

0923

HOUSE OF REPRESENTATIVES

FEDERAL REPUBLIC OF NIGERIA

Wednesday 13th May, 2009

The House met at 2.45 p.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 Tuesday, 12th of May, 2009.

ANNOUNCEMENTS

Visit of Rt. Hon. Speaker to South Africa

The Deputy Speaker: Hon. Colleagues, before we go to the next item please listen to this announcement. The Speaker will be travelling this night to South Africa in connection with a vacant position of African Parliamentary Union (APU) President which a Member of the House of Representatives is contesting. He will be there till Monday or Tuesday morning for the campaign of that position for that particular Member. *(Interruptions)*

I heard some hon. Members ask who the Member is. The reason I did not mention the Member is that we have to, first of all, secure the seat for Nigeria. If the seat is given to Nigeria, we will then decide who gets it. That was why I did not want to mention any name.

Submission of Hon. Members Names for Police Orderlies

The Deputy Speaker: This announcement is from the Chairman, House Committee on Police Affairs. Today is the last day for Members who are interested in having Police orderlies attached to them. They are to submit their names to the House Committee on Police Affairs.

If you are interested in having Police Orderly, please indicate by sending your name to the Committee Secretariat.

0924

PRESENTATION OF BILLS

The Deputy Speaker: Hon. Members, the first Business of the Day is the Presentation of sixteen Bills. The Clerk is invited to read the Short Titles of the Bills.

Federal Polytechnics (Amendment) Bill, 2009

Federal Polytechnics (Amendment) Bill, 2009 (HB. 221) - (Executive); *read the First Time.*

Federal Colleges of Education (Amendment) Bill, 2009

Federal Colleges of Education (Amendment) Bill, 2009 (HB. 222) – (Executive); *read the First Time.*

Political Parties Registration and Regulatory Commission (Establishment, etc.) Bill, 2009

Political Parties Registration and Regulatory Commission (Establishment, etc.) Bill, 2009 (HB.237) - (Executive); *read the First Time.*

Electoral Offences Commission (Establishment, etc.) Bill, 2009

Electoral Offences Commission (Establishment, etc.) Bill, 2009 (HB. 238) - (Executive); *read the First Time.*

Transfer of Convicted Offenders (Enactment and Enforcement) (Amendment) Bill, 2009

Transfer of Convicted Offenders (Enactment and Enforcement) - (Amendment) Bill, 2009 (HB.230) - (Executive); *read the First Time.*

Centre for Democratic Studies (Establishment, etc.) Bill, 2009

Centre for Democratic Studies (Establishment, etc.) Bill, 2009 (HB. 235) – (Executive); *read the First Time.*

Constitution (Second Amendment) Bill, 2009

Constitution (Second Amendment) Bill, 2009 (HB.236) – (Executive); *read the First Time.*

0925

**Independent National Electoral Commission
Act (Amendment) Bill, 2009**

Independent National Electoral Commission Act (Amendment) Bill, 2009 (HB.233) – (Executive); *read the First Time.*

Police Act (Amendment) Bill, 2009

Police Act (Amendment) Bill, 2009 (HB. 234) - (Executive); *read the First Time.*

**National Directorate of Employment
(Amendment) Bill, 2009**

National Directorate of Employment (Amendment) Bill, 2009 (HB. 220) - presented by Hon. Abass Olapoenia; *read the First Time.*

**Harmonised Retirement Age of Academic
Staff of Federal Universities, Polytechnics
and Colleges of Education Bill, 2009**

Harmonised Retirement Age of Academic Staff of Federal Universities, Polytechnics and Colleges of Education Bill, 2009 (HB. 223) - presented by Hon. Austin Nwachukwu (*Ehime Mbano/Ihite Uboma/Obowo*) - *read the First Time.*

**Receipt and Utilisation of Donations, Gifts,
Grants or Aids by Ministries, Departments and
Agencies Bill, 2009**

Receipt and Utilisation of Donations, Gifts, Grants or Aids by Ministries, Departments and Agencies, Bill, 2009 (HB. 224) - presented by Hon. Folake Olunloyo Oshinowo (*Ibadan S/West/North West*); *read the First Time.*

Export (Prohibition) Act (Repeal) Bill, 2009

Export (Prohibition) Act (Repeal) Bill, 2009 (HB. 225) - presented by Hon. Darlington Okereke (*Ivo/Ohaozara/Onicha*); *read the First Time.*

Pornographic Materials (Control) Bill, 2009

Pornographic Materials (Control) Bill, 2009 (HB. 226) - presented by Hon. Darlington Okereke (*Ivo/Ohaozara/Onicha*); *read the First Time.*

**Investigations of Anonymous Petitions
(Prohibition) Bill, 2009**

Investigations of Anonymous Petitions (Prohibition) Bill, 2009 (HB. 228) - presented by Hon.

0926

Ekperikpe Ekpo (*Abak/Etim Ekpo/Ika*); *read the First Time.*

**Corrupt Practices and Other Related Offences
(Establishment) Act (Amendment) Bill, 2009**

Corrupt Practices and Other Related Offences (Establishment) Act (Amendment) Bill, 2009 (HB. 229) - presented by Hon. Henry Seriake Dickson (*Ekeremor/Sagbama*); *read the First Time.*

PRESENTATION OF REPORTS

The Deputy Speaker: Hon. Members, the first Business of the Day is presentation of Reports - (*Interruptions*)

Hon. Ali Mohammed Ndume (*Damboa/Gwaza/Chibok*): Point of Order, Mr. Speaker!

The Deputy Speaker: Hon. Ndume, what is your point of Order?

MATTER OF URGENT PUBLIC IMPORTANCE

Hon. Ali Ndume Mohammed: Mr. Speaker, my point of Order is Order VIII, Rule 4 of our Standing Orders dealing Matter of Urgent Public Importance. It is on page 26. With your permission, I read:

- (1) *The matter for discussion shall, if possible, be referred to The Deputy Speaker prior to the commencement of the day's sitting and The Deputy Speaker shall refuse to allow the claim unless he is satisfied that the matter is definite and urgent.*
- (2) *The text of the matter shall be submitted in writing to The Deputy Speaker prior to the sitting of the House.*

I spoke with Mr. Speaker in respect of this matter and he gave me the permission that I should raise it. I will still seek the indulgence of this House to take the matter now because of its urgency.

The Deputy Speaker: Go ahead, Hon. Ndume.

**Selective Implementation of the 2009 Appropriation
Act by the Executive Arm of Government**

Hon. Mohammed Ali Ndume: This matter is on the 2009 Budget. We all know that we are in the fifth month of the year. This honourable House passed the budget and we are about experiencing what we

0927

experienced last, that is, the selective implementation of the Budget, which is not going to be in the interest of this country, democracy and the rule of law. I therefore urge my Colleagues that we take this matter and discuss it so that we will know what to do.

I so move.

The Deputy Speaker: Hon. Colleagues, I will put the question that this matter be considered today as a Matter of Urgent Public Importance.

Question put and agreed to.

Resolved: That the House do consider the selective implementation of the 2009 Appropriation Act by the Executive Arm of Government as a Matter of Urgent Public Importance.

The Deputy Speaker: Hon. Ali Ndume, you can raise your second Motion.

Hon. Mohammed Ali Ndume: Mr. Speaker, I move that Order VIII, Rule 4(3) be suspended to enable us take this Matter of Urgent Public Importance now. This Rule provides that *not more than one such Motion may be made at the same sitting.*

Hon. Kayode Amusan (Abeokuta North/Obafemi Owode/Odeda): Mr. Speaker, I rise to second the Motion moved by my leader.

Question put and agreed to.

Resolved: That the House do suspend Order VIII, Rule 4(3) of our Standing Orders to enable the House to take up this matter as a Matter of Urgent Public Importance immediately.

The Deputy Speaker: Hon. Ali Ndume, can you, please, move your Motion.

Hon. Mohammed Ali Ndume: Mr. Speaker, my Motion is on the 2009 Budget. The House:

Notes that the National Assembly passed the 2009 Appropriation Act in January 2009;

Further notes that the Act is being selectively implemented by the various Ministries, Departments and Agencies of Government, an approach capable of non-implementation of projects crucial to the needs of Members' constituents;

0928

Concerned that the budget being implemented was not the version passed by the National Assembly but the one proposed by the Executive for passage;

Worried that if the current manner in which the Appropriation Act is being implemented continues unchecked, the country may find itself in the 2008 experience where only 30% of the Appropriation Act was implemented;

Resolves to:

Mandate all the relevant House Committees to commence oversight of their respective Ministries, Departments and Agencies to determine the level of implementation of the 2009 Appropriation Act and report back to the House within two weeks.

