



THIRD PARLIAMENT
OF
THE SECOND REPUBLIC OF SIERRA LEONE
FIFTH SESSION, 2011/2012
SECOND MEETING OF THE HOUSE
VOTES AND PROCEEDINGS

NO.123/2011/2012

TUESDAY

21ST AUGUST, 2012

THE HOUSE MET AT 10:40 A.M.

MR.SPEAKER IN THE CHAIR – HON. AJIBOLA EMANUEL MANLY-SPAIN

ATTENDANCE:

I. The following Honourable Members of Parliament were present

1. HON.ALPHA-LAVALIE ELIZABETH T.
2. HON.BABONJO EMMANUEL T.
3. HON.BAH CHERNOR R.M.
4. HON.BANGURA BENNEH
5. HON.BANGURA IBRAHIM M.
6. HON.BANGURA KANDE C.
7. HON.BANNISTER MALCOLM S.
8. HON.BENYA V P.C. MOHAMED DHAFFIE
9. HON.BETTS-PRIDY MANIE
10. HON.BOYA KES
11. HON.BUNDU IBRAHIM R.
12. HON.CONTEH DAVID B.
13. HON.CONTEH KONDEH YAPOH
14. HON.CONTEH MOININA
15. HON.CUFFIE JULIUS NYE
16. HON.DARAMY ALHAJI A.O.
17. HON.DUMBUYA DAUDA
18. HON.DUMBUYA SHEKU B.B.
19. HON.DUMBUYA SHEKU GIBRIL

20. HON.FALEY ROBIN E.S.
21. HON.FATORMA SAHR
22. HON.FASULUKU SAHR N.
23. HON.FEIKA SOLOMON W.
24. HON.FENGAI P.C. KAIMACHENDE S.K.
25. HON.FOYAH ALICE M.
26. HON.HALLOWELL LLOYD MAGNUS
27. HON.HASSAN SHERIFF B.
28. HON.HINDOWA V P.C. BINDI SAMBA
29. HON.JALLOH MARIE M.
30. HON.JONES RAYMOND M.
31. HON.JUMU ERIC B.
32. HON.KAIKAI ANSUMANA JAIA
33. HON.KAIGBANJA TAMBA E.
34. HON.KAISAMBA JAMES A.
35. HON.KALAWA CHARLES H.
36. HON.KALLON MARCUS B.
37. HON.KAMANDA CLAUDE D.M.
38. HON.KAMANDA MOURIE B.DR.
39. HON.KAMARA ALHAJI BUYA
40. HON.KAMARA ALIMAMY A.
41. HON.KAMARA KOYA KALLA
42. HON.KAMARA MORLAI B.S.
43. HON.KAMARA PAUL
44. HON.KAMARA PHILIPSON H.
45. HON.KANU AMADU
46. HON.KANU KHALIL MOHAMED
47. HON.KARGBO ALIMAMY G.
48. HON.KARGBO KEWULAY M.
49. HON.KARGBO MOHAMED S.
50. HON.KARGBO PATRICK L.M.
51. HON.KASANGA II P.C. BAI SEBORA
52. HON.KEBBIE P.C. BRIMA VICTOR SIDI
53. HON.KEMOKAI LANSANA I.
54. HON.KING EUSTACE A.
55. HON.KOEDOYOMA KOMBA E.
56. HON.KONDEH DANDA M.
57. HON KONTEH ABU
58. HON.KONUWA FRANCIS A.
59. HON.KOROMA ABU B.
60. HON.KOROMA ISATU G.
61. HON.KOROMA JACOB I.
62. HON.KOWA EMMA
63. HON KPOSOWA FRANK
64. HON.LAHAI BERNADETTE DR.
65. HON.LAVALIE JOLLY-BOY M.
66. HON.LEBBIE NENNEH

