

*OAU DRIVE, TOWER HILL, FREETOWN*

# **PARLIAMENTARY DEBATES**

**[HANSARD]**

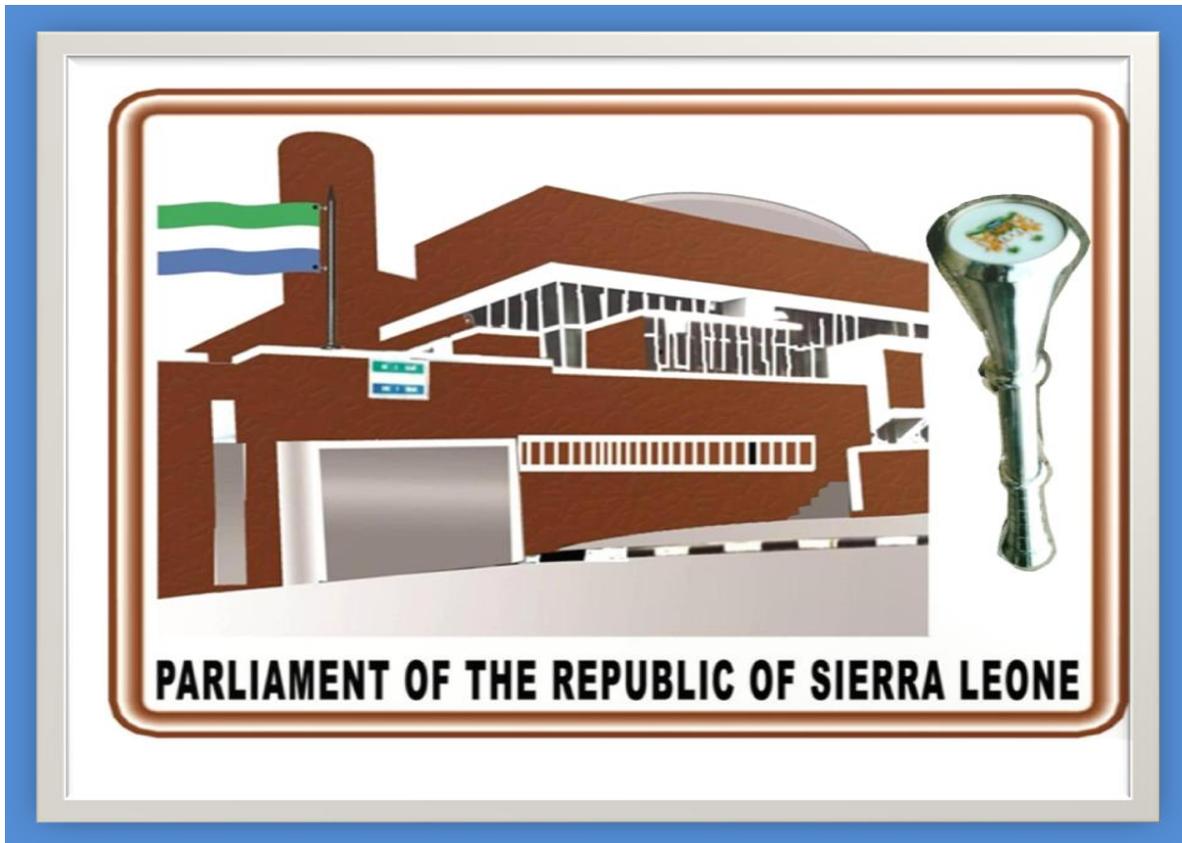
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**OFFICIAL HANSARD REPORT**

**FOURTH SESSION –FIRST MEETING**

**WEDNESDAY, 21<sup>ST</sup> JULY, 2021**

*SESSION – 2020/2021*



*OAU DRIVE, TOWER HILL, FREETOWN*

# **PARLIAMEN TARY DEBATES**

**[HANSARD]**

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**OFFICIAL HANSARD REPORT**

**VOLUME: I**

**NUMBER: 27**

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

Proceedings of the Sitting of the House  
held Wednesday, 21<sup>st</sup> July, 2021.

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

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### **FOURTH SESSION – FIRST MEETING OF THE FIFTH PARLIAMENT OF THE SECOND REPUBLIC**

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**Wednesday, 21<sup>st</sup> July, 2021.**

#### **I. PRAYERS**

*[The Table Clerk, Francis E. Farmer, read the Prayers]*

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

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

The House was called to Order

*Suspension of S. O. 5[2]*

**II. CORECTION OF VOTES AND PROCEEDINGS FOR THE PARLIAMENTARY SITTING HELD ON THURSDAY 15<sup>TH</sup> JULY, 2021.**

**THE SPEAKER:** We shall now consider the Votes and Proceedings of the 16<sup>th</sup> Meeting held on the 15<sup>th</sup> of July, 2021. In doing so, we shall as usual skip pages 1 through to 4 and start our consideration from page 5. Any amendments to the votes and proceedings? Page 5? Page 6? Page 7? Page 8?

**HON. DR MARK M. KALOKOH:** Yes Sir, Mr Speaker. I just want to ask a question with regards the votes and proceedings. Mr Speaker, since we are in a learning process, most times when a Bill is read for the second time, debate ensued. When we come for the correction of the Votes and Proceedings, I find it difficult because you could not see any of the discussion or debates being proffered here to be corrected.

**THE SPEAKER:** You have the Hansard; you simply have to be a little more patient until the Hansard is out.

**HON. DR MARK M. KALOKOH:** Yes, but we are not correcting the Hansard in the Well of Parliament, that is why I said this is a learning process.

**THE SPEAKER:** The Hansard contains the details of the discussion and the debate. Page 8, any corrections? I see none, can someone please move for the adoption of the record of Votes and Proceedings for the Parliamentary sitting held on Thursday 15<sup>th</sup> July, 2021?

**HON. ISHMAIL S. SANDY:** I so move, Mr Speaker

**THE SPEAKER:** Any seconder?

**HON. SIMEON FEFEGULA:** I so second Mr Speaker.

*[QUESTION PROPOSED, PUT AND AGREED TO]*

*[Record of Votes and Proceedings for Parliamentary sitting held on Thursday 15<sup>th</sup> July, 2021 has been adopted]*

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

**THE SPEAKER:** Honourable Members, I have been promising the House for some considerable time now that I will make a ruling on the use and misuse of the title 'Honourable' [*Applause*] I am now in a position to do so.

Honourable Members, my attention has been drawn to the profligate use of the title 'Honourable' by various persons outside of this House and more particularly, by persons generally considered not entitled to the designation. Parliamentary investigation has revealed that while this is true for some, the overwhelming majority do so purely out of ignorance; with no intention to deceive or misrepresent. On this understanding, they may be forgiven.

Going forward, and in pursuit of best practice for Good Governance, and more particularly to avoid further misunderstanding or misapplication of the epithet 'Honourable' in future, I am making the following ruling for the guidance of Members of Parliament and the general public:

The title, designation or epithet 'Honourable' in the context of Sierra Leone Constitutional practice, is an attribute that is applied by custom and convention. As a general rule, it is a title that is reserved and applied exclusively for persons who are currently holding, or have held public office by virtue of having been elected or appointed to them in the following categories:

1. The President and Vice President, by virtue of having been duly elected together under the Constitution of Sierra Leone as Presidential and Vice Presidential Candidates respectively in a Public Presidential Election.
2. All Members of the Legislature; Parliament- present and past, having been duly declared elected as such in a Public Parliamentary Election. They carry the title 'Honourable' even after active service as a Member of Parliament. Once an Honourable, is always an Honourable.
3. Members of the Executive branch of Government, mostly Ministers and Deputy Ministers, who prior to their appointment as Ministers or Deputy Ministers have

actually served in Parliament, after having been duly declared elected a Member of Parliament, sworn to the Oath of Office and signed the Register of Members of Parliament. However fleeting his tenure as an MP might have been, again, once an Honourable, is always an Honourable.

4. By Custom and Tradition, Justices of the Superior Court of Judicature, whether serving or retired.
5. By special dispensation, Parliament may decide as master of its own procedure, recognised as enshrined in Section 94 of the Constitution of 1991, Act No. 6 of 1991, to confer the title 'Honourable' on any person.

The misapplication of the title in Sierra Leone Parliamentary practice has come about as result of a misunderstanding of the workings of the Constitution of Sierra Leone; both the extant Constitution of 1991, Act No.6 of 1991 and the one that preceded it. This has been especially the case with regard to Ministers and Deputy Ministers. Prior to 1991, no person was qualified to be appointed a Minister or Deputy Minister by the President, unless he shall have been first duly elected as a Member of Parliament, and sworn to the Oath of Office as a Member of Parliament. This was a primary qualification for appointment as Ministers or Deputy Ministers.

In other words, prior to 1991, the Executive branch of Government; Ministers and Deputy Ministers were drawn entirely from the Legislature. It followed from this, that once a Minister or Deputy Minister lost his status as a Member of Parliament, he ceased automatically to be a Minister or Deputy Minister. The extant Constitution promulgated in 1991 radically changed the situation. Instead of the status of Member of Parliament being a qualification for appointment as a Minister or Deputy Minister, it became a disqualification. If a sitting Member of Parliament is appointed a Minister or Deputy Minister by the President, he must relinquish his status as a Member of Parliament to be eligible for appointment as such.

Thus, the 1991 Constitution introduced and satisfied for the first time the doctrine of strict separation between the Legislative and the Executive branches of Government; you cannot belong to both branches at one and the same time. However, after your

appointment as a Ministers or Deputy Ministers, you are entitled to continue to use the title 'Honourable' by virtue of having earned it as an elected Member of Parliament before your appointment as Minister or Deputy Minister. This fundamental doctrine of separation of powers enshrined in the 1991 Constitution compels the President of the Republic in searching for Ministers and Deputy Ministers, to look essentially to the general public outside the Parliament. When thus a person is drawn from the general public, who has never ever served as an elected Member of Parliament, his or her appointment as a Minister or Deputy Minister does not entitle him or her to the epithet 'Honourable'. In such a case, the designation 'Mr' or 'Madam Minister' as the case may be, is just as good and respectable title.

It is the fervent hope of this Honourable House that this ruling has now settled the question of who is entitled to the designation 'Honourable' at least for our present purpose. I thank you all for your kind attention *[Applause]*.

**HON MATHEW S. NYUMA** *[Leader of Government Business]*: Mr Speaker, I think we have heard your ruling. I don't know if it is from the Supreme Court; is that the source, or it is from you?

**THE SPEAKER:** It is from Mr Speaker *[Members laugh]*.

**HON MATHEW S. NYUMA:** Thank you very much Mr Speaker, but I think this argument has been going on for couple of years. Even the last Parliament this argument came up and today you have given us a decisive ruling on the issue. So we are asking you that you communicate this ruling to the Executive so that they can stop their Appointees who are not eligible under any of the categories you have listed. Because some of us were elected together with His Excellency the President, and it was a very difficult battle so that is why we are guiding this title very seriously. So we are proud of that title, we do not want people to misuse that title because even in the Constitution it is very clear. Even your behaviour in and out of Parliament, you need to be very careful. So with that, I move a Motion that you communicate this ruling from Mr Speaker to the Executive for proper action to be taken. I so move.

**THE SPEAKER:** Any seconder.

**HON. BASHIRU SILIKIE:** I so second.

*[QUESTION PROPOSED, PUT AND AGREED TO]*

*[Motion moved by the Leader of Government Business has been carried]*

#### **IV PAPER LAID**

*[Honourable Abdul Kargbo, Chairman, Parliamentary Committee on Youth Affairs]*

**HON. ABDUL KARGBO:** Mr Speaker, Honourable Members, I beg to lay on the Table of this House the Report of the Parliamentary Committee on Youth Affairs on the assessment of the status of the Ministry and the District Youth Farms in Kenema and other places, and the Car Wash Constructions in Bo, Kenema and Port Loko. Our report spanned from the 19<sup>th</sup> to the 23<sup>rd</sup> December, 2020 and it also contains our general observations, recommendation, our specific findings and conclusion. So Mr Speaker, Honourable Members, I beg that I lay this on the Table of this Honourable House.

*[Applause]*

#### **V. BILLS:**

##### **THE ABOLITION OF THE DEATH PENALTY ACT, 2021**

*THE ATTORNEY-GENERAL AND MINISTER OF JUSTICE-*

*[Part 1 Clauses 1 to 3 and the schedule stand part of the Bill]*

**THE SPEAKER:** Before we proceed, I gathered from the Votes and Proceedings that in my absence, the Acting Speaker had sent an invitation to all persons and organisations who are interested in this very important subject to come forward with suggestions and proposals that they may have as their own contribution to the development of this particular aspect of the law. That was a very commendable approach taken by the Acting Speaker on behalf of the House and it has been, I think almost a week since that decision was made. But I observed that it is only this morning that I have received communications from at least two organisations.

1. The Christian Lawyers' Centre, and
2. The Institute for Legal Research and Advocacy for Justice

The Memorandum from the Christian Lawyers' Centre; Legal Link, is addressed to me as Speaker of Parliament. Having just received the Memorandum before coming to the Chamber, I have not had the opportunity to even browse through it. I mean this is most unfortunate. If a request was made about a week ago for interested persons to come forward and make their views known to Parliament in the course of parliamentary discussion of a Bill as important as this, one would have expected them to have acted much sooner than now.

Having failed to do so, I do not know how many of you in fact have received this communication, or am I the only one? Because it is addressed to me, at least one of them. I do not know how many of you have received copies of this communication and have had an opportunity to look at it. I mean law making is a very serious business; whether we are making or unmaking the law, it is an important business and it is the right of every citizen to make their views known either through the Well or through their Members of Parliament. But to do so, so late in the hour is a matter of deep regret on my part.

I therefore really find it difficult to proceed. I would not want them to leave this well thinking that their contributions are not properly addressed. And indeed, if we were to leave without addressing their communication in its proper form, they would be the first to go on the Radio or Television and chastise this Parliament that their own input was completely ignored by the Law Makers. And yet I am sure in their heart of heart they must know that this is not the correct way to correspond with Parliament; bringing something at the eleventh hour when adequate notice had been given. I think is something that is most regrettable.

But let me hear from the Leader of Government Business and the other Leaders on this matter before we decide how to proceed.

**HON. MATHEW S. NYUMA:** Thank you very much Mr Speaker. Honourable Colleagues, we have decided to run this Parliament as a peoples' Parliament because

we are operating a hung Parliament. We want to make it as much consultative as we can even amongst Parliamentarians and the general public, especially Bills that have to do with the nerves of the people of this country and that is one such Bill we have in front of us; the Abolition of Death Penalty.

So, we agreed after consultations with the Leaders that it is going to be Committee of the Whole House, but let us allow the public to make some inputs. But as State Operators, we need to be very responsible in our duties. We adjourned deliberately; we did not go into Committee of the Whole House so as to give the public the opportunity to make inputs; that one was very clear in the Speaker's ruling on that day. Just as you said, the eleventh hour, in fact I do not have a copy. It was the Leader of the Opposition that informed me. As Honourable Leader of Government Business, I have the correspondence here, he was trying to crosscheck whether I have one and I said no, I do not have. But in the interest of the people of this country, we know we are the centre of bashing. Because people decided to queue and vote for us, they did so in the interest of nation building. We have bent backwards on similar issues. I think you have addressed them, and if they are given the opportunity to make input to a Bill, they should do that one within the time limit.

Parliament is not under any authority to differ its responsibility or duty of the day because of the behaviour or noncompliance of an entity. But because I said we are the peoples' Parliament and we want to be consultative and accommodate shades of opinions so that when the Bill is passed into law, it will be a law for everybody because the people are going to use it at the end of the day. If we refuse not to listen to them, it will not serve the essence of why we are here because that is the reason we need to consult. They are our Constituents anyway, and they have taken their time to give their opinions on the Bill we have with us.

Mr Speaker, Honourable Members, I join you to say it is not acceptable to give us the Bill at the eleventh hour, but I plead with the intention as a progressive State, and that we want to do this business as a nation building so that we can move forward. It has to do with human rights issues that we accommodate them and we adjourn this particular

discussion to Friday so that we can accommodate their views, so that they can see that this Parliament is a different Parliament. Thank you very much Mr Speaker for your consideration.

**HON. CHERNOR R.M. BAH** [*Leader of the Opposition*]: Thank you very much, Mr Speaker. Mr Speaker, I join the Leader of Government Business in all his statements. As he said, I just received the copy this morning just like you. Even though we were not copied, but I have a copy of the document which was handed over to me whilst I was entering your office. I am yet to look at it so I asked the Leader whether he had seen a copy and he said no. I was going to make a copy for him after sittings but it is incumbent upon them particularly at least, for us the Leaders to be copied so we would be in a position to share this document with our membership. If we are not copied and the Letter is just addressed to you, it puts us in a funny situation because you are not debating, you are a referee. So when they write Letters or send positions to you, they should endeavour in ensuring that at least the Leaders are copied in future.

And I also join the Leader in kindly pleading with you, we know that the learned Attorney General and Minister of Justice was supposed to be in Cabinet today and he came here out of deference and respect for the House. Since he has been with us for hours, we would also kindly apologise to him and ask him that this is the House of Parliament, these things do happen, our rules can change in the middle of the game. Friday is not too far away, and when we get these documents the Members will be in a better position to proffer the suggestions that would add more value in making a better Bill from this House which would eventually be signed by His Excellency the President.

So Mr Speaker, again I join the Leader in pleading with you that we take another date after today subject to your convenience. But considering the Calendar of Parliament, we are also pleading with you that it happens this week, I thank you very much.

**THE SPEAKER:** I thank the Leader of the Opposition. Let me give the Floor to the Leader of NGC.

**HON. DR KANDEH K. YUMKELLA:** Mr Speaker, I concur with the positions of the Honourable Leader of Government Business and the Honourable Leader of the

Opposition. In addition, I also received a document which I just forwarded to colleagues from a group called Institute for Legal Research and Advocacy for Justice. They have also provided some guidance for us as amendments. Since they are lawyers, I also believe that we should submit their own views for consideration. But I think they have a very good set of recommendations they have made that would help us improve on the Bill. So again, I join colleagues to apologise to the Minister of Justice that indeed, we would have to take time to look at these suggestions from groups of Lawyers, thank you very much.

**THE SPEAKER:** I thank the Honourable Member for Kambia District.

**HON. BASHIRU SILIKIE:** Thank you very much Mr Speaker. Mr Speaker, in addendum to what the Leaders have said, I want to re-emphasise to the general public institutions or organisations that would want to write to Parliament, that when you send these documents to Parliament please address to the Speaker, and copy Members of Parliament because Members of Parliament are responsible to make Laws.

So in future we would encourage all organisations or persons that are writing to the Speaker to copy the Leaders or Members of Parliament just like it has been done to the NGC Leader because he will be taking part in the debates. The Speaker as the umpire here, when you write him and you copy us, we as Members of Parliament would make sure we factor exactly your concerns in the documents that would be passed.

So Mr Speaker, I am just emphasising to members of the general public so that in the future they just don't give one copy to the Speaker and at the end of the day the Members of Parliament would be deprived, thank you very much.

Mr Speaker, Honourable Members, to the Attorney General and Minister of Justice, we want to say on behalf of my Leader and the entire SLPP and the Parliament to apologise to you for painstakingly coming here, I thank you.

**HON. DICKSON ROGERS:** Thank you very much, Mr Speaker and I want to say thank you to Leaders that have already consented for us to look at those documents other organizations have sent. But Mr Speaker, a very quick one, I want those that have sent

those documents to know that we are not going to take their suggestions Hook Line and Sinker because this is Parliament, we are going to look at them...

**THE SPEAKER:** Let us not pre-empt. With the greatest deference to you, I will not pre-empt that issue. They have made their submissions, let us give due deference to their submissions.

**HON. DICKSON ROGERS:** Yes I agree. I just want them to know that we probably might not take everything as they come. That is the only point of caution.

**THE SPEAKER:** You are moving ahead of Parliament now. Let me hear the Leader for C4C.

**HON. EMERSON S. LAMINA:** Thank you very much Mr Speaker. Mr Speaker, it is an humble plea to join colleague Leaders to also plead with the learned Attorney General and Minister of Justice to give us a little time. The Bill under discourse is important, we are aware. We are also aware and we must respect the views of the general public, especially the one that has to do with **S.O 2**, '*Actus reus, Mens rea*'; the thought rhyme and the degree at which a particular murder will be committed.

Mr Speaker, by inclination, I am a Pastor. And if you ask me, I will move for a speedy ratification, but again, I am conscious of the views of my Constituents, I am just from Kono this morning. So, in addition to all of the views heard, I would also plea with the Attorney General to give us a short time to consult more so that at the end of the day, we would enact a Bill, a Bill that will stand the test of time. I thank you very much, Mr Speaker.

