

**VOL. 2
No. 4**

FEDERAL REPUBLIC OF NIGERIA

**Wednesday
7th October, 2009**



NATIONAL ASSEMBLY DEBATES

FOURTH REPUBLIC THIRD ASSEMBLY (SIXTH SENATE)

THIRD SESSION

SENATE OFFICIAL REPORT

CONTENTS

**Votes and Proceedings
Announcements
Matter of Urgent Public Importance
Personal Explanation
Presentation of a Report
Consideration of a Report
Consideration of a Bill
Adjournment**

0121

**SENATE OF THE FEDERAL
REPUBLIC OF NIGERIA**

Wednesday, 7th October, 2009

The Senate met at 11.10 a.m.

PRAYERS

(The President in the Chair)

VOTES AND PROCEEDINGS

The President: Distinguished Senators, let us consider the Votes and Proceedings of Tuesday, 6th October, 2009. Pages 189, 190, 191. 192

Senator Nimi Barigha-Amange (Bayelsa East): Mr. President, on page 192, under item 7 it says:

The Motion could ask of inter-state roads connecting Akwa Ibom State to other parts of the country. This Motion was not moved yesterday, it was about to be moved when a Point of Order was raised and at the end of the day it was deferred. So, here, they are saying that it was moved and then when you go to 193 under debate it says: *Motion made that further debate be suspended pending the consideration of the Report.* I do not think this is a true reflection of what happened yesterday.

The President: What is on page 192 is what was on the Order Paper, so where you need to observe is page 193, where it says debate: *Motion made that further debate be suspended pending consideration of the Report of the Ad-Hoc Committee on the State of the Nigerian roads.* So, it is correct the way it is.

Is there any comment on Page 193?

Senator Lee Ledogo Maeba (Rivers South-East): Mr. President, page 193 is inconclusive if it does not reflect the fact that we agreed that on Thursday Senator Heineken Lokpobiri will bring the Report. It was clearly discussed and agreed that the Report comes on Thursday. So, if it does not reflect that then it is not a true reflection of what we discussed.

The President: If you read the *Hansard* then you will get that but as far as this Motion is concerned the decision on this Motion is correctly reflected. The decision on the Motion is that further debate be suspended pending consideration of the Report of the

0122

Ad-Hoc Committee on the State of the Nigerian roads. That is the decision on Senator Effiong Bob's Motion. Even that has already been reflected, it did not say Thursday. It says: *Question put and agreed to that further debate on the Motion accordingly suspended in view of the pending report of the Ad-Hoc Committee.*

If you notice Votes and Proceedings are not like the *Hansard*. It is a very different thing. I think what is written here is correct.

Senator Mohammed Kabiru Jibrin (Kaduna Central): Mr. President, under debate the first paragraph. The Ad-Hoc Committee is not properly mentioned here because the name is not Ad-Hoc Committee on the State of the Nigerian Roads. It is an Ad-Hoc Committee on the Investigation of the Transportation Sector.

The President: Senator Heineken Lokpobiri, what is the correct name of the Ad-Hoc Committee.

Senator Heineken Lokpobiri (Bayelsa West): Mr. President, the correct name is the Senate Ad-Hoc Committee on the Investigation of the Transportation Sector.

The President: Secretariat, take note. Is there any comment on Page 194? (*No response*)

Senator Uche Chukwumerije (Abia North): Mr. President, I do move that the Votes and Proceedings of Tuesday, 6th October, 2009 be approved as amended.

Senator Hosea Oladipo Ehinlanwo (Ondo South): Mr. President, I rise to second the Motion that the Votes and Proceedings of Tuesday, 6th October, 2009 be approved as amended.

Question put and agreed to.

Resolved: That the Votes and Proceedings of Tuesday, 6th October, 2009 be approved as amended.

ANNOUNCEMENTS

All Day Progress Report

The President: This is from the Senate Ad-Hoc Committee on the Millennium Development Goals

The All Day Progress Report as at September 15th 2009 has been forwarded to the distinguished Senators

0123

for their perusal and necessary action. The Committee hereby implores distinguished Senators to carefully review the submissions and report back to it for further action.

Please your expedited action on this matter will be highly appreciated.

An Appeal to ASUU and the Federal Government

It is really for me, on behalf of the distinguished Senators of the Federal Republic of Nigeria, to appeal to ASUU and the Federal Government to please come to a conclusion on the negotiations going on between both parties now so that our students can return to school.

This protracted strike is neither in our interest nor in the interest of this country and our educational system is being subjected to unnecessary politics. I would like to appeal to the Senate Committee on Education to please wade into the matter. I know you have been talking to them but you have to again try and step in and ensure that the strike is called off as quickly as possible. We must protect our educational system. It is the life wire of the nation and we cannot subject it to avoidable politics.

Prayer for the Under-20 Football Team

Let me also, on behalf of all of us, wish our Under-20 team that will be playing Germany today success. We have gone through a lot of pain as a result of the very dismal performance in the football games. We are a very renowned football country but recently our performances have not been the best.

The Deputy Senate President was in the stadium the other day when our Super Eagles embarrassed everybody. They could not hold on to the one goal lead that they had even just few minutes to the end of the game.

As you all know our Under-20 team has not performed very well but they managed to get into the knock out stage and we are playing Germany today. They need our prayers and we hope that they will do us proud at the end of the day.

Senator Heineken Lokpobiri is here with us. We hope that he has left behind a strong team that would, at least, bring us glory. He has done enough to ensure our

0124

victory in Egypt. We would like to welcome them back with the Cup.

MATTERS OF URGENT PUBLIC IMPORTANCE

Danger Posed by Lake Nyos in the Cameroon to the Neighbouring States in Nigeria

Senator Joseph I. Akaagerger (Benue North-East): Point of Order!

The President: What is your Point or Order, distinguished Senator Akaagerger?

Senator Joseph I. Akaagerger: Mr. President, it is Orders 42 and 39. If I may read with your permission, Sir?

The President: Please, read.

Senator Joseph I. Akaagerger: Order 42(1) says: *The matter for discussion shall, if possible, be referred to the President of the Senate before commencement of the day's sitting and the President of the Senate shall refuse to allow the claim unless he is satisfied that the matter is definite and urgent.*

Order 42(2) says: *If the claim is allowed by the President of the Senate, and the Leave of the senate is given, by at least one-fifth of all the Senators, the matter shall stand over till the next legislative day.*

Order 39 on arrangement of business says: *Unless the Senate otherwise directs, the business of each sitting day shall be transacted in the following order:*

- (1) *Formal entry of the President of the Senate;*
- (2) *Prayers;*
- (3) *Approval of Votes and Proceedings;*
- (4) *Oath/Affirmation of Allegiance and the Oath/Affirmation of Membership of new Senators-elect;*
- (5) *Message from the President of the Federal Republic of Nigeria;*
- (6) *Other announcements by the President of the Senate;*

0125

(7) *Petitions;*

(8) *Matters of urgent public importance;*

(9) *Personal Explanation; and*

(10) *Order of the day.*

This relates to a Motion to reappraise the impending disaster posed by the Lake Nyos located in the Cameroon, our neighbouring communities in Taraba, Benue, Adamawa and Enugu going through Ebonyi States and possibly Adada State, if it passes through. If you permit me, I will give the synopsis of this Motion by just highlighting one or two issues.

