



SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Tuesday, 12th September, 2006

1. **The** Senate met at 10:25 a.m. The Senate President read Prayers.
2. **Votes and Proceedings:**
The Senate President announced that he had examined the Votes and Proceedings of Thursday, 7th September, 2006 and approved same.

By unanimous consent, the Votes and Proceedings were adopted.

3. **Closed Session:**
Motion made and Question Proposed: That the Senate do resolve into a Closed Session to discuss issues of national importance (*Senate Majority Leader*).

Question put and agreed to.

Senate in Closed Session — **10: 50 a.m.**

Senate in Open Session — **11:45 a.m.**

4. **National Maritime Administrative and Safety Bill 2006 (SB. 326)** — *Read the First Time.*

5. **Committee on Federal Character and Governmental Affairs:**

Report on Screening of Nominee:

Motion made and Question Proposed: That the Senate do receive and consider the Report of the Committee of Federal Character and Governmental Affairs on the screening of Alhaji Abdullahi Waziri as a Commissioner representing Bauchi State (North East) in the Federal Character Commission (*Senator Ike Ekweremadu*).

Question put and agreed to. Report

presented and Laid.

Motion made and Question Proposed: That the Senate do resolve Into the Committee of the Whole to consider the Report (*Senate Majority Leader*).

(SENATE IN THE COMMITTEE OF THE WHOLE)

Consideration of the Report of the Committee of Federal Character and Governmental Affairs on the screening of the Alhaji Abdullahi Waziri as a Commissioner representing Bauchi State (North East) in the Federal Character Commission:

Debate:

Nominee Recommended:

Alhaji Abdullahi Waziri — Commissioner Bauchi State (North East) ~ Agreed to.

Chairman to report progress.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered the Report of the Committee on Federal Character and Governmental Affairs on the screening of the Alhaji Abdullahi Waziri as a Commissioner in the Federal Character Commission and approved his nomination.

Question: That the Senate do approve the Report of the Committee of the Whole — *Resolved in the Affirmative.*

Confirmation:

Question:

"Will the Senate confirm the nomination of Alhaji Abdullahi Waziri as a Commissioner representing Bauchi State (North East) in the Federal Character Commission?" — *Resolved in Affirmative.*

Nomination of Alhaji Abdullahi Waziri as a Commissioner representing Bauchi State (North East) in the Federal Character Commission accordingly confirmed.

6. Conference Committee:

Report on Nigeria Deposit Insurance Corporation Act (Repeal and Re-enactment) Bill 2006 (SB. 166): Motion made and Question Proposed: That the Senate do receive and adopt the Conference Report on the Nigeria Deposit Insurance Corporation Act (Repeal and Re-enactment) Bill 2006 (*Senator Udoma Udo Udoma*).

Question put and agreed to.

Report accordingly adopted.

7. Committee on Public Accounts:

Report on the Office of the Auditor-General of the Federation Bill 2006 (SB. 266): Motion made and Question Proposed: That the Senate do resume consideration of the Report of the Committee on Public Accounts on the Office of the Auditor-General of the Federation Bill 2006 (*Senate Majority Leader*).

Question put and agreed to.

Motion made and Question Proposed: That the Senate do resolve into the Committee of the Whole to resume consideration of the Committee Report (*Senate Majority Leader*).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

A BILL FOR AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE OFFICE OF THE AUDITOR-GENERAL FOR THE FEDERATION AND FOR MATTERS CONNECTED THEREWITH

Clause 15: Value-for-Money Audit:

The Auditor-General may at any time examine:-

- (a) the extent to which a public entity including ministries, statutory corporations, parastatals, commissions, authorities, agencies, persons and bodies established by an Act of the National Assembly, is carrying out its activities effectively and efficiently.

- (b) a public entity's compliance with its statutory obligations;
- (c) any act or omission of a public entity in order to determine whether waste has resulted or may have resulted or may result; and
- (d) any act or omission showing or appearing to show a lack of probity or financial prudence by a public entity or any of its members, office holders and employees;

Committee's Recommendation:

That the provisions in Clause 15 be retained (*Senator Mamman B. Ali*) — *Agreed to.*

Question that Clause 15 do stand part of the Bill, put and agreed to.

