



**National Assembly, New Assembly Building,
Reginald Pye Lane, Banjul, The Gambia**

NATIONAL ASSEMBLY DEBATES

[HANSARD]

**OFFICIAL HANSARD REPORT
SIXTH SITTING – FIRST SESSION
TUESDAY 23RD MARCH 2021 (MORNING)**

SESSION 2021



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VOLUME: 6

NUMBER: 1

Sixth Sitting of the First Session of the Fifth Legislature
of the Republic of The Gambia

Proceedings of the Sitting of Tuesday 23rd March 2021 (Morning)

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THE CHAMBER OF THE NATIONAL ASSEMBLY OF THE GAMBIA

**OFFICIAL HANSARD REPORT OF THE PROCEEDINGS OF THE
ASSEMBLY**

**FIFTH SITTING – FIRST SESSION
OF THE FIFTH LEGISLATURE
OF THE REPUBLIC OF THE GAMBIA**

TUESDAY 23RD MARCH, 2021 (MORNING)

1. Prayers

[The Deputy Speaker, Hon. Momodou L. Sanneh, Read the Prayers]

*[The Assembly met at 10:00 a.m. in the New Assembly Building,
Reginald Pye Lane, Banjul]*

[The Deputy Speaker, Hon. Momodou L. Sanneh, in the Chair]

The Assembly was called to Order

2. Corrections and Approval of the Record of Votes and Proceedings of the National Assembly Sitting of Monday 22nd March 2021

THE SPEAKER: Honourable Members, the Record of Votes and Proceedings of the National Assembly Sitting of Monday 22nd March, 2021 is before us for correction and approval. Please, can any Honourable Member move that the said record of votes and proceedings be considered and approved?

HON. OMAR DARBOE [UPPER NUIMI]: Thank you, Honourable Speaker, for giving me the opportunity. I move that the Record of Votes and Proceedings of the National Assembly Sitting of Monday 22nd March, 2021 be considered for correction and approval.

THE SPEAKER: Any seconder?

HON. SANKUNG JAMMEH [FONI JARROL]: I so second the Motion.

[Question Proposed]

THE SPEAKER: Any issue or observation from Honourable Members starting with page 1?

HON. ALHAGIE H. SOWE [JIMARA]: The cover page, yesterday's date was "22nd" not '23rd'.

HON. ASSAN TOURAY [BAKAU]: On Page 1, Record of Votes and Proceedings of the Assembly, the word "National" is missing.

HON. ALHAGIE DRAMMEH [JESHWANG]: Honourable Speaker, I was here and I have reported it to the gentleman in the Table Office, yet I am captured as absent.

HON. BAKARY CAMARA [KIANG CENTRAL]: Page 4, Honourable Alhagie Jawara was present but his name is captured under absent with permission.

HON. SUWAIBOU TOURAY [WULI EAST]: Page 6, under the Election Bill 2021, the second line of the paragraph where it reads, "the first reading of the Election Bill 2021 'will be done'", I suggest we put it as "the first reading of the Election Bill 2021 'will be tabled'".

HON. SUNKARY BADJIE [FONI BREFET]: Page 6, in the last sentence, the word "providing" should be "provided" that second reading shall be taken sooner rather than one working day after the first'.

THE SPEAKER: Honourable Member for Foni Brefet, your point is noted, but that is the language of the Standing Orders. Anyway, it will be verified.

HON. SUWAIBOU TOURAY [WULI EAST]: Page 7, second line of the second to last paragraph where it reads `... consideration stages for the said bills "was scheduled" instead of "were scheduled".

HON. SAINY TOURAY [JARRA EAST]: Page 9, Clause 1, the sub title of the Bill stands part of the Bill with "amendment" as opposed to "amended".

HON. SUWAIBOU TOURAY [WULI EAST]: Page 9, Clause 2, it reads `amendment of the "Birth" which should be "Births" instead'. In Clause 3, third line, the word `were' should be "where" instead. Also, under Clause 1, `domestic violence is with amended' and the same thing appears in the last line of the same page. It should be "amendment" not "amended".

HON. SAINY TOURAY [JARRA EAST]: Page 11, she once again informed members that the third reading of the following Bills "were" as opposed to "was".

HON. SUWAIBOU TOURAY [WULI EAST]: We are still arguing that the third reading of the following Bills "was" and not "were" because `the third reading' which is the subject of the sentence is just one reading.

Under Honourable Minister for Petroleum and Energy, the Honourable Speaker reminded members that the Joint Committee 'on' the Public Enterprises, and Environment and Sustainable Development. Instead of 'on', it should have been "of".

Page 19, the second line, the "d" in the bracket (Question Proposed, Put and Agreed to 'd') should be removed since there is no need of it. Have you seen that?

Page 20, the first line, it says the Deputy "Major" which should be "Majority" and the "d" in the bracket (question, put and agreed to 'd') should be deleted.

Page 21, the Assembly 'stood adjourned' not 'stands adjourned'.

[Question proposed, Put and Agreed to]

*[That the Record of Votes and Proceedings of the National Assembly
Sitting of Monday 22nd March 2021 be approved with amendments]*

THE SPEAKER: Honourable Members, at this juncture, I would like to invoke Standing Order 14(3) to vary the order of business and allow the Select Committee on Education, Training and ICT to table their report. Thank you.

3. LAYING OF PAPERS AND REPORTS

Report of the Select Committee on Education, Training and ICT on the National Accreditation and Quality Assurance Authority (NAAQA) Bill, 2020 [By: Honourable Vice Chairperson of the Committee].

THE SPEAKER: Thank you, Clerk. Honourable Members would recall that the motion of the second reading of the bill entitled National Accreditation and Quality Assurance Authority (NAQAA) Bill, 2020 was moved by the Honourable Minister of Higher Education, Research, Science and Technology on Monday 30th November 2020. The motion was seconded and debated on the general merits and principles of the bill. Accordingly, the bill was referred to the Assembly Business Committee for comital to the Committee of the said bill. Consequently, the Select Committee on Education, Training and ICT was tasked to scrutinize the bill and report back to the plenary. Today, the Committee is scheduled to table the report before the Assembly. Once the report is tabled, debated and adopted, the next is consideration stage which would be scheduled accordingly. Therefore, I will now invite the Honourable Vice Chairperson of the Select Committee on Education, Training and ICT to table the Committee's report.

HON. ALHAGIE MBOW [UPPER SALOUM]: Thank you very much, Honourable Speaker. I rise to present the report of our committee which is the Select Committee on Education, Training, and ICT on the National Accreditation and Quality Assurance Authority (NAQAA) Bill, 2020 that was referred to us.

Introduction

This report presents the outcome of the consideration of the National Accreditation and Quality Assurance Authority (NAQAA) Bill, 2020 by the Select Committee on Education, Training, and ICT. It may be recalled that the plenary during the 4th Ordinary Session of the National

Assembly in the 2020 Legislative Year committed or mandated the Select Committee to review and scrutinize the said Bill and report back to the Assembly. While exercising such mandate, the committee relied on Section 101(5) of the 1997 Constitution of The Gambia as well as Order 68(2) of the Standing Orders of the National Assembly for guidance.

Methodology

Page 1, since Order 66(1)(b) of the Standing Orders of the National Assembly requires a committee to engage in a detailed investigation when considering a bill at the committee stage, the Select Committee called witnesses from identified institutions and organizations. The methods employed during the review of the bill include reviewing of the parent Act which is the NAQAA Act 2013, gathering evidence through analysis of the bill itself, and making external consultations with the relevant stakeholders.

Acknowledgement

On page 2, the Members of the Select Committee on Education, Training, and ICT wishes to acknowledge the positive response and contributions of all the stakeholder institutions, from government to non-governmental institutions, who were invited to participate in the consultations via position papers and presentations reflecting their views and recommendations had really enriched the exercise and its outcome.

