

OAU DRIVE, TOWER HILL, FREETOWN

PARLIAMENTARY DEBATES

(HANSARD)

OFFICIAL HANSARD REPORT

FIRST SESSION-FIRST MEETING

TUESDAY, 29th OCTOBER, 2013

SESSION - 2012/2013



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

> Proceedings of the Sitting of the House Held on Tuesday, 29th October, 2013.

CONTENT:

- I. PRAYERS
- II. CORRECTION OF VOTES AND PROCEEDINGS FOR THURSDAY, 23RD MAY, 2013
- III. LAYING OF PAPERS

MINISTER OF INFORMATION AND COMMUNICATIONS
THE RIGHT TO ACCESS INFORMATION BILL, 2013



THE CHAMBER OF PARLIAMENT OF THE REPUBLIC OF SIERRA LEONE

Official Hansard Report of the Proceedings of the House

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

Tuesday, 29th October, 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 Speaker, Hon. Justice Abel Nathaniel Bankole Stronge, in the Chair].

The House was called to Order

HON. IBRAHIM R. BUNDU: I want to make an amendment on the Order Paper, in respect of item II, record of Votes and Proceedings for Tuesday, 22nd October, and 3rd October, 2013.

THE SPEAKER: Sorry Honourable Member, did you say Tuesday?

HON. IBRAHIM R. BUNDU: Yes Mr Speaker. Tuesday, 22nd and Thursday, 3rd October, 2013.

THE SPEAKER: Honourable Member, I am thinking that both dates fell on a Thursday.

HON. IBRAHIM R. BUNDU: The 22nd of October fell on a Tuesday and the 3rd of October fell on Thursday.

THE SPEAKER: Honourable Members, I guess you all have the documents referred to just now.

II. CORRECTION OF VOTES AND PROCEEDINGS FOR TUESDAY, 22^{ND} AND THURSDAY, 3^{RD} OCTOBER, 2013

THE SPEAKER: Honourable Members, we start with the record of Votes and Proceedings for Thursday, 3rd October, 2013. Page 1? Page 2? Page 3? Page 4? Page 5? Page 6? Page 7? Can somebody move that the record of Votes and Proceedings for Thursday, 3rd October, 2013 be adopted as presented?

HON. PATRICIA BROWN: I so move Mr Speaker.

THE SPEAKER: Any seconder?

HON. MABINTY K. SILLAH: I so second Mr Speaker.

(Question Proposed, Put and Agreed to)

(Record of Votes and Proceedings for Thursday, 3rd October, 2013 was unanimously adopted as presented)

THE SPEAKER: Honourable Members, we now go through the record of Votes and Proceedings for Tuesday, 22nd October, 2013. Page1? Page2? Pag3? Page4?

HON. ALIE KALOKOH: Mr Speaker, I went on an Oversight function, so, I was absent with excuse. I want my name to be removed from those who were absent without excuse.

THE SPEAKER: What is your observation Honourable Member?

HON. ALI KALOKOH: My observation is on Page 4 no.11. My name, Honourable Alie Kalokoh was written among those who were absent without excuse. even though I was absent with an excuse Sir.

THE SPEAKER: Page 4, No.11?

HON. ALI KALOKOH: Yes Sir.

THE SPEAKER: Were you absent, Honorable Member?

HON. ALIE KALOKOH: I was absent with excuse Sir.

THE SPEAKER: I think you are trying to say your name should have appeared on the next item which is item 3. Did you notify the clerk's office that you are on some official business?

HON. ALIE KALOKOH: Yes Mr Speaker.

THE SPEAKER: Did you notify them in writing?

HON. ALIE KALOKOH: I think that is the responsibility of the Chairman.

THE SPEAKER: Excuse me Honourable Member, the Chairman is not presently here.

HON. ALIE KALOKOH: Yes Mr Speaker.

THE SPEAKER: The Clerk has taken note of what you've just said. Page4? Page5? Page6? Can somebody move that the records of votes and proceedings for Tuesday 22nd October 2013 be adopted with the amendment at page 4?

HON. ALHAJI S. DUMBUYA: Mr Speaker, I so move.

THE SPEAKER: Any seconder?

HON. ALIE KALOKOH: I second Sir.

(Question Proposed, Put and Agreed to)
(Records of Votes and Proceedings for Tuesday, 22nd October, 2013
was unanimously adopted as amended)

BILL.

THE RIGHT TO ACCESS INFORMATION ACT, 2013

INTRODUCTION AND FRIST READING

THE MINISTER OF INFORMATION

HON. ALPHA KANU (Minister of Information and Communications): Mr Speaker, Honourable Members, I move that the Bill entitled "The Right to Access Information Act, 2013 be read the first time."

(Question Proposed, Put and Agreed to)

(The Bill has been read the first time)

SECOND READING

HON. ALPHA KANU: Mr Speaker, Honourable Members, I move that the bill *entitled "The Rights to Access Information Act, 2013"* be read the second time. Mr Speaker, the Rights

to Access Information is part of the government's reform of the state, aimed at promoting good governance, transparency and accountability. The right to information has today become a human right component in the administration of modern states. Every citizen has a right to access information held by or is under the control of a public authority. Every person has a right to access information held by or is under the control of a private body where that information is necessary for the enforcement or protection of any right.

Mr Speaker, Honourable Members, the Bill provides the opportunity for persons to make requests for information from public authority and the public authority can confirm or deny whether he holds information or the description specified in the request made by citizens who require such a request. It is expected that public authorities shall comply where the information does not fall under the category of exempted items. Request for information under Part 2, Section 2 shall be made in writing or a description of the information requested shall be made or provide an address which may be email for purposes of correspondence under this category.

Mr Speaker, an application to access information shall be made in English or Krio, by Email, fax, post, telephone or by any other medium provided that the application provides:

- a. contact details; and
- b. sufficient particulars for the public information officer or any other officer to understand what information is being requested for.

Mr Speaker, Honourable Members, one important feature of this Bill is that it has to do with efficient records keeping within MDAs and even non-governmental organisations hence, the creation of the office of Information Officer in this Bill. The appointed Public information Officer can also receive an oral request and is expected to put that request in writing, including the Public Information Officer's name and designation and shall give a copy of the compiled information to the applicant. The Bill further suggests that an applicant who is not literate in the English language can make his request in any other Sierra Leonean language and his application shall be translated into the English Language.

