every year? It is unnecessary. And as he said, to amend the Constitution at this point in time is unnecessary and irrelevant, but what is more unnecessary and immaterial to be electing a Deputy Speaker each time there is a new Session (*Applause*).

Mr Speaker, Honourable Members, the point had been made. I want to commend the Honourable Deputy Majority Leader here. He virtually said everything to be said about the Bill. What we are saying is that we want to do what obtains in other jurisdictions. All over the world, I challenge anybody here to tell me any country where the Speaker of Parliament is not a Member of Parliament. The only country with a Speaker who is not a Member of Parliament is Sierra Leone. Is that not a shame? If it is a shame, then let us

change it and have a Speaker from among Members of Parliament. Thank you very much **(Applause)**.

THE SPEAKER: Mr Minister, do you want to say something?

MR ARROW BOCKARIE: Thank you very much Mr Speaker. Mr Speaker, Honourable Members, the concern raised by Honourable Dr Bu-Buakei Jabbie, a very senior colleague of the Bar, seems to be legitimate and that one revolves around time. But he also quoted Section 73, Sub-section 2, which states: *subject to the provisions of this Constitution, the legislative power of Sierra Leone is vested in Parliament.*" The question is do you think that legislative authority can be relegated to any other body? Is there a parallel authority that performs the same function? He did mention about the Constitutional Review Committee. What is the mandate of the Constitutional Review Committee? The mandate of the Constitutional Review Committee is to review the provisions of the Constitution and make recommendations to government, and take those recommendations to the people to have their own say on those provisions before they are brought to Parliament and Parliament takes the final decision. What is of importance is the functions of Parliament cannot be suspended at any time. We know the consequences if any attempt is being made to suspend the functions, more so when it comes to legislation. The question of why are we doing it now is that all what Parliament is doing now is performing their legal mandate. Mr Speaker, I move that the Bill entitled: "The Constitution of Sierra Leone (Amendment) Act, 2013 be read the second time.

(Question Proposed, Put and Agreed to)

(Bill has been read the second time)

COMMITTEE STAGE

THE HOUSE REVERTS ITSELF INTO COMMITTEE

PARTS 1 AND 2 TO STAND PART OF THE BILL

THE CHAIRMAN: Honourable Members, this is an important part of legislation. We have to be very careful of what we propose.

MR ARROW BOCKARIE: Mr Chairman, Honourable Members, I move that Clauses 1 to 2 stand part of the Bill.

(Question Proposed)

HON. S. B. B. DUMBUYA: Mr Chairman, I want us to look at 79, Sub-section 1 (a) of Act No.6 of 1991 Constitution. I want it to be 'Members of Parliament and who have served as such for not less than five years or one term.' And I want 'b' to read as... - *(Interruption)*.

THE CHAIRMAN: Mr Majority Leader, are you suggesting one term?

HON. S. B. B. DUMBUYA: Five years Mr Chairman.

THE CHAIRMAN: So, the first part is 5 years.

HON. S. B. B. DUMBUYA: 5 years and 'b' to read... - *(Interruption)*.

THE CHAIRMAN: Order! Mr Majority Leader, what is your motion?

HON. S. B. B. DUMBUYA: Mr Chairman, if Members of Parliament want to insist on using the phrase 'one term,' I would rather make some qualification here. The Honourable Member who has served for not less than five years or one term of five years.

The CHAIRMAN: That is very ambiguous Mr Majority Leader. So, what is your motion again?

HON. S. B. B. DUMBUYA: Mr Chairman, I want to have five years instead of one term.

THE CHAIRMAN: If that is your motion, any seconder to that motion?

HON. DICKSON ROGERS: I so second Mr Chairman.

THE CHAIRMAN: Honourable Members, the Majority Leader wants the text to stay as it is.

HON. S. B. B. DUMBUYA: Yes Mr Chairman.

THE CHAIRMAN: Somebody has to suggest something different to what we have in the proposed Bill. So, I want you to move to your next amendment.

HON. S. B. B. DUMBUYA: Mr Chairman, I want to look at 'b.' I would like to add that 'provided that the said Member of Parliament must have served as such for not less than 2 terms.'

THE CHAIRMAN: Mr Majority Leader we have to be consistent in the law. If you have 5 years, then it is equivalent to one term; and if we have 10 years, it is as well equivalent to two terms.

HON. S. B. B. DUMBUYA: For not less than 10 years.

THE CHAIRMAN: Any seconder?

HON. FODAY RADO YOKIE: I second that motion Mr Chairman.

THE CHAIRMAN: Any counter motion?

(Question proposed put and agreed to)

THE CHAIRMAN: Honourable Members, any amendment on part 2?

HON. UMAR PARAN TAWARALLY: Mr Chairman, I want to make an amendment in respect of Section 79(1). I want to propose a subsection 'c.'

THE CHAIRMAN: You want us to add 79(1c)?

HON. PARAN TARAWALLY: Yes Mr Chairman. I want 'c' to read: 'the Honourable Member has attained the age of 40 years.'

THE CHAIRMAN: Honourable Members, we have to respect our colleague. Honourable Member, does 'c' have any bearing with 'a' and 'b'?

HON. UMAR PARAN TARAWALLY: Yes Mr Chairman.

THE CHAIRMAN: If that is so, I want to suggest that we have a proviso, instead of a 'c' because it will have to affect both provisions.

HON. UMAR PARAN TARAWALLY: As Mr Chairman pleases.

THE CHAIRMAN: No, I don't have an authority to do that.

HON. UMAR PARAN TARAWALLY: Mr Chairman, what I am saying is that the third in command is the Speaker of Parliament if the Head of State and his Vice are absent. And if you read Section 41(c), Act No.6 of the 1991 Constitution of Sierra Leone, it states: "*No person shall be qualified for elections as President unless (c) he had attained the age of 40 years.*" Therefore, if the Speaker is third in command to act as President when both the President and his Vice are absent, he should have attained the age of 40 years.

THE CHAIRMAN: Honourable Member, your suggestion seems to be in concordance with Honourable Members. Honourable Members, any seconder to that motion?

HON. ANDREW LUNGAY: Mr Chairman, I so second that motion. But Mr Chairman, to become a Member of Parliament, you should have attained the age of 21 years. And if a situation arises whereby the Speaker and the Deputy Speaker are out of office, we will result to a situation where we can get somebody who is below the age of 40 years to preside. The situation will arise one day Mr Chairman.

THE CHAIRMAN: So, you still second motion?

HON. ANDREW LUNGAY: Yes Mr Chairman.

(Question Proposed, Put and Agreed to)

(The motion that whoever is elected as Speaker from among Members of Parliament must have attained the age of 40 and above has been unanimously carried)

THE CHAIRMAN: Honourable Members, we now move to Sub-sections 2. Honourable Members, any amendments?

HON. S. B. B. DUMBUYA: Mr Chairman, in the case of the position of the Deputy Speaker, I will like a proviso to be inserted that the said Member must have served as such for not less than 5 years.

THE CHAIRMAN: Any seconder?

HON. IBRAHIM R. BUNDU: Mr Chairman, I second that motion.

THE CHAIRMAN: What is the motion?

HON. S.B.B. DUMBUYA: The motion is that a proviso be added that the said Member of Parliament must have served as such for not less than 5 years.

THE CHAIRMAN: Any seconder?

HON. IBRAHIM R. BUNDU: Mr Chairman, I so second.

THE CHAIRMAN: Any counter motion?

(Question Proposed, Put and Agreed to)

(The proviso that whoever to be elected as a Deputy Speaker must have served for a period of not less than 5 years has been unanimously ratified).

THE CHAIRMAN: If there are no more amendments, I call on the Minister to respond to some of the issues raised.

Mr ARROW BOCKARIE: Mr Chairman, Honourable Members, I wish to report that the Bill entitled... - *(Interruption)*.

HON. S. B. B. DUMBUYA: Mr Chairman, with your leave, legislations in Parliament are all about precision. And if you are to be precise, consistency in the process has to be

maintained. In that light, I want to suggest here that an addition to the proviso that has been inserted in terms of age limit for the office of the Speaker be also prescribed for the Deputy Speakership.

THE CHAIRMAN: Mr Majority Leader, are you trying to eliminate me? Honourable Members, any seconder to that motion?

HON. FODAY RADO YOKIE: I second Mr Chairman.

THE CHAIRMAN: Any counter motion?

HON. AJIBOLA MANLEY-SPAIN: What is the motion Mr Chairman?

THE CHAIRMAN: The motion is that an age limit of 40 years be added as qualification criterion for the Deputy Speakership.

(Question proposed put and Disagreed to)

(The motion that an age limit of 40 years be added as qualification criterion for the Deputy Speakership was not carried)

HON. PARAN TARAWALLY: Mr Chairman, I want Sub-section 3 of Section 80 to read: 'Members of Parliament shall elect two persons to the office of Deputy Speaker; a first Deputy Speaker, and a second Deputy Speaker.'

THE CHAIRMAN: Order!

HON. PARAN TARAWALLY: In addition, both Deputy Speakers shall come from different political parties represented in this Parliament. Mr Chairman, this is in line with the structure of the office of Deputy Speaker in some West African countries. For example, Ghana has a first Deputy Speaker from the New Patriotic Party, and a second Deputy Speaker from the NCD.

THE CHAIRMAN: I want you to put it in the form of a motion and I will ask for a seconder.

HON. PARAN TARAWALLY: Mr Chairman, Honourable Members, I move that we have two Deputy Speakers who shall come from different political parties represented in Parliament.

THE CHAIRMAN: Any seconder?

HON. GLADYS GBAPPY GBAMOH BRIMA: I so second Mr Chairman.

THE CHAIRMAN: Any counter motion?

HON. CLAUDE D. M. KAMANDA: Mr Chairman, Honourable Members, the motion is not about age.

THE CHAIRMAN: Any counter motion Honourable Member?

HON. CLAUDE D. M. KAMANDA: Mr Chairman, I don't think whether we are ready to have two Deputy Speakers. We must consider the budget of Parliament and other issues. On that note Mr Chairman, I want to prevail on our colleague Honourable Member for us to continue with one office of the Deputy Speaker.

THE CHAIRMAN: Any seconder?

HON. ALHASSAN KAMARA: Mr Chairman, I so second.

THE CHAIRMAN: Honourable Members, there are two motions on the Floor. One of the motions is for us to add another clause which will make provision for a second Deputy Speaker.

(Question Proposed, Put but was not agreed to).

THE CHAIRMAN: Honourable Members, I want decorum in this House.

MR ARROW BOCKARIE: Mr Chairman, Honourable Members, I move that Part 1 to 2, as amended stand part of the Bill.

(Question Proposed, Put and Agreed to)

(Motion was unanimously carried)

PARTS ONE AND TWO AS AMENDED FORMS PART OF THE BILL

THE HOUSE RESUMES

THIRD READING

MR ARROW BOCKARIE: Mr Speaker, Honourable Members, I wish to report that the Bill entitled: "The Constitution of Sierra Leone (Amendment) Act, 2013, has gone through the Committee Stage with amendments. I therefore move that the Bill be read the third time and passed into law.

(Question Proposed, Put and Agreed to)

(The Bill entitled: "The Constitution of Sierra Leone (Amendment) Act, 2013 has been an Act to amend the Constitution of Sierra Leone has been read the third time and passed into law).

ANNOUNCEMENT

THE SPEAKER: I want to inform this House that Honourable Mabinty Funna has been elected by ECOWAS Female Parliamentarians to service as Second Vice President *(Applause).*

ADJOURNMENT

(The House rose at 12.55 P.m. and was adjourned until Tuesday, 26th November, 2013, at 10.00 a.m.)