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FEDERAL REPUBLIC OF NIGERIA

**Wednesday
22nd July, 2009**



NATIONAL ASSEMBLY DEBATES

**FOURTH REPUBLIC
THIRD ASSEMBLY
(SIXTH SENATE)**

THIRD SESSION

SENATE OFFICIAL REPORT

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**SENATE OF THE FEDERAL
REPUBLIC OF NIGERIA**

Wednesday, 22nd July, 2009

The Senate met at 10.50 a.m.

PRAYERS

(The President in the Chair)

VOTES AND PROCEEDINGS

The President: Distinguished Senators, we have the Votes and Proceedings of Tuesday, 21st July, 2009 before us for approval: Pages 101, 102, 103, 104, 105, 106, 107, 108.

Senator Nimi Barigha-Amange (Bayelsa East): Mr. President, on page 108, No. 32 has a duplication of word; *staff*. It should read; *Staff Group Assurance Scheme* and not *Staff Group Staff Assurance Scheme*.

The President: That is right. Senator James Manager, what is being corrected concerns you. The mistake will be corrected but what they did here is what reflected on the paper itself, so we have to check that that is not what is on the original paper.

Senator Nimi Barigha-Amange: Also, on the same page, No.38 should read; *Retirees Pension Scheme*, not *Retires Pension Scheme*.

The President: That is noted. They will bring the original paper so that we compare it.

Senator Nimi Barigha-Amange: On page 109, item 20 should read; *Equipment: Window Unit Air condition*, not *Window Unit Air*.

The President: You are right, but again we would check the original document. We are on pages 101 and 111?

Senator Grace Folashade Bent (Adamawa South): Mr. President, I rise to move the Motion that the Votes and Proceedings of Tuesday, 21st July, 2009 be approved as amended.

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Senator Nimi Barigha-Amange: Mr. President, I rise to second the Motion ably moved by Senator Grace Folashade Bent that the Votes and Proceedings of Tuesday, 21st July, 2009 be approved.

Question put and agreed to.

Resolved: That the Votes and Proceedings of Tuesday, 21st July, 2009 be approved as amended.

ANNOUNCEMENTS

**Meeting of the Ad-Hoc Committee on the
Immortalisation of Senators**

The President: There will be a meeting of the Senate Ad-hoc Committee on the Immortalisation of Senators on Wednesday, 22nd July, 2009 at 2.00 p.m., in the Deputy Senate Leader's Office, Room 4.27.

Members should endeavour to be punctual.

(Signed)

Senator Victor Ndoma-Egba SAN

Deputy Senate Leader and Chairman, Senate Ad-hoc Committee on Immortalisation of Senators

**Ad-hoc Committee on Millennium
Development Goals**

The Committee had circulated an update progress Report on MDGs 2008 Quickway's Project, as at June 15, 2009.

In view of the above, the Committee hereby requests that responses from distinguished Senators on the matter be forwarded to the Chairman at Suite 4.23, Senate New Wing, National Assembly Complex, Abuja.

Your expedited action on this matter will be highly appreciated.

Yours sincerely,
(Signed)
Senator M. Kanti Bello
Chairman

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Closed Session

There will be a Closed Session tomorrow, by 10.05 a.m. This will precede the meeting we would have with the Ministers that we invited for Closed Session tomorrow also. They are coming to brief us on the sudden incidence of kidnapping and hostage taking in Nigeria. It would be done in a Closed Session. But we will have our own Closed Session by 10.05 tomorrow morning. Please be punctual.

The Minister of Interior, would be here. Though there is a switch, the former Minister of Interior will actually come to brief us. We shall clarify that. Maybe, both the former and the new will come. Also, the Director General of SSS, the Inspector-General of Police and the National Security Adviser to the President will also come. Their briefing is for 10.30 a.m. and we have asked them to please, be punctual.

Birthday Wishes to Some Distinguished Senators

On behalf of all of us, I would like to wish distinguished Senator Sani Ahmed Rufai a happy birthday. Today, 22nd July is his birthday. He is still a young man, forget his beard that does not give his age. We wish you a happy birthday.

PRESENTATION OF REPORT

Report of the Committee on Banking, Insurance and Other Financial Institutions on the screening of Chairman and Members of the Governing Board of Nigeria Deposit Insurance Corporation (NDIC)

Senator Teslim Kolawole Folarin (Oyo Central): Mr. President, the first business of the day is the presentation of the Report of the Committee on Banking, Insurance and Other Financial Institutions on the screening of the following persons as Chairman and Members of the Governing Board of the Nigeria Deposit Insurance Corporation (NDIC), in accordance of Section 5(4) of the Nigerian Deposit Insurance Corporation Act.

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|-----------------------------------|----------|
| 1. Hassan Adamu (Wakiliu Adamawa) | Chairman |
| 2. Chief David Oghene | Member |
| 3. Chief Oyebisi L. Ilaka | Member |

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- | | |
|----------------------------------|--------|
| 4. Lawan Z. Gana | Member |
| 5. Mr. Razaq Tunde Lawal | Member |
| 6. Mr. Abdulrahman Dikko | Member |
| 7. Ms. Bennedikter China Molokwu | Member |

You may now invite the Chairman of that Committee, Senator Nkechi Nwaogu to move the Motion for the Senate to receive the Report.

Senator Nkechi Nwaogu (Abia Central): Mr. President, may I move that the Senate do receive the Report of the Committee on Banking, Insurance and Other Financial Institutions on the screening of the Chairman and Members of the Governing Board of the Nigerian Deposit Insurance Corporation (NDIC).

Senator Enyinnaya Abaribe (Abia South): Mr. President, I want to thank you for the solidarity you are showing to Abia State and I want to use this opportunity also to second the Motion that Senator Nkechi Nwaogu do lay the Report of the screening of the Chairman and Members of NDIC.

Question put and agreed to.

Resolved: That the Senate do receive the Report of the Committee on Banking, Insurance and Other Financial Institutions on the screening of the Chairman and Members of the Governing Board of the Nigerian Deposit Insurance Corporation (NDIC)

(The Report is accordingly laid on the Table)

ORDERS OF THE DAY

CONSIDERATION OF REPORT

Report of the Conference Committee on the National Health Bill, 2009

Senator Teslim K. Folarin: Mr. President, the first Order of the day is the consideration of the Conference Committee Report on the National Health Bill, 2009.

You would recall that the Senate and the House of Representatives passed different versions of the National Health Bill and the Conference Committee was set up to harmonise the differences in accordance with the Senate Standing Order 88.

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The Report is ready, you may now invite the Vice-Chairman of the Committee on Health, Senator Dantong to move the Motion for the Senate to consider the Conference Report.

Senator Gyang Dalyop Dantong (Plateau North): Mr. President, I rise to move that the Senate do consider and approve the Report of the Conference Committee on the National Health Bill, 2009.