The President: What is the relevance of Order 39?

Senator Joseph I. Akaagerger: It is to indicate the point at which Matters of Urgent Public Importance could be discussed and this is the point at which we are so that we would invoke the provisions of Orders 39 and 42 (1) and (2).

The President: Well, Order 42 requires that I get the consent of the Senate. Senator Akaagerger has discussed the danger posed by Lake Nyos to the States that are close to it in case if something is not done and the Lake gives way. He also told me that we have the United Nations Report on the danger and the possibility of the Lake overflowing or giving way. I have no problem with it but as required by Order 42, I have to seek the consent of the Senate.

So, is it the wish of the Senate that he be allowed to bring a Motion in respect of Lake Nyos.

Several distinguished Senators: Yes.

The President: All right, it will stand to the next legislative day.

Senator Bala A. Mohammed (Bauchi South): Mr. President, Point of Order!

The President: Order what?

Senator Bala A. Mohammed: My Point of Order is Order 42. I had earlier discussed with the Senate President and in view of Order 42(3) which says that not more than one such Motion may be made at the same sitting, I am withdrawing my Point of Order to be

0126

raised tomorrow since two of such Orders cannot be taken at the same sitting.

The President: Thank you very much for following the Rules of the Senate. I appreciate it.

PERSONAL EXPLANATION

Senator Ganiyu O. Solomon (Lagos West): Mr. President, Point of Order!

The President: Order what?

Senator Ganiyu O. Solomon: My Point of Order is Order 43.

The President: All right, read.

Senator Ganiyu O. Solomon: That Order says:

By the indulgence of the Senate and the leave of the President of the Senate, a Senator may make a Personal Explanation although there be no question before the Senate, but no controversial matter may be brought forward nor may debate arise upon the Explanation. The terms of the proposed statement shall be submitted in detail to the President of the Senate when his leave to make it is sought.

Can I go ahead, Sir?

The President: Yes.

Senator Ganiyu O. Solomon: Mr. President, you will recall that the distinguished Senate referred the request of Mr. President, Commander-in-Chief for the confirmation of Miss Aruma Etteh and Mr. Ahmed Makele as the Director-General and Executive Commissioners respectively in the Securities and Exchange Commission to the Committee for legislative action on Thursday, 29th July, 2009.

The Committee was unable to report back within the two weeks given to it because of the recess we embarked on. However, we have been unable to conduct the screening since resumption because we have been informed by the Presidential Liaison Officer to the National Assembly that the nominee for the position of the Director-General is indisposed due to ill-health. We, therefore, want to say that the Senate should note that the Report of the Committee will not

0127

be ready until such a time as the nominee is fit and present herself for screening.

The President: All right. There is no requirement for anybody to make a comment on it.

Senator Lee Ledogo Maeba (Rivers South-East): Mr. President, Point of Order! Order 43 with your permission, may I read?

The President: Please, what is your Personal Explanation?

Senator Lee Ledogo Maeba: My Personal Explanation is that the Petroleum Industry Bill that was referred to the three Joint Committees of the Senate, the Joint Committee was supposed to submit its Report this week but the Report is not ready due to the volume of work to be done. The Committee met yesterday and after several deliberations, the 33-Member Committee came to the conclusion that I should come to Plenary and request for an extension of four weeks to enable us finish our work.

The Bill before us is almost a thousand pieces and we are working very seriously and this Bill is a Bill that touches on the lives of Nigerians. We are very careful with what we are doing so that we would come out with a report that would show that the Senate has done its work. I would like to tell you that our work is being applauded all over the world. The American Government through its Embassy wrote to us that they are very impressed with the way the Senate is handling this Bill through our Joint Committee. So, it is an acknowledgment of the work the Senate is doing. This is the first time that the American Senate is acknowledging the work of a Standing Committee of the Senate and other Embassies are telephoning that they are impressed with the work we are doing. Since the world is impressed with the work that we are doing and we are doing the right work, it is good to give us sufficient time to submit our Report so that every thing we have done would be in the best interest of Nigeria.

The President: Senator Lee Maeba, can we start with two weeks, please? If in two weeks you are not ready you can come back again. I know you are working very hard and we appreciate it. Still work harder and let us see what will happen in two weeks.

Senator Lee Maeba: Mr. President, if you count 33 Members it is about one-third majority of this Senate and 33 members of these Joint Committee sat down and

0128

look elaborately; in fact, we were asked to ask for six weeks but we said (*Interruptions*)

The President: No, please, you have come to ask, you have not come to instruct us. You asked for four weeks and we said take two weeks. If in two weeks you do not complete it, you can come back. Thirty three of you can not insist that you must get so many weeks and you are not up to one-third of the Senate. We have given you two weeks. If in two weeks you do not finish the work you can come back. You said it is the American Senate that wrote to you?

Senator Lee Maeba: It is the American Government.

The President: All right, let us see whether in another two weeks another country would write to you again. But we are worried about the Bill here so make sure also that you are receiving the same accolade from our own people in the country.

PRESENTATION OF A REPORT

Report of the Committee on Land Transport on the Nigerian Railway Corporation Act (Repeal and Re-enactment) Bill, 2009

Senator Teslim Kolawole Folarin: Mr. President, the first business of the day is the presentation of a Report of the Committee on Land Transport on the Nigerian Railway Corporation Act (Repeal and Re-enactment) Bill, 2009.

You may wish to invite the Chairman of that Committee, Senator Garba Lado, to move the Motion for the Senate to receive the Report.

Senator Garba Yakubu Lado (Katsina South): Mr. President, I rise to move that the Senate do receive the Report of the Committee on Land Transport on the Nigerian Railway Corporation Act (Repeal and Re-enactment) Bill, 2009.

Senator Julius A. Ucha (Ebonyi Central): Mr. President, it is with humility and due responsibility that I most sincerely second the Motion as moved by distinguished Senator Garba Lado.

Question put and agreed to.

(Report accordingly laid on the Table)

0129

0130

ORDERS OF THE DAY

CONSIDERATION OF A REPORT

Report of the Committee on Establishment and Public Service on the Chartered Institute of Cost and Management Accountants (CICMA) Bill, 2009

Senator Teslim Kolawole Folarin: Mr. President, the first Order of the day is the consideration of the Report of the Committee on Establishment and Public Service on the Chartered Institute of Cost and Management Accountants (CICMA) Bill, 2009. You would recall that the Report of the Committee was laid on Wednesday, 15th July, 2009.

You may invite the Chairman of that Committee, Senator Mohammad Ahmed, to move the Motion for the Senate to consider the Report of his Committee.

Senator Ahmed I. Mohammed (Kwara North) Mr. President, I move that this distinguished Senate do consider the Report of the Committee on Establishment and Public Service on the Chartered Institute of Cost and Management Accountants (CICMA) Bill, 2009.

Senator Andrew Abidemi O. Babalola (Oyo North): Mr. President, I rise to second the Motion that the Senate do consider the Report of the Committee on Establishment and Public Service, ably moved by Senator Mohammed I. Ahmed.

Question put and agreed to.

Senator Mohammed I. Ahmed: Mr. President, you may recall that the Senate at its sitting on 2nd April, 2009 read the Second Time the Bill for an Act to Establish the Chartered Institute of Cost and Management Accountants and referred same to the Committee on Establishment and Public Service for further legislative action and to report back its findings.