The Committee wishes to specially mention the Permanent Secretary and the team from MOHERST, Director General and team from NAQAA, Director General and team from MDI, Director General and team from

GTTI, the Principal of Gambia College, and representative from the TVET institutions amongst others who have been very instrumental and have shown personal interest during the consultations.

Also, the Committee wishes to express its undiluted appreciation to the office of the Clerk for providing the efficient support staff and logistics which enabled it carry out these important functions assigned to it by the Assembly.

Page 5, the interpretation section, if we were together during the consultations, we would have realized that there are certain phrases used in the bill which were never interpreted. This interpretation came as a result of the consultations with the Ministry itself and also the Solicitor General who were able to define these to be added in the interpretation section. I do not need to go through all the words or phrases that were not defined in the bill. They have suggested for them to be interpreted to avoid any confusion. So, the words from pages 5 and 7 on top need to be interpreted in the bill.

Part 2, the establishment of the Authority and its Governing Council, the committee noted the observations made by stakeholders during the consultations and wishes to submit our recommendations as follows.

On Clause 5(2), the word 'Minister' be replaced with 'President' as dictated by the 1997 Constitution in Section 175(2) which reads: "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 amongst persons of integrity, competence and maturity of judgement. 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". The Bill gives the power to the 'Minister' which contravenes the Constitution, so we as a committee recommend for that to be changed.

On Clause 5(3)(f), the number of people to be reduced and two (2) of those should have special knowledge and experience in matters relating to tertiary and higher education. This particular clause is really vague, so we want it to be very specific at least.

Clause 5(3)(G) should now read as 'A representative from the private and public sectors' because if you go to the main Bill, it is not very clear. So, we deem it very important to be specific in the Bill.

Also, we recommend the insertion of two (2) new clauses which would be Clause 5(3)(I) 'a representative from MoBSE', and Clause 5(3)(I) 'a representative from GCCI' because NAQAA has direct feed from MoBSE about some of the institutions they are mandated to oversee. So, we thought it very important to have MoBSE on the board hence the reason for recommending the addition of the aforesaid clauses.

Also, on page 8, we recommend MoBSE to be on board though. However, some members are of the view that since MoBSE is also a player in the industry, it must not be involved otherwise it would be like a judge and jury at the same time. Nonetheless, the majority carries the vote in parliamentary procedures here. It was a very controversial clause, but the majority agreed for MoBSE to be on the board at the end.

Clause 5(4), we recommend to insert the words 'finance of the authority' because the nomenclature at NAQAA itself has an additional clause that says finance. The clause itself says 'The Director of Administration shall be the secretary to the council', but NAQAA has suggested it to be 'Director of Administration and Finance', so NAQAA wants us to add the word '**finance**' to march with what they have.

Clause 6(h), this sub-clause seems to be very restrictive in pointing to the British system. We recommend it to be read as 'ensure that all academic programs in The Gambia shall follow the Minimum Standard set by the Authority'. Clause 6(h) says "ensure that all academic programs in The Gambia shall follow the British system of education". So, the committee saw the need to change that to The Gambian standard instead of any other kind of system.

On Clause 10, Remuneration of Members of the Council, 'The members of the council shall be paid such remuneration or allowances as the Minister may determine' which I think is very standard as in some other Bills we have.

Clause 13, Annual Estimates, the number of months required for the Chief Executive Officer to submit estimates for the following year should be reduced to at least three months. The recommendation in the Bill was just too much, so we want it to be in conformity with the other Acts enacted by the Assembly.

Clause 14(3), we also recommend the clause to be read as "The council shall ensure that within 3 months of the current financial year, a statement of account is prepared irrespective of the preceding financial year and submitted to the Auditor General for audit". Again, we are

cognizant of the 1997 Constitution and also the state on enterprises to ensure that there is conformity.

Still on page 8, Clause 16(3)(a), the 2 months should be increased to three 3 months and it is in conformity with Clause 16(3)(a) and (b). All these should be expunged as NAQAA has no business in how institutions spend their money since they are not subvented by the government. The submission of this information should be to The Gambia Revenue Authority (GRA) and not to any other authority. Again, to give a brief background of that particular section which is 16(4)(a) is saying "The report shall include statement of income, sources of income and application of the monies of the university or the institutions". The committee held the view that NAQAA is just a regulatory body and has nothing to do with the financial standing of the other institutions which instead should be the responsibility of the Gambia Revenue Authority as it is mandated to ensure that institutions are fined and pay their taxes on time. So, we think that NAQAA should stick to regulating the industry.

Establishment, Accreditation, Supervision and Closure of Higher Education Institutions

On Page 9 which is Part 4, Clause 20(4) should be amended to read as "All prospective private higher education institutions shall pay to the Authority through a special account at the Central Bank of The Gambia a refundable fee in Gambian Dalasi the equivalent of \$300,000", and Clause 20(5), "All prospective private non-degree awarding tertiary institutions offering programmes up to Higher National Diploma level shall pay to the Authority through a special account at the Central Bank

a refundable fee of five thousand dollars (\$5,000) in Gambian Dalasi equivalent.

Then Clause 20(6) should be read as "All prospective private vocational/skills training centres offering certificate level programmes only shall pay to the Authority through a special account at the Central Bank of the Gambia a refundable fee in Gambian dalasi the equivalent of \$50,000 for non-Gambians and \$5,000 for institutions fully owned by Gambians". Public institutions such as GTTI, MDI etc should be exempted from paying this fee. Also, we have realized that the letter "t" is missing in the word authority and this should also be inserted.

Clause 20(7), on page 9, the non-refundable fee of \$50,000 should be reduced to \$5,000 and should be refundable as well. From our consultations, the rationale behind these charges is as a result of some issues with institutions that are closed, and then need to have funding to refund students who have already paid fees, but they have realized that the Minister can perhaps give us more details about some of the institutions we have.

On page 10, Clause 20(9) should now be read as "All prospective private financial tertiary and higher education institutions shall be subjected to security clearance in accordance with the said procedures of the Authority". Again, letter "t" is missing in the word authority.

Clause 20(10) reads, "The Authority shall utilize the refundable deposit to ensure smooth transitional operations of the university/institution, in case the university/institution went bankrupt or serve with close order". We are saying that this particular clause is new because it was never clear in the Bill. Institutions are asked to pay a deposit at the Central

Bank in case something happens, but how will the fund be utilized? So, we agreed among ourselves to insert a new clause that will tell the Authority exactly how that fund should be utilized and it cannot be utilized in any other way except what is in the Bill.

Clause 20(11) is also a new insertion and we want it to be read as "At least 50% of the shares of all private institutions shall be owned by Gambians".

Clause 20(12) should be read as "All prospective private institutions shall show evidence of financial viability to operate a tertiary or higher educational institution".

We recommend to increase the number of years of issuing authorization letter from 2years to 3years, so Clause 21(3), should now read as, "The number of years for a letter of interim authorization shall be valued for not more than three years during which the holder may only ..." then we inserted 3(d) to read, "pay the prescribed non-refundable deposit to the Authority". And then 3(e) which follows that should also be read as "do such other things that may enable the proposed private university or institution to fulfilled the minimum established standards".

Clause 22(1), the word "of" in between the words 'University' and 'institution' should be replaced with "or".

Clause 22(5), we recommend that the Minister may upon receipt of the Authority's findings and recommendations approve the issuance of professional license. That was never in the Bill, but we recommend for it to be there. At least the Minister should have the authority to approve.

Clause 24 (2) is amended as "A private institution of higher learning shall after seven years of affiliation and under the provisional license submit to the Authority a detail report".

On page 11, the heading of Clause 25 is amended as "Application for a Full Registration". This recommendation came from NAQAA itself and the Ministry because the heading of that particular session was not properly captured and it should now be read Application for a Full Registrations.