Clause 16: Submission of Annual Audited Accounts:

- (1) The financial statements of the Federal Government shall be submitted to the Auditor-General not later than the 30th June of the following financial year.
- (2) The report of the Auditor-General on the statements mentioned in subsection (1) of this section shall be laid before the National Assembly within 90 days of receiving such statements.

Committee's Recommendation:

Leave outfit provision in Subclause 16(2) (Senator Mamman Ali).

Question that the amendment be made, put and agreed to.

- (3) The audited annual reports together with management letters of government statutory corporations, parastatals, commissions, authorities, agencies, including all persons and bodies established by an Act of the National Assembly, shall be submitted to the Auditor-General not later than the 30th June of the following financial year.
- (4) The report of the Auditor-General on the report mentioned in subsection (3) of this section shall be laid before the National Assembly within 90 days of receiving such reports.
- (5) Failure to comply with the provisions of this section is an offence punishable on conviction to a fine not exceeding N5,000,000.

Committee's Recommendation:

Leave out Subclauses (3) — (5) and insert new Subclauses (3) — (7) as follows: "(3) The Accounting Officers of all Ministries and other extra-ministerial agencies shall submit their Ministries financial statements to the Accountant-General not later than 31st March of the following year.

- (4) The Accounting Officers of all statutory corporations, Parastatals, authorities, commissions, agencies, including all persons and bodies established by an Act of the National Assembly, shall submit their audited financial statements along with management letters thereon to the Auditor-General! not later than 30th June of the following financial year.
- (5) The report of the Auditor-General on the Financial Statements mentioned in subsection (4) of this section shall be laid before the National Assembly within 90 days of receiving such reports
- (6) Failure to comply with the provisions of sub sections (1), (3) and (4), of this section, is an offence punishable on conviction to a fine not exceeding N100,000.00 against the person responsible, who shall also be removed from office.

- (7) Subject to the provisions of Section 85 (5) of the Constitution, the National Assembly shall publish its findings on the Auditor-General's report on the Accountant-General's financial statement mentioned therein, within 120 days of receiving such report, after they have been examined by the Public Accounts Committee (*Senator Mamman B. AH*).

Question that Clause 16 as amended do stand part of the Bill, put and agreed to.

Clause 17: Estimate and Annual Plans **for the Office:**

- (1) The Auditor-General shall prepare and submit to the National Assembly: -
- (a) the estimates of revenues and expenditure; and
 - (b) a draft annual plan that:
 - (i) describes the Auditor-General's proposed work programme for that year; and
 - (ii) includes the interim report for that financial year.
 - (2) The Auditor-General, after considering any Comments of the National Assembly or of the Public Accounts Committee that considered the draft annual plan, may amend the plan as he thinks necessary but must indicate in the plan the nature of any request (for reviews, investigations and studies) from the National Assembly which is not included in the amended plan.

Committee's Recommendation:

Leave out the provision in Subclause 17(2) (Senator Mamman Ali).

Question that the amendment be made put and agreed to.

- (3) The Auditor-General shall present a completed annual plan to the National Assembly before the beginning of each financial year.

Question that Clause 17 as amended do stand part of the Bill, put and agreed to.

Clause 18: **Annual Reports of the Auditor-General:**

- (1) As soon as practicable after the end of each financial year, the Auditor-General shall prepare and present an audited annual report to the National Assembly.
- (2) The report shall include:-
- (a) the audited financial statements prepared in accordance with generally accepted accounting principles;
 - (b) an account of the implementation of the annual plan required under section 17; and
 - (c) a list of public entities whose -
 - (i) financial statements were audited by the Auditor-General,
 - (ii) accounts and records were received by the Auditor-General in accordance with section 16 (3), and
 - (Hi) operations were reviewed to determine if value for money was achieved in accordance with section 15.

Committee's Recommendation:

Leave out the provision in Clause (18) and inserts, new Clause (18) as follows: (1)

The Auditor-General shall prepare and submit the following reports to the National Assembly in accordance with Section 12 of this Act: (a) annual financial statements of his office prepared in accordance with generally acceptable accounting principles, pursuant to section 21 of this Act

- (b) an account of the implementation of the annual plan required under section 18
- (c) list of public entities whose financial statements were audited by the Auditor-General,

Question that the amendment be made, put and agreed to.

Question that Clause 18 as amended do stand part of the Bill, put and agreed to.