**THE SPEAKER:** I thank the Honourable Member from Kono. Let me take this opportunity to recognise the presence in our midst representatives of European Union. I don't know where they are seated, are they here? The European Union representatives? Yes, thank you. And the British High commission is also represented, I understand. Amnesty International, we recognise the presence of all of you. With regards to Amnesty International, I am reliably informed that they had submitted their own memorandum some time ago, but it is only this morning that it has reached the Clerk of

Parliament. If that is the case, well, we can only attribute that delay to the renovation works that are on-going as you can all see, things are not normal in this part of the administration.

We had hoped to make progress sufficiently for us to have restored the status quo as far as our working environment is concerned. But alas, that is not to be, we are still hoping and praying that some expedition will now be introduced in the work programme to make sure that the works are completed without further delay.

I have also been notified of another memorandum from an organisation that calls itself the Death Penalty Project. So there are at least four inputs that have arrived, including the one from Amnesty International. I think these documents should be made available to all Members of Parliament as expeditiously as possible.

**HON. MATHEW S. NYUMA:** Oh, there is one, I think we started the circulation, I do not know if the Director of the Legislative Committee has it. It is from Advocaid, the Death Penalty Project UK; the Death Penalty Research Unit, University of Oxford. I don't know if you have that one?

**THE SPEAKER:** Yes, that is the one I made reference to as the Death Penalty Project.

**HON. MATHEW S. NYUMA:** Okay Sir.

**THE SPEAKER:** So I am handing over my copies to the Director of the Legislative Department to make copies and distribute to Members of Parliament. The one from Amnesty International, try and get hold of that one.

So on behalf of Parliament, I would like to lend my own voice to the apologies already expressed to the learned Attorney General and Minister of Justice. We recognise how busy you are, but regrettably we cannot proceed with this important matter at this time. So we would ask that we postpone further consideration of the Bill.

**HON. MATHEW S. NYUMA:** But I need to stand on 9 dilatory Motion **S.O** 37 because it was slated for today.

**THE SPEAKER:** Yes!

**HON. MATHEW S. NYUMA:** I stand on **S.O** 37[1]. But before that, I want to join you also to extend my apologies to the Attorney General and Minister of Justice, we are really sorry, today is cabinet day, but you are here to do another job for this nation. You are going to be part of history making; I hope you accept our apologies. And to those who sent in their inputs well ahead of time, I want to apologise to you; I want to join my colleagues and the Speaker to apologise to you. And to my colleague MPs, some of you have prepared a barrage of information to insert into the Bill. I know very well that you have done your research thoroughly and you wanted to make sober input today but unfortunately, we have to bend backwards so that we can accommodate shades of opinion. It is also nice to do that, because you need to accommodate your Constituents and the nations input. So I want again, to apologise for such actions. So I stand on **S.O** 37 to move that the debates be postponed to Friday, thank you.

**THE SPEAKER:** Thank you. Just in case there are other interest groups contemplating to submit memoranda on this subject, you are welcome to do so, but you only have few hours to engage with Parliament so that we can reproduce your documents and distribute them to Members of Parliament, latest this afternoon. So that they would have the rest of the day and tomorrow to look at your inputs and see how best your inputs can be accommodated in the overall context of the repeal that is before Parliament. Any seconder?

**HON. CHERNOR R.M. BAH:** Mr Speaker, I second the Motion moved by the Leader of Government Business.

*[Question Proposed Put and Agreed to]*

**THE SPEAKER:** Learned Attorney General, once more, we apologise for wasting your time, but it is all part and parcel of good governance. So take it within your stride and hope to see you on Friday.

*[The House Resumes]*

*Reports on the Bill entitled the Breast Milk Substitutes Act, 2020*

*Honourable Ishmail Sama Sandy: Deputy Chairman Legislative Committee.*

**HON. ISHMAIL SAMA SANDY:** Mr Chairman, Honourable Members, First Report...

**HON. HASSAN A. SESAY:** Mr Speaker, the Deputy Chairman of Legislative Committee has just been called upon to make a presentation in relation to the Breast Milk Substitutes Act, 2020, but we still have not seen the Minister responsible; I mean the Minister of Health or his Deputy in the Well [*Undertone*]. Where is the Deputy?

*[The Breast Milk Substitutes Act, 2020.]*

**The Minister of Health and Sanitation.**

*Reports on the Bill entitled Breast Milk Substitutes Act, 2020.*

**Honourable Ishmail Sama Sandy, the Deputy Chairman, Legislative Committee**

**HON. IAHMAIL SAMA SANDY:** Mr Chairman, Honourable Members, First Report of the Legislative Committee, Fourth Session of the Fifth Parliament of the Second Republic of Sierra Leone, on the Bill entitled; the Breast Milk Substitute Act, 2020, presented to Parliament on Tuesday, 13<sup>th</sup> July, 2021.

Mr Chairman, Honourable Members, I rise to present the First Report of the Legislative Committee, Fourth Session of the Fifth Parliament of the Second Republic of Sierra Leone, on the Bill entitled; the Breast Milk Substitute Act, 2020, being an Act to provide for the safe and adequate nutrition for infants and young children by promoting breastfeeding and regulating the marketing of breast milk substitute and for other related matters.

Mr Chairman, Honourable Members, the Bill having gone through the Second Reading was committed to the Legislative Committee for scrutiny pursuant to Standing Order 51[1]. Subsequently, the Committee met on Monday, the 19<sup>th</sup> July, 2021 in the Committee Room Number One [1] of Parliament Building with the following objectives:

1. To scrutinise in detail the principles and provisions of the Bill and to make amendments if necessary.
2. To ascertain the Constitutional and Legal implications contained therein

3. To report a plenary for consideration by the Committee of the Whole House in line with **S.O** 53.

Mr Chairman, Honourable Members, in attendance were; the Deputy Chairman, Legislative Committee, the Chairman, Agriculture Committee who doubles as the Chairperson for the Nutrition Alliance, Members of the Legislative and Agriculture Committees, representatives from the Ministry of Health and Sanitation and other various nutrition and breastfeeding specialists.

### **RECOMMENDATIONS:**

Mr Chairman, Honourable Members, the Legislative Committee having scrutinised the Bill line by line and clause by clause recommends the following amendments to the House for approval:

1. The Short Title be amended to read 'the Breast Milk Substitute Act, 2021.
2. The Long Title of the Bill be approved.

### ***PART ONE - preliminaries***

Clause one- *Interpretations:*

- The Committee could not reach an unanimous decision on the definition of the phrase '**Artificial Feeding**' and therefore recommends it should be brought to plenary; that the phrase '**Contemporary Food Products**' be amended to read: '*Complementary Food that is processed for sale.*'
- The definition of the phrase '**Executive Secretary**' be amended by replacing *section 5* with *section 6*.
- The definition of the word '**Inspector**' be amended by replacing the phrase *section 25* with the phrase *section 26*.
- The definition of the word '**health**' be amended by inserting the phrase, '*in an infant or young child*' immediately after the word '**infirmity**' to now read, '*means a state of complete physical mental and social wellbeing.*'

*Suspension of **S.O** 5[2]*

**THE SPEAKER:** You may proceed. Proceed by reading the last paragraph again on page two.

**HON. ISHMAIL SAMA SANDY:** The definition of the word '**health**' be amended by inserting the phrase '*in an infant or young child*' immediately after the word '**infirmity**' to now read, '*means a state of complete physical, mental and social wellbeing and not merely the absence of disease or infirmity in an infant or young child*'.

**PART TWO - Establishment of the Breast Milk Substitute Advisory Committee.**

- Part two be amended to read; *establishment of the National Breastfeeding Promotion Committee.*
- Clause 2, sub clause 2 [e]; '*Promotion Committee*' be amended to read, '*establishment of the National Breastfeeding Promotion Committee*'.
- Clause 2, sub clause 2[e]; '*Establishment of the National Breastfeeding Promotion committee*' be amended by replacing the phrase '**Ministry of Social Welfare**' with the phrase '**Ministry responsible for Children's Affairs** to now read, '*the Permanent Secretary, the Ministry responsible for Children's Affairs*'.
- Clause 2, sub clause 2[i]; *Establishment of the National Breastfeeding Promotion Committee* be amended to read, '*one person with relevant technical expertise in infant or young child feeding and one person from the scale up nutrition Secretariat appointed by the Minister*'.
- Clause 2, sub clause 3[d]; *Establishment of the National Breastfeeding Promotion Committee.* If he is convicted and sentenced for an offence involving fraud or dishonesty, it was agreed that this sub clause be decided by plenary.
- Clause 2 sub clause 5; *Establishment of the national breastfeeding promotion committee* be amended by replacing the word '**Board**' with the word '**Committee**' to now read, '*the quorum at any meeting of the Committee shall be 6.*
- Clause 3, *disclosure of interest* be approved.

**PART THREE - Powers and Functions of the Advisory Committee**

Part three be amended to read, *'powers and functions of the National Breastfeeding Promotion Committee'*.

- Clause 4, powers and functions of Committee; that the side note be amended by replacing it with **'objects of the committee'**.
- Clause 4, **objects of the Committee** be amended by inserting *'providing for safe and adequate nutrition for infant and young children by promoting breastfeeding and regulating the marketing of food products manufactured for infants and young children, including feeding-bottles, teats, pacifiers'*, immediately after the word **'Act'**, to now read, *'the object for which the Committee is established to facilitate the implementation and enforcement of this Act providing, for safe and adequate nutrition for infants and young children by promoting breastfeeding and regulating the marketing of food products manufactured for infants and young children, including feeding-bottles, teats and pacifiers.'*
- Clause 5, previously clause 4, sub clause 2, **'powers and functions of Committee'** be amended by replacing the phrase **'sub section 1'** with the phrase **sub section 4** and inserting the word **'to'** after the word **'functions'** to now read, *'without prejudice to the generality of section four, the committee shall have the following powers and functions to'*.
- Clause 5, sub clause [2a], previously clause 4, sub clause [2a], **powers and functions of Committee** be amended by replacing the phrase **'section 23'** with the phrase **'section 24'**, to now read, *review educational materials submitted under section 24.*
- Clause 5, previously clause 4, sub clause [2], **powers and functions of the Committee** be amended by inserting a new [I] to read, *'promote exclusive breastfeeding for lactating mothers and providing baby friendly workplaces'*. A new [J] to read, *'advocate for six months maternity leave,* and a new [K] to read, *'the committee shall appoint other staff as may be required for the efficient performance of the functions of the Committee'*.

#### **PART FOUR- Administrative Provisions.**

Clause 6, previously Clause 5, ***Secretariat of the Committee*** be approved.

Clause 7, previously Clause 6, ***secondment of public officers*** be approved.

Clause 8, previously Clause 7, ***protection of officers*** be approved.

***PART FIVE- Funds and Accounts of the Aisory Committee.***

Part 5 be amended to read, Funds and Accounts of the National Breastfeeding Promotion Committee.

Clause 9, sub-clause [1], previously Clause 8, sub-clause [1], ***Funds of Committee*** be amended by inserting a new [D] to read, proceeds from the issuance of permits.

Clause 10, previously Clause 9, ***Accounts and Audits of Committee*** be approved.

Clause 11, previously Clause 10, ***Internal Audit*** be approved.

Clause 12, previously Clause 11, ***Financial Year of Committee*** be approved.

Clause 13, sub-clause [2], previously Clause 12, sub-clause [2], ***Annual Report*** be amended by replacing **9** after the word **section** with the figure **10**.

***PART SIX- Prohibitions.***

Clause 14, sub-clause [1], previously clause 13, sub-clause [1], ***Sale of Designated Products*** be amended by inserting the phrase **'manufacture and or'** to now read, a person shall not distribute a designated product for sale, sell, stock or exhibit for sale unless the designated product.

Clause 14, Sub-Clause [3], previously Clause 13 Sub-Clause [3], ***sale of designated product*** be amended by replacing the phrase; Sections 15 to 21 with the phrase; Section 16 to 22.

Clause 15 Sub-Clause [1d], previously Clause 14 Sub-Clause [1d] ***promotion of designated product*** be amended by replacing the phrase **Section 24** with the phrase **Section 25**.

Clause 15 Sub-Clause [3c], previously Clause 14 Sub-Clause [3c]; ***promotion of designated product*** be amended by replacing the phrase **Section 23** with the phrase **Section 24**.

Clause 15 Sub-Clause [5], previously Clause 14 Sub-Clause [5]; ***promotion of designated product*** now becomes Sub-Clause 5 [1] and be amended by inserting a new Sub-Clause 5[2] to read; *a Health Worker or an Association of Health Workers who contravenes Sub-Section [3] commits an offence and is liable on conviction to a fine not exceeding **Le10 Mln**, or to a term of imprisonment not exceeding 12 months.*

Clause 16, previously Clause 15; ***prohibition related to labelling of designated product***' be approved.

Clause 17 Sub-Clause [1], previously Clause 16 and Sub-Clause [1]; ***prohibition related to labelling of infant formula, fall of formula, a young child formula***' be amended by replacing the place **Section 24** with the phrase **Section 25**.

Clause 17 Sub-Clause 1[a][i]; previously Clause 16 Sub-Clause 1[a][i]; ***prohibition related to labelling of infant formula, follow up all formula and young child formula***' be amended by inserting the word **'primarily'** before the word **'in'**, to now read; 'contains the word **'Important Notice'** in capital letter and indicated there under the statement *'primarily in English'*. This change should be effected where ever the word **'in English'** appears.

Clause 18 Sub-Clause [1], previously Clause 17 Sub-Clause [1]; ***prohibition related to labelling of ready to feed therapeutic food and complementary product***' be amended by replacing the phrase **Section 16** with the Phrase **Section 17**.

Clause 19, previously Clause 18; ***prohibition related to labelling of skim or condensed milk***' be approved.

Clause 20, previously Clause 19; ***prohibition related to labelling of low fat and Standard Milk***' be approved.

Clause 21 Sub-Clause [1], previously Clause 20 Sub-Clause [1]; '*prohibition related to labelling of feeding bottles and teats*' be amended by replacing the phrase **Section 24** with the phrase **Section 25**.

Clause 21 Sub-Clause [1a], previously Clause 20 Sub-Clause [1a]; '*prohibition related to labelling of feeding bottles and teats*' be amended by replacing the phrase '**the following particulars**' with the phrase '*indicating*' immediately after the phrase '**primarily in English**'.

Clause 21 Sub-Clause [1b], previously Clause 20 Sub-Clause [1b]; '*prohibition related to labelling of feeding bottles and teats*' be amended by inserting the word '*indicating*' immediately after the phrase '**primarily in English**'.

Clause 22, previously Clause 21; '*prohibition related to labelling of pacifier*' be amended by replacing the phrase **Section 24** with the phrase **Section 25**.

#### *PART SEVEN- Information and Education*

Clause 23, previously Clause 22; '*information and education material about infants and young child feeding*' be approved.

Clause 24 Sub-Clause [2], previously Clause 23 Sub-Clause [2]; '*information and education of materials for feeding or feeding bottle*' be amended by replacing the phrase **Section 24** with the phrase **Section 25**.

Clause 25, previously Clause 24; '*product information for health professionals*' be approved.

#### *PART EIGHT- Enforcement*

Clause 26 Sub-Clause [1], previously Clause 25 Sub-Clause [1]; '*inspectors*' be amended by replacing the phrase **Section 5** with the phrase **Section 6**.

Clause 27, previously Clause 26; '*Powers of Inspectors*' be amended by replacing the phrase **Section 25** with the phrase **Section 26**.

Clause 27[a], previously Clause 26[a]; '*powers of inspectors*' be amended by replacing the phrase **Section 27** with the Phrase **Section 28**.

Clause 28, previously Clause 27; Authority to issue warrant be approved.

Clause 29 Sub-Clause [1], previously Clause 28 sub-Clause [1]; 'improvement notice ceased and thesis order etc.' be amended by replacing the phrase **Section 25** with the Phrase **Section 26**.

Clause 30, previously Clause 29; '**forfeiture of product**' be approved.

Clause 31, previously Clause 30; '**Side Note**' be amended by deleting '**officers and etc.**' and replacing with '**partners, owners**', to now read; '**liability of Directors, Partners and Owners**'

Clause 31, previously Clause 30; '**liability of Directors, Partners and Owners**' be amended by deleting the word '**Officers**', the phrase '**Employee of the Cooperation**', the word '**Company, Partnership, Firm**' and the phrase '**or other Associations**' and inserting the word '**Owner**' before the word '**shall**', to read; '*when a person guilty of an offence under this Act is a Cooperation, Company, Partnership, Firm or other Association, every Director, Partner and Owner shall also be liable for that offence unless he proves that the offence was committed without his knowledge or consent.*'

Clause 32, previously Clause 31; '**Regulations**' be approved.

### **Conclusion**

Mr Chairman, Honourable Members, the Legislative Committee having scrutinized the Bill entitled; '*The Breast Milk Substitute Act, 2020*' recommends this proposal to the House for approval. The Report reflects the consensus of the Honourable Members of the Committee.

I therefore move that the House pass the Bill entitled; '*The Breast Milk Substitute Act, 2020*', through Committee Stage, Third Reading and into Law. I thank you for your attention.

Delivered by: Honourable Ishmael S. Sandy

Deputy Chairman, Legislative Committee *[Applause]*.

**THE CHAIRMAN:** I want to thank the Honourable Member for his presentation of this important report. I think the approach that I would suggest will now take is to follow the usual practice of the Minister making his Motion for various Parts and Clauses to stand part of the Bill, and in the cause of considering the Bill page by page, we would definitely require the undivided attention of the Chairman to guide the House through. I am not asking you to leave your seat *[Undertone]* fine, fine, fine, no problem. Yes, you may come and sit directly behind the Leader of Government Business. I know this is the first time you are doing this, Honourable Member, let me guide you through.

**HON. ISHMAEL S. SANDY:** Yes Sir.

**THE CHAIRMAN:** The Minister will make his Motion, I will put the Motion to the House, and then when we take the Bill page by page, we are going to relay on you to now introduce the changes that you have just read out to the House by telling us the areas where those changes should be inserted, so that Honourable Members will follow exactly the amendments that are being proposed by your Committee, thank you.

*[Parts 1, 2, 3, 4 and 5; Clauses 1 to 12 stand part of the Bill]*

**DR AMARA JAMBAI:** Mr Chairman, Honourable Members, I move that Parts 1, 2, 3, 4 and 5; Clauses 1 to 12 stand part of the Bill.

**THE CHAIRMAN:** Thank you Mr Minister.

*[QUESTION PROPOSED]*

**THE CHAIRMAN:** We would now consider the Bill Clause by Clause, Page by Page. Let us perhaps start with the Short Title and the Long Title. I presume there is no problem?

**HON. ISHMAEL S. SANDY:** Mr Chairman, it was agreed that the Short Title be amended to read; *'the Breast Milk Substitute Act, 2021'*.

**THE CHAIRMAN:** Mr Minister, do you have any objection to that?

**DR AMARA JAMBAI:** Mr Chairman, no objection.

**THE CHAIRMAN:** Thank you, the proposal Honourable Members, is that the Short Title should now read; '*The Breast Milk Substitute Act, 2021*'. Can I have a Motion to that effect? [*Undertone*] I did not get you.

**HON. BASHIRU SILIKIE:** Mr Chairman, the Minister has put a question. Let us do Part 1 through Part 3 and you now put the question with amendments, rather than doing the Short Title and move a Motion; let us just do the entire Parts and move a Motion.

**THE CHAIRMAN:** Very well Very well I see your point, fine The Long Title, any amendment?

**HON. ISHMAEL S. SANDY:** It is approved, Mr Chairman, we move forward.

**THE CHAIRMAN:** Good, Page 2?

**HON. BASHIRU SILIKIE:** Mr Chairman, page 2. I would like to ask for the edification of this House, because as per the Parent Bill that has been presented to us, there had been a definition of Artificial Feeding. As per the Committee Report, they are asking this Plenary to redefine Artificial Feeding. I don't know if various definitions came up and they were not able to arrive at any particular definition. They would have to help this House with the various definitions that came out, taking into cognisance this definition that has been given to us by the Instant Bill, thank you.

**HON. ISHMAEL S. SANDY:** Mr Chairman, within our course of deliberations, it was realized that especially in the interest of the people we are representing here, that the use of the word '*manufactured food product*' was a little bit conflicting; was not explicit. So due to that, we decided bringing it to the Preliminary so that we would discuss it further and come out with a people centred definition.

**THE CHAIRMAN:** That is most unhelpful because what you are saying here, please, I mean, indeed for the edification of the House, what we have in the Bill is Artificial Feeding. And that is defined to mean '*feeding with a manufactured food product*' which replaces '*Breast Milk either partially or totally*'. So, what you are saying in your Committee, what was your difficulty, with the word '*manufactured*'?