The National Health Bill was introduced in the Senate as SB 50 in 2008 and HB 108 in 2008. The Bill in specific terms seeks to define, streamline and provide a framework of standard and regulation of health services in the country; spell out rights and duties of healthcare providers, health workers, health agencies and users, and serve as a guide in the development, promotion and formulation of national health amongst others.

It was considered and passed by the Senate on Thursday, 15th May, 2008 and by the House of Representatives on 26th February 2009. However, following the differences in the two versions of the Bill as passed by the two Houses of the National Assembly, a Conference Committee was constituted in the Senate on Thursday, 7th May, 2009 and in the House of Representatives on Thursday, 28th May, 2009 to harmonise the differences.

The members of the Conference Committee are as follows:

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|---------------------------------|----------|
| 1. Senator Gyang D. Dantong | Chairman |
| 2. Senator Felix Bajomo | Member |
| 3. Senator Eme Ufot Ekaette | Member |
| 4. Senator Anthony Manzo | Member |
| 5. Senator Olorunnimbe Mamowora | Member |
| 6. Senator Mohammed Mujitaba | Member |
| 7. Senator Zaynab A. Kure | Member |
| 8. Senator Abolagba Johnson | Member |
| 9. Senator Abba Adamu Anas | Member |
| 10. Senator Patrick Asadu | Member |

The Committee met on Wednesday 3rd June, 2009 in Senate Committee Room 3.05 to consider and harmonise the differences contained in the two

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versions of the Bill as passed by the Senate and the House of Representatives. Furthermore, the Members met to certify and adopt the harmonised Bill. Accordingly the Bill was certified and adopted.

The Recommendation of the Conference Committee is as follows:

The differences are contained in Sections 2(1)(k), 2(2)(a), 4(1)(d), 5(1)(h), 5(3), 6(2)(g), 8(2), 8(2)(d), 8(2)(f), 11(2)(d), 11(5)(b), Sections 14, 39(2), 59 and 65.

After careful consideration of the implication and purpose of these differences as they apply to the Bill, the Committee adopted Sections 2(1)(k), 2(1)(2), 4(1)(d), 5(3), 6(2)(g), 8(2), 8(2)(f), 11(2)(d), 11(5)(b), 59 and 64 as in the House of Representatives' version. Similarly, Sections 5(1)(h), 8(2)(h), 14, and 39(2) as in the Senate version. In same vein, the word *Act* as was used in Senate version was replaced with the word *Bill* as is in the House of Representatives' version wherever they appeared.

Essentially, Sections 4(1)(d), 8(2)(f), 11(1)(d) entail substantive changes, while other changes bothered on grammatical collocations. So, we can see that actually the differences are not much; they are just four or five that we had to consider.

- a. Section 4(1)(b) - This section deals with the insertion of additional Clause to accommodate health professionals in the composition of the National Council on Health. Accordingly, the House version was adopted.
- b. Section 8(2) - This section deals with the status and qualification of the occupant of the Office of the Chairman of the National Tertiary Hospital Commission, while the Senate version wanted a part time Chairman, the House of Representatives' version opted for Executive Chairman with a given qualification and experience. Having regard to the import of these provisions the Committee adopted the House of Representatives' version.
- c. Section 8(2) (d) - In this Section the House of Representatives' version which gave recognition to Trade Union was jettisoned. Consequently, the Committee adopted the Senate version that brought appointment of persons to represent the public on merit.

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- d. Section 8(2)(f) - Adoption of House of Representatives' version in Clause (f) of this Section was followed up to the changes in Section 8(2) which changed Part Time status of the Chairman of the National Tertiary Hospitals Commission to Executive Chairman. The Secretary which hitherto enjoyed Executive status in Senate version assumed the actual role of the Secretary of the Board.
- e. Section 11(2)(d) - In this Section the Committee opted for the House of Representatives' version as it spelt out clearly the qualification and requisite experience required of a person to represent the Federal Capital Territory Primary Healthcare Board.

In conclusion, Members of the Committee wish to thank the National Assembly for the opportunity given them to resolve observed differences in this all important Bill. We hereby recommend for passage into law, the harmonised version as adopted by the Conference Committee as attached herein.

Senator Adegbo Eferakeya (Delta Central): Mr. President, I rise to second the Motion that the Senate do consider and approve the Report of the Conference Committee on the National Health Bill, 2009, SB.50.

The President: He did not move a Motion. You can only support it and not to second it. It is on the Order Paper and I called him to present the Report which he has presented. With what you have done it means I have to put the Question immediately and there will be no room for comments. Even though he read it, comments here will not be useful because it is a Conference Report. In case anybody has any comment, if there are no comments then I can put the Question.

Question put and agreed to.

Resolved: That the Senate do approve the Conference Committee Report on the National Health Bill, 2009.

The President: That concludes our discussion on the National Health Bill. We read it the Third Time already and the Bill has been passed. We hope that with the passage of this Bill the Ministry of Health would do its proper work and we would see the effect of the Bill on the National Healthcare programmes.

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Report of the Committee on Environment and Ecology on the National Climate Change Bill, 2009

(Adjourned debate on Motion Wednesday, 15th July, 2009) (Second Allotted Day)

Senator Teslim Folarin: Mr. President, the second Order of the day is the resumption of adjourned debate of the Report of the Committee on Environment and Ecology on the National Climate Change Bill, 2009.

With your kind permission, I want to move that the Senate do now resolve into a Committee of the Whole to resume consideration of this Report.

Senator Kabiru Ibrahim Gaya (Kano South): Mr. President, I second the Motion moved by the Leader that the Senate do resolve into Committee of Whole to resume the consideration of the Report.

Question put and agreed to.

The National Climate Change Commission Act Bill, 2009 - CONSIDERED IN THE COMMITTEE OF THE WHOLE

The Chairman: Senator Barigha-Amange, where did we stop?

Senator Grace Bent (Adamawa South): Mr. Chairman, we stopped at Clause 4(1). We had already considered (a) and (b) and then we talked about the *Executive Secretary*. You may now wish to put the Question on Clause 4.

The Chairman: Did we finish with Clause 4(1)?

Several distinguished Senators: We finished with Clause 4(1) only.

The Chairman: Is there any Amendment on Clause 4(1)?

Senator Nimi Barigha-Amange: Mr. Chairman, I want to inform us that we stopped at Clause 4(1). We did not take Clause 4(1)(a) and (b). We have (a), (b), (c), (d), (e), (f).

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The Chairman: When we stopped consideration that day you will recall I did say that there is confusion because what Senator Barigha-Amange was reading was Cessation of Membership of the Board which is Clause 4(1)(a), (b), (c) and (d); but if you look at the next page there is also Clause 4(1). We stopped at the one on page 3 which is 4(1)(a), (b), (c) (d), (e), and (f).

Senator Grace Bent: Mr. Chairman that is on page 3 of the Bill.

The Chairman: Did we approve 4(1)(a), (b), (d) and (e)?

Several distinguished Senators: No.

The Chairman: Then we will start with Clause 4 now.

