

OAU DRIVE, TOWER HILL, FREETOWN

PARLIAMETARY DEBATES

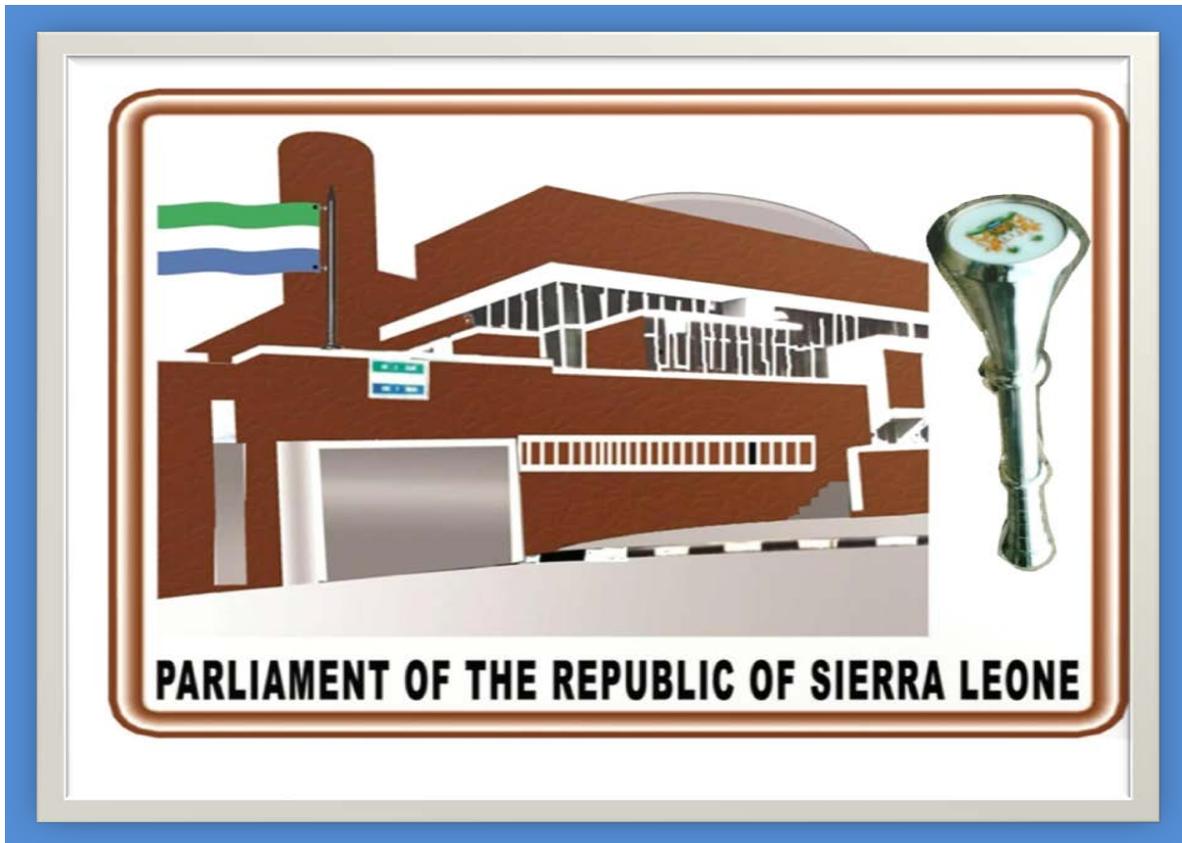
(HANSARD)

OFFICIAL HANSARD REPORT

SECOND SESSION-SECOND MEETING

THURSDAY, 3RD APRIL, 2014

SESSION – 2013/2014



OAU DRIVE, TOWER HILL, FREETOWN

PARLIAMEN TARY DEBATES

(HANSARD)

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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 Thursday, 3rd April, 2014.

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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**

Thursday, 3rd April, 2014.

The House met at 10:05 a.m. in Parliament Building, Tower Hill, Freetown.

I. PRAYERS

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

[The Speaker, Hon. Sheku B.B. Dumbuya, in the Chair].

The House was called to Order

HON. BUNDU SONGOWA: 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. CLAUDE D.M. KAMANDA: I so second Mr Speaker.

THE SPEAKER: It has been moved and seconded that S. O. 5(2) be suspended to enable us to commence the business of the day.

(Question Proposed, Put and Agreed to)

II. CORRECTION OF VOTES AND PROCEEDINGS FOR TUESDAY, 1ST APRIL, 2014

COMMUNICATION FROM THE CHAIR

THE SPEAKER: Honourable Members, we go through the record of Votes and proceedings for Tuesday, 1st April, 2014. Page 1? Page 2? Page 3? Page 4? Page 5? Page 6?

HON. ALHASSAN KAMARA: Mr Speaker, Page 6.