**HON. ISHMAEL S. SANDY:** Yes Mr Chairman. For the fact that there are food processed domestically to replace breast milk, and according to the expert we had in the meeting, his definition for manufacture was just limited to industrially produced foods. But in this case, there are also domestically produced foods that will be used to replace breast milk- like Foo-Foo Pap, Benny Pap, Krao Pap etc...etc.

**HON. MATHEW S. NYUMA:** Mr Chairman, I hold a different view. You see, we want our babies to grow well. Mr Chairman, we are making Laws so that we can be protected [1:22:44:48]. So if we are talking about the formula mentioned by my colleague; Fofopap, Benny Pap, Krao Pap, S.O [2], these are not the things we are talking about. We are talking about situations where we have to go to Court to prove otherwise that the food I gave to my baby caused A, B and C or perhaps death. Manufactured foods are given formula; they go through some structural processing- machinery production, level of concentration of the protein, the calcium, the carbohydrate, they are all measured in the food production. So, this is deliberate. I was thinking that they should have given us similar definition from the sub-region like Ghana. For us to say any food that you can make from the Google definition, I beg to differ. Let us go with this guided definition if they cannot provide us another. If you look at the Bill, I have always said this in the Chamber, I am very careful with Long Title because the Long Title gives you an insight of the Bill; it gives you a clear picture of what you are looking for. So because we are talking about artificial, anybody can do anything artificial. It has to be the genetic makeup of the child. I can even do rice and plantain; any other formula, it can fit my baby but it cannot fit the others, maybe because of the differences in genetic makeup, I don't know. But a manufactured food [artificial], which has all the contents and the ingredients based on percentages for you to grow well; you need to have something that has to do with the manufacturing capacity. I want to buy Gaugous 1 for my child because it is a real processed food that can make the child grow well but I cannot afford it. People cannot even afford *Lactogen* and Benin mix because of poverty. So, we compromise the growth of our children because we are poor to the extreme. That is the

reason they said, 'the one that you cannot pay for'; that is a free gift of natural Breastfeeding. So for me, I want us to stay with the definition.

**THE SPEAKER:** This definition?

**HON. MATHEW S. NYUMA:** Yes!

**HON. BASHIRU SILIKIE:** Mr Chairman, we are looking at the Breast Milk Substitute. Mr Chairman, our principal motive of establishing this Bill is to encourage our mothers to be breastfeeding. What we are struggling with here is just interpretation, and when we say *Artificial Feeding*, we are creating a Committee that will be supervising every other substitute rather than breastfeeding. This Committee will be supervising; making sure which ever institution that is manufacturing these substitutes, be it at home or at an industry or a factory, is supervised or regulated by this Committee. So we cannot limit the definition as has been stated by this Instant Bill before us, Mr Chairman. We would have loved to hear the other definitions that were presented at the Committee Stage so we can fine tune it. But for us to say we would limit it to just industrial, it means we will not be giving the Committee the responsibility to supervise substitutes that will be produced here or in our homes. Even these substitutes will have to be regulated by this Committee. So, what we are now doing here is simple definition of Artificial Feeding. We should not just concentrate on industrial substitute because the bulk of the problems are coming from our homes. The people in our various communities producing these substitutes do not have the requisite experience most of the time. And because they are not regulated, they just produce whatever for our kids. So, let us redefine it as it has been presented by the Chairman so we can be guided by the Law. Once we have the correct interpretation, you will be punished by the Law when you go against the Act in future. Let us not leave it like that, and at the end of the day you have an escape route by saying, I am going to produce this food, it is not guided by the Law. Everything that is going to be substituted with breast milk should be guided by the Law. So for our interpretation Mr Chairman, can you give us the various definitions that came up rather than this one so we would be guided

**HON. MATHEW S. NUYMA:** Mr Chairman! Mr Chairman!

**THE CHAIRMAN:** I don't want us to rehearse. We are getting to a stage where we are going to rehearse what happened in the Committee.

**HON. MATHEW S. NUYMA:** Is not a debate, it is just one point I want to make. Is not a reaction, we can conclude this if you give me the chance.

**THE CHAIRMAN:** And that is not going to take us far?

**HON. MATHEW S. NUYMA:** No, is not going to take us back. They have used a general phrase, a general description; '*manufacture*'. They are not saying if you process at home that does not constitute manufacturing. We have not said industrial factorization; we talked about manufacture. So, they have not specified any level of manufacturing.

**THE CHAIRMAN:** Alright, I have heard you and also I have heard your Deputy.

**HON. MATHEW S. NUYMA:** Fine.

**THE CHAIRMAN:** Now, kindly take your seat. If you look at the Long Title to which you have drawn my attention, the object of this Bill is to promote breastfeeding primarily. If that is the case, the distinction then that we are seeking to draw is between breastfeeding and non-breastfeeding in simple layman's language. If that is the case, then why do we need to introduce the word '*manufactured*' in that definition? If you remove the word '*manufactured*', I would have thought you've distinguished between the two already. It is the word '*manufactured*' that I think is creating the havoc here. So, is either breastfeeding or non-breastfeeding, or in other words, artificial feeding, as you called it here. If you were to get rid of the word 'manufacture', then artificial feeding will mean; feeding with a food product which replaces breast milk, either partially or totally. Is there any difficulty with that?

**HON. MATHEW S. NUYMA:** Mr Chairman, I have problem with that. I have, yes, I do. Mr Chairman, I want you to be patient with me, please.

**THE CHAIRMAN:** I hope I will comprehend.

**HON MATHEW S. NYUMA:** Yes, of course. Looking at what I have seen in the Bill, the substitute is not the primary factor; is an alternative from the Long Title, it is an alternative. They do not want to say exclusive breastfeeding. So they are talking about a substitute. So if you are going to have a substitute, we must have some formula that we are going to accept in terms of true manufacturing. How you are going to manufacture it should be in the regulation; the body that they are going to set up. But you cannot just say let us remove manufacture. The primary motive is to promote breastfeeding; this is a substitute we are talking about. So if I am saying that breastfeeding is 100% pure but you cannot live on it, people don't want it. If I want to come with a substitute, I cannot say I am going to water down the standard for the child. There should be a formula level that we maintain. We are saying if we want to make a substitute because of that reason, we can just remove '*manufacture*', so anybody can give any food. I believe the intent of this Bill is that they are going to come out with regulations; there must be regulations to this Bill. So even if you are producing at home, when they say manufactured, you should look at the word '*manufactured*' and go through the process [*Undertones*]. Perhaps I agree with my colleague on the other side; let us define '*Manufacture*' in this case.

**THE CHAIRMAN:** Honourable Members, I would not allow the two of you to dominate the debate. Hold on Leader I think we have Members amongst us who are. You see, when I read they Long Title, is clear to my mind that the target here is to promote breast feeding in full and to distinguish substitutes [*Undertone*]. Okay, no, no, no. The Technician will come but let me listen to the laymen like myself. Let me start with the Honourable Member from Kambia.

**HON. KANDEH K. YUMKELLA:** If I could help as a layman as well, I think that we can solve this problem if we say; *artificial feeding means, feeding with a food product which replaces breast milk [including] manufactured product*. Because it takes care of the concern that I heard from the Chairman. There can be substitute made with the hand at home, but you don't want that either. So if we take what the Chairman and also the Deputy Chairman of the Legislative Committee said, we could say; *artificial*

*feeding means, feeding with a food product which replaces breast milk so it means anything else. But if you want to put a premium on manufactured, you say comma, including manufactured product. So it means...*

**THE CHAIRMAN:** I would have loved your definition if you had stopped at breast milk, full stop.

**HON. KANDEH K. YUMKELLA:** But actually if you stop at breast milk it includes anything else, it includes manufactured product.

**HON MATHEW S. NYUMA:** Mr Chairman, I want to draw your attention to the fact that there is a definition for manufacturer. So the onus is on us to define manufacture. For me, manufacture is just a process of production; whether by machinery or domestic.

So, I was thinking that the Committee, looking at the complexity of what they are bringing to us, they should have looked at a way to define manufacture for us.

**HON. ISHMAEL S. SANDY:** Can I come in?

**HON. MATHEW S. NYUMA:** Hold on, hold on! Let me talk to your Chairman. Chairman, looking at the complexity of what we have in front of us, I was thinking that they should have gone for a definition for the word '*manufactured*' but they refused to bring the definition.

**THE SPEAKER:** No, Mr Leader...

**HON. MATHEW S. NYUMA:** Let me come, let me come Sir. I don't know if you are seeing my argument? My argument is simple; my argument is that, we are talking about breastfeeding and we are talking about substitute. People are talking about homes, but let me tell you what will happen. If by any means you don't see that you have the authority to locally produce milk at home [domestic production], if anything goes wrong you will be held responsible outside this Bill. The Bill is guidance for you to ensure that you do the right thing.

So, if you are not given the latitude in the Bill to produce domestically in terms of substitute food for children, if you do it and something happens, you have yourself to be blamed. So for me, I hold the view that '*manufacture*' is key here. If they want us to do the domestic production, they have to define what we mean by '*manufacture*' or '*local manufacture*' in our own term.

So they need to tell us, otherwise for me, I don't see us talking about substitute for a substance that is good in its form, with enough nutrient for our children, and you are saying let us bring artificial feeding. Let me tell you about Artificial feeding, even genetic production; when you are doing transplanting, there are always disadvantages. If you take the cross breed, "*mandifara indca*", that is mango, let me explain something to you.

**THE CHAIRMAN:** Now you want to complicate the situation.

**HON. MATHEW S. NYUMA:** No, no, no, wait.

**THE CHAIRMAN:** No, no, no, Mr Leader.

**HON. MATHEW S. NYUMA:** This is artificial feeding.

**THE CHAIRMAN:** Two types of feeding, hold on, hold on! Please let us be clear here.

**HON. MATHEW S. NYUMA:** On what?

**THE CHAIRMAN:** Just take a seat. The way I see it, let us turn to the Doctors in our midst, but the way I see it here, order! Order! Order! Please order! I thought the Bill is trying to make a distinction between natural feeding and artificial feeding. Natural feeding which everybody knows, is breastfeeding, okay? Anything other than breastfeeding is artificial.

Again, I will invite the Doctors in our midst, but if the intent [*Undertones*] I am going to separate the two of you just now. No listen, listen, listen! Let's not be emotional about this. Now, there are simply two ways of feeding here; the natural form and the artificial form. You have started again. Leader, Leader, we are trying to resolve...

**HON. MATHEW S. NYUMA:** You have said something; talking about local, right?

**THE CHAIRMAN:** No, no, I did not say local, I said natural.

**HON. MATHEW S. NYUMA:** Natural?

**THE CHAIRMAN:** Natural feeding, as opposed to artificial feeding.

**HON. MATHEW S. NYUMA:** So how do we define artificial feeding? That is my argument.

**THE CHAIRMAN:** Then if you ask me to define artificial feeding, is simple. I am guided by what is here and I would define it as, feeding with a food product which replaces breast milk, full stop

**HON. MATHEW S. NYUMA:** No problem.

**THE CHAIRMAN:** Full stop!

**HON. MATHEW S. NYUMA:** No problem, I concede with that one. But let me caution here. Mr Chairman, Mr Chairman, you know I don't believe in ducks movement, you know very well. Let me make this clear; if that is what we are going with, at the end of the day I am expecting to see in this Bill the formula for the production. There must be a formula there.

**THE CHAIRMAN:** yes

**HON. MATHEW S. NYUMA:** I am coming, I am coming. If we don't have a formula for domestic production at the end of the day in this Bill...

**THE CHAIRMAN:** No, no, we would cross that bridge when we get there.

**HON. MATHEW S. NYUMA:** Fine, fine. I am accepting because I am expecting this Bill to make provision for that.

**THE CHAIRMAN:** Fine, fine. For now, can I have a Motion for the definition of Artificial Feeding?

**HON. BASHIRU SILIKIE:** Mr Chairman, I move a Motion that the definition of Artificial Feeding be read; *'means feeding with a food product which replaces breast milk either partially or totally'*.

**THE CHAIRMAN:** Do we need even that phrase? We don't need it. Breast milk, full stop! Let's hear the Doctors in the House. Honourable Dr Abdulai Sesay, followed by Hon. Dr Umpha Sorie G. Koroma.

**HON. ABDULAI SESAY [DR]:** Mr Chairman, I think what we are trying to do, because I listened keenly to the argument from our brother from the other side. We need to focus our attention on the main purpose of this Bill. The main purpose on this Bill is to regulate whatever food product that is going to be used to feed our children. And the main reason for this whole Bill is to ensure that food manufactured that are brought in are properly regulated. There is no way we can enact a Law particularly for those in the extreme village who feed their children with, S O 2, '*cool Wata*' – there is no way you can regulate that. This Bill is geared towards regulating foods that are manufactured, that are imported into this country, that are being sold in our markets, that are sub-standard, that have the potential to cause problems to our children. And I think this is the aim of the Bill. If you want to go into what the Leader of Government Business is saying about the production within the villages, nobody is able to regulate that. What this Bill is geared towards is, regulating foods that are manufactured, that are imported, and that are sold in the market. So, if you go keenly with the definition, then I totally agree with the definition that is in this document because the aim of this document is to regulate foods that are manufactured, foods that are sold. That is the sole aim. Because if you don't regulate it, if you go through all the literature, the most regulated product in the world is baby food.

**THE CHAIRMAN:** Doctor

**HON. DR ABDULAI SESAY:** Yes Sir.

**THE CHAIRMAN:** I would have preferred you just focus your mind on the definition of artificial feeding for now. Don't go beyond that yet.

**HON. DR ABDULAI SESAY:** So therefore, the definition of artificial feeds is simply, any food that you feed a baby apart from breast milk is artificial feeds.

**THE CHAIRMAN:** So therefore, so therefore...

**HON. DR ABDULAI SESAY:** So therefore...

**THE CHAIRMAN:** No, then go to the definition as it is; remove what is not necessary there by your understanding.

**HON. DR ABDULAI SESAY:** So therefore, Artificial feed means; food product that are meant to feed our babies to replace breast milk.

**THE CHAIRMAN:** Or in other words, artificial feeding means feeding with a food product which replaces breast milk. Dr Koroma, what do you say?

**HON. DR UNPHA SORIE G. KOROMA:** Mr Speaker, I want to agree with you and of course, the idea of this Bill is to promote exclusive breastfeeding, especially the first six months. And if we should believe that there is no perfect alternative to breast milk, then any alternative is artificial feeding. But if we limit it to just manufactured food, then we are limiting it to the people that cannot afford manufactured food.

And I want to agree with the Honourable Member from Bo and respectfully disagree with the Leader of Government Business who said that we feed food to our children because we cannot afford certain foods. A perfect example, my niece could not tolerate breast milk, could not even tolerate manufactured food, so she started eating rice at a very young age. So for the child in the village that cannot afford those manufactured food, there are alternatives. Whatever is alternative to breast milk is an alternative and is an artificial food. So, I want to agree with your definition, by removing the word *'manufactured'*, to read; *'any food that is an alternative to the breast milk is artificial feeding'*.

**THE CHAIRMAN:** Mr Minister, if we were to define artificial feeding, would we be okay or would have done justice to the good intention of this Bill.

**DR AMARA JAMBAI:** Thank you very much Honourable Chairman. It is straight forward; *'any food, liquid or other milk given to children other than breast feeding is artificial'*.

**THE CHAIRMAN:** Thank you. So can we have a Motion to that effect, please, so we can make progress here? Can I have a Motion to that effect?

**HON. BASHIRU SILIKIE:** Mr Chairman, Honourable Members, I move that Artificial Feeding may read; *'means feeding with a food product which replaces breast milk'*.

*[Question Proposed, Put and Agreed to]*

**THE CHAIRMAN:** Oh, by the way, which of the Table Clerks should I hold responsible for effecting these amendments? I know why I am saying this. *[Undertone]* No, no, no! I want somebody to take responsibility. You? Thank you. No, no, no, I want one of the Table Clerks. So page 2, any other? Page 2, any other?

**HON. ISHMAEL S. SANDY:** Yes, Mr Chairman.

**THE CHAIRMAN:** Yes.

**HON. ISHMAEL S. SANDY:** The definition of complementary food products...

**THE CHAIRMAN:** Is it on page 2?

**HON. ISMAEL S. SANDY:** No, that is on page 3, sorry.

**THE CHAIRMAN:** So, page 3 then? Yes, come up now.

**HON. ISHMAEL S. SANDY:** Page 3, complementary food product to be amended and to read; *'means, complementary food product is processed for sale'*, omitting the word *'commercially processed'*.

**THE CHAIRMAN:** That is processed for sale?

**HON. ISMAEL S. SANDY:** Yes, to insert *'for sale'* after *'processed'*, omitting *'commercially processed'*.

**THE CHAIRMAN:** So you are saying, complementary food product means, *'food that is processed for sale'*? Alright!

**HON. BASHIRU SILIKIE:** Mr Chairman, I do not understand the rationale for changing to *'complementary food product'*. What is the rationale for changing it, Mr Chairman?

**HON. ISHMAEL S. SANDY:** The argument here is, I did not want to separate the two; having definition for complementary and having a special definition for complementary food product. So now we say, *'for sale'* should be added to the first definition of *'complementary food'* to read; *'means food that is suitable or represented as suitable as an addition to breast milk, infant formula or follow up formula for sale'*.

**THE CHAIRMAN:** No, no, please, don't complicate the thing for us. You did not tamper with the definition of *'complementary food'*. What you dealt with is *'complimentary food product'*. So concentrate on that one.

**HON. MATHEW S. NYUMA:** Mr Chairman, you know what we did for the Cyber Law when we were doing some comparison. Some of these definitions are professional definitions. So let us progress whilst we consult with the professionals for them to give us standard definitions.

**THE CHAIRMAN:** Very well! In that case, allow me, I will make progress just now.

**HON. MATHEW S. NYUMA:** Okay.

**THE SPEAKER:** Mr Minister, what do you say to that new definition that has been introduced?

**DR AMARA JAMBAI:** If required, we have the requisite people here; a barrage of experts is here to give very apt definition. I don't want to dominate, but I can ask the Director to come and give what is the standard complimentary food.

**THE CHAIRMAN:** It has to be through you?

**DR AMARA JAMBAI:** Yes.

**THE CHAIRMAN:** Call your expert to be by you, no problem. Mr Minister, let me address a specific question to you because I need to make progress here.

**DR AMARA JAMBAI:** Go ahead, Sir.

**THE CHAIRMAN:** The Committee has come to the plenary with a definition of complementary food product. What was in the original Bill was; *'complementary food product means food that is commercially processed'*.

**DR AMARA JAMBAI:** We stand by that.

**THE CHAIRMAN:** Fine! They are suggesting that, that be changed to read; *'that complementary food product now means, complementary food that is processed for sale.'*

**DR AMARA JAMBAI:** No, then we are digressing a bit.

**THE CHAIRMAN:** What is your view?

**DR AMARA JAMBAI:** We stand by what originally was in that Bill.

**THE CHAIRMAN:** What was originally there?

**HON. BASHIRU SILIKIE:** Mr Minister, were you at the Committee hearing?

**DR AMARA JAMBAI:** From an expert position, we stand with that.

**HON. MATHEW S. NYUMA:** You know, technical people were there, the Minister cannot know everything. The technical people were there, they attended the Committee meeting, Mr Chairman. So that is the reason I asked that we consult them for this definition because these are standard definitions.

**THE CHAIRMAN:** I agree, I agree.

**HON. MATHEW S. NYUMA:** So we move on.

**THE CHAIRMAN:** No, but then in consulting them, there are two things. Mr Minister, you may take your seat.

Once a Bill has come to Parliament, it becomes the property of Parliament. But at the same time, we have to be careful not to change the Bill in a way that we do violence to the original intention of the Executive; we have to balance the two. So let us get the Expect to guide us here [*Undertones*]. No, they have accepted the definition as it was;

they are rejecting what has come from the Committee- that is what the Minister is saying. Mr Minister, am I reading you correctly?

**DR AMARA JAMBAI:** Yes, Mr Speaker; we still stand with what is written in the Bill.

**THE CHAIRMAN:** Mr Chairman of the Committee, this is what the Minister says; that they stand by the original definition.

**HON. ISHMAEL S. SANDY:** Accepted, Mr Chairman.

**THE CHAIRMAN:** Thank you. Well please, let us make some progress. Now the next one; definition of the phrase on Page 4?

**HON. ISHMAEL S. SANDY:** We say the definition of the word '*health*' be amended by inserting the phrase '*in an infant or a young child*'.

**THE CHAIRMAN:** We have not gone that far yet. '*Executive Secretary*' is the next one, Page 4.

**HON. ISHMAEL S. SANDY:** Okay, I think the amendment here is just relocation by replacing the **section 5** with **section 6**, because of the change of numbering.