Senator Ayogu Eze (Enugu North): Mr. Chairman, the Chairman of the Committee needs to clarify which Clause 4 we need to concentrate on. This is because there is Clause 4 in middle showing 1(a), (b) and so on and then on the next page which is page 4, you also have another Clause4 that has (1), (2), (3) and (4). There it says *retained*. How may Clauses 4 are we going to do? There is confusion here and they need to clarify it before we can move forward.

The Chairman: The clarification will be that the first Clause 4 we will treat as Clause4. The one on the next page we would change to Clause 5.

Senator Grace Folashade Bent: Mr. Chairman, the Secretariat messed up the numbering. The Clause 4 on page 3 is actually the new Clause 4 which is the recommendation by the Committee. Then the one on the next page is the original Bill which we have retained. Ideally, this should have been Clause 5.

What we need to do would be to renumber these two Clauses as we go along because if you get to 5, you will see that it is a smooth transition to 6.

Senator Sola Akinyede (Ekiti South): What is on the paper is partially correct. Firstly, the Clause 4 on page 3 is the new Clause 4 and after that we have Clause 5 and it continues. Then on page 4 is the old Clause 4 which becomes Clause 6 and some

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provisions there are retained while others are deleted. Then the same way, the old Clause 5 becomes Clause 7 and it continues that way.

The Chairman: If you see page 2, there is what has been recommended and what they brought. Clause 3 is corresponding to Clause 3 in the Committee's recommendation. Now, if you go to the next page 3, the Committee's recommendation is Clause 4. What is on page 4 is the old Clause 4; so what is on the paper here is correct, there is no problem with it.

Do not let us quarrel with the numbering. We can dispose of that as we go along. We can number Clauses here on our own, let that not delay us. I am putting the Question on Clause 4 on page 3.

Senator Sola Akinyede: I will like to invite the attention of distinguished Colleagues to the provisions of Clause 4(1)(d). My worry is that it says: *if he is guilty of a serious misconduct in relation to his duties*. That is too restrictive because a person could be guilty of misconduct that does not relate to his duties. For instance, suppose a Member of the Board is fighting in public, it does not relate to his duties. Or he is guilty of indecent exposure. That does not relate to his duties.

Secondly, the word *guilty* to me suggests that somebody has been found guilty of an offence in court. I do not know if a person could be found guilty of misconduct in respect of his duties. I think that Clause should just go.

Again in Clause 4(2) it says: *a member may be removed by the President directly*. I am not aware if President removes people indirectly. So, that word *directly* should also go.

The Chairman: To the best of my knowledge 4(1)(d) is eventually in all the Acts that we have passed in this Senate but not in relation to his duties. It normally stops at *guilty of serious misconduct* and the explanation we have had all these years for it, like you rightly said, if he does something for which he is found guilty in a court of law, he should not be a member of the Board. That was the interpretation they gave before and it is still good up to this point in time. We should stop it at misconduct.

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Senator Nimi Barigha-Amange: Mr. Chairman, I am still worried of (d) and (e). Sub-Clause (e) is saying: *if he is convicted of a felony or any offence involving dishonesty or fraud*. Then sub-Clause (d) says: *he is guilty of a serious misconduct in relation to his duties* and there is or here, any of them.

My opinion is that before you can say that somebody is guilty, the court must have pronounced the person guilty and must have convicted him. If somebody is guilty the court will definitely convicted that person. Why are we keeping the two? Again, there is *serious misconduct* in (d). Misconduct is misconduct.

The Chairman: Senator Sodangi, like I said, Sub-Clauses (d) and (e) are very standard and we can find where they are normally drafted. They are standard drafting language.

Senator Abubakr Danso Sodangi (Nasarawa West): Mr. Chairman, I am in line with the observation of Senator Nimi Barigha-Amange. Sub-Clauses (d) and (e) are the same thing. We can merge the two by eliminating (d) to make it (e) because like has been observed by previous speakers, one could not be found guilty until he has been tried before a competent court and convicted. The two can be merged. We can just delete (d) and leave (e) *that he is convicted of a felony or any offence*. There words; *any offence* covers serious misconduct involving dishonesty or fraud or whatever. That is the observation I have.

The Chairman: You are saying we should eliminate sub-Clause (d) and leave it as *he is convicted of a felony or any offence involving dishonesty or fraud*. But that does not cover misconduct. This is standard. Just look at any of these Board or Commission's Act and copy it from there.

Senator Mohammed Kabiru Jibrin (Kaduna Central): Sub-Clause (d) has no relation with Sub-Clause (e) at all. In sub-clause (d) the misconduct referred to is in relation with misconduct to his duties in office as a Member or the Chairman of the Board. Sub-Clause (e) is a matter that has been referred to court and the persons has been convicted. Whether the person has been convicted or not he can be adjudged administratively by his office to be unfit to continue in that office. So, that refers to Sub-Clause (d) and Sub-Clause (e) refers

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to when the man has committed some criminal offence and is convicted at the court of law. Accordingly they are two different provisions and they all exist in most of our laws with regard to cessation of membership of bodies such as this one.

The only area we should concern ourselves with is the description of misconduct. The law considers misconduct as misconduct and there is nothing to suggest the relative term of serious misconduct. It all depends on the person who is considering the attitude of the person in question to state whether it is serious or not. As far as the law is concerned, misconduct is misconduct and the two provisions can exist side by side in the same law.

The Chairman: We should make progress. I have said that this is a standard language in all our Acts. We are considering Clause 4 – Cessation of Membership of the Board – *he is guilty of serious misconduct in relation to his duties under this Act*. This is It is the same standard language we used in the Central Bank Act. We used this language in all the Boards we had handled. There is no point over-flogging the issue. We should leave it the way it is and if we want to correct it, we have to virtually correct all our Acts. We should go back to what is on the paper itself.

Senator Ayogu Eze: I agree with your explanation but if you imply this Clause 4(1)(d) for instance; *he is guilty of a serious misconduct in relation to his duties*, this requires that before you can do anything you must go to court. For the word *guilt*, you must establish it somewhere. We should separate the two and say this is the one that relates to his office, misconduct within his environment. That we have put it in the earlier Acts does not stop us from looking at it if we think something is wrong with it.

The Chairman: Senator Ayogu Eze, the distinguished Senator behind you just talked about administrative inquiry. Must you go to court before an administrative inquiry in the office finds you guilty? Why are you necessarily saying that guilty implies court? It does not.

Senator Wilson Ake, are you contributing on the same point?

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Senator Wilson Asinobi Ake (Rivers West): My worry about it is that the Clause 4(1) says that *he shall cease to hold office*. It means that he can be removed by his superiors. So, before that can be done a court of law would have been involved.

The Chairman: Can I put the Question on Clause 4(2)?

Senator Sola Akinyede: Mr. Chairman, I am suggesting that the word; *directly* should be expunged because I am not aware of any situation where the President removes someone indirectly.