Clause 19:

Independent auditor for Public Corporations and Boards:

All private audit firms and consultants taking up consultancy jobs relating to audit work must be registered at a fee with the Office of the Auditor-General and their engagement letters shall be issued by the Auditor-General. Such contracts on audit work shall include but not limited to:

- (a) Revenue audit and consultancy work including tax audit.
- (b) Government bank accounts audit.
- (c) Audit of Government offices including special investigations.
- (d) Staff audit including payment at sight.
- (e) Pension audit including verification of "I am alive certificate".
- (f) Contracts in respect of estate/building valuation, or valuation of some specialized government assets.
- (g) Assessment and evaluation of the effectiveness of government electronic information systems.

Committee's Recommendation:

That the provisions in Clause 19 be retained (*Senator Mamman B. Ali*) — *Agreed to.*

Question that Clause 19 do stand part of the Bill, put and agreed to.

Clause 20:

Independent Auditor for the Auditor-General's Office:

- (1) All private audit firms and consultants taking up consultancy jobs relating to audit work must be registered at a fee with the Office of the Auditor-General and their engagement letters shall be issued by the Auditor-General. Such contracts on audit work shall include but not limited to:

Committee's Recommendation:

Immediately after the word "and" in line 2, *leave out* the words "their engagement letters" and *insert* the words "Registration certificates" instead thereof (*Senator Mamman Ali*).

- (2) Such audit work shall include:
 - (a) Revenue audit and consultancy work including tax audit.
 - (b) Government bank accounts audit.
 - (c) Audit of Government offices including special investigations.
 - (d) Staff audit including payment at sight.
 - (e) Pension audit including verification of "I am alive certificate".
 - (f) Contracts in respect of estate/building valuation, or valuation of some specialized government assets.
 - (g) Assessment and evaluation of the effectiveness of government electronic information systems.

Committee's Recommendation:

Leave out the provision in Subclause "20" and insert new Subclause as follows:

"The Public Accounts Committees of the Senate and House of Representatives in a joint sitting, shall appoint an independent auditor for the office of the Auditor-General to audit the financial statements of accounts of the Office and other information for each financial year."

Amendment Proposed:

Immediately after the words "independent auditor" in line 2, insert the words "on the recommendation of the Public Accounts Committee" (*Senator Udoma Udo Udoma*).

Question that the amendment be made put 2nd agreed to.

Question that Clause 20 as amended do stand part of the Bill, put and agreed to.

- Clause 21:**
- (1) Subject to this Act the Auditor-General may appoint such persons as members of staff of the Office as he considers necessary and may approve conditions of service including provision for the payment of pensions.
 - (2) Such staff shall include professionals like accountants, lawyers, etc.
 - (3) Where the Office thinks it expedient that any vacancy in the staff of the Office should be filled by a person holding office in any of the public services in the Federation, such vacancy shall be filled by way of secondment or transfer in accordance with the Public Service Rules.

Committee's Recommendation:

Leave out the provisions in Clause 21 (*Senator Mamman B. Ali*) — Agreed to.

Clause 22: Immunity:

The Auditor-General or any person employed by him or acting under his authority shall not be liable in his personal capacity in any civil or criminal proceedings in respect of anything done in good faith.

Committee's Recommendation:

- (i) Leave out the words "employed by him" in line 1 and insert the words "acting under his authority" instead thereof
- (ii) Leave out the words "or criminal proceedings in respect of anything done in good faith" and insert the words "in the performance of his duties" instead thereof (*Senator Mamman B. Ali*).

Amendment Proposed:

Insert the word "proceedings" immediately after the word "civil" (*Senator Omar A. Hambagda*).

Question that the amendment be made put and agreed to.

- (a) in the performance of any duty or the exercise of any power imposed or conferred upon him under this Act.

Committee's Recommendation:

"Immediately after the word "power" in line 1, leave out the words "imposed or" and insert the words "vested or conferred upon" instead thereof (*Senator Mamman B. Ali*) — Agreed to.

- (b) in giving evidence or an explanation or producing any document before a Committee of the National Assembly in connection with his report.

Question that Clause 22 as amended do stand part of the Bill, put and agreed to.

Clause 23: Oath of Secrecy:
The staff of the Office shall swear to the Oath of Secrecy in the performance of its duties

Committee's Recommendation:

- (i) Immediately after the words "swear to" *insert the* word "an"
- (ii) *Leave out* the word "its" and *insert the* word "their" instead thereof (*Senator Mamman B. Ali*).