67. HON.LEWALLY ALPHA BABATUNDE
68. HON.MACARTHY SAM-MAY L.
69. HON.MANSARAY JUSUFU B.
70. HON.MANSARAY THOMAS I.
71. HON.MASSAQUOI ALOYSIUS M.K.
72. HON.MOIJUEH EMILIE SAFULA
73. HON.MUSA JINA JAMES
74. HON.MUSTAPHA JOSEPH A.
75. HON.MYERS BINTU
76. HON.NYUMA MATHEW S.
77. HON.OSHO-WILLIAMS BLISS
78. HON.RADDAR HENNEH HASSAN
79. HON.ROGERS FRANCESS
80. HON.SALLU-LUGBU II P.C. BAI BUREH
81. HON.SAM.MUSA T.
82. HON.SAMA SHIAKA M.
83. HON.SAMURA UNISA S.
84. HON.SANKA III P.C. BAI KURR KANAGBARO
85. HON.SANKOH ALIE SALIEU
86. HON.SANKOH LEGACY
87. HON.SANKOH YILLAH NURU DEEN
88. HON.SANKOH IBRAHIM NOX
89. HON.SESAY DAVID A.
90. HON.SESAY MOSES M. DR
91. HON.SESAY VERONICA K.
92. HON.SHERIFF P.C.ALLIEU B.
93. HON.SISAY SULAIMAN M.
94. HON.SOLOKU EDWARD A.
95. HON.SORIBA DAVID G.
96. HON.SORIE IBRAHIM
97. HON.TARAWALLIE MOHAMED A.
98. HON.TEAMBO MATTHEW M.T
99. HON.THULLAH ALHAJI Y.
- 100.HON.TOMMY EMMANUEL W.
- 101.HON.TOMMY HENRY E.
- 102.HON.TONDONEH PHILIP TETEMA
- 103.HON.TURAY ALLIEU BADARA
- 104.HON.TURAY ALIMAMY C.
- 105.TURAY SALAMATU
- 106.HON.YANSANEH REV. MARIE
- 107.HON.YEK ALHAJI BAI SHEBORA II P.C.

II. The following Honourable Members of Parliament were absent:

1. HON.BANYA IV P.C. MOHAMED SAMA KAILONDO
2. HON.KAMARA KOMBOR

3. HON.KAMARA MOMORIE MADUSU
4. HON.MUNU ALLIEU BADDARA K.
5. HON.SUWU THERESA

III. The following Honourable Members of Parliament were absent with excuse:

1. HON.FORNAH MABINTY
2. HON.KAMARA ABDUL R.
3. HON.KOMBE-BUNDU FLORENCE
4. HON.MAC-BAILEY ALBERT
5. HON.MARAH III P.C. ALIE BALANSAMA
6. HON.MOMOH SIAFA J.
7. HON.TORTO AUGUSTINE B.
8. HON.YOKIE FODAY RADO

IV. PRONOUNCEMENT BY THE CLERK OF PARLIAMENT:

ABSENCE OF MR SPEAKER:

Honourable Members, I announce the absence of the Honourable Speaker and the Deputy Speaker.

Pursuant to Section 88(c) of Act No.6 of the 1991 Constitution:

“there shall preside at any sitting of Parliament

(c) In the absence of the Speaker and the Deputy Speaker, such Member of Parliament as may be elected for that purpose”;

also consistent with Standing Order (S.O.) 9(3):

“In the unavoidable absence of Mr. Speaker and the Deputy Speaker, a Member of Parliament shall be elected to act as Speaker by a collection of voices representing (pursuant to Section 91 of the Constitution) a majority of Members present and voting”.

Section 91 of Act No.6 of the 1991 Constitution:

Section 91(1) “Except as otherwise provided in this constitution, any question proposed

for decision in Parliament shall be determined by a majority of the votes of the Members present and voting”.

Hon.Dr.Brima M.Kamanda - point of Order, that the business of the House should be a continuation of the previous sittings.

Hon.Mathwe S.Nyuma - point of Order, S.O.34(1) - supported the point raised by **Hon.Dr. Brima M.Kamanda**.

Hon.Ibrahim R.Bundu - point of Order, that no official sitting of Parliament was on that day.

Mr. Clerk - Called for nominations if any.

Hon.Emmanuel W.Tommy - point of Order, drew the attention of Members that election of Acting Speaker was not in the Order Paper.

Mr. Clerk - That it was not yet time for consideration of the Order Paper.

Hon.Emmanuel W.Tommy - point of Order, S.O. 70(2) (b) – that he should have been consulted, since he is a member of the Business Committee.

Hon.S.B.B.Dumbuya - That the Order Paper was quite valid, and secondly, that on the question of the election of Acting Speaker, it need not be in the Order Paper, because the absence of Mr. Speaker or Deputy Speaker must be addressed during sittings of Parliament.

Hon.Ansumana J.Kaikai - quoted section 80(3) (b) of the Constitution of Sierra Leone, Act No. 6 of 1991.