THE SPEAKER: What is your observation Honourable Member?

HON. ALHASSAN KAMARA: Mr Speaker, Page 6, Roman figure VII. The spelling of suspension should be... - *(Interruption)*.

THE SPEAKER: Mr Clerk, please take note of that spelling. The spelling is wrong. Page 7? Page 8? There being no further amendment could somebody move for the adoption of the record of Votes and Proceedings for Tuesday, 1st April, 2014?

HON. P.C JOSEPH ALIE KAVURA KONGOMOH II: I so move Mr Speaker.

THE SPEAKER: Any seconder?

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

THE SPEAKER: Any counter motion?

(Question proposed, put and agreed to)

(Record of votes and proceedings for Tuesday 1st April, 2014 was
unanimously adopted with one amendment)

III. BILL

THE PETROLEUM (EXPLORATION AND PRODUCTION) (AMENDMENT) ACT, 2014

INTRODUCTION AND FIRST READING

THE ATTORNEY-GENERAL AND MINISTER OF JUSTICE

SECOND READING, COMMITTEE STAGE AND THIRD READING

THE ATTORNEY-GENERAL AND MINISTER OF JUSTICE

THE SPEAKER: Mr Minister, before you begin, please take your seat. Honourable Members, this is an amendment that is consistent with our tradition. I take it that everybody has a copy of the Parent Act. The Parent Act has been circulated long before this time.

MR ARROW BOCKARIE (*Deputy Attorney-General and Minister of Justice*): Mr Speaker, Honourable Members, I move that the Bill entitled "*The Petroleum (Exploration and Production) Amendment Act, 2014*," being an Act to amend the Petroleum Exploration and Production Act, 2011 be read the first time.

THE SPEAKER: Honourable Members, it has been moved that the Petroleum (Exploration and Production) Amendment Act, 2014 be read the first time.

(Question proposed put and agreed to)

*(The Bill entitled the Petroleum (Exploration and Production)
Amendment Act, 2014 has been read the first time)*

SECOND READING

MR ARROW BOCKARIE: Mr Speaker, Honourable Members, I move that the Bill entitled "The Petroleum (Exploration and Production) Amendment Act, 2014 be read the second time.

Mr Speaker, Honourable Members, the Petroleum and Production Act, 2011 was enacted for the following purposes as indicated in the long title of the principal Act:

- (A) to provide for the management of petroleum operations;
- (B) to regulate and promote petroleum operations, development and production;
- (C) to regulate the license and participation of commercial entities in petroleum operations;
- (D) to promote the participation of Sierra Leoneans in the petroleum industry; and
- (E) to provide for the efficient and safe petroleum operations and also to provide for an open transparent and competitive process of licenses.

Mr Speaker, Honourable Members, consistent with some amendments passed by this Honourable House, the implementation of the Petroleum Exploration and Production Act, 2011 has brought to the fore a few issues that require the amendment by this House. For example, Sub-section 1 of the Parent Act of Section 40 provides that the petroleum license, which is to be granted under the Act becomes binding on the ratification by Parliament. Sub-section 2 of the said Act provides that every petroleum license and any accompanying agreement between the state and the licensee (which provides details and conditions attached to the license), shall be published in its entirety in the gazette in any other prescribed manner. However, it has been noted that the bulky nature of most of the licenses and other attachments pose a lot of problems, especially to the Government Printer in relation to the cost of printing. This Bill, therefore, provides only a summary of the license; and accompanying agreement should be published in the gazette by the Director-General. This Bill also provides that the Director-General is to deliver petroleum licenses, granted under this Act to the Registrar General for registration. It is envisaged that persons who require access to

such information may obtain it, once it has been registered with the office of the Registrar-General.

Mr Speaker, Honourable Members, another issue which has necessitated this amendment is the question of who takes precedence over the other, especially in a case where there is conflict between the petroleum exploration and production Act and the agreement made under this Act. Section 148 provides that the Act takes precedence. However, upon further reflection and discussion by the government and various stakeholders in the oil industry, it was agreed that it is more desirable that while the Act takes precedence over a license, that situation can be reversed if parties to the agreement agree in writing that the agreement should take precedence over the Act.

Mr Speaker, Honourable Members, I commend the Bill entitled "The Petroleum (Exploration and Production) Amendment Act, 2014." I therefore move that the Bill be read the second time.

(Question Proposed)

HON. CHERNOR R.M. BAH (*Deputy Speaker of the House*): Thank you very much Mr Speaker. Mr Speaker, Honourable Members, the amendment to the Act itself is in one page. But it seems to be very relevant. There are few questions I would want to ask the Minister. The Minister said that sub-section 2 of Section 40 of the Act is going to be repealed and replaced by a paragraph I would want to read. Mr Speaker, the advantages he listed makes a lot of sense because if there is an agreement and going down to two of the amendments which warrants the registration of the document in its entirety with that of the Office of the Registrar General, then publishing a summary of it in the gazette makes more sense rather than repeating it in verbatim. My concern is on Part III of the amendment, under Section 148 (4). It states that this Act shall be deemed to have come into operation on the 8th day of September.