**THE CHAIRMAN:** Alright. Okay, we would come to that when we get there. Then the next definition is '*Inspector*', again.

**HON. ISHMAEL S. SANDY:** Is also as a result of change of numbering.

**THE CHAIRMAN:** Fine! The word '*health*'.

**HON. ISHMAEL S. SANDY:** Now we are saying because this particular Bill is child centred, we should include the phrase '*in an infant or young child*', because the initial definition was a general definition for health. So we had wanted to narrow it to infant and young child.

**THE CHAIRMAN:** So how would it read now? If we are to accept your proposal how would it read? Define health for us now.

**HON. ISMAEL S. SANDY:** To read; health be amended by inserting the phrase '*in an infant or a young child*' so it should now read as; '*means a state of complete physical,*

*mental and social wellbeing, and not merely the absence of disease or infirmity in an infant or a young child'.*

**THE CHAIRMAN:** So you are saying we insert?

**HON. ISHMAEL S. SANDY:** Yes sir.

**THE CHAIRMAN:** After the word Infirmity?

**HON. ISHMAEL S. SANDY:** Yes sir.

**THE CHAIRMAN:** In an infant or young child?

**HON. ISHMAEL S. SANDY:** Yes Sir.

**THE CHAIRMAN:** Mr Minister, what do you say?

**DR AMARA JAMBAI:** Mr Speaker, health is wealth. We cannot redefine any other but health in infant, health in adult and health in every aspect is health; it remains like that [*Undertone*]. Well you can categorize it; it is acceptable in any way or the other.

**THE CHAIRMAN:** Does it alter anything?

**DR AMARA JAMBAI:** No Sir

**THE CHAIRMAN:** So we can insert it?

**THE MINISTER OF HEALTH:** Yes, we can insert it.

**THE CHAIRMAN:** Thank you, let's make progress. So insert the words '*after infirmity in an infant or young child*', Mr Chairman is that the case?

**HON. ISHMAEL S. SANDY:** Yes Sir.

**THE CHAIRMAN:** Good, anything else on that page; page 4? Page 5? Page 6? Page 7?

**HON. ISHMAEL S. SANDY:** Mr Chairman, Honourable Members, the recommendation is that in Part Two, '*the establishment of the Breast Milk Substitute Advisory Committee*' to be amended to read; '*establishment of the National Breastfeeding Promotion Committee*'. The reason for this is, limiting it to Advisory Committee, there are activities stipulated by the Bill to be undertaken by the Committee, and we see that an Advisory

Committee should not be doing all of these activities. So if we want to render the Committee non-functional, then we should maintain 'Advisory', but if we want to make it active, then we should change the word 'Advisory', to read; National Breast Promotion Committee because the activities spelt here are more of promotional activities.

**THE CHAIRMAN:** Thank you. Mr Minister, what do you say?

**HON. MATHEW S. NYUMA:** Before that, Mr Chairman. We have not disposed of the Bill, so I still have problem with the definition of Health [*Undertone*].

**THE CHAIRMAN:** You are taking us back?

**HON. MATHEW S. NYUMA:** I am taking you back, we have not disposed of the Bill, I have the right to come back because when making Laws, you have to be very careful. The word 'Health' as defined by Who, that is what is here and what you are inserting now is a different thing.

**HON. ISHMAEL S. SANDY:** For the purpose of this Bill

**HON. MATHEW S. NYUMA:** No, no, not for the purpose, for the generality of the definition of health; not for the purpose of this Bill What the Bill contains is the context we have in the provisions. The definition of health should be a standard general definition in the World.

**THE CHAIRMAN:** The small problem I have with you is that you keep going out and in?

**HON. MATHEW S. NYUMA:** No, no, I was here, I was here. I was trying to prove something.

**THE CHAIRMAN:** And every time you do that, you take me back.

**HON. MATHEW S. NYUMA:** No, no, this is the first time I am doing it; I was here when they discussed the health. Mr Chairman, I have checked the definition for health and that is exactly what they have in the Bill; exactly, no changes. Why are we putting it there? For the purpose of this Bill, the intent of the Bill is carried in the provisions we have. Mr Chairman, I mean you are a man of standards.

**THE CHAIRMAN:** Wait a minute, I was very careful here.

**HON.MATHEW S. NYUMA:** Yes and the Minister in charge will accept some of these things.

**THE CHAIRMAN:** Wait a minute! You were not here, you were not here.

**HON. MATHEW S. NYUMA:** On what?

**THE CHAIRMAN:** The phrase; *'in an infant or young child'* that has been added.

**HON. MATHEW S. NYUMA:** That is not supposed to be there. The one that we have here should be maintained. That is the WHO's definition for health.

**THE CHAIRMAN:** Hold on, that may be the case. I asked the Minister and he said he is happy with the addition.

**HON. MATHEW S. NYUMA:** No, you see, we are not making laws because we want to make ourselves convenient. We have to meet with experts; we have to meet with donor partners.

**THE CHAIRMAN:** I am sure the Minister consulted with his experts.

**HON. MATHEW S. NYUMA:** But he did not consult with me. He accepted because I think my Deputy coerced him to accept, he should not do that.

**THE CHAIRMAN:** The Deputy was not involved.

**HON.MATHEW S. NYUMA** So Mr Chairman please.

**THE CHAIRMAN:** No, no, no I would protect the Deputy here.

**HON.MATHEW S. NYUMA:** Okay, but Mr Chairman, this definition is WHO's definition for health. Trust me, you can check anywhere, this is the definition for health. I can challenge all of them, let them go and check their archives.

**THE CHAIRMAN:** Mr Minister, they are taking us back again. *[Interrupted]* Okay, please the two of you are dominating this place.

**HON.BASHIRU SILIKIE:** No, I am not, he is coming late Sir.

**THE CHAIRMAN:** Look, Deputy, I want to move you.

**HON. MATHEW S. NYUMA:** He is trying to water down the standard of the Bill which I am against. He is in charge of the Bill, I decided to be aside but they are trying to water down the standard of the Bill. Sometimes we say we need specialists because there are certain definitions that have to be expert definition. For example, health needs an expert definition. There is no way you can water down that definition.

**THE CHAIRMAN:** Leader, Leader

**HON. MATHEW S. NYUMA:** Yes Sir, Mr Chairman.

**THE CHAIRMAN:** I am here to listen to all shades of opinions.

**HON. MATHEW S. NYUMA:** But you accepted the dilution.

**THE CHAIRMAN:** After consulting with the Minister, who in turn had consulted with his experts. What do you want me to do?

**HON. MATHEW S. NYUMA:** But I think it is unaccepted, it is unaccepted, to be very frank.

**HON. BASHIRU SILIKIE:** Mr Chairman...

**THE CHAIRMAN:** No, I am not giving you the Floor. Mr Minister, help us here.

**DR AMARA JAMBAI:** Yes! This is fragmentation, basically speaking. Health is health throughout, health is health. And it is the WHO standard definition which we go by like how Lawyers by their laws.

**THE CHAIRMAN:** So you are changing your mind now?

**DR AMARA JAMBAI:** No, if you want to emphasize on where the word '*health*' is, you can use it that way because health can be used at various stages. If the intention is for emphasis, there is no problem but health is health.

**THE CHAIRMAN:** Leader, do you hear that? It is not watering down or adding anything; it is just a matter of emphasis.

**HON. MATHEW S. NYUMA:** I have made my point clear; I am just trying to help him. But if he says that is not an issue, I will leave that but let me come, Mr Chairman, let me come.

**THE CHAIRMAN:** No, no, then don't come again.

**HON. MATHEW S. NYUMA:** No, let me come. I will come because this is the WHO definition.

**THE CHAIRMAN:** You said you are trying to help him.

**HON. MATHEW S. NYUMA:** Yes!

**THE CHAIRMAN:** Well, he is happy

**HON. MATHEW S. NYUMA:** No. no, no, wait, wait, Mr Chairman. Mr Chairman, this is talking about health definition. It is a definition for a word used all over the world. We have Bills that have to do with health; they have defined health in the same vein. If you say you are going to talk about it because it serves the purpose, it carries the whole definition about health. So whatever fragmentation you are talking about comes in the context of the Bill.

**THE CHAIRMAN:** You know something? Frankly, we should not be neat-picking here, we are neat-picking.

**HON. MATHEW S. NYUMA:** Okay. So you say you are saying we should go with the diluted definition?

**THE SPEAKER:** I am the umpire.

**HON. MATHEW S. NYUMA:** Mr Minister, are you saying we go against the WHO definition?

**DR AMARA JAMBAI:** You are putting my thirty years at risk, I cannot do that.

**HON. BASHIRU SILIKIE:** Mr Chairman, please, Mr Chairman, we have defined.....

**THE CHAIRMAN:** Let me listen to somebody else.

**HON. DR ABDULAI SESAY:** Mr Chairman, one thing we must bear in mind is this; we have standard definitions, you have the standard WHO definition, but we are dealing with a Bill that talks of specific group of people. And what this Bill is talking about is geared towards infants; small kids that have been fed with infant formula.

**THE CHAIRMAN:** I am sure based on that rationale, the Minister agreed for the insertion of the phrase. Are you happy now, Leader of Government Business? Let's make progress, please.

**HON. MATHEW S. NYUMA:** Mr Chairman, let me accept on that note.

**HON. DR ABDULAI SESAY:** For each and every Bill we pass here, we have definitions, we can go with the generality of definitions but there are certain Bills, for example, the word...

**THE CHAIRMAN:** You have made your point.

**HON. MATHEW S. NYUMA:** Let me make my point clear. If you refuse, I don't have problem because majority carries the view. For me, not because of the purpose but I believe the intent...

**THE CHAIRMAN:** You want me to put it to a vote?

**HON. MATHEW S. NYUMA:** No, I don't need to put it to a vote, I should learn to convince the House on grounds that we have now.

**THE CHAIRMAN:** On this particular one?

**HON. MATHEW S. NYUMA:** On this one, you can make your ruling. But I believe on professional grounds, the definition for health should be maintained and we go into the specifics of the Bill where you have to explain.

**THE CHAIRMAN:** will you be happy with my ruling?

**HON. MATHEW S. NYUMA:** I will be happy with your ruling.

**THE CHAIRMAN:** Fine, my ruling is, the addition of that phrase does not do violence to the original definition. It simply emphasizes a particular category of persons that it addresses. So let's go. Page seven? I think I am going to separate the two of you.

**HON. ISHMAEL S. SANDY:** Yes Page 7 the recommended amendment is that the caption '*Establishment of the Breastfeed Substitute Advisory Committee*' to be amended and to read; '*establishment of the National Breastfeeding Promotion Committee*'.

**THE CHAIRMAN:** Mr Minister, what do you say?

**HON. BASHIRU SILIKIE:** Mr Chairman, I think this Bill was talking about advisory. So why don't we paraphrase it and say '*establishment of the Breast Substitute Advisory and Promotion Committee*', so it can act as both Advisory Committee and Promotion Committee instead of just saying '*promotional committee*' and deleting the word '*advisory*'.

**THE CHAIRMAN:** Fine, I put it to the Minister. Mr Minister, what do you say?

**DR AMARA JAMBAI:** Mr Speaker, that addition; the word promotion, gives muscles to the Committee and Advisory, it can go beyond that. If we are able to capture it like that, I think there is nothing wrong with that. Yes [*Undertones*]

**THE CHAIRMAN:** So, Mr Minister, what is being proposed is that Part 2 now? The heading there would read; '*establishment of the Breast Milk...*'

**DR AMARA JAMBAI:** '*Advisory and Promotion*'.

**THE CHAIRMAN:** You are getting rid of the word '*substitutes*,' are you?

**HON. ISHMAEL S. SANDY:** No.

**THE CHAIRMAN:** Well, read for us how it would read.

**HON. ISHMAEL S. SANDY:** With the proposal made by the Deputy Leader, it now reads, '*establishment of the National Breastfeeding Advisory and Promotion Committee*'.

**THE CHAIRMAN:** And you remove the word '*substitute*'?

**HON. SALLIEU O. SESAY:** Mr Chairman, I think if I heard the Deputy Chairman right, I think it is better put if it is read like; 'the breast milk substitute Advisory and Promotion Committee'. I think it is better that way.

**THE CHAIRMAN:** So there are two words to be added? National...

**HON. SALLIEU O. SESAY:** Breast Milk Substitute Advisory and Promotion Committee.

**THE CHAIRMAN:** Fine. Mr Minister, Mr Minister, did you get that?

**DR AMARA JAMBAI:** Yes, I did.

**THE CHAIRMAN:** Are you happy with that?

**DR AMARA JAMBAI:** I am very happy with that, because if you put the word 'substitute', it does not connote well with promotion.

**HON. SALLIEU O. SESAY:** That is why we are having the two.

**DR AMARA JAMBAI:** Exactly, because...

**THE CHAIRMAN:** So it reads now; '*establishment of the National Breast Milk Substitute Advisory and Promotion Committee*', are you happy with that?

**HON. ISHMAEL S. SANDY:** No, Mr Chairman, the promotion here is emphasizing breastfeeding. Now, it is of two segments; establishment of the breast milk substitute advisory'. If you take it that way, it water down the promotion of breastfeeding. And one of the things we discussed or was agreed even with the technical people was that, because of the functions of the Committee, they want to be seen promoting more of breastfeeding than just advising on regulation. The emphasis is promoting breastfeeding. So now, it is like the synergy should be how we capture the advisory and the promotion of breastfeeding.

**HON. SALLIEU O. SESAY:** Are you suggesting that we have it as '*the National Breastfeeding Advisory and Promotion Committee*', right?

**HON. ISHMAEL S. SANDY:** That is better placed.

**THE CHAIRMAN:** And we get rid of the word substitutes?

**HON. SALLIEU O. SESAY:** Yes.

**THE CHAIRMAN:** Thank you. And that goes for Clause two as well.

**HON. MATHEW S. NYUMA:** Mr Chairman!

**THE CHAIRMAN:** I am afraid to entertain this

**HON. MATHEW S. NYUMA:** Mr Chairman, you have to. You just have to.

**THE CHAIRMAN:** Oh you are bullying me now?

**HON. MATHEW S. NYUMA:** No Sir, I just want to crave your indulgence to draw your attention to one thing.

**THE CHAIRMAN:** Well take your seat first; take your seat first before I listen to you.

**HON. MATHEW S. NYUMA:** I don't really want you to write it down so that you can listen, maybe you can accommodate it. I want to critique it a bit. I don't want you to feel that I am opposing them; I just want to be professional a bit. Now let me come...

**THE CHAIRMAN:** Hold on, hold on. You know, at the end of the day, when this thing comes back from the Printers, you know how much time it takes for me to go through. So I want to get it right. Wait, wait a minute. Mr Minister, Part Two, the heading now reads; '*establishment of the National Breast Milk Advisory and Promotion Committee*', is that correct?

**DR AMARA JAMBAI:** Breastfeeding, Breastfeeding.

**THE CHAIRMAN:** National Breastfeeding?

**DR AMARA JAMBAI:** Advisory and Promotion.

**THE CHAIRMAN:** Advisory and Promotion Committee? That is fine. Then, I want you now to amend clause two, to capture what you have just done.

**HON. MATHEW S. NYUMA:** Mr Chairman! Mr Chairman!

**THE CHAIRMAN:** Hold on a minute, hold on. I will come to you.

**HON.MATHEW S. NYUMA:** That is the reason I don't want you to go ahead with that amendment yet. I want to draw your attention to one clause.

**THE CHAIRMAN:** Which one?

**HON. MATHEW S. NYUMA:** Fine. You know, I am looking at it in tandem with the long title; *'the Breast Milk Substitute'*, and the subtitle *'establishment of the breast milk substitute Advisory Committee'*, and the side note, *'establishment of the Advisory Committee'*. *Promotion*, in itself is to make something happen or to make an emphasis on something.

If I draw your attention to Page 37, the last paragraph; *'in addition, it provides that the Minister may, by statutory instrument [another form of law], after consultation with the Council, make regulations that it considers necessary or expedient for giving effect to the provision of this Act'*. For me, I don't see what promotion is really playing there, that is my own idea. If you really want to promote something, you have to do with some force of regulations; it has a force of law in that If you want to promote something, if there is no force of law it does not work, I challenge you Mr Chairman, sorry to say that Mr Chairman. If I want to do business, I just say Oh, do this, if I don't have any force of law to force you to do it, say for example, you have to breastfeed six months or whatsoever, or use this supplement instead of this, there must be the force of law; force them to do it, otherwise they will not. I am just giving my general view as I told you *inter alia*.

**THE CHAIRMAN:** You know, we are far away from where you have reached. That is the only problem I have.

**HON. MATHEW S. NYUMA:** Alright, let's proceed.

**THE CHAIRMAN:** So stick to your proposal.

**HON.MATHEW S. NYUMA:** Promotion is the word I do not even want you to entertain, if you listen to me. I don't want you to even entertain the word *'promotion'* because there is no force of law here. It is an advisory body you are creating.

**HON. SALLIEU O. SESAY:** May I explain why the word '*promotiord*'?

**THE CHAIRMAN:** No, no, he says I should not entertain the word '*promotiord*'.

**HON. MATHEW S. NYUMA:** Yes, take it somewhere

**THE CHAIRMAN:** Take it somewhere?

**HON. MATHEW S. NYUMA:** Yes, you can put it in the regulations.

**THE CHAIRMAN:** No, no, no! Leader, Leader, Leader, I will entertain the word '*promotion.*'

**HON. MATHEW S. NYUMA:** Why?

**THE CHAIRMAN:** Look at your Long Title.

**HON. MATHEW S. NYUMA:** But the Long Title is there, it is talking about substitute.

**THE CHAIRMAN:** No, the word '*promotion*' is there.

**HON. MATHEW S. NYUMA:** Mr Chairman, even if you entertain '*promotiord*' at this time, you have to give it a force of law that you have to use it.

**THE CHAIRMAN:** We would come to the regulations aspect later.

**HON. MATHEW S. NYUMA:** The regulation is not controlled by us; it has to be from the Council [*Undertone*]. Alright, so if they don't bring it, no promotion is there. Mr Chairman, I just want to remind you that if this Bill does not stand the test of time...

**THE CHAIRMAN:** I have to remind you about the time we have spent.

**HON. MATHEW S. NYUMA:** I don't have problems with that.

**THE CHAIRMAN:** I have problem with that.

**HON. MATHEW S. NYUMA:** If this Bill does not stand the test of time, they will bring it back. I challenge the Experts plus the Minister, I challenge them. I am challenging them; if this Bill does not stand the test of time they will bring it back, and I will remind everybody.

**THE CHAIRMAN:** Laws are made to correspond with changing times

**HON. MATHEW S. NYUMA:** A very short time I am talking about.

**THE CHAIRMAN:** No, with changing times.

**HON. ISHMAEL S. SANDY:** Mr Chairman, if Mr Leader could be patient a little till we get to Part Three, he will see the essentiality of the use of the word '*promotion*' in Part Three.

**THE CHAIRMAN:** No, no, I am not going to allow you people to... no, you are going far ahead of...

**HON. MATHEW S. NYUMA:** Mr Chairman, we are not saying they should not use the word '*promotion*' but using it at this level is what I am against. It is not '*promotion*' in the Bill, so why do you want to establish it here when there are provisions for it in the subsequent titles? You are watering it down. You know, we should follow the spirit of the Bill, which we are completely out of *[Interruption]* I am speaking, please. We should leave the title like that and we address '*promotion*' where necessary.

**THE CHAIRMAN:** No, no, no. It is my duty to make progress here. Can somebody please move? So that we adopt, I want us to adopt the wording of Part Two. I want the correct reading. Part Two; Establishment of the National Breast Milk Feeding Advisory and Promotion Committee. Is that correct? Can somebody move?

**HON. ISHMAEL S. SANDY:** Mr Chairman, I so move.

**THE CHAIRMAN:** Any seconder?

**HON. SALLIEU O. SESAY:** I so second, Mr Speaker.

*[QUESTION PROPOSED PUT AND AGREED TO]*

**HON. MATHEW S. NYUMA:** Point of order! Mr Speaker, point of order! That Motion is wrong, you are a presiding officer, and you cannot *[laughs]*. No, no, Mr Chairman that is not done. Please I beg, I beg for the good of the House. Mr Chairman, please, let him read it, no don't do it.

**HON. ISHMAEL S. SANDY:** Mr Chairman was just a joinder to me, he just made a joinder to me and he is granted.

**HON. MATHEW S. NYUMA:** No, it is not appropriate. He should move the substantive Motion carried by him, not Mr Chairman. Mr Chairman, you cannot move a Motion.

