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HOUSE OF REPRESENTATIVES

FEDERAL REPUBLIC OF NIGERIA

Tuesday, 13th October, 2009

The House met at 10.45 a.m.

PRAYERS

(The Deputy Speaker in the Chair)

VOTES AND PROCEEDINGS

The Deputy Speaker: Hon. Members, the House is called to Order. I have examined and approved the Votes and Proceedings of Thursday, 8th October 2009.

ANNOUNCEMENT

Meeting of all Oyo State Caucus

The Deputy Speaker: Hon. Members, please listen to this special announcement. It reads: All Members of Oyo State Caucus are enjoined to stay back in the Chamber after this sitting for a brief meeting on a matter of common interest.

(Signed)

*Hon. Oyedokun Oladepo,
State Leader*

**Visit of Councillors of Akinyele/Lagelu
Legislative Council, Oyo State**

The Deputy Speaker: In the Gallery, we have Councillors of Akinyele/Lagelu Local Government Legislative Council, Oyo State.

Could you, please, rise up for recognition?

*(Visiting Councillors of Akinyele/Lagelu
Legislative Council rose for recognition)*

**Visit of Staff and Students of Salem
Academy, Lugbe Abuja**

The Deputy Speaker: Also in the Gallery we have Salem Academy, Lugbe, Abuja. Can you, please, rise for recognition?

*(Visiting Staff and Students of Salem Academy
rose for recognition.)*

You are all welcome. *(Applause)*

PRESENTATION OF PUBLIC PETITIONS

The Deputy Speaker: Any Member who has a Petition to present to the House may, please, rise to do so.

**Appeal against Dismissal from the
Nigeria Police Force**

Hon. Austin Nwachukwu (Ehime Mbano/Ihite Uboma/Obowo): Mr. Speaker, I have a Petition from one of my constituents by name Ex-Sergeant Vitalis Ogu. He petitioned that he was wrongly dismissed from Nigeria Police Force in 2002 over an allegation that he lost his rifle to armed robbers during an attack. He is saying that what happened to him was an unforeseen situation and that he did not intentionally lose his rifle that led to his dismissal from service.

He is now appealing to this honourable House to, please, intervene in order to tell the Nigeria Police Force to reinstate him and in addition pay him his salaries and allowances as at when due or that his dismissal be converted to retirement and all entitlements due to him paid. He is relying on this honourable House to, please, intervene in this matter. Mr. Speaker, if you allow me, I will lay this Petition on the Table?

The Deputy Speaker: Please, do.

Petition laid.

The Deputy Speaker: Is there any other Petition? *(No response)* The Petition is referred to the Committee on Public Petitions.

*(Petition accordingly referred to the Committee on
Public Petitions)*

PRESENTATION OF REPORT

**Report of the Joint Committee on Petroleum
Resources (Downstream) and Justice on the
Petroleum Production and Distribution
(Anti-Sabotage) Act, Cap. P12 LFN
(Amendment) Bill, 2008 (HB. 94)**

The Deputy Speaker: Hon. Members, the only Business of the Day is Presentation of the Report of the Joint Committee on Petroleum Resources (Downstream) and Justice on a Bill for an Act to Amend the Petroleum Production and Distribution (Anti-Sabotage) Act, Cap. P12 Laws of the Federation,

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2004 to provide for New Offences under the Act; to Establish the Task Force for the Monitoring of Petroleum Installations in the country and for Matters Related Thereto, 2008 standing in the name of Hon. Clever M. Ikisikpo. Hon. Members would recall that the Bill was referred to the Committee on Thursday, 23rd October, 2009.

Hon. Ikisikpo is now invited to present his report.

Hon. Clever M. Ikisikpo (Ogbia): Mr. Speaker, I move that this House do receive the Report of the Joint Committee on Petroleum Resources (Downstream) and Justice on a Bill for an Act to Amend the Petroleum Production and Distribution (Anti-Sabotage) Act, Cap. P12 Laws of the Federation, 2004 to Provide for New Offences under the Act; to Establish the Task Force for the Monitoring of Petroleum Installations in the Country and for Matters Related Thereto, 2008.

Hon. Elizabeth O. Ogbaga (Ohaukwu/Ebonyi): Mr. Speaker, I second the Motion.

Question put and agreed to.

Report laid.

ORDERS OF THE DAY

MOTION

The Recent 900 per cent Upward Review of Land Charges in the Federal Capital Territory (FCT): A Call for Immediate Reversal

The Deputy Speaker: The first Order of Day is a Motion on the Recent 900 per cent Upward Review of Land Charges in the Federal Capital Territory (FCT): A call for Immediate Reversal standing in the name of Hon. Chukwudi Leonard Eze. Hon. Chukwudi Eze is invited to move the Motion, Please.

Hon. Leonard Chukwudi Eze (Orlu/Orsu/Oru East): The Motion is on the Recent 900 per cent Upward Review of Land Charges in the Federal Capital Territory (FCT): A Call for Immediate Reversal:

The House:

Notes that the Hon. Minister of the Federal Capital Territory (FCT) recently reviewed upward, charges on land from ₦2000 per/m² to ₦18,000 per/m² which represents 900 per cent increment in service area and ₦10,000 per/m², an increase of 500 per cent in un-serviced area;

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Further notes that the increase, according to the FCT Minister, was meant to reduce land racketeering, make land and houses available to Nigerians and to generate more funds to finance the provision of infrastructure in the new districts;

Concerned that the FCT Administration took the decision on the new charges without the approval by the National Assembly as its law making body;

Further concerned that any decision taken by the Minister of FCT or any other officers of the Executive that imposes financial burden on the citizenry requires the prior scrutiny and approval of the National Assembly;

Resolves to:

- (i) Direct the Minister of Federal Capital Territory (FCT) to revert to the old charges immediately;*
- (ii) Mandate the Joint Committee on FCT and FCT Area Councils and Ancillary Matters to conduct a Public Hearing on the recent upward review of land charges in the Federal Capital Territory.*

I so move.

Hon. Aro Samuel Bamidele (Yagba East/Yagba West/Mopamuro): Mr. Speaker, I rise to second the Motion moved by Hon. Leonard Eze.

Hon. Leonard Chukwudi Eze: Mr. Speaker, the size and population of modern democracies have made it impossible for people to come together at a particular place to take decisions on issues that concern the people because democracy will always be the government of the people by the people and for the people. For it to be government of the people, the wishes of the people would be sought but advanced democracies have found a way of still reaching the people to know the import of their feelings through public opinion.

If our policy makers always subject their decisions to the wishes and will of the people, issues like this arbitrary increase would not have seen the light of the day. We are not talking about the hardship it is going to unleash on Nigerians only because Nigerians are used to be told to tighten their belt at all times. But as direct representatives of the people in this Parliament, it is our duty as the conscience of the people to always make sure that the policy our policymakers bring are popular policies.

The Minister is an appointee of government and

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this issue took place when we were on holidays. Nigerians have been waiting for this honourable House to resume and take the right decision. A Minister woke up and allowed this astronomical increase. If we fold our hands and be indifferent to this arbitrariness, it is clear then that the next Minister will also look back and increase it to 2,000 *per cent*. This is not the way government should be run if it is government of the

people by the people and for the people.

On the issue of security, we all know that every human being needs shelter either as a landlord or as a tenant. Landlords are already beginning to increase their house rents. Having a land is no longer a tea party. You cannot go and tell your landlord that you also have a house and, therefore, he should bring down his rent charges. When people continue to pay exorbitant rent charges, it would have a multiplying effect on the economy. If you are a driver or whoever you are, you are going to increase your fares to make sure that you have enough to pay for your house rent. Then, these desperate actions will naturally lead to insecurity. When people become desperate, there is no doubt that security can no longer be taken for granted.

It is our duty to constantly remind the Executives at all times that power is held in trust for the people. It is our duty to constantly remind them that when a Chief Executive is described as powerful, it is not because of the powers attached to his office but because of the popular policies. For example, during the Monika Lewinsky issue in American, public opinion kept rating Bill Clinton 65 to 75 *per cent*. Therefore, he was termed a powerful President. Every Chief Executive should strive to take popular decisions and go through political sales books. I have not heard anywhere that they wrote power mandates; what we keep hearing is popular mandates and popular mandates stem from the acceptability of the actions of government.

I have no doubt in my mind that this honourable House will listen to the yearnings of the Nigerian people and make sure that the simple prayers of this Motion are adhered to.

Hon. West Ehiogie Idahosa (Ovia North East/South-West): Mr. Speaker, as part of my debate, I would like to raise a very serious constitutional matter as it affects the increase that is purported to have been made by the Minister of Federal Capital Territory.

I would like to refer particularly to Chapter 2, Section 16(2)(c) of the Nigerian Constitution. It reads:

That the economic system in Nigeria is not operated in manner as to permit the

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concentration of wealth or the means of production and exchange such as in the hands of few individuals or of a group.

The most basic means of production in Elementary Economics is land. We all know that you cannot allow land to become a monopoly and privilege of the rich.

The Federal Capital Territory is funded by the tax payer's money. There is no reason in this world why we must suffer a 900 *per cent* increase in the history of increases. The only comparism I can make with this 900 *per cent* increase is what happened in Zimbabwe where their currency crashed by over 2,000 *per cent*. May God forbid that we repeat that through the means of increase in Nigeria by increasing our land rate from ₦2,000 to ₦18,000 and then Parliament will allow it to stand. It is impossible because under the provision of Chapter 2, the National Legislature, Judiciary and the Executives are under an obligation to ensure the observance of those provisions from which no derogation is allowed.

The impression that is given and this is very sad for Nigeria, is that Abuja is not the land for the poor or the average or the middle class. I do not know where that phrase came from. That phrase is unpatriotic, unnationalistic and it is against the spirit of the founding fathers of this country. This city was created for administrative convenience and if it pleases Nigerians to come to Abuja, there must be no government policy deliberately put in place to discriminate against other Nigerian citizens.

What I can conclude is that the formulators of this policy are using their status as elites to judge what policies are rights for the city; it cannot be so. The standard must be what is reasonable for the common man and in the eyes of God and the people; what is just for a national sovereignty like us and I want to sum it up by saying that the law must guide us in this nation. The law is supreme; we must not look at faces and we must not be moved by sentiments.

We must not look at any extraneous factors; we must surrender today to the provisions of this Constitution and I am hoping and begging that today our Colleagues will invoke this provision, pass a resolution, upturn that very wicked, insensitive and unpatriotic decision and give the Nigerian people the reassurance that in spite of all, we remain the peoples Parliament.

Hon. Ubale Jakada Kiru (Bebeji/Kiru): Mr. Speaker, I am seriously touched by the unilateral decision of the Minister to raise such an increase; it is quite unfortunate. The Office of the Minister needs to

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be informed that land rates are not synonymous with tax. It is not tax.

Secondly, land rates are nowhere in the world used as a means to raise money to provide infrastructure. Therefore, the agreement by the Minister that he was trying to raise money to provide infrastructures in FCT does not hold water. In fact, it makes us a laughing stock in the whole world. No country in the world as far as land cost is concerned has ever done this. It would be most unfortunate if in Nigeria we decide to implement this; we are not an economic island.

Thirdly, we have been calling on investors, both foreign and local to come and invest in Abuja because we do not want to continue to look at Abuja as mere administrative city; we want it to be both an administrative and a business centre; we want business to flourish in Abuja and we want to see investments come in so that the act of developing the FCT would not be restricted to Government funding alone.

For as long as we continue to call for investment in FCT, courtesy demands that the policies that we put in place should be encouraging rather than discouraging. The act of increasing the land rates by 900 *per cent* is most discouraging especially at a time when other countries of the world are asking for zero land rates to investors who are coming to put in there money for investment.

This is why I believe that we need to enlighten the FCT Minister on this at least to get him to realise that for us to attract investment into the FCT we need policies that will serve as incentives. This particular policy of increase in the land rates is a disincentive to investors. I believe that it is going to discourage investors from coming to invest in Abuja and those that are already in Abuja would now be sent packing and that would be a serious disadvantage to the economy of this country.

Hon. Mohammed Ali Ndume (Damboa/Gwoza/Chibok): Mr. Speaker, this House has a responsibility to protect and defend the Constitution of the Federal Republic of Nigeria to which we all swore on Oath on 4th June 2007.