Senator Mohammed Kabiru Jibrin: I hope I am not too late on this. On Clause 4(1)(a) I feel it is not normal for a member of a Board to write to the President indicating his intension to resign even if it was the President that appointed him. Normally, the letter is either addressed to the Chairman of the Board or the Minister in-charge of the department under which he serves. Normally, it is not written to the President. (*Interruptions*)

A distinguished Senator: It is a Commission and not a department.

Senator Mohammed Kabiru Jibrin: If it is a Commission then I withdraw my argument.

The Chairman: Can I put the Question on Clause 4 as amended? The Amendment is to remove the word; *directly*.

Question put and agreed to.

Clause 4 – (CESQATION OF MEMBERSHIP OF THE BOARD) – as amended ordered to stand part of the Bill.

Clause 5 – (REMUNERATION OF MEMBERS) – ordered to stand part of the Bill.

Clause 6 – (MEMBERSHIP OF THE TECHNICAL ADVISORY COMMITTEE)

Senator Wilson Asinobi Ake: Mr. Chairman, I have an Amendment to make on Clause 6. My concern here is on Clause 4(1) of the extant Act which has been retained by the Committee. That provision states that: *The Commission shall have power to regulate its own proceedings and may make standing orders for that purpose and subject*

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to such standing orders, may function notwithstanding any vacancy in its membership or the absence of any member.

I do not know if the Chairman is not there because the provision states *any member*. Looking at the establishment of membership of the Governing Board of the Commission, the Chairman is equally a member. If we say absence of any member, it means that the Chairman is included. I will suggest that we should end this thus: *The Commission shall have power to regulate its own proceedings and may make standing orders for that purpose* and stop here because all other things would be included in the standing order instead of specifying that in the absence of any member.

The Chairman: But the Commission is always made up of Chairman and Members.

Senator Wilson Asinobi Ake: Page one, Clause 1(2) – *Establishment and Membership of the Governing Board of the Commission*. It does not exclude the Chairman and if we read down the page, there is establishment of the Management Board of the Commission, there is nothing to separate the Chairman from the Membership of the Commission or from other members.

The Chairman: Senator Grace Bent will explain this but if Senator Wilson Ake would read, the provision states that the Vice President of the Federal Republic of Nigeria as the Chairman. So, it is already separated because it identified him as the Chairman.

The point you are making if I understand you correctly is, whether the Board can function in the absence of any member. Any member there will imply the Chairman also. I do not know but the distinguished Senator Grace Bent will explain. My understanding of this as it stands now is that if the Chairman decides not to be there the Board can still go ahead but any member here would imply the members rather than the Chairman.

Senator Grace Folashade Bent: The member that is indicated here is not the Chairman but it implies member of the Board. It is a member and not the Chairman.

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Senator Wilson Asinobi Ake: This is something that is going to be a law and we should not take position of assumption or presumption on this matter. We have to be very specific on the matter.

Senator Mohammed Kabiru Jibrin: This issue is actually mix up. If you look at the other laws, provisions are made like this in most of all our laws in establishing institutions like this. Some of the provisions are relating to meetings. If we look at Clause 4(4) which is in relation to quorum, there is a mix up. There is a reason where these things are put and outlined in order. You will see the proceedings of all the meetings of the Board or the Commission. You would also see items highlighting how meetings are called, the quorum, proxies and even how people are co-opted as members. This item should not be here at all. It is mixed up. Perhaps, someone should look at it properly. Looking at the provision of other laws, you will see that provisions are made like this, but not in this order, perhaps, not even being lumped up like this.

The Chairman: Senator from Kaduna Central, Senator Jibrin, you have just raised an issue that I am addressing. However, you should correct it. He raised a point and we should clear that before we move forward. Making general comment does not help us. What is the correction you are suggesting there? He is suggesting that we should stop at the word, *purpose*. This is because according to him, if we continue beyond that, it would imply that the Chairman also is regarded as a member.

My understanding of all these laws is that the Chairman is always identified as the Chairman, as different from the other members of the Commission. That to me, is standard. It is not an assumption. It is a very standard language in all our drafting. Senator Barigha-Amange, this is in your court, you people should clarify it and let us move forward.

Senator Grace Folashade Bent: You are right in what you said that Chairman is Chairman. The implication of what is drafted here is that, this is a number. There is no basis for assuming that it is meant to include the Chairman. It definitely refers to a member.

The Chairman: Those in favour of Clauses I and II?

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Senator Nkechi Nwaogu: Mr. Chairman, we must be conscious of the cost. In Clause 6(2) they retained the provision for the Board to sit *for at least, six times in every year*. But they contradicted it by saying *one meeting in each quarter*. One year is twelve months and each quarter is three months. The first sentence is not necessary where they said the Commission shall meet, at least, six times in every year.

The President: But why six times actually?

Senator Grace Folashade Bent: Mr. Chairman, our assumption here would have been since the Chairman and the Commission can be flexible about the number of times they would want to meet, the six times we put there is not bad. We were just being magnanimous with the number of times. We took this provision from previous Acts that have been passed.

Senator Nimi Barigha-Amange: Mr. Chairman, I want it to read thus: *The Commission shall meet, at least, four times a year*. The following words; *for the due performance of its function under this Act* should go because it is not necessary.

The Chairman: The Commission shall meet, at least, once every quarter. That is the language.

Senator Osita B. Izunaso (Imo West): Mr. Chairman, the correction should be: *The Commission shall meet, at least, once every quarter*.

Senator Nimi Barigha-Amange: If we stop at, *at least, once every quarter*, it is not complete, it should be, *at least once every quarter in the year*. Quarter can mean any thing.

The Chairman: Quarter of what? If it means more than a year?

Senator Mohammed Kabiru Jibrin: Mr. Chairman, the provision was mistakenly made there. There is another provision which is a bit clearer somewhere. I am saying that the provision made under that Clause was, perhaps, misplaced because there is a similar provision in the same law on page 16 dealing with the proceedings of the Commission. That is under supplementary provisions relating to the Commission, *et cetera*.

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The Chairman: There is no problem with that. It says: *Subject to this Act and Section 27 of the Interpretation Act, the Board may make Standing Orders regulating its proceedings or those of any of its Committees.* There is nothing wrong with that. That is all right? Sub-Clause (2) of it says: *The quorum of the Board shall be five members of the Board.* Which one do you want me to read?

Senator Mohammed Kabiru Jibrin: Read Clause 2(1) of the Schedule.

The Chairman: It says: *The Board shall meet whenever it is summoned by the Chairman and if the Chairman is required to do so by notice given to him by not less than five other members, it shall summon a meeting of the Board to be held within 24 days from the date of which the notice is given.*

Senator Jibrin: In most of our Act, the requirements for calling for whatever meeting are arranged in a particular area. This one confuses the arrangement. So, it is difficult to say where is the beginning or the ending. Even if the Law states simply that the Board shall meet at a given time, it can make that provision separately without making other provisions that it tries to make under Clause 6. This is because some of the provisions under Clause 6 are simply procedural.