Mr Speaker, Honourable Members, a public authority to which a request for information is made may (within the time limit for compliance as specified in Section 5) give the applicant a fee notice whereby stating that a fee of an amount specified will be charged in accordance with Section 2 of this Bill and must be paid before accessing that information. Where a fee notice has been given to the applicant for information, the public authority shall not be obliged to comply unless the fee is paid within the period of three months. However, regulations made by the Minister under Section 3 may provide that no fee shall be payable under this Section in the following specific cases:

- a. where the applicant falls below a certain income level; and
- b. where the request is for personal information relating to the applicant or where the request is in the public interest for example were the applicant intends to make the information public.

Mr Speaker, Honourable Members, for the purposes of State security, and maintaining the self-esteem of individuals, Part 3 of this Bill made certain exemptions. Under caption: 'Exemptions to Information,' the duty to disclose information shall not apply to the extent that compliance with Part 3, Sub-section 1 would be expected to prejudice national security and the defence of Sierra Leone. Furthermore, the duty to disclose information shall not apply if or to the extent that compliance with Section 2 would or could destroy the international relations between Sierra Leone and any other state or inter-governmental body. More so, the duty to disclose information shall not apply if or to the extent that compliance with Section 2 would or could reasonably expected to reduce the ability of the government to manage the economy. The administrative provisions to fully interpret the provisions of this Bill when it becomes law are very clear and simple.

Mr Speaker, Honourable Members, there shall be an Information Commissioner as stipulated in Part 5, who shall be appointed by the President on the recommendation of the Minister of Information and Communications and approved by this Parliament. The Information Commissioner shall hold office for 3 years. He/She shall have all powers direct or indirect as necessary to undertake his/her functions under this Act. The Information

Commissioner shall even have the power to acquire or to dispose of property under this Act. He/She shall also monitor and report on the compliance by public authorities, make recommendations for reforms both of a general nature and for specific public authorities. He/She shall also have the authority to release any unlawfully held information and order the payment of compensation or any other lawful remedy or redress for any violation of this act.

Mr Speaker, Honourable Members, this Bill, when it becomes law will provide the opportunity for researchers, compilers of information, including journalists to access credible information without hindrance. It will also enhance the capacity of MDAs and NGOs to inculcate the culture of record keeping, including the development of libraries and archives. Records' keeping in the MDAs has collapsed over the years. But with this new legislation, it will now be given priority in all the MDAs, including Parliament. Officers will be trained to manage and keep records for the use of Honourable Members of the public and the institution itself.

Mr Speaker, Honourable Members, I want to thank this Honourable House for the Support its gives to the Ministry of Information and Communications for having participated in the pre-legislative hearing last week. I will also say a big thank you to the Society for Democratic Initiative, the Sierra Leone Association of Journalists, the Law Officers Department, members of the public and the Secretary to the Cabinet for assisting the this Ministry in compiling a concept that will promote not only good governance, but also make Sierra Leone one of the leading countries in Africa that promotes the culture of access to information.

Mr Speaker Honourable Members, I move that the Bill entitled: "The Rights to Access Information Bill, 2013" be read the second time.

(Question Proposed)

HON. AJIBOLA E. MANLEY-SPAIN: Mr Speaker, Honourable Members, it is my pleasure to open this debate on the Bill entitled: "The Rights to Access Information Act,

2013. "I have the privileged of working on this Bill when it was first brought to Parliament in 2011. A lot of work has work done by the Legislative Committee and the Committee on Information and Communications. By then, this Bill was considered timely and necessary; and it should have been passed into law in 2011. But because of circumstances beyond our control, the Bill was not passed into law at that time. There had been series of debates on the reasons why it was not passed into law. However, I think there is a time for every purpose and it appears as if the time for the passing of the Access to Information Bill is now. We hope that it will be passed with all necessary amendments.

Mr Speaker, Honourable Members, few days ago, I was again privileged to chair another pre-legislative meeting on this Bill. During that time, the Minister of Information and Communications, together with his team informed parliamentarians the merits of this Bill. He made reference to the Memorandum of Objects of this Bill. He gave reasons why this Bill is necessary. I am happy to note here that the debate was encouraging. I believe that this Bill and its purposes were understood by Members of Parliament. Again it was said that this Bill is timely and it should be passed into law.

Mr Speaker, Honourable Members, the Chairlady for Committee on Fisheries was asking whether we were ready for such a Bill. I believe her fears were allayed. I think it should be pointed out here that this is a Bill that requires a lot of funding because it is going to create certain offices which are necessary for the implementation of the Bill. For example, we are going to have a Commissioner, Information Officers etc. We are going to develop a data base where the information would be stored and these would require a lot of money. When this Bill is passed into law and becomes fully operational, certain officers are going to be created for that purpose. I have no doubt that this Bill is not going to be presented as 'white elephant.' Effort will be made by the Government for this to be operational.

Mr Speaker, Honourable Members, in Part 5, Clause 30 of the bill, the question was raised about the creation of a Commission. Instead of just having an Information Commissioner, this Commissioner should be part of a Commission. And we will implore the Minister like he did the last time to give blessing to the amendments Honourable Members are going to put forward.

Mr Speaker, Honourable Members, without much ado, I am imploring all of you that we support this Bill and pass it into law as soon as possible. I thank you very much.

HON. MUSTAPHA BRAIMA: Mr Speaker, Honourable Members, I want to take this opportunity to lend my voice to the debate on the 'Right to Access Information Act 2013.' This Bill has been debated when it was first introduced during the last Parliament. Some of us were out there as observers and listeners to the discussions of Members of Parliament. In my own opinion, this Bill is not timely at all. However, this Bill is a very good Bill. This Bill should have been passed during the last Parliament. If this was done, we could have been talking about some other things instead of this Bill. This affects the lives of every Sierra Leoneans. Some people will look at it as a Bill meant for journalists. That perception is very wrong. This Bill is good for researchers. This Bill will create access to information for those who will be writing their Theses and those in the academia in general. Therefore, this is a very good Bill for this nation.