Mr. Clerk - replied that S.O. 10(1) was invoked.

Hon. S.B.B. Dumbuya - That there cannot be any election of substantive Speaker, because the Speaker was on leave, so the House must appoint a Member of Parliament to act in the capacity of Speaker.

Hon.Bliss Osho-Williams - point of Order, but was ruled out of Order by the Presiding Clerk.

Mr. Clerk - still called for nominations if any.

V. NOMINATION OF MR SPEAKER:

Hon. Kondeh Y.Conteh nominated **Hon. Ajibola Emanuel Manly-Spain**. He was seconded by **Hon. Alhaji Buya Kamara**.

COUNTER MOTION:

Hon. Elizabeth T. Alpha-Lavalie nominated **Hon.Dr. Brima M.Kamanda**. She was seconded by **Hon.Edward A.Soloku**.

CLOSURE OF NOMINATIONS:

Moved by **Hon. Manie Betts-Priddy**, seconded by **Hon.Legacy Sankoh**.

VOTES:

Hon. Emmanuel W. Tommy - quoted section 81 of the Constitution of Sierra Leone, Act No.6 of 1991. He was supported by **Hon. Ansumana J. Kaikai** as follows:

Section 81: "On any resolution for the election or removal of a Speaker or Deputy Speaker, the votes of the Members of Parliament shall be given by ballot in such manner as not to disclose how any particular member votes".

Mr. Clerk - replied that section 81 of the Constitution has to do with the election of substantive Speaker and Deputy Speaker.

Hon. S.B.B. Dumbuya - recognizes the supremacy of the Constitution of Sierra Leone, that Members should go by the letter of every word, but that 81 of the 1991 Constitution of Sierra Leone was not on the election of Acting Speaker. Therefore if the House was faced with any issue that was not expressively provided by the Constitution, then the House must go by the Standing Orders of Parliament for the election of Acting Speaker.

Hon. Chernor R.M. Bah - Informed Members that Parliament is a House of rules and quoted S.O.9(3). He added that section 81 of the Constitution of Sierra Leone was specific for the Speaker and Deputy Speaker, while section 91 of the Constitution of Sierra Leone was for Acting Speaker.

At that juncture, the House went into chaos and verbal disorder. In the light of the foregoing the Clerk of Parliament who was the presiding officer stood down the House for 10 minutes at 11:30 and resumed at 11:40.

Hon. P.C. Bai Kurr Kanagbaro Sanka III - Advised that Members must be patient and know that they should not make the country ungovernable. Nobody should be afraid to carry out his or her responsibilities or be afraid of elections. That if the opposition party wanted secret ballots, then the House must go by it.

Secondly, that the Order Paper can be amended to include the election of Acting Speaker.

Hon. Elizabeth T. Alpha-Lavalie - Stood on S.O. 23, thanked the **Hon.P.C. Bai Kurr Kanagbaro Sanka III** for a brilliant suggestion and further quoted the Oath of Members of Parliament.

DISTRIBUTION OF BALLOT PAPERS:

Ballot Papers were thereafter distributed to Members by the Table Clerks. Voting went on accordingly.

RESULTS OF VOTES:

Hon. Ajibola Emanuel Manly-Spain - 63

Hon.Dr. Brima M.Kamanda - 43

Blank void vote - 01

DECLARATION BY THE PRESIDING CLERK OF PARLIAMENT:

Hon.Ajibola Emanuel Manly - Spain was declared duly elected to Act as Speaker of Parliament.

COMMENCEMENT OF BUSINESS BY FORMAL ENTRY OF MR. SPEAKER.

VI. PRAYERS: The Clerk of Parliament, Mr. Ibrahim Sesay said the prayers.

STATEMENT BY MR. SPEAKER:

Thanked all for electing him Speaker.

VII. SUSPENSION OF STANDING ORDER 5(2) AT 12 NOON

Hon. Ibrahim R. Bundu moved for the suspension of S.O. 5(2), seconded and unanimously accepted by Members.

Hon.Emmanuel W.Tommy - That pursuant to S.O. 70 (2)(b), the Order Paper was not properly before the House because he was not consulted as member of the Business Committee.

Mr. Speaker - replied that Minority Leader's concern has been noted and requested the House to proceed with Business.