Membership

The membership of the Committee is as stated in the document.

Objective of the Bill

The Chartered Institute of Cost and Management Accountants Bill, 2009, seeks to establish the Institute of Cost and Management Accountants for the purpose of enhancing and increasing knowledge and efficiency

in the Cost and Management Accountants both in public and private practice. The Industry and Commerce are to provide an organisation which shall be national and international in scope and activities for Cost and Management Parastatals; Federal and Finance Officers in both Government Ministries and other industrial organisations.

The Bill for the Establishment of the Chartered Institute of Cost and Management Accountants is not new to the National Assembly as it was passed by both Chambers during the last Senate. However, it was not signed into law by the former President before the expiration of the last administration. Meanwhile, the House of Representatives (*Interruptions*)

The President: Just a minute, please. Have you distributed what you are reading?

Senator Mohammed I. Ahmed: I did so the other time.

The President: Distinguished Senators, do you have your copies?

Several distinguished Senators: Yes we have.

The President: You may continue, please.

Senator Mohammed I. Ahmed: The House of Representatives read the Bill the Third time and passed it on February 28, 2009. The Bill was forwarded as originally passed by the two Chambers to Mr. President for assent.

Committee Action

The Committee adopted the following procedure in carrying out its assignments:

- It called for and received memoranda from stakeholders;
- It conducted an interactive session with the principal stakeholders;
- It considered the opinions of distinguished Senators during the Second Reading of the Bill;
- It analysed relevant presentations during the interactive session;

0131

- It engaged the services of legal experts, and
- It also considered the way and manner the Bill was passed by the House of the Representatives.

Interactive Session

The well attended interactive session was organised by the Committee on 9th February, 2009 and it was attended by the following Organisations:

1. Institute of Chartered Accountants of Nigeria;
2. Association of National Accountants of Nigeria;
3. Office of the Accountant-General of the Federation;
4. Federal Ministry of Finance;
5. Chartered Institute of Taxation;
6. Institute of Certified Public Accountants of Nigeria, and
7. Office of the Auditor-General for the Federation.

In considering the presentations made at the interactive session, the Committee observed as follows. That only one organisation among the stakeholders opposed the passage of the Bill and that organisation is ICAN whose contribution is not connected with this. But it provides that the proliferation of accounting bodies might worsen the profession of accountancy and introduce corruption in the nation.

Conclusion

The Professional Bodies' Special Provisions Act, 1972 and the freedom of association as enshrined in the 1999 Constitution of the Federal Republic of Nigeria are enough legal justifications for the involvement of new bodies if they have the backing of an Act of Parliament. A similar Bill had already been passed by the two Chambers in 2005 and was also recently passed by the House of Representatives on 28th January, 2009 in its original form.

Recommendation

In view of the foregoing, the Committee recommends that the Report be adopted and the Bill

0132

passed accordingly. Once again, I thank you for the opportunity given to the Committee to serve.

The President: Are there any comments?

Senator Jibril Mohammed Aminu (Adamawa Central): Mr. President, I would like to ask the Chairman of the Committee to kindly enlighten us on something. This is because the only body that objected to this Bill is the body which will be most affected and that is the ICAN. The Accountants, unlike the doctors, have for a long time been having an internal duel. It is because of the strict professional requirements of the Institute of Chartered Accountants of Nigeria (ICAN) that a number of people have not been able to enter something which they would have done by upgrading their professional training. There was one called ANAN which was brought here and now we have another branch of accounting at a lower level called Institute of Cost and Management Accountants.

All these things are really intended, in my humble opinion and with all due respect to those interested, to dilute quality in our accountancy practice. I would have opposed it for accountancy as I would have opposed it for medicine or for law. ICAN came to the Public Hearing and was reported to have been the only body that objected. It did so because it is the most affected body. But they said that their objections bore no relevance to the law and I would request the distinguished Chairman to kindly enlighten us as to why the comments of a very relevant body like ICAN was considered not to be relevant to this law.

Senator Patrick E. Osakwe (Delta North): Mr. President, the distinguished Colleague that spoke before me really touched on a very important aspect of this Bill. If you look at this Bill, ICAN is the most important body. Look at all the list of those whom he called the stakeholders that attended the Public Hearing, they are just there to make up the number. ICAN is the main body. It is the pivot and the fulcrum around which this Bill revolves. ICAN is wearing the shoe and it knows where it pinches.

If ICAN is saying that proliferation of accounting bodies in Nigeria is going to give us more corruption, we cannot waive it aside. We need more explanations because ICAN's observation is very valid. ICAN observed that multiple institutes in the accounting profession might lead to proliferation and worsen corruption in the nation. We cannot just say that it has no correlation. It is too sweeping a statement that it has no correlation. I think it has correlation. We should

0133

look at ICAN's observation before the concurrence of this Bill that came from the House of Representatives.

Senator Ayogu Eze (Enugu North): Before I make my contribution, I want to make a very brief observation which I think when Senator Ahmed Mohammed is making his response may need to clarify

If you look at the Order Paper for today you will see Chartered Institute of Cost and Management Accountants. Then on the Notice Paper you will see, Chartered Institute of Management Accountants Bill. There is something to say about proliferation that ICAN had warned about. We know that there has been a titanic battle between ICAN and ANAN over the control of accounting profession in Nigeria. We have to be very mindful of how we fall into this type of dispute because I am sure that we debated this here before and the law has clearly spelt out the positions of ICAN and ANAN as qualifying bodies of Chartered Accountants of the same coordinate status in this country. Until that law is changed we cannot become an advocate of one against the other.

I can support that we can temper the issue of proliferation but we cannot begin to overtly become partisan and say that ICAN is this or that. ICAN was around when Osusanya led ANAN to lobby the National Assembly and the government of the day to set up ANAN. As of today and in the eyes of the law both ICAN and ANAN have the same professional rating in all places of employment. So, we need to be very careful on how we dabble into professional politics. We brought some bodies into existence by our own Acts and unless we rescind those Acts and make amendments we cannot pick and choose and decide on behalf of one or the other. That is what I want to warn in this instance.

The President: Distinguished Colleagues this is not Second Reading rather it is a Clause by Clause consideration of the Report. The comments we are making ought to have been made during the Second Reading or were, indeed, made during the Second Reading. The issue here is for Senator Ahmed to clarify certain issues and then we go to Clause by Clause consideration of the Report.

Senator Uche Chukwumerije (Abia North): Mr President, permit me to save your time because Senators Jibril Aminu and Patrick Osakwe have brilliantly made all the points that I wanted to make.

0134

The President: What point do you actually want to make, so that we do not take sides with any professional body?

Senator Garuba Lado (Katsina South): Mr President, I need further clarification from the Chairman of the Committee with regard to the authentication of this Report. When you look at the Report it has not been signed by either the Chairman or other Members of his Committee.

Senator Bassey Ewa-Henshaw (Cross River South): Mr President, the point raised by Senator Jibril Aminu is critical to whether or not we continue with the Third Reading because the Report that has been submitted by the Chairman is what has thrown up the controversy. He has said in his findings that he refused to take into consideration issues raised by ICAN in an interactive Session. So, why should a Committee in considering a Bill like this and ICAN is a critical participant in the practice of accountancy and they raised issues and you said in your Report that you threw it away because it was not related. How can ICAN issues not be related? That is the crux of the matter?