Question that Clause 23 do stand part of the Bill, put and agreed to.

Clause 24: Offences and Penalties:
(1) , Any person who, without lawful justification or excuse:-

Committee 's Recommendation:

Leave out all the words after "who" (*Senator Mamman B. Ali*).

- (a) obstructs, hinders or resists the Auditor-General or any person authorized by him in the exercise of his duties and powers under this Act;
 - (b) refuses or fails to comply with any lawful request of the Auditor-General or his representative;
 - (c) makes a statement or gives information to the Auditor-General or his representative which is false or misleading;
 - (d) presents himself directly or indirectly as having authority under this Act without such lawful authority commits an offence under this Act.
- (2) Any person who commits an offence under subsection (1) of this section shall on conviction, be liable:
- (a) hi the case of an individual, to a fine not exceeding N2,000,000; and

Committee s Recommendation:

Immediately after the figure "N2,000,000 *insert the* words "or a term of imprisonment of not less than three years" (*Senator Mamman B, Ali*)
—*Agreed to.*

- (b) hi the case of a body Corporate, to a fine not exceeding N5, 000,000.

Committee '\$ Recommendation :

That the provisions in Clause 24 be retained (*Senator Mamman B. Ali*)
—*Agreed to.*

Question that Clause 24 do stand part of the Bill, put and agreed to.

Clause 25: **Short Title:**
This Act may be sighted as the Office of the Auditor-General (Establishment) Act, 2006.

Amendment Proposed:

Leave out the provision of the Short Title and *inserts* new one as follows:

"This Act may be sighted as the Auditor-General for the Federation (Additional Powers and Functions) Bill 2006 (*Senator Udoma Udo Udoma*).

Question that the amendment be made, put and agreed to.

Long Title:

An Act to provide for the Establishment of the Office of the Auditor-General for the Federation and for matters connected therewith.'

Amendment Proposed:

Immediately after the words "for the" inline 1 *leave out the* words "Establishment of the" and *insert the* words "Additional power and functions for the" instead thereof (*Senator Udoma Udo Udoma*).

Question that the amendment be made, put and agreed to.

Chairman to report Bill.

(SENATE IN PLENARY)

The Senate President announced that the Senate in the Committee of the Whole resumed consideration of the Report of the Committee on Public Accounts on the Office of the Auditor-General for the Federation (Establishment, etc) Bill 2006 and approved as follows:

Clauses 15—18	—	As recommended
Clause 19	—	As amended
Clause 20	—	As recommended
Clause 21	—	As amended
Clauses 22 — 24	—	As recommended
Short Title	—	As amended
Long Title	—	As amended

Further consideration of the Report deferred to a later date.

8. Report of the Committee on Employment, Labour and Productivity:

Committee Report on Institute of Registered Safety Professionals of Nigeria Bill 2006 (SB. 39):

Motion made and Question Proposed: That the Senate do consider the Report of the committee on Employment, Labour and Productivity, on the Institute of Registered Safety Professionals of Nigeria Bill 2006 (*Senator Bassey Ewa-Henshaw*).

Question put and agreed to.

Motion made and Question Proposed: That the Senate do resolve into Committee of the Whole to consider the Report (*Senate Majority Leader*).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)**REPORT OF THE COMMITTEE ON EMPLOYMENT, LABOUR AND PRODUCTIVITY ON A BILL FOR AN ACT TO ESTABLISH THE INSTITUTE OF SAFETY PROFESSIONALS OF NIGERIA (ISPON)**

Debate

Chairman to report Progress. *

(SENATE IN PLENARY)

The Senate President announced that the Senate in the Committee of the Whole considered the Report of Committee on Employment, Labour and Productivity on a Bill for an Act to Establish the Institute of Safety Professionals of Nigeria and deferred further consideration on the Report.

9. *Motion made and Question Proposed:* That the Senate do stand down the remaining items on the Order Paper (*Senate Majority Leader*).

Question put and agreed to.

10. Adjournment:

Motion made and Question Proposed; That the Senate do adjourn till Wednesday, 13th September, 2006 at 10.00 a.m. (Senate Majority Leader).

Adjourned accordingly at 1.30p.m.

Ken Nnamani

President of the Senate