Still on page 11, Clause 26(2) should be amended to indicate 5 years, and the entire Sub-clauses of Clause 27 should be amended as;

- 1) If the Authority is satisfied with the progress of a university or an institution in term of a designed implementation and maintenance of its academic and administrative system in relation to its programme, the authority shall establish an Inspection Committee.
- 2) The Inspection Committee shall ascertain the veracity of the report submitted by applicant for an accreditation of its programmes and within three months from the date of the receipt of the applicant's report for programme accreditation, the applicant should submit to the Authority its funding and recommendation on the programmes.
- 3) The Authority may be dissatisfied with (a) report of the Inspection Committee regarding the programmes of the private university or institution; (b) the adequacy of human, physical, financial and other resources of the university or institution in running its programmes; and (c) another relevant matter to be accredited to the programmes of the university or institution.

Page 12, Clause 32 is amended to read as "A private university or institution may appoint such person as officer of the university or institution as it may determine whose position and functions shall be in accordance with the university or institution regulation to be approved by the Authority".

Then Clause 36, the title of the clause should now read: "Application for a Full Registration and Accreditation License". Again, this was suggested by the Ministry and NAQAA because the former was not the correct heading of this particular clause.

Clause 41, the word 'tertiary' to be included in the nomenclature, 'account and audit of private institution'. The wording of that particular clause was not completed, so they recommended 'tertiary' to be added.

On page 12, Clause 47(2) Miscellaneous Provision that is application for change of name. The Clause should now read, "The Authority shall publish the application for a change of name in at least three newspapers and it shall be gazetted".

Clause 47(4), 'the governing council' should be replaced with the word "Minister" and under Clause 48(2)(c), the minimum and maximum number of students to be enrolled should not be imposed on institutions. This sub clause should be expunged. The rationale being the institutions have different class sizes, so it is going to be difficult for the Authority to ask any institution to take a particular number.

On Clause 53, the number of days for an agreed person to file a complaint be increased. The committee found the ordinary 30 days too short and therefore recommend it to be increased to 60 days to give

time so that the agreed person can file a complaint or appeal to the governing council.

Clause 54 should now read: "The Council, in consultation with the Minister, may make regulations for the better carrying into effect of the provisions of this Act".

Clause 56(1)(h) should be amended to read as "Provides information in relation to registration and operations for which that person knows is false or does not have a reason to believe to be true commits an offence and is liable on summary conviction to a fine of not less than one hundred thousand dalasi or to a term of imprisonment of not more than two years or both".

Also, we realised that the numbering in the table of content has some issues, so we recommend that to be corrected. Still On page 13, following the fulfilment of the engagements and consultations with relevant stakeholders and having adequately captured the submissions, opinions and recommendations of experts from these stakeholder institutions, the committee hereby recommends that the bill be passed with the stated amendments. Thank you.

HON. OUSMAN TOURAY [SABACH SANJAL]: Thank you very much, Honourable Speaker. I rise to second the motion. I do not have much to say because I am part of the committee. Actually, this exactly reflects our domination. So, I wish to support and ask the Honourable Members to also do the same thing. Thank you.

[Question proposed]

THE SPEAKER: Any Honourable Member who wants to take part may do so by raising his or her constituency tag.

HON. BAKARY CAMARA [KIANG CENTRAL]: Thank you very much, Honourable Speaker, for giving me the floor. I think the attempt to show effective functioning of our institutions of higher learning is very essential. We have seen a lot of institutions being established in the area of technical and higher education.

Honourable Speaker, the report is very timely and accurate. I really like the area where it says 50% of owners being Gambians. We have seen institutions where the proprietor is the sole signatory to the institution's account. So, having Gambians as stakeholders of the institutions is really a step in the right direction.

In addition, for all prospective institutions to show evidence of financial viability to operate a tertiary institution is very important. I urge other Ministries to please follow suit to monitor all the institutions that are under their purview. For example, there is no law that regulate the people who are providing housing estate or the housing agents. I have been calling on the ministries concerned to have a law in place that will regulate these people, but to no avail. So, if there is a law in place to make sure that institutions are financially strong, in an event there is a problem, the institutions will settle the dues. These are some of the challenges we have, so the committee's recommendations of the institutions being financially independent and have sufficient amount of money in their account will certainly help them work effectively. In the

event of any problem in the future, they will not entirely depend on Government but the intuitions will settle the problems.

So, this Bill is timely and I urge Honourable Members to please give their blessings and pass it because it ensures that our high learning institutions deliver effectively. In the presence of proper monitoring, we are assured that the institutions will deliver effectively and once that is done, we are assured of quality education.

On that note, I thank the Honourable Speaker for giving me the floor.

THE SPEAKER: Thank you Honourable Member. We now have Honourable Member for Jarra West.

HON. KAJALI FOFANA [JARRA WEST]: Thank you, Honourable Speaker. I thank the Vice Chairman and the entire membership of the committee for coming up with a very comprehensive report. I wanted to know what is actually the recommendation of the committee when there is a reservation about the representation of NAVSTI in the committee and whether the institution itself will accept whatever recommendations you might have because it is very clear that one cannot be a judge and a jury at the same time. In other words, you cannot be implementing at the same time doing oversight, so what were the agreements you had on that issue?

Also, there are so many things inserted in the Bill, are you in touch with them regarding the new insertions, or was it somehow difficult for them to accept or whether it will also compromise their implementation?

Finally, Clause 27 has completely been amended, what did you learn from their reactions and what impact they say would that have on the implementation of this policy? Thank you very much.

THE SPEAKER: Thank you Honourable Member for Jarra West. Honourable Member for Central Baddibu the floor is yours.

HON. SULAYMAN SAHO [CENTRAL BADDIBU]: Thank you, Honourable Speaker. I would like to thank the mover and the entire committee for the effort done on this important Bill. Honourable Speaker, education is the bedrock of the society. The yardstick to measure a country's development is the quality of education that country possesses, and I believe having this Bill in place is tempting our educational institution and promoting education. Honourable Speaker, we have been saying in the past, every Sulayman, Fanta or Deja opens a higher educational institution or a school, but there are no control. In as much as we want education, it must be of quality and one that would better the livelihood of citizens and promote economic growth as well as sustainable development.

Honourable Speaker, institutions should not be established to rob our poor people, in the sense that parents would pay high sum of money at the end of the day quality is compromised. Such a Bill is geared towards building confidence in the parents that the products of these institutions will be able to beneficially serve the society in the near future.

Honourable Speaker, the involvement of the private and public sectors is a right step in the right direction because we cannot walk in isolation and these are critical players as far as education is concerned. So, having representatives from GCCI and MoBSE as highlighted by the mover is welcoming and this is going to promote partnership among the institutions as far as promoting quality is concerned.

Also, the report dealt with the financial aspect which shows that there will be commitment at the end of the day because once the institutions are not financially committed, they will not deliver as expected. There is one observation I want to make on clause 20. I do not understand what you mean by the language "All prospective private higher education institutions shall pay to the Authority through a special account at the Central Bank of The Gambia a refundable fee of \$300,000 in Gambian dalasi equivalent". I need clarification from the mover so as to understand the intended meaning.

Moreover, what do you mean by 'Application for a Full Registration License' in Clause 25? Do we have half registration somewhere? So, I want to be enlightened about that one too.

I quite agree with the provision of Clause 48(2)(c) that the minimum and the maximum number of students to be enrolled should not be imposed on institutions, but the number of students per class should be monitored very well because a lecturer or the teacher cannot effectively and efficiently manage a classroom of 60 students. Even if it were not in the Bill, class size must not be lost on us. It is good that we monitor the number of students in a class as it would be very difficult for effective learning to take place in large class sizes.

Honourable Speaker, I do not doubt that this Bill will promote quality education and monitoring of our institutions of learning. I, therefore, give my blessings to the Bill and I believe we will make some adjustments in some areas at committee stage. Thank you.

HON. SAIKOU MARONG [LATRIKUNDA SABIJI]: Thank you, Honourable Speaker, for giving me the opportunity. Let me also join my colleagues to thank the Select Committee on Education, Training and ICT for the report on this very important Bill that was referred to them.

