



REPUBLIC OF THE GAMBIA
National Assembly, New Assembly Building, Rev. Pye Lane
Banjul, The Gambia.

**STATEMENT OF THE CHAIRPERSON OF
PUBLIC ENTERPRISES COMMITTEE (PEC) OF THE 6TH
LEGISLATURE**

**BRIEFING SESSION WITH THE COMMERCIAL STATE-
OWNED ENTERPRISES (SOES)**

8TH – 9TH JUNE 2022

✚ Hon. Members of Public Enterprises Committee

✚ Boards of Directors;

✚ Heads of SoEs herein present

✚ The Clerk and Support Staff to PEC;

✚ The Media; and

✚ All other protocols duly observed.

Good morning to you all !!!

It is my honour and privilege, as Chairperson of the Public Enterprises Committee (PEC) of the Sixth Legislature, to welcome you all to this maiden briefing session with the Committee.

Distinguished Ladies and Gentlemen,

The purpose of this briefing is to highlight the new policy direction of the Committee in relation to our operations and oversight role over the State-owned Enterprises.

i. ESTABLISHMENT, MANDATE AND TERMS OF REFERENCE

To begin with, The Public Enterprises Standing Committee is established by section 109 (1) (e) and 175 (4) of the 1997 Constitution of the Republic of The Gambia and draws its mandate from Standing Orders 97 and 122 of the National Assembly. It is entrusted with the responsibility of exercising the functions of the National Assembly in considering and advising upon all matters connected with Public Enterprises.

Section 175 Subsection (4) of the 1997 Constitution states: “Within six months of the coming into force of this Constitution, an Act of the National Assembly shall establish a committee to monitor the operations of Public Enterprises and shall prescribe the manner in which such enterprises shall be accountable to the National Assembly and shall conduct their affairs in order to promote efficiency, transparency and probity in all their undertakings.”

In executing its mandate, the Committee shall carry out the following functions:

1. Scrutinise, consider and advise upon all matters connected with the public enterprises.
2. Scrutinise, review and consider the audited financial statements, activity reports, and management letters of Public Enterprises.
3. Approve extension of deadline of submission of reports of public enterprises.
4. Monitor the performance and viability of Public Enterprises in relation to payment of dividends to government.
5. Receive and review Bills/Acts, strategic plans and other measures relating to Public Enterprises and advice on improving text and implementing mandates.
6. Give periodic and annual report on the state of affairs of Public Enterprises to the National Assembly.

ii. COMPOSITION OF COMMITTEE

The Committee comprises of the following Hon. Members:

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| 1. Hon. Lamin J Sanneh | - | Chairperson |
| 2. Hon. Billay G Tunkara | - | Vice Chairperson |
| 3. Hon. Salifu Jawo | - | Member |
| 4. Hon. Samba Jallow | - | Member |
| 5. Hon. Lamin Ceesay | - | Member |

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| 6. Hon. Almameh Gibba | - | Member |
| 7. Hon. Ebrima Jaiteh | - | Member |
| 8. Hon. Abdoulie Njai | - | Member |
| 9. Hon. Sheriff Sarr | - | Member |

iii. LIST OF PUBLIC ENTERPRISES

The Bureau of Committees at its meeting resolved that, moving forward, the Public Enterprises Committee shall focus on only thirteen commercial state-owned enterprises as listed below:

1. Gambia Ports Authority – GPA/ Gambia Ferries Service Authority - GFSA
2. Social Security and Housing Finance Corporation – SSHFC
3. Gambia Telecommunication Limited – GAMTEL
4. Gambia Cellular Company Limited – GAMCEL
5. Gambia Civil Aviation Authority – GCAA
6. Gambia International Airline – GIA
7. National Water and Electricity Company – NAWEC
8. Gambia National Petroleum Corporation - GNPC
9. National Food Security Processing and Marketing Corporation – NFSC
10. Gambia Postal Service - GAMPOST
11. Gambia Radio and Television Services - GRTS

12. Gambia Public Printing Corporation - GPPC

13. Assets Management and Recovery Corporation – AMRC

iv. REPORTING REQUIREMENTS TO THE COMMITTEE

Public Enterprises are required by law to submit their reports to the National Assembly as per Section 175 Subsection (5) of the Constitution: “A Public Enterprise shall, within three months of the end of its financial year submit an annual report to the National Assembly on its business and operations during the preceding year; provided that the appropriate committee of the National Assembly may extend the time for the submission of any report.”

Section 175 Subsection 1 of the 1997 Constitution and Section 2 of the Public Enterprises Act 1990 define the institutions classified as Public Enterprise. In the Constitution, Public enterprise means “any body corporate or other body or institution, wholly owned or controlled by the Government.” In the Public Enterprises Act Public Enterprise means “a corporation or any company whose equity is wholly owned by the Government or partially owned by the Government together with another Government institution or wholly owned by a Government institution.”