I so move.

Hon. John Halims O. Agoda (Ethiope): I rise to second the Motion moved by the Minority Leader.

Hon. Mohammed Ali Ndume: This particular Motion is for the whole House and is a matter of concern for all of us. So I will be brief on it so that other Members will have opportunity to speak.

As usual, when budget is prepared we, the representatives of the people, have particular interest because it is only through effective implementation of the budget that we can say this is what we have done to our constituency or this is what we have done to our state.

Unfortunately, I have an instance where I was trying to find out to what extent the projects that are located in my constituency have been implemented and I discovered that the due process that is required for the procurement of such projects has not even started. Some of them have not been advertised as required by law. When I went further to find out, I was reliably told that the Budget is being implemented selectively; that is to say that the Budget being implemented now is neither the House nor the National Assembly version but that of the Executive Arm.

In some cases the Budget presented by the President is implemented in some MDA's, that is, if it coincides with what they have brought. In other cases, the version that is brought by the MDA's for defence is what is being implemented.

I therefore feel that it is appropriate and timely for us to find out and also act now because this type of

0929

situation was what we found ourselves last year and the budget was decimally performed to less than 30 *per cent* and we were at the end of the year trying to shift blame from one end to the other.

Once again, I urge our Colleagues and this honourable House to pass this simple resolution which requires that every Committee should embark immediately on its oversight responsibility to do three things; find out the input/output and outcome of the Appropriation Act that we signed into law and report back within one week.

With this I urge my Colleagues to support this Motion.

The Deputy Speaker: The Floor is open for those who want to speak in favour of the Motion.

Hon. John Halims O. Agoda: Mr. Speaker, if a nation is to move forward under its democracy; it is the responsibility and action of Parliament that will determine the moving forward and progress of that society.

We have performed our role in terms of budget preparation, presentation and finalisation. It is now left for the Executive to implement. This year 2009 I believe should be one year where both the Executive and the Parliament should put our acts together and ensure that there are effective developmental projects and programmes across the country. You will agree with me, that 2010 precedes the election year. If we cannot execute cardinal projects in the budget as passed by this Parliament, then where are we going?

I do expect that in their Federal Executive Council, we should be able to hear how many projects they have approved and inspected either by the President or his Ministers. This is the fifth month of the year and the second quarter is almost coming to an end. No Minister is going to any project either for approval or commissioning. The President is also not going to any project for commissioning. It is our responsibility to whip the Executive into line and this House must whip the Executive into line. We should not play pranks here; we are the representatives of the people.

My only addition to that Motion is that one week will not be enough to do a thorough job. We should add a week to make it two weeks.

Hon. Muhammad Sani Abdu (Alkalari/Kirfi): This Motion is really very important for us to digest properly and proffer solution to the flagrant violation of the Constitution of the Federal Republic of Nigeria, particularly Section. 81 which stipulates that the budget is to be prepared by Mr. President to be laid before this

0930

honourable National Assembly and to be appropriated and at the end the Executive is to implement.

Even if after certain reasonable period the Bill has not been assented to law by Mr. President, after the expiration of the thirty one days, it is supposed to become a law by itself and must be implemented to the letter. Suffice it to say that the Appropriation Bill for 2009 as succinctly put by my Colleague, Hon. Aduda, went through all the natural procedure for its passage into law and it has been assented to and is now an operating Act. It is so disheartening and unfortunate. It is even beyond imagination that that Act is not being implemented to the letter.

I will give an example. About ten days ago, the Aviation Committee had cause to call all the heads of Parastatals under the Ministry of Aviation. We started asking them the level of implementation of this Act. To our greatest dismay, all of them were saying that the Minister of Aviation told them to jettison the entire body of this law and concentrate on implementing Mr. President's directive that only four airports out of the entire forty-eight airports and airstrips in this country that we have appropriated for should be considered. These four airports are Lagos, Port-Harcourt, Abuja and Kano. Even within these ones, some of the major projects that are supposed to be taken particularly the ones I know in Kano have been stepped down and that the money should be taken to Lagos for a particular important project; whatever it is.

We have come to a zenith of this kind of mal-performance and disrespect to our national Constitution and the rule of Law that Mr. President is singing all over the world. He and members of his executives are abusing it. I think we need to tackle this with the seriousness it deserves.

As you know the gross violation within the Aviation industry is appalling. In the course of discussing issues relating to the petroleum downstream sector, we found that similar things had been commended to all the agencies that they should only do what the President has directed their Ministers to do.

We also heard that they have prepared a Virement Bill which is coming to the National Assembly and that the Bill is coming back exactly as the initial proposal that they brought. Why do we have to waste our legislative time here? Why are they doing it now? If they know that they have a plan B which they want to implement, why did they not bring it before this House when we were about to proceed on the Appropriation process? If they had brought it that this this is what we want to do, it would have been okay. We would have implemented what they wanted in our Appropriation Act.

0931

This is disrespect to parliament, democracy and the Constitution we need to look at it seriously.

Hon Ita Solomon James Enang (Itu/Ibiono Ibom): I speak in support of the protest by this House on the selective implementation of Budget by the executive but I am speaking against the prayers. That is why I have brought the Appropriation Act because having made a law you cannot ask for any Motion to be made upon that law.

This House made a law which makes it compulsory for the Executive, the Accountant General of the Federation, Minister of Finance and all other persons to lay before us quarterly and periodically the amount of money released for each head of expenditure contained in the Budget. It is for the different Committees of this House to seek and bring that and it does not need any Motion for our job under this Act to be sought out for.

I will raise this again because when we were considering the Appropriation, the issue of monthly performance and release of budget and how much you spend was raised but we reduced it to quarterly. Even then, the Chairmen of the Committees of this House ought to do it without a Motion.

Mr. Speaker, I am a personal witness and a victim because I am aware that are standing instructions to all the River Basin Development Authorities in this country to the effect that that none of them should implement any project which was not in the Executive submission to this House.

I agree with my Colleague that we should give all the Standing Committees two weeks so that we take this matter most seriously.

The Deputy Speaker: Hon. Ita Enang, have you verified the source of this information?

Hon. Ita Solomon J. Enang: I am speaking on the Floor of the Legislature and it is only and until you are very sure of your source of information that you can frankly and boldly speak on the Floor of Legislature.

I speak the truth and this truth is not just with respect to Ministry of Water Resources or the River Basin Authorities; what I am saying applies to most ministries. I have had the privilege of knowing what happened. That is what has happened and we should take it seriously.

The Deputy Speaker: I take it that you are for those who are in support of the Motion.

0932

Hon. Ubale Jakada Kiru (Bebeji/Kiru): I thank you for giving me this privilege of addressing my hon. Colleagues on this very important issue. I am in total support of my leader on this issue.

Three weeks ago, I visited almost all the Ministries and Agencies in which my constituency has projects in 2009. I started with Jamare River Basin Development Authority. I was bitterly embarrassed when the Chief Executive brought a photocopy of a document that was not actually the authentic budget and I asked him why I saw their pre-qualification advertorial in the newspapers and why those projects for my constituency were not included.

He said that he was directed not to include all those projects that must have been put into the budget by the National Assembly. I was shocked by this answer. Then I said this is not the authentic budget. He said no, Sir; it is the authentic Budget. Then I said I will give you my copy. I came to Abuja, took my copy, went back to Kano and showed it to him. I then asked him to comment. There was nothing he could say other than simply telling me Sir, I am sorry, I am working on instructions.

The following week, I went to the Ministry of Agriculture. At that ministry the Director of Dam and Irrigation told me the same story. They had put all the pre-qualification on notice and unfortunately none on these projects are there. When I asked why, I was told the same story that he was acting on instruction not to include any of the projects for 2009. I was shocked.

I went to Power Holding Company of Nigeria where my constituency has one other project. I went through the same process. I came back, sat in my office and started wondering if this is a Parliamentary disregard, an insult on the Legislature or that the Executive Arm of government is deceiving the Parliament?

The Deputy Speaker: Where was that instruction coming from?

Hon. Ubale Jakada Kiru: Mr. Speaker, they were instructions from the top; I would assume they are instructions from their Ministers. If a Director is acting on instruction from the top, then he must be referring to his Minister. On this note, I would say that the entire Parliament is being put to disrepute.

The consequence is that most of the hon. Members had already gone back to our constituents, had meetings with our constituents and told them the efforts we have made in ensuring that projects are faithfully implemented in their various localities. At the end of

0933

the day, we discovered that none of these is going to be implemented and we are still going back to them and they will start asking us what must have happened. Unfortunately, none of us belong to the Executive Arm of government. Therefore, we have very little to say or absolutely nothing to explain those situations to our people.