VIII. CORRECTION AND ADOPTION OF VOTES AND PROCEEDINGS FOR THE PARLIAMENTARY SITTING HELD ON THURSDAY 9TH AUGUST, 2012:

Hon. Alimamy C.Turay moved a motion for the adoption of the record of Votes and Proceedings of Thursday 9th August, 2012. The motion was seconded by **Hon. Alhaji A.O. Daramy**, while that of the Votes and Proceedings of Tuesday 14th August, 2012 was put in abeyance as copies were not distributed to some Members.

VI. LAYING OF PAPERS:

a) **Hon. S.B.B. Dumbuya, Leader of the House**

The Nomination Fees of Presidential Candidates, Members of Parliament, Members of Local Councils and Village Headmen Order, 2012

The Public Elections Act, 2012 (Act No. 4 of 2012)

Statutory Instrument No. 13 of 2012

Laid by Hon. S.B.B. Dumbuya.

Hon. Emmanuel W. Tommy - At this juncture, Honourable Members rose on a point of Objection that the paper was not properly laid and further went on to snatch the paper.

STATEMENT BY MR. SPEAKER:

That as far as he was concerned the paper had been laid.

Hon. Dr. Brima M. Kamanda - point of Order.

Hon. Ibrahim Sorie - That this was a situation where the Speaker has ruled that the Statutory Instrument had been laid and that the snatched paper must be laid again on the table by the Minority Leader.

At this point the Minority Leader did lay the paper again on the table and remarked that, he would not say anything any longer as in his view he had always been overruled.

Hon. Dr. Brima M. Kamanda - S.O. 18(2), that the laying of the document was not done according to procedure, and that the document was not admissible to the House as it required a memorandum of Objects and Reasons as explanatory notes.

Mr. Speaker - replied that S.O. 18(9) was saying that papers must be laid without question put.

Hon. Elizabeth T. Alpha-Lavalie - That the Speaker did not take any decision on the paper that was laid.

Hon. Legacy Sankoh - point of Order S.O. 82:

“ Taking into consideration the provisions of section 79 and 81 of the Constitution, Orders 9(3) and 10(1) of the Standing Orders providing for the election of an Acting Speaker of the House and also taking into consideration the fact that the Speaker will not be resuming for some time yet and the fact that there’s now no Deputy Speaker and also taking into account that it will be tedious and cumbersome to be electing a Member to act before every sitting of the House and also having regard to the fact that Parliament can regulate its own proceedings, I move that the Member of Parliament today elected to act as Speaker does so at every sitting of Parliament, until the Speaker resumes office”.

He was seconded by **Hon. Alimamy G. Kargbo**.

Hon. Mathew S. Nyuma - point of Order, S.O. 11(6) duties of the Clerk. That the motion must be on the Order Paper.

Hon. Ansumana J.Kaikai - point of Order. That the House should elect a Deputy Speaker.

Hon.Ibrahim R.Bundu - point of Order.

Hon.Dr. Brima M.Kamanda - That notice of motion must be given.

Hon. S.B.B. Dumbuya - quoted S.O. 82.

Hon. Eric B. Jumu - point of explanation, that what happened does not augur well for the dignity of Parliament.

Hon. P.C. Bai Kurr Kanagbaro Sanka III - That there was no need to move another motion for an acting Speaker.

At that juncture, Mr .Speaker put the question to the House,whether the acting Speaker should be allowed to preside throughout the remaining Parliamentary sittings. The question was unanimously accepted by Members.

Hon. Ajibola Emanuel Manly-Spain was therefore made Acting substantive Speaker by the House.

b) The Minister of Political and Public Affairs

National Commission for Privatisation (NCP) Annual Report and Accounts for the year ended 31stDecember, 2010

Laid by the Minister of Political and Public Affairs, Mr.Alpha Kanu.

VII. BILLS:

(A) The Geneva Conventions Act, 2012

INTRODUCTION AND FIRST READING:

The Minister of Foreign Affairs and International Cooperation

The Bill was read the first time by the Deputy Minister, Mrs.Ebun Jusu and unanimously accepted by Members.

SECOND READING:

The Deputy Minister of Foreign Affairs and International Cooperation,Mrs.Ebun Jusu presented the Bill to Members of Parliament.

The following Honourable Members contributed to the Bill at the second reading:

1. **Hon.Eric B.Jumu;**
2. **Hon.Mohamed A.Tarawallie;**
3. **Hon.Shiaka M.Sama;**
4. **Hon.Dr. Brima M.Kamanda;**
5. **Hon.P.C. Bai Kurr Kanagbaro Sanka III.**

The Bill was read the second time and was unanimously accepted by Members.