**THE CHAIRMAN:** I did not move.

**HON. MATHEW S. NYUMA:** He said as read by you, Mr Chairman.

**THE CHAIRMAN:** I did not move.

**HON ISHMAEL S. SANDY:** It was a matter of joinder, I referred to Mr Chairman.

**THE CHAIRMAN:** He said as read by me, not as moved by me.

**HON ISHMAEL S. SANDY:** I referred to Mr Chairman.

**THE CHAIRMAN:** Move again, move again! If you don't know how to move, please move, please move!

**HON. SALLIEU O. SESAY:** Yes Part Two, I move that the establishment of the National Breastfeeding Advisory and Promotion Committee be adopted.

**THE CHAIRMAN:** Any seconder?

**HON. DR MARK MAHMOUD KALOKOH:** I second the Motion.

*[MOTION PROPOSED PUT AND AGREED TO]*

**THE CHAIRMAN:** Now, I want a consequential amendment to clause two on page seven. Can somebody please move?

I would suggest you carry on please, Honourable, do the consequential amendment to clause two, please, in the interest of speed.

**HON. SALLIEU O. SESAY:** I move that *'there is hereby established a body to be known as the National Breastfeeding Advisory and Promotion Committee'* be adopted.

**THE CHAIRMAN:** Thank you, any Secunder?

**HON. DR MARK MAHMOUD KALOKOH:** I so Second.

[MOTION PROPOSED PUT AND AGREED TO]

**THE CHAIRMAN:** Page 8? Guide us, please.

**HON. SALLIEU O. SESAY:** Mr Chairman, the Side notes of page 7.

**THE CHAIRMAN:** Yes.

**HON. SALLIEU O. SESAY:** It should be *'the establishment of National Advisory and Promotion Committee'* as a Side Note on page 7. Just close to clause 2[1].

**THE CHAIRMAN:** Okay, no problem. Go on. Page 8?

**HON. ISHMAEL S. SANDY:** Page 8, Clause 2, sub-clause 2[e] be amended by replacing the phrase *'Ministry of Social Welfare'* with the phrase *'Ministry responsible for children's affair'* to now read; *'the Permanent Secretary, the Ministry responsible for Children's Affair'*. The reason for that is because of the change of the nomenclature of this Ministry.

**THE CHAIRMAN:** Good, any other? Page 9? Or do you have anything else on Page 8?

**HON. BASHIRU SILIKIE:** Yes, Mr Chairman, I want to recommend that we have the Permanent Secretary, Ministry of Information and Communications. The fact that we are now talking about promotion, the Ministry would have to play a pivotal role [Undertone]. No, is not just trade; promotion also involves dissemination of information. It is a proposal [Undertones]. We have various Ministries, I am just recommending that.

**THE CHAIRMAN:** We already have the Standards Bureau and all, they are all there.

**HON. BASHIRU SILIKIE:** All of them are not dealing with promotion; it is the Ministry of Information.

**HON. ISHMAEL S. SANDY:** Mr Deputy Leader, Ministry of Health, they have their own outfit for that; the IEC. Yes, IEC Department can take care of that, except we want to overburden the Permanent Secretary of Ministry of Information.

**HON. AIAH D.S. KASSEGBAMA:** Mr Chairman, Page 8.

**THE CHAIRMAN:** Yes, Page 8.

**HON. AIAH D.S. KASSEGBAMA:** Page 8, we have [h].

**THE CHAIRMAN:** [h], yes.

**HON. AIAH D.S. KASSEGBAMA:** *'One person representing nutrition related Non-Governmental Organization'...*

**THE CHAIRMAN:** Yes.

**HON. AIAH D.S. KASSEGBAMA:** We have the Sub-Secretariat. I think they need to have one representative there without being appointed by the Minister, because they are dealing with nutrition.

**THE CHAIRMAN:** No, is the nomination that is being done by the organization and appointment by the Minister. It is in the report.

**HON. AIAH D.S. KASSEGBAMA:** What I am saying here Mr Chairman, is, that person should not be appointed by the Minister; he or she should be part of the coordination.

**THE CHAIRMAN:** He is going to be nominated by the organization. Page 8 again, any...

**HON. MUSTAPHA M. SELLU:** Mr Chairman, Page 8.

**THE SPEAKER:** Yes.

**HON. MUSTAPHA M SELLU:** I want to join the queue of the Leader of Government Business for the sake of consistency. We have Bills here that we have deliberated on and we looked at the composition of the Boards or the Committees. Here a total of ten [10], if you check, and the best practices here has been an odd number for Committees or Advisory Boards, from past experience and we want to maintain consistency.

Now for this one, if you check, we have ten; *'two persons with relevant experience in infant and young child feeding appointed by the Minister...'*, making a sum of ten [10] for the last one.

**THE CHAIRMAN:** No, no, no, you have a total of eleven [11], you are ignoring the Chairman.

**HON. MUSTAPHA M. SELLU:** Yes, 11 Mr Chairman, what I am saying is, for the Cyber Bill, we advocated and we all agreed that we reduced the number to nine [9]. And here, it is eleven [11], I am just wondering for consistency sake, because we are saying we are bloating the Boards or the Committees and now we have eleven [11] here. I can remember when we added the Permanent Secretary from the Ministry of Information; we said no, we should remove him [*undertone*]. Honourable Member, I am addressing Mr Chairman Sir, let him address me. I am just making my point; it is for consistency sake, Sir. I am just making my point for the sake of posterity.

**THE CHAIRMAN:** You have persuaded me but your colleagues are not persuaded.

**HON. MUSTAPHA M. SELLU:** No, they are, they are, they are.

**THE CHAIRMAN:** Are they? [*Resounding no, we are not, we are not*].

**HON. MUSTAPHA M. SELLU:** Well, I am alone but let the record be set clear that I suggested.

**THE CHAIRMAN:** That is democracy now, and you are alone so sit down.

**HON. MUSTAPHA M. SELLU:** No, but Mr Chairman, is really serious. We dealt with that here...

**THE CHAIRMAN:** Page 9, Page 9!

**HON. SAHR CHARLES:** Mr Chairman, still on Page 8.

**THE CHAIRMAN:** Yes.

**HON. SAHR CHARLES:** Mr Chairman, Page 8, it is very important we get this clear for [h]; '*one person representing nutrition related non-governmental organization nominated by that organization*'...

I move that it stops there, instead of going further to say; '*nominated by that organization*', and then you go further to say '*appointed by the Minister*'. To me, I believe we should stop at '*nominated by that organization*'.

**HON. ISHMAEL S. SANDY:** Honourable Member, for legitimacy sake.

**HON. SAHR CHARLES:** We can say '*approved by the Minister*' instead of saying '*appointed by the Minister*', because the organisation has been given the mandate to nominate a person.

**THE CHAIRMAN:** I see no difficulty in the organisation making the nomination and the approved is being made by the Minister. What is the problem with that, you don't want the appointment by the Minister?

**HON. SAHR CHARLES:** The point is Mr Chairman, let the Minister just approve the nomination. You are giving the organization the right to nominate a person.

**THE CHAIRMAN:** Correct.

**HON. ISHMAEL S. SANDY:** The approval comes from the Minister [*Undertone*].

**THE CHAIRMAN:** Page 9?

**HON. ISHMAEL S. SANDY:** No, still Page 8, bullet [i]. We said the amendment should now read; 'one person with relevant technical expertise in infant and young child feeding and one person from the Scaling Up Nutrition [SUN] Secretariat, appointed by the Minister.

**HON. MATHEW S. NYUMA:** Point of Order Mr Chairman, I don't know if you can accept that kind of thing. I know people have made effort for us to reach at this point. What about a situation where we have another organisation coming up? For example, United Nations or other organizations bringing huge contribution? Now you are limiting us to one organisation; let us leave it open. We know they have done so much. I have attended their workshop; you and other people have attended. They have done so much. I think the Minister is here, leaving them in their domain, let us not come and squeeze them. What if other good organization comes up tomorrow that is more

effective than [SUN], giving more contributions and doing other things? So let's leave it that way.

**THE CHAIRMAN:** I think frankly, it is best we leave it as it is without limiting the powers of the Minister.

**HON. ISHMAEL S. SANDY:** But Mr Chairman, SUN Secretariat here is like the coordinating outfit placed in the Office of the Vice President. It coordinates all nutrition relate maters.

**THE CHAIRMAN:** There may be other organisations doing similar work. Give the Minister at least the discretion of looking at all those organisations. Let's go to Page 9?

**HON. OSMAN S. SESAY:** Mr Chairman Sir, just an addendum to what the Deputy just said in relation to SUN Secretariat. If you go back to the history of the establishment of SUN Secretariat, it is one of the babies of the Late President Ahmed Tejan Kabba. It was established primarily to promote nutrition and they have been very, very instrumental and supportive in the entire process of nutrition in this country, and it also has the political connotation there. If we are to have political support and political will in this promotion, I think it is important that we have the Office of the Vice President involves in this whole thing. Otherwise, we may lack the political support or will to move things. Even if the Minister is there, I think the Office of the Vice President where the SUN Secretariat is currently operating should be singled out in this Bill, is just a humble suggestion, Mr Chairman.

**HON. MATHEW S. NYUMA:** Mr Chairman, what if I say there is another Secretariat at the Office of the President, can you say is true or not true? I can propose another Secretariat from the Office of State House or the President.

Mr Chairman, the Minister by extension is part of the Executive and the Vice President is part of the Executive. This Bill is a Government Motion and we know you have done so much. But what if there is a change of Government and that Government does not want the SUN Secretariat in the Office of the Vice President, or they don't even need it? So let us leave it in the hands of the Minister to extend his or her latitude to look at the

appropriate institutions to make an assessment. In the wisdom of the Minister, he cannot leave the SUN Secretariat, now established at the Office of the Vice President to go and take another Organization.

**THE CHAIRMAN:** When things don't work who is answerable to Parliament?

**HON. MATHEW S. NYUMA:** Exactly.

**THE CHAIRMAN:** When things don't work, who is answerable to this House?  
*[Collective voices- 'the Minister']* Thank you, page 9?

**HON. DR MARK M. KALOKOH:** Mr Chairman, on the same issue.

**THE CHAIRMAN:** Yes.

**HON. DR MARK M. KALOKOH:** Mr Chairman, we have passed Bills in this House where we made specification of Institutions. There was an Act we passed where we mentioned SLAJ. If you look at the IMC Act, they mentioned Civil Society Movement Sierra Leone. Mr Chairman, there is no harm in us being specific in this direction, particularly the angle where this Institution anchors the Office of the Vice President, and they were so instrumental. We cannot talk about Institution that will be established or has been established in the Office of the President that is not functional. This one is very functional, Sir. I submit that we maintain the process, please.

**THE CHAIRMAN:** Mr Minister, can I hear from you?

**DR AMARA JAMBAI:** Well, we know the role SUN Secretariat is playing, and we know that they are very critical at this point in time and I believe that we should factor them into the equation because they are all important.

**HON. MATHEW S. NYUMA:** Mr Speaker, I concede *[Laughter]*.

**THE CHAIRMAN:** You know, for one moment I thought we were an appendage of the US Congress where the power of lobbying is working. So let's get the amendment now.

**HON. ISHMAEL S. SANDY:** The Amendment reads: *'one person with relevant technical expertise in infant and young child feeding and one person from the Scale Up Nutrition [SUN] Secretariat appointed by the Minister'*.

**THE CHAIRMAN:** And you really want to put this '*Scale Up Nutrition*' in there?

**HON. ISHMAEL S. SANDY:** Yes, that is the SUN Secretariat.

**THE CHAIRMAN:** And you think that is good law making? You are excluding every other organisation.

**HON. ISHMAEL S. SANDY:** Well, Mr Chairman is because of their relevance. As my Honourable colleague said, in this particular Well, there have been instances; there have been Laws.....

**THE CHAIRMAN:** I am not against them, don't misunderstand me.

**HON. ISHMAEL S. SANDY:** I am not saying that equally, Sir. I am just emphasizing their importance and essentiality.

**THE CHAIRMAN:** Very well. Can we progress now to 9? Thank God.

**HON. BASHIRU SILIKIE:** Page 9 [e], Sir.

**THE CHAIRMAN:** Yes.

**HON. BASHIRU SILIKIE:** '*If he fails to attend three consecutive meetings of a Committee without reasonable cause..*'

**THE CHAIRMAN:** Yes.

**HON. BASHIRU SILIKIE:** Mr Chairman, if you look at the Committee Members, it constitutes a lot of statutory representations. So if any of these persons who are representing Institutions fails to attend Committee meetings, how can he or she be relieved, taking into cognisance most of them or almost all of them are Institutional representatives?

**THE CHAIRMAN:** Leader of Government Business, before you go can you answer that?

**HON. MATHEW S. NYUMA:** I am looking at the bill because this has to do with some professional representation, because if you look at other similar Acts, they have this type of representation. I think we borrowed that one and placed it in this particular Act.

I think you need to leave it that way; it has its own merit. This is a secretariat they have set up to give support to different Ministries. In fact I was thinking of bringing in the Ministry of Agriculture and Forestry but I decided not to. They are also very instrumental in this business that is why you have the Chairman for Agriculture Committee contributing. But I don't want to complicate issues because when UN brought the Bill here, the Ministry of Agriculture followed the Bill judiciously. So we had to look at the signatory at the back of the Bill I realised that it came from the Ministry of Health and Sanitation.

So for me, I think we leave it like that. I want to plead with the Deputy Leader to leave it like that because of the essence of the Bill and the Institution that they are going to work with. That is the reason I think they imported it here; it is a standard operating system in setting up Institutions like this.

**THE CHAIRMAN:** And the expectation is that they will be responsible enough to attend?

**HON. MATHEW S. NYUMA:** Yes, and you know that is why they did not call them by persons; they called the representation of that Ministry. So if something dealing with nutrition, for example, comes up and they do not show up, they could put the blame on them that, they have a representation on the Board and they are not showing up.

**THE CHAIRMAN:** Is not about representation but I am afraid. It is specific; the Permanent Secretary, the Director...

**HON. MATHEW S. NYUMA:** Mr Chairman but they are serving the Institution, they are not given name. For example, if I am serving today as Permanent Secretary for any of the Institutions, I will serve in that capacity.

**THE CHAIRMAN:** Deputy, are you happy with that?

**HON. BASHIRU SILIKIE:** Mr Chairman, in the last Parliament we had a situation in which we...

**THE CHAIRMAN:** I notice you are now running away from your Leader.

**HON. BASHIRU SILIKIE:** Exactly [*Laughter*]. Mr Chairman, in the last Parliament, we realized that when we had Institutional representation in Committees or Boards, most times it is difficult for them to get a quorum; these Permanent Secretaries or Directors most times don't attend these meetings. So, we decided in that Parliament...

**THE CHAIRMAN:** Is the same problem I have with this Parliament...

**HON. BASHIRU SILIKIE:** Thank you [*Laughter*]. We decided in the last Parliament that in places where we had Directors or Permanent Secretaries, we can either say the Directors or the Permanent Secretaries or their representatives not lower than a rank of a Deputy Director. This is so because most times when you say their representatives, the Permanent Secretaries send very junior Officers to these meetings.

**THE CHAIRMAN:** Then is better to leave it as it is.

**HON. BASHIRU SILIKIE:** If we leave it as it is now, then if you go to Page 9[e], when he or she fails to attend three consecutive meeting, and he or she still occupies the position as Permanent Secretary or Director, you would not have that power to remove him or her, you would not because they are representing Institutions.

**THE CHAIRMAN:** Okay, we would come back to it, think about it. Page 10? [*Interrupted*].

**HON. ISHMAEL S. SANDY:** Mr Chairman, we skipped [d] of Page 9.

**THE CHAIRMAN:** D?

**HON. ISHMAEL S. SANDY:** Yes.

**HON. ISHMAEL S. SANDY:** And we said the recommendation is, if he is convicted and sentenced for an offence involving fraud or dishonesty, it was agreed that this Sub-Clause be decided. So the contention is, [d] reads here in the Bill, it says; '*if he is convicted and sentenced for an offence involving fraud or dishonesty*'. We said this should be brought to the preliminary to be further discussed....

**THE CHAIRMAN:** Do you know the origin of that phrase?

**HON. ISHMAEL S. SANDY:** Not much.

**THE CHAIRMAN:** Go to 76 of your Constitution and you will see.

**HON. ISHMAEL S. SANDY:** Granted.

**THE CHAIRMAN:** Then you will see the origin of it.

**HON. ISHMAEL S. SANDY:** With that, I think we go to Page 5, which is talking about quorum. It says *'the quorum at any meeting of the Board'* in the Bill here, I will say we should substitute the word *'Board'* with Committee.

**THE CHAIRMAN:** Where?

**HON. ISHMAEL S. SANDY:** [5].

**THE CHAIRMAN:** Quorum....okay

**HON. ISHMAEL S. SANDY:** Committee, Yes Having dealt with that, we go to [10].

**THE CHAIRMAN:** Page 10?

**HON. ISHMAEL S. SANDY:** Yes.

**THE CHAIRMAN:** Correct, good.

**HON. ISHMAEL S. SANDY:** Part Three...

**HON MUSTAPHA M. SELLU:** Page 9 Before you go, Mr Chair...

**THE CHAIRMAN:** Yes, page 9...

**HON. MUSTAPHA M. SELLU:** Page 9[2], under 3[a], you have [2]; *'notwithstanding the Sub-Section [1], a person with a family, social, professional or Business Association with a person or entity involved in the manufacturing or distribution of a designated product shall not be a Member of the Committee'*

Mr Chairman, these are critical issues we need to discuss here. Family, Social Relationship; you are talking about Social Relationship and professional as well. The family, you can easily distinguish but for social, you have all these Permanent Secretaries, the representatives from the NGOs or other Institutions, you can hardly draw a line between their social relationship with entities or companies that they work with in this nutrition aspect. So, I want us to clear it here because of conflict of interest.

A Member of this Committee has to declare, maybe prior to the sitting in fact. If they are having a sitting on a particular entity, and he or she knows he has interest in that particular entity, the Member needs to declare even before the commencement of that sitting.

**THE CHAIRMAN:** I think the mischief here is to try and avoid conflict of interest.

**HON. MUSTAPHA M. SELLU:** And then when you talk about social, the family is clear, the professional, for me is clear. I just want us to have the line; '*the social relationship*' [*Undertone*], that is something we need to clarify here because somebody will be disqualified for attending a Committee meeting based on that. Social Relationship could it meant coming from the same University, same School, a former Member of Parliament, same Church, these are Institutions that we meet and get social relationship. So let us have this clear.

**THE CHAIRMAN:** You have made your point; let me listen to the Chair.

**HON. ISHMAEL S. SANDY:** Mr Chairman, I think as a social scientist myself, I do agree with him. So we just omit the word '*social*' [*Undertone*].

**THE CHAIRMAN:** Do you want to put that to a vote?

**HON. ISHMAEL S. SANDY:** To a Motion. Do you want to move your Motion?

**THE CHAIRMAN:** Well move, don't delay the process. If you feel strongly about it, let me have a Motion.

**HON. ISHMAEL S. SANDY:** Mr Chairman, Clause 3 [2], I move that the word '*social*' be expunged from that Clause.

*[QUESTION PROPOSED PUT AND AGREED TO]*

**THE CHAIRMAN:** Page 10?

**HON. ISHMAEL S. SANDY:** Part 3; '*Powers and Functions of the Advisory Committee*,' now be amended to read; '*powers and functions of the National Breastfeeding Advisory and Promotion Committee*'.

**THE CHAIRMAN:** Okay, fine.

**HON. ISHMAEL S. SANDY:** And Clause 4; '*powers and functions of the Committee*', that a Side Note be inserted by replacing it with '*object of the Committee*'.

And we come to Clause 4; '*object of the Committee*' be amended by inserting '*providing for safe and adequate nutrition for infant and young children by promoting breastfeeding and regulating the marketing of food products manufactured for infants and young children, including feeding bottles, teats and pacifiers*' immediately after the word '**Act**' to now read;

*'the object of which the Committee is established is to facilitate the implementation and enforcement of this Act, providing for safe and adequate nutrition for infant and young children by promoting breast feeding and regulating the marketing of food product manufactured for infant and young children, including feeding bottles, teats and pacifiers'.*

**THE CHAIRMAN:** That is the proposal Honourable Members, any Seconder?

**HON. WURROR TIMBO JALLOH:** I so second, Mr Chairman.

*[QUESTION PROPOSED PUT AND AGREED TO]*

**THE CHAIRMAN:** Let us go on. Page 11? Page 12?

**HON. ISHMAEL S. SANDY:** Page 11, Clause 5, previously Clause 4 Sub-Section [2]; that a new Side Note be inserted '*powers and functions of the Committee*'.

**THE CHAIRMAN:** Where is that?

**HON. ISHMAEL S. SANDY:** That should be the same page 10 [*Undertone*], well I think it is just a rearrangement. Now that we put the Side Note, we are now having a new Clause 4 and 5. Clause 4 now becomes Clause 5 and a new Clause 4 will be created.