Mr Speaker, Honourable Members, I was even expecting that by the time I come to Parliament, we could have had this Bill passed into law. This is because the issue of this Bill had long been trumpeted in Sierra Leone. Most African countries are far ahead of us. We are far behind as far as this Bill is concerned. Whatever reasons that could have been, the Chairman of the Legislative Committee was struggling to explain those reasons. I want to tell him that it is coming in now because of the unavoidable circumstances that they cannot put aside. As a result, they are now encouraging us to pass this Bill into law. We are very much encouraged because we are prepared for it, even when I was outside Parliament; I was prepared for this Bill. My colleague Honourable Member is now looking at this Bill as timely. They have their reasons for that. We will leave the citizens of this country to decide on those reasons. But with all the delays in passing this Bill, it has finally come to this Parliament and I want to congratulate the Chairman of the Legislative Committee for a job well done (Applause).

Mr Speaker, Honourable Members, there are certain things one cannot avoid in life, no matter how you strategise yourselves, believe you me the circumstances in our society will compel you to do them and that is what we are experiencing today. We are now being compelled to pass this Bill into law. However, it is never too late. We still accept it because we are in support of it.

Mr Speaker, Honourable Members, a lot has been said about this Bill. I just want to look at few things under Part 2, which deals with the proposed fee for obtaining information. The Bill exempted those that are low income earners from paying this fee. But the question is how will they determine those low income earners? How will they differentiate them from others? I am very concern about this Mr Speaker. If I ask somebody to give me a particular information, I know he will not even ask me any question about myself because there is also an indication in the Bill which says you cannot ask for somebody's identity. So, how can they determine that this person is a lower income earner when they don't even have the right to ask for their identity?

Mr Speaker, Honourable Members, there is also another indication in this Bill that I queried. I am looking at the enormity of the powers of the Information Commissioner. The powers vested in that person will be so enormous that it will even render him ineffective in handling the chores of that office. In my opinion, the Commission we are talking about should have Commissioners and a Commissioner General so that there will be checks and balances in the management of information. I am concerned about the identity of the people that will request for information. But knowing what prevails in Sierra Leone, if there is a pointer to the aspect of identity, it is going to draw other situations that will make Sierra Leoneans not to enjoy this Bill once it is enacted into law.

Mr Speaker, Honourable Members, this Bill is appropriate and we are comfortable with it. We accept it because it is really in the interest of Sierra Leoneans. It is good for the media and every Sierra Leonean, particularly those in academia. I thank you Mr Speaker.

HON. MICHELE SHO-SAWYER: Mr Speaker, Honourable Members, I want to take this opportunity to lend my voice to this Bill in front of us. Let me take this opportunity to thank you for providing me this time to make my own contribution.

Mr Speaker, Honourable Members, it is said that evil deeds are done or continued when good men standby and doing nothing. I believe the Government of Dr Ernest Bai Koroma is standing by to do something that is right for this nation and the citizens of this country. There are many occasions in our history in which good things were done on behalf of this nation and its citizens. And today is one of those good days. Today, the Government of Dr Ernest Bai Koroma has thought it fit that we the citizens of Sierra Leone should be heard and that we are supposed to be accountable as citizens of Sierra Leone.

Mr Speaker, Honourable Members, since this Government came into power in 2007, it has been practicing inclusive policies. This Government has included its citizens in the governance system of this country. This Government has provided transparency and accountability to the people of Sierra Leone through the institution of the Open Government Initiative (OGI). The OGI gears towards taking government to the people. This Government has strengthened the laws of the Anti-Corruption Commission. This Government has been media friendly. This is the only Government since independence that has been organising press conferences every week, inviting every media house to question the government on certain issues. This is a pointer to the fact that this is an inclusive and transparent Government.

Mr Speaker, Honourable Members, the first black President of the United States of America at one time visited Arica and said: "Africa does not need strong men but strong institutions. Today, this Government is embarking on building institutions.

Mr Speaker, Honourable Members, I can stand here for the rest of the day to talk about the good things of this Government not only in this Parliament but all over the country. This inclusive Government is thinking about those in Banana Water and other remote places in this country. And this is the reason why this Bill is here to give them the rights to access information. This Bill is going to ensure that every public authority has to be accountable to the citizens of this country.

Mr Speaker, Honourable Members, I stand here this morning to support of this Bill. I want my colleague Honourable Members to support this Bill for the benefit of this country. I thank you very much (Applause).

HON. FRANK KPOSOWA: Mr Speaker, Honourable Members, all that should be said about this Bill has been said and all that should be heard has been heard. What we have not done is what we are here to do. Today, this country is going to join the 94 civilised countries in the world, including 11 in Africa when this Bill shall have become law. When this Bill becomes law, the issue of black mail from the Executive will stop. I am saying this because, whenever the issue of this Bill was raised, the Executive would say, we have nothing to do with it. They always put the blame on Parliament. They would tell you that the Cabinet has approved but Parliament has not done its job.

Mr Speaker, Honourable Members, when we pass this Bill into law, blackmailing is going to end. I am standing here to help narrow the borders of public ignorance about the content of this Bill. Mr Speaker, this Bill is designed to fight ignorance. It is going to ensure that the governance system of this country is taken to the people of this country. This Bill is designed to restore human dignity and to usher in an effective public monitoring of government expenditure. This Bill is important because it is going to ensure that public expenditure is scrutinised. I am saying this because public document that have been deemed sacred in the eyes of the public will now be available to the people of this country. The people of this country should know what their government is doing and in the process build up their confidence in the Government. Confidence is a necessary ingredient of good governance. People should have confidence in people that govern them. The trend of mistrust would not lead to cooperation and development. And the end result is despondence and frustration.

Mr Speaker, Honourable Members, in Sierra Leone today, the sad thing that is happening in this country is the fact that people who ask questions are the same people who provide the answers. This is what we are trying to discourage. I have been part of this process from its inception. As a resource person, we made sure that this Bill was sold to the public. We held consultative meetings in all the regions of this country. We went on radios where we held series of discussions. We also ensured that the good intentions we had were exported to other countries in the sub-region. And Mr Speaker, let me report with humility that under my leadership, we were able to take part in a contest in Ghana and defeated

two other countries because of the way we presented our system. Our system was considered more structured. That is my pride Mr Speaker.

Mr Speaker, Honourable Members, I don't know why people think that this is Bill is going to bring harm. This is not and will never be a harmful Bill at all. As a matter of fact, if you look at Part 3 of this Bill, you will see that the state is well protected. Individuals are as well protected. And when I talk about Part 3, I am talking about the exemptions clauses under the caption 'Exempt Information.' Mr Speaker, we cannot divulge classified information meant for the interest and security of the state. Such information is not for public consumption. We are not to inquire into the private lives of individuals. When this Bill becomes law, no journalist or researcher will ask the Minister of Information and Communications, Honourable Alpha Kanu to supply him with his list of girlfriends.