With your permission, Mr. Speaker, I want to read Section 297 of the 1999 Constitution, which says that: *There shall be a Federal Capital Territory, Abuja the boundaries of which are as defined in Part II of the First Schedule to this Constitution.*

Section 299 of the Same Constitution says:

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The provision of this Constitutions shall apply to the Federal Capital Territory as if it were one of the States of the Federation and accordingly –

(a) all Legislative powers, Executive Powers and the Judicial powers vested in the House of Assembly, the Governor of a State and in the Courts of a State shall respectively vest in the National Assembly, the President of the Federation and in the Courts which by virtue of the forgoing provision are Courts established for the Federal Capital Territory, Abuja.

Again, with your permission, I want to read Part II (D) of the Concurrent List which deals with Collection of Taxes, particularly Item 10 because it has now been established that this House shall be acting as the House of Assembly for the Federal Capital Territory Abuja. It reads:

Where a law of a House of Assembly provides for collection of tax, fee or rate or for the administration of such law by Local Government Council in according with the provisions hereof, it shall regulate the liability of persons to the tax, fee or rate in such manner as to ensure that such tax, fee, or rate is not levied on the same person in respect of the same liability by more than one Local Government Council.

The Constitution is very clear about this; we may not know the reasons advanced by the Minister of FCT now acting as the Governor. If we had House of Assembly for the FCT, which in this case should be National Assembly, the House of Representatives is now supposed to act that this Minister has committed an impeachable offence which would have led to his impeachment. But since we do not know why or how this rate was increased by 900 per cent, I am pleading that this House should not over re-act; let us do our job; he has over stepped his boundaries.

I am suggesting as the prayer said that the respective Committee which we delegated to represent us as House of Assembly for the Federal Capital Territory should call the Minister and conduct Public Hearing and know what is the appropriate thing and this House should decide on the appropriate rate to be charged for the land that is being allocated in the Federal Capital Territory.

Hon. Emmanuel Bello (Gombi/Hong): Mr Speaker, I am speaking for this Motion for the simple

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reasons Hon. West Idahosa advanced. There is nowhere in the law that gives the Minister of the Capital Territory the legal backing to unilaterally increase the rates on land.

If you look at Section 5 of the Land Use Act, it is the only section that is being speculated as having something to do with rents on land. Rent is not land use. The Constitution is clear about it and Hon. West Idahosa had already advanced most of the arguments that I would have loved to advance. However, if you look at other cities around the world, what development authorities do is that in areas where they want to have exclusivity as being advanced by those who are against this Motion, it is for him to carve out a particular area, put all the infrastructures in place and charge appropriately according to the investment on the area. Those who are rich would have liberty to go there and buy land. Land as it is, we all know, should be something available to every Nigerian at affordable rates.

Therefore, if the Minister of the Capital Territory feels that Abuja should be exclusively for the rich, let him know that Abuja belongs to all Nigerians, whether they are rich or poor and they should have access to land. In other parts of the world, like Washington DC, for example, right in the heart of Washington DC we have poor people living there and we have the very rich living there too; side by side. The gains of the rich should benefit the poor; the poor should not be excluded from enjoying the riches of the rich.

Therefore, I want to support this very timely Motion and I feel that my Colleagues should support this Motion and pass it. We should also make it very clear that the Minister of the Federal Capital Territory does not have any legal backing or authority to unilaterally increase the land rates.

Hon. Ita Enang (Itu/Ibiono Ibom): I want us to proceed on this argument on the determination of who owns the land in the Federal Capital Territory and that question is answered by Section 297(2) of the Constitution it says: *The ownership of all lands comprised in the Federal Capital Territory Abuja shall vest in the Government of the Federal Republic of Nigeria.*

To that extent the Government of the Federal Republic of Nigeria is made up of the Executive, the Legislature and the Judiciary and the Executive cannot unilaterally and on its own impose a charge, increase the rate when there is a Legislature. They could do this as they did when it was authoritarian military government but not now that there is a Legislature for the Capital Territory.

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Therefore, as we are mandating our Committee to do a hearing I want us to find out whether there is Land Use Allocation Committee of the Federal Capital Territory which is replicated in the States backed by law. Thirdly, the Committee should bring us the legal status and powers of the Minister and we should if we find any *lacuna* as there is, make appropriate regulations or laws to stop the situation. For now as a resolution, we should urge that no person should pay any of the new rates because it is illegal unless and until we have heard from our Committee that will conduct a Public Hearing.

I speak in support of this Motion.

Hon. C.I.D. Maduabum (Nnewi North-South/Ekwusigo): If we look at Section 59 of the Constitution we would see that this type of increase in fact is one that should come by way of a Money Bill. If you look at Section 759(1)(b), *The provisions of this section shall apply to –*

(a) a Bill for the imposition of or increase in any tax, duty or fee or any reduction, withdrawal or cancellation thereof.

The Parliament of the FCT is the National Assembly and if there is any proposal for any increase in any fee, duty, tax or otherwise howsoever named, it should receive, in my view, the blessing of the National Assembly.

I would, therefore, without wasting our time be arguing to this Motion that the Committee should come up with legislation to take away the power of the Minister to arbitrarily increase any of such rates. This basically is something we normally do by way of delegated legislation so that the Executive would look at the circumstances and act but when it is abused and done whimsically and arbitrarily, we have a duty to act in the public interest.

I will be asking, therefore, for a proper legislation to allow the Executive to make these proposals whenever it becomes necessary but that it must receive the approval and consent of the National Assembly. It is the device that will allow the Executive to do its job but that will allow us as representatives of the people to defend the public interest.

Therefore, I support that this Motion should be passed. But most importantly to show that we are not toothless bulldogs, we have sufficient powers here to stop it by legislation not just by Motion. The National Assembly is also the Legislature of the Federal Capital Territory. We should pass a law to say any such increase shall receive our consent.

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I so support that this Motion should be passed but with a caveat that we should come up with a legislation to curtail this arbitrariness.

Hon. Labaran Y. Dambatta (Dambatta/Makoda):

It is rather sad that we should be talking about this issue today because the Minister does not have the power as pointed out by the previous speakers. Recently, a newspaper report came out that the rates have been reversed but I would like to say that that is untrue because we sent somebody to collect the rates to be paid on a plot of land that was issued in 1999 and surprisingly they are asking us to pay ₦20 million for a piece of land that was issued in 1999.

This shows that the Minister is adamant and he is not willing to go back to what the Senate asked him to do and that this House owes a duty to Nigerians to ensure that the rates were reversed.

I have papers here to that effect that the FCT authorities are asking for ₦20 million for a plot of land that was issued in 1999. I think he is taking Nigerians for a ride and the House has the powers to impose whatever sanctions as provided by the relevant sections of our Constitution. Our Finance Committee should also be involved because the Finance Committee of the House decides on the revenue of the FCT being the lawmaking arm of the FCT.

The House should pass a resolution calling the Minister to order to reverse the rates with immediate effect.

Hon. Ihiabe Samson Positive (Dekina/Bassa):

Mr. Speaker, a Minister is not just doing his job statutorily but it is rather coming here to raise revenue for the Federal Government using land; that is exactly what he is doing. Over and above increasing land rates, he has equally given a notice that he is going to revoke so many lands already issued to people. He is not just trying to revoke it but he wants to revoke it to raise money and sell to other people, maybe to his allies, to raise additional money to the Federal Government. I think he has taken the position of a revenue collector rather than a Minister of the FCT.

In the second instance, as a Minister of the FCT, he has so many duties and I am so embarrassed as a Legislator. For a Senator who has just left the Chamber to go to this office and begin to raise revenue for the Federal Government, which is not part of his duties, by punishing and ensuring that Nigerians coughed out excessive what they did not swallow.

Thirdly, you will discover that since this Minister came to seat all the plans of the former Ministers to

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open up areas in FTC for developmental programmes have been stopped. Governments all over the world create wealth. His first analogy was drawn from the fact that land speculators were making money and therefore, he is making effort to collect such money from them so that he pays that into the Federal Government Account; this is unacceptable to this House. It is not his duty. If he wants to do that, he should find another job in either FIRS or any other revenue collecting areas or in the Customs.

Having looked at the activities of Federal Capital Territory, we are just coming out from the last era when lands were revoked, when lands were given to other privileged Nigerians, when people were denied from getting the appropriate lands as requested and coming into a new one where people who have lands in areas that are not developed and having given them notice that he was going to revoke all these lands and sell to another people.

If I have a piece of land in Karshi, for example, and there are no services there; no light, no water, no access road, what do I develop? Should I go and put up a structure there for spiders or for which people? This revocation approach too cannot be acceptable to this House and Nigerians will fight it and the Minister will not be able to implement his plans.

The standing Committee on FCT should be given a directive to go straight and tell the Minister to go back to his job instead of being part of selling lands and increasing land charges astronomically to raise revenue; it is not his duty. It is important that we tell the Standing Committee of the House to do this job; it should be immediate and Nigerians are looking at us that we are the only hope for them.

Hon Abdul Ahmed Ningi (Ningi/Warji): Mr. Speaker, this Constitution is like a traffic light; it is no respecter of any person. When it shows you red, you must stop. When it shows you green you continue irrespective of who you are. It is, therefore, incumbent upon this National Assembly and this House in particular to live up to our expectation and our role as Members of the National Assembly that have jurisdiction over the Federal Capital Territory.

Senator Aliero may not be the only culprit in this matter. He inherited an FCT that has been so bastardised by former Ministers where Ministers arrogate themselves the powers of policy-making on their own. Every Minister that comes along destroys the other Ministers that were there before. It started right from the other man from Borno through El-Rufai through Modibbo and the present Minister, Senator Aliero. Most of these Ministers believe in what they

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are doing because of history; they believe they are doing the correct thing.

The Constitutional provisions are before this House and a lot of references had been made to them. However, as a Committee, we had two emergency situations on this particular matter. The Chairman of the Committee called us when we were on recess on two occasions to discuss and brainstorm on this particular matter. We discussed and we said when the House comes back from recess we would lay the matter before the House.

The argument that the FCT Minister is trying to make is that he is looking for money to build more infrastructures but if you ask him or any other FCT official about the Budget performance, revenue accruals, those answers are not handy. Therefore, what we need to do as a House through our Committee is to find out the various sources of money released by the Federal Government for infrastructure development and then ask the officials of the FCT to, please, tell Nigerians what has been their revenue generation each year and what they have spent the money on? It is not enough for the FCT Minister to say; I am looking for money to do this or that when we have not been told how the money that had been appropriated and released had been spent.

What we need to do now as a Parliament is to stop the FCT Minister from implementing this new agenda.

If he refuses, then we sit down and look forward to what we intend to do but for now every argument that has been canvassed is correct. The FCT Minister must know that every Nigerian is entitled to a piece of land in Abuja and when you speak to people that Abuja is not for the rich and if you call yourself a rich man and you are entitled to a piece of land in Abuja, how did you get your money? How did you become rich and what made you rich? Therefore, as a democracy, we should not encourage such utterances.

Even though it is not this Minister that said this; there are other Ministers who, at one time or the other, said that FCT is not for the poor. The fact is that FCT is for everybody and the more we allow FCT to develop as a Federal Capital Territory the better. All arguments for this Motion have been properly canvassed here.

We do not need a Public Hearing. What we need to do is ask the FCT Minister to, please, stop because the provisions of the Constitution of the Federal Republic of Nigeria said so. However, if he has areas where he hinges his argument that gives him jurisdiction and powers to do this, he should produce it.

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Neither the Federal Executive Council nor the FCT Minister has any power under the Constitution to do what they are doing and, therefore, it is important for this House to send a clear message to the Minister to please stay action until discussion is brought before this House. If he needs this increment, all he needs to do is to send a Bill to the National Assembly and this House will consider the increment.

The Deputy Speaker: I will now give the Floor to Members who want to speak against the Motion.

Hon Sada Soli Jibia (Jibia/Kaita): Mr. Speaker, I love Hon. Mayor Eze; I love all the hon. Members that have spoken but I love to talk on the basis of Rule of Law.

Part II, Section 5(1)(d)(i) and (ii) of the Land Use Act is very clear that this increase is lawful. If you juxtapose it with the economic opportunities in this country, yes it is high but it is lawful.

The Taxes and Levies (Approved List for Collection) Act Cap T.2 Laws of the Federation of Nigeria, 2004 apportioned between Local Councils, States and the Federal Government, the authority to levy and collect rates and taxes; these are legislations recognised, authenticated and passed by the National Assembly.