Section 160 Subsection (1)(c) states: The Auditor General shall – “at least once in every year audit and report on the public accounts of The Gambia, the accounts of all offices and authorities of the Government of The Gambia, the accounts of the courts, the accounts of the National

Assembly and the accounts of all Public Enterprises”; Subsection 1(d) adds: “within six months of the end of the immediately preceding financial year to which each of the accounts referred to in paragraph (c) relates, report to the National Assembly on the accounts and draw attention to any irregularities in the accounts audited and to any other matter which, in his or her opinion, ought to be brought to the notice of the National Assembly.” Hence the receipt of timely audited accounts from Public Enterprises is mandatory if the Auditor General is to give timely report to the National Assembly on the state of all public accounts including that of public Enterprises.

v. POWERS OF THE COMMITTEE

The Committee has powers to call for persons, paper, reports and records and invite expert opinion in the process of its monitoring, investigation and general performance of its oversight role.

Section 109 Subsection 3 indicates that, “for the purpose of effectively performing its functions, each of the committees shall have all the powers, rights and privileges as are vested in the High Court at a trial in respect of –

- (a) Enforcing the attendance of witnesses and examining them on oath, affirmation or otherwise;
- (b) Compelling the production of documents; and
- (c) the issue of a commission or request to examine witnesses abroad.

Section 110 of the Constitution states: “Any Act or omission which obstructs or impedes the National Assembly in the performance of its functions or which obstructs or impedes any member or officer of the National assembly in the discharge of his or her duties or affronts the dignity of the National Assembly shall be a contempt of the National Assembly and, in addition to any liability in respect thereof under the criminal law, the offender shall be liable to reprimand or admonition by the National assembly, and if the offender is a member of the National Assembly, suspension or expulsion from the National Assembly.”

Thus, moving forward the sitting procedures of the Committee shall be as follows:

1. Engagement with the Public Enterprises Committee takes precedence over all other engagements. Thus, once an officer or Institution is summoned to appear before the Committee and gives excuses for not appearing, without a prior authority from the Chairperson, he/she/they will be in contempt of the Committee and will, in consequence, be subject to a sanction the nature of which will be determined by the Committee.
2. Before presenting any report or testimony to the Committee, all officials shall take the prescribed oath to be administered by the Clerk to the Committee.
3. Institutions/officers shall submit both hard and soft copies of their annual activity reports and audited financial statements to the Office of the Clerk two weeks before the date set for scrutiny. Failure to do so will be considered to be in contempt of the Committee and shall call for a reprimand whose nature will be defined by the Committee.

4. At the end of each session, the Committee shall prepare a report with recommendations, which shall be laid before the Assembly on Public Enterprises that presented their accounts for scrutiny.
5. The Committee shall give a timeline for the implementation of its recommendations and shall assume responsibility to monitor the implementation of its recommendations and shall hold Institutions accountable for not adhering to its dictates.

vi. EXPECTATION FROM PUBLIC ENTERPRISES

Section 3 of the Public Enterprise Act states: “The principal objectives of every public enterprise shall be to operate as a successful business and to this end to –

- a) Be as profitable and efficient as possible;
- b) Operate in accordance with Government’s objectives for that sector; and
- c) Be a good employer”.

Thus, the Committee shall monitor closely the activities of all commercial Public Enterprises which are designed to be profitable in order to pay taxes and dividends to government, render efficient sectorial services and generate employment to ensure compliance.

vii. RESPONSIBILITY OF BOARD OF DIRECTORS

Section 175 Subsection 2 of the Constitution indicates: “The members of the Board of Directors or other governing body of a Public Enterprise shall be appointed by the President after consultation with the Public Service Commission and shall be selected from amongst persons of integrity, competence, and maturity of judgment. A member of the National Assembly, the holder of a political office or an office of a political party shall not be qualified to be appointed to the Board of Directors or other governing body of a Public Enterprise.”

According to Section 3 of the Public Enterprise Act: “The board of a public enterprise shall be accountable to the Government in the manner set out in this Act and in the rules of the enterprise.”

Hence, the Board of a Public Enterprise constitutes its governing Authority and is accountable to the Executive and the National Assembly. The Board should always be present before Committees of the National Assembly to give or cause the giving of explanations by its line Managers, matters concerning the enterprises under their charge and shall make decision for such Enterprises.

viii. WORKPLAN OF THE COMMITTEE

The Committee shall convene its sittings to consider audited accounts and financial statements of Public Enterprises from 27th June to 29th July, 2022. At the end of this meeting, the Committee

shall share its workplan for attention and necessary action. It shall strictly adhere to the dates allocated to PEs in order to maximize the limited time allocated for Committee Operations by the National Assembly.

ix. CONCLUSION

In conclusion, taking cognizance of the indispensability of Constitutional and Statutory obligations to present timely annual audited accounts and activity report by all Public Enterprises, and being convinced that it is only through the availability of such reports that a fair and true assessment of the strengths and weaknesses of the public enterprises could be determined, on an annual basis, in order to make recommendations requisite for development as viable institutions capable of making meaningful contribution to the socio-economic development of the country.

As a result, the Committee has resolved that all pending reports for 2020 and 2021 for these thirteen PEs should be submitted latest December, 2022.