Senate Teslim Folarin: Mr President, with due respect to Senators Ewa-Henshaw and Jibril Aminu, the issues they are raising are issues that have been raised when we had the Second Reading as you rightly said. We have passed that stage. As a matter of fact, all we have to do is just to say whether or not we accept the Report of the Committee. That is very simple.

The President: The set of comments I allowed us to make is not to re-open the Second Reading debate. What we are doing again at the risk of repeating myself is going through the Second Reading and that is not where we are now. We are at the Clause by Clause consideration of the Report.

Senator Mohammed Ahmed, what I want you to do is to respond to some of the issues that have been raised just for clarification and then we go for Clause by Clause consideration.

Senator Mohammed Ahmed: Mr President, the first comment raised by distinguished Senator Jibril Aminu about why the Committee did not take into cognisance the comments of ICAN. I mentioned all the other bodies that were represented and their stand. I also said that all the complaint of ICAN is about proliferation which they said would breed corruption which other members refused to accept.

0135

As to the comments made by the various distinguished Senators, they were comments made during the Second Reading and this distinguished Senate took every comment that was made into consideration and passed it for concurrence. I also mentioned that this Bill was passed during the last National Assembly; it was only that Mr President then did not sign it. It is the same Bill that was passed in the House of Representatives as it was originally passed by both Chambers. I will implore my Colleagues to let us go into the consideration of the Bill Clause by Clause.

The President: You did not answer Senator Lado's doubt. He said that nobody signed that Report.

Senator Mohammed Ahmed: It was signed and I will request the Clerk to bring the copies. The original that we presented was signed.

The President: Distinguished Colleagues, let us go into Clause by Clause consideration. Senator Mohammed Ahmed, you have not actually addressed the issues raised by both Senators Osakwe and Aminu but that can be sorted out when we go into Clause by Clause consideration. If there is any Clause that we are not comfortable with, we would just say *yes* or *no* to it; that would be the answer and not to re-open the debate again.

Senate Teslim Folarin: Mr President, it is very important that I make the point that this Bill has been passed by the House of Representatives and our Committee retained all the provisions of this Bill. We are not going into Clause by Clause consideration but to concur. What is left for us would be to say whether we accept or reject this Report. For this reason I move that we resolve into Committee of the Whole to concur to this Report.

Senator Maina Ma'aji Lawan (Borno North): Mr President, I entirely agree with the Senate Leader that at this stage, considering the fact that all the necessary debates have been undertaken it was passed by the House of Representatives and the Senate in 2005. It has also been passed by this current House of Representatives and was sent to us for concurrence and our Committee has come back with a Report that basically says that we should concur because there was no amendment to any of the Clauses passed by the House of Representatives. Therefore, we should most honestly save our time and expedite the consideration of the Bill.

0136

In so doing, I would want to make a clarification and not so much contribution. Much as in the Report, the Chairman said that he discountenanced the views of ICAN. we should know that ICAN spiritedly fought in 1980, all the efforts made by the then only existing body to frustrate their registration, having being beneficiaries we should not allow them again to put another body that is coming up at a disadvantage. So, I agree with the Senate Leader and we should go into the Committee of the Whole for concurrence.

The President: The question is for us to resolve into Committee of the Whole to consider the Report submitted on the Bill. So, even if you are going to throw away the Bill, we still have to go into Committee of the Whole.

If you say, No, at this stage, it does not really mean anything. So, the No here does not connote anything. Please, I will put the Question.

Question put and agreed to.

Report of the Committee on Establishment and Public Service on the Chartered Institute of Cost and Management Accountants (CICMA), Bill, 2009
- CONSIDERED IN THE COMMITTEE OF WHOLE

(The President in the Chair)

The Chairman: Distinguished Colleagues, in concurrence, there are two ways of doing it; the first one is a wholesale concurrence, in which case I will put the Question and if we concur with everything there, then that concludes it. The other way is to go Clause by Clause consideration.

Please, either of the two; that is why I am explaining. If we go the whole hog, that is putting the Question on the entire Bill, if it does not go that way, then we must go Clause by Clause. So, I have to explain the procedure so that we do not get it wrong. Any Clause that you do not concur with, we would remove it that is the way to do it.

Senator Abubakar Danso Sodangi: (Nasarawa West): Mr. Chairman, we should take the simpler one which is that you put the Question for us to concur. The reason is because this is a Bill that has been passed by our Colleagues. Notwithstanding the fact that it has been passed there, we may go all out to say we are going Clause by Clause but it will not be good to us. It is time wasting with due respect to those who call for it.

0137

Are we saying that if we go Clause by Clause, if there is any difference, we will go for conference? I would urge all of us to pass this Bill because this Bill was passed since 2005. Some of us that were privileged to be here then would remember that it was seriously debated and a Public Hearing was conducted then. This year again, when it came there was also Public Hearing. Therefore, I would beg my Colleagues that you simply put the Question for us, so that we pass this Bill. We are only concurring.

Senator Ahmed Ibrahim Lawan (Yobe North):
Mr. Chairman, Point of Order.

The Chairman: What Point of Order, distinguished Senator Ahmed Lawan?

Senator Ahmed Lawan: It is Order 8 (1) dealing with Procedure on Bill in the Committee of the Whole Senate. With your permission I will read and it says:

The Chairman of the Committee shall call the number of each clause in succession or the first and last number of a group of clauses and if no amendment be offered thereto or when all proposed amendments shall have been disposed of, shall proceed to put the question, "That the clause (or the clause as amended) stand part of the Bill".

I believe that this is the right procedure and I advise that we go with this procedure in compliance with our Order.

The Chairman: That is why I went to a great length to explain the two procedures that we can adopt. If it is a Bill where there is no controversy at all and is one of concurrence, I will merely put the Question that those who concur with the Bill as it stands now say Aye and the answer is yes or no. I said that in the event that the Nays win, then we go back to Clause by Clause because we are not going to throw away the whole Bill just because we do not concur and then we would look at it Clause by Clause.

The point that Senator Abubakar Sodangi has made is having looked at this Bill, and since our Committee brought it back, he has just made an appeal really. I explained the two systems.

However, Senator Ahmed Lawan your Point of Order is sustained because that is the procedure that I also said we would adopt. In any case, you come by Point of Order and so your Point of Order is sustained.

0138

Senator George Thompson Sekibo (Rivers East):
Mr. Chairman, Point of Order!

The Chairman: What Point of Order, Senator George Thompson Sekibo?

Senator George Thompson Sekibo: It is Order 86(6)(a) and (b) and Order 87: Order 86(6) says: *When a Bill which originated in the House of Representatives has been read the third time; the Clerk of the Senate shall either –*

(a) retain the Bill and send a message to the House of Representatives "that the Senate has agreed to the Bill without amendment"; or

(b) cause any amendment or amendments that may have been made to it by the Senate to be entered in the original copy of the Bill received from the House of Representatives, which copy, signed by the Clerk of the Senate and endorsed by the President of the Senate, shall then be returned to the House of Representatives desiring the concurrence of the House of Representatives to the amendment or amendments made by the Senate.

Order 87(a) says:

If the House of Representatives amendments are not acceptable to the Senate, then Conference Committee of the Senate and House of Representatives shall meet.