Section 5(1)(d)(i) and (ii) of the Land Use Act, Cap L.5 LFN 2004 provides:

Powers of the Governor in Relation to Land

It shall be lawful for the Governor and in the case of Federal Capital Territory the Minister, in respect of land, whether or not in an urban area to –

(d) revise the said rental –

- (i) at such intervals as may be specified in the certificate of occupancy; or*
- (ii) Where no intervals are specified in the Certificate of Occupancy at any time during the term of the Statutory Right of Occupancy.*

Even though the Government is the custodian of the land, the proceeds do not go to FCDA; everybody knows that. The proceeds go to the speculators. Every one of us here is a living witness. Today, if you get a land and pay a processing fee of ₦21,000 by tomorrow that land would be sold for ₦21 million. Is that fair to

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the government?

The Deputy Speaker: Hon. Jibia, is the particular Section you read not in respect of land charge that you pay after collecting your Certificate of Occupancy? You know every year you are supposed to pay a fee.

A hon. Member: That section is dealing with Tenement Rate.

Hon. Soli Sada Jibia: Mr. Speaker, I should be protected because I am speaking on the basis of the law.

The Deputy Speaker: Hon. Sada Jibia, you are well protected.

Hon. Soli Sada Jibia: The Land Use Act is available; they can refer to it.

Hon. Mohammed Ali Ndume: Point of Order!

The Deputy Speaker: Hon. Sada Jibia, hold on, please. What is your Point of Order, Hon. Ali Ndume?

Hon. Mohammed Ali Ndume: I want to refer you to Chapter 1, Part I, Section 1(3) of the 1999 Constitution. If you permit me, I would like to read it?

The Deputy Speaker: Please, read.

Hon. Ali Ndume: Subsection (3) says: *If any other law is inconsistent with the provisions of this Constitution, this Constitution shall prevail and that other law shall to the extent of the inconsistency be void.*

The Deputy Speaker: The Order is sustained. Hon. Sada, you can proceed.

Hon. Sada Soli Jibia: Mr. Speaker, everybody knows that it is preposterous to hear a lawmaker saying you do not develop or provide infrastructure, taxes or levies. That is completely untrue. You tax and levy in order to develop.

The Development Model of FCT was meant to be completed after thirty three years but due to scarcity of government resources, it has not been possible. Yet the FCTA has not completed development in all the phases which ordinarily would have been completed by now. The reason is because the FCT has been hijacked by speculators.

I know a land that was processed with ₦300 in

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1982; that land was sold for about ₦900 million in spite of the fact that the government provided infrastructure; water, electricity and everything free of charge and the money went into private pocket. Is that fair to the government? Is that fair to somebody that I am representing 650 kilometres away from here?

This is a legislative body; we must open up. We are all stakeholders in the development of Abuja.

Hon. Olufemi Gbajabiamila (Surulere I): Point of Order, Mr. Speaker!

The Deputy Speaker: Which Point of Order are you referring to?

Hon. Olufemi Gbajabiamila: Mr. Speaker, I am referring to Order IX, Rule 5 of our Standing Rules at page 35. With your permission, I read:

Hon. Gbajabiamila: Order IX, Rule 5, on page 35 of our Rules. It talks about relevance in debate. *Debate upon any Motion, Bill or an Amendment shall be relevant to such Motion, Bill or amendment except in the case of a substantive Motion for the adjournment of the House.*

I believe the Motion before us deals specifically with the legality and the constitutionality of the increase in land charges. As I am listening to my Colleagues, I am hearing about why rates should be increased as opposed to land charges and I find it very difficult to see the relevance between the Motion before us and the content of the debate of my Colleagues.

The Deputy Speaker: Hon. Gbajabiamila, I think he has not deviated from what we are discussing because he is trying to show how that money would be utilised if it is collected. When other hon. Members were arguing, they gave so many examples but because I know you are for the Motion that is why you did not even care to know the examples that were brought by those who spoke in favour of the Motion. They gave similar examples the same way Hon. Sada Jibia is trying to argue in support of what he thinks is the right thing to be done.

Hon. Sada Jibia, you can continue with your debate.

Hon. Sada Soli Jibia: My hon. Member is from Lagos. This Development Model that has just been introduced by the FCT is already working in Lagos; Hon. Gbajabiamila knows. How much will you pay for a plot of land in Park View, Lagos? How much will

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you pay for a plot of land in Victoria Island, Lagos?

This increase is lawful. Yes, it might be high but I think it is lawful.

The Deputy Speaker: Members who want to speak against this Motion are free to do so.

Hon. Chinyere Emmanuel Igwe (Port Harcourt II): Point of Order, Mr. Speaker!

The Deputy Speaker: What is the Point of Order, Hon. Chinyere Igwe?

Hon. Chinyere Emmanuel Igwe: Mr. Speaker, Mayor Eze is my very good friend. Ordinarily, a lot of people are wondering why I am standing to oppose the Motion initiated by my very good friend but the truth must be told at all times.

I want to be very clear and brief over this issue. First of all, the issue whether the Minister of the FCT has the power to fix tax and levy is very clear. Apart from the Minister of Federal Capital Territory; all other Ministers fix taxes and levies and this House has not eroded that power.

The next issue I want to raise is the issue of development. One of my Colleagues said that the Minister erred when he said that he wants to use the proceeds from taxes and charges on FCT land to develop the area. Is it because there is so much oil money that we have forgotten that taxes and levies are used for development? Lagos State is a very typical example. Governor Raji Babatunde Fashola is using proceeds from taxes and levies to develop Lagos State. Why can we not use proceeds from land rates to develop FCT? Over and above that, I know why my good Friend is quarrelling. The fact is that the Minister of FCT used his powers arbitrarily; he overstepped his bound.

I will support the Motion on the other hand to say let us reduce the rates at which the Minister increased these charges but over and above that he is doing the right thing.

Hon. Charles C. Odedo (Idemili North/Idemili South): I want to speak against this Motion. First, the increase that we are trying to do is about a charge that was already done by a Minister. I do not recall this present rate being discussed in the House of Representatives or in the National Assembly.

The former Minister of FCT, Alhaji Bunu, fixed the current rate as it is and it was in exercise of his rights over FCT. I also know that this recent increase

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does not affect the Mass Housing for the poor. The allocation of Mass Housing is still free of charge even with the new increase and for the Satellite Towns it is still below ₦500 per square metre.

In summary, what I am saying is that the Minister of FCT has the power under the Constitution to make increases. The current rate was fixed by a Minister and the increase does not affect Mass Housing for the poor.

Hon. Bala Ibn Na'Allah (Zuru/Fakai/Sakaba/D/Wasagu): Mr. Speaker, I just want to speak against Prayer (i) of the Motion in the sense that we all have a duty to re-direct this House.

The reason Prayer (i) cannot stand is that based on the available records, the action of the Minister was allegedly approved by the Federal Executive Council. The question to ask is whether he on his own can override the Federal Executive Council. If the answer is no, it means the order should be to the Federal Executive Council, not to the Minister so that you will get the appropriate result.

The Deputy Speaker: Was it read as a Communiqué of the Federal Executive Council?

Hon. Bala Ibn Na'Allah: Let me first of all say that this is a very serious matter and the Member who brought this matter, Hon. Mayor Eze, deserves commendation but it would be wrong to push the House to try to correct what it alleged was done wrongly in following a wrong procedure.

Let me give you an example. If the House of Representatives approves this Motion today, can Hon. Mayor Eze sit down somewhere there and overrule all of us? If you want to take an action, follow the proper procedure and if it is on record that the Federal Executive Council has approved that, then the order by the House should be to the Federal Executive Council, which we can do. If you order the Minister and he comes back here to tell you that he is not the Federal Executive Council, what will you do? Therefore, Prayer (i) cannot stand and it is even more so when you say you want to conduct Investigation and Public Hearing. What are you conducting Public Hearing for?

We have two options; it is either we ask him to revert and you do not conduct Public Hearing or you conduct Public Hearing and then come out with an appropriate fee that is to be paid. This is how it is done.

Hon. Jerimon S. Manwe (Lau/K/Lamido/Ardo-Kola): I am not speaking against this Motion but I want to object to what my Colleague has said.

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The Deputy Speaker: No, it is a two-way traffic. You either speak against or for the Motion. Now it is time for those who want to speak against the Motion.

Hon. Jerimon S. Manwe: What I am saying is that I want to object to what he has said.

The Deputy Speaker: No, your reaction should be based on the prayers of this Motion, that is, whether you are for the Motion or not.

Hon. Jerimon S. Manwe: I am for the Motion.

The Deputy Speaker: It is all right. Thank you.

Hon. Juliet Akano (Nkwere/Isu/Nwangele/Njaba): Mr. Speaker, I rise to speak on the demerits of this Motion. Section 297(2) of the Constitution says: *The ownership of all lands comprised in the Federal Capital Territory, Abuja shall vest in the Government of the Federal Republic of Nigeria.*

It is the duty of the Federal Government to generate revenue and what the Federal Government is saying through the Minister is that the government is bent on generating revenue to reduce expenditure that they incur in the FCT.

I want to remind this House that this particular revenue is not against our legislative compliance or our rights in the Constitution of the Federal Republic of Nigeria but it is to develop a sub-division in Abuja to build infrastructures like roads in the satellite towns of the Federal Capital Territory Administration. All these cost the government billions of Naira to provide.

Revenue allocation to FCT is not enough to provide infrastructure everywhere; it is the area that they have already mapped out that contracts have to be awarded. So I am saying that there is no merit in this Motion in that this Legislative House should not by way of a Motion hinder the Federal Government from generating revenue.

I think it is time that we should consider few issues which is that this country, like any other country

in the whole world, can generate revenue with what she has.

Hon. Oyetunji Omotayo (Akinyele/Lagelu): As regards the first Prayer, it is the duty of this honourable House that we are dealing with the FCT as our State,

not the Federal Executive Council. If the FCT Minister has taken a wrong decision by going to the FEC meeting first instead of coming to the National Assembly that oversees his Ministry, that is his problem. He has to go back to the FEC meeting and inform them that he has taken a wrong decision.

If we are saying that the action of the Minister is null and void, why do we have to conduct Public Hearing? All we need do is tell the Minister that he has to revert to the old rates because the Government has to be sensitive; we have to be sensitive. I am telling you a Boy's Quarter in Gwarimpa goes for as much as ₦300,000. Corpers and Civil Servants are squatting.

The Deputy Speaker: Are you speaking for the Motion or against the Motion?

Hon. Oyetunji Omotayo: I am going through the Resolution, Sir.

The Deputy Speaker: I have some few Amendments with me here. The first Amendment is from Hon. C.I.D Maduabum. It reads:

The relevant Committees of the House should propose Legislation aimed at obtaining the approval of the National Assembly before any increase or reduction in the land rates.

You can read it; I have reminded you of what you have written.

Hon. C.I.D Maduabum (Nnewi North/South/Ekwusigo): My Amendment is that the relevant Committees of the House such as the Committee on FCT and others should come up with legislation that would guide the Executive in this matter; such legislation has to receive, whether it is any increase in land charges or reduction, the approval of the National Assembly as is provided in Section 59 of the Constitution.

Hon. Stanley Ohajuruka (Umuahia North/South/Ikwunano): Mr. Speaker, I stand to second the Amendment as proposed by Hon. C.I.D Maduabum.

Amendment put and agreed to.

Hon. Mohammed Ali Ndume: My Amendment is to Prayer (i) is as follows: *Direct the Minister of FCT to suspend collection of new land charges pending the outcome of the Public Hearing to be conducted by the relevant Committee.*

I so move.

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Hon. Mohammed Ali Wudil (Wudil/Garko): I rise to second the Amendment proposed by my able Leader, Hon. Ali Ndume.

Amendment put and agreed to.

Hon. Peter Linus Umoh (Oron/Mbo/Okobo/Udung Uko/Urue Offong/Oruku): Mr. Speaker, I am proposing the inclusion of Joint Committees on FCT Area Council, Justice and Judiciary to form part of Prayer (ii).

Hon. Mustapha Ahmed (Bauchi): I rise to second the Amendment proposed by Hon. Peter Linus Umoh.

Amendment put and negatived.

Main Question as amended put and agreed to.

The House:

Noted that the Hon. Minister of the Federal Capital Territory (FCT) recently reviewed upward charges on land from ₦2000 per/m² to ₦18,000 per/m² which represents 900 *per cent* increment in service area and ₦10,000 per/m², an increase of 500 *per cent* in un-serviced area;

Further noted that the increase, according to the FCT Minister, was meant to reduce land racketeering, make land and houses available to Nigerians and to generate more funds to finance the provision of infrastructure in the new districts;

Concerned that the FCT Administration took the decision on the new charges without the approval by the National Assembly as its law making body;

Further concerned that any decision taken by the Minister of FCT or any other officers of the Executive that imposes financial burden on the citizenry requires the prior scrutiny and approval of the National Assembly;

Resolves to:

- (i) Direct the Minister of FCT to suspend collection of new land charges pending the outcome of the Public Hearing to be conducted by the relevant Committee.
- (ii) Mandate the Committees on FCT and FCT Area Councils and Ancillary Matters to conduct a Public Hearing on the recent upward

review of land charges in the Federal Capital Territory.