My prayer is that this Motion should be accepted by this honourable House and if possible I am seeking an amendment in the recommendations that the House do adjourn Plenary for two weeks so that each of the Committees will now go back to the various Ministries, Departments and Agencies and check exactly what is happening on ground report to the House.

Hon. Ayoade Ademola Adeseun (Ogo-Oluwa/Surulere Oluyole): I am in support of the Motion that the Executive should be called to order regarding the implementation of 2009 Appropriation Act.

A week ago or so, we invited the Minister of Finance and the Budget Office based on reports from across the Committees that selective implementation of the Budget is going on.

The Deputy Speaker: Chairman, House Committee on Appropriation, what was the reason for that?

Hon. Ayoade Ademola Adeseun: The Minister of Finance assured us that the Executive is desirous of implementing the Budget a 100 *per cent* but that there has been constraints due to fund inflow that based on the 2009 Budget, the projection was that 2.49 million barrels of crude oil per day would be produced and the benchmark was US\$45 per barrel but the shortfall has been as a result of the lower production level due to difficulties in the economy, problems in the Niger Delta and a lot of other things.

The Minister claimed that they are not likely to implement the Capital component of the Budget for this quarter beyond 70 *per cent*.

The Deputy Speaker: If that happens, what is the provision of the law?

Hon. Ayoade Ademola Adeseun: Virement comes in. They have to come back to the National Assembly for virement.

The Deputy Speaker: Do we have any Clause on virement?

Hon. Ayoade Ademola Adeseun: Yes, we do.

0934

The Deputy Speaker: Can you, please, read it.

Hon. Ayoade Ademola Adeseun: Clause 7 of the Appropriation Act, 2009 states:

The Minister of Finance shall ensure that funds appropriated under this Act are released to the appropriate Agencies and organs of government as and when due provided that no fund from any quarter of the fiscal year shall be deferred without prior waiver from the National Assembly.

The Deputy Speaker: That does not talk about virement.

Hon. Ayoade Ademola Adeseun: It does.

The Deputy Speaker: The Clause that deals with Virement is Clause 3. Hon. Chairman, can you read Clause 3.

Hon. Ayoade Ademola Adeseun: Clause 3 states as follows:

In the event that a need arises to vire amounts within the Heads of Expenditure to which sums have been appropriated under this Act, such virement shall only be effected with the prior approval of the National Assembly.

The two Clauses work together. More importantly, if there is going to be any re-prioritisation of any sort, that must be in coordination and collaboration with the appropriate organs of the National Assembly. The Executive cannot on its own sit in an office somewhere and choose projects to implement and which not to implement. We discussed this issue last week.

Hon. Bala Ibn Na'Allah (Zuru/Fakai/Sakaba/D/Wasagu): I am greatly worried. It is important that we sit down and ask ourselves what the practice of democracy is all about.

Every Member of Parliament has subscribed to an Oath of Office. The most striking feature of that Oath is to uphold, protect and defend the Constitution of the Federal Republic of Nigeria and the law.

The second aspect which is very important is that every holder of public office including Mr. President and his Ministers have equally been sworn on the Bible and the Quran depending on what faith they hold. They promised that they would do justice to all manner of people without fear or favour, affection or ill will.

0935

Unfortunately, our democracy has been characterised by public office holders doing the opposite and, with the greatest respect, we are all guilty and I plead guilty too.

The reason is simple; we have left the idea of calling people to account for their offices; vacant, not regulated, not inquired into. Otherwise, if a Minister takes an Oath of office to uphold, protect and defend the Constitution of the Federal Republic of Nigeria and the law and he refused to implement an Appropriation Act that has been duly passed by the National Assembly and assented by the President he has no business occupying the office of a Minister.

The Parliament has a responsibility through the oversight to come back with a report that Minister 'A' has failed to perform the functions of his office and then the Parliament will now resolve that we advise Mr. President that Mr. A is incapable of holding that office; that is how it is done.

I have followed with keen interest the gimmicks and the intrigues. With the greatest respect, the Ministers have not seen the Parliament as co-travellers in the advancement of democracy; the reason is simple. Parliamentarians have gone to ask for vote promising their people and, therefore, they have been voted to occupy seats in the Parliament and therefore they would consistently remain accountable. The Ministers have gone to nobody; they have gone to Parties officials and, therefore, they are nominated as Ministers and they are only accountable to very few people. That is why in the ten years of our democracy, at each particular time in our journey, we had people that have remain unaccountable; people that have operated outside the laws of this country and by the experience of mentioning the name of Mr. President they are in government.

Therefore, the Parliament has a responsibility to sit down and look at our approach into intensifying the structures of democracy in this country and by the time we have a second look at it we would have found that we ourselves are guilty.

Hon. Dino Melaye (Kabba/Bunu/Ijumu): Point of Order, Mr. Speaker!

The Deputy Speaker: Which Order?

Hon. Dino Melaye: I am quoting from the Constitution of Federal Republic of Nigeria, specifically Section 80(4) at page 37. With your permission, I read:

No monies shall be withdrawn from the Consolidated Revenue Fund or any other public fund of the Federation except in a

0936

manner prescribed by the National Assembly.

There is nowhere either in the Constitution of the Federal Republic of Nigeria or in our Rules that the Executive has been given powers to privatise -
(Interruptions)

The Deputy Speaker: Hon. Dino Melaye, do you want to contribute or you just want to raise a point of Order? That is exactly what we are discussing. If you want to contribute, raise up your hand.

Hon. Dino Melaye: I am raising a constitutional matter, Sir.

The Deputy Speaker: We are saying the same thing.

Hon. Dino Melaye: Very well, Mr. Speaker.

Hon. C.I.D. Maduabum (Nnewi North South/Ekwusigo): Mr. Speaker, I would respectfully anchor my argument on Section 5 of the Constitution, which says:

Subject to the provision of this Constitution the Executive powers of the Federation –

(a) shall be vested in the President and may, subject as aforesaid and to the provisions of any law made by the National Assembly, be exercised by him either directly or through the Vice-President and Ministers of the Government of the Federation or officers in the Public Service of the Federation.

What does this mean? It means that it is the President that has executive powers with respect to the budget. It also means that the executive powers of the President are subject to laws made by the National Assembly. The Appropriation Act has been passed and the Chairman of our Committee on Appropriation has read out the extant provisions of the budget law. If there are shortfalls in revenue the law has provided the way forward. The critical issue is if the President is in contravention of any law or he refuses to execute any law what are the sanctions against him? I do not believe in this idea of calling Ministers because they are under him. Therefore, the President takes responsibility.

The Legislature can use its oversight under section 88 of the Constitution to compel relevant authorities to act or would go to the extreme measure of moving against the President but we think the President is doing

0937

his best. We the Members of Peoples Democratic Party are in the majority. We do not want to take out our President; we want cooperation with the President and, therefore, I see what we are doing today as a wakeup call that the success of this Administration depends a great deal on the implementation of the Budget. We are all members of the PDP and we are in the majority; we will go to our constituents. What do we present to them that the budget had been faithfully implemented?

I therefore support this Motion. However, we as a party having the majority in the Legislature have a special duty to make sure that the President faithfully implements the Budget. Ordinarily, this matter should have been done through the normal Legislature/Executive internal consultations but since this is a public matter and we are politicians, we need to make our people know that we are not folding our arms and that is why what is happening today is very important. So I support that the Executive be called to order.

The President whom the Ministers report to is primarily responsible.

Hon. Tuggar Yusuf Maitama (Gamawa): Mr. Speaker, I am of the opinion that the level of commitment or seriousness of the Executive towards improving budget performance can be measured by its level of compliance with the Public Procurement Act and the Fiscal Responsibility Act.

Today, the Executive stands in clear violation of the first Section of the Public Procurement Act which calls for the inauguration of a National Council on Public Procurement; it is still not in place. It is the body that is responsible for reviewing thresholds for the application of the provisions of the Act. This the Executive recently did without the existence of the National Council of Public Procurement. We are all aware of the provisions of the Fiscal Responsibility Act which calls for the presentation of a medium-term expenditure framework to the National Assembly. I am not aware that that is being complied with.

If we are to compel the Executive to improve budgetary performance, then we have to put pressure on the Executive to comply with this Act, which the Committee on Public Procurement has already taken measures to see that it is done. We have written to the Secretary to the Government of the Federation. We are yet to receive any response and in due course we are going to send a reminder. Towards the end of last year, we also embarked on a review of budgetary performance, which showed the dismal performance. There is a selective performance of MDAs in terms of implementing the Budget.

