



SENATE OF THE FEDERAL REPUBLIC OF NIGERIA ORDER PAPER

Wednesday 18th March, 2009

1. Prayers
2. Approval of the Votes and Proceedings
3. Oaths
4. Announcements (if any)
5. Petitions

PRESENTATION OF A REPORT

1. Report of the Committee on FCT:
FCT Appropriation Bill, 2009 (SB: 238)
Senator Abubakar Sodangi (*Nassarawa West*)
"That the SENATE do RECEIVE the REPORT of the COMMITTEE on FCT, on the *FCT APPROPRIATION BILL 2009 (: 238)*" (*To be laid*)

ORDERS OF THE DAY

MOTION

1. Enforcement of the Provisions of Sections 2(1) and 5(1) of the Public Complaints Commission Act (Decree No. 31 1975) Cap 377 LFN, 1990 to appoint the Chief Commissioner and other Commissioners of the Public Complaints Commission:
Sen. Joseph Akaagerger (*Benue North East*)

Co- sponsors:

Sen. A. D Sodangi (*Nasarawa West*)
Sen. O. A Mamora (*Lagos East*)
Sen. Ayogu Eze (*Enugu North*)
Sen. Suleiman Adokwe (*Nasarawa South*)
Sen. Zainab Kure (*Niger South*)
Sen. Bala Mohammed (*Bauchi South*)
Sen. Umaru Dahiru (*Sokoto South*)

Sen. Umaru Dahiru (*Sokoto South*)
Sen. Grace F. Bent (*Adamawa South*)
Sen. Kabiru Gaya (*Kano South*)
Sen. Nimi Barigha Amange (*Bayelsa East*)
Sen. Dahiru Kuta (*Niger East*)
Sen. John I. Obiorah (*Anambara South*)
Sen. Felix K. Bajomo (*Ogun West*)

The Senate,

Acknowledges the importance of the Public Complaints Commission (PCC) set up under Decree No. 31, 1975 amended by Decree No. 21 of 1979 and subsequently revalidated under Cap 377LFN, 1990.

Further acknowledges that the Public Complaints Commission (PCC), Nigeria's Ombudsman has powers to inquire into complaints lodged before it by members of the public pertaining to any administrative action taken by the Federal, State, Local Governments, public institution and companies whether in the public or private sector and official of any of the aforementioned bodies so as to prevent injustice, arbitrariness, oppression and mal-administration.

Concerned that since the Year 1999 when the Chief Commissioner left office, the seat has remained vacant since the National Assembly is yet to replace or reappoint same in line with the Public Complaints Commission (PCC) Act. See attached list.

Notes that by virtue of sections 2 (1) and 5(1) of the complaints commission at cap 377 LFN, 1990, the power of appointment of Chief commissioner/ commissioners and supervision of the Public Complaints Commission (PCC) respectively rest with the National Assembly, Viz: Section 2 (1):

"The chief commissioner and other commissioners shall be appointed by the National Assembly and shall be persons of proven integrity and shall possess such other qualifications as the National Assembly shall determine".

Section 5(1)

"All commissioners shall be responsible to the National Assembly"

Further notes that by virtue of 10 (1) interpretation Act, Cap 123, LFN, 1990, (Statutory Powers and duties-general).

"Section 10(1) where an enactment confers a power or imposes a duty, the power may be exercised and the duty shall be performed from time to time as the occasion requires" the National Assembly is obligated to so act under sections 2 (1) of the Public Complaints Commission (PCC) Act.

Further notes that by the provisions of section 11(1), interpretation Act, which provides thus:

"Section 11(1) where an enactment confers a power to appoint a person either to an office or to exercise any functions, whether for a specified period or not, the power includes:-

(a) *Power to appoint a person by name or to appoint the holder from time to time of a particular office".*

That the exclusive jurisdiction of the National Assembly appointing commissioners to the Public Complaints Commission (PCC) is made clear.

Observes that such exercise of jurisdiction so conferred is overdue and must be distinguished from that under section 153 (1) of the constitution of the Federal Republic of Nigeria, 1999 (i.e. where the President appoints subject to confirmation by the Senate).

Accordingly resolves:

- i. That the National Assembly do hereby in accordance with the powers conferred on it by Sections 2(1) and 5(1) of the Public Complaints Commission Act enforce the provisions of the said Law;
- ii. That the President of the Senate do convene and arrange a Joint Committee of the Senate and the House of Representatives to work out the modalities for the implementation of the resolution (i) above.

CONSIDERATION OF BILLS

1. **A BILL for an Act to AMEND the ARBITRATION AND CONCILIATION ACT, CAP A18 2004 and OTHER MATTERS CONNECTED THERETO, 2009 (SB. 196) - Second Reading**
Senator Enyinnaya H. Abaribe (*Abia South*)
2. **A BILL for an Act to REPEAL THE NIGERIA SHIPPERS COUNCIL ACT CAP N133 LFN 2004 and to PROVIDE for the ESTABLISHMENT of the NATIONAL TRANSPORT COMMISSION as an INDEPENDENT REGULATOR for the TRANSPORT SECTOR and MATTERS RELATED THERETO Bill, 2009 (SB. 111) - Second Reading**
Senator Gbemi Saraki (*Kwara Central*)

COMMITTEE MEETINGS

	<i>Committee</i>	<i>Date</i>	<i>Time</i>	<i>Venue</i>
1.	Public Accounts	Wednesday, 18th March, 2009	2.00 p.m	Hearing Room 4
2.	Ethics, Code of Conducts and Public Petitions	Wednesday, 18th March, 2009	1.00 p.m	Committee Room 211 Senate New Building

3.	<i>Ad-hoc Committee</i> Jos Crisis	Wednesday, 18th March, 2009	2.00 p.m	Chairman's Office Senate New Building
4.	Employment, Labour and Productivity	Wednesday, 18th March, 2009	2.00 p.m	Committee Room 301 Senate New Building
5.	Information and Media	Wednesday, 18th March, 2009	2.00 p.m	Committee Room 427 Senate New Building
6.	Women Affairs and Youth Development	Wednesday, 18th March, 2009	2.00 p.m	Committee Room 305 Senate New Building
7.	Health	Tuesday, 24th March, 2009	2.00 p.m	Committee Room 305 Senate New Building