THE SPEAKER: Honourable Kposowa did I get you clearly? Anyway, proceed (*Laughter*).

HON. FRANK KPOSOWA: Mr Speaker that is very private. However, if his practice along that line interferes with the rights of other people, then, it would be a matter for public concern. Mr Speaker, the Honourable Members from the other side are appealing to us on this side of the House to have this Bill pass into law. The question is, are we ready for it? The answer is yes, we are ready. How are we ready? We are ready because of the steps we are taking. We have a Speaker of this Parliament because the Constitution provides for a Speaker. If we hadn't any provision for that in our Constitution, we would not have a Speaker. We have to ensure that the legislature makes provision for the structures you are asking for to be put in place. Like the Minister has said, we are going to set up a data collection system and train Public Information Officers so that the implementation of this Act is not going to be chaotic. This is why when you look at this Bill, you will see that people have painstakingly address all of these issues. Information held by public authorities is information for the citizens of this country. If you want such information, you have to go there for it. If you go there, you will find the information you need. But again, the information is not for everybody. For example, you don't come to Parliament and walk

straight to the Clerk of this House or to any of the Committee Clerks or the Accountant. We are going to have one Officer in possession of all the information you need. The Information Officer will give you that information. But you have to be specific as to the kind of information you need.

Mr Speaker, Honourable Members, we are not going to travel from Jerusalem to Jericho, or research from Genesis to Revelation. No, we don't have that time. We will not encourage you to waste our time. So, you have to be specific with what information you want before we can help you within the time frame set. From our experience in implementing policies in this country, we do run into people who are troublemakers. This is why this Bill like I said, is painstakingly going to address some of these issues that will come up in the future. For example, here is a department that has put all of its activities on the web. When you come, the Information Officer(s) will give you the web address. I think you can access the information you need. You don't have to force them to download the information for you.

Mr Speaker, Honourable Members, we have also made sure that people are not just unreasonable. At times, when stationery is expensive, you don't come and expect to get things free. We are going to make sure that only that which is required for the production of the information will be charged. Mr Speaker, today, more than any other day, this Parliament is going to witness historic moment. From the mood of the people and the reading of this debate, nothing will take us to the sad chapters of the last session. And let me congratulate all of us in advance. All of us in this Parliament have on Tuesday, 29th October, 2013 participated in this debate as the spokesmen and women for the conscience of civilisation. I thank you Mr Speaker (*Applause*).

HON. MABINTY FUNNA: Thank you Mr Speaker. Mr Speaker, Honourable Members, I wish to contribute to this very important debate. As citizens of this country, I believe we all have the right to access information about our government's actions. We are representatives of the people and if we truly want our people to get involved and fully participate as true stakeholders of this Government, we must pass this Bill into law. In

doing so, we will then demonstrate the essence of democracy, by allowing people to access information about their elected government officials. And the Government is crucial in ensuring accountability and promoting good governance.

Mr Speaker, Honourable Members, I believe the availability of information can serve as a huge benefit to the citizens in search of information. If we pass this Bill into an Act, it will develop an image of honesty, integrity and trust in our Government and it will also help to minimise negative speculations about our Government and our society. So, I urge all of you to speedily pass this Bill into an Act.

Mr Speaker, Honourable Members, my area of concern is that when this Bill is passed into an Act, I only hope that the fourth estate, public officials and the people of this country will maintain respect for each other and do not abuse the system (Applause). As Sierra Leoneans, all of us should be proud of having a responsible Government that is ready to give the people the legal right to access information. We should have had this Bill for a very long time. But I want to say here that in life, 'nothing is ever too late.' With these few words, I want to urge all of us, especially my distinguished colleague Honourable Members on the other side to support and pass this Bill into an Act today. It is good for all of us. I thank you Mr Speaker.

HON. ANDREW V. LUNGAY: Thank you very much Mr Speaker for allowing me to catch your eyes. Mr Speaker, this Bill is a bill as you have heard is long coming but it is here now. I stand here in support of this Bill. Each and every one of you is talking about democracy. What do you know about democracy? Please listen to me. Democracy started in Athens, during the First Century. There are two types of democracy: 'direct democracy and representative democracy.' The Representative democracy is what we enjoy today; and democracy has to be backed by guarantee for the individual rights, as enshrined in all the Constitutions in the World. This is the democracy we are talking about and it extends to this Freedom of Information Bill we are about to pass into law. Now, you've been told that this Bill has long been coming. It is here with us now. But how did it get here? I leave that to the historians to tell us. But one thing that pleases me most is that, when this Bill comes into law, we will benefit immensely. One of these benefits will be the availability of

records in this country. A lot of us sitting here will not go into any department and look for your date of birth there. Why? It is because your birth certificate was not registered. Your death certificate has not been registered as well. I want this Bill to become an Act of Parliament whereby records would be kept meticulously so that even marriages, deaths and births would be registered. Recording keeping is tantamount to development.

Mr Speaker, Honourable Members, people have been saying that this Bill is not too kind to the journalist as we see them today. Well, to me, the Fourth Estate is doing a remarkable job and they should be encouraged to be part of the governance system in a country (Applause). I say this because we have a considerable number of responsible journalists and we need to know what they say. But if for instance, you were in London, you will have your newspapers dropped through your letter box and you have it on your breakfast table before your meals. By reading your newspaper, you will know what is happening around the World. Mr Speaker, not everybody like watching Television. You can read your newspaper (s) in the office. To me, journalists should be encouraged, especially responsible journalists. I am not talking about those who want us to expunge the 1965 Public Order Act and withdraw the Criminal Libel Act. I have to say it here. I know it is not in this Bill.

Mr Speaker, Honourable Members, we should not encourage journalists who gear towards destroying the image of people and this country. We should encourage journalist who give good news. Mr Speaker, I am a little bit surprised when the Minister failed to mention something important under Clause 35 of this Bill. Clause 35 of this Bill deals with the Information Commissioner. During the pre-legislative meeting, this issue was raised whereby judges and parliamentarians are exempted from criminal and civil proceedings. This is something I appealed to the Minister of Information and Communications to think about. My advice to the Fourth Estate is to avoid all embarrassment. They should insure their papers as it is done in other countries. This is because when you insure what you write, whether it is libelous or not, if for instance you are taken to court in Sierra Leone and you happened to be fined Le50 million, how are you going to pay that huge sum? You have not been insured. Probably you will sell all the newspapers throughout your life you

will not even get Le50 million. So, as a genuine advice for journalists, I will advise that they insure themselves and what they write. They should even insure their Company. Mr Speaker, with those few words, I thank you.