- (iii) Mandate the Joint Committee on Federal Capital Territory, FCT Area Councils and Justice to propose necessary legislation on any review on land charges for approval of the National Assembly

ANNOUNCEMENT

Resolution of the Executive Meeting on Tuesday, 6th November 2009

The Deputy Speaker: I would like to read this announcement because it is very important.

This is to inform all Members that the House of Representatives, during its Executive meeting on Tuesday, 6th November, 2009, mandated the Joint Committee on MDGs and Due Process to find out and ensure that Constituency Projects are completed within the expected time. It is in view of that, we requested the following from Members:

- (i) Details of Report of Performance on 2008 quick win with pictures, if possible.
- (ii) Location and name of contractors.

The Committees will meet with MDGs' office on Wednesday 21st.

(Signed)
Saudatu Sani

CONSIDERATION OF BILLS

Screening of Ministers of the Federal Government of the Federation Bill, 2009

A Bill for an Act to Make Provisions that will Enable the National Assembly to be More Effective in Screening Ministers of the Federal Government of the Federation pursuant to the Provisions of Section 147 of the 1999 Constitution and for Other Matters Relating Thereto, 2009 -

Order for Second Reading.

The Deputy Speaker: The second Order of the Day is commencement of debate on the General Principles of a Bill for an Act to make Provisions that will enable the National Assembly to be more effective in Screening Ministers of the Federal Government of the Federation, pursuant to the Provisions of Section

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147 of the 1999 Constitution and for Other Matters Relating Thereto, 2009.

The Bill was read for the First Time on Tuesday 21st July, 2009. I now invite Hon. Friday Itulah to move that the Bill be now read for the Second Time.

Hon. Friday Itulah (Esan North East/South East): Mr. Speaker, I move that a Bill for an Act to Make Provisions that will Enable the National Assembly to be More Effective in Screening Ministers of the Federal Government of the Federation pursuant to the Provisions of Section 147 of the 1999 Constitution and for Other Matters Relating Thereto be read the Second Time.

Hon. Olakunle Kazeem Salako (Ado-Odo/Ota): Mr. Speaker, I rise to second the Motion as moved by Hon. Friday Itulah.

Question proposed.

Hon. Friday Itulah: Mr. Speaker, I thank you for this opportunity to present before Parliament this morning this issue which I feel is of utmost interest to all of us who are here as representatives of the people.

It is very easy to glean from the Title of the Bill what the intendment is all about. We do know that by the provision of Section 147 of the Constitution of the Federal Republic of Nigeria, the President is expected to submit names of would-be Ministers to the Senate for confirmation after screening. In doing this the Senate is supposed to take into account how qualified these persons are to occupy the positions that they are being nominated for. Unfortunately, you will find out that in the process of screening these nominees, they are involved in asking general questions. The reason is that they are handicapped because they do not know what portfolio is intended for these would-be Ministers.

We are all aware that when you are interviewing a prospective candidate for a position, you narrow your questions and areas of examination to the very area that such a candidate has applied for and in doing this you are able to determine whether the candidate would be a round peg in a round hole or a square peg in the round hole.

We also know the important role that the heads of our Ministries and inter-Ministerial Departments play in the performance of these ministries. Their ability to perform in their Ministries or otherwise will spell the direction that the government is likely to go.

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While the Constitution gives the President the power to nominate would-be Ministers for the confirmation of the Senate, the President, in exercising this discretion, should also forward along the Curriculum Vitae of these persons and the positions that he intends to give to them. This will prevent the screening Senate Members from asking general question because in asking general questions, you are not able to know exactly whether the person you are examining is qualified for this particular position or not. Recently, we saw a situation where the present Minister for Health was being examined in the area of Water Resources and Agriculture. Perhaps, very many people thought that that was the position that he is likely to occupy.

For example, the present President of the United States of America, Barrack Obama who is an African-American had been praised for the selection of a team that he has decided to hire for the execution of his promises to the people. You would have seen that all the Secretaries of State that are equivalent to our Ministers were already known beforehand. The public knew them and their background and what the Senate did was simply what is called a Confirmation Hearing.

This is the simple import of what this Bill is all about. We are not by any means saying that the President should not exercise his discretionary power as given to him in Sections 147 and 148 of the Constitution but that in exercising this power, he should let the Senate know ahead of time what positions he intends to give these people so that we would be able to ensure that the right persons are put in the right position.

Only a while ago, we were questioning the use of the discretionary powers by one of our Ministers. We saw that what he did was against the general interest of our people. I am sure if he had been screened from the very beginning and we knew ahead of time that this is the portfolio that would be given to him perhaps we would have been in a better position to have suggested a different place to him.

You also know that it is only fair and proper that the Senate be not allowed to do guesswork because if this were done, at the end of the day they would not achieve anything. What we are doing just now is tantamount to what we see on the screen in some advertorials by some of these GSM network. I am sure one of them is Etisalat or Zain where you will see someone making guesswork as to the type that he prefers. No! That should not be. If they are properly guided, I am sure that they will ask the appropriate questions and ensure that at the end of the day proper things are done.

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We also have two additional Sections in the very short Bill that we have. One has to do with the Security Report. A situation where somebody has been confirmed only to be disqualified by the security agencies will not help us. Before these people are dropped, let the Executive do their spadework because screening by the security agencies is part of the Executive responsibility. We would be very sure that the people you are presenting are those, if confirmed for specific positions, would be able to do the appropriate thing. I am sure very many of us have observed this *lacuna* and I am sure that by this Bill that we are proposing we would be able to cure this. The essence of making a law is to ensure that the right things are done at the right time.

This is the summary and intendment of this Bill and I call on all of you who are here to ensure that you give this Bill your support so that it can pass through the Second Reading and be referred to the appropriate Committee.

Hon. Kolawole Ismaila (Boluwaduro/Ifedayo/Ila): Mr. Speaker, if we go through the contents of this Bill in the journal and having listened to the sponsor the Bill properly, one would discover that the Bill is one that is needed at this particular point in time. A situation where we interview a nominee but we do not know the specific area where the nominee is going to serve disables the Senate, especially, and confuses members when they are doing the screening.

A situation where you have in mind the Ministry of Foreign Affairs but the nominee incidentally, is posted to man the Ministry of Defence, one would discover that it would be very difficult for the Senate to know whether the person is qualified or the appropriateness of the appointment of such a nominee. So, this Bill, if passed into law, will enable the Senate to screen any nominees properly to know whether or not that nominee is duly qualified for the post he is going to be given.

For instance, in the past we discovered that some of these nominees do not know where they are going to serve! They cannot say when they are appearing before the Committee and those interviewing them may not know where to tackle them. Incidentally, the nominee may be found not fit for the post, appointment or portfolio given to him or her afterwards. This Bill will enable us to know the qualification of any nominee and whether the nominee has an in-depth knowledge of the post he or she is going to be given.

I therefore, urge all Members to kindly support the

Bill so that the subsequent nominees or appointments will enable us to determine the suitability of those nominees.

Hon. C. I. D. Maduabum (Nnewi North/South/Ekwusigo): Mr. Speaker, I have read through the Bill and speaking on the General Principles, I want to contribute as follows:

It is clear that there is a *lacuna* in respect to this matter. I believe that there is a lot of merit in the Bill. However, I think that the Bill should be, in fact, a memorandum that should be sent to you, my dear Deputy Speaker, through the Chairman of the Constitution Amendment Committee. I believe that the Constitution has covered the ground in respect of this Bill and I do not think that we should, by legislation, expound on the matter that has been provided for in the 1999 Constitution.

There is merit in the Bill but there is also the other issue of knowing our history; we normally have Cabinet changes which is sometimes frequent. Do you send the name of the Minister back for rescreening when moving him, maybe, from Foreign Affairs to Education? If he is approved as the Minister of Finance and during a Cabinet reshuffle you send him to National Planning Commission, do you do that without going back to the Senate?

The current practice is that they are approved as Ministers of the Federal Republic of Nigeria. Yes, it is better if one knows his portfolios but I think that this is something we have to do by amending the Provisions of Section 147 of the 1999 Constitution that is so provided.

Hon. Abdullahi Umar Faruk (Bunza/Birnin Kebbi/Kalgo): Mr. Speaker, I stand consciously to align myself with the General Principles of this Bill.

Before I proceed any further, I want to say that I do not subscribe to what the last speaker said because already it has been the practice and also constitutionally allowed that Honourable Ministers should be screened. Therefore, all what this Bill is talking about is on effective screening which I think is supported.

We all know that the problem we have in this country is that of Leadership. In fact, it is because of the miscarriage of Leadership that we find ourselves in this position. If God can be ascribed with any country in this world, we would proudly say it is Nigeria today because He has blessed this country with abundant human and mineral resources such that we should not be where we are today; we should in fact be finding ourselves in the Security Council of the United Nations.

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But, where are we? We have over 70 per cent of our citizens living below the poverty line. I think this is unacceptable. All this can be traced to the Leadership question. The highest office is the Presidency and Ministers are actually sub-presidents because any Acts and policies turned in are supposed to be implemented for the good governance of this country, but most of the problems are found in this particular area.

So, I subscribe that we need to have consistency and integration of our policies. For example, we should

not be discussing what we discussed last before this issue; if policies have been formulated and implemented, then we would not have been discussing such. I think, therefore, that we need to do the right things in the right places to enable us avert these administrative problems.

I therefore, strongly believe that we need to pass this Bill through Second Reading to ensure that Nigeria takes her rightful place in the comity of Nations.

Hon. Lanre Adeniran Agoro (Irepo/Orelope/Olorunsogo): Mr. Speaker, I rise to call the attention of the House to Section 147(2) of the Constitution. Let me say sincerely that I agree totally with the intendment of the sponsor of the Bill. However, I am at quandary as to Section 147(2). If this Bill is allowed to pass, it amounts to the amendment of Section 147(2). I seize this opportunity to crave the indulgence of the House to read that particular Section. Section 147 (2) reads thus;

Any appointment to the Office of the Minister of the Government of the Federation shall, if the nomination of any person to such office is confirmed by the Senate, be made by the President.

There are two things in this provision. The first one is that there must be nomination and that nomination must be confirmed by the Senate. It is when the nomination is confirmed that the President will now assign portfolios to those whose nominations have been confirmed.

What my Colleague Hon. Itulah is trying to do is that with this particular provision, there cannot be attachment of portfolio as is done in the United States of America where each candidate will be screened for particular portfolio. But in this case, it is after the nomination had been confirmed that the President will now sit comfortably and begin to assign offices to those ones.

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Secondly, this provision makes it very relaxed for the President to say he wants to reshuffle his cabinet. I am neither speaking for the President nor for the Executive. As I said earlier, I am in *consensus ad idem* with the sponsor of this particular Bill but this provision of the Constitution must be looked into. If it had come by way of amendment to the provision of Section 147(2) I would not have had any problem but you cannot begin to do a piece of law that would amend this particular provision of the Constitution.

Hon. Sani Abdullahi Dabai (Bakori/Danja): My contribution regarding this debate is as provided in Section 147(2). I will also read what he read and also share my understanding of it.

Any appointment to the Office of the Minister of Government of the Federation shall, if the nomination of any person to such office is confirmed by the Senate, be made by the President.

The President has the prerogative either to attach any office with the nomination or otherwise in which case what my learned Friend, Hon. Agoro, is saying is just his understanding but the proposal of the Bill is such that the President if he so wish can now attach his nomination to an office and we can consider it. To me the Bill is in order and we should support it.

Hon. Aminu Shehu Shagari (Yabo/Shagari): Mr. Speaker, I rise to support this important Bill and I wish to commend the sponsor of this Bill, Hon. Friday Itulah. This is a very straight forward Bill with just five sections and what it seeks to do is to mandate Mr. President in complying with Section 147(2) of the Constitution that after nominating his Ministerial nominees he should attach the portfolios which he intends to give to those nominees. This will enable the National Assembly to make an informed choice so that they can put a square peg in a square hole.