THE SPEAKER: Let us have it right Honourable Member. I do not think that Section 4 is under 148. If you go to the proper numbering, 4 should be after 3 because looking at

it, the rubric is the commencement of the Act and that is a section in itself. It is not a sub-section under 148.

HON. CHERNOR R.M. BAH: It makes more sense Mr Speaker. I hope the Minister is taking note?

THE SPEAKER: Mr Minister, please take note of that. If you want more clarity, consult the draftsman or the Act itself.

HON. CHERNOR R.M. BAH: In fact, there are side notes to the effect.

THE SPEAKER: But Honourable Member, the side notes cannot be so. If it is so, then, it is awkward. Mr Deputy Speaker, strictly speaking that should be amendment 4. When you go to the proper numbering, 4 cannot be a Sub-section of 148.

HON. CHERNOR R.M. BAH: That is correct Mr Speaker.

THE SPEAKER: Mr Minister, do you agree?

MR ARROW BOCKARIE: Yes Mr Speaker. It should be under a rubric of its own. It should be 4.

THE SPEAKER: It should be 4.

MR ARROW BOCKARIE: Before the commencement of the Act.

THE SPEAKER: That is it. What do you mean by "before the commencement" Mr Minister? I do not understand. Does it have to be a section of its own?

MR ARROW BOCKARIE: Yes Mr Speaker.

THE SPEAKER: That is what it should be?

MR ARROW BOCKARIE: Yes Mr Speaker, under the rubric commencement of the Act.

THE SPEAKER: Mr Minister, you would agree that Parliament has the capacity to correct the Law Officers Department (*Applause*).

MR ARROW BOCKARIE: I do Mr Speaker.

THE SPEAKER: That is it. Please sit down.

HON. CHERNOR R.M BAH: Mr Speaker, as I was saying, I would want the Minister to tell us the rationale for having this particular amendment being made retroactive to go in line with the Parent Act itself, which came into effect on the 8th day of September, 2011. That is all I wish to say for now. Thank you very much.

THE SPEAKER: Mr Minister, you have not been asked to say anything. The question is still on and the debate is still opened.

HON. ANSU J. KAIKAI (*Deputy Minority Leader*): Can I make my own contribution to the debate?

THE SPEAKER: Do you want to contribute to the debate or you want to round-up?

HON. ANSU J. KAIKAI: I think my rounding up would be my contribution.

THE SPEAKER: Well, if you have any contentious issue, then sit down and contribute as an ordinary member.

HON. ANSU J. KAIKAI: If I have any contention, I will raise it now.

THE SPEAKER: Yes, raise it now.

HON. ANSU J. KAIKAI: Otherwise wait until I round up.

THE SPEAKER: Honourable Ansu J. Kaikai, you are a very senior Member of Parliament.

HON. ANSU J. KAIKAI: Well, I have been asked to round up by Mr Speaker. Therefore, I cannot refuse him. Mr Speaker, this amendment has to do with an Act that is very important to the people of this country. It is very important because it is the Petroleum Exploration and Production Act of 2011 which stipulates several important factors that has to do with the exploration and production of petroleum in this country

and its allied products. As we all know, the amendment we have before us is a simple one, but at the same time, it requires relevant explanations by the Minister. In the first place, the memorandum of object and reason to me are inadequate. This is because it simply states in one sentence that the object of this Bill is to amend petroleum exploration and production Act of 2011. The purpose is not stated Mr Speaker? Therefore, I would request that the Minister gives us adequate explanation during his final response so that the people of this country and this House will understand as to why we are amending this Act (*Interruption*).

THE SPEAKER: Please stop there the Honourable Ansu J. Kaikai? Mr Minister, I want you to take note of that. Honourable Ansu J. Kaikai has raised a very good point. According to what we have here, the object of this Bill is to amend the Petroleum laws. That clause is vague. There has to be an element of specificity. You must be specific in whatever you are doing. This is because you are only amending part of it and the reason for amendment must be stated very clearly and unambiguously. Please take note of that.