I bring this Point of Order to support what you are advising the House. There are two ways to handle it. This Bill has come to us from the House of Representatives. We must take it either by accepting it totally or take it Clause-by-Clause amendment. Order 86(b) said: *cause any amendment or amendments to the Bill.* The Senate should then let them know and it may call for a Conference Committee and that is what Order 87(a) confirms.

The Chairman: You are just confirming the points that I have made.

Senator T. U. Wada (Gombe South): Mr. President, while I am not contesting the procedure explained by the Chairman on how to concur, I want to comment on the Order raised by Senator Sekibo. The Order raised by Senator Sekibo is talking about a situation after the Third Reading has been made in the

0139

House of Representatives. So, it has nothing to do with the procedure of the Third Reading. I do not see the relevance of his Order at all. The Third Reading must be made as it is supposed to be made. So, this is talking about when the Bill has been committed for Third Reading. It is not talking of the procedure of the Third Reading.

The Chairman: Distinguish Colleagues, there is actually no need for a Senator to get up and make or over-emphasise on a point raised by another Senator when I have ruled on that Senator's Point of Order. So, whether your understanding is that the Bill is ready a Third Time in the Senate or in the House of Representatives, the procedure is very simple and straightforward. We are not doing it for the first time. We have passed that learning curve already. We would put a Question, if we do not concur to the entire Bill, we will go Clause by Clause. But the point raised by Senator Sekibo only buttresses the procedure that I have explained.

Senator Bob Effiong (Akwa Ibom North East): Mr. Chairman, in the alternative, in order to save the time of the Senate, if we take Clause 1, for instance and it is negated, that is the end; we cannot go to other Clauses again. We will save the time of the Senate by saying that there is hereby established a body to be known as Chartered Institute of Cost and Management Accountant. If the Senate answer to that is negative, we cannot go to other Clauses again.

The Chairman: Senator Bob Effiong, the only problem you have with what you have said is that if you go to our Standing Order 85(1) which says:

The Chairman of the Committee shall call the number of each clause in succession or the first and last number of a group of clauses and if no amendment be offered thereto or when all proposed amendments shall have been disposed of, shall proceed to put the question, 'That the clause (or the clauses as amended) stand part of the bill'.

So, even if you say no to Clause 1, I still have to go to the end of the Bill. This is because saying, No to Clause 1 could possibly amount to a change of name, for instance. So, that does not negate it. Anyway, you only brought my attention to the issue. Can I please put the Question now on the concurrence?

Senator Bassey Ewa-Henshaw: I need clarifications. I need to be cleared as to the implication of your putting the Question for concurrence. The

0140

reason I am asking for that is because if you put the Question and it is carried, it means that the entire Bill has been concurred. The point I want to raise is that I have already spotted many errors in going through the Bill. So, if you put that Question for concurrence, it means that we will concur all the errors that are already embedded in the Bill. So, there is need for us to be cleared with what we are doing so that we do not concur to errors that are incorporated in the Bill. I can point some of them out to you.

The Chairman: The process once more is that when we pass a Bill it goes through the Third Reading here and there will be a clean copy of the Bill. For instance, if there is a small grammatical or fundamental error of an 'a' is omitted or crossing the 't', it can be corrected in the clean copy. But if there is a major error on a Clause, then you cannot correct it in a clean copy because that will amount to changing the Clause completely. If it does not go through the concurrence, we go to Clause by Clause. There is no problem with that.

Distinguished Colleagues because this involves a Bill, it may be painstaking, but we have to do all this because it is a Bill that should stand the test of time, once it leaves us here.

Senator Bassey Ewa-Henshaw: Mr. Chairman, if you take a look at the Bill, the very first Clause 1(2). This Clause seeks to establish by law the headquarters of the Institute in Kaduna. How can we decide for the Institute where to put its headquarters by law? It is wrong. It is up to the Institute to decide where they want to set up their headquarters. Can I go on? There are others like that and they are fundamental issues. I can show you another one.

If you go to the 'Membership' in Clause 3(a) it says: *those members who constitute the Institute at the commencement of this Bill are those that are entitled to be members*'. What does that mean? If a truck pusher has helped in promoting this Bill he can become a Member automatically without having an accounting degree. That is the implication of this provision.

Senator Uche Chukwumerije: Mr. Chairman, I only want to be educated on one point of common sense and logic. Which one goes first, the cart or the horse? I am asking this question because when you talk about a Bill you are talking about a consummation of different components that have been put together to make a Bill. In other words, all the parts must be acceptable and healthy in order to lead in completion to a healthy and acceptable Bill.

0141

We would be putting the cart before the horse if we approve the whole Bill in the name of concurrence as you said earlier and after that, we cannot go into the parts again. If you say that we can approve the whole Bill in principle and still go into parts, I do not have quarrel with that. It is just like getting a budget and you say, please, approve 2009 Budget in principle and we say that everything is approved but that does not end the matter. We still go part-by-part and section-by-section and then put the Question to the House and we agree. I do not think we would lose anything by going Clause by Clause and after that we come to the question of whether or not we are agreeing with the whole Bill.

The Chairman: Please, we are not putting the cart before the horse or the horse before the cart here. We have had concurrences before. Let me give a typical example what I say about concurrency. If you take the Clause that Senator Ewa-Henshaw has mentioned that the headquarters shall be situated in Kaduna. That is what is in the Bill. Assuming instead of using the word; *in* they used the word; *of*, that is common sense correction. The clean copy can correct that and change *of* to *in*. In principle by concurrence we have agreed that this Bill should go through but such minor corrections can be done. But if we go for concurrence and we suddenly remove the entire Clause of the location of the headquarters that one is unacceptable. We cannot do it. That is why I said that crossing the “s” and dotting the “is” can be done. We have taken a lot of pains and time on this Bill whatever we do at the end of the day we still have to either go for concurrence or go Clause-by-Clause.

Senator Ibrahim Mohammed Ida: Mr. Chairman, my question is very simple. You are talking of concurrence, if we go through the document we would find that all we have is a letter from the House telling us that the Bill has been passed and here we have a Report of the Bill that we passed in this Chamber. For concurrence to occur we need to have the version of what the House has passed so that at least we can be sure of what it is. In the Report the Chairman should be able to say that in every respect what we have here agrees with what the House had passed. All we have here is a letter saying that the Bill has been passed by the House. We do not have the House version to ensure that what we have agrees with what they have passed. I seek a clarification on it. Is this Report what the House has passed or are we considering what we have passed in the Senate before?

0142

The Chairman: What we read a Second Time which is what is here is also what the House passed. What we have before us is what was given to us originally and that is what the House passed. That is the explanation and I thought Senator Ahmed said so in his presentation. (*Interruptions*)

Senator Ahmed Ibrahim Lawan: Mr. Chairman, I want to point out some problems.

The Chairman: You may speak.

Senator Ahmad Ibrahim Lawan: It is inevitable that we have to go Clause-by-Clause and let me give you two reasons for that. The first is what was pointed out in Clause 3(a) by Senator Ewa-Henshaw where it says that those members who constitute the Institute at the commencement of this Bill. This has no meaning; it has no place. Also, if you look at Clause 3(b) it has no bearing with 3(a). So, we need to go Clause-by-Clause so that we correct these errors.