Secondly, the Bill seeks to mandate Mr. President to attach a letter of clearance of those nominees from the security agencies. It is my humble view that this does not in any way contravene the provisions of Section 147(2) because it is only stating out the procedure that Mr. President should adopt in forwarding his nominees and I think it makes the work of the Senate easier, faster and more informed. I wish my hon. Colleagues will support this Bill and allow it to go for Second Reading.

Hon. Olufemi Gbajabiamila (Surulere I): Mr. Speaker, I believe this particular Bill will stand or fall

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depending on how we interpret the Constitution. My own interpretation of the Constitution is two-fold. First of all, in interpreting the Constitution or any law, you go with the common sense approach and the ordinary meaning of the word.

In adopting that approach, I will support the sponsor of this Bill that it makes common sense for you to bring somebody before the House for screening. What are you screening? In other words, you have to be qualified to be a Member of the House of Representatives *et cetera* but you may not be qualified to be the Minister with a particular responsibility based on experience and many other things. So, the common sense approach in interpreting the Constitution is that it presupposes, like in other advanced democracies, that you attach a particular portfolio for which you are appointing the Minister.

Secondly, Section 147 which has been referred to severally says that *there shall be such offices*. What does it mean by *such offices*? *Such offices* are synonymous with portfolio. It is an interchange of words. Offices and portfolios within the context of Section 147 mean the designated offices.

If you look, it is in contrast to Section 151 which talks about Special Advisers. Section 151 says; *the President may appoint any person as a Special Adviser to assist him in the performance of his functions* in contradiction to Section 147. In other words, under Section 151, the President can appoint as many Special Advisers as are desirable and then later on give them whatever offices or portfolios he wants but Section 147 deliberately include the words *such offices*.

Basically, what has been happening in the past is against the provisions of the Constitution. The Constitution, in my own interpretation, requires that the President attaches an office and let the Senate or whoever is screening to know what portfolio or office this person shall be assigned to.

Hon. Danlami Hamza (Fagge): Mr. Speaker, I have problems with this Bill. First of all, the Bill is talking about enabling the National Assembly. The Constitution is very specific about who confirms Ministers; it is the Senate and the Senate is not the National Assembly, it is part of the National Assembly. If you say the National Assembly, you are bringing in the House of Representatives through the window. I do not think we are interested in doing that. We are not questioning the Senate as to how they are performing their jobs and I am sure we are not interested in confirming Ministers.

Secondly, only one Minister has his qualification spelt out in the Constitution; that is the Minister of

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Justice and the Attorney-General of the Federation. Unless you want to start specifying because I do not know of any qualification other than being able to be a Member of the House of Representatives to be a Minister of the Federal Executive Council. Unless you are saying if you want to appoint the Minister of Health, he has to be a medical doctor and then other scientists will ask why not? Let us try and limit this law-making and be more conscious of what affects the generality of our people. Let us give the President the latitude to appoint the people he wants.

Hon. Rabe Nasir (Bindawa/Mani): Mr. Speaker, I have heard the arguments advanced by those who are in support of the Bill. However, I am opposed to this Bill.

First, is the constitutional aspect of it. From the explanations of some other Colleagues, I believe and I have seen it in the Constitution that what this Bill seeks to get is at variance with the specific provisions of Section 147(2) of our Constitution. What it seeks to do is an addition to the provisions of the Constitution and it goes to show that in a way there is need for Constitutional amendment in order to allow this Bill scale through. I support the proposal by Hon. C.I.D. Maduabum that this should rather be a proposal to the Constitution Amendment Committee.

Secondly, I do not understand the merits behind this Bill. However, I am very much clear about the demerits of it if it passes through. In the event that people are proposed by Mr. President and nominated for the confirmation by the National Assembly, their names together with the portfolio that they are expected to man, it has serious implication on this country and that is why I believe that my Colleagues should figure out that this should not be allowed to go through.

One obvious implication is the heterogeneous nature of Nigeria where we have different ethnic groups, different regions and multi-religious; everything is different in this country and whatever one does in this country is always subjected to scrutiny from this mindset. I am seeing the possibility of one or two persons being disqualified from being Ministers ordinarily on account of the portfolios they are expected to man if this Bill passes through.

It also negates the essence of Separation of Power as provided by our Constitution. The President has the power, according to the provision of the Constitution, to assign people after the nomination is approved by the National Assembly to different portfolios of his choice. It will also give him the volition to reshuffle the cabinet at will where there is urgent need to do that. If we allow this Bill to scale through it simply means that Mr. President should not be able to change the Minister no

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matter what he does except he has the approval of the National Assembly to do.

In all fairness this will not be welcomed. That is why I call on the attention of our Members to put a stop on this Bill. It should not be allowed to sail through Second Reading or, if it does, it should have nothing to do with the portfolio of the nominated individuals to the National Assembly for ministerial appointment.

Hon. Bala Ibn Na'Allah (Zuru/Fakai/Sakaba/D/Wasagu): I am really in difficulty to understand the necessary intendment of this Bill but my limited understanding of the Constitution is that it provides what is referred to as the framework of governance.

Like this hall, if we decide today that for the purpose of hearing ourselves the more, we can just put a demarcation here and then we would be satisfied with that. That is how the Constitution is; it is meant to be a flexible document.

My limited understanding of what the Mover of this Bill seeks to do is to say at this critical moment of our existence, is it right that we open the office as sensitive as that of the Minister to everybody whether he is qualified to run the office or not? I think the necessary intendment is to say that at this stage of our history as a nation, can we in all honesty say that we are going to appoint Hon. Danlami Hamza for example as Minister of

Health and that we expect him to function properly as Minister of Health? If the answer is no, it therefore means that we need to begin to specialise with respect to certain categories of offices. For the purpose of the Senate determining the suitability of the candidate, questions should be asked along his competence to preside as Minister in that place and this is a very reasonable proposal as far as I am concerned taking into cognisance the state of our history in this nation.

But if it is the opinion of the Parliament that we are limited by the provision of the Constitution which I do not share, then so be it. But let me say that we intend to restrict the provision of the Constitution as if it is a rigid Constitution. No, it is a flexible Constitution in the sense that it only provides the framework of governance.

The Deputy Speaker: I will now put the question that the Bill be read the Second Time.

Question put and agreed to.

Bill read the Second Time and referred to the Committee on Governmental Affairs.

City Technical University Kaduna (Establishment) Bill, 2009

A Bill for an Act to Provide for the Establishment of the City Technical University, Kaduna and Other Related Matters Thereof, 2009 -

Order for Second Reading.

The Deputy Speaker: The Third Order of the Day is commencement of debate on the General Principles of a Bill for an Act to Provide for the Establishment of City Technical University, Kaduna and Other Related Matters Thereof, 2009. Hon. Members you would recall that the Bill was read for the First Time on Thursday, 30th July 2009.

I now invite Hon. Godfrey Ali Gaiya to move that the Bill be now read for the Second Time.

Hon. Godfrey Ali Gaiya (Jaba/Zango Kataf): I move that a Bill for an Act to Provide for the Establishment of the City Technical University, Kaduna and Other Related Matters Thereof be read the Second Time.

Hon. Saudatu A. Sani (Lere): I rise to second the Motion moved by my Colleague, Hon. Gaiya.

Question proposed.

Hon. Godfrey Ali Gaiya: Mr. Speaker, I will start by urging my Colleagues to give the Bill all the support and sympathy. The Bill was brought to this House in the last Assembly as an Executive Bill by the former President, Chief Olusegun Obasanjo. The Bill was read for the First Time in the last dispensation on the 24th day of April 2007 but because of the time constraint then the Bill was not debated for the Second Time.

I am, therefore, bringing the Bill to this honourable House so that it can be considered with a view to transforming or converting the existing Kaduna Federal Polytechnic into a City Technical University, Kaduna.

The Kaduna Polytechnic, as we know, has a very long history of academic excellence. This great Polytechnic was established by the Northern Regional Governor as the premier institution in the North. By the advent of State creation, the Northern State

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Governments took over the management of this Polytechnic until the Federal Government took over this Polytechnic and renamed this Polytechnic Kaduna Federal Polytechnic

It was the wisdom of the Federal Government then under Chief Obasanjo to convert two strategic Polytechnics in this country, one in the South and the other in the North, into City Technical Universities. The one for the South is the Yaba College of Technology and the one in Kaduna is the Kaduna Federal Polytechnic.

The Kaduna Polytechnic as it is presently constituted is having about four different campuses all located within the city of Kaduna. Presently, it is running over 80 Academic Departments with about 10,000 students enrolment already. Of course, the Kaduna Polytechnic has for some time been awarding degrees despite its limitation as a Polytechnic to do so.

I believe if my Colleagues give this Bill due hearing and approval, it will transform this Polytechnic into a University thus giving it the appropriate capacity to do all that a University is supposed to do.

The Bill is seeking to do three things. First, it seeks to change the nomenclature of the existing Kaduna Polytechnic to a Technical University thus giving it all the necessary powers and privileges of a University. Secondly, this Bill is also seeking to regularise the transfer of all assets of the existing Kaduna Polytechnic to City Technical University, Kaduna. By the same token the Bill, when passed, will transfer the present liabilities of the Kaduna Federal Polytechnic into the Kaduna City University.

The Bill, of course, will not take anything away from the existing Polytechnic. It will neither touch our job nor remove anybody from employment. It will definitely convert the existing Polytechnic Council into a Senate and a Council of the new University. It is adding no cost to anybody. As I said initially, the Kaduna Federal Polytechnic is established; it is on the ground and has been carrying out academic exercise without hindrance.

This is a very straightforward Bill and I would not want to bore this august House with too much explanation. I am urging my hon. Colleagues to support this Bill so that it will scale through the Second Reading and eventually passed.

The Deputy Speaker: I will put the question that this Bill be read the Second Time.

Question put and agreed to.

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Bill read the Second Time and referred to the Committee on Education.

Control of Public Exhibition (Exposure of Children to Pornographic Materials) Bill, 2009

A Bill for an Act to provide for the Control of Public Exhibition of an exposure of Children to Pornographic Materials in Nigeria and for Related Matters 2009 (HB. 226) -

Order for Second Reading.

The Deputy Speaker: The fourth Order of the Day is commencement of debate on the General Principles of a Bill for an Act to provide for the Control of Public Exhibition of an exposure of Children to Pornographic Materials in Nigeria and for Related Matters, 2009. Hon. Members would recall that the Bill was read for the First Time on Wednesday, 14th May 2009.

I now invite Darlington Okereke to move that the Bill be now read the Second Time.

Hon. Darlington O. N. Okereke (Ivo/Ohaozara/Onicha): Mr. Speaker, I move that a Bill for an Act to Provide for the Control of Public Exhibition of an exposure of Children to Pornographic Materials in Nigeria and for Related Matters, 2009 be read the Second Time.

Hon. Lawan Goni Bukar: (Bursari/Geidam/Yunusari): I second the Motion ably moved by Hon. Okereke.

Question proposed.

Hon. Darlington Okereke: I will start by enjoining you and appealing to you to support that the Bill be read the Second Time. The Bill is simple and very straightforward. It seeks to provide for the control of public exhibition, sales, displays, broadcast and exchange of pornographic materials and also to prohibit wrongful exposure of children to Pornographic materials. It also seeks to provide for trial and punishment of offenders. There is no gainsaying the fact that exposure of our children or even adults in Nigeria today to pornographic materials has become very rampant.

Pornography is defined by the new Webster Dictionary of English Language as *obscene literature, photographs, paintings, etc that are intended to cause sexual excitement*. Pornographic materials are seen everywhere displayed in our villages, homes and cities

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and it does not augur well for the future of our children and for this great country.

Sources of these materials are Magazines, Internet, DVDs, VCDs, etc. Television for instance, is widely watched. It is one of the most powerful stimuli that we have and our children are everyday glued to watching programmes on the television and some of the contents of these programmes are highly sexual. You will find out that what many of our children watch especially on foreign channels are hardcore pornography displayed and it is not healthy for our country. It is not healthy for the growth of our children; it is not healthy for the morality of our children and it is not good generally for the upbringing of our children.

In concluding, let me say that the impact and attendant consequence of this on our children are very grave. These include unwanted pregnancies, rape, violation of womanhood, etc.

Hon. Suleiman Abdulrahman Sumaila (Sumaila/Takai): Mr. Speaker, I think this is a very straightforward Bill which needs the attention of this House. When we look into the content of the Bill religiously, socially, culturally even morally, I believe there is wisdom in it. Nobody will allow his son or daughter or anybody who is under his care to be used for this purpose. Therefore, we do not need to spend too much time in passing this Bill into law. On this note I rest my case.