Honourable Speaker, I will start my intervention with Clause 20(4) where the committee said this clause should be amended to all prospective private higher education institutions to pay to the Authority through a special account at the Central Bank as earlier asked by Honourable Member for Central Baddibu, I want further explanation on this.

Furthermore, I want the committee to explain Clause 20(6) which states, 'All prospective private vocational/skills training centres offering certificate level programmes only shall pay the Authority through a special account at the Central Bank of The Gambia ...'.

Honourable Speaker, going further I think referring this Bill to the committee is for them to thoroughly scrutinise it and then report to the plenary. This is not approved at the committee level but at the plenary. This is the reason why they should prepare a report, present it and then we debate on their findings and approve it, So, we received this report just today and you expect us to understand everything, debate on it,

and approve it. This is not ideal at all. What I am trying to say is that the committee had enough time to go over the Bill, so the plenary also needs time because we have many reports before us today to debate on, approve and then just pass them. The purpose of bringing these reports to the plenary is not just to approve them but to scrutinise them. We are to add our inputs for possible adjustments to make them effective and efficient.

So, I think going forward we should have the reports 24 hours before they are being laid before the Assembly. You cannot just give us 5 or 6 reports, and expect us to debate on and pass them. This is not the only report but, there are other reports too. I think that is not fair because we need to have enough time to look at some of these reports if not an informed decision will not be taken and we will be blamed. So, I am appealing to the committees and also their clerks to provide the reports at least 24 hours before they are laid. Thank you.

HON. OUSMAN SILLAH [BANJUL NORTH]: Thank you very much, Honourable speaker. I want to join my colleagues to also add my voice to this long overdue bill as you know tertiary education is very critical in the development of any country. Also, I want to join the previous speaker to say that we need time as we got the report just this morning although we will articulate on the principles of the bill in detail at committee stage. Notwithstanding, it would be very useful if we had it earlier so that our interventions would be enriched by going through the report.

Honourable Speaker, we need to commend the committee for the time taken to review the bill and to engage with MoSBE. A country classified as developing needs to grease the wheels of development process and that cannot take place in the absence of education. This Bill before us is about creating institutions to impart the necessary technical skills in to preparing the country's work force to help propel development.

Page 8 of the report is talking about expunging Clause 16(4) (a) and (b), and the contention of the committee is that NAQAA has no business to enquire about the source of funding of non-subvented institutions. I agree with that entirely, but I propose that it is important for NAQAA to monitor how those institutions are managed. So, we can include as a requirement for all those institutions to be providing their annual audited accounts to NAQAA. Well, NAQAA's task is to regulate these institutions whose financial statuses have bearing with the training they offer. It is important for the state regulator to know as to how resources have been expended. I would want to recommend that since government is not providing financial support, it should not be an obligation such on institutions to tell government how they get their funding to some extent. At committee stage, I would want the National Assembly to consider making it as a requirement for these institutions to provide activity and financial reports to NAQAA just for the purpose of informing them about their activity and their financial operations.

On page 9, Clause 20(6) indicates that all prospective private vocational/skills training centres offering certificate level programmes shall pay to the Authority through a special account at the Central Bank of the Gambia a non-refundable fee in Gambian dalasi the equivalent of

\$50,000 for non-Gambians and \$5,000 for institutions fully owned by Gambians, but there is the caveat that every institution should be exempted from paying this fee. I am not sure whether the committee can enforce this because some institutions are coming up and are non-profit making community-based initiatives trying complement what government is doing. They are trying to have memorandum of understanding with the Ministries of Basic & Secondary Education and Higher Education to be annexed. For instance, Banjul used to have technical extension of GTTI which had been very useful for not only the young people in Banjul but also in the Kombos, but because of the extension of the ports, it ceased operations. Banjul has one formal technical training school which is just beside us here, but it is not as comprehensive as one would expect and it is gender bias. We need a more comprehensive one that will cater for both males and females. So, is it possible to also exempt such non-profit making community-based initiative that have standing arrangements with the Government? Let us just ensure that they complement what the public sector is doing, so I want the committee to consider that and of course at committee stage we can talk about it. Basically, these are the issues I was able to pick up when the Vice Chair of the committee was presenting the report.

On page 13, Clause 56(1)(h) should be amended to say that any person who provides false information in relation to registration and operation commits an offence liable to a fine of not less than D100,000 or imprisonment of not more than 2 years. If the lack of disclosure of information constitutes a fundamental issue in terms of the operations, there should be a possibility of trial or closure of the institution. Of Course, the beneficiaries are going to suffer but if allowed to operate

and has no value for money, closure of the institution would be an option.

The committee had presented something that we can really work on to improve the Bill at committee stage. The Assembly should support the Bill to pass through as it is long overdue. On that note, thank you, Honourable Speaker.

HON. LAMIN J. SANNEH [BRIKAMA SOUTH]: Thank you very much, Honourable Speaker. The report before us is noncontroversial, and I believe the entire Assembly will support the bill.

First of all, I want to thank the Minister for his foresight as this bill seeks to address the gaps in our educational sector, especially at the tertiary level, and the value for money is always guaranteed. Also, I thank the committee for their efforts through the Vice Chairperson who presented the report. Anyway, I have very few debating points as far as this particular report is concern. I am very much fascinated by the methodology they applied, especially the methodology review of the Parent Act. I think that is a brilliant idea looking into the Act to see whether the laws there conform to the current realities. The report suggests that once the bill comes into force, it will replace the Parent Act of 2013 which was enacted almost eight years ago. From my own understanding, it should have given us another way of thinking because we have a lot of committees and ministries with Acts of more than 30 years and laws that do not conform to the realities or even impossible to implement them. I think we need to consider the issue of reviewing almost all the Acts very seriously from the ministerial level to our committee level.

Honourable Speaker, I just want some clarifications on Clause 24 regarding the figures because it says that all perspective private higher education institutions shall pay to the Authority through a special account at the Central Bank of the Gambia a non-refundable fee of the equivalent in dalasi of \$300,000. So, I do not know whether this is typographical error or not because the figure is 300,000 US dollar and the same in dalasi.

Honourable Speaker, we now move on to Clause 26 which reads, "All prospective private vocational/skills training centres offering certificate level programmes only shall pay to the Authority through a special account at the Central Bank of The Gambia a non-refundable fee in Gambian dalasi the equivalent of \$50,000 for non-Gambians and \$5,000 for institutions fully owned by Gambians". I am very much happy to have seen this particular clause, especially in the area of ICT in tertiary education. We have a lot of people, particularly foreigners, venturing into this just to make money to the detriment of our people who pay higher fees, and sometimes they find it very difficult to afford and the certificates awarded cannot even earn somebody anything in this country. So, this is very important and I will definitely thank the committee for the foresight because the citizens need to be protected. We need such in all the sectors, more especially in our land, to deter people from duping Gambians and go off scot-free.

I am fully in support of this bill and I hope other committees will also review the existing Acts that are completely obsolete since we have laws that are not enforceable at the moment. Without wasting the time of the

Assembly, I once again thank the committee and the Minister for coming up with this particular bill. Thank you.

THE SPEAKER: Thank you. Honourable Member for Serrekunda the floor is yours.

HON. HALIFA SALLAH [SERREKUNDA]: Thank you very much, Honourable Speaker. I would have recommended the suspension of the debate and then schedule it because we were not informed that the report will be scheduled for today. Consequently, I doubt whether any member brought the bill itself that we are actually discussing but we are avoiding delay though we will have opportunity to look at it at the consideration stage. This helps us to avoid any further argument at the consideration stage. This is the time we should debate and make recommendations so that the committee will give further consideration to the concerns to make the necessary amendments in order for us to move very smoothly at the consideration stage. But, in this regard, we are being deprived of that opportunity after the work has been done by the committee as the committee is required by Standing Order 69 to look at the details, clause by clause, and that is what they have done. Looking at it, the bill starts with the short title, so I would imagine that there will be recommendation for change of the short title from 2020 to 2021. That will be essential because we are considering the bill in 2021.