HON. BRIMAH CONTEH: Mr Speaker, Honourable Members, let me with the words of Valio say 'expectantes eyas adarat.' Those were the very words Honourable Manley-Spaine mentioned. The expected day has arrived. The freedom of Information Bill is here. For a long time, the citizens of Sierra Leone, particularly the Civil Society groups, and perhaps more vociferously the 4th Estate have yearned for Freedom of Information. Today, we have the opportunity as introduced by the Honourable Minister the Right to Access Information Act, 2013.

Mr Speaker, Honourable Members, let me in the first place congratulate our erstwhile colleague, the Minister of Information for bringing this Bill to this House. It is timely, and this is what the public expects. And as Honourable Members of this House, we ought to do justice to this Bill. This is part of the process towards building a democratic society. Initiatives have been taken in the past, like the Open Government Initiative (OGI), Establishment of the Democracy Commission and several other institutions. The access to information is just an addition to the extant institutions. As the Minister himself succinctly put it, the objective is to promote transparency, accountability and good governance in the country. What I have just said is captured in Paragraph 2 of this Bill, under Transparency, Accountability, Good Government, and Efficiency in Public Administration, Democracy and the Rule of Law. This Bill, when it becomes law will accrue these advantages to the public, individual and Government. Whether it is red or green, this is a Bill for Sierra Leone that must be passed into law to enable us as functionaries in governance to do the right thing. We have to be accountable so that the public knows and the public understands what Government is all about. This Bill is all about strengthening democracy in this country.

Mr Speaker, Honourable Members, the right to access information is key to the fundamental human rights. The time has come for the citizens of this country to know what is happening in all State Institutions. J. J Rousseau, a prominent philosopher once said that humans are born free; yet, everywhere we are in chains. We are in chains

because the State has to be protected against frivolity. That does not mean that the State will provide us with this freedom with the right hand and take away that freedom with the left. We have to be conscious of that Mr Speaker. We have to ensure that the freedom we give to our people should not be taken away. We have had a very good debate this morning. We have also had very good discussions during the Pre-Legislative Session. During that session, we pointed out certain short comings in this Bill. For instance, we said that there is no way we can exempt information that is meant for furtherance of economic activities. It must be put in the public domain. The Chairman of the Legislative Committee and the Minister of Information and Communications made mention of what I have just said. There is no way we can sweep that relationship under the carpet. It is not part of the State Security simply because we do not want to offend the other States. They should be put in the public domain. The public ought to know what our country is doing viz-a-viz the other States.

Mr Speaker, Honourable Members, we have already pointed out the powers of the Information Commissioner. The Minister was quick to point out during the Pre-Legislative meeting that indeed, a Commission ought to be created. It is not only the Commissioner exercising executive functions. We need to have a Commission. And perhaps, that Commission should be anchored on a Board of Directors. It cannot be a sole Commissioner exercising these enormous powers our colleagues have pointed out. So, we need to look into that Mr Speaker.

Mr Speaker, Honourable Members, State Security is paramount. We all know that people have their own rights to do certain things. We have the right to engage in commercial activities. But these rights have to be protected. Mr Speaker, Section 15, under Security is very important; but Section 16, under International Relations should not be allowed to pass. I am sure when we come to the Committee Stage, we will deal with that section adequately. I have already said something about the management of the Economy.

Mr Speaker, Honourable Members, there is something that is very interesting, especially the one that has to do with judicial matters. Section 18 of this Bill says: "The duty to disclose information shall not apply if on to the extent that compliance to Section 2 would

or could be reasonably be expected to cause serious prejudice to the prevention and exemption of crime." I agree with the provision that has to do with apprehension and prosecution of offenders. What else is there that you want to hide under the guise of the Administration of Justice? I think we have to be careful Honourable Members with that.

Mr Speaker, Honourable Members, I want to thank you for listening to me.

HON. VERONICA K. SESAY: Thank you Mr Speaker. Mr Speaker, Honourable Members, I rise to lend my voice to this long awaited Bill. Mr Speaker, we all know that information is power. And sometimes this very information makes and unmakes things. Before I continue with my contribution, it has been said that you give praise to those who deserve it. I must confess here and to say that the erstwhile Minister of Information and Communications should be praised. We need to say thanks to him because by then, I was the Chairperson for Information and Communications, whilst he was the Minister. I am talking about Kotho I. B. Kargbo. We must say thanks to him. He struggled with that Bill in the last Parliament. He has been working closely with the Committee on Information Communications for the passage of this Bill into law. Though he is not here today, I am here as a Member of Parliament to be part of the passage of this Bill into law. This Bill is very important. And I will continue to ask this question. Are we ready for the enactment of this Bill into Law? If we are ready, then, it is fine. I will join the queue for the passage of this Bill with some amendments. The passage of this Bill is not only beneficial to us but generations yet unborn. They need to make use of it. We need to scrutinise and make sure that we do the right thing. For instance, if you say you are going to build a house, you should make sure that you lay a strong and firm foundation so that you can enjoy the house. This is how you are going to scrutinise this Bill. I am saying this because it is very important. It is a Bill that is going to contribute to the development of this country. When we come to Committee State, I want the Minister to give us time so that we do a thorough job. There are words or phrases or clauses we need to simplify for our people to understand. In some areas, the language in this Bill is very ambiguous. We need to make sure that we scrutinise this Bill properly so that we have a very good Act.

Mr Speaker, Honourable Members, I am not too comfortable with Members of the Fourth Estate. A good number of them were present during the Pre-Legislative hearing. Today, they are not here. But I know that this Bill is meant for all of us. It is not meant for them alone. I am saying this because information is meant for everybody in this country. Information makes and unmakes. For instance, from whom are you going to access this information from? What kind of information you want to get? We have to be very careful with our specifications. In passing this Bill into law, we should make sure that some of these clauses in this Bill benefit all of us and the generation yet unborn.