Hon. Nnenna Ijeoma E. Ukeje (Bende): Mr. Speaker, with regard to this Bill, I would say that a thirty-minute commercial can change the soft drink that a person buys in favour of another. Anything that is seen, heard by a child would shape the way that that child views sex for the rest of his life. Sex education and sexual activity by any particular human being is shaped by what he sees. Of course, pornography teaches children about sex but the question is: does it teach them about it properly?

It is shocking that up till this time children could access pornographic materials. Last week, we had a Motion on rape that was brought to the Floor of the House which was as a result of gangbanging portrayed by pornography.

If we as a society want to stop deviant sexual behaviour, the best way to start is for us to actually regulate the things that our children are exposed to from their affirmative stages.

Therefore, I urge my Colleagues to, please, with one voice support this Bill so that it can pass through Second Reading.

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The Deputy Speaker: I will put the question on the Second Reading of the Bill.

Question put and agreed to.

Bill read the Second Time and referred to Joint Committee on Information and National Orientation and Women Affairs.

Construction Companies to Construct, Build and Maintain Roads and Erosion Projects for Five Years before Handing Over Bill, 2009

A Bill for an Act for Construction Companies to Construct, Build and Maintain Roads and Erosion Projects for Five Years before Handing Over and Other Matters Connected Therewith, 2009 -

Order for Second Reading.

The Deputy Speaker: The fifth Order of the Day is Commencement of Debate on the General Principles on a Bill for an Act for Construction Companies to Construct, Build and Maintain Roads and Erosion Projects for Five Years before Handing Over and other Matters Connected Therewith, 2009. Hon. Members would recall that the Bill was read for the First Time on Wednesday 20th July, 2009.

I now invite Hon. Austin Nwachukwu to move that the Bill be now read for the Second Time.

Hon. Austin Nwachukwu (Ehime Mbano/Ihite Uboma/Obowo): Mr. Speaker, I stand to move that a Bill for an Act for Construction Companies to Construct, Build and Maintain Roads and Erosion Projects for Five Years before Handing Over and other Matters Connected Therewith, 2009 be read the Second Time.

Hon. Onyema C. Wilfred (Ogbaru): I rise to second the Motion moved by Hon. Austin Nwachukwu that the Bill be read the Second Time.

Question Proposed.

Hon. Austin Nwachukwu: The issue of road in Nigeria is no longer a new history. We are all aware that various parts of the country are adorned with dilapidated roads and erosion sites. The reason is that one begins to ask the question; why our roads are decaying so fast even after three or six months of their construction? If you go to the South East of Nigeria, it is the same. South West, South South, North East, North West and North Central are not left out in this problem. John Austin, who is a British legal luminary

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and a proponent of the Positive School of Thought said:
Law is that command that is backed up with sanction.

Also, if you would recall in France, Napoleon Bonaparte said that we do not have stubborn soldiers but we have weak generals. Why I am emphasising this is that we must find the reason our roads are decaying fast. Is it because of the Construction Companies or because of the officials not being able to monitor the roads being constructed?

I am saying here that in Nigeria, the fear of EFCC is the beginning of saying no to crime. With this Bill, the construction of solid and quality roads in Nigeria is the beginning of development of our country. In so doing, my dear Colleagues, I want to show you pictorial evidence of so many parts of the country where roads have become an issue of discussion.

In Anambra State, according to *This Day* newspaper of Saturday, 70 people were killed in a multiple accident that occurred due to gullies on the bad roads of that area. Also, in Lagos, I will show you a pictorial view of an expressway in Lagos; it is like a bunker. This is also a pictorial view of Aba/Ikot Ekpene Expressway. This one was captioned *Ugly Face of Federal Roads in Nigeria* and it is coming from the North Central part of Nigeria; Forgotten roads in Makurdi North Bank.

In Benue State, it is very difficult to access

Makurdi. I remember very well when we attended Hembe's wedding; it took us four hours to get to our final destination from Makurdi because the Federal roads there were not in any pliable state.

Then Minna/Bida Road crash claimed ten lives along Minna Road. I will also read an extract that says:

...expressed concern over the deplorable condition of roads. More roads in the States need to be put in proper shape. Mokwa-Jebba Road is a death trap and has claimed many lives.

If Mr. Speaker were here today he would have seen what the Sango/Ota Expressway looks like in his State. That shows that there are several Nigerian roads that are in bad shape. Finally, my dear Colleagues, *these roads are death traps*; this is from the North East of Nigeria.

According to the Federal Road Safety Office, known as the Policy Research and Statistics Department, a total of 6, 661 Nigerians died in the last one year from accident occasioned by potholes and

gullies on our highways and expressway. The highest number is coming from Kaduna State where 692 people died from accident caused by gullies on our expressway. The second is from Ogun State where 517 people were said to have died in the last one year from accident caused by bad roads. The third is from Kano where 446 people died from accident caused by bad roads. The fourth is Enugu State where 331 people died from expressway accidents and the fifth is Osun State where 286 people died from accident caused by bad roads and so on and so forth.

I want to also let you know that in the 2008 Budget, the Federal Ministry of Works was earmarked a total of ₦6,771,986,333 (Six billion, Seven hundred and Seventy-one million, Nine Hundred and Eighty-six Thousand, Three Hundred and Thirty-three Naira) for the Construction of Highways while that of 2009 Budget has ₦4 billion (Four Billion Naira) budgeted for Highway Roads. What I am trying to say is that a lot of Government money has been put into roads.

The Deputy Speaker: Hon. Austin Nwachukwu, we want you to mention the figures correctly so that Nigerians will know. When you are saying ₦4 billion (Four Billion Naira), it is not even enough for a single road.

Hon Austin Nwachukwu: Mr. Speaker, let me step down on the figures. What I am only trying to say is that there are a lot of Government funds that have been expended or appropriated for the construction of roads, yet we are having this experience on our roads.

So what I am trying to say in effect is that it touches on every one of us here in this House because we come from our various Constituencies and these roads are in our own areas. I wish to plead that my Colleagues should help to let this Bill go through Second Reading so that the roads in this country would be put in proper shape.

Hon. Patricia Olubunmi Etteh (Ayedaade/Irewole/Isokan): I would have loved to support this Bill totally but I think it must come with some caveat. The amount of money my Colleagues has been quoting is quite right to an extent but I believe the responsibility of construction of roads in this country should be categorised. There some roads that are supposed to be handled by local governments. There are some that the Federal and State Governments are supposed to handle.

In developed countries where they enjoy good roads, it comes with some level of responsibility. I believe that everybody must be prepared to take up his responsibility and do it decisively in such a way that people would appreciate it

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It is very important that taxes are paid and at the same time the people should enjoy the facilities derived from it. As at today, people are paying tax but when it comes to road, as my Colleagues referred to in this particular Bill which we are discussing, people are not really benefiting from what they are contributing to. That is to tell you that we have a lot of issues we have to look into when it comes to construction of roads in this country.

During the last government, I remember that the collection of tolls on our road was stopped. I believe it should be re-introduced because there is no point leaving all the responsibility in the hands of the government. Nevertheless, the government must be seen to be catering for the well-being of its citizen but the government cannot do everything on its own. The citizens must also be seen to be contributing their own little part.

When the collection of tolls at the gate was stopped I was highly surprised because not only would it have lessened the burden shouldered by the government it would have resulted in the construction of many good roads. That Notwithstanding, when we are talking about providing good roads and we are putting everything on the doorstep of the Federal Government, what is the responsibility of the States and Local Governments and who is supposed to do what? I have seen in the Budget that most of the roads that are supposed to be done by the States are being transferred to the Federal Government and that shows we are going to have problems.

Again there should be a Bill to show us that at least all the infrastructures are evenly distributed to all the constituencies by way of looking into our budgetary allocations. They should stop robbing Peter to pay Paul by taking money from other people through tax collection and be using it to develop other areas. They should allow each area to develop on its own through Internally Generated Revenue (IGR).

Hon. Emmanuel Jime (Makurdi/Guma): Mr. Speaker, I have listened attentively to this debate by the sponsor of this Bill and I believe there is merit in this Bill; it is worthy of all our support.

All of us are aware that perhaps the greatest problem that is confronting infrastructural development is lack of maintenance; it is not necessarily the inability of the Government to be able to provide infrastructure that I think is the problem; our problem really is in the area of maintenance. If there is any instrument that may be introduced in this Parliament that can create the innovation that allows for infrastructure that has been developed to be maintained then we owe a duty to our nation to support it.

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We can draw some very quick examples here in the nation's capital as to what this country can do. All of us are living witnesses here when the National Hospital was conceived and executed by the administration of late General Sani Abacha. During the conception of that hospital, in-built in the contract awarded to Julius Berger is the maintenance of the hospital for a period of five years. I know nobody wants to take ill but I can tell you that when that hospital was being maintained by Julius Berger quite a number of people were happy to take ill so that they could go to that hospital and be treated because of the way that facility was being maintained.

I believe that what the mover and sponsor of this Bill has tried to do is to extend that particular innovation so that that can also be brought to bear on all other facets of infrastructural development, particularly as far as roads are concerned.

This is one Bill that all men of goodwill in this Chamber should support and be allowed to pass Second Reading.

Hon. Mohammed Ali Ndume (Damboa/Gwoza/Chibok): Mr. Speaker, I rise to support what I consider a very important and timely Bill. Even in the construction industry, most construction work are done with a *caveat* where there is between 5 *per cent* and 10 *per cent* retention and that retention is normally released to the contractor after a certain period of time. The spirit behind that is to make sure that the work done by that contractor stands the test of time.

Mr. Speaker, you are aware these days that roads would be constructed from a distance to another end. Before the contractor gets to the other end, the beginning point has starts to give away. I believe if this Bill is passed into law, such things would be automatically avoided. That is to say that if you are a contractor constructing road, then that road should be able to stand the test of time of at least five years.

Those in the industry know what to do in order to perfect this Bill and we have many of them in this honourable House so that those contractors that are engaged in road construction and buildings, particularly Federal Government or State buildings and the erosion project as inaugurated, will not only be constructed in a reasonable period of time but also ensure that these projects stand the test of time.

If this Bill is passed into law, it will reduce the problem FERMA is having with this honourable House in terms of allocating money to FERMA and FERMA complaining that they do not have the capacity. We are imploring FERMA to go to various State roads which

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are scattered all over the Federation to do maintenance. If the companies that are responsible for the construction of these projects are assigned the task of maintaining those roads or buildings or whatever and given adequate time with retention or whatever, I think the quality of job that is being done in the construction industry will greatly improve.

I therefore call on my hon. Colleagues to support this very important and timely Bill.

The Deputy Speaker: I will put the Question that the Bill be now read the Second Time.

Question put and agreed to.

Bill referred to the Joint Committee on Works and Procurement.

**Nigerian Institute of Agriculturists
(Regulation and Establishment) Bill, 2009**

A Bill for an Act to Regulate the Profession of Agriculture and to Make Provisions for the Establishment, Functions and Administration of Nigerian Institute of Agriculturists and for Related Matters, 2009 (HB. 268) -

Order for Second Reading.

The Deputy Speaker: The sixth Order of the Day is Commencement of Debate on the General Principles of a Bill for an Act to Regulate the Profession of Agriculture and to Make Provisions for the Establishment, Functions and Administration of Nigerian Institute of Agriculturists and for Related Matters, 2009. Hon. Members would recall that the Bill was read for the First Time on Tuesday 21st July, 2009.

I now invite Hon. Gbenga Makanjuola to move that the Bill be now read for the Second Time.

Hon. Ita Enang: Mr. Speaker, Hon. Gbenga is in Committee Room 020.

The Deputy Speaker: I saw Hon. Gbenga here not quite two minutes ago.

Hon. Ita Enang: Yes, he came to inform me that I should inform you that he is there, Sir. I apologise Sir.

The Deputy Speaker: So we will stand the Bill down.

Bill with the leave of the House stood down.

CONSIDERATION OF REPORTS

**Report of the Committee on Finance on Chartered
Institute of Accountants of Nigeria Act 1965
(Amendment) Bill, 2008**

The Deputy Speaker: The seventh Order of the Day is resumption of consideration of the Report of the Committee on Finance on a Bill for an Act to Amend the Chartered Institute of Accountants of Nigeria Act, 1965 and for Other Matters Connected Therewith, 2008.

Hon. Members would recall that on Wednesday, 25th February 2009 consideration of the Report was deferred and the Bill referred to the Committee on Justice to report and ascertain the true position of the Bill.

I now invite Hon. Henry S. Dickson to brief the House on the matter and thereafter its consideration may resume.

