



SENATE OF THE FEDERAL REPUBLIC OF NIGERIA VOTES AND PROCEEDINGS

Wednesday, 18th March, 2009

1. The Senate met at 10.10 a.m. The Deputy Senate President read prayers.
2. **Votes and Proceedings:**
The Deputy Senate President announced that he had examined the Votes and Proceedings of Tuesday, 17th March, 2009 and approved same.

By unanimous consent, the Votes and Proceedings were approved.

3. **Committee on Federal Capital Territory (FCT):**
Report on the FCT Statutory Appropriation Bill 2009 (SB:238):
Motion made: That the Senate do receive the Report of the Committee on Federal Capital Territory on the FCT Statutory Appropriation Bill 2009 (*Senator Abubakar D. Sodangi*).

Question put and agreed to.

Report Laid.

4. **Motion:**
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:
Motion made: That 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 re-validated under Cap 377 LFN, 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;

Notes that by virtue of Sections 2 (1) and 5(1) of the Complaints Commission Act, 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 Section 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; and

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; and
- (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 (*Senator Joseph Akaagerger*).

Debate:

Prayer (i):

Question: 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; and

Prayer(ii):

Question: 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.

Amendment Proposed:

Leave out the provisions in prayers (1) and (2) and *insert* the following instead thereof:

“That the National Assembly do take appropriate step to appoint the Chief Commissioner and other Commissioners of the Public Complaints Commission as provided by the Public Complaints Act” (*Senator Victor Ndoma-Egba*).

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

Resolved:

That the National Assembly do take appropriate step to appoint the Chief Commissioner and other Commissioners of the Public Complaints Commission as provided by the Public Complaints Act (*S. Res/037/09*).

6. Arbitration and Conciliation Act (Amendment) Bill 2009 (SB. 196):

Bill by leave of the Senate, withdrawn for further legislative action.

7. National Transport Commission Bill 2009 (SB. 111):

Further consideration of the Bill deferred to another legislative day.

8. Adjournment:

Motion made: That the Senate do adjourn till Thursday, 19th March, 2009 at 10.00 a.m. (*Senate Leader*).

Adjourned accordingly at 1.05 p.m.

Ike Ekweremadu, CFR
Deputy President,
Senate of the Federal Republic of Nigeria.