Mr Speaker, Honourable Members, I am not too comfortable with Parts 2(1), 4 and 6. I want an explanation of the phrase 'every person.' If you say 'every person', has the right to access information held by or is under the control of.... What does that mean? What does 'every person mean?' To me, 'every person' means even foreigner? Also, a lunatic is somebody. What if the person wants to cause havoc? So, you need to convince me on that.

Mr Speaker, Honourable Members, let us look at Page 5. I am not too comfortable with the Commissioner. I also need an explanation on that, especially the enormous powers conferred on the Commissioner. I am not too comfortable with that arrangement at all. Let us take the NATCOM Commission. There is a Commissioner and the Chairperson is also there. There are other Commissioners who are given other duties to perform. So, I want the functions of the Commissioner to be reduced. Also, the criterion for the position of Commissioner should not be limited to people with legal background. In fact, I want to suggest here that the position of a Commissioner should be advertised. That is very important Mr Speaker.

Mr Speaker, Honourable Members, this Bill talks about record keeping; and recording keeping is another very important component of this Commission. Again, I want somebody to explain to this House why the Financial Officer should be the custodian of the records.

Mr Speaker, Honourable Members, this Bill is very important because it will enable us to know, like what my colleague from the other side has said, what is going on in the country. We need to know what is happening in the governance system. This Bill will enable us to employ people to certain positions. I think it will help us as Members of Parliament. There are many job facilities in the Bill.

Mr Speaker, Honourable Members, we are awaiting the Committee Stage. With these few words, I want this Bill to pass into law. Thank you (Applause).

THE SPEAKER: Honourable Members, I consider it my duty to draw the attention of all Honourable Members to the title of this Bill. It is not the 'The Freedom of Information Bill,' but "*The Right to Access Information Act, 2013."* Please let us have that in mind as we go along.

HON. HASSAN A. SESAY: Mr Speaker, Honourable Members, let me express my sincere thanks for giving me the opportunity to contribute to the 'Right to Access Information Act, 2013.' My Colleagues have already said that this Bill is long overdue and we know that information is power. Access to information gives more power. Mr Speaker, during the course of the campaign, the President promised this nation that he was going to do more. This is one of the things that he promised to do so that people can have access to information unendingly. Now, the fears that people might have that the Access to Information Act will be detrimental to public officers will be allayed because, there will be limitations to access information. There will be safeguards as to the manner in which people use information. So, the fears that people might have will be allayed. Everything is being taken care of when this Bill becomes law. But I want to say to colleague Honourable Members that this Bill is good for us, not only for us as Legislators, members of the Fourth Estate, but researches and academics.

Mr Speaker, Honourable Members, let me give you an instance. When I was writing my dissertation on the topic 'Multilateral Cooperation and their Impacts on Third World Developments,' it was difficult for me to access information because the Companies kept certain information I needed. But with this Bill, I think researchers will no longer find it difficult to access the information they need. If this Bill was in existence during the time I was doing my research, I would have got the information I wanted. So, the fear that people might have that this Bill will mortgage the rights of everybody might not be true. This is because there are limitations. There must be ways by which people are restricted

from accessing certain information. There must be judicious way of accessing information as spelt out in this Bill. The fear that people may have ought to be allayed. This Bill is meant for each and everybody in this country. It is going to help Sierra Leoneans to access information that might have been difficult to access. Let us understand that even as we speak, there are certain limitations to the use of information by the media houses. When this Bill becomes law, and when it has gone through the necessary stages, a fair Act that will give them the right will be produced.

Mr Speaker, Honourable Members, there must be measures that will limit the use of information. This is because when we talk about information, there have been several efforts like what other colleagues have said. We already have the 'Open Government Initiative (OGI)' that is geared towards bringing Democracy to our people. Now, we are going to have the Access to Information Act of 2013. All of these are meant to strengthen our democratic institutions. We agree that it has been delayed; but it is better to be delayed and come out with something that is more authentic and positive than doing nothing. It is better late than never. Today, we have it before us and it has almost been passed into law.

Mr Speaker, Honourable Members, what I have sensed from the contributions from both sides of this Honourable House is the principle of unity. For the first time we are all talking from the same platform. The man who had been the resource person said that we are the 12th country in Africa to adopt this Bill. I want to be part of that history Mr Speaker. Let us all be part of that because this Bill is not only for us as Parliamentarians nor for the Fourth Estate, but for also the people in the academia.

Mr Speaker, Honourable Members, I want to appeal that we give credence to this Bill because it is meant for the good of Sierra Leone and to strengthen our democratic institutions. Thank you very much (*Applause*).

THE SPEAKER: Honourable Acting Minority Leader, don't be influenced. I was not pointing at you.

HON. FRANCIS A. KAI SAMBA: Thank you Mr Speaker. I am Honourable Francis Kai Samba, representing Constituency 010, Kenema District. I rise to lend my voice to the Bill before this Honourable House, entitled: "The Right to Access Information Act, 2013." As the saying goes, information is power. As Honourable Members, I believe we should look at the issues in this Bill. I want to bring to the notice of Honourable Members some of the issues in this Bill. For example, Part 5 of the Bill tells us about the appointment of the Commissioner. I have a problem with that Mr Speaker. The provision says that the Commissioner of the Commission should be appointed by the President on the recommendation of the Minister of Information and Communications and approved by Parliament. The problem I have with this provision is that, appointment should not be political. We don't want a situation of one political party dominating the Commission. Today the APC and tomorrow might be the SLPP tomorrow. For all I know, the Minister of Information and Communications for example is an APC member. If the Minister recommends somebody to the President (who is the Chairman and Leader of the APC) for the post of Information Commissioner, we should not forget that this present Parliament is dominated by APC Members of Parliament. I think it will be a one-party affair. I want to proffer a solution Mr Speaker.

THE SPEAKER: Honourable Members, I believe it is but courteous if we give chance to the Honourable Member to make his contribution.

HON. FRANCIS A. KAI SAMBA: Thank you very much Mr Speaker. I want a Board to be set up so that the Commissioner can be appointed from a group of people who are qualified to head that position. I don't want a situation where in the recommendation should come from Minister to the President and endorsed by Parliament. I have a problem with that Mr Speaker.