Hon. Henry S. Dickson (Ekeremor/Sagbama): Mr. Speaker, on the 25th February, 2009 this House referred this matter to the Committee on Justice and requested an opinion on it. We have looked at all the related issues and we have turned in our Report and I would like to give a summary of our opinion.

The opinion of the Committee on Justice is simply to the effect that this House can and should continue with the consideration of the Bill that is before it. We say so because it is our considered view that the powers of the National Assembly to make laws is not one that has been called in issue in this matter

The Deputy Speaker: Hon. Dickson, you were asked to ascertain a specific issue. The issue was which one comes first? Was it the litigation that is before the Court that came first or sending of that Bill to the National Assembly? That was the issue.

Hon. Henry S. Dickson: Mr. Speaker, I do not think that was the essence of the referral that was made to me in writing but that came up, of course, during the consideration of the referral. You know that the matter was in Court; they went to the High Court in Lagos before the Bill was introduced.

The Deputy Speaker: Hon. John Enoch, I think the controversy is that some were saying that it was after the Bill was brought to the House that they went to Court while some others were saying no; that they went to the Court and thereafter they brought the Bill again to the National Assembly. Was that not the contention?

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Hon. John O. Enoh (Obubra/Etung): Mr. Speaker, I agree that those were the issues that we canvassed on the Floor but the second thing we are saying is that beyond that, it also depends on what was communicated to the Chairman. Further, I think that what he is reporting is also actually going ahead without prejudice to what came first or second but what is it really that we can do as the House of Representatives. I think that is what he is also reporting.

Hon. Ita Enang: Mr. Speaker, one of the issues that we referred to the Committee was to ascertain whether there was any suit first to which the National Assembly is a party or whether there is any Injunctive Order.

The Deputy Speaker: There was no question of whether the House was a party or not.

Hon. Ita Enang: One of the issues that was raised was that there was a suit pending and in the course of it we asked; what was the suit? Was there any order restraining us from taking any step because if there was no order of the Court restraining us or any matter being presented then we cannot be restrained. That was what we asked him to ascertain whether there was any injunctive order or restraining order against the House and that was what I thought he should answer.

Hon. Oduwaiye Gbenga Aremo (Ijebu Ode/Ijebu North East/Odogbolu): Mr. Speaker, as a reminder, two issues were referred to the Committee. The first was to ascertain which one came first and second was to give the House an advice as to whether or not the Court case would restrain us from going ahead. Those were the two things that were referred to the Committee.

The issue of restraining order was not there. It

was, first, which one came first. Secondly, whichever one came first, could we go ahead regardless. That was what the Chairman is trying to report on.

Hon. Henry S. Dickson: Thank you very much, Mr. Speaker. I maintain that the issue that was referred to me was to give an opinion as to whether the House could proceed with the consideration of the Bill before us. Without prejudice to the arguments that necessitated that feud, the referral as contained in the official and formal communication to the Justice Committee was that we should look at the entire issue and then advice or give an opinion as to whether or not it would be proper for the House to go on.

It is within the context of that referral that I, on behalf of the Justice Committee, give the following opinion:

Firstly, it is our view that the House not being a party to the suits that are in contention and secondly there being no Restraining Order against the National Assembly or specifically this House; and thirdly that in view of the clear provisions of Section 4 of the 1999 Constitution which gives this House powers to legislate, we can, in the ordinary and normal course of law making pursuant to Section 4, consider this Bill.

We are, however, aware also that this House had already passed this Bill at the Second Reading stage meaning that this House agrees in principle with the legislation. It is for this House to continue deliberations and then consider the proposals that have been turned in by the relevant Committees at the Clause by Clause stage.

The essence is that we can proceed with our legislative powers because our legislative powers are not under or cannot be stopped even by any Court because we are equal and coordinate branch or arm of government. In a nutshell, it is our view that we should resume consideration of the Bill before us.

The Deputy Speaker: I think the right thing to be done is that since the House wrote to the Committee on Justice which the Chairman acknowledged having received, the Committee should write to the House formally so that we would have documentary evidence of what had been done and the result. When you do that, then we can continue.

Get your Report ready by tomorrow so that we can continue with the consideration of the Report. You can present your Report tomorrow. It is not at any time of the day or any time of the business of the day that you should present your Report but at the beginning of that day. That is the procedure.

So Hon. Ita Enang, let him present his Report tomorrow; circulate it and if possible we will take the Bill also by tomorrow.

Environmental Managers Registration Council of Nigeria (Establishment) Bill, 2009

The Deputy Speaker: The eighth Order of the Day is the Consideration of the Report of a Bill for an Act to Establish the Environmental Managers Registration Council of Nigeria as a body Corporate and to empower the Council, *inter alia* to determine Persons, what Standard of Knowledge and Skill to be attained by such persons and for Related Matters, 2009.

Hon. Members would recall that the Bill was committed to the Committee of the Whole on 23rd July

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2009. I now invite Hon. Ita Enang to move for the consideration of the Report.

Hon. Ita Enang: Mr. Speaker, I move that this House do consider the Report in Committee of the Whole of a Bill for an Act to Establish the Environmental Managers Registration Council of Nigeria.

Hon. Ogbuefi Ora Ozomgbachi (Ezeagu/Udi): I second that this House do consider the Report in Committee of the whole.

Question put and agreed to.

Resolved: That this House do consider the Report of a Bill for an Act to Establish the Environmental Managers Registration Council of Nigeria as a body Corporate and to empower the Council, *inter alia* to determine Persons, what Standard of Knowledge and Skill to be attained by such persons and for Related Matters.

**Nigerian Deposit Insurance Corporation Act,
2005, (Amendment) Bill, 2008**

The Deputy Speaker: The ninth Order of the Day is Consideration of the Report of the Joint Committee on Banking and Currency and Justice on a Bill for an Act to amend the Nigerian Deposit Insurance Corporation Act, 2005 and for Matters Connected Therewith 2008 and approve the Recommendations therein.

Hon. Members would recall that the Report was laid on Wednesday, 8th October, 2009. I now invite Hon. Ozomgbachi to move for the consideration of the Report.

Hon. Ogbuefi Ora Ozomgbachi: Mr. Speaker, I move that this honourable House do Consider the Report of the Joint Committee on Banking and Currency and Justice on a Bill for an Act to Amend the Nigerian Deposit Insurance Corporation Act, 2005 and for Matters Connected Therewith, 2008 and approve the Recommendations therein.

Hon. Chukwuegbo Ofor (Enugu North/Enugu South): I rise to second the Motion moved by Hon. Ogbuefi Ora Ozomgbachi.

Question put and agreed to.

Resolved: That this honourable House do consider the Report of the Joint Committee on Banking and Currency and Justice on a Bill for an Act to Amend the

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Nigerian Deposit Insurance Corporation Act, 2005 and for Matters Connected Therewith, 2008 and approve the Recommendations therein.

Hon. Tunde Akogun (Akoko-Edo): I rise to move that the House do resolve into the Committee of Whole to consider these Reports.

I so move.

Hon. Ita Enang: Mr. Speaker, I do second the Motion that the House do go into Committee of the Whole to consider the Reports.

Question put and agreed to.

Resolve: That this honourable House do resolve into the Committee of Whole to consider these Reports.

The Deputy Speaker: If we always continue to do that to delay the consideration of Bills or Reports, there will be no time and no day set out for the consideration of these Reports.

Members have suffered to introduce Bills. These Bills were taken to Committees for Second Reading; Public Hearings were conducted on these Bills. After the Public Hearing, these Reports were brought back to the House. Without considering these Reports they can never become law; it is only after the consideration of the Reports that they become law and if we continue like that it means we will only end up conducting Public Hearing and there will be no law that will be given by the House for this Session.

Therefore, based on the voice vote that I heard now, I rule for the consideration of the Reports.

A Bill for an Act to Establish the Environmental Managers Registration Council of Nigeria as a body Corporate and to Empower the Council, *Inter Alia* to Determine Persons, what Standard of Knowledge and Skill to be attained by such persons; and for Related Matters, 2009 – CONSIDERED IN THE COMMITTEE OF THE WHOLE.

The Chairman: The first Report is on a Bill for an Act to Establish the Environmental Managers Registration Council of Nigeria as a Body Corporate and to Empower the Council, *Inter Alia* to Determine Person, what Standard of Knowledge and Skill to be attained by such persons; and for Related Matters, 2009.

I now call on Hon. Ita Enang to brief the House in two minutes.

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Hon. Ita Enang: Mr. Chairman, this Bill was read the Second Time on 23rd July 2009 and in the course of it we agreed that this is a Bill that was passed in the last Session but had to be re-presented because it did not go through all the process.

I pray that the House do re-consider this Bill because it had gone through the process. It is only that it could not complete the process required before becoming a law.

Clause 1 - (ESTABLISHMENT OF THE ENVIRONMENTAL MANAGERS REGISTRATION COUNCIL OF NIGERIA) - ordered to stand part of the Bill.

Clause 2 - (FUNCTIONS OF THE COUNCIL) - ordered to stand part of the Bill.

Clause 3 - (MEMBERSHIP OF THE COUNCIL) - ordered to stand part of the Bill.

Clause 4 - (FINANCIAL PROVISIONS) - ordered to stand part of the Bill.

PART II – THE REGISTRAR

Clause 5 - (APPOINTMENT OF REGISTRAR, PREPARATION AND MAINTENANCE OF A REGISTER) - ordered to stand part of the Bill.

Clause 6 - (PUBLICATION OF REGISTER AND LIST OF CORRECTIONS) - ordered to stand part of the Bill.

PART III – REGISTRATION

Clause 7 - (REGISTRATION OF ENVIRONMENTAL MANAGERS) - ordered to stand part of the Bill.

Clause 8 - (APPROVAL OF INSTITUTIONS, COURSES OF TRAINING AND QUALIFICATIONS BY COUNCIL) - ordered to stand part of the Bill.

Hon. Ubale Jakada Kiru (Bebaji/Kiru): I am not sure if I am having the right Report. Nothing is written on the Column on Committee's Recommendation.

The Chairman: It is referring to the Committee of the Whole, not to any other Committee.

Hon. Jakada Kiru: It is all right.

Clause 9 - (SUPERVISION OF INSTRUCTORS AND EXAMINATIONS LEADING TO APPROVED QUALIFICATIONS) – ordered to stand part of the Bill.

Clause 10 - (CERTIFICATE OF PROFESSIONAL COMPETENCE) - ordered to stand part of the Bill.

Clause 11 - (REGISTRAR TO NOTIFY INSTITUTION OF ENTRIES IN THE REGISTER) - ordered to stand part of the Bill.

PART IV – PROFESSIONAL DISCIPLINE

Clause 12 - (PROFESSIONAL DISCIPLINE) - ordered to stand part of the Bill.

Clause 13 - (PENALTIES FOR UNPROFESSIONAL CONDUCT, ETC) – ordered to stand part of the Bill.

PART V – MISCELLANEOUS AND GENERAL

Clause 14 - (TEMPORARY REGISTRATION OF PERSONS NOT CITIZEN OF NIGERIA) - ordered to stand part of the Bill.

Clause 15- (OFFENCES) - ordered to stand part of the Bill.

Clause 17 - (CONTROL OF COUNCIL BY MINISTER) - ordered to stand part of the Bill.

Clause 18 - (REGULATIONS, RULES AND ORDERS) – ordered to stand part of the Bill.

Clause 19 – (INTERPRETATION) – ordered to stand part of the Bill.

The Chairman: Clause 20, that is, Citation. This Bill may be cited as the Environmental Managers Registration Council of Nigeria Bill, 2009.

Citation, *agreed to.*

First Schedules, *agreed to.*

First Schedule – (QUALIFICATIONS AND TENURE OF OFFICE OF MEMBERS), *agreed to.*

Second Schedule - *agreed to.*

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Miscellaneous - agreed to.

Long Title – (THIS BILL MAY BE CITED AS A BILL FOR AN ACT TO ESTABLISH THE ENVIRONMENTAL MANAGERS REGISTRATION COUNCIL OF NIGERIA AS A BODY CORPORATE AND TO EMPOWER THE COUNCIL, *INTER ALIA* TO DETERMINE PERSON, WHAT STANDARD OF KNOWLEDGE AND SKILL TO BE ATTAINED BY SUCH PERSONS; AND FOR RELATED MATTERS, 2009 (HB.206), *agreed to*.