**THE CHAIRMAN:** Where, which page?

**HON. ISHMAEL S. SANDY:** Page 10 [*Undertone*]. Clause 4 (2) now becomes clause 5

**HON. BASHIRU SILIKIE:** Mr Chairman, I think we are confused here. Mr Chairman, you cannot bring object under '*Powers and Functions*.'

**HON. ISHMAEL S. SANDY:** Why?

**HON. BASHIRU SILIKIE:** No, it should not be like that, Sir.

**HON. ISHMAEL S. SANDY:** Mr Deputy Leader, I think we made some reference to other Bills; several Bills, we had them with us, and that is the same pattern obtaining in other Bills. So I think we are on course [*Undertone*].

**HON. BASHIRU SILIKIE:** We should first of all establish the object of this Bill.

**THE CHAIRMAN:** Okay, please!

**HON. BASHIRU SILIKIE:** Sorry, Mr Chairman, I am a bit confused here. The heading, Part 3; '*Powers and Functions of the Advisory and Promotion Committee*', and what the Committee is recommending is that we should have a new number 4 which should state the Object of this Bill. I think this should have come way before now. To me, I don't think the Object of this Bill should come under '*the Powers and Functions of this Bill*'. Mr Minister, do you have the Bill with you, Sir?

**HON. ISHMAEL S. SANDY:** When you look at the Bill itself Mr Deputy Leader, 4[1] says, '*the object for which the Committee is established is to facilitate the implementation and enforcement of this Act*'. So in view of that, we decided to further explain the object.

**HON. BASHIRU SILIKIE:** When you go to Page 36, you see '*memorandum of objects and reasons*'.

**HON. ISHMAEL S. SANDY:** And it was imported from there.

**HON. BASHIRU SILIKIE:** So why do we have to bring it here again? We just read it like it is?

**HON. ISHMAEL S. SANDY:** Memorandum of objects is different from this object here; object of this Committee.

**THE CHAIRMAN:** No, but Please, please, you are confusing me now. Can you read the heading of Part 3?

**HON. BASHIRU SILIKIE:** Exactly!

**HON. ISHMAEL S. SANDY:** *'Powers and Functions of the National Breastfeeding Advisory and Promotion Committee'*.

**THE CHAIRMAN:** Fine, did it make any mention of Object?

**HON. ISHMAEL S. SANDY:** 4[1] in the Bill; *'Powers and Functions'*, and when you look at 4[1], it says *'the object of which the Committee is established is to facilitate the implementation and enforcement of this Act'*, and we decided to further elucidate on that.

**HON. BASHIRU SILIKIE:** That is where my problem is, in fact; the original draft *[undertone]*.

**HON. ISHMAEL S. SANDY:** Now, we needed some clarification on this, and when we sought the clarification we came with the conclusion that 4[1] which speaks to....

**THE CHAIRMAN:** Did you invite the Draftsman to your Committee meeting?

**HON. ISHMAEL S. SANDY:** Unfortunately he was not there but the Director of Legislative Services was in our service.

**THE CHAIRMAN:** I am afraid, I see something...

**HON. BASHIRU SILIKIE:** Mr Chairman, I would have thought the Committee would have considered Part 2; *'establishment of the Breast Milk Promotion and Advisory Committee'*, and immediately after 2[1], we would now have the objectives of this Bill, instead of bringing it where we have *'Powers and Functions of the Committee'*. The object of this Bill should have been stated way at the beginning.

**HON. ISHMAEL S. SANDY:** Is not the object of the Bill, it is the object of the Committee.

**HON. BASHIRU SILIKIE:** Which Committee?

**HON. ISHMAEL S. SANDY:** The object of the Committee, the Committee which is now like a working infrastructure of this Bill or of this Act.

**HON. DR MARK MAHMOUD KALOKOH:** Mr Chairman, the misnomer here is the Side Note mentioned. We should continue with the Clauses and then the Side Note which reads; 'Powers and Functions of the Committee should continue with the Clauses, and even the objects should be under the powers of the Committee. So there should be no new side note; is just a misnomer. Mr Chairman, are you getting us?

**THE CHAIRMAN:** Yes I am... [*Undertone*] you want me to tell you what I am doing?

**HON. MARK MAHMOUD KALOKOH [DR]:** [*Laughs*] well, maybe it is because you have fixed your attention to something else.

**THE CHAIRMAN:** No, no, no! You are mixing up the Object with the Functions and Powers; they are all muddled up here.

**HON. DR MARK MAHMOUD KALOKOH:** That is why this is not about the object of the bill.

**HON. ISHMAEL S. SANDY:** No, Doctor, we have captured the whole thing. If you go to the Independent Media Commission Act, [*Undertone*] no, we are just referencing it. You are right, you are right. And now here, Part 3 is saying '*the Object, Functions and Powers...*' So the Object should have come before the Functions and Powers, I think he is right.

**THE CHAIRMAN:** Good, good. So why didn't you do it at Committee Stage then? Mr Chairman, I hold you responsible for this.

**HON. ISHMAEL S. SANDY:** Well, it was an oversight and we had technical consultation but however, accepted, we go forward. I now move that the phrase

*'Object'* be inserted before *'Powers and Functions of the Breastfeeding Advisory and Promotion Committee'*.

**THE CHAIRMAN:** Now you are making sense, any Seconder?

**HON. DR MARK MAHMOUD KALOKOH:** I so second, Mr Chairman

*[QUESTION PROPOSED PUT AND AGREED TO]*

**THE CHAIRMAN:** It will be taken care of by the Draftsman. Page 11?

**HON. BASHIRU SILIKIE:** Mr Chairman, before going further, we have amended Part 3 to read; *'Object, Powers and Functions of the Advisory Committee.'*

**THE CHAIRMAN:** Correct.

**HON. BASHIRU SILIKIE:** So he is recommending that we should have a new 4, or Mr Chairman, can we just continue defining the Object in 4 [1], inserting exactly what you are recommending. Rather than having a new 4, we now insert what you have recommended to be read as 4 [1] *[Undertone]* do you understand? You have made a recommendation defining what the Objects are, can we now place them under 4[1]?

**THE CHAIRMAN:** And that is contained on page 4 of your report?

**HON. BASHIRU SILIKIE:** Yes.

**THE CHAIRMAN:** Okay.

**HON. BASHIRU SILIKIE:** So can we just say it now be read as 4 [1]?

**THE CHAIRMAN:** So, all what he is saying, which I agree with, is that we elaborate 4[1] and when you elaborate 4 [1] to encompass the object for which that the Committee is established, then the next point would be the Functions and Powers.

**HON. ISHMAEL S. SANDY:** Exactly!

**THE CHAIRMAN:** Good, the Draftsman would take care of that. *[Undertone]* I have my notes. Page 11?

**HON. MUSTAPHA M. SELLU:** Page 11, Mr Chairman.

**THE CHAIRMAN:** Yes.

**HON. MUSTAPHA M. SELLU:** Page 11 [D]; under the Functions. *'Develop materials and procedures necessary for monitoring compliance with this Act'.*

Mr Chairman, looking at the composition for this Advisory and Promotion Committee, I do not really think they can have time to develop materials. Maybe, the Ministry can develop materials and come with it to the Advisory Committee to review and approve it will be fine. Mind you, the Committee meets only three times [they meet quarterly] and in those meetings, they have to develop materials and procedures necessary. If the Ministry can develop these materials and come with them at that meeting or at the Committee level so that the Committee can review and approve the procedures necessary, it will help.

If you go to [E] again; *'build capacity of Inspectors and other Monitors...'* The Permanent Secretaries, the Director and all the rest of these people cannot provide capacity building to Inspectors maybe because of their schedules as well but if the Ministry can develop a tool, and they have an expert body to build capacity of Inspectors. But to have this under the Functions of the Committee; to build capacity, to develop tools and procedures, I think if we want to do justice to this Bill, and we want to get the desired result, we need to leave that in the hands of the Ministry to develop it and come with it to the Committee to approve.

**THE CHAIRMAN:** You have made your point.

**HON. ISHMAEL S. SANDY:** Mr Chairman, the Honourable Member from Moyamba should hold his breath. If you go to Part 4, the Administrative provisions, there is a whole administrative infrastructure attached to this Committee. I think that will be their responsibility under the supervision of the Committee.

**THE CHAIRMAN:** Are you satisfied with that?

**HON. ISHMAEL S. SANDY:** Is not that they would be doing it directly, but they have a Secretariat, and that functioning Secretariat will be doing all these kind of things.

**HON. MUSTAPHA M. SELLU:** We are not using our opinions here; we are using the Bill in front of us. Under their function, [D], it says, '*develop materials and procedures necessary for monitoring compliance with this Act*'....

**THE CHAIRMAN:** It does not mean the committee will do it, it has a Secretariat attached to it that is what he is telling you.

**HON. ISHMAEL S. SANDY:** The Committee will not be doing this work directly, that is why we said we should use something; an adjective that will make the Committee functional. That was why we used the phrase '*promotion*', and now the Secretariat under the Committee will be having the responsibility to do A, B, C.....Z [*Undertone*].

**THE CHAIRMAN:** I think that is a reasonable explanation, please. You too are University Dons, so I don't know who is confusing who?

**HON. BASHIRU SILIKIE:** Mr Chairman, I want to go back. I have just been told by the Draftsman that when we say '*Object*', it should have its own Clause, and when we say '*Powers and Functions*', for consistency with other Bills and Acts we have made in this House.

**THE CHAIRMAN:** We would follow the example of other Bills. I have shown an example where we did that.

**HON. BASHIRU SILIKIE:** Okay.

**THE CHAIRMAN:** And I would be watching very carefully to make sure the Draftsman follows that same example.

**HON. BASHIRU SILIKIE:** Do you want to do it without this House, or we do the amendment and.....

**THE CHAIRMAN:** No, I do not want us to delay, we would handle that.

**HON. BASHIRU SILIKIE:** Okay, thank you.

**THE CHAIRMAN:** Page 11? And do not take us back [*Undertone*] it has a Secretariat.  
Page 12?

**HON. BASHIRU SILIKIE:** Mr Chairman, page 12! The fact that we did not make any amendment in terms of numbers on Page 10, I move that we discard the recommendation of the Committee.

**THE CHAIRMAN:** Sorry, what are you saying?

**HON. BASHIRU SILIKIE:** Because the Committee was envisaging that we have a new [4], the numbers will change eventually. And if we have a new [4] as was recommended, we would now have [6] being read as.....

**THE CHAIRMAN:** No, no, it will not be a new [4]; it will be an expanded [4].

**HON. BASHIRU SILIKIE:** No, initially that was what they recommended here. So I am saying that we discard the recommendation.

**THE CHAIRMAN:** Of course,

**HON. BASHIRU SILIKIE:** Thank you.

**THE CHAIRMAN:** So please, let us move. Page 13?

**HON. ISHMAEL S. SANDY:** Mr Chairman, I think the Technical team has just observed one thing here; there is an 'I' after the [H] here in Page 11.

**THE CHAIRMAN:** Yes, I don't have it.

**HON. ISHMAEL S. SANDY:** Clause [5]; '*Provisions*', previously Clause 4 Sub-Clause [2]; '*Powers and Functions of Committee*' be amended by inserting a new 'I' to read; '*Promote Exclusive Breastfeeding for Lactating Mothers and providing baby friendly work places.*'

Now we say; '*Powers and Functions of Committee*' be amended by inserting a new 'I' to the '*Functions*' here to read; '*promote Exclusive Breastfeeding for Lactating Mothers.* And a new 'J' to read; '*advocate for six months maternity leave*' and a new 'K' to read; '*the Committee shall appoint other staff as maybe required for the efficient performance of the functions of the Committee.*' So these are the new insertions [I, J, K].

**THE CHAIRMAN:** Okay, I and J?

**HON. ISHMAEL S. SANDY:** Yes. **I, J, K.** We are saying one of the responsibilities of the Committee is to advocate for six months Maternity leave.

**THE CHAIRMAN:** Mr Minister, are you happy with that? Good! Honourable Member, would you want to put that in a form of a Motion?

**HON. ISHMAEL S. SANDY:** I so move that part of the responsibilities of this Committee; I, K, J forms part of this Bill.

**THE CHAIRMAN:** Any Secunder?

**HON. SAHR CHARLES:** I so second, Mr Speaker.

*[QUESTION PROPOSED PUT AND AGREED TO]*

**THE CHAIRMAN:** Good, Good! Let us go on, Page 11? Page 12?

**HON. ISHMAEL S. SANDY:** Page 12, Part 5; '*Funds and Account of the Advisory Committee*' be now read based on the amendment already done [*Undertone*].

**HON. BASHIRU SILIKIE:** Page 5 [7]; '*an Officer or Employee of the Secretariat, or the person acting on the directions of an Officer or Employee of the Secretariat shall not be liable in respect of any matter or thing done by him in good fate under this Act*'.

So what do we refer to as in good fate?

**THE CHAIRMAN:** That is a legal term.

**HON. BASHIRU SILIKIE:** So do we have to define what good fate is?

**THE CHAIRMAN:** We don't have to.

**HON. BASHIRU SILIKIE:** Because anybody can do anything and he or she does it in good fate.

**THE CHAIRMAN:** Is a term of Act. Acting in good fate is a term of the Act.

**HON. ISHMAEL S. SANDY:** May the Chairman live longer than this [*Undertone*].

**THE CHAIRMAN:** No, no, no, no. That is for the Court to decide based on the evidence [*Undertone*], but is based on the evidence. Are you satisfied?

**HON. BASHIRU SILIKIE:** You have ruled, Mr Chairman.

**THE CHAIRMAN:** I have not ruled, I have simply explained.

**HON. BASHIRU SILIKIE:** Mr Chairman, taking into cognisance your experienced, if you advised thus...

**THE CHAIRMAN:** It is in order, I can tell you that.

**HON. BASHIRU SILIKIE:** If you have advised thus then fine But for me, I believe '*good fate*' is so impregnated, anybody can do anything and say I am doing it in good fate.

**THE CHAIRMAN:** That is for the Court to decide based on the evidence.

**HON. BASHIRU SILIKIE:** Let me read, Mr Chairman; 'an Officer or Employee of the Secretariat or a person acting on the directions of an Officer or Employee of the Secretariat shall not be liable in respect of any matter or...

**THE CHAIRMAN:** You have a point, if you are dealing with a hierarchical order, alright, as drafted, it says; '*an Officer or Employee of the Secretariat or a person acting on the directions of an Officer or Employee*'. I would have thought one Officer acting on the direction of a Senior Officer. But if he is acting on the direction of another Officer on the same horizontal line, it doesn't make sense. Mr Chairman, you have to act on the direction of a Senior Officer.

**HON. ISHMAEL S. SANDY:** Yes Sir. I think we can paraphrase this to say; '*an Officer or Employee of the Secretariat or a person acting on the direction of a Senior Officer of the Secretariat.*'

**THE CHAIRMAN:** Good, that makes sense. '*Shall not be liable in respect of any matter or thing done by him in good fate under this Act*' that is fine. Are you happy now? Can we move on?

**HON. ISHMAEL S. SANDY:** Okay, we go to Part 5. Part 5 has been done; the caption has been dealt with, that it be amended to read; 'Funds and Account of the National Breastfeeding Advisory and Promotion Committee.

**THE CHAIRMAN:** Okay, we would take care of that. Page 13?

**HON. BASHIRU SILIKIE:** Mr Chairman, the continuation of [B]; *'provided contributions shall not be accepted from manufacturers or distributors of designated product'*.

**THE CHAIRMAN:** Where?

**HON. BASHIRU SILIKIE:** The first sentence. Mr Chairman, Honourable Members, we will be having a situation in the future where we have big manufacturing Companies that would want to support the Committee and make sure the Committee carries out its responsibilities, or they will have gift for the Committee most times you do not debar the Committee from accepting gifts from serious minded manufacturing Companies.

**HON. ISHMAEL S. SANDY:** The spirit behind this is to avoid compromise [*Undertone*]. Mr Deputy Leader, I think the spirit behind this is like to debar or to mitigate compromise.

**HON. BASHIRU SILIKIE:** No, it's even in this document. These are not just monies; gifts, banquets, grants or other contributions. So you are saying totally, entirely, they should receive nothing from any manufacturing Company. But we have manufacturing Companies that do Cooperate Social Responsibilities.

**THE CHAIRMAN:** Not to the Committee.

**HON. MUSTAPHA M. SELLU:** But to the Communities. It undermines quality.

**THE CHAIRMAN:** No, I am sure the purpose here, is not to undermine the integrity of the Committee's work.

**HON. ISHMAEL S. SANDY:** Exactly, exactly.

**THE CHAIRMAN:** Is just like oversight. If an Oversight Committee goes and receives monies from the very entity it is going to oversee, [*Undertone*] not only conflict of interest, it compromises the integrity of the oversight work.

**HON. MUSTAPHA M. SELLU:** Mr Chairman, this is very clear; *'manufacturers or distributors of designated product'*. Other manufacturers who do not manufacture

designated product can give gift. I think the word *'designated product'* qualifies that one.

**THE CHAIRMAN:** Yes.

**HON. MUSTAPHA M. SELLU:** Page 13 [2]; *'the funds of the Committee shall be applied only for the purpose of the approved Budget of the Committee'*. Here, I want to go outside a bit to the National Budget itself. That is where we have contingency and the Presidential warrant. If we are tying this to only the approved activities of this Budget, in the event something comes up that the Committee wants to attend to, they don't have any legitimate right to expend such monies because it is not within the approved Budget. So, they have to seek...

**THE CHAIRMAN:** There is a supplementary budget.

**HON. MUSTAPHA M. SELLU:** Okay, if that is the answer then....

**THE CHAIRMAN:** Why do you think the Minister of Finance comes to Parliament for supplementary?

**HON. MUSTAPHA M. SELLU:** Mr Chairman, supplementary is for petty, petty issues or things that come up [*Undertone*].

**HON. SALLIEU OSMAN SESAY:** Mr Chairman, I just want to say it will be captured on the original budget; from the miscellaneous.

**HON. MUSTAPHA M. SELLU:** We have agreed on that with the Chairman. Mr Chairman, I want a clarification under 9, [a], [b], [c].

**THE CHAIRMAN:** What page?

**HON. MUSTAPHA M. SELLU:** The same 13; the Balance Sheet, Income Expenditure Account, Source and Application of Funds [c].

**THE CHAIRMAN:** That is for the Audit purposes.

**HON. MUSTAPHA M. SELLU:** Because the Income Expenditure clearly tells you the application of the fund.

**THE CHAIRMAN:** No, but this is the standard formulation that we have been passing here.

**HON. MUSTAPHA M. SELLU:** Yes, the Balance Sheet, Income and Expenditure Account are standard, but the Source and Application of Funds because in the Income and Expenditure, it clearly tells you the application.

**THE CHAIRMAN:** Mister, we don't need a lecture here.

**HON. MUSTAPHA M. SELLU:** It is not, Mr Chairman. It is for consistency.

**THE CHAIRMAN:** Listen, this is the formulation we have been passing here.

**HON. MUSTAPHA M. SELLU:** It is the formulation for Incoming Expenditure and Balance Sheet. The [c] has not been part of the Bills we have been passing here. The Honourable Members can attest to that; the [c] has not been part of it because the Income and Expenditure spells out clearly the way you receive and the way you expend.

**THE CHAIRMAN:** Is the Director of Legislative here?

**HON. MUSTAPHA M. SELLU:** I will refer you to even the Cyber Bill we enacted here; under the Book of Account. The [c] is what I have issue with. So I just need clarification Sir.

**THE CHAIRMAN:** Mr Minister, can you answer that?

**DR AMARA JAMBAI:** Well, unfortunately we all lack the expertise in this area.

**HON. MUSTAPHA M. SELLU:** The Source and Application is the information they used to prepare the Incoming Expenditure Account, so why another [c]?

**THE CHAIRMAN:** Take your seat, I am asking for the Director of Legislative, is he here? Mr Conteh, I want you to check, this is a formulation that is standard, he is saying [c] is not necessary here *[Undertone]* go and bring similar formulation for us. Mr Conteh we are just waiting on you now, so we can make progress *[Few Minutes Pause]*. I have been advised that Paragraph [c] should be there because it is the intention of

the Ministry to source funds from outside, just as they did for the IMC. So in the IMC, we retained the formulation that is contained in Paragraph [c].

**HON. MUSTAPHA M. SELLU:** That is a lay-man's interpretation, I agree, but for professional sake, it should not.

**THE CHAIRMAN:** Well, we are lay- men here [LAUGHTER].Page 14?

**HON. ISHMAEL S. SANDY:** Mr Chairman, still on Page 13. There is a new insertion here; a new [d] to Clause [8], and that is to read; *'proceeds from the issuance of Permit'*, as a new source.