HON. ANSU J. KAIKAI: I thank you Mr Speaker. Secondly, Let us look at 40(1) of the Parent Act. This Section specifically refers to Parliament's ratification process. But this amendment is now going to replace Section 2, Paragraph 2 of the Parent Act. It is only referring to license and not agreement. I would like to refer to the Honourable Minister, who is also Honourable Barrister in his own right to note that the Constitution of this country is very much specific when it comes to agreement between the government of Sierra Leone and other States or non-state actors. The Constitution provides that such agreements must come to Parliament for ratification. I am not asking for an amendment of this section. I am only saying that the Honourable Minister, who is a Honourable Barrister in his professional right should take notice of the provision in the Constitution of this country. The Constitution is supreme and it requires that all agreements, including all future agreements must be brought to this House for ratification. On that note Mr Speaker, I stop here so far.

THE SPEAKER: I now ask the Acting Majority Leader to round up the debates.

HON. LEONARD S. FOFANAH (*Deputy Majority Leader*): Mr Speaker, Honourable Members, it is perhaps very elementary for me to say that in this jurisdiction, it is only Parliament that has the authority and competence to make laws and amend them. That is the reason why the Minister has thought it fit to bring this amendment to us. This is because apart from Parliament, no other assembly has the authority to make any changes not even crossing a 't.' And the Speaker has eloquently stated that this is the House that has to do those amendments. The Minister has attempted to tell us the advantages of these amendments. The Honourable Deputy Minority Leader raised the issue of the licenses coming to Parliament for ratification. The agreement has to be done and before it is registered, it would be brought here for ratification. I want to assure the Deputy Minority Leader that all ratifications and agreements have to be ratified by this House and I am sure that Section 40 of the Constitution of Sierra Leone is clear. Therefore, your fears would be allayed. I also want to tell the Deputy Minority Leader that the Minister is very au fait with the idea that all agreements must be brought to Parliament for ratification. The Minister has attempted to outline the reasons why this amendment is necessary. He has said for the efficient implementation of the oil industry, which we are expecting as soon as possible. This is because it will make a dramatic change in the economy of this country and the lives of our people. Therefore, whatever we can do to make this Act efficient, it would be better for all of us in this country.

Mr Speaker, Honourable Members, I would want to urge this Honourable House to speedily ratify this amendment. This is absolutely a non-controversial amendment. With that Mr Speaker, I thank you.

MR ARROW BOCKARIE: Mr Speaker, Honourable Members, the queries raised by Honourable Ansu Kaikai cannot be answered well, than what the Deputy Majority Leader has already said. I just want to tell Honourable Ansu Kaikai that the supremacy of Parliament, when it comes to ratification of all agreements is unquestionable. What is

been contemplated here is in Section 40(a), which says that a petroleum license granted under Section 39, shall be delivered by the Director General to the Registrar-General for registration in a book kept for that purpose. We all know that Parliament is more supreme as far as ratification of International agreements are concerned.

Mr Speaker, Honourable Members, I therefore move that the Petroleum (Exploration and Production) Amendment Act, 2014 be read the second time.

(Question Proposed, Put and Agreed to)

(The Bill entitled: "The Petroleum (Exploration and Production) Amendment Act, 2014, being an Act to amend the Petroleum (Exploration and Production) Amendment Act, 2014 has been read the second time)

THE HOUSE REVERTS ITSELF INTO COMMITTEE STAGE

COMMITTEE STAGE AND THIRD READING

CLAUSES 1,2,3 AND 4 TO STAND PART OF THE BILL

MR ARROW BOCKARIE: Mr Chairman, Honourable Members, I move that Clauses 1, 2, 3 and 4 form part of the Bill.

(Question Proposed, Put and Agreed to)

CLAUSES 1, 2, 3 AND 4 FORM PART OF THE BILL

HOUSE RESUMES ITSELF

MR ARROW BOCKARIE: Mr Speaker, Honourable Members, I move that the Bill entitled: "The Petroleum (Exploration and Production) Amendment Act, 2014, having gone through the Committee of the Whole House be read the third time and passed into law.

(Question Proposed, Put and agreed to)

(The Bill entitled “the Petroleum (Exploration and Production) (Amendment) Act 2014” being an Act to amend the Petroleum (Exploration and Production) Act 2011 has been read the third time and passed into law)

IV. ANNOUNCEMENTS

THE SPEAKER: Mr Minister, thank you very much. You may leave now. Honourable Members, I have been asked to make the following announcement. All Members of Parliament are kindly requested to fill in the forms on their desk with their personal details to help the Parliamentary Service Commission produce a telephone directory for the House of Parliament. Your cooperation is highly appreciated.

Honourable Members, you would agree with me that this is very important. We used to have a directory in this House. I wonder why there has not been one up to this time.

I would like to see the following people in my office immediately after adjournment:

- the Acting Majority Leader;
- the Acting Minority Leader;
- The Deputy Speaker;
- Chairman of Finance;
- Hon. Patricia Browne in her capacity as president of the caucus; and
- And the Chief Whip.

Adjournment

(The House rose at 10.40 a.m. and was adjourned until Thursday, 10th April, 2014, at 10.00 a.m.)