0938

I am fully in support of this and I hope that other Committees will also take up this responsibility as appropriate.

Hon. Abdul Ningi (Ningi/Warji): I find this situation very disturbing in the sense that what we are discussing is never strange to us as parliamentarians from 1999 to 2007. It is disturbing in the sense that when we took over in 2007 we thought what happened during the Obasanjo era would be a thing of the past. So this House must help Mr. President who had come openly to say and we believe him that he is going to be a law-abiding President and he will during his time rule by the rule of law.

Mr. Speaker, you will recall several times between 2003 and 2007 when Ministers and head of agencies would allude to the President giving them directives that they should not do this or that and investigating such issues revealed quite a number of issues. In fact, several times the President had to call Ministers before Principal Officers and asked whether I, President Olusegun Obasanjo, told you not to do this.

Now the point in contention is that we are five months into the year and we have had this disturbing scenario where they are selective budget implementation. As a Parliament that supervises through its Standing Committees, it is incumbent upon all Committees particularly the Committee on Appropriation and Finance to be abreast with step-by-step implementation of the budget so that when an issue of this nature comes up, we will be sufficiently informed factually by the Committee on Appropriation and Finance on the issue at hand.

The Minority Leader raised some very fundamental points. So also did very many speakers but what are the facts on ground. The prayer that the Mover of the Motion has brought is a tall order. We cannot ask about 80 committees to bring reports on budget implementation in the next two weeks but we must be systematic about this particular scenario. We must ask the Committee on Appropriation and Finance to supply us with this necessary information within one week.

One, we must ask them to give us revenues that accrued to this government from January 2009 to date. We must ask them to give us information about how much money this government actually released. We must also ask them to indicate to us how much of this money was actually accessed. It is only when we receive these facts officially from the Committees that we can now further encourage the Committees to go on oversight; we have to go step-by-step. The Committee's duty is not restricted to the preparation of

0939

0940

the Budget. They must follow the holistic implementation of this Budget at every given time.

Two, the Committee on Finance equally must at every given step be able to inform this House as to what amount of revenue accrues to this nation so that when any matter arises like this we are so well informed from facts. So far, all these things that we are saying are mere hearsay.

Therefore, this hearsay more often than not is the truth but what are the facts? The fact on the ground is that we must ask the two Committees to give us these figures in the next one week. Thereafter, we will discuss the way forward.

Hon. Tsegba Terngu (Gboko/Tarka): Mr. Speaker, with your permission, I will read Section 16(1) of the Constitution.

The State shall, within the context of the ideals and objectives for which provisions are made in this Constitution -

- (a) *harness the resources of the nation and promote national prosperity and an efficient, a dynamic and self-reliant economy;*
- (b) *Control the national economy in such manner as to secure the maximum welfare, freedom and happiness of every citizen on the basis of social justice and equality of status and opportunity.*

Let us ask ourselves; is this government taking care of the welfare of its citizens? Look at our roads today in this country. We cannot have fuel in our cars; we are sleeping on the road. Look at the issue of security and that of the Budget. This Budget, to the best of my knowledge, was done to secure the maximum welfare and interest of our citizens. We have provision for water in this Budget for our citizens. The government has blatantly refused to implement this.

I have a document in my office which shows that the Ministry has re-written the Budget. I even passed one to the Committee on FCT where the ministry removed every item that had input from this House and the National Assembly. I thought by now an Amendment Bill would have been sent to this House. I think we started on a wrong note with this government. In 2008, I remember we had a Budget and we came here and did an Amendment to an Amendment Bill; this is why we are facing this.

It is high time we decide in this House whether or not to consider any Budget Bill from the Executive. There is no need to bring any Bill here; if we spend sleepless nights to pass Appropriation Bill and we come here and we are being told that a Minister has re-written a Budget. A good example is the Ministry of Agriculture and Water Resources which I also superintend. This is where most of the Members build their inputs. All these inputs were meant for the welfare of the citizens of this country.

Sometimes we attempted to ask whether it is because all the large dams in the North West and South West of this country have been completed that some of us are not Nigerians. Let us take a look at the Section I have just read: *to secure maximum welfare of all the citizens.*

There is no single dam in this country in the North Central Zone and we are big-time farmers. We have a sum of ₦15 billion in the Budget to buy fertilizer for farmers. In spite of this budgetary provision, not a single bag of fertiliser has been given to any State yet contract had been awarded to somebody who is not an importer. We keep on passing Budget; year-in, year-out.

Let us make it very clear to these people that if this Budget is not implemented, this House should not waste its time in considering any Budget. Let them just go and implement what they want. The earlier we take that decision, the better.

I am just sitting and waiting for somebody who will come here and read Supplementary Act (Amendment) Bill, 2009 when we have not done anything regarding the Appropriation Act this House passed this year. Now we are talking about selective implementation of the Budget. Which part of this country is not important to benefit from the projects that had been put in the Budget?

This is not just the issue of saying we should go and do oversight. If the Budget is not implemented, then they should not consider bringing any other Budget to this House. I think it should be part of the Resolution of this Motion. All I have been saying is that our input is not being taken into consideration.

The Deputy Speaker: Hon. Colleagues, I think we have heard enough from those who are for the Motion. Is any Member against the Motion?

Some hon. Members: Yes.

Hon. Emmanuel Nwiika Deeyah (Ghokana/Khana): Mr. Speaker, I want to do what is

0941

not popular as a politician. I know this Motion will sail through but my voice should be heard. We are pointing our fingers at the Executive Arm. Have we checked our processes?

We represent constituencies in Parliament. The expectation of our people is that their interest should be protected in whatever Budget that is passed in this parliament. We have Chairmen of Committees who are supposed to be the leaders of the Committees and whatever comes out of the Committee should be the position of that Committee. Are we certain that the content of the Budget we are talking about originated from the Committees?

It is right for us to do our oversight. I agree with the Leader that we should ask certain questions but we should also remember that this is a government that campaigned and said *these are our programmes*. When we want to prepare or implement a Budget, it should have a purpose and target. How did those projects come into the Budget? Was there consultation across board?

I know that at the end of the day this Motion will sail through but I want to say that my people are not happy. Projects that we all agreed and were put in the Budget from my State were removed by an individual in this House and it is nowhere to be found in that Budget. I am representing people here. I am not here because I am handsome or whatever. My people want to see my input in the Budget; it is not that I had put it there and that it is being implemented. This parliament was not fair to everybody. We need to look into our processes while asking the Executive to give account.

Hon. Chinyere E. Igwe (Port Harcourt II): Mr. Speaker, arising from the contribution of my Colleague, Hon. Emmanuel Deeyah, something abnormal has happened in this House; abnormal in the sense that some sections of Nigeria were ostracised by this particular Budget we are talking about.

We do not know how the Budget meant for Rivers State; a state that produces substantial part of the national revenue was removed from the Budget. As we speak, nobody has addressed that particular issue and what moral standing do we have to call the Executive Arm to implement the Budget? Whether we like it or not, we are the cause of all the crises because we have not done our job. If we do our job well, I am sure the Executive Arm will do its well. Part of our problem emanates from the Chairmen of the Committees because they are not doing their job. As a Chairman of Committee, if you do what you are supposed to do by oversight function and by ensuring that what is in the Budget is implemented, I am sure we would not have the problem we are having today.

0942

Mr. President and the Executive Arm have refused to implement the Budget as it were because of supposedly anomalies in the Budget. Let us remove the specks in our eyes before we start removing the specks in the Executive's eye.

Hon. Isah Idris Umaru (Igabi): Mr. Speaker, this Motion is fundamentally good but I would make a rider to the contribution of Hon. Ningi.

The Deputy Speaker: Hon. Isah Umaru, are you supporting the Motion or you are opposing it?

Hon. Isah Idris Umaru: I am opposing it, Sir. The Motion is good fundamentally but it is not standing on factual ground. It is rather sentimental in a sense and we are quick at pointing fingers at the Executive. If we have tried the Budget as passed by this honourable House and we have all the quarterly Reports from all the MDGs and these Reports actually show clearly that this Act has been violated - *(Interruptions)*

Hon. Mohammed Sani Abdu (Alkaleri/Kirfi): Point of Order, Mr. Speaker!

The Deputy Speaker: Go ahead with your point of Order.

Hon. Mohammed Sani Abdu: Mr. Speaker, I am raising a constitutional point of Order. It is Section 88 of the Constitution. With your permission, I read:

Subject to the provisions of this Constitution, each House of the National Assembly shall have power by resolution published in the Journal or in the Official Gazette of Government of the Federation to direct or cause to be directed an investigation into -

(a) Any matter or thing with respect to which it has power to make laws.