If you go to Clause 7(e) it says: *All immediate past Presidents of the Institute including incorporated trustees...* This Institute has not become operational yet, so which ones are past that they should be in the Council? I believe we need to go Clause-by-Clause so that we are critical of the provisions in the Clauses.

The Chairman: Please, let me put the Question now. I should really put the Question now otherwise we are just going to carry on from one question to the other. (*Interruptions*)

Senator Lee Ledogo Maeba: Mr. Chairman, I have a Point of Order under Order 87(a) and with your kind permission, I read: (a): *If the House of Representative amendments are not acceptable to the Senate, then Conference Committee of the Senate and House of Representatives shall meet.*

The only way we cannot make amendment by this Rule and our convention is if we are receiving a Conference Report. This is not a Conference Report. We are passing this Bill through our normal procedure and at this point we can make corrections. If we do not want the headquarters in Kaduna State we will put it that we do not want it there and when the Conference Committee meet they will put it at any venue they want or change the words. The confusion here is that we are treating this as a Conference Report yet, it is not a Conference Report. This is a Report from a Second Reading. At this stage we can make amendments and if

0143

there are disagreements, there would be a Conference Committee of the House and the Senate where they can resolve all the disagreements and later bring us a Conference Report.

The Chairman: Senator Lee Maeba, why did you not read the Rule on Concurrence? You are reading the Rule on Conference Report and nobody has said that this is a Conference Report; we have not said so. You brought the problem and provided solution which is not the problem on ground. You came by a Point of Order and I do not have an option but to rule you out of order.

I will now put the Question on the concurrence of the Bill as presented by the Senate Committee.

Question put and negatived.

The Chairman: We will now do a Clause by Clause consideration of the Bill.

Senator Teslim Kolawole Folarin: Mr. Chairman, I now move that we the Senate go into Clause by Clause consideration of the Report.

Senator Maina Ma'aji Lawan: Mr. Chairman, I second the Motion moved by the Senate Leader that the Senate go into Clause by Clause consideration of the Report.

Question put and negatived.

The Chairman: Once more, please, the Motion is that we should go into Clause by Clause consideration of the Bill. There is no way we could throw away the Bill without considering it Clause by Clause. We must get this right because we have done the Second Reading and this is the Third Reading of the Bill as far as we are concerned. The Third Reading means Clause by Clause consideration. Please, I am not stopping you from throwing the Bill out; do not get me wrong because that is not the issue here. Our procedure demands that we have to do a Clause by Clause consideration. If in the process we do not pass it, it is a different thing.

Senator Bukar Abba Ibrahim (Yobe East): Mr. Chairman, the nays you are hearing shows that majority of the Senators are opposed to having so many professional bodies in one profession. Now, at what stage could we throw it out? (Laughter)

0144

The Chairman: Well the stage that a Bill is rejected is during the Second Reading. So, if your Bill went through Second Reading then you will have to do a Third Reading.

Senator T. U. Wada: Mr. Chairman, Orders 85 talk about the procedure of a Bill on the Committee of the Whole. Order 85(1) reads:

The Chairman of the Committee shall call the number of each clause in succession or the first and the last number of a group of clauses and if no amendment be offered thereto or when all proposed shall have been disposed of, shall proceed to put the question, "That the clause (or the clause as amended) stand part of the bill".

The Chairman: That is exactly what I have said, so your Point of Order is sustained and we have to go by Order 85.

Senator T. U. Wada: Mr. Chairman, we have read Order 85 I want to vouch for the interpretation of Order 85. There is no need for Mr. Chairman to put the Question as to whether we should consider the Report Clause by Clause. Order 85 is mandatory, so, at this stage, we are to go ahead to read the Report Clause by Clause. If I am allowed, I would also go to Order 45.

The Chairman: Senator T. U. Wada, your Point of Order is sustained. Putting the question on the Clause by Clause does not arise. Having rejected concurrence, we will go for Clause by Clause consideration.

Distinguished Senators, there are 29 Clauses and because of the controversy, we shall go Clause by Clause.

Clause 1- (ESTABLISHMENT OF CHARTERED INSTITUTE OF COST AND MANAGEMENT ACCOUNTS)

Question proposed.

Senator Ike Ekweremadu: Mr. Chairman, if you look at Clause 1 there are two parts to it. I suggest that you put the Question separately in respect of Clause 1(1) and (2). Let us separate the sub-Clauses and see if that will help the matter.

The Chairman: All right, I will not waste any more time on this. I will put the Question on Clauses 1 to 29.

0145

Question put and negatived.

I will also put the Question on Schedule 1, Paragraphs 1 to 6, Schedule 2, Paragraphs 1 to 10 and Schedule 3, Paragraphs 1 to 6.

Question put and negatived.

LONG TITLES – *Question put and negatived.*

Senator Teslim Kolawole Folarin: Mr. Chairman, may now report progress.

Senator Maina Ma'aji Lawan: Mr. Chairman, I second the Motion that the Chair reports progress.

Question put and agreed to.

(The President resumed the Chair)

The President: The Senate in the Committee of the Whole considered the Report of the Committee on Establishment and Public Service on the Chartered Institute of Cost and Management Accountants (CICMA) Bill, 2009 and approved as follows:

Clauses 1 to 29	-	rejected,
Schedules 1 to 3	-	rejected,
The Long Title of the Bill	-	rejected.

Is this a true reflection of what transpired in the Committee of the Whole?

Several distinguished Senators: Yes.

The President: As it stands, this Bill is thrown out; that is the conclusion. That is what we have done effectively because we have rejected the entire Bill. We have thrown it out and there is no further discussion on this Bill.

CONSIDERATION OF A BILL

Police Act (Amendment) Bill, 2009

A Bill for an Act to Further Amend the Police Act 1967 Cap P.19 2004 LFN and For Matters Connected Therewith, 2009.

Order for Second Reading

0146

Senator Teslim Kolawole Folarin: Mr. President, the second Order of the day is the Second Reading of the Police Act (Amendment) Bill, 2009.

You would recall that this Bill was read the First Time in this hallowed Chamber on Thursday, 14th May, 2009. With your very kind permission, I want to start the lead debate.

The President: The Leader of the Senate, you may start the lead debate.

Senator Teslim Kolawole Folarin: Mr. President, I thank you for the privilege to lead the debate on the general principles of this Bill for an Act to Further Amend the Police Act P 19 2004 LFN and for Matters Connected therewith 2009.

This Bill was read the First Time in this Chamber on Thursday, 14th May, 2009. This Bill is one of the political reform Bills forwarded to the National Assembly by the President, Commander-in-Chief. This Bill aims to checkmate ugly trends of insecurity, electoral violence, thuggery and other misdemeanours at pre-electioneering, electioneering and post-electioneering periods by vesting in the Nigeria Police Force additional powers and functions of providing security for electoral officials, materials, candidates and other stakeholders.

This Bill specifically seeks to amend Section 4 of the Principal Act by providing that the Police shall, while on election duty:

- i. Safeguard the security of the lives and property of citizens during the campaign and voting so that citizens will not feel unsafe on account of holding, associating with, or expressing a political opinion;
- ii. Ensure the safety of electoral officers, before, during and after elections;
- iii. Providing security for candidates during campaigns and elections;
- iv. Ensure and preserve a free, fair, safe and lawful atmosphere for campaigning by all parties and candidates without discrimination; and
- v. Providing security for electoral officials at voting and counting centres, and ensure the security of election materials at storing, voting centres and also in transit.