**THE CHAIRMAN:** Where do we have that in your report?

**HON. ISHMAEL S. SANDY:** In Page 7; Clause 9 Sub-Clause [1], previously Clause 8 Sub-Clause [1] [Undertone]

**THE CHAIRMAN:** Where exactly?

**HON. ISHMAEL S. SANDY:** Okay, Page 6; Part 5 [Undertone].

**THE CHAIRMAN:** *'Proceeds from the Issuance of permit'*.

**HON. ISHMAEL S. SANDY:** The Committee would be issuing permit to Importers of Baby Formulas [Undertone].

**THE CHAIRMAN:** Mister, I have been advised that there is no need for it [Undertone].

**HON. ISHMAEL S. SANDY:** Well, I am convinced, it was not an individual opinion, and we have to be tolerant to the opinion of others, and [Undertone] it was really advised by...

**THE CHAIRMAN:** I can only have it inserted through a Motion now.

**HON. ISHMAEL S. SANDY:** It was, [Undertone].

**THE CHAIRMAN:** No, if he wants to insist, that is what I mean.

**HON. ISHMAEL S. SANDY:** I am not insisting, Sir.

**THE CHAIRMAN:** Fine, so drop it.

**HON. ISHMAEL S. SANDY:** I so do.

**THE CHAIRMAN:** Page 13? Page 14? The top of Page 15? The very top Sub-Paragraph 4? Do you have any changes to make there? None? Thank you, Mr Minister, move.

**DR AMARA JAMBAI:** Mr Chairman, Honourable Members, I move that Parts 1, 2, 3, 4 and 5, Clauses 1 to 12 stand part of the Bill as amended.

*[QUESTION PROPOSED PUT AND AGREED TO]*

**TABLE CLERK [FRANCIS ERNEST FARMA]:** Parts 1, 2, 3, 4 and 5, Clauses 1 to 12 form part of the Bill. Parts 6, 7 and 8, Clauses 13 to 31 stand part of the Bill.

**THE CHAIRMAN:** The rest of Page 15? Mr Minister?

**DR AMARA JAMBAI:** Mr Chairman, Honourable Members, I move that Parts 6, 7 and 8, Clauses 13 to 31 stand part of the Bill.

*[QUESTION PROPOSED, PUT AND AGREED TO]*

**THE CHAIRMAN:** We would now consider the rest of the Bill page by page. The rest of page 15?

**HON. ISHMAEL S. SANDY:** Page 15, Clause 14 Sub- Clause [1], previously Clause 13 Sub- Clause [1]; '*sale of designated product*' be amended by inserting the phrase '*manufactured*', and or to now read; '*a person shall not distribute a designated product for sale, sell, stock or exhibit for sale, unless the designated product...*'

**THE CHAIRMAN:** Where are you reading from?

**HON. ISHMAEL S. SANDY:** I am reading from the Report.

**THE CHAIRMAN:** The Report, what page?

**HON. ISHMAEL S. SANDY:** Page 6.

**THE CHAIRMAN:** Mr Chairman, I am afraid you have not been helpful to me. Tell me what you have done, because I am reading your Report and it does not capture what you are telling me today. What Clause?

**HON. ISHMAEL S. SANDY:** It is Clause 13 on the Bill.

**THE CHAIRMAN:** Yes.

**HON. ISHMAEL S. SANDY:** And in our Report, it is Clause 14, which was previously 13 because of the change of numbering.

**THE CHAIRMAN:** Go on, go on.

**HON. ISHMAEL S. SANDY:** And Sub-Clause [1] of this is dictating that, if you go to the Bill, it says; *'a person shall not manufacture...'*

**THE CHAIRMAN:** It does not say that.

**HON. ISHMAEL S. SANDY:** It says; *'a person shall not distribute a designated...'* So we inserted the word; *'a person shall not manufacture and or distribute...'*, because *'manufacture'* was omitted here.

**THE CHAIRMAN:** No, you are wrong go back to your Report. This is where you have confused me completely.

**HON. ISHMAIL S. SANDY:** What I am saying, on the Bill here...

**THE CHAIRMAN:** I know what you are saying.

**HON. ISHMAEL S. SANDY:** Okay, now on the Report, it is captured as...

**THE CHAIRMAN:** Read Page 6.

**HON. ISHMAEL S. SANDY:** The inserted phrase *'manufacture and or'*. So the phrase *'Manufacture and or'* now should be inserted here, and to now read; *'the person shall not manufacture and or distribute...'*

**THE CHAIRMAN:** No, I am sorry! You are manufacturing words that is not what is contained in your Report.

**HON. ISHMAEL S. SANDY:** I equally have challenged my team and I have to sympathize with them. Mr Chairman, yesterday, a National Holiday we were here working.

**THE CHAIRMAN:** Yeah, but you are now reading words that are not in your Report.

**HON. ISHMAEL S. SANDY:** It is an oversight [*Undertone*].

**HON. ISHMAEL S. SANDY:** The appropriate thing is what I am reading. It was not really captured because of what I could attribute to, either fatigue or other things...

**THE CHAIRMAN:** You know, in future, what you should have done.

**HON. ISHMAEL S. SANDY:** Yes Sir.

**THE CHAIRMAN:** When initially you read your report that is where you should have drawn our attention to the Amendments, which you did not capture

**HON. ISHMAEL S. SANDY:** It was not really captured in the report by my Clerk. [*Undertones*].

**THE CHAIRMAN:** The box stops with you, as far as I am concerned.

**HON. ISHMAEL S. SANDY:** I accept the responsibility.

**THE CHAIRMAN:** So don't deceive the House by reading things that are not in your Report. So speak to the Report and tell us.

**HON. ISMAEL S. SANDY:** Now, to the report; '*a person shall not distribute a designated product for sale, sell, stock, or exhibit for sale, unless the designated product...*' But Mr Chairman, really, the intention was to capture '*manufacture*' which was really left out.

**THE CHAIRMAN:** So what you want to say now?

**HON. ISHMAEL S. SANDY:** Yes Sir.

**THE CHAIRMAN:** Is '*a person shall not manufacture, and or distribute a designated product for sale*'... What do you mean by for sale and sell?

**HON. ISHMAEL S. SANDY:** It is really captured in the Bill here; '*for sale, sell...*' equally on the report here also, it is based on what is in the Bill.

**HON. BASHIRU SILIKIE:** Honourable Members, Mr Chairman, you also have a right to move a Motion of Amendment if it is not captured in your Report. So don't rely on

the Report, if you want to move a Motion that we amend 13, then move a Motion and don't refer us to the Report. If you refer us to the Report then we would go strictly by the Report. Do your Amendment devoid of the Report; it is your right, Sir.

**THE CHAIRMAN:** Let me help you, and when I finish reading if I am right, you adopt it as a Motion. Now, your Clause 13 will now read; '*a person shall not manufacture, or distribute a designated product for sale, stock or exhibit for sale unless the designated product etc., etc.* Is that what you intended to say?

**HON. ISHMAEL S. SANDY:** Exactly, Mr Chairman.

**THE CHAIRMAN:** Fine, then adopt the words and move a Motion.

**HON. ISHMAEL S. SANDY:** I adopt it, and I so move that it is accepted and approved as read by Mr Chairman [*Uproar*] I move that...

**THE CHAIRMAN:** Just say I so move.

**HON. ISHMAEL S. SANDY:** I so move.

*[QUESTION PROPOSED PUT AND AGREED TO]*

**THE CHAIRMAN:** Give me time to make the necessary correction, please. That is Page 15 do you have anything to say? Page 16? Are you still on 15?

*[SUSPENSION OF S.O.5 [2]*

**THE CHAIRMAN:** Now, Deputy Whip, I charge you to make sure I would find your side of the aisle intact as I leave it. Honourable 'S.O.s', please, I put you in charge. I would stand down for ten minutes, and please don't move, unless you are in my situation.

*[THE HOUSE STOOD DOWN FOR TEN MINUTES]*

**THE CHAIRMAN:** Okay.

**TABLE CLERK:** The House resumes.

**THE CHAIRMAN:** We had finished with page 15, I hope. Am I correct, Chair?

**HON. ISHMAEL S. SANDY:** We are still at Page 15, Part 5, Clause 13, and here is Clause 14 Sub-Clause [3], previously Clause 13 sub-clause [3]; '*sale of designated product*' be amended by replacing the phrase '**15 to 21**' with the phrase, 'Sections **16 to 22**'.

**THE CHAIRMAN:** Okay, 15 to 21 becomes 16 to 22?

**HON. ISHMAEL S. SANDY:** Yes, Sir.

**THE CHAIRMAN:** Okay.

**HON. ISHMAEL S. SANDY:** Page 16 now...

**THE CHAIRMAN:** No, no, no! What about Sub-clause [5], did you make any changes?

**HON. ISHMAEL S. SANDY:** Yes, Sub-clause 5, Clause 3 [c], previously Clause 14, Sub-clause 3 [c]...

**THE CHAIRMAN:** No, no, is the Penalty side.

**HON. ISHMAEL S. SANDY:** No amendment.

**THE CHAIRMAN:** Okay. Page 16, any amendment?

**HON. ISHMAEL S. SANDY:** Yes, Clause 15, sub-clause 1[d], previously Clause 14, sub-clause 1[d].

**THE CHAIRMAN:** What is that? Are you on Page 16 or not?

**HON. ISHMAEL S. SANDY:** I am on Page 16.

**THE CHAIRMAN:** Yes.

**HON. ISHMAEL S. SANDY:** Page 16, now the tail end of Page 16 [1d], we are saying, by replacing the phrase **24** with the phrase **section 25**.

**THE CHAIRMAN:** Are you sure?

**HON. ISHMAEL S. SANDY:** Yes, because of the renumbering.

**THE CHAIRMAN:** Well, let's leave it till we get there.

**HON. ISHMAEL S. SANDY:** Okay. So we go to Clause 15, sub-clause [5], previously Clause 14 sub-clause [5]; '*Promotion of designated products*' now becomes sub-clause 5 [1], and be amended by inserting a new sub-clause 5[2] to read; '*a Health Worker or an Association of Health Workers who contravene sub-section [3] commit an offence and is liable on conviction to a fine not exceeding **Le10Mln...***'

**THE CHAIRMAN:** I can't find it, where is it? No! On the original Bill, when was it?

**HON. ISHMAEL S. SANDY:** It is a new insertion.

**THE CHAIRMAN:** O my God!

**HON. MATHEW S. NYUMA:** Point of Order! Mr Chairman, today is the first time he is presenting to us, let us be patient with him. Honourable, what you can do, when you want to do the insertion, you will call the substantive Bill, the paragraph that you want to do the insertion and you now go to the Report. From there, you direct us where you are going to do the insertion.

**THE CHAIRMAN:** Exactly!

**HON. MATHEW S. NYUMA:** That is how it should be, you don't just read it ordinarily.

**HON. ISHMAEL S. SANDY:** Okay.

**THE CHAIRMAN:** What page are you on?

**HON. ISHMAEL S. SANDY:** Page 17 [*Undertone*].

**HON. MATHEW S. NYUMA:** When you call 17, we are thinking about Clause. So it is not Clause, it is Page 17 of the Bill.

**THE CHAIRMAN:** Page 17 of the Bill.

**HON. MATHEW S. NYUMA:** Page 17 of the Bill, sub-Clause 3.

**HON. SALLIEU O. SESAY:** Mr Chairman, let me help the Chairman. What we did, we realized that upon going through the Bill, there was no fine levied for Health Workers, and so we decided to introduce that as a new Clause.

**THE CHAIRMAN:** Okay.

**HON. SALLIEU O. SESAY:** So it should fall under 3, and a new clause, maybe 3 [d] after A, B, C, and then you have D as a new sub Clause under 3. It is under 3, but when you have A, B, C, it becomes D.

**HON. MATHEW S. NYUMA:** Why the penalty? Because I am not seeing the nexus with the Clause 3 you are talking about. Can we look at the nexus where we levy punishment?

**HON. SALLIEU O. SESAY:** Sorry Chairman, it should go to Page 19.

**THE CHAIRMAN:** So Page 19 after sub Clause 5?

**HON. SALLIEU O. SESAY:** Yes, sub-clause [5]. We now have 5[1] on this one.

**THE CHAIRMAN:** Yes.

**HON. SALLIEU O. SESAY:** Then we now have 5[2], which is the new one under Page 19.

**THE CHAIRMAN:** No, it should be 5 [A] and 5 [B].

**HON. SALLIEU O. SESAY:** Okay, if we want it that way is fine also; 5[a] and 5[b] and [B] will now be the new one.

**THE CHAIRMAN:** So this clause here; *'the penalty for a Health Worker or an Association of Health Workers'* would be the B?

**HON. SALLIEU O. SESAY:** Yes, and it should fall under Page 19. So this 5 now becomes [A] and the new one as [B].

**THE CHAIRMAN:** Alright. So can you please move, because it is a new addition you are making?

**HON. ISHMAEL S. SANDY:** I so move, Mr Speaker.

*[QUESTION PROPOSED PUT AND AGREED TO]*

**THE CHAIRMAN:** Page 20? You have anything there? Page 21?, Page 22?

**HON. P.C BAI KURR KANAGBARO SANKA III:** No Mr Speaker [*Undertone*].

**THE CHAIRMAN:** That's where I am, I am asking the Chair, do you have anything to introduce?

**HON. ISHMAEL S. SANDY:** Err, I am looking at...

**THE CHAIRMAN:** You have something about Important Notice.

**HON. ISHMAEL S. SANDY:** Clause 16, previously Clause 15; *'prohibition related to labelling of'* be approved.

**THE CHAIRMAN:** What is this thing about *'Important Notice'*, where do you have that?

**HON. ISHMAEL S. SANDY:** Clause 17 sub-clause [1], previously Clause 16 sub-clause [1].

**THE CHAIRMAN:** I am on Page 22 now.

**HON. ISHMAEL S. SANDY:** Is 21.

**THE CHAIRMAN:** 21?

**HON. ISHMAEL S. SANDY:** Yes, 21.

**THE CHAIRMAN:** Okay.

**HON. ISHMAEL S. SANDY:** Sub-clause [1]; *'prohibition related to labelling of infant formula'*.

**THE CHAIRMAN:** Alright, we have seen that.

**HON. ISHMAEL S. SANDY:** Follow up the formula

**THE CHAIRMAN:** Any changes there?

**HON. ISHMAEL S. SANDY:** That is the amendment I am reading. Be amended by replacing the phrase **24** with the phrase **25**. But because we have earlier on accepted maintaining **24** for now.

**THE CHAIRMAN:** Oh, we have not replaced it yet?

**HON. ISHMAEL S. SANDY:** Yes.

**THE CHAIRMAN:** Okay, are we going to do anything? We would come back to it then.

**HON. ISHMAEL S. SANDY:** We would come back to it, Sir.

**THE CHAIRMAN:** Make sure we don't miss it, please.

**HON. ISHMAEL S. SANDY:** Yes Sir.

**THE CHAIRMAN:** So Page 22?

**HON. ISHMAEL S. SANDY:** The same 17, sub-clause [1a] and [i], previously Clause 16 sub-clause [1a] and [i]; 'prohibition related to labelling of infant'.

**THE CHAIRMAN:** Where are you please? I am on Page 22 of the Bill.

**HON. ISHMAEL S. SANDY:** Page 21.

**THE CHAIRMAN:** Yes.

**HON. ISHMAEL S. SANDY:** What we have in the Bill here is in addition...

**THE CHAIRMAN:** Clause 16.

**HON. ISHMAEL S. SANDY:** Clause 16 [1] [i] contains the word 'IMPORTANT NOTICE'.

**THE CHAIRMAN:** Yes.

**HON. ISHMAEL S. SANDY:** And indicated there under the statement '*in English*'.

**THE CHAIRMAN:** Yes.

**HON. ISHMAEL S. SANDY:** Now, the amendment here is, before the word '*in*' to now read; 'contain the word IMPORTANT NOTICE', and indicated there under the statement 'primarily in English'. This change should be effected wherever '*English*' applies; that is '*primarily in English*'.

The reason behind this is that there are formulas or products that are produced in France, they may label or they may do some description in French or Arabic and followed by English.

**THE CHAIRMAN:** So you want the insertion of the word 'primarily English'?

**HON. ISHMAEL S. SANDY:** Yes.

**THE CHAIRMAN:** So it should be 16 [1a] [i]?

**HON. ISHMAEL S. SANDY:** Yes.

**THE CHAIRMAN:** Yes, what do you want us to insert?

**HON. ISHMAEL S. SANDY:** The statement '*in English*' to be replaced with the statement '*primarily in English*'.

**THE CHAIRMAN:** Okay, can we go on now? 22? Any changes there?

**HON. ISHMAEL S. SANDY:** No.

**THE CHAIRMAN:** 23? Another word '*readable in English*', is it '*primarily*' again?

**HON. ISHMAEL S. SANDY:** Yes, '*Primarily*' Clause 18 sub-clause [1], previously Clause 17 sub-clause [1]; '*prohibition related to labelling of ready to feed therapeutic food and complementary product*' be amended by replacing phrase **16** with the phrase **17**.

**THE CHAIRMAN:** Where?

**HON. ISHMAEL S. SANDY:** That is Page 24 on the Bill, Clause 17 [1].

**THE CHAIRMAN:** Yes, 'in addition to the requirement of section 16...'

**HON. ISHMAEL S. SANDY:** Yes, and **16** now be replaced with the phrase section **17**.

**THE CHAIRMAN:** How can we?

**HON. ISHMAEL S. SANDY:** Because of the numbering, but because of the earlier suggestion so the numbering stays like that.

**THE SPEAKER:** Well let it stay, don't confuse us.

**HON. ISHMAEL S. SANDY:** Okay.

**THE CHAIRMAN:** Page 25? Any changes? Page 26? Page 27?

**HON. ISHMAEL S. SANDY:** Wait, page 26 Clause 19, previously 18 be approved. Clause 20, previously 19 be approved. Clause 21, previously 20 sub-section [1];

'prohibition related to labelling of Feeding Bottles and teat' be amended by replacing the phrase, it is the same numbering, so let's forget about it, let go further.

**THE CHAIRMAN:** Page 27, any changes?

**HON. ISHMAEL S. SANDY:** I think we are not done with Clause 20 on page 26. Clause 21 sub-clause [1a], previously Clause 20 sub-clause [1a]; 'prohibition relating to labelling of Feeding Bottles and teat be amended by replacing the phrase *'following particulars'* with the phrase *'indicating immediately'* after the phrase *'primarily in English.'* It should now read; ***'the following particulars'*** with the phrase ***'indicating'*** immediately after the phrase ***'primarily in English'***.

**THE CHAIRMAN:** Can you take us to 27, please.

**HON. ISHMAEL S. SANDY:** Okay.

**THE CHAIRMAN:** Any changes for 27, Mr Chairman?

**HON. ISHMAEL S. SANDY:** Clause 22, previously Clause 21; 'prohibition related to labelling of pacifier be amended by replacing... is the same numbering, so is nothing major.

**THE CHAIRMAN:** Okay, fine. 28, Part Seven; *'Information and Education'*. Do you have any changes?

**HON. ISHMAEL S. SANDY:** Yes, Clause 23, previously Clause 22; *'Information and Education materials about infant and young child feeding'* be approved.

Clause 24 sub-clause [2], previously Clause 23 sub-clause [2]; *'Information and Education materials for Feeding Bottle'* be amended by replacing the same numbering, so let's go ahead. And Clause 25 is approved, we go to Part Eight; *'Enforcement'*.

**THE CHAIRMAN:** Yes, any changes there? That is Page 32.

**HON. ISHMAEL S. SANDY:** Okay. Clause 26 sub-clause [1], previously Clause 25 sub-clause [1] *'Inspectors'* be amended by replacing the phrase ***'Section 5'*** with the phrase ***'Section 6'***, is the same numbering.

**HON. ISHMAEL S. SANDY:** Section 5 replacing the phase section with the phase section 6.

**THE CHAIRMAN:** Where?

**HON. ISHMAEL S. SANDY:** Is just a matter of numbering.

**THE CHAIRMAN:** At the top of Clause 25?

**HON. ISHMAEL S. SANDY:** Yes.

**THE CHAIRMAN:** 'In addition to Inspectors appointed under sub-section [2] of Section 5' it should be what, Section 6?

**HON. ISHMAEL S. SANDY:** Section 6, yes.

**THE CHAIRMAN:** Are you sure?

**HON. ISHMAEL S. SANDY:** Well, because of the inconsistency with the numbering.

**HON. MATHEW S. NYUMA:** No wait. There is going to be some changes with the numbering, so we put that one on hold and do the proper numbering when doing the final editing.