The Chairman: I know you are a Lawyer, perhaps, that is why I am not following. My understanding of this as it stands is that we have agreed that it would meet, at least, once in a quarter. This Clause is saying outside that if five members get together and ask the Chairman to summon a meeting, he should do so. That it is my layman's understanding of it. I do not understand where the confusion is coming from. I do not think it conflicts with anything in Section 6. So can I put the question on Section 6 now?

Senator Wilson Asinobi Ake: I am still concerned about Clause 6(1) and will believe that something has to be done on it. If we cannot stop there, we can say: *Or in the absence of any member other than the Chairman.* That means if the Chairman is not there, he can delegate somebody.

Question put and agreed to.

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Clause 6 – (PROCEEDINGS OF THE BOARD) - as amended, ordered to stand part of the Bill

Clause 7 – (STRUCTURE OF THE COMMISSION)

Senator Osita B. Izunaso: Mr. Chairman, my Amendment is still on Clause 6(3) though belated, they said it is in the Schedule and the Schedule is on page 17 as earlier read and explained by you. I just want to add an Amendment to that Schedule on page 17.

The Chairman: When we get there.

Senator Sola Akinyede: Mr. Chairman, Clause 7(2) says: *The Commission shall have the following functional departments.* My question is, are there departments that are not functional? If not, the word *functional* should be removed.

Senator Grace Folashade Bent: Mr. Chairman, the word; *functional* is a matter of semantics. Of course, we know that there is no department that would not be functional but for purpose of emphasis we had to include it there and the style that such drafts are being drafted is what we have done here but if we say: *The Commission shall have the following departments* that is a matter of semantics, it could go either way depending on how it sounds to my Colleagues here.

The Chairman: I will put the Question and you people would decide. Let us listen to Senator Mana's correction.

Senator Mohammed Mana (Adamawa North): *The Committee shall have the following departments, these are* and not *that is* because you say departments.

The Chairman: Because of the correction suggested on 7(1) I would put it separately. The first Question is on Clause 7(1) as amended.

Amendment put and agreed to.

The next Question is on Clause 7(2)(a), (b), (c), (d) and (e)

Question put and agreed to.

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Clause 7 (STRUCTURE OF THE COMMISSION) – as amended, ordered to stand part of the Bill.

Clause 8 – (ESTABLISHMENT AND MEMBERSHIP OF THE TECHNICAL ADVISORY COMMITTEE) – ordered to stand part of the Bill.

Clause 9 – (FUNCTIONS OF THE COMMISSION)

Senator Sola Akinyede: Mr. Chairman, for Clause 9(1) it will be better to say: *The Commission shall be responsible for the strategic harmonization...* rather than saying: *The Commission is hereby charged with the responsibility ...* It is more elegant that way.

Then in Clause 9(2)(a) the word there; *advice* should be *advise* with an s instead of c.

Senator James Ebiowou Manager (Delta South): Mr. Chairman, as Senator Akinyede suggested in Clause 9(1) it is better to say: *Subject to the provisions of this Act ...* instead of: *Subject to this Act...*

The Chairman: Are there any more corrections on Clause 9?

Senator Sola Akinyede: Mr. Chairman, the words, *Green House* in Clause 9(2)(b) should be one word, *Greenhouse*.

Senator Grace Folashade Bent: Yes, it should be one word.

The Chairman: Is there anymore correction?

Senator Mohammed Jibrin: Recently a Bill was proposed on DNA testing. Will this Designated National Authority (DNA) not be confused with that particular Bill? I am referring to Clause 9(2)(e). Maybe, we should remove the word; *Designated National* and let it read thus: *act as Authority for the purpose of the implementation of the Kyoto Protocol and subsequent international agreements that Nigeria may accede to*, instead of using the words; *Designated National Authority (DNA)* which may be confused with the DNA Bill that this Chamber is considering.

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The Chairman: Distinguished Senator Folashade Grace Bent, the DNA that you put here, is it a standard acronym or abbreviation in the field of environment?

Senator Folashade Bent: They regarded Designated National Authority as DNA.

The Chairman: Is there any other Amendment?

Senator Abubakar Sodangi: Mr. Chairman, Clause 9(2)(g) will be more elegant if it reads thus: *develop national strategies for adaptation on climate change*, instead of the way it is put here.

Senator Mohammed Mana: In the same vein, it would be a better language to say in Clause 9(2)(f) - *promote international cooperation to combat climate change and ensure national compliance*, rather than using the word *ensuring*.

Senator Sola Akinyede: On Clause 9(2)(i) - *commission research on Climate Change and ensure that Nigeria's strategies to address...* it should be - *in addressing...*

The Chairman: This is something legal, but grammatically, is it wrong to say *that there are strategies designed to address*? You can have strategies to address something. Is that grammatically wrong? Legally, I do not know, but in grammar, I do not think there is a problem with that.

Senator James Ebiowou Manager: In Clause 9(2)(n) it says: *the Commission shall not be subject to the direction, control or supervision by any other authority or person*. It should be *“persons”* because this is legal drafting.

Senator Mohammed Mana: In Clause 9(2)(l) delete the word, *conducive* and the Clause reads thus: *carry out such other functions as are necessary and expedient in the discharge of its function under this Act...* The word *conducive* is not necessary.

The Chairman: Are there any more Amendments?

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Senator Eme Ufot Ekaette (Akwa Ibom South): I still have problem with Clause 9 (2)(i). I believe it should read thus: *the Commission shall research on Climate Change and ensure that Nigeria's strategies are addressed*. It stops there. What is the meaning of the phrase; *hinged on sound knowledge base*?

The Chairman: You are suggesting that we stopped at the word; *addressed*. Is that not what you are suggesting?

Senator Eme Ufot Ekaette: It is, Sir.

The Chairman: Are there any more Amendments? (*No response*)

Amendments put and agreed to.

Clause 9 - (FUNCTIONS OF THE COMMISSION) – *as amended, ordered to stand part of the Bill.*

Clause 10 – (POWERS OF THE BOARD)

Senator Uche Chukwumerije: I found the wording of Clause 10 (a) a bit awkward. It appears to be verbose. It reads: *The Board shall have power to - (a) formulate general policies and guidelines relating to the major programmes of the Commission*. It will be clearer and more elegant to just say: *The Board shall have power to – (a) formulate general policies and guidelines of the Commission*.

When you decide going into details such as saying; *relating to major programmes of the Commission*, first it is unnecessary and verbose and second, there will be the confusion of finding the difference between *major* and *minor* problems. The important thing here is that it is in charge of formulating policies and guidelines of the Commission. I will, therefore, suggest we remove the phrase; *relating to major programmes*.

The Chairman: Read it the way you will want it.

Senator Uche Chukwumerije: It should read thus: *The Board shall have power to -*

(a) formulate general policies and guidelines of the Commission.

The Chairman: Are there any more Amendments? (*No response*) I will then put the Question on Clause 10 as amended.

Question put and agreed to.