0147

Even though more work needs to be done on this Bill, the intents and objects of the Bill are laudable. I, therefore, urge this distinguished Senate to expeditiously consider this Bill and approve its Second Reading.

Senator Grace Folashade Bent: Mr. President, I second this Bill as being proposed by the Leader of the Senate but in supporting and seconding this Bill, I want to raise few issues.

You may recall that a couple of days ago, there was a Bill sent to us on the need for an establishment of an Electoral Offences Commission and it was exhaustively and extensively debated. You may also recall that this Bill had already been referred to the Committee on Constitution Review. If we are considering this Bill today as it stands, would it not be duplicating the setting up of the Commission? In other words, I would have thought that this Bill should have come before the other one because essentially what some of our Colleagues said the other day was that rather than setting up a Commission, the Police Act should be amended.

If we had agreed on that, then we may have to find a way of retrieving that Bill on the Electoral Offences Commission and address this one squarely. Otherwise, we would be duplicating the responsibilities of the Commission and the Police. As this Bill stands, it is all right but we may have to expand it because it is not very detailed enough. These are my observations.

Senator Ike Ekweremadu: Mr. President, I rise to make my contribution as a Senator of the Federal Republic of Nigeria and as a representative of the good people of Enugu West.

It is without prejudice what would be the outcome of this Bill. Let me take you to the provisions of Section 4 of the Police Act. It is straightforward. It gives the Police the power to protect lives and properties without discrimination whether it is the life of INEC officials or those of Senators. So, I believe that the provisions of this Bill are mere surplusage and superfluous. It does not add any value to our match towards a better electoral system. I believe that Section 4 of the Police Act is enough provision to protect the lives and properties of INEC officials.

If you look further at Section 215 of the Constitution which is *inparri materia* with the same provision of Section 10 of the Police Act. Section 215(13), it says:

0148

The President or such other Minister of the Government of the Federation as may authorize in that behalf may give the Inspector-General of Police such lawful direction with respect to the maintenance as a kind of public safety and public order as he may consider necessary and the Inspector-General of Police shall comply with those directions or cause them to be complied with.

Subsection (5) says: *The question whether any and if so what direction has been given under this Section shall not be inquired into in any court.*

So, this has given sufficient powers to the President of Nigeria to take concrete steps even in election and say: Inspector-General of Police, I want you to ensure that you make provision for the protection of properties of the INEC and the lives of those who are assigned to electoral duties. I do not think we have any need to amend Section 4 of the Police Act to make any specific provision for the properties and lives of those involved in electoral matters. We have enough laws and what we have is sufficient to protect them and it does not add any value and it does not make any difference, at best it is a waste of our time. I so submit.

The President: I want to be clear in my mind. The Bill is seeking to amend Section 4 of the Police Act and it is adding all those things, safeguard, and security of lives and properties of citizens during the campaign and voting so that citizens would not feel unsafe on account of holding, associating or expressing opinion.

The general duties of Police in the existing Act is that the Police shall be employed for the prevention and detection of crime, the apprehension of offenders, the preservation of law and order, the protection of life and property and the due enforcement of all laws and regulations with which they are directly charged and shall perform such military duties within or outside Nigeria as may be required of them or under the authority of this Act.

Basically, what I want to get right is, what is the difference between what exists now and what we are asking them to do.

Senator Joy Ifeyinwa Emodi (Anambra North): Mr. President, I raised a concern sometime in this hallowed Chamber about the quality of Bills coming from the Executive arm of Government. This is a serious Chamber. There is need for them to energise that department responsible for sending Bills to this hallowed Chamber.

0149

What they should concern themselves with is how to better the welfare of the Police. They presented to us the constitutional responsibilities of the Police. Assuming without considering that these are not the constitutional responsibilities of the Police, can the Police operate without having adequate infrastructure in terms of welfare and equipment to carry out their responsibilities?

Sir, with all due respect, there is need for you, on behalf of the Senate of the Federal Republic of Nigeria, talk with the Executive arm of Government that we have a lot of things doing in this Chamber and not considering Bills like this. Maybe, today is a bad day for Reports and Bills, because this one is going to die a natural death again and it does not auger well for the Executive to be sending Bills that would always die in this hallowed Chamber.

Therefore, I urge all my Colleagues to turn down this Bill. There is no need for further debate on it. Let us throw away this Bill and continue with our assignment.

The President: Let me see those who do not want the Bill to die, let them talk first.

Senator Lee Ledogo Maeba: Mr. President, if I can borrow the words of Senator Joy Emodi. You know I once discussed with you the problem of Bills emanating from the Executive in this democracy. This is a PDP controlled Senate because PDP has a majority here and we have a PDP Government. We have a Standing Committee on that here. Our business here is making and amending laws. If the President wants to amend the Police Act he is supposed to invite the President of the Senate to discuss and see which one is good or bad. But they write all sorts of things and send to us here and it looks as if there is a conflict.

The President: Senator Ledogo Maeba, I am looking for people to save the Bill.

Senator Lee Ledogo Maeba: Mr. President, the only thing that can save this Bill is to add provision that will stimulate a package to ensure increase in the welfare of the Police. The Police are suffering. Instead of coming here to say how you will give them more money you talk of how you will give them more work.

A Policeman is transferred from Oshogbo to Benin City there is no provision for accommodation. He sleeps under the flyover with his ammunition then the

0150

militants will just pass by and pick the gun from him and ordered him to keep quiet.

Senator Mahmud Kanti Bello (Katsina North): Mr. President, initially I was asking the Leader if it is a personal Bill but he told me it is not. My feeling is that with all due humility, I suggest this Bill should be withdrawn completely from this Chamber.

The President: Distinguished Colleagues, I want those who want to save the Bill.

Senator Julius A. Ucha (Ebonyi Central): Mr. President, I most sincerely sympathise with the Executive for presenting this Bill. I said so for one obvious reason. We came to the Senate of the National Assembly having contested and won elections. We visited polling booths during electoral process; Policemen were also around the booths and we all know what happens at all material time there is electoral process. Even when an offence is being committed and you ask a Policeman to act the Policeman would refuse to act, that to my mind, is the intention of this Bill which is to avert dereliction of duty. That is just the intendment of this Bill.

What is very obvious is that apart from some obvious actions during election process in the polling booths, we have definite statutes that are self explanatory on the function and actions of the Police. These laws are incontrovertible, self explanatory and very obvious. What we have before us does not, in any way, add to the value of the existing enactments.

The President: Senator Julius Ucha, thank you very much.

Senator Bala Abdulkadir Mohammed (Bauchi South): Mr. President, I am for this Bill and I believe this Bill is going to add value and bring credence to the spirit of impartiality that the Police are supposed to express. However, we are all witnesses to electoral malpractices, thuggery and violence. If this Bill by the intent of the Executive seeks to revert all these aspects of the Police and give them value and capacity to perform their functions, silently as a legal instrument, then I will agree with it, but if it is just a gimmick given to us by the Executive, without backing to ensure that the Police are properly positioned to perform their functions then, I agree with what distinguished Senator Joy Emodi said that this Bill should be done in partnership with the Leadership of the Senate because we are all partners in electoral business. *(Interruptions)*

0151

I am talking seriously on this issue and I believe we should not stifle what the Executive brought in trying to provide an instrument of assisting the Police and positioning them to function effectively. However, the Bill should be all encompassing looking at the problems and challenges of the Police in order to position them well to discharge their responsibilities as envisaged by the Bill.