Report of the Joint Committee on Banking and Currency and Justice on the Nigerian Deposit Insurance Corporation Act (Amendment) Bill, 2009 -CONSIDERED IN THE COMMITTEE OF THE WHOLE

The Chairman: The next Report is a Report of the Joint Committee on Banking and Currency and Justice on a Bill for an Act to Amend the Nigerian Deposit Insurance Corporation Act, 2006 and for Matters Connected Therewith 2008 (HB.136).

Let me call on the Chairman of Banking and Currency who used to be our Chief Whip *Protempore* to brief the House on this Report.

Hon. Ogbuefi Ora Ozomgbachi (Ezeagu/Udi): Mr. Speaker, the Bill was referred to this Joint Committee and it is seen from the accompanying recommendation. We considered this Bill exhaustively and made some salient recommendations after Public Hearing.

The first one is the details of the Committee's recommendation contained in this Annexure. We had to go through the NDIC Act, 2006. We found out that there were too many editorial errors which have been identified and corrected.

In view of representations made during the Public Hearing, we had to capture the mood of the moment taking into consideration what is happening in the industry. That was even at the beginning of the crisis in the industry.

The Committee made further amendments to proposals in Section 17(1) by presenting ½ per cent instead of 1 per cent proposed total liabilities standing in the books of other deposit taking institutions as amount of premium payable by the Corporation.

20(1) by reducing maximum receivable from DIF from ₦20 million and ₦10 million to ₦10 million and ₦1 million for licensed banks and other deposit taking financial institutions respectively.

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What it means is that in the event of liquidation of a bank that the maximum insured deposit payable to an individual by a licensed bank should be ₦10 million, presently, it is ₦200,000.00.

In the Bill as presented, the sponsor of the Bill wanted the maximum insured deposit to be ₦20 million but in the course of Public Hearing, we found out that the Deposit Insurance Fund cannot carry such payments when everybody has to be paid ₦20 million. The Committee insisted that this thing should be increased from the present ₦200, 000.00 to ₦10 million.

What it means is that if you have in excess of ₦10 million in the bank and there is liquidation or the bank is otherwise unable to meet its obligation to depositors, if NDIC takes over that bank, NDIC is now obliged to pay to that person who have more than ₦10 million instead of the present arrangement whereby the person is only paid ₦200,000.00 thousand and the person will have to go and wait pending the time the assets of the bank is realised.

The Chairman: Supposing I have just ₦10 million in the bank and somebody has about ₦50 million or over ₦50 million in the bank. You are saying that the man who has ₦50 million in the event of liquidation would be given maximum of ₦10 million. And somebody like me who have ₦10 million, I would be given back my ₦10 million in full?

Hon. Ogbuefi Ozomgbachi: Yes, in full.

The Chairman: In other words, there is no *pro rata*?

Hon. O. Ozomgbachi: There is none.

The Chairman: Is that fair to those who are having a bigger amount? I know you have shifted from ₦200,000.00 to ₦10 million. Even with that movement, I think there is still a reasonable injustice there.

Hon. O. Ozomgbachi: Yes, there is. We argued that. We even said that in the event of liquidation of a bank that everybody should be paid his money.

The Chairman: NDIC cannot afford to do that.

Hon. O. Ozomgbachi: NDIC said no, that they are paying from the Deposit Insurance Fund. It is a fund held by NDIC; it does not belong to the banks. It is an interventionist payment; they intervene to say it is all right; do not get so much distressed. We already know that your money is trapped. We are giving you this amount of money. We are moving in; we are going to sell the assets of this bank. As we sell, we now settle

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people according to their holdings in the bank. They call it coverage.

NDIC even argued that coverage is not meant for big depositors. I asked whether big depositor should therefore not put their money in the bank? I am sure that if they are listening to us they will not be happy that we have made this recommended. This in our view is reasonable.

The Chairman: It is reasonable but there should be graduation in any case.

Hon. Ozomgbachi: How do you graduate it?

The Chairman: I will give an example of three individuals having accounts in a particular bank: I have ₦5 million, you have ₦10 million and probably Hon. Bala Ibn Na'Allah has ₦20 million in that particular bank and it goes under and has been liquidated. What I think would be fair is that the NDIC will say for those who have not more than ₦3 million would be paid in full. If you have over ₦3 to ₦5 million, you will be given maybe 60 per cent or 70 per cent provided that that 70 per cent would be more than that ₦3 million that the person having a credit of ₦3 million or less had collected. Then somebody who has higher than that would be given a lesser percentage but that percentage must be higher than the figure given to the second person. It is very difficult to calculate but it is the best.

Hon. Ozomgbachi: We tried to argue this within the context of the Public Hearing but this was done with reference to cross border experience, like in America where the minimum coverage is about US\$200,000. So, it is fixed all over. There is nowhere in the world where there is a graduated payment. That was what they tried to tell us.

They also said that it is meant to cover the interest of small holders. The philosophy behind it is meant to protect the interest of small holders; those hold ₦20,000, ₦30,000 *et cetera* in the bank; they are the vulnerable group.

The Chairman: It depends.

Hon. Ozomgbachi: They made references to other countries of the world.

The Chairman: Let me give you this example. Supposing you are a contractor as an Igbo man; you collected your cheque which you have invested all your wealth in for a contract that you have executed in the National Assembly. Assuming the Clerk has paid you your cheque today and you took that cheque to a

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particular bank to be paid into your account.

After lodging that cheque into that bank, the following day the bank was declared bankrupt by the Central Bank of Nigeria and it cannot afford to pay you. Meanwhile, you have put all your efforts in that contract and you only collected your cheque yesterday and put the cheque into that account.

In that event, it has only taken care of the smaller ones but you the big one have become the smallest one because all your efforts were put in that contract and you cannot access your money again.

Hon. Mohammed Ali Ndume (Damboa/Gwoza/Chibok): There is an idea coming from Hon. Stanley which I think makes sense.

I do not know whether this Committee in the course of deliberating on this NDIC (Amendment) Bill considered the issue of reimbursement based on percentage. If I have ₦10,000 at my small level and when the bank goes down and I get 50 per cent of my money, I would be happy. If somebody has ₦10 million and he has 50 per cent of his ₦10 million which is ₦5 million, that is appropriate. I do not know the technical implication of making reimbursement based on percentage but I believe that is more reasonable.

Hon. Ozomgbachi: This pay-off is for somebody who has ₦50 million. Even if he is paid ₦10 million and somebody who has ₦1 million is paid ₦200,000, that in itself does not solve the person's problem. We should help the person's matter. What will alleviate the person's situation is: how do we ensure that on liquidation of a banker, the assets of these banks are realised expeditiously so that those people whose monies are trapped are settled immediately. That is what we should try to do here.

The Chairman: Hon. Ozomgbachi, I remember there was a bank that was liquidated and some of our Members' monies were trapped in that bank. What the Central Bank of Nigeria did that time was to take all the monies that were realised from the disposal of the assets of these banks and monies made from the collections of debts on the basis that Central Bank also had some money with the bank before the liquidation. Instead of paying the depositors, CBN said they were deducting their money first before giving out. If there is any money left, then we will pay you but if there is no balance, we have already taken our money.

That one happened in the past and I do not know whether you can remember. I believe you were also a Member of that Committee when we went to the

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Central Bank. They realised about ₦7 billion and they said that that ₦7 billion was their money.

On the issue of percentage, the problem is that NDIC may not afford to pay those percentages as you mentioned because they cannot take the entire liability.

Hon. Ozomgbachi: What about the money from the Funds?

The Chairman: But it has been paid for. The banks had paid already.

Hon. Ozomgbachi: No, they do not pay. What they pay is annual premium and it is paid by both healthy and unhealthy banks.

The Chairman: It is like the insurance. So they are paid; that is the essence of giving the premium.

Hon. Ozomgbachi: That is 1 *per cent* per annum.

The Chairman: It is an agreement that they would collect 1 *per cent*.

Hon. Ita Enang: The amount of ₦10 million as proposed is just the limit of the insured sum. After that, you are still entitled to your other monies subject to the sanity. I say this with the greatest sense of respect to the NDIC because I have been involved in the liquidation of about three or four banks including the Century Merchant Bank. The experience was that I saw how NDIC dealt with funds of depositors. Even what they call Cost of Recovery is vandalistic and irresponsible. I am sorry; I am speaking on the Floor of Parliament but that institution has to be called to some reasonable order! It is better that we have raised this insured sums to ₦10 million.

I could recall that when a bank failed and it was not up to a week when the money of the National Assembly entered.

The Chairman: Yes I know.

Hon Ita Enang: They simply said there was nothing. Meanwhile, the money was sitting somewhere and they were simply calling a few persons to go and discuss with somebody sitting in one suite in Hilton.

The Chairman: Those who went to Hilton were discussing in the interest of the Members of the National Assembly and the Members benefited from that.

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Hon. Ita Enang: No, Sir. I am not talking of the official delegation of the National Assembly; I am talking of the individuals. So it is better for us to raise it. It is also better for us to insert here that it would be on *pro rata basis* and of course we should find a way of getting some institutions that would check NDIC.

The Chairman: Hon. Ita Enang, you do not even need to get any organ to check NDIC. You can create a way in the law so that NDIC would not be like the way it used to be and the way it is now.

Hon Ita Enang: Yes Sir.

Hon. Ogbuefi O. Ozomgbachi: Mr. Chairman, I do not have any problem with this. We only made our recommendation based on international best practice; that is how it is done all over the world.

The Chairman: I agree with you.

Hon. Stanley O. Ohajuruka (Umuahia North/South/Ikwunano): I suggest that this issue be further investigated by the Committee based on the prevailing opinion that has availed itself currently so that we do not short-change people who actually have huge deposits. What this may now present is a situation where people will now be afraid to have lump sums of money in a particular bank because anything can happen to a bank.

I would rather suggest that we be a bit more careful in determining this particular Section. I would rather subscribe to what the Chairman has just suggested that we actually approach it based on percentage. NDIC is supposed to be National Deposit Insurance Corporation. They are supposed to be insurance to the banks. For them to say that they do not have the requisite funds to take care of some situations is baffling.

The Chairman: Hon. Ohajuruka, it depends on the agreement they have entered with the banks.

Hon Stanley Ohajuruka: But the NDIC is supposed to be insurer of the banks.

The Chairman: You can enter into insurance cover with a particular company to make recovery of only 50 *per cent* in the event of any disaster.

Hon. Stanley Ohajuruka: We really need to protect the depositors' funds if there is no confidence in this aspect.

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The Chairman: Yes, I think it is very important. Hon. Ozomgbachi, we can devise a way of increasing it so that depositors will have confidence in the banks such that even if the bank is liquidated, you will be paid your money if that can be assured by banks that will go a long way in making the system better. This Report is very important and it may need the attention of more Members. On this basis, I want to suggest that we defer it to tomorrow so that when we have a very good number of Members we can continue with it if it is the wish of the House.

Question put and agreed to.

Consideration of Bill, with the leave of the House, deferred till the next legislative day.

Hon Tunde Akogun: Mr. Chairman, hon. Colleagues, I move that the House do revert to Plenary.

Hon Ita Enang: Mr. Chairman, I second the Motion as moved by the House Leader.

Question put and agreed to.

(The Deputy Speaker resumed the Chair)

The Deputy Speaker: The House in Committee of the Whole considered the Environmental Managers Registration Council of Nigeria Bill and approved Clauses 1 to 20, First and Second Schedules and the Long Title.

The House also considered in the Committee of the Whole, the Report of the Joint Committee on Banking and Currency and Justice on a Bill for an Act

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to Amend the Nigerian Deposit Insurance Corporation Act, 2006 and for Matters Connected Therewith and deferred consideration till the next legislative day.

Adoption of Report

Hon. Tunde Akogun: Mr. Speaker, I move that the House do adopt the Report of the Committee of the Whole.

Hon Ita Enang: Mr. Speaker, I second the Motion as moved by the Leader, Hon. Tunde Akogun.

Question put and agreed to.

Resolved: That the House do adopt the Report of the Committee of the Whole.

ADJOURNMENT

Hon. Tunde Akogun: Mr. Speaker, I move that the House do adjourn till tomorrow 14th October, 2009 at 2.00 p.m.

Hon. Waziri Aminu Tambuwal (Kebbe/Tambuwal): Mr. Speaker, I second the Motion moved by the Leader that the House do adjourn till tomorrow, Wednesday 14th October, 2009 at 2.00 p.m.

Question put and agreed to.

Resolved: That the House do stand adjourned till tomorrow, Wednesday, 14th October, 2009 at 2.00 p.m.

The House adjourned accordingly at 5.30 p.m.