Honourable Speaker, the bill is about National Accreditation and Quality Assurance, and it seeks to establish an authority to ensure that National

Accreditation and Quality Assurance regulate standards in our institutions of higher learning. To have that, quality assurance standards must be established which will require institutions to adhere to and those who aim to get license to first show proof that they are capable of adhering to those standards. The key elements of the Act itself are to establish standards and to ensure their adherence.

Honourable Speaker, I have seen the issue of interpretation on page 5. The committee informs us that after thorough consultation with stakeholders, they strongly recommend that the following words and/or phrases as defined be added to the interpretation section of the bill. So, the interpretation section should not embody the terms that are indicated by the committee. One thing I would like the committee to explain is the issue of consultation with the University of The Gambia because I have looked at the list of witnesses but I have not seen the University of The Gambia mentioned anywhere. Is this a deliberate action or is it that they are not relevant in the consultative process? However, I have seen the terms they seek to properly interpret. For instance, 'chartered status' means a status attain by an institution to confer degrees through an Act of the Assembly. I believe the more we move towards Acts to establish such status the better.

Now moving to the definition of 'higher education institution' that includes university, college, or institute offering degree and may offer non-degree programmes be it academic or professional. I think it is professional in nature but the word "in" is not properly suited there, so it is likely to be removed. We have also come across in the bill matter of interim authorization. Apparently, the first port of call to establish an

institution is to have a letter of interim authorization then one will be given a provisional status and eventually a full status based on certain criteria, time and also quality performance. So, the 'letter of interim authorization' is defined. I would accept that it ought to be defined since it is in the body of the intended Act. Also, the word 'university' is defined and it means "a higher education institution designed for offering advanced educational and training programmes in several fields of learning and conferring degrees in various faculties or schools or colleges". A university should be constituted by a minimum of three faculties or schools or colleges and each of which should comprise a minimum of three academic departments. Clearly, the number of students becomes important for each of the categories that will be established. So, if we said there is a minimum in terms of the numbers of schools and faculties and departments related to those schools and faculties then there must be an actual anticipated number of students that would possibly be enrolled in such institutions. So, somehow, I do not know whether the consultation was extended to that level or not, but it is somewhat relevant to establish what is currently in existence, and what is the anticipated size of this university. I will not get you into that but when we go through the text itself, we have seen the definitions of college, university, academic institute, polytechnic, monotechnic, the tutoring centre etc. Well, I want to know whether this was done in consultation with the mover and have they agreed to the recommendations being made or not. Actually, if that has not been done, we still listen to the mover in the presentation then from there, we will be able to see how to move on at the consideration level

because this is a matter that would require full consultation and agreement with the mover so that we move to the actual definition.

Honourable Speaker, we have looked at the issue of the board of directors and it is more the concept of the governing council which is the authority. Clearly, the committee is right that Section 175 of the Constitution does provide for consultation with the President.

Moving further, they have looked at those who comprise the institution itself. Is this going to be institutional representation? Again, we are talking about quality, professionalism, and academic qualification to be able to determine standard. Here, the emphasis should be more on the persons and their capabilities in exercising that judgement to ensure that the standards established are of the higher standards and evidence based. At the same time, they have the competence to be able to guide and be eventually sent for inspection to provide information for the guidance of approving authority. Eventually, licenses for accreditation and registration are issued. We look at it as the committee recommends and we have seen a dissenting voice in terms of institutional representation. I believed we should take that into consideration with the guidance of the committee at the consideration stage because the governing authority is really the key to quality assurance. If we failed that, we have failed entirely. So, it is important that the committee guide us based on the information gained through its consultation to ensure that the composition is spot on.

Also, the committee moved into the issue of finance on page 8 for the Gambia Revenue Authority to be responsible. We still need to be more convinced because this constitutes the corner stone of the sustainability

of institutions. So, if institutions do not have the financial remittance, especially if they are private institutions, how will they provide the learning materials, the facilities, and the laboratory equipment, and how will they sustain the institution? So, it means that if quality is to be assured, at least standard must be established in terms of the learning materials, the facilities, and the laboratory equipment, so the institution should have all that is linked to finance. No institution will be able to provide any service without financial ability. So, we need to be more convinced so that we dissociate the financial aspect from National Accreditation and Quality Assurance. We have also taken note of the committee's consideration of Clause 14. I do not have the bill, so I am just relying on what the committee has said, "the council shall ensure that within three (3) months of the current financial year". Well, I believed the language should have been 'within three (3) months of the end of the financial year a statement of account is prepared in respect to the preceding financial year and submit to the Auditor General'. In doing so, we will be able to point out the language in the Public Enterprise Act that shows exactly what should be done. It is indeed a public enterprise because it is entirely owned by the government. In that regard, it should be with a change of context in terms of the language.

I think we need to look at the issue of size properly to see whether we should delete completely as proposed or consider it based on certain requirements.

The issue of regulation is the last part of my intervention, and I am sure the other things will be clarified to us by the members. What I see is the need for licenses by the Ministry. Looking at Clause 21, it talks about

Letter of Interim Authorization which shall be valid for not more than three (3) years during which the holder will carry out the responsibilities that must be in order. I have also seen in the establishment of the licenses that there are provisional licenses under Clause 22 where the Minister after finding some recommendations shall issue a provisional license. Clause 24 talks about the license given to the private institutions of higher learning that they shall after seven (7) years of affiliation and under provisional license submit to the Authority a detailed analytical report, and then from there could apply for school registration license. It is like graduation from one phase to the other. Apparently, your recommendation should be done within several years. In your submission, it is important to give us some background as to how that is the best standard so that, at least, we accept the recommendation that you are making. We will also be able to understand the consultation that are taking place regarding the number of years. We have also seen a shift from two (2) years to three (3) years which I think could be better understood if they are informed, but it is here that it matters in terms of regulation. My final contribution is on Clause 54 which states that the council in consultation with the Minister may make regulation for better implementation of the provision of this Act. Is it better for the Minister to make the regulation or for the council to make the regulation? I need to be informed properly in terms of your consultation because generally it is usually the Minister that holds that portfolio, and then the council makes the recommendation for the Minister to make the regulation. It becomes a subsidiary legislation. Essentially, the Minister under the Constitution is accountable not only to the Executive but also to the National Assembly. I have been told that I need to refer to the relevant

Section of the Constitution. So, it becomes very clear that Ministers are accountable to the National Assembly and by virtue of that fact, Section 100(8) allows this National Assembly to give the Minister the power of making subsidiary legislation to properly implement the provision. In that regard, the Minister can be called to the National Assembly regarding how these regulations are put into force and question about them. If we see that they are varied from what is intended by the Act, clearly, the National Assembly has all the powers to tell the Minister to go and look at the regulations again. We may come up with a Private Member Bill to deal with some other issues. So, the National Assembly is not helpless or powerless, it has all the powers to carry out its oversight responsibility, and we must continue to exercise such authority in the interest of the Nation. Thank you.

HON. SUWAIBOU TOURAY [WULI EAST]: Thank you, Honourable Speaker. I have given my blessing to this bill when it was first introduced because of its importance. Now that the report is here, despite the time constraint, we will still look at it. I just have few clauses to comment on. One is Clause 48(2)(c) where it says in the report that the maximum number of students to be enrolled should not be imposed on institutions.

Honourable Speaker, I believe the bill is to regulate, monitor or ensure quality education, and if we are going to assure the population quality education, we need to control certain things since it is meant to provide guidance to the process.

Madam Speaker, if the number of students to be enrolled is not controlled, I believe institutions can easily inflate the number of students which can to some extent defy the objectives of the bill itself. I am not very much worried about the minimum, but I believe the maximum needs to be stipulated somehow to ensure that institutions do not go beyond the demand. As it has been said by the Member for Central Baddibu that too many students overcrowded in the classroom can create deficit in learning.