Senator Mohammed Mana (Adamawa North): Mr. President, you will recall that when these set of Bills were drafted and forwarded to us from the Executive, we pointed out that the Bills do not have the necessary meat to pass through.

I quite agree with distinguished Senator Bala Mohammed that the intention of government is, perhaps, to check the rancorous nature of elections in this country but the approach that this Bill has taken will not achieve the aim. I will suggest that in line with our Standing Order 89, the Leader should withdraw this Bill quietly. PDP is the ruling government and we are really concerned that we should have a free and fair election in this country. The Police should be able to discharge its duty while elections are going on. This Bill should be quietly withdrawn in line with our Order 89, redrafted and forwarded to us.

The President: There is very little you can do quietly about this Bill now because it is in the public domain. You cannot do anything quietly about it.

Senator Teslim Kolawole Folarin: Mr. President, Point of Order!

The President: Leader has come by Point of Order and I have recognised Leader's Point of Order first.

Senator Teslim Kolawole Folarin: Mr. President, before raising my Point of Order you asked me a very valid question that is the difference between this amendment and what we have now. You know that every Executive Bill becomes my own Bill. My job is to articulate these Bills as best as I can and it is up to the Senate to decide. I believe the Senate has decided and for this reason I want to raise our Standing Order 89. Shall I read it, Sir?

The President: Read, please.

0152

Senator Teslim Kolawole Folarin: Order 89 says: *The Senator in charge of a Bill may make a motion without notice for its withdrawal either before the commencement of public business or on the order of the day for any stage of the Bill being read.* Mr. President, I hereby move that this Bill be withdrawn.

The President: Senator Kanti Bello you have spoken on this Bill and you cannot speak twice on the same subject matter. It is not a Motion.

Senator Kanti Bello: Mr. President, because he raised a Point of Order and then put in a Motion, I am in total support of his Motion that this Bill be withdrawn in line with Order 89 of our Standing Orders.

The President: You know I used two glasses, I was looking at the Leader and I did not rule on the Point of Order he raised. The Order says: *The Senator in charge of a Bill may make a motion without notice for its withdrawal either before the commencement of public business or on the order of the day for any stage of the bill being read.*

Your Motion does not need a Seconder. Chief Whip, your secondment is superfluous. The mood of the Senate today is very unique. Leader, you are the owner of the Bill and once you want to withdraw it, I actually do not have a choice. The person who is presenting the Bill wants to withdraw it, we will allow him to withdraw it. Therefore, I sustain your Point of Order.

Senate Andrew Abidemi Babalola (Oyo North): Mr. President, I read Order 89 once again. If you permit me I may read, Sir. *The Senator in charge of a Bill may make a motion without notice for its withdrawal either before the commencement of public business or on the order of the day for any stage of the bill being read.*

We have passed the Order of the Day. The Order of the Day is the paper that we have in our hands. We are debating now so it is not at this stage that the Bill can be withdrawn.

The President: In conjunction with what you read, could you just read Order 25(1)(f) and (h)?

Senator Andrew Abidemi Babalola: It is noted, Sir.

0153

The President: No, I said you should read it.
(Laughter)

Senator Andrew Abidemi Babalola: Order 25(1) reads: *The President shall preside at the sittings of the Senate:*

(f) *he shall be responsible for the observance of the Rules of debates. He shall give rulings on points of order or of Constitution raised during debates.*

(h) *he shall interpret the Rules.*

The President: Is there any other Point of Order?

Senator Bassey Ewa-Henshaw (Cross River South): Mr. President, it is Order 89 and with your indulgence, I would like to read.

The President: Read it in conjunction with Order 53(6).

Senator Bassey Ewa-Henshaw: Order 89 reads: *The Senator in charge of a bill may make a motion without notice for its withdrawal either before the commencement of public business or on the order of the day for any stage of the bill being read.*

Order 53(6) reads: *It shall be out of order to attempt to reconsider any specific question upon which the Senate has come to a conclusion during the current session except upon a substantive motion for rescission.*

I am not challenging your decision because I heard you clearly when you said you have ruled sustaining the Order which the Leader raised over (Interruptions)

The President: Sorry, Senator Ewa-Henshaw. Please read Order 64 also.

Senator Bassey Ewa-Henshaw: Order 64 reads:

The President of the Senate in the Senate and the Chairman of any Committee shall be responsible for the observance of the rules of order in the Senate and Committee respectively and their decision upon any point of order shall not be open to appeal and shall not be reviewed by the Senate except upon a substantive motion after notice.

0154

I am not challenging your decision. Your decision was that the Senate Leader has right as the person responsible for the Bill to withdraw it. I am not challenging that. As far as I am concerned, that is perfect. The only issue I am raising is that you said he came by way of Point of Order. But in the process of withdrawing it he has not moved a Motion as required by Order 89.

The President: Order 89 says that *he may move a Motion. He shall move a Motion* is what will compel him to move a Motion. He just said that he wants to withdraw his Bill and that is the end of the story. (Interruptions)

What the great Leader of the Senate said was that he wanted to withdraw his Bill. If the Rule has said that *he shall move a Motion* that is why I said that what Senator Kanti Bello did was not necessary because the Leader did not move a Motion. He said he would like to withdraw his Bill.

Senator Bassey Ewa-Henshaw: Except that he said it was not in relation to what he said.

The President: That is where the issue of interpretation comes in. You must accept my interpretation according to Order 25(h). (Interruptions)

There should be no more Points of Order. Let me thank the Senate that the decision of the Senate would always be final. I respect your decision and I think it is borne absolutely out of patriotism. There is nothing personal. It is borne in the best interest of those who elected us. The issues that have been raised are very valid ones and they were raised to assist and ensure that the happenings in this country are happenings that would ensure our economic advancement and progress.

If Bills are truly going to come here, they should be Bills that would make impact on the lives of our people or on the progress that we would all be happy and desire to achieve for this country. So, I respect your views and they are genuine views. I hope that those who are watching us will take notice of the fact that we are very serious with the things that we are doing here.

(Bill by leave of the Senate withdrawn)

0155

Deferment of Other Items on the Order Paper

Senator Teslim Folarin: Mr. President, I now move that other items on the Order Paper be stood down to another legislative day.

Senator Maina Ma'aji Lawan: Mr. President, the Leader haven withdrawn very tactfully a very bad Bill, I second his Motion that all other items on the Order Paper be stood down to another legislative day.

Question put and agreed to.

(By leave of the Senate remaining items on the Order Paper accordingly stood down to another legislative day)

0156

ADJOURNMENT

Senator Teslim Folarin: Mr. President, I move that this Senate do now adjourn till tomorrow, Thursday, 8th October, 2009, at 10.00 a.m. prompt.

Senator Maina Ma'aji Lawan: Mr. President, I rise to second the Motion that the Senate do now adjourn till tomorrow, Thursday, 8th October, 2009, at 10.00 a.m. prompt.

Question put and agreed to.

Resolved: That the Senate do stand adjourned till Thursday, 8th October, 2009, at 10.00 a.m. prompt.

The Senate adjourned accordingly at 1.25 p.m.