Clause 10 – (POWERS OF THE BOARD) – *as amended, ordered to stand part of the Bill.*

Clause 11 – (APPOINTMENT OF THE EXECUTIVE SECRETARY)

Senator Sola Akinyede: Clause 11(2)(b) says: *responsible to the Board for the day-to-day administration of the Commission*. Since the Executive Secretary is the Chief Executive and the Accounting Officer, he should be responsible for the day-to-day administration and management of the Commission. I am suggesting that we add the word; *management*.

The Chairman: I did not get your point.

Senator Sola Akinyede: I am suggesting that it should read thus: *responsible to the Board for the day-to-day administration and management of the Commission*.

The Chairman: If you do not add the word; *management*, what harm would it do to it? If the word; *management* is not there, it does not subtract anything. He is responsible for the day-to-day administration of the Commission.

Senator Uche Chukwumerije: Mr. Chairman, I agree with you because it will be tautological to use the words; *administration and management*. Administration is simple and comprehensive enough.

Senator Wilson Asinobi Ake: Mr. Chairman, my first Amendment is on Clause 11(1). Instead of: *... confirmation of the Senate*, it should read *... confirmation by the Senate*.

Then Clause 11(2)(c) looks completely muddled up to me. It says: *a person who possesses relevant and adequate professional qualification and shall have been so qualified for a period of not less than 15 years*. I am suggesting that if all of

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them should become one Clause it should read thus: *a person who possesses relevant educational qualification with not less than 15 years experience.*

The Chairman: It says here that the person must possess relevant professional qualification and you are changing it to; *educational qualification.*

Senator James Ebiowou Manager: Mr. Chairman, since this person would be subject to confirmation by the Senate as corrected by Senator Wilson Ake, I am also in support of the Amendment to (c).

When you subject somebody to confirmation by the Senate, the educational qualification is not just enough; the person must be of proven integrity. Assuming the person has the educational qualification but has bad character, he cannot be appointed.

Senator Suleiman A. Adokwe (Nasarawa South): I would like us to go back to Clause 11(2)(b) where it is says: *the Executive Secretary shall be responsible to the Board - (Interruptions)*

The Chairman: Please, let us take one and finish it at a time. Then I do not have to come back to it. I will come to you, Senator Adokwe.

Is there any more amendment on Clause 11(2)(c)?

Senator Nimi Barigha-Amange: Mr. Chairman, from what I am seeing, the person will go through the formal education up to university level, before professional qualification; then you said *15 years*. I believe that 15 years is too much. After professional qualification, it should be 10 years.

The Chairman: My understanding here is that if by chance, you decide, I am not saying that is what should happen; but if you decide to employ a medical doctor, here, he must have 15 years post qualification. That is what it means. If he is a lawyer, 15 years and if he is an Engineer, it should be 15 years also. That is what this place is saying.

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Senator Nimi Barigha-Amange: If it is so, it is not correct because for a lawyer, 10 years he could be a judge. If a Judge is not qualified is not qualified to be Executive Secretary, then I do not know who would be qualified to Executive Secretary because for a Lawyer, in ten years, he would be qualified to be a Judge.

The Chairman: The point that Senator Barigha-Amange has raised is a very valid point because anybody who has qualified for 15 years and has no other job, but waiting to be appointed the Executive Secretary of this Commission, you would have to think twice about his competence.

But if he is a political scientist or a historian, to be candid, 15 years is all right.

Senator Abubakar Danso Sodangi: Fifteen years is very reasonable. Let us take it that he is a Lawyer, a Lawyer after 10 years post call could be appointed a Judge of the High Court of a State or Federal High Court. But that is not to say this Commission should not have a very mature and well-exposed personality that has possessed 15 years experience. Within 15 years, one must have acquired professional expertise in whatever human endeavour either as a lawyer or as a medical practitioner. Of course, by that time, if you have worked at a place for four years, it would be assumed that you have acquired more experience in the field. So, 10 years would be more or less for the junior ones, maybe, Principal Officers; but for the Chief Executive, we should leave it at 15 years. I believe the authors of this Bill have made their research and we should adopt the 15 years.

Senator James Ebiowou Manager (Delta South): Mr. Chairman, I support the views expressed by my learned senior and Colleague, Senator Danso Sodangi. When the Constitution says 10 years post call for a Lawyer to be appointed a Judge of the High Court, it does not happen in practice these days. They look for so many other things, in addition to that. Of course, the Constitution was drafted with the idea that this is a developing country with very few lawyers. These days, it is not in practice. People with 20 years post call experience are also struggling to be appointed Judges of the High Court. So, I think that 15 years is all right.

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The Chairman: Let us hear from somebody who has had a lot of experience, distinguished Senator Bukar Ibrahim. *(Laughter)*

Senator Bukar Ibrahim Abba (Yobe East): I am going for a Public Hearing. *(Laughter)*

The Chairman: I want you to comment on the 15, 10 and seven years of experience debate.

Senator Bukar Ibrahim Abba: On what? *(Laughter)*

The Chairman: On the Bill we are considering.

Senator Bukar Ibrahim Abba: Mr. Chairman, I made my comments known on the first day this Bill was presented in this hallowed Chamber. *(Interruptions)* Clause 11(1) (2a), (2b), (2c), (3a), (3b) and (4) are all in order. *(Laughter)*

The Chairman: Thank you very much. You can go for your Public Hearing. Thank you for your contributions and comments.

Senator Eme Ufot Ekaette (Akwa Ibom South): Mr. Chairman, I believe that 15 years should be the number because this is the Operating Officer, remembering that the Vice President is the Chairman. So, this is the Chief Operating Officer of this Commission. So, he must be experienced enough to man this Commission.

The Chairman: Any more correction on Clause 11(2)(c)? *(No response)* Then, let us go to Clause 11(2)(b).

Senator Suleiman Adokwe (Nasarawa South): The correction I want to make is that, that the provision is that *The Executive Secretary shall be responsible to the Board for the day-to-day administration of the Commission*. That is rather restrictive. It should read simply; *responsible for the day-to-day administration of the Commission*. Otherwise, the Secretary would have to report for every day for what he is doing. Asking the Executive Secretary to be responsible to the Board for the day-to-day administration of the Commission is rather restrictive; it should simply be, *responsible for the day-to-day administration of the Commission*.

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The Chairman: Sorry, that is what we said. We have corrected it. Do we have any more corrections?

Senator Abubakar Danso Sodangi: For purpose of elegance, in Clause 11(2)(a) the words; *chief executive* should start with initial capitals.

The Chairman: That is all right. Is there any more correction?

Senator Mohammed Mana (Adamawa North): Clause 11(3)(a) should read thus; *The Executive Secretary shall hold office – (a) for a term of five years only* and not *no more*.

Senator Uche Chukwumerije: Still on Clause 11(3)(a) that says, *for a term of five years and no more*. It should be amended. We agree to the spirit of that Clause that is militating against sit-tight syndrome. We should not foreclose the possibility of an exceptionally competent fellow having an opportunity to serve a bid longer than five year. That is to say that Clause 11(3)(a) should have an option for a competent fellow to be reappointed.