In this case we are talking about the implementation of Appropriation Bill. Subsection (2) (b) says:

Expose corruption, inefficiency or waste in the execution or administration of laws within its legislative competence and in the disbursement or administration of funds appropriated by it.

The point I am trying to make is that this Motion has brought forward some inefficiencies in the implementation of one of the laws which is the Appropriation Act before Nigeria and we are discussing

0943

the issue that it should be investigated. So, let us allow this process to go through.

Some Members have said that all we are saying is hearsay but I am saying that we have evidence in Committees where they are saying *withhold*. It is written in the Committee; it is not hearsay. It is important that we allow this Motion to go into its logical conclusion.

The Deputy Speaker: That is what we are doing.

Hon. Mohammed Sani Abdu: This Motion is not really desirable in the sense that we do not need Motion to remind us of our function of tracking the Budget. As far as I am concerned, despite the fact that the intention of the Budget is good, it is not based on facts and it is too quick to point fingers at the Executive. We cannot ascertain the Budget implementation until we have the total aggregate to date.

As Hon. Ningi said, we need the revenue profile, the assessment regarding how much has been disbursed to all the Ministries, Departments and Agencies and the level of implementation before we start pointing accusing fingers.

The Deputy Speaker: We have an amendment from Hon. Ningi and it reads:

The Committees on Appropriation and Finance must come up with factual figures and percentages of Budget implementation and, among others, bring the following:

- (a) *Revenue accrued to the Federation Account from January to May, 2009;*
- (b) *Actual amount released from January to May 2009.*

Is any Member seconding the Amendment?

Hon. Abubakar Garba Shehu (Matazu/Mutawa): Mr. Speaker, I rise to sincerely second the Amendment moved by Hon. Abdul Ningi.

Amendment put and agreed to.

The Deputy Speaker: We have another amendment from Hon. Ubale Jakarda:

That the House do adjourn Plenary for two weeks to enable each Committee check what is happening in the

0944

Ministries, Departments and Agencies (MDAs) under its oversight and report to the House the true situation of the 2009 Budget implementation.

Is there any seconder?

Hon. Ibrahim Umar Ballah (Kumbotso): I do second the Motion moved by Hon. Jakarda.

Amendment put and negated.

The Deputy Speaker: There is an amendment from Hon. Tsegba Terngu. It reads:

The House should not consider future Budget proposals if the Executive continues with the selective implementation of the 2009 Appropriation Act without recourse to the National Assembly for approval.

The problem is that the Constitution says that the National Assembly shall consider the Budget each year. If we pass this amendment, it may be contrary to the provision of the Constitution. For this reason, I call on Hon. Tsegba to stand his Amendment down.

Hon. Terngu Tsegba (Gboko/Tarka): Mr. Speaker, we can reject a Budget; there is nothing compelling us that the House must accept it unless we do not want to be sincere to ourselves. If we pass a budget and it is not implemented at the end of the day, why do we waste out time?

The Deputy Speaker: I am asking Hon. Tsegba to stand down his Motion for Amendment.

Hon. Terngu Tsegba: It is stood down.

Amendment, by leave of the House, stood down.

The Deputy Speaker: Thank you, Hon. Tsegba. Hon. Colleagues, this is an Amendment from Hon. Ita Enang. It reads:

The Accountant-General of the Federation do forward to the National Assembly full details of funds released to each Agency of Government from January to April, 2009 in accordance with Section 6(3) of the Appropriation Act, 2009.

It is the same thing that we passed earlier. Hon. Ita Enang, you did say that we do not need a Resolution

0945

for the Bill to be implemented; this is also part of the Bill.

Hon. Ita Solomon J. Enang: Mr. Speaker, since we have decided to pass a Motion on the Bill, we can still pass it.

The Deputy Speaker: Is there any seconder to that Motion?

Hon. Nkiruka Onyejeocha (Isuikwuato/Umunneochi): I second the Amendment moved by Hon. Ita Enang.

Amendment put and negatived.

Main Question, as amended, put and agreed to.

Noted that the National Assembly passed the 2009 Appropriation Act in January 2009;

Further noted that the Act is being selectively implemented by the various Ministries, Departments and Agencies of Government, an approach capable of non-implementation of projects crucial to the needs of Members' constituents;

Concerned that the budget being implemented was not the version passed by the National Assembly but the one proposed by the Executive for passage;

Worried that if the current manner in which the Appropriation Act is being implemented continues unchecked, the country may find itself in the 2008 experience where only 30% of the Appropriation Act was implemented;

Resolved to:

- (i) Mandate all the relevant House Committees to commence oversight of their respective Ministries, Departments and Agencies to determine the level of implementation of the 2009 Appropriation Act and report back to the House within two weeks;
- (ii) Further mandate the Joint Committees on Appropriation and Finance to come up with factual figures and percentages of Budget implementation, Revenue accrued to the Federation Account from January to May, 2009, and actual amount released from January to May 2009.

0946

The Deputy Speaker: Hon. Colleagues, I want to believe that it is our responsibility to see that the Executive implements the 2009 Budget. I do not think any Minister will refuse to implement any project in the Appropriation Act, 2009 simply because the project is not from the Executive; no Minister will dare do that.

I also believe that Ministers will be eager to implement projects that are situated in their own States or localities to the fullest. You cannot put a project in a Minister's village and expect him not to execute that project; he will.

It is our responsibility as Chairmen and Members of Committees to see that what we have put in the budget is implemented and if it is not implemented, we should report to the House so that necessary action can be taken.

Hon. Abdulkadir M. Nasir (Kafur/Malumfashi): Point of Order, Mr. Speaker!

The Deputy Speaker: What Order, Hon. Nasir?

Flood Disaster in Malumfashi Town

Hon. Abdulkadir Mohammed Nasir: My point of Order is Order VIII, Rule 4 of our Standing Orders. The Matter of Urgent Public Importance is the flood disaster that occurred in my constituency last week that destroyed more than one hundred houses and four lives were lost in the disaster.

Therefore, I urge this honourable House to compassionately look at this matter so that we may waive Sub rule 3 of Order VIII, Rule 4 so that I can take up this matter immediately.

The Deputy Speaker: What is the matter?

Hon. Abdulkadir M. Nasir: The matter is on the flood disaster in my constituency, Malumfashi Town.

The Deputy Speaker: Hon. Colleagues, Hon. Nasir has brought a Matter of Urgent Public Importance that there was a flood disaster in his constituency and he wants us to consider this matter as a Matter of Urgent Public Importance. I will now put the question that this matter be taken immediately.

Question put and agreed to.

Resolved: That Hon. Abdulkadir Nasir's Motion

0947

on Flood Disaster in Malumfashi Town be taken as a Matter of Urgent Public Importance.

The Deputy Speaker: Hon. Nasir is also pleading that we suspend the Rule and consider the Motion today.

Is any Member seconding that Motion?

Hon. Garba Shehu Matazu (Matazu/Musawa): I second the Motion moved by Hon. Nasir.

Question put and negated.

The Deputy Speaker: The matter is to be discussed tomorrow.

PRESENTATION OF REPORTS

Mid-Sessional Report of the Committee on Housing and Habitat

The Deputy Speaker: The second Business of the Day is presentation of the Mid-Sessional Report of the Committee on Housing and Habitat standing in the name of Hon. Garba Shehu Matazu. Hon. Matazu is invited to present the Report.

Hon. Garba Shehu Matazu (Matazu/Musawa): Mr. Speaker, I rise to move that this House do receive the Mid-Sessional Report of the Committee on Housing and Habitat.

Hon. Binta Masi Garba (Madagali/Michika): I second the Motion moved by Hon. Matazu Garba Shehu.

Question put and agreed to.

Report laid on the Table.

Mid-Sessional Report of the Committee on Women Affairs and Social Development

The Deputy Speaker: The second Business of the Day is the presentation of the Mid-Sessional Report of the Committee on Women Affairs and Social Development standing in the name of Hon. Binta Masi Garba. She is invited to present the Report.

Hon. Binta Masi Garba: I move that this House do receive the Mid-Sessional Report of the Committee on Women Affairs and Social Development.

Hon. Matazu Garba Shehu: I second the Motion.

0948

Question put and agreed to.

Report laid on the Table.

ORDERS OF THE DAY

CONSIDERATION OF BILLS

Federal Capital Territory Water Board (Establishment, etc) Bill, 2009

A Bill for an Act to Establish the Federal Capital Territory Water Board and for Matters Connected Therewith, 2009 -

Order for Second Reading.