Mr Speaker, Honourable Members, the second thing I want to talk about has to do with Clause 33. It says that the Information Commissioner shall be assisted by an Executive Secretary. We have the Finance Officer and the Administrative Officer. These are officials that have been appointed by the Information Commissioner. I think this is wrong because their allegiance will not be to the people of Sierra Leone, but rather to the individual who

is appointing them. I believe these positions should be advertised so that competent and qualified Sierra Leoneans will as well apply for such positions. If we do what I have suggested, there will be fairness in the system.

Mr Speaker, Honourable Members, let us look at Clause 35. It says: "No criminal or civil proceedings shall lie against the Information Commissioner or other staff in spite of any matter or thing done in good faith in the performance of their functions under this Act." The Clause 'good faith' is ambiguous. I don't understand what is meant here by 'good faith.' So, I equally have a problem with that and I believe the 'good faith' should be looked into. Though this Bill is good, there has to be some scrutiny so that we get a very good Bill. Thank you Mr Speaker (Applause).

HON. FODAY RADO YOKIE: Thank you Mr Speaker. I had actually wanted to wait for the Committee Stage to commence.

MR SPEAKER: Please sit down.

HON. FODAY RADO YOKIE: Thank you Mr Speaker.

HON. ANSU J. KAIKAI: I thank you Mr Speaker. Mr Speaker, Honourable Members, I rise to make my humble contribution towards the Bill before us. This Bill is not as bad as people think. I am not saying that this Bill is 100% good. If you look at the background and history of this Bill, you will realise that this Bill has gone through the desks of three Ministers. Therefore, we on this side and you on the other side of this House should have no problem in passing this Bill into law. This is because we are all pioneers of this Bill. This Bill is good for the development of this country.

Mr Speaker, Honourable Members, this Bill is all about strengthening democratic principles in this country. This Bill, if becomes law, will promote the freedom of citizens in terms of accessing credible information. This Bill, in itself should remind all of us that since the civil war ended in this country, the responsible Governments that have been in the helms of the governance system in this country have pursued the democratic values that are good for the people of this country.

Mr Speaker, Honourable Members, I have read this Bill thoroughly and carefully. I have seen several clauses in this Bill that should be revisited. These clauses should be carefully looked at. I expected Honourable Members who have been given the opportunity to contribute to raise some of the flaws in this Bill.

Mr Speaker, Honourable Members, we have heard a lot of interruptions and misgivings from Honourable Members. A lot of congratulatory messages from the public have been expressed. Mr Speaker, members of the 4th Estate should know that this Bill is meant for all of us. This Bill is also a tool for members of the Fourth Estate to do their work. They are doing so on behalf of the people of this country, especially the down-trodden; those who cannot express themselves. We must pursue the goals the people of this country want. At the same time, they must bear in mind their social responsibilities in this country. We are obligated to uphold the tenets of democracy in this country. The facts that cannot be proven should not be reported at all. Mr Speaker, members of the 4th Estate should refrain from blackmailing people in this country. I am saying this because there is now a law. Ignorance of the law they say, is no excuse. There is now an administrative arm of Government that will protect your right and the rights of others in terms of accessing the right information.

Mr Speaker, Honourable Members, Honourable Brimah Conteh is right when he said that this Bill will create the enabling environment for proper record keeping. Honourable Andrew Lungay also talked about it. When you have proper records or published records, the truth will prevail. Therefore, the enabling environment that has been so much emphasised on will be provided by this Bill. This Bill is all about the civil rights of the people of this country.

Mr Speaker, Honourable Members, the Minister made mention of human rights. That is the new adage. Under that, we have the 'Gender Agenda.' Those who have coined that phrase have never instituted in their own communities or countries but they always make reference to it. I agree with them as civil rights activists. We all believe in it and we believe that the truth be enforced through Bill of this nature when it shall have become law. This Bill covers many areas. This Bill entails so much that we, as people of this

country will benefit enormously when this Bill becomes law. This is because our rights as citizens of this country at one stage or the other must be reaffirmed by way of how our colleague Sierra Leoneans are receptive to our requests for certain information that are kept away from us.

Mr Speaker, Honourable Members, I agree with my colleagues who have said that any information that is of economic interest to us as a nation should not be kept secret. It should not be made secret because when we shall have joined our ancestors, those information will still be there for the generation yet unborn. The Mende man would say when you have a short hand, you should on a big gown, someday you must stretch out in public and when you stretch out, then you will expose the other hand that is shorter than the other hand.

THE SPEAKER: You are at liberty to say it in the appropriate language.

HON. ANSU J. KAIKAI: Therefore we should be liberal enough Mr Speaker. We have to be liberal. I remembered when you were a Member of Parliament, you were so vociferous. You stood up and strongly defended things that were not convenient for public consumption. I am therefore telling you to be nice to all of us and to the people of this country. All of us should agree when we shall have come to the Committee Stage or the Committee of the Whole House. Certain clauses in this Bill have to be expunged. We have to look at the clause that has to do with economic information.

Mr Speaker, Honourable Members, it will be of benefit to Honourable Kombor Kamara and his constituents if that clause is looked into. If we do that, the people of Port Loko District might decide not to vote for the SLPP as they did in 2002 and vote for the APC in 2017/2018 General elections. If you don't do that, you may be exposing yourself to political danger. So, if you Honourable Members on the other side want to win the next elections, let us come together and expunge that aspect of this Bill so that the people of this country will have the liberty to know what they are supposed to know.

Mr Speaker, Honourable Members, there is the issue of clear and present danger. The issue of clear and present danger must be revisited. I agree with you because when it

comes to the defence of this country, I hold conservative views on them. We should not use such clauses in this Bill. The language of this Bill should be simple and unambiguous. For instance, we cannot invoke Section 29 of the 1991 Constitution of this country without a proper reason. For example, when the President invoked the Military Aid to Civil Power (MAC-P), he gave his reasons and we agreed with him.

Mr Speaker, Honourable Members, I want to urge the Minister to consider all the issues under 'clear and present danger' when we come to Committee Stage. We have to make sure that they are properly defined so that the average Sierra Leonean will understand what it is all about. Our colleagues in the 4th Estate and the 5th Estate should be speaking the same language. We should do that which is expected of us. We should be law abiding citizens. We should clearly define the orderly interest of the people of this country. We must do that in order to guarantee our freedom and equality as inscribed in Section 3, Clauses 25 and 28 of the 1991 Constitution of this country. To me, this Bill is a subset of the 1991 Constitution of Sierra Leone. On that note, I urge this Honourable House to amend where we have to amend and approve where we have to approve. We have to make sure that before this Bill leaves this House, all the necessary changes that will positively affect the people of this country are made. I thank you for listening to me (*Applause*).