The Chairman: What we have had in most of the Commissions is either a *five year single term* or *four years renewable once*. So, we have to take one of the options.

Some distinguished Senators: Four years renewable once is all right.

The Chairman: Four years renewable once. You put it properly because that is a standard language in Acts. Is there any more amendment?

Senator Nimi Barigha-Amange (Bayelsa East): Mr. Chairman, Clause 11(4)(a) reads thus: *The Executive Secretary shall act on behalf of the Board where there is no duly constituted Board...* If there is no duly constituted Board, how can he act on behalf of that Board? He cannot act on behalf of a Board that is not in existence. So, I will like us to put it this way: *The Executive Secretary shall, where a duly constituted Board is not in existence, report directly to the Vice President*.

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The Chairman: You know that what you have said now is also what they said in this paper. You have only turned the words round. What they said here is that where there is no Board the Executive Secretary will act and that is the correct thing. If there is no Board, the Executive Secretary will act.

Senator Ehigie Edobor Uzamere (Edo South): Mr. Chairman, Clause 11(4) should have read thus: *The Executive Secretary shall act on behalf of the Board where there is no duly constituted Board and such action shall be in consultation and approval of the Vice President.*

The Chairman: From the mood of those around you, I am sure you know what answer to that should be.

Senator Jibrin Mohammed: Mr. Chairman, the provision is all right, except that instead of the phrase; *and such action shall be subject to the approval of the Vice President* it should read; *and shall report to the Vice President.* So, the whole thing should read thus: *The Executive Secretary shall act on behalf of the Board where there is no duly constituted Board and shall report to the Vice President.*

The Chairman: Correct me if I am wrong Senator Bent. What this is saying is that where there is no Board, the Executive Secretary would act. All his actions would be subject to approval by the Vice President. Is that not what it is saying here?

Several distinguished Senators: Yes.

The Chairman: Why are we going round about it and trying to alter the intent. I do not see any serious problem here.

Senator Dahiru A. Kuta (Niger East): I want to propose the Clause to read thus: *The Executive Secretary shall act in the absence of the Board, where there is no duly constituted Board and such action shall be subject to the approval of the Vice President.* The Amendment here is the substitution of the words; *on behalf with the words; in the absence.*

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The Chairman: If you use the words, *in the absence*, then you cannot say where there is no duly constituted, because that is one and the same. It is a repetition. Let me put the Question on Sub-Clause one as amended.

Amendment put and agreed to.

I will also put Sub-Clause (2)(a), (b) and (c) as amended.

Amendment put and agreed to.

I will put the Question on Sub-Clause 3(a) and (b) and Sub-Clause 4 as amended.

Amendment put and agreed to.

I will put the Question on Clause 11 as amended.

Question put and agreed to.

Clause 11 – (APPOINTMENT OF THE EXECUTIVE SECRETARY) – as amended, ordered to stand part of the Bill.

Clause 12 – (OTHER STAFF OF THE COMMISSION) - ordered to stand part of the Bill.

Clause 13- (SERVICE IN THE COMMISSION) - ordered to stand part of the Bill.

Clause 14 – (FUNDS OF THE COMMISSION) – ordered to stand part of the Bill.

Clause 15 – (EXPENDITURE OF THE COMMITTEE) – ordered to stand part of the Bill.

Clause 16 – (POWER TO ACCEPT GIFT) – ordered to stand part of the Bill.

Clause 17 – (POWER TO BORROW AND INVEST) – ordered to stand part of the Bill.

Clause 18 – (ANNUAL ESTIMATES AND ACCOUNTS)

Senator Eme Ufot Ekaette: Mr. Chairman, on Clause 18(1) I do not think that we can be specific on the date of submission of the estimates to the Minister because it is lower there. It is July and not

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September, maybe, we should say; *at appointed time* instead of being specific.

Senator Grace Folashade Bent: We took into cognizance the passage of the Budget Proposals before arriving at this date. We felt it would give us enough time because that was the same thing they did in NDDC Act.

The Chairman: Why do you actually want to fix a date?

Senator Ahmed Makarfi (Kaduna North): Fixing the date is in order. Even in the NDDC Act, there are time limits within which budget estimates have to be submitted. The Amendment I have is to substitute the word, *in* after September with the word, *of*.

Senator Ehigie Edobor Uzamere: I agree to his Amendment.

The Chairman: So, the correction there is of *each year*.

Amendment put and agreed to.

Clause 18 – (ANNUAL ESTIMATES OF ACCOUNTS) – *as amended, ordered to stand part of the Bill.*

Clause 19 – (ANNUAL REPORT) – *ordered to stand part of the Bill.*

Clause 20 – (POWER TO ACQUIRE LAND, Cap L5 LFN, 2004) *ordered to stand part of the Bill.*

Clause 21 – (LIMITATION OF SUITS AGAINST THE COMMISSION, Cap P41 LFN, 2004)

The Chairman: In Clause 21(2) does it mean that an individual in the Commission can be sued? It says, *No suit shall be commenced against a member ... before the expiration of a period of one month after written notice ...*, which means after that period you can sue. That is the point I want to clarify.

Senator Mohammed Kabiru Jibrin: The normal provision which is a little bit more extensive than this is that the Commission should

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be given notice for any intended action in any court. There is a more explicit provision. I think that the Drafting Committee will probably look at it again. There is a more elaborate provision for giving notice to meetings not to the Executive Secretary or particular officers, but to the Board or the Commission generally. This is because even when names of Executives are mentioned in such suit, the suit is usually against the Commission, not the person of the Secretary. They are only named as officers representing the Commission, as a matter of formality. Usually such suits are made against the Commission and notices are given before commencement of the suits. They suit is against the Commission and not against any particular officer of the Commission.

I am worried about the first part of the Clause which requires that certain public protection be made against officers or staff of the Commission. This must be justified. Usually, protection is offered to certain categories of persons which is identified by the Public Officers Protection Act. Therefore, to bring officers or staff of this Commission under that protection must probably be explained and justified. There are other Scientific Research and Institutions whose staff do not enjoy similar provisions made by the Public Officers Protection Act other than what is generally applicable to all officers of government in the general nature.

The Chairman: You have introduced a new subject matter, but since we are doing this in sequential order, let us go to Clause 21(1). Are you saying that they should not enjoy the privileges provided by the Public Officers Protection Act?

Senator Mohammed Jibrin: No, Sir. Public Officers' Protection Act applies to all Public officers. It is unnecessary to put it in the law, unless, of course, they are being given a special provision entirely. But no law really makes reference to it. The law on Public Officers Protection exists and it covers all public officers.

The Chairman: Does it subtract anything here? Again, Senator Idris it is you people who insist on surplusage always, that it is better to err on the part of surplusage than minus. If we take it off, it does not subtract, if we leave it there, it does not subtract, so it is not wrong if we leave it there, and it is better to leave it there, at least, as a reminder.