Also, on Clause 26 where it is talking about refundable fee of 50,000 dollars for non-Gambians and non-refundable fee of 5,000 dollars for Gambians or its equivalent. I have a problem with that. I believe we should encourage Gambians more to be able to establish institutions. It appears to me that this non-refundable fee for Gambians even though the amount may appear small, it could discourage Gambians from establishing institutions since they are not going to be refunded. Even though, the amount for the non-Gambians which is something like 2.5 million is high, it is refundable but for the Gambians, from my own observation is not refundable despite the small amount compared to the non-Gambians. So, we need to look at that to ensure it does not actually discourage our own citizens from venturing into this area. Honourable Speaker, I agreed on 50 dollars to 5,000 dollars. The fact that it is not refundable can be discouraging.

Clause 54 which is talking about a fine of not less than 100 thousand dalasi or to a term of imprisonment of not more than two years. I am of the belief that giving long term jail sentence to heads of institutions can also have a negative impact on quality education because it will affect

those institutions. We need to be careful about that. So, I think we need to review the jail term. I would have at least suggested one year from the time the person has committed the crime rather than two years and D100,000 will have a negative impact on the institutions itself and thereby defeating the purpose of the bill.

On that note Honourable Speaker, I thank you.

HON. SAINY TOURAY [JARRA EAST]: Thank you very much, Honourable Speaker. I rise to throw my weight on the report of the Select Committee on Education, Training and ICT on the National Accreditation and Quality Assurance Authority Bill 2020.

Honourable Speaker, I am part of this committee and as a result, I will be quite laconic in my submission.

Honourable Speaker, first and foremost, the bill seeks to place our Higher Education infrastructure on a sound footing. With your indulgence, on page 27, part 4, Establishment, Accreditation, Supervision, and Closure of higher education institutions; Clause 20 reads: "All prospective private higher education institutions shall pay to the authority through a special account at the Central Bank of the Gambia, a non-refundable fee of the equivalent in Gambian dalasi of 300,000 US dollar". "All prospective private non degree awarding tertiary education institutions offering programmes up to higher national diploma level shall pay to the authority through a special account at the Central Bank of the Gambia, a non-refundable fee equivalent in Gambian dalasi of 150 US dollar". These measures are all geared towards

structuring our higher education infrastructure on a sound footing. With these arrangements in place, the higher education will be more structured, more organized and citizen friendly as well. Honourable Speaker, allow me to quote Benjamin Franklin "An investment in knowledge pays the best interest" and I think this bill is advocating for us to progress as a nation. We must be ready to invest massively in our education infrastructure. With investment, the sky is the limit. I believe this bill is out to help structure our higher education and put it on a sound pedestal.

Honourable Speaker, I want to thank profusely the Minister of Higher Education for having the foresight to bring this important bill before us, and the Vice Chair of our committee for a job well done. Thank you very much.

THE SPEAKER: Thank you very much, Honourable Member, for your contribution. Now, Honourable Member for Wuli West the floor is yours.

HON. SIDIA S. JATTA [WULI WEST]: Thank you very much. My contribution is going to be very brief. I think this bill is crucially important because it has come to regulate the quality of education that we are giving in our tertiary institutions. Currently, we have a problem, and I am not going to name any institution but there is a real problem right now. There is an institution which is about to die or in the process of dying and is very expensive. It is offering courses as a university and students have gone through it. Currently, some of the students who are

doing nursing there were supposed to go for internship in our health facilities. Initially, they were accepted but an instruction came to say that students from certain institution should not be accepted for internship anywhere in The Gambia, so they were all rejected. They are students who have done a year or two in that institution. In fact, what is more of a concern is those who are already graduated. They may not be awarded degrees because the quality of education given by that institution is in question. So, what would happen in this case?

As usual when you want to establish an institution, if you are asked to give a profile of your lecturers, you provide the names of the best professors and lecturers in the world but there is always nothing to prove that they are going to be part of that institution. Moreover, if the institution is established, they only stay there for just a very short period. Once it is set, they just disappear into the air. You do not see those lecturers again and the institution continues with the impression that they have such people there. This is exactly what is happening. So, this should stop. I was one of those who was querying these sums but eventually when the matter was explained to me, I was convinced that it should even be more than that.

Some universities/institutions give the impression that they have the human capital necessary to give the type of education to students which is far from the reality. So, that is why 300,000 US dollars required to be paid as registration fee is genuine especially if the institution ceases to operate, this deposited amount could be used to settle the rents that they are unable to pay during the period of operation and for all the expenses that are incurred by the students in their education in that

institution. Moreover, if false information is given about the University in the process of its establishment which is found to be untrue, a harsh punishment should be meted out against that institution.

Can you imagine having gone through a course in a particular institution for 4 years and has graduated, suddenly, instruction comes from somewhere to claim that your degree is not valid after you have spent lot of dollars. This is a big problem, and that is why these stringent measures are introduced. This money is nothing as far as I am concerned, the 100,000 and the two-year imprisonment is not harsh given the number of people who are currently suffering because they have graduated but their degrees are not recognised after spending lot of money. I know somebody whose internship was rejected because of the embargo on the university she attended.

So, Honourable Members, I think you should look at this very seriously because it is going to help us solve a huge problem. We have a very serious problem right now in the country because students have gone through courses in some institutions for four years but are not going to be given anything. It was also noticed that NAQAA was signing diploma, certificates given by some tertiary institutions which I raised an objection to because it is not under their purview since it is not in their Act. They saw it necessary to do that precisely because of what is prevailing, but for them to be able to do it, there must be a legal framework for it. Institutions are just giving them extraordinary job of signing all these certificates from tertiary institutions in The Gambia. That is a big job which is not their responsibility, but they are doing it because of the desire of those institutions to make their certificates

valid. So, the punishment you are complaining about is even small because 100,000 is nothing for such people. Can you imagine the thousands of Gambians who are suffering currently after having paid so much money which they are going to lose?

As far as I am concerned, I do not support the interim letter of authorization. I do believe that once you want to establish an institution, you first need to build or hire a structure. It takes time because you have to go and look for an ideal place for it. During the period of running the institution if you have proven that you have the human and material means to run tertiary institution, they give you a three-year authorization during which you are going to construct or hire a place. During the interim authorisation period, you are monitored, and if you prove that you can run a tertiary institution to the satisfaction of those who are monitoring you, they finally recommend you to be given a certificate to have an institution that is the process. I think the example that I am giving you proves that such thing is necessary.

Honourable Members, if you look at all the Upper Basic and Senior Secondary Schools in the country, members of the Education Committee can attest that now they have improved as opposed to before in 1997 to 2000 when there were lot of so-called Senior Secondary and Upper Basic Schools which leave much to be desired. Can you imagine a Senior Secondary School admitting students with aggregate 46 to 50 in a high school for grade 10? What type of student is that? They just want money.

Whoever can afford to pay what they are asking for, whatever aggregate you have does not matter to them. What matters is who have

the money to pay for the school fees in their schools. So, we should have another Quality Assurance Authority for that Sector of Education because they have committed crime. NAQAA is trying to take the education to another level. I could remember having an interface with them several times during which I was able to learn that they are trying as much as they can, but they are not empowered. They have given themselves a big job, signing all certificates for institutions. Can you imagine the number of students in each institution? They do not only sign but to make sure before signing they have to be sure that what is being signed is also correct and valid. Honourable Speaker, I think this is a very important Bill and somebody said is long overdue. If we know what is happening currently, honestly, we will give our blessing to the Bill without any hesitation. Thank you.

HON. DEMBO K.M. CAMARA [ILLIASSA]: Thank you very much, Honourable Speaker. Personally, I do not have much to say but I have certain recommendations and questions that I would like to put to the mover. Even though, government is giving them subvention, there should not be so much control so that at least they will be able to do their work very effectively.

On Page 13, the Member for Wuli West and Banjul North have spoken that Clause 56 should be amended to read "provided information in relation to institution's operation for which the person created offence is liable to be convicted and would pay a fine of not less than D100,000 or two years imprisonment". The fine should be D1,000,000 and the jail

sentence should be 7 years or above. That is my suggestion. Thank you very much.