The Speaker: The first Order of the Day is commencement of debate on the general principles of a Bill for an Act to Establish the Federal Capital Territory Water Board and for Matters Connected Therewith, 2009. The Bill was read for the First Time on Thursday, 7th May 2009.

I now invite Hon. Ita Enang to move that the Bill be now read the Second Time.

Hon. Ita Solomon J. Enang: Mr. Speaker, I move that a Bill for an Act to Establish the Federal Capital Territory Water Board and for Matters Connected Therewith, 2009 be read the Second Time.

Hon. Friday Itulah (Esan North East/South East): I rise to second the Motion.

Hon. Leonard Okuweh Ogor (Isoko North/Isoko South): Point of Order, Mr. Speaker!

The Deputy Speaker: Hon. Leonard O. Ogor, what point of Order?

Hon. Leonard O. Ogor: My point of Order is Order XV, Rule 8 of our Standing Orders at page 82. With the permission of the House, I read:

Bills passed by the preceding Assembly and forwarded to the Senate for concurrence for which no concurrence were made or negated or passed by the Senate and forwarded to the House for which no concurrence were made or negated or which were passed by the National Assembly and forwarded to the President for assent but for which assent or withholding thereof was not communicated before the end of the

0949

0950

tenure of the Assembly, the House may resolve that such Bills upon being re-gazetted or clean copy circulated be re-considered in Committee of the Whole without being commenced de-novo.

My Colleagues will confirm to you that we did consider this Bill and it was sent to the Senate. We did all the necessary conclusions. I appeal that in line with the House Rule, we should commit this Bill to the Committee of Whole.

The Deputy Speaker: Hon. Ita Enang please?

Hon. Ita Solomon J. Enang: Mr. Speaker, I agree with my Colleague that this Bill will go to Committee of the Whole without the need to hold another Public Hearing. However, it does not stop this House from listening to the principles of the Bill and contributing on it before the Chair rules on the application of Order XV, Rule 8.

My application is that we take the Second Reading and then commit it to the Committee of Whole. It is after this that the Rule he cited will now apply.

The Deputy Speaker: Hon. Leonard O. Ogor, Hon. Ita Enang is not objecting to that but all he is saying is that we discussed the Bill and instead of referring it to the Committee, we should refer it to the Committee of Whole.

Hon. Leonard O. Ogor: With all due respect, Mr. Speaker, you should clearly tell the Chairman, Rules and Business that there is no provision for what he is asking for.

The Deputy Speaker: Are you referring to Order VIII, Rule 1?

Hon. Leonard O. Ogor: I am referring to Order XV, Rule 8 of our Standing Orders at page 82.

The Deputy Speaker: Can you read it again, please?

Hon. Leonard O. Ogor: It reads thus:

Bills passed by the preceding Assembly and forwarded to the Senate for concurrence for which no concurrence were made or negated or passed by the Senate and forwarded to the House for which no concurrence were made or negated or which were passed by the National Assembly and forwarded to the

President for assent but for which assent or withholding thereof was not communicated before the end of the tenure of the Assembly, the House may resolve that such Bills upon being re-gazetted or clean copy circulated be re-considered in Committee of the Whole without being commenced de-novo.

The Deputy Speaker: Hon. Ita Enang, considering the enormous work which we have ahead of us, it will be better if we commit the Bill to the Committee of Whole.

Hon. Ita Solomon J. Enang: Mr. Speaker, there are two principles here. You will recall that sometime in the first or second month of our re-convening, we brought a Bill by way of Motion that some Bills be treated this way and we agreed that it needed a resolution.

The third line from below says that *the House may resolve that such Bills upon being re-gazetted or clean copy circulated be re-considered in Committee of the Whole without being commenced de-novo.*

That resolution comes when you put the question that the House do resolve for the Second Reading and that it should be considered here. That resolution is what I am seeking for. However, if the House agrees, we may simply commit the Bill for consideration in the Committee of Whole.

The essence of this is that the Bill was passed by the preceding Assembly; that is one. Secondly, at that time, not all Members of this House were involved when this Bill was passed.

The Deputy Speaker: Hon. Ita Enang, they will contribute at the point of Clause-by-Clause consideration.

Hon. Ita Solomon J. Enang: Therefore, in accordance with our Standing Orders and the fact that this House had considered this Bill in previous Session and which was introduced on 28th August, 2003 and passed by this House as it were on 16th December, 2003 and by virtue of our function as the Legislature for the Federal Capital Territory under Section 299(1)(a) of the 1999 Constitution, I move that the House do consider this Bill in Committee of the Whole.

The Deputy Speaker: Is there any seconder? In seconding this Motion, I want a Member who is not here for the second time to second it so that we are sure that those who are joining us for the first time will also contribute.

0951

Hon. Austin Nwachukwu, you have the Floor.

Hon. Austin Nwachukwu (Ehime Mbano/Ihitte/Uboma/Obowo): Mr. Speaker, I rise to second the Motion.

Question put and agreed to.

Bill referred to the Committee of the Whole House.

**Herbal Medicine Practice Establishment
Bill, 2009**

A Bill for an Act to Establish the Herbal Medicine Practice Commission with the Responsibility for Formulating and Regulating a Code of Conduct and Practice of Herbal Practice and Other Related Matters, 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 Establish the Herbal Medicine Practice Commission with the Responsibility for Formulating and Regulating a Code of Conduct and Practice of Herbal Practice and Other Related Matters, 2009. The Bill was read the First Time on Thursday, 5th February 2009.

I now invite Hon. John Halims Agoda to move that the Bill be now read the Second Time.

Hon John Halims Agoda (Ethiope): Mr. Speaker, I move that a Bill for an Act to Establish the Herbal Medicine Practice Commission with the Responsibility for Formulating, and Regulating a Code of Conduct and Practice of Herbal Medicine Practice and Other Related Matters, 2009 be read the Second Time.

Hon. Chinyere Emmanuel Igwe (Port-Harcourt II): Mr. Speaker, I rise to second the Motion moved by Hon. John Halims Agoda.

Question proposed.

Hon. John Halims Agoda: Mr. Speaker, the Herbal Medicine Practice Commission (Establishment) Bill 2009 before this distinguished House by conception an institutional framework at the national level meant to formally recognise the very essence and importance of herbal medicine in Nigeria.

The practice of herbal medicine is as old as the existence of humanity. It is the precursor of or the forerunner of the orthodox medicine but because of

0952

documentation and the area of research which orthodox medicine has the pre-eminence, orthodox became more prominent because there are proper documentation and research efforts carried out in orthodox medicine.

Looking at the existence of these two types of Health services, that is, the orthodox and herbal medicine, they compliment each other in our country. It is even said that in Nigerian, for instance, the herbal medicine delivery system is more available, more acceptable and indeed more culturally satisfactory in our various communities of life.

From records we have seen that the herbal medicine as a profession has certain limitations which this Bill that I am introducing before Parliament today, if passed, will help to cure and bring herbal practice to international standards. What are these limitations? You have the problem of documentation, research, preservation, packaging, supply, distribution and, indeed, marketing.

If this Bill is considered, which will set out an institution and management, it will help to identify and bring together various herbal practitioners to have opportunity of making research and of exchanging views from each other wherever they are in Nigeria.

Let us recall that in China and indeed in India and most of the Asian nations today, have adopted the herbal system of healing as part of their health delivery system. In Argentina and in Brazil, there have been a lot of legislations put forward in these countries with a view of bringing a minimum level of standards and code and conduct. As the saying goes, that a herb is useful in curing diverse herbal problem does not mean that the herb will be safe because such herb, to a large extent, needs to be tested; it needs to undergo research and it is a Commission of this standard that can put in place a Research Institute and training where herbal practitioners will have the opportunity of coming together and have a synergy of ideas and views so that we can serve as an important aspect of our health delivery.

Let me say that in some jurisdiction, they called it the alternative mode of health delivery. It has been associated with different names. For instance, in China it is called Acupuncture. The Chinese method entails the use of tin needles. With the use of these needles, they can identify the kind of ailments that somebody may have in any part of the body. We have different types of different magnitude. The important thing is that as far back as 1966, the government of our country recognised the potency and importance of this aspect of healing and directed the University of Ibadan to come out with a programme so as to put together a standard mode of organising herbal medicine as a trade.

0953

0954

Hon Abdul Ningi: Mr. Speaker, as far as I am concerned, this is a major landmark in the history of this Assembly for it to be proactive in trying to re-invent our Africanness, root and history. I am a product of herbal brought up. The whole of our community in early 60's and 70's relied only on herbal medicine. In fact, 80 *per cent* of medicine world wide is derived from herbs. However, because of neo-colonisation the issue of going back to root has been relegated to the background and people who patronise local African medicine are still seen as illiterate, novice and people who do not understand the rudiments of modern medicine.

In fact, from the first day I was born, my mother was washing me with herbal medicine until I was seven years old and my grandmother told me that from the day I was born until I became seven I did not fall ill of any sickness. That is the potency of African medicine but that is an area that we have grossly neglected.

Hon. Rufus Omeire (Ideato North/Ideato South): Mr. Speaker, ordinarily this is a very good Bill. We know that about 90 *per cent* of the medicines we take today come from herbs. So, the only thing I will have to add to this is that maybe at the committee stage we can consider making this an agency under the Federal Ministry of Health. I do not believe that we need a Commission to regulate herbs; we can do this under the Federal Ministry of Health.

Hon. Stanley Ohajuruka (Umuahia North/South Ikwunano): First of all, I would like to align myself with the last Speaker to the extent that we all know that most of the activities of these herbalists are not transferable. They keep knowledge of what they do only to themselves and to their generations. To that extent, therefore, there is the need for us to situate the activities of these people within the context of the Ministry of Health. We all know that for us be sure of anything we are doing, there has to be a verifiable scientific analysis and advancement on what these people are supposed to be doing. It should not be based on something we cannot hold them to.

Hon. Abdu Auwalu Gwalabe (Katagum): I want to call on my Colleagues to really support this Bill. This is a Bill that is talking about establishing a Commission that would checkmate the activities of all herbalists in Nigeria.

A Colleague of mine was saying that they keep the extracts to only themselves. By establishing the Commission there is every likelihood that we would have access to knowing what the extracts are.

Secondly, we all know in Africa, particularly in Nigeria, that for a very long time history had shown that a lot of ailments in Nigeria are treated by all the

physicians but if you run back to traditional healers, you will get some relief; some even get absolute cure of their ailments.

In view of this, I enjoin my Colleagues to please support this Bill in its entirety because I am definitely sure it is going to promote a lot of things in Nigeria.

Question put and agreed to.

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

Fire Service Act, Cap F29 LFN 2004 (Repeal) Bill and Nigeria Fire Control and Rescue Service (Establishment) Bill, 2008

A Bill for an Act to provide for the Repeal of the Fire Service Act, Cap F29 LFN 2004 and to establish the Nigeria Fire Control and Rescue Service and for Related Purposes, 2008 (HB. 129).

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 Repeal of the Fire Service Act, Cap F29 LFN 2004 and to establish the Nigeria Fire Control and Rescue Service and for Related Purposes, 2008.

The Bill was read for the First time on Tuesday, 28th October 2008. I now invite Hon. Kayode Jelili Amusan to move that the Bill be read the Second Time.

Hon Kayode Jelili Amusan (Abeokuta North/Obafemi-Owode/Odeda): Mr. Speaker, I move that a Bill for an Act to Provide for the Repeal of the Fire Service Act, Cap F29 LFN 2004 and to establish the Nigeria Fire Control and Rescue Services and for Related Purposes, 2008 be read the Second Time.

Hon. Isah Idris Umaru (Igabi): I second the Motion moved by Hon. Kayode Jelili Amusan.

Question proposed.

Hon. Kayode Amusan: The motive behind this Bill is to strengthen and expand the scope of operation of the Federal Fire Services to be more pro-active and effective in line with the best international practice. We are all aware of the current position and situation of the Federal Fire Service in this country and how defective their operations are.

However, the intention of the above Bill is to repeal the Fire Service Act, Laws of the Federation of

0955

0956

Nigeria by establishing the Nigeria Fire Control and Rescue Services which had replaced the Federal Fire Service and assumed its rights, powers, privileges, structures, liabilities and organs.

The Nigeria Fire Service and Rescue Services shall comprise all persons who immediately after the commencement of this Act were members of the Fire Services.

As Members of this honourable House, I believe that our primary responsibility is to make laws that would enhance the wellbeing of our people and this explains the intention behind this Repeal, which seeks to ensure the provision of international standard practice in our Fire Service system.

The question is; how many of us in this Chamber do insure our houses? We rely on the Fire Service at any point in time when there are fire outbreaks. Where they do not have enough capacity to meet up their services that means the house will definitely be razed to the ground. It is the intention of this Bill to reposition the Fire Service to be in conformity with international best practices.

It is our duty to try as much as possible to protect and save the lives and property of our people. I therefore urge my Colleagues to support this Bill.

The Deputy Speaker: Those who want to speak should signify, please.

Some hon. Members: Please, put the question.

Question put and agreed to.

Bill read a Second Time and referred to the Joint Committee on Housing and Emergency Preparedness.

National Disaster Management Commission (Establishment) Bill, 2008

A Bill for an Act to Establish the National Disaster Management Commission and Matters Connected Therewith, 2008 (HB. 57) -

Order for Second Reading.

The Deputy Speaker: The fourth Order of the Day is the commencement of debate on the General Principles of a Bill for an Act to Establish the National Disaster Management Commission and Matters Connected Therewith, 2008. The Bill was read for the First Time on Tuesday, 29th April, 2008.

I now invite Hon. H.A.B. Fasinro to move that the Bill be now read the Second Time. *(No response)*

Yes, Hon. Ita Enang, do you want us to stand the Bill down?

Hon. Ita Solomon J. Enang (Itu/Ibiono Ibom): Mr. Speaker, I am going to make a very unpopular application.

This Bill was introduced some time in 2007 and read for the First Time on 8th April, 2008. Today is the 13th of May, 2009 and this is almost the tenth time that this Bill is coming up.

The Deputy Speaker: When was it first introduced?

Hon. Ita Solomon J. Enang: The First Reading came up on 8th April, 2008 but the Bill came to this House in 2007.

Mr. Speaker, when we are making our Report, this is one of the Bills that will be counted against us as one of those that we have not treated.

The Deputy Speaker: I can remember that when this Bill was brought the other time, the hon. Member was complaining that you did not inform him.

Hon. Ita Solomon J. Enang: Yes, Mr. Speaker and I informed him personally, officially and informally.

In view of this, I pray that this Bill be struck out but leaving that ruling to the discretion of the Chair.

The Deputy Speaker: Leave the Bill with you or with the Committee. Do not bring it back to the House until when he is ready.

Hon. Ita Solomon J. Enang: Mr. Speaker, there is a danger about it. The danger about it is that when we are considering and the public is counting for us the number of Bills we have and have not treated this is counted as one of them too and we have so many of them like that.

The Deputy Speaker: Hon. Ita Enang, you cannot escape that.

Hon. Ita Solomon J. Enang: I leave it to the discretion of the House.

The Deputy Speaker: Leave the Bill there.

0957

Whenever he is ready let him inform you. You will then bring back the Bill but that should be the last time you will bring it to the House.

Bill, by 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

(Adjourned Debate: 25/2/2009)

The Deputy Speaker: The fifth Order of the Day is the 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 and approve the Recommendations therein.

Hon. Members would recall that consideration of the Report was deferred and the Bill was referred to the Committee on Justice to report and ascertain the true position of the Bill.

I now invite Hon. Dickson to brief the House on the matter and thereafter consideration may resume.
(No response)

It was committed to the Committee of the Whole and there was an issue of litigation. That issue was referred to the Committee on Justice and the House mandated Committee on Justice to find out the time they brought the Amendment and when that litigation started.

A hon. Member: The committee is still on it.

The Deputy Speaker: So, we will stand the Bill down until when their Report is ready.

Bill, with leave of the House, stood down)

Report of the Committee on Governmental Affairs on A Bill to Regulate the Use of Sirens in Nigeria, 2009

The Deputy Speaker: The sixth Order of the Day is the consideration of the Report of the Committee on Governmental Affairs headed by Hon. Leo Okuweh Ogor on a Bill for an Act to Regulate the Use of Sirens in Nigeria and for Other Matters Connected Therewith, 2009. Hon. Members would recall that the Report was laid on Thursday, 7th May, 2009.

0958

I now invite Hon. Leo Okuweh Ogor to move for the consideration of the Report.

Hon. Leo Okuweh Ogor (Isoko North/Isoko South): Mr. Speaker, I move that this House do consider the Report of the Committee on Governmental Affairs on a Bill for an Act to Regulate the Use of Sirens in Nigeria and for Other Matters Connected Therewith, 2009 and approve the Recommendations therein.

Hon. Umar Ibrahim Kurfi (Dutsin Ma/Kurfi): I rise to second the Motion that this Bill be considered by the Committee of the Whole.

Question put and agreed to.

The Deputy Speaker: Hon. Colleagues, since we have about three Reports to consider, I think we can take them together before the Leader moves the Motion for the House to revert to the Committee of Whole.

Report of the Committee on Housing and Habitat on the Enforcement of the National Building Code Bill, 2008

The seventh Order of the Day is the consideration of the Report of the Committee on Housing and Habitat on a Bill for an Act to enforce the provisions of the National Building Code and Provide for Punishment for Non-compliance with the Code and for Related Matters, 2008.

Hon. Members would recall that the Report was laid on Thursday, 30th April, 2009.

I now invite Hon. Garba Shehu Matazu to move for the consideration of the Report.

Hon. Garba Shehu Matazu (Matazu/Musawa): Mr. Speaker, hon. Colleagues, if you could recall that when I was presenting the Report, I mentioned that the two Reports and the two Bills had been consolidated into one. Therefore, we are going to consider just one Bill.

I therefore move that the this House do consider the Report of the Committee on Housing and Habitat on a Bill for an Act to enforce the provisions of the National Building Code and provide for punishment for Non-compliance with the Code and for Related Matters, 2008 and approve the Recommendations therein.

Hon. Mohammed Ashiru Isa (Makarfi/Kudan): I

0959

respectively rise to second the Motion moved by my Chairman.

Question put and agreed to.

Resolved: That the House do consider the Report of the Committee on Housing and Habitat on the National Building Code Bill, 2008.

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

Hon. Baba Shehu Agaie (Agaie/Lapai): I second the Motion that this House do resolve into Committee of whole to consider these Reports.

Question put and agreed to.

Report of the Committee on Governmental Affairs on a Bill to Regulate the Use of Sirens in Nigeria and for Other Matters Connected Therewith – CONSIDERED IN COMMITTEE OF THE WHOLE.

The Chairman: Hon. Colleagues, the first Report we are considering is the Report on a Bill for an Act to Regulate the Use of Sirens in Nigeria and for other Matters Connected Therewith, 2009.

I call on Leo Okuweh Ogor to brief the House in two minutes on the Report.

Hon. Leonard Okuweh Ogor (Isoko North/Isoko South): Mr. Chairman, the Bill as we can clearly see seeks to regulate for use of sirens and for other matters connected therewith. You will agree with me that the concept of the siren which is very important has been so abused wherein people use siren in clear violation of the regulation as clearly spelt out in the Road Safety Act.

The fact that it was purely a regulation and was not imposing any sanction, the authors of the Bill deem it fit that there must be punishment stipulated while those that should use siren should be spelt out so that it becomes an Act of Parliament to ensure that violators of this regulation will now be punished.

The Bill also stipulates the number of people that can use siren and spells out jail terms and monitoring punishments for anybody that violates it. It is a very straightforward Bill.

The Chairman: Hon. Colleagues, we will go to page 4 of the Bill containing the recommendations. Hon. Ogor, is page four part of the Bill?

0960

Hon. Leo Okuweh Ogor: Mr. Chairman, first and foremost, it is important to know that the Road Safety Act is a guiding Act and Section 10(3)(p) set out some regulatory functions. We have to appreciate that it is at the discretion of the House because the concept of law-making in line with Section 4(2) is purely that of the House. It is the House that will determine the number and the category of people that want to use siren.

The Chairman: Then what has your Committee done?

Hon. Leo O. Ogor: It is the recommendations that are there that we have spelt out.

The Chairman: Is it a Bill? If it is not a Bill, it is not supposed to be recommendations. They should be provisions.

Hon. John Halims O. Agoda (Ethiope East/Ethiope West): Looking at the documents, there are two sides to it. As from page two, you have the Clause-by-Clause analysis of the Bill which your Committee has given us recommendations. When you go to page 4, you have recommendations. Now which one are we treating?

The Chairman: Hon. Agoda, if you can go to the Schedule at page 3, for example, you have the President of the Federal Republic of Nigeria and the Vice President of Federal Republic of Nigeria.

A hon. Member: It is an addition.

The Chairman: It is all right. It is the re-arrangement. Page 1 is Commencement. We shall start with page 2, Clause 1.

Clause 1 - (COMMENCEMENT)

Question proposed.

Hon. Ita Solomon Enang (Itu/Ibiono Ibom): Mr. Speaker, I have reservation with Clause 1 and all the other Clauses. By the recommendation of this committee, it is supposed to be an Amendment Bill. This Section says: *Be it enacted by the National Assembly of the Federal Republic of Nigeria as follows:*

Clause 1: As from the commencement of and subject to the provisions of this Act, it shall be unlawful for a person to use a siren or operate a similar device in any vehicle.

0961

The numbering and every other thing should be an Amendment of specific, particular and identified Sections of the Road Safety Commission Act.

The Chairman: Hon. Ita Enang, I remember that we are not amending that Act.

Hon. Ita Solomon J. Enang: Mr. Speaker, let me draw your attention to page 3, which says: *This Bill may be cited as Federal Road Safety Commission (Amendment) Bill, 2009.*

If it is an Amendment Bill, Clause 1 of the Bill we are going to consider should start by saying; Section 2 or 3(1) of the Federal Road Safety Commission Act is amended by inserting immediately after a particular Section the following new sub-sections. That is the proper drafting.

We would be wasting time if we consider this and go to consider only the sub-titles as the Amendment Bill.

The Chairman: Hon. Ogor, is it an Amendment or a fresh case?

Hon. Leonard O. Ogor: Yes, it is an Amendment but the Chairman, Rules and Business Committee should know that I am not a draftsman and should appreciate that fact.

The Chairman: Hon. Leonard O. Ogor, that is why we have professionals in the National Assembly.

Hon. Leonard O. Ogor: We have said clearly that this committee upheld that all recommendations should stand as an Amendment to the Federal Road Safety Commission (Establishment) Act of 2007.

The most important thing is that we need to present the Bill the way it came out. What we are trying to do is to amend the Road Safety Act. If there are mistakes, we can simply correct them.

The Chairman: Hon. Ogor, my question is, if you are amending the Road Safety Act, you are talking about Clauses 1, 2, 3, 4, 5 and 6. Is it the way they are in that Act?

Hon. Leonard Okuweh Ogor: These are new Amendments that are coming as Sections.

The Chairman: So, what are they? They cannot be Clauses 1, 2, 3 etc.

0962

Hon. Leonard Okuweh Ogor: We are amending Section 10(p) of the Road Safety Act and when it is being amended, we need to number it accordingly from 1, 2, 3, 4, 5 and 6. That is what we are numbering. Please see Section 10(3)(p) of the Road Safety Act.

The Chairman: Is it in the Report?

Hon. Leonard O. Ogor: Yes.

The Chairman: Where is it in the Report?

Hon. Leo Okuweh Ogor: The Report is in Section 10(3).

The Chairman: It reads:

The Committee observes that contrary to Section 5 of the Bill the duty of regulating the use of siren or similar devices used in vehicle is wholly the responsibility of the Federal Road Safety Corps as contained in Section 10(3) paragraph (p) of the Act establishing the Commission.

That is the one Hon. Leo Ogor's Committee is amending.

Hon. Ita Solomon J. Enang: Mr. Speaker, with utmost respect, I will submit this to my learned Colleagues. This is not the Constitution, which my brother has liberty to cite at will. This is the most serious matter.

I will plead with my Colleagues, Hon. CID Maduabum and all the lawyers to speak on this matter because this is a law that will be interpreted by the highest and lowest courts in this country and that is how this Parliament will be rated.

An Amendment Bill is a Bill, which you seek to amend a particular Section. It is not a Repealing Enactment. When you are seeking to amend, you seek to amend a particular Section(s).

The Chairman: Hon. Ogor, did you say this is an Amendment?

Hon. Leonard Okuweh Ogor: Yes.

The Chairman: Let us establish from the Long Title whether it is an Amendment or not.

0963

I will now read the Long Title, which says: *A Bill for an Act to Regulate the use of Siren in Nigeria and for Other Matters Connected Therewith, 2009.*

Hon. Leonard Okuweh Ogor: This Bill was introduced by an hon. Member and this is the way the Bill came. It is the Committee that is recommending that this Bill should be an Amendment to the Road Safety Act. The Bill came in as an Act to regulate the use of Sirens.

We know that under Section 10(3) paragraph (p) of the Act there is that power of regulation and because we also want to make sure that the House puts it as a Bill, that was why we made those recommendations. It is still subject to the discretion of the House.

The Chairman: I think it was a Motion.

Hon. Leonard Okuweh Ogor: No, it was not a Motion but a Bill. It was a Bill submitted by an hon. Member and we considered it. This was the