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On Clause 21(2), you said it is more extensive. Well, let me put the Question on Clause 21 as it is.

Senator Audu Idris Umar (Gombe Central): The point he was trying to make on Sub-Clause (2) is that the pre-action notice only applies to the Commission and not to the members or the staff of the Commission. As a staff you are not entitled to pre-action notice but the Commission is entitled to pre-action notice. That is the import there.

The Chairman: That is the point I was trying to clarify but from his explanation, I got more confused that was why I did not pursue it any further. So, what should be the correction there? Please, say it so that we capture it rather than explaining it. We are all conversant with explanations but we want to draft it properly.

Senator Audu Idris Umar: It should read thus: *No suit shall be commenced against the Commission before the expiration of the period of one month after written notice of intention to commence the suit of which such notice shall have been served upon it by the intending plaintiff or his agent.* In effect, we are deleting the phrase; *a member of the board, the Executive Secretary, officer or employee of the commission.*

The Chairman: This is confusing. So, the Executive Secretary can be sued.

Senator Audu Idris Umar: Of course, the Executive Secretary can be sued. Even the Commission can be sued. This protection does not absorb the Commission or the officers from being sued. The protection is only to give pre-action notice. Before you maintain an action against the Commission, you have to give it a month's notice that you intend to maintain an action against the Commission based on the following facts. That is what is called *pre-action notice*. It is just to protect the Commission from unnecessary litigations. You are to give the Commission a notice that you intend to commence an action against it based on certain facts or demands. If your demands are met then you withdraw your action. There will no longer be need for the action. That is the essence of pre-action notice.

The Chairman: If they are going to sue the Commission, would not the Secretary out of necessity become an integral part of that suit? Not as a person but as the Secretary.

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Senator Audu Idris Umar: The Commission is a juristic person. You can just sue the Commission. But if an officer commits a wrong, you can sue the officer and then join the Commission at the same time. But you cannot sue the Commission without giving it one month pre-action notice.

The Chairman: Then let me put the Question.

Amendment put and agreed to.

Clause 21 – (LIMITATION OF SUITS AGAINST THE COMMISSION, Cap P41 LFN, 2004) – as amended, ordered to stand part of the Bill.

Clause 22 – (SERVICE OF DOCUMENTS)

Senator Mohammed Kabiru Jibrin: Mr. Chairman, I have an observation.

The Chairman: Yes, which observation?

Senator Mohammed Kabiru Jibrin: The provision under Clause 14 which is now Clause 22 should be the continuation of Clause 21. This need not be numbered specifically on their own. The things mentioned under this Clause forms the requirements for pre-action notice. They are supposed to come under one Clause. That is the normal practice.

Amendment put and negatived.

Clause 22 – (SERVICE OF DOCUMENTS) – ordered to stand part of the Bill.

Clause 23 – (RESTRICTION ON EXECUTION AGAINST PROPERTY OF THE COMMISSION)

Senator Sola Akinyede: Mr. Chairman, Clause 23(1) reads thus: *No execution or attachment of process shall be issued against the Commission in any action or suit without the consent of the Attorney-General of the Federation.* I found this provision surprising. The reason is that Clause 1 says that the Commission can sue and be sued. If the Commission is sued and the court gives a judgment, it means that it requires the consent of the Attorney-General of the Federation before you can levy execution. That is usurping the powers of

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the Judiciary. I suggest that this Clause should be expunged because once a court gives a judgement the levying of execution should be automatic. It should not require the consent of the Attorney-General before that is done. So, Sub-Clause 23(1) should be expunged.

Question put and agreed to.

The Chairman: I will put the Question on Clause 23(2).

Question put and agreed to.

Clause 23 – (RESTRICTION ON EXECUTION AGAINST PROPERTY OF THE COMMISSION) – *ordered to stand part of the Bill.*

Clause 24 – (INDEMNITY OFFICER) – *ordered to stand part of the Bill.*

Clause 25 – (ENGAGEMENT OF PROFESSIONALS OTHER THAN STAFF) – *ordered to stand part of the Bill.*

Clause 26 – (REGULATION) – *ordered to stand part of the Bill.*

Clause 27 – (INTERPRETATION) – *ordered to stand part of the Bill.*

Clause 28 – (CITATION) – *ordered to stand part of the Bill.*

Schedule 1 – *agreed to.*

Schedule 2 – *agreed to.*

Schedule 3 – *agreed to.*

Schedule 4 – *agreed to.*

Schedule 5 – *agreed to.*

Explanatory Memorandum – *ordered to stand part of the Bill.*

Long Title – *agreed to.*

Senator Teslim Folarin: Mr. Chairman, I move that the Chair do now report the progress.

Senator Olorunnimbe Mamowora: Mr. Chairman, I rise to second the Motion that the Chair do now report the progress.

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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 Environment and Ecology on the National Climatic Change Commission Bill, 2009 and approved as follows:

Clause 4, as amended;

Clause 5, as recommended;

Clauses 6 to 7, as amended;

Clause 8, as recommended;

Clauses 9 to 11, as amended;

Clauses 12 to 17 as recommended;

Clause 18, as amended;

Clauses 19 to 20, as recommended;

Clause 21, as amended;

Clause 22, as recommended;

Clause 23, as amended;

Clauses 24 to 28, as recommended;

Schedules, as recommended; and

The Long Title, as recommended.

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

Several distinguished Senators: Yes.

Third Reading

Senator Teslim Folarin: Mr. President, I now move that the National Climatic Bill 2009 be now read the Third Time.

Senator Adeleke Olorunnimbe Mamowora: Mr. President, I rise to second the Motion ably moved by the Senate Leader that this Senate do take the Third Reading of the Bill.

Question put and agreed to.

Bill read the Third Time and passed.

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The President: Senator Grace Folashade Bent and all the distinguished Members of the Committee that worked on this Bill, I want to congratulate you. This is a giant step in the right direction and I hope that having taken this giant step, we will maintain the momentum and not just fall back on it like we did in most of the Acts that we passed. I hope that Nigeria will once again take the lead in the issue of climate and ecology in Africa and that with the passage of this Bill we would have started the race.

ADJOURNMENT

Senator Teslim Folarin: Mr. President, having exhausted all items on the Order Paper, I move that this Senate do now adjourn till tomorrow Thursday, 23rd July at 10 a.m.

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Senator Adeleke Olorunnimbe Mamowora: Mr. President, pursuant to the Motion as moved by the Leader and having fulfilled all righteousness, I rise to second the Motion that this Senate do adjourn till tomorrow Thursday, 23rd July, 2009 at 10 a.m.

The President: Before I put the Question may I please remind you that our Session will start by 10.05 a.m. tomorrow morning with a Closed Session where we will be briefed by the Security Agents. I want to urge you to please, be punctual. We will meet before the briefing.

Question put and agreed to.

Resolved: That the Senate do adjourn till tomorrow Thursday, 23rd July, 2009 at 10.00 a.m. prompt

The Senate adjourned accordingly by 1.10 p.m.