THE SPEAKER: Thank you very much, Honourable Member for Illiassa. At this juncture I will now invite the Honourable Minister for Higher Education to respond to issues raised by Honourable Members during the debate. Honourable Minister the floor is yours.

HON. BADARA JOOF [MINISTER FOR HIGHER EDUCATION, RESEARCH, SCIENCE AND TECHNOLOGY]: Thank you, Honourable Speaker. Firstly, I would like to thank the Education Committee and the Deputy Chair for the work that they have put into the report as some members alluded to during the committee stage that the bill will be discussed extensively because it is a very important one.

When I took over the Ministry, NAQAA was my first port of call, especially when I realised that a thousand-dollar fee was paid to establish a university which is just the tuition fee of one person in some universities. It did not make sense to me and have proven that standards were being compromised as stated by the Member for Wuli West. We were facing a difficult situation because on two occasions, the Ministry took the decision to close a particular university and as he said, when you threaten closure of any institution, they will come in and start pleading with promise that they will be compliant.

Right now, we have that situation and that is why, I want to urge Honourable Members to maintain the non-refundable fees status. There

should be a non-refundable fee because such amount of money would be used to address the issues of the students and to deal with the relocation process if that institution ceases to operate where we move students to other universities and pay their tuition fees and all the settlements that we need to handle in addition to the pending salary arrears for lecturers. Right now, there is a school that has been closed and some of the lecturers have not been paid for six months and that is a very serious issue for us.

So, I think we should not allow that. The whole thing should be so watertight that you cannot take advantage of the system. In terms of Clause 53, I think the representative of the association of technical institutions on the NAQAA Board would be a conflict of interest because we already had one experience where somebody owned an institution and was put on the board. We found him there and it was tough and extremely difficult when it came to dealing with this institution because he influenced some board members to align with him. So, that is what we want to remove. As the Honourable Member for Serrekunda said, it should not be an institutional representation but an individual representation. That is somebody who has the knowledge, the professionalism to be able to assess the institutions professionally and academically. I have the NAQAA mandate not anybody. When you give institutions representation, they go and send one secretary to attend, and that person may not know anything about it. All that person could do is just to listen to the dialogue, receive his or her allowance and go away which is not the essence of this bill. The essence of the bill is to make sure that quality is assured as the nomenclature itself implies. People who assure quality should themselves be qualitative in terms of

the intellectual mastery of their profession and the mandate of the institution. So, I want to urge this august Assembly to make sure that it is competent people-based representation so that they can be able to do justice to the mandate of NAQAA.

I think the committee is recommending the minimum standard to be determined by the authority. Yes, the minimum standard will be determined by the Authority, but we are talking about the nature of the programme of studies, the curriculum in particular. I will give you an example, the UTG is following the American system, my son was reading economics, he came to me and started asking whether I have any idea of mandarin, I wondered what he was talking about because I do not know. He said a whole semester on mandarin does not make sense and it is a waste of time. The 9 hours spent on studying mandarin could have been spent in studying deeper economics rather than talking about studying Vietnamese, German or whatever as an elective. If you are studying elective, it should aid your major area. If you are doing economics and you are studying statistics as an elective, I can understand that. If you are doing engineering and you have additional Maths as an elective, I can understand that, but you cannot be doing engineering and then you go and study Mandarin or Serere, it does not make sense neither does it add value academically. That is what we are saying. In the British system, if you are BA Honours in politics, it is BA Honours in politics nothing else. You do not add anything else. You may add the aiding subjects like sociology to understand things, and you may also add psychology to understand the way the human being works because we are now going into politics and to be able to look at the mind-sets of people to convince them to put you into office. I can

understand that. That is why we recommended the British system because we are part of the Commonwealth. I also do not believe that the American system is substandard to the British. I am not saying that. I am just saying that the way it is structured here in this country needs to change so that we do not go off the academic lane that would cause other challenges.

Clause 16 which talks about the finances, I think the Member for Serrekunda touched on that and virtually everybody. It is extremely important, in fact, it acts as an early warning system for us. If NAQAA gets me the no way finances, after a year or two, we see that their finances are going down and could ultimately lead to the closure of the university or the non-payment of salaries, then NAQAA will act quickly. So, I think that is important for NAQAA.

On Clauses 24, 25, and 26, I argued that we maintain the \$300,000 if not more. When I went to cabinet, it was more than that. It was cabinet that brought it down to \$300,000. I think it was this Assembly that revised it downwards. Before, to establish an institution, you have to pay a non-refundable fee of 500,000 euros, so that we do not have brief case businesspeople who want to make it on us and go away. It was revised to 250,000 euros, and this is approximately the amount if you convert it to euros. I think we should maintain Clause 24 and 25(5). We should maintain the 150,000 for Gambians who are genuine and want to invest. Maybe this august Assembly can look at somewhere in the range of \$75,000. You might look at that but for us, it was \$150,000 flat across the board. If we want to give incentives to Gambians, we can make it half of the amount and maintain \$75,000. If you do not have it,

do not go into it that is the bottom line. You are dealing with human lives who are the future of the country. You can destroy anything else and perhaps repair it, but if you destroy the human mind is not reparable. The same goes for Clause 25, the committee reduce it to \$5,000 which is on the low side from \$50,000. If you want to reduce, look at the range of \$40,000 or so. My suggestion is not to reduce it, but you have the power to reduce it if you want to do so. I humbly recommend that we do not go beyond \$40,000 or \$35,000 at minimum. You have seen people who have attended skill centres with very nice certificates, but the content is virtually zero. The certificate is more attractive than the content when the person is put into performance test. So, we should bear that in mind. The whole idea is to have people who have the breath and the depth of knowledge and can perform in this country to make a difference. That is what we want to have. An entrepreneurial and enterprising citizenry who could easily employ themselves or be employed by the Public or Private Sector. That is what we need and that is what will turn around this country in terms of its development imperatives. If we do not have people with the right level of education, there will be no development.

In terms of some of the community skill centres, most of the time government would subvent either through giving them some teachers or giving them money and sometimes annex into Basic Cycle Schools so that they are part of it. So, those ones are not part of it, Mr. Chairman. They are exempted from this because the government has almost taken over that aspect.

I also agreed with the fines that is imposed, as I said you are dealing with human capital and if you compromise human capital, you cannot pay for it. I think the fines should have been higher than that but if the committee recommends that, then that is fine. In terms of student numbers, it is important for us to establish a minimum or maximum number of students in a class. Teacher or lecturer-student ratio is also important. If you have one lecturer to 50 people and some of them standing by the window, then forget about the quality. Then, there is academic knowledge redundancy in this. So, it is important that we have the minimum and maximum. If you do not have the minimum, then forget about sustainability. We saw that a skill centre in Janjanbureh had to close because they did not have the required numbers. So, at the start, the criteria are that you must have the necessary financial resources to be able to establish an institution and ensure that you are able to attract the required number of students because it is the number that brings about sustainability. There must be a minimum and maximum threshold. There is a red line which if you cross it, then quality is compromised. We have seen it in some schools which have started very well. I do not want to name them; everybody was rushing to go to those schools. They were high performing schools but, in the end, it was the profit motive that took over from the quality motive and those schools started sliding down in terms of performance. That scenario should be averted. So, I think NAQAA should have a say in the minimum and maximum standard.

Mr. Chairman, I think these are some of my observations unless Honourable Members have question for me or for the Chairperson. Thank you very much.

THE SPEAKER: Thank you, Honourable Minister of Higher Education. I now give the floor to the Vice Chair of the Committee to respond to the issues raised in the report.

HON. ALHAGIE MBOW [UPPER SALOUM]: Thank you very much, Honourable Speaker, Honourable Minister and all the Honourable Members that have made contributions on this report. The feedback really is going to help us do better next time.