**THE CHAIRMAN:** Yes, that is exactly what I am checking. You said that becomes Section 6?

**HON. ISHMAEL S. SANDY:** Yes.

**THE CHAIRMAN:** Section 6 deals with secondment of Public Officers, not appointment of Inspectors.

**HON. MATHEW S. NYUMA:** Clause 25 [2].

**THE CHAIRMAN:** 25 [1].

**HON. MATHEW SAHR NYUMA:** Page 32, Mr Chairman.

**THE CHAIRMAN:** Yes.

**HON. ISHMAEL S. SANDY:** Clause 25 sub-clause [3], '*an Inspector*' is there, in the Bill.

**THE CHAIRMAN:** 25 sub-clause [3]?

**HON. MATHEW S. NYUMA:** Yes.

**HON. ISHMAEL S. SANDY:** I think there is a lot of inconsistency in the numbering. I think we should leave the numbering and when doing the final editing we will seek out the numbering.

**THE CHAIRMAN:** Okay, alright. Page 32, any correction there? Page 33, no changes?

**HON. ISHMAEL S. SANDY:** Clause 31, previously Clause 30; *'liability of Directors, Partners and Owners'* be amended by deleting the word *'Officer'* and the phrase *'Employee of the Corporation'*. The words *'Company, Partnership, Farm'* and the phrase *'or other Association'* and inserting the word *'Owners'* before the word *'shall'* to read;  
*'when the person guilty of an offence under this Act is a Corporation, Company, Partnership, Farm or other Association, every Director, Partner and Owner shall also be liable for that offence unless he proves that the offence was committed without his knowledge or consent.'*

**HON. MATHEW S. NYUMA:** Mr Chairman, in law, when they are prosecuting where you have a Corporate Body, they will first of all charge the Corporate Body and there after they go for the individuals. So I don't see why they want to insert this new one. This one is properly worded. When you start the investigation, you first start with the Corporate Body, and by law, the Corporate Body investigating the individuals will come on board and they will charge them for specific crimes. And they will leave the Corporate Body out and they will go for the individuals who will be charged under specific provision in the law for criminal offence. So I don't see why they want to go to specific. That is why they said Officers, Partners, Employees, because they are given the authority under a corporate entity. So, if an offence is committed, they will first go for the Corporate Bodies, maybe to establish whether it was done by the Corporate Bodies themselves without your knowledge. Thereafter, they will go after the individual. So for me, I don't think we need to remove that one, it should remain as it is.

**HON. ISHMAEL S. SANDY:** Mr Chairman, the argument is that, the officers and employees are working under the supervision and direction of the owners or the Directors. So wherever there is crime , it is squarely carried or bored by the Directors or the owner, and not the employees or officers or the individuals.

**HON. MATHEW S. NYUMA:** Say for example, Sierra Leone Commercial Bank. If there is a fraud at the Sierra Leone Commercial Bank against a customer who makes a complaint to the jubilation body, they will first go for Sierra Leone Commercial Bank because they were employed under that umbrella; that corporate entity. Thereafter, during the investigation they will now go for specific individual to be prosecuted. The individual is employed by that entity, so you don't leave the cap and go for the individual as long as the individual is operating under that entity because you have to establish whether the act was done by the Corporate Body giving instructions to carry that particular function unknown to the employee. Thereafter, the investigation may lead to specific individuals working for the entity if need be.

**THE CHAIRMAN:** So the question is, have you penalized the corporate entity separately?

**HON. MATHEW S. NYUMA:** No.

**HON. DR MARK MAHMOUD KALOKOH:** Mr Chairman, I think the statement of the Leader of Government Business has just clearly supported the Chairman of the Committee. You cannot go for the individual or the employee, but you go for the corporation; the corporation has to take responsibility.

**HON. MATHEW S. NYUMA:** Exactly.

**HON. DR MARK MAHMOUD KALOKOH:** So it is okay with the Chairman. Therefore, the phrase being read by the Chairman stands the test of time, Mr Chairman. It should not be the responsibility of the employee or the officer, but it should be the responsibility of the Firm, the Corporation or Department.

**HON. MATHEW S. NYUMA:** First, let us read and try to understand Clause 30. Mr Chairman, I want to read clause 30.

*'When a person is guilty of an offence under this Act is a corporation, company, partnership, firm or other association, every director, officer, partner and employee of the corporation, company, Partnership, firm or other association shall also be liable of that offence, unless he proves that offence was committed without his knowledge or consent'.*

So why do you want to change this? That's the million questions I am asking [Undertone] No you should not! When you look at a corporate body; registered and corporate entity, there are charges responsible for corporate bodies. If you are working for cooperate bodies, you have benefit, and you will forego your benefit if you are liable of criminal offence. That one can be explained by the prosecutor of the criminal offense. Instead of isolating them, that is why they are deliberate in this wording; the employ. This is a legal wording, it is deliberate, Mr Chairman, they are talking about Association.

**THE CHAIRMAN:** The problem that I see, they have loaded together two concepts in clause 30. The company is a legal entity on its own, it has its own legal arrangement different from the Directors and the employees or the shareholders.

Now, what you have done you have loaded the two; the company and the others. I think, let's refer this particular clause to the Draftsman to separate them, because you need to penalize the company as a company separate from those who work for the company, and the punishment cannot be the same.

**HON. MATHEW S. NYUMA:** Mr Chairman that is why I said I read the provision. That provision is explicit, but we can take your advice, let them go back to the Draftsman to explain the legal implications. Because as you said, corporate bodies have their own responsibilities under the Act, they have their own punishment and they have their own levies in terms of crimes. So, let them do some consultations around that. But for us to accept this one we need further consultation- this one is complicating.

**THE CHAIRMAN:** Okay, I will take note of this.

**HON. MATHEW S. NYUMA:** Okay, thank you [*Undertone*]. Yes, Cyber, that is what we did for Cyber.

**THE CHAIRMAN:** Yes, that is exactly what we did for Cyber. Okay, I would pay attention to this.

Page 35? Well, that is it; we are at the end [*Undertone*]. No, 36 is not part of the Bill, is a memorandum. Mr Minister, please.

**DR AMARA JAMBAI:** Yes Sir Mr Chairman, Honourable Members, I move that...

**HON. DR MARK MAHMOUD KALOKOH:** Sorry, before you move Mr Chairman, we reached at certain point and we asked the Chairman of the legislative Committee to remind you so that we finish that area.

**THE CHAIRMAN:** It is resolved.

**HON. DR MARK MAHMOUD KALOKOH:** Has that been okay? Well, if it has been Okay, then move.

**THE CHAIRMAN:** No wait, let me check, you have a point. It was section 24, has that changed? Mr Chairman, did we change it? Or does it remain as section 24?

**HON. ISHMAEL S. SANDY:** We did not. I think the agreement was, within the course of the editing that could be done.

**THE CHAIRMAN:** Mr Chairman, I am going to pose a question.

**HON. ISHMAEL S. SANDY:** Yes, Sir.

**THE CHAIRMAN:** Let us go back to Part 3. You are giving me a lot of work to do. You remember you wanted to insert a new clause?

**HON. ISHMAEL S. SANDY:** Yes Sir.

**THE CHAIRMAN:** But that did not work out.

**HON. ISHMAEL S. SANDY:** Exactly.

**THE CHAIRMAN:** But all you needed to do was to elaborate Clause 4, to accommodate what you wanted to do.

**HON. ISHMAEL S. SANDY:** Yes Sir.

**THE CHAIRMAN:** So therefore, the numbering remains unchanged?

**HON. ISHMAEL S. SANDY:** Yes Sir.

**THE CHAIRMAN:** Thank you, all right. So Mr Minister, go ahead.

**DR AMARA JAMBAI:** Mr Chairman, Honourable Members, I move that Parts 6, 7 and 8, clause 13 to 31 stand part of the Bill as amended.

*[QUESTION PROPOSED PUT AND AGREED TO]*

*[Parts 6, 7 and 8, clauses 13 to 31 form part of the Bill]*

**HON. BASHIRU SILIKIE:** Mr Chairman, there was a pending issue which was not resolved.

**THE CHAIRMAN:** Which one?

**HON. BASHIRU SILIKIE:** It was Part 2, on page 9. We were talking about institutional representations, when the issue about *'if a person who is a member of the Committee does not attend three consecutive meetings without reasonable grounds ceases to be a member of that committee'*.

**THE CHAIRMAN:** Well, I wanted the House to be guided by what we had done in previous Bills.

**HON BASHIRU SILIKIE:** And the difference between this Bill and the previous Bills is that 90% composition of the committee is a statutory.

**THE CHAIRMAN:** I would have thought really.

**HON BASHIRU SILIKIE:** We would have given an opportunity to...

**THE CHAIRMAN:** Can I help? Those membership is statutory, obviously cannot be affected by that provision whereas those for example, under **H** and **I**, on page 8, those persons obviously would be affected by the provision that you made reference to. Are

you with me? So there is some specificity that is required there. I think we encountered a similar problem with the Cyber bill.

**HON. MATHEW S. NYUMA:** Mr Chairman, as you said, some of them are statutory representation, and we have the ones nominated and appointed by the Minister...

**THE CHAIRMAN:** Just three of them.

**HON. MATHEW S. NYUMA:** Yes, I think for every sector there must be some guiding principles. We cannot say we can just dilute it because people are not attending meetings because of reasons best known to them. In fact the Honourable Member there brought in something; he said there is a provision for non-governmental organizations.

**THE CHAIRMAN:** No, I think it was with regard to the Cyber. I remember, for the statutory representation, we did not touch them, is the non-statutory ones that obviously would be affected by the provision relating to them losing their position.

**HON. MATHEW S. NYUMA:** That is **A** to **G**.

**THE CHAIRMAN:** No, no, is **H** and **I**.

**HON. MATHEW S. NYUMA:** No, I am endorsing that statutory representation is **A** to **G**.

**THE CHAIRMAN:** That's right.

**HON. MATHEW S. NYUMA:** So **H** and **I**, he is saying that there is too much statutory position; he is asking us to add...

**HON. BASHIRU SILIKIE:** No, that is not what I am asking.

**HON. MATHEW S. NYUMA:** What are you asking?

**HON. ISHMAEL S. SANDY:** When you go to 9, Mr Leader...

**THE CHAIRMAN:** When you go to where?

**HON. BASHIRU SILIKIE:** When you go to page 9.

**THE CHAIRMAN:** Yes.

**HON. BASHIRU SILIKIE:** On page 9 [e], it says, *'if he fails to attend three consecutive meetings of the committee without reasonable excuses'*, page 9 is talking about *person shall cease to be a member of the committee*.

**THE CHAIRMAN:** Well you want to be more specific to relate that to the persons appointed under **H** and **I**.

**HON. BASHIRU SILIKIE:** So what if we have a situation in which the persons appointed under **A** to **G** does not attend meetings for four, five consecutive meetings?

**THE CHAIRMAN:** The answer somebody gave was that...

**HON. BASHIRU SILIKIE:** And most of the time, Mr Chairman, the problems Board Members and Committees face are institutional representation.

**THE CHAIRMAN:** Well, because they are institutional...

**HON. BASHIRU SILIKIE:** That is the more reason we decided in the last Parliament that we would have little representation of institutional representations in Boards now. This almost stifles the operations of some Boards and some Commissions in fact; they don't attend meetings, most of them.

**THE CHAIRMAN:** We were faced with a similar situation recently. Can you remind for us please, Legislative? I think it was the Cyber [*Undertone*]. Mr Minister, I didn't know whether you have been following?

**DR AMARA JAMBAI:** I have been following up with the discussion.

**THE CHAIRMAN:** No, with the point been made.

**DR AMARA JAMBAI:** Yes About statutory representation in the Board versus those who don't represent themselves appropriately. Yes, I have been listening with keen interest. A difficult task to surmount in terms of what sort of measures can we take against such a group [*Undertone*], it is just one of social responsibilities. And there are many of us who also may be in position that they are not leaving up to. What do you do?

**HON. BASHIRU SILIKIE:** Mr Chairman, I will recommend that we amend section 2 to read as; *the Director or representatives of the Standard Bureau...*

**THE CHAIRMAN:** No, no, no, no, I thought we agreed that those are representational.

**HON. BASHIRU SILIKIE:** We can send representation, but there should also be a caveat that you should not send a junior officer; at least you should not send a person below the rank of Deputy Director. Because what happens most times in institutional representation, they send a junior officer and when decisions are reached, they disassociate themselves from those decisions. We have been faced with a lot of those problems in our Committees.

**HON. MATHEW S. NYUMA:** Mr Chairman, I am yet to look at the responsibility of the Chairman of the Board. You know, as a Chair, you are given so many responsibilities, in fact, in terms of facilities you are given more than the other Board Members. It is the onus of the Chairperson to act robustly in terms of representation; engage the line Ministry, if they cannot make representation one or two times, the Chairman should take it up with that particular MDA or institutions involved.

But let me tell you, as we are talking about quality control measures and formulas, there is no way you are going to dismiss the representation of Standards Bureau. You go to Director of Research and Training, Ministry of Health and Sanitation, all of these things from **A** to **G**, they are all relevant. It is the responsibility of the Chairman to act robustly to ensure members comply with the guiding principles or the rules and regulations governing this particular Act when it comes to attending meetings.

**THE CHAIRMAN:** I agree, but additionally, is also the responsibility of the oversight Committee of Parliament to ensure that representation is at that level.

**HON. BASHIRU SILIKIE:** Mr Chairman with due respect, you don't expect the oversight Committees to be doing weekly or monthly oversight of these institutions.

**THE CHAIRMAN:** But they would have to do oversight.

**HON. BASHIRU SILIKIE:** Mr Chairman, it is risky to leave Committees of Board Members just to institutional representation, especially when the position is named. Most times they don't go, so that is why I am saying that has stifled a lot of Boards. If you go to Committee Meetings you hear these reports coming out. So, we can say the Director or his representative, like the Leader said. The Director is the head of Standards Bureau, but any Director or Deputy Director within Standards Bureau should be equipped enough to carry out advice or policies around Standards Bureau.

**THE CHAIRMAN:** But then you water down the representation that is what you are doing.

**HON. BASHIRU SILIKIE:** Okay let me tell you what happens now; even when you give these names for Board Meetings, sometimes the Permanent Secretary will delegate it to another person to represent him, and there is no way they will stop him, or else the Ministry whose nomenclature is here will not be represented.

**THE CHAIRMAN:** No, but one way to stop that, is for the oversight Committee to report to Parliament that the designated officers are not attending the meetings.

**HON. BASHIRU SILIKIE:** Mr Speaker, it is no secret that we are challenged as an Oversight Committee, Sir; that we cannot be providing monthly oversight on these institutions. We go to these institutions at least once or twice a year.

**THE CHAIRMAN:** But the answer does not lie in watering down the level of representation.

**HON. BASHIRU SILIKIE:** No, we are not watering down.

**THE CHAIRMAN:** You are.

**HON. BASHIRU SILIKE:** We can say either the Permanent Secretary or a representative not lesser than the Deputy Director in the Ministry; he is also a very senior member in that Ministry or Department.

**THE CHAIRMAN:** Okay you have made your point; let me hear from other people.

**HON. DR MARK MAHMOUD KALOKOH:** Mr Chairman, the composition of this particular Board is okay, then let us bear in mind that there is a Ministry responsible to oversee this Committee, and that Ministry is the Ministry of Health. As well as they are coordinating, if they are coordinating the activities, they will ensure that all members present *[Interrupted]* please, listen.

**THE CHAIRMAN:** Please, let's listen to Honourable Member.

**HON. DR MARK MAHMOUD KALOKOH:** The Ministry of Health is providing oversight over this particular Board. And if it is providing oversight, let us give them the leverage to ensure that this Committee operates. But we should not come up to put a Permanent Secretary or a representative, no. Mr Leader, with due respect this composition is okay, it is going to be monitored by the Ministry which this Committee falls under.

**HON. MATHEW S. NYUMA:** Mr Chairman, I think what we can do; we can also seek for amendments of this Bill if there is any problem with the representation. I believe the Minister is here, the reason why we have Ministers here is to ensure there is compliance.

So Mr Minister, in as much as that is good, but we can also not water down the level of representation, thinking about the critical nature of this particular Bill. You are going to have experts and these are only expert positions. Failure to attend continuous meetings is a real misconduct. So what we can do, as he said, let us accept it as it is now, and in the future if there is a problem; people are not complying, the Board members are not cooperating, you can come for amendment.

**HON. BASHIRU SILIKIE:** Based on my submission Mr Chairman, can we listen to the Minister, because I think he should have consulted with the professionals.

**THE CHAIRMAN:** No problem let the Minister has a say.

**DR AMARA JAMBAI:** Mr Chairman, I know the sort of environment that has prevailed over time, but this is a new Bill, let us give it the chance for it to manifest itself, but again, it is about our own responsibility as Sierra Leoneans. It means if you don't trust

people in positions, then we are in a police state. Let us trust that you will do the right thing, but if you are found wanting because you cannot do it, then we take measures.

**THE CHAIRMAN:** Okay. Alright, proceed.

[THE HOUSE RESUMES]

**THE SPEAKER:** Mr Minister, move.

**DR AMARA JAMBAI:** Mr Speaker, Honourable Members, I report that the Bill entitled the Breast Milk Substitute Act, 2021, having gone through the Committee of the whole House with amendments, I now move that the Bill be read the third time and passed into Law.

***[QUESTION PROPOSED PUT AND AGREED TO]***

*[THE BILL ENTITLED THE BREAST MILK SUBSTITUTES ACT, 2021; BEING AN ACT TO PROVIDE FOR THE SAFE AND ADEQUATE NUTRITION FOR INFANTS AND YOUNG CHILDREN BY PROMOTING BREASTFEEDING AND REGULATING THE MARKETING OF BREAST MILK SUBSTITUTES, AND FOR OTHER RELATED MATTERS, HAVING BEEN READ THE THIRD TIME AND PASSED INTO LAW.]*

**HON. MATHEW S. NYUMA:** It is good, the only way we live as human beings in society is by Rule of Law and as Members of Parliament, and this is one of our fundamental roles in nation building. I want to thank you very much for your perseverance and courage in your level of thoroughness in trying to scrutinize the Bill. Thank you very much.

I want to thank the Committee Chairman of Agriculture, the Legislative Committee, and all Members of Parliament. You know, anytime we pass a Bill into law, I feel good because it makes us like Parliamentarians of modern times. We are not just like rubber stamped Parliamentarians as being referred to. That is the language they used, and we are live on SLBC, we are very proud of that. And we even see the ISCO people challenge that one to look at the appropriate locations in the Bill. Thank you very much,

Chairman of Agriculture Committee, Chairman of the Health Committee, Honourable Jorkie, you are there, thank you Legislative Committee, all of you thank you very much for the debate and the contributions.

Mr Speaker, with your efforts, I want to say thanks to your team; the Table Clerks and the Stenographers, they are all here, I want to say thank you very much for work well done.

But I want to say special thanks to Focus 1000 and their partners; they have been working with people. And I think all the specialists are here, I thank you all. I cannot say more because they took us to a place called Tokeh to give us some education on this Bill. And it is very important because you see; it's not how much you cause noise in the society in terms of nation building, but how much you have contributed as an entity. That is what they have done; they worked with the Ministries to ensure that we have this Bill. This is not for us because we are now matured to go on their own. It is for our children, so they saw it necessary to engage Members of Parliament, they used their personal resources, they did not consume it, and they used it on Members of Parliament to ensure that we achieve this goal today, thank you very much.

Thank you all members of the Fourth Estate, Leaders of the Opposition, Honourable Yumkella, Honourable Emerson Lamina, thank you all Paramount Chiefs, thank you for your various contributions and for making this day another success for Parliament. Thank you, may the Lord Bless us all.

**THE SPEAKER:** With that, Honourable Members, the House stands adjourned

**HON. DR MARK M. KALOKOH:** Mr Speaker, Mr Speaker one minute, please.

**THE SPEAKER:** No, I take precedence. Let it be recorded that the new Sessional Committees would be announced on Friday. And before that, all Committee meetings are placed in abeyance, pending the announcement of the new Sessional Committees and their membership.

**HON. BASHIRU SILIKIE:** Sorry, Mr Speaker. You were not here; there is one pending Committee Meeting that was instructed.

**THE SPEAKER:** Which one?

**HON. BASHIRU SILIKIE:** Transport *[interrupted]* okay, they said tomorrow, thank you.

**THE SPEAKER:** You were going to alter my directive because I was going to ask you to come and assume the chair. You have to wait until 2023 for that *[laughter/Undertone]*. I don't know.

Let me repeat the announcement. Sessional Committees and their membership will be announced on Friday. Pending that announcement, all meetings of committees are placed in abeyance.

Mr Minister, thank you very much for your perseverance and patience, and congratulations. You are at liberty to take leave of us now, thank you.

### ***ADJOURNMENT***

*[The House rose at 4:20 p.m. and was adjourned to Friday, 23<sup>rd</sup> July, 2021 at 10:00 a.m.]*