COMMITTEE STAGE:

The following amendments were made during the Committee Stage:

1. **PART II: Clause 3:** Offences, to amend thus:

“...not less than ten years and not exceeding 25 years”

2. **PART II: Clause 4:** to amend it to read:

“...not less than ten years and not exceeding 25 years”

3. **PART 5:** typographical errors.

4. **PART 5: Clause 11 (1):** “9” after the word “section” should read “10” instead of “9” and the last line also, “9” reads as “10” after the word “section”.

THIRD READING AND PASSAGE INTO LAW:

The Bill was read the third time and passed into law by a unanimous vote.

THE HOUSE TOOK A SHORT BREAK AT 2:35 P.M AND RESUMED AT 3:10 P.M.

SUSPENSION OF STANDING ORDER 5(2):

Hon. Ibrahim R. Bundu moved for the suspension of S.O. 5(2), seconded by **Hon.Chernor R. M.Bah** and unanimously accepted by Members.

VIII. BILLS:

(B) **The Sierra Leone Red Cross Society Act, 2012**

INTRODUCTION AND FIRST READING:

The Minister of Social Welfare, Gender and Children’s Affairs

The Bill was read the first time by the Minister, Mr. Steven Gauja and unanimously accepted by Members.

SECOND READING:

The Minister of Social Welfare, Gender and Children Affairs, Mr. Steven Gauja presented the Bill to Members of Parliament.

The following Honourable Members contributed to the debate on the Bill at the second reading.

1. **Hon. Eric B. Jumu;**
2. **Hon. Alimamy C. Turay;**
3. **Hon. Dr. Moses M. Sesay;**
4. **Hon. Shiaka M. Sama;**
5. **Hon. Mohamed A. Tarawallie.**

The Bill was read the second time and was unanimously accepted by Members.

COMMITTEE STAGE:

The following amendments were made during the Committee Stage:

1. **PART 2: Clause 5(1):** The society shall continue to be recognized by the Government of Sierra Leone as a voluntary Aid society, auxiliary to the public authorities for the purposes of the Conventions and additional protocols.

Clause 5(2): Government shall provide subventions.

Clause 5(3): Tax exemptions - The properties and assets of the society, including its sources of funding and real estate, including the revenue from its income generating activities, shall be exempted from all taxes and duties. The society shall be exempted from the obligation to pay import duties.

Clause 7(2): to read:

A person who contravenes subsection 7(1) commits an offence and is liable on conviction to a fine not exceeding fifty million leones or to imprisonment for a term not less than fifteen years and not exceeding twenty-five years.

THIRD READING AND PASSAGE INTO LAW:

The Bill was read the third time and passed into law.

Hon. Ibrahim R. Bundu - point of Order, S.O. 25(b). Also referred Members to S.O. 35(1 to 5) in tandem with section 97(a) of the 1991 Constitution of Sierra Leone, Act. No. 6. In this respect moved that the Minority Leader apologize to the House for removing the Statutory Instrument which was a property of the House. He was seconded by **Hon. Julius Nye Cuffie**.

COUNTER MOTION:

Hon. Musa T.Sam - That what transpired was within Parliamentary procedures and that the Minority Leader has no obligation to apologize to the House. He was seconded by **Hon. Nenneh Lebbie**.

QUESTION PUT TO THE HOUSE:

In respect of **Hon. Ibrahim R.Bundu's** motion, the Nays had it. **Hon.Musa T.Sam's** motion was therefore withdrawn.

**IX. ANNOUNCEMENTS BY HON. S.B.B. DUMBUYA ON WEDNESDAY 22ND AUGUST, 2012
ORDER PAPER:**

1. **Sexual Offences Act, 2012;**
2. **Sierra Leone Produce Marking Board.**

Hon.Ansumana J.Kaikai - point of Order, S.O. 23 - Announced the death of Alhaji Ibrahim Kanu of Port Loko District.

Hon. S.B.B. Dumbuya - A minute's silence was observed by Members for the late man.

Hon. Eric B.Jumu - Issue of the spread of cholera in Sierra Leone and civil society and the interaction with Members of Parliament.

THE HOUSE WAS ADJOURNED TO 22TH AUGUST, 2012 AT 10:00 A.M.

THE HOUSE ROSE AT 4:20 P.M.