The Minister has helped us answer some of the questions. So, I will touch on those that he did not mention. One of the Honourable Members did mention about the composition of the governing council like the representation from NAPSA. Their argument was that they understand the industry more than NAQAA, even though NAQAA is the one that is supervising them, and they want to be represented at the table. The board wants to put in something that is not doable or that will create lot of issues for them. There is at least somebody that can point out clearly that if you should do this, it is going to cause problem for us. But then, I also understand what some of the Members are saying that you cannot be a judge and a jury at the same time. We can look at these issues once we get on the floor here. So, whatever we think is better for the country, I think I would accept.

Now the other area that we talked about is Clause 27. The changes made were not from us, but from NAQAA themselves. They realize that there are some errors in this clause, and the Ministry was there, and they want us to change that particular area. There are some legal issues with it. I think they are with the Solicitor General and the Legal Counsel.

So, they recommend that the clause should be entirely changed. The Member also talked about the licenses, and I think the Member for Wuli West has clearly stated that. There are steps or stages through which institutions are licensed. When you have an intention to create a university or institution, you consult with NAQAA and they will give authority to start the process which also takes a lot of time in terms of building or putting together infrastructure, getting the required lecturers to be able to perform the duties. So, at any stage, NAQAA will be able to inspect and then give you advice on different stages until you fully meet all the requirements of NAQAA to be licensed. So, before full license is given, there are stages that we have to undertake and each of those stages NAQAA would be able to give you a provisional license to at least start something until you are completely compliant with all the requirements. Those are the stages that some of these institutions would have to go through. That is the reason why you have the provisional and full licences.

Now on Clause 42(c) which lot of people talked about is the minimum or maximum enrolment. We are not saying that there is no need to create a minimum or maximum classes, what we are suggesting is to contain it in a regulation because in most institutions, the classroom sizes are not the same. So, if you want to put the minimum or maximum number in to law knowing fully well that the classroom sizes are not the same, that will create problem. But it is important that we have it in a regulation so that when the inspector goes there to check on a particular classroom, they will be able to determine this classroom size which should not be more than 20, 30 or 40. That is what we are saying, but the lecturer to student ratio is also very important and we want NAQAA or the Ministry

to come up with that in a form of regulation and when they do inspections, they will know the standard classroom size. That is what we are saying but we fully agree that there is a need for the minimum or maximum number of students to be licensed.

The Member for Latrikunda Sabiji made explanation on Clause 20(4) where it says, "All prospective tertiary and higher institutions shall pay to the authority through a special account ...". I think the Minister was very clear with these things. Right now, somebody can just walk in here and then go and create a university in Makamasirreh. This is what they are trying to prevent from happening. They want to put steps in place just to ensure you meet the standard before you create such institutions otherwise it would have a direct impact on the education sector in the country in terms of capacities. To ensure that we have quality in our educational sector, a standard must be set. There had been problem in the way institutions were given licences. It was very clear that to create a hotel is even more difficult than to create a university in the country and I think that is a travesty and we need to look at it.

We also understand that the rationale behind the committee's stance that it must be non-refundable, is to ensure that when there is an issue with the university, at least NAQAA or the Ministry should be able to take that fund and then compensate the students or move them to another school for them to continue their education. But if it has to be refundable, all the liabilities of the institution must first be settled and if there is a balance, you take it and that is where the committee was coming from if you can understand. They are saying that if an institution operates and now wants to close, you do not owe anybody anything so

the money deposited in the first place must be refunded. We are taking cue from what is happening in the financial industry for example, if you want to create a bank, there is a particular amount of money that you have to deposit in Central Bank. Through that money, the Central Bank will allow you to use in your operations, then the balance which is called a credit reserve ratio will be left at the Central Bank in case something happens with the depositor's money, then the Central Bank will come in and use the fund. We were thinking along those lines. So, it is up to us when we come to the Committee of Supply, let us decide what we want to do but the rationale of the committee recommending for it to be made refundable is that, if you choose to close your institution after several years without owing anybody anything, your money will be given back. But, I can understand where the Minister is coming from, but we can talk about that when we get to the floor.

Now the Member for Banjul also mentioned something about 16(a) which is on Page 8. I think we should first talk about the laid report which is fine. We need to look at what we want to expunge from (a) and (b). As you know, NAQAA is going to be an oversight body to scrutinise institutions under their purview Just like PURA. They also have institutions or companies under them that they really scrutinise. Now the question is, should NAQAA be interested in how institutions utilize their money? As for us, they need to be empowered more in terms of facilities to be able to do inspections which is very important. Quality assurance has a direct corelation with set standard. Once you set a standard, there is need for you to be consistently and continuously going to those institutions to check whether they are in line with the standards that you have set for them. In as much as the financial viability is important to

set up, it is important that NAQAA be informed of the financial viability of the future operations of institutions to know how institutions spend their income. But, we think they should concentrate more on their oversight in terms of checking whether there is any deviations from the standard they have set or not, and that is what the committee recommends. Once we go to committee stage, we can decide what we want. But, when we think from a perspective of private individuals that have not taken any payment from the Government, and are creating their own funds to run their own institutions, it should not be the business of NAQAA to look into where they spend their funds. NAQAA should concentrate on their core competencies in terms of ensuring quality education in the country. That is the standpoint of the committee but we can also agree to disagree when we get to the floor.

For community institutions, I do not need to mention that. The Minister was very clear on those areas. The Member for Brikama South also mentioned that the Act is very good.

I quite agree with the Member who talked about the fact that representation must not be institutional but individual who knows and has the capacity to make a difference in those boards. As an Assembly, that is where we really need to focus on especially when we are dealing with board of governors or councils. This is to ensure that we have the right people in the right places to make a positive difference in those institutions.

The other area was about the Minister making the regulations. Traditionally, the Minister makes the regulation. The committee is not saying that Ministers do not do that, but we are just trying to be more

innovative by saying that the council will make the regulation in consultation with the Minister. So, that is up to us to continue the tradition where the Minister is given powers to make regulations. We do not have a problem with that. Since the governing council actually knows a lot about the institutions and what they need to do in order to make sure all these institutions actually exist in the foreseeable future, we deem it better to put them together. We do not have any qualms if we remove it and leave the Minister alone.

The Member for Wuli East mentioned Clause 48(2)(c) which deals with the minimum or maximum number of students to be enrolled. That should not worry us much.

Regarding the refundable fees, I think originally, the Bill was asking for \$300,000. So, we said no because we have the Gambian dalasi as our currency. What we are saying is like \$300,000 or the dalasi equivalent at the time of payment. When we get to the committee stage, it can be discussed. I do not foresee a Gambian trying to setup a university or an institution and he/she is being asked to pay in dollars. We want if you are going to pay \$300,000 or any other equivalent, we should agree on it.

Well, I think the Minister has explained the fees. The Member for Illiassa was also asking about Clause 56(1) which is about the stiffer penalty. I really do not have a problem with that because education is very key and we will not play with it. I believe anything that could have a detrimental effect on our education sector should be met with a stiff penalty. The committee recommends one million but when we get to the

floor, we will look at it. The essence is not to make money from these fines but to serve as a deterrent.

We also debated on the issue of whether to use the British system or the American system. To be honest with you, no system is bad, it depends on what everybody wants to do. Right now, the University of the Gambia like you said is more into the American system. It is not a question of whether the American type is better or the British/Commonwealth type. The essence is about the future that if you want to change anything from one system to another, you do not have to go back and change the Act. I think that is all what I have. I want to thank everybody once again.

THE SPEAKER: Thank you very much, Vice Chair, for your response regarding issues on the report. I thank everyone.

[Question Proposed, Put and Agreed to]

[That The Report of the Select Committee on Education, Training and ICT on National Accreditation and Quality Assurance Authority (NAQAA) 23^d March 2021 has been adopted.]

I thank you all and the next stage of the Bill is the consideration stage which is now scheduled as per the agenda of the session.

[Question Proposed, Put and Agreed to]

[That the Assembly Session be Suspended until 4:00pm]