HON. IBRAHIM R. BUNDU: Mr Speaker, Honourable Members, I want to start by thanking the Speaker for the correction he made when he said that the Bill before us is the 'Right to Access Information Bill' and not the 'Freedom of Information Bill.' He was right. It appeared as if Honourable Members were talking about two Bills. And believe you me it appeared so.

Mr Speaker, Honourable Members, one of the popular areas of the Freedom of Information is in the public. We are waiting for that Bill to be here. But for the edification of members of the public, this House has enacted the Freedom of Information and Expression Bill since 1991. With the permission of the Speaker, I want to read Section 25 (1) of the 1991 Constitution of Sierra Leone: "Except with his own consent, no person shall be hindered in the enjoyment of his freedom of expression and for the purpose of

this section, the said freedom includes freedom to hold opinion and to receive and impact ideas, information without interference. Freedom from interference with its correspondents, freedom to hold, establish and operate any medium for the dissemination of information, ideas and opinion and academic freedom in institutions of learning." This Bill has long been enacted since 1991. Today, what is before us is to ensure your expression of right, privileges and your limitations or your responsibilities. That is what the Bill before us seeks to explain. I believe that Honourable Members on both sides have expressed their willingness. The Freedom of Information and Expression Bill has long been enacted. Now, we want to give you your rights. We are here to give you the legal right to access this information. This Bill is even educating people where, which and how they can use the information they want. I want people to know that their own rights are also as valid as the other person's right. We all have integrity to protect. We have a reputation to protect.

Mr Speaker, Honourable Members, I want people to know that they have to be very careful with this Bill. People should not think that because they have the freedom to access information they can mismanage that information. I don't think that is the purpose of this Bill, especially when you damage somebody's reputation. A very popular writer once said: "When you lose your wealth, you lost nothing; when you lose your health, you lost something; but when you lose your integrity, you have lost everything." I have never known a supermarket or a market place where you can go and buy a bottle of integrity or a bag of reputation. You have worked so hard since your school days to the time you became a public officer. Will you expect somebody from nowhere to come and damage your reputation in a day? No, we are not going to take it lightly. People should read this Bill carefully. If you don't read you, you will not get the right information. That is why you have newspapers in existence. Today, we have the Right to Access Information Bill. It is going to guide all of us as to where and how we should manage information.

Mr Speaker, Honourable Members, I want to admonish members of the public and members of the 4th Estate to please take this Bill as their Bible when it shall become law. They should make sure that they read the Act and understand its content and purpose. You are treading on dangerous grounds when you damage somebody's reputation. Don't

damage the reputation of somebody's father, mother, husband or wife. In this Computer Age, something is known everywhere. How many people can you reach to say that information is not correct? So I just want to join my colleagues in admonishing members of the public and members of the 4th Estate to take this Bill as a National Property, a property to protect each and every one of us dignity. Thank you very much (*Applause*).

S.O. 5(2) Suspended

HON. ALPHA KANU (Minister of Information and Communications): Mr Speaker, Honourable Members, this has been a very intense learning process for me this morning. I learnt a lot from my past colleagues and this current Honourable House. I believe that this Parliament is working in the interest of this nation. During the Pre-legislative hearing, I said that when we bring Bills in this House from the Executive, we are only bringing proposals. Those that are responsible for enacting Bills into law are the occupants of this Honourable House.

Mr Speaker, Honourable Members, I have listened to most of the comments and concerns raised by Honourable Members. All those who have contributed were supportive of this Bill. The Chairman of the Legislative Committee also supported this Bill.

Mr Speaker, Honourable Members, Honourable Brimah Conteh and the Deputy Minority Leader, Honourable Ansu J. Kaikai are supportive of this Bill. I also listened to the Acting Majority Leader when he was summing up this Debate. He advised all of us to judiciously use this Bill when it becomes Law. I do agree that there are certain areas that have to be readjusted or amended.

Mr Speaker, Honourable Members, Honourable Veronica Sesay raised the issue about the description of 'any person.' A description of the 'any person' is very important. My suggestion is that, instead of 'any person,' we should say that any 'citizen of Sierra Leone of sound mind and is not known to be a criminal.' On the area of age limit, I do agree with that suggestion because many people are coming to this country. In these days of terrorism, we don't want a situation wherein we open our information data base to anybody who has the right to access certain information. That is a very valid point.

Mr Speaker, Honourable Members, somebody talked about the issue of setting up of a Commission. This was verbosely discussed during the last Pre-legislative hearing. I suggested during that pre-legislative meeting that when this Bill becomes Law, we come back to this House to set up a Commission. However, the Information Commissioner can then be renamed as an Information Commissioner-General. But I believe that the necessity to describe the terms of reference and the powers for the Information Commissioner who must be appointed if omitted here today, we would be passing a white elephant. This is because we will have a tiger without any teeth. I would therefore say that this suggestion is in place and we have to create a Commission for the Information. And that can be created by Law. The Government draftsman will help us put ideas together to bring back to this Parliament either as a Statutory Instrument or as a separate Act. Mr Speaker, I believe that all of the suggestions are up to the Members of this Honourable House to decide.

Mr Speaker, Honourable Members, the issue of exemption or economic issues that may adversely affect the ability of Government to manage the economy is very important. If any issue that affects Government's ability to manage the economy of this country, I think that issue should be exempted. Again, we leave that to you.

Mr Speaker, Honourable Members, I sympathise with Honourable Hassan Sesay. I sympathised with him because this Bill had not been passed into Law when he was doing his research. However, he passed his exam. But I am sure he would have had a 'magna cum lare' if this Bill had been passed into Law. If this Bill had been passed into the law, I am not sure whether journalists would have had the right to withhold public information.

Mr Speaker, Honourable Members, if we have had this Bill being passed into Law, there would have been no news-blackout today because we could have forced them to print their papers and do their radio broadcast. So, this Bill is good for everybody. It is good for the people at Rogbere Junction, Sulima, Koribondo and good for those in Conakry Dee. I believe that this Bill is good for Mr Speaker and even those at Wangama.

Mr Speaker, Honourable Members, I thank you very much for the supportive role you have demonstrated this morning. I am quite encouraged and as Sierra Leoneans, when the interest of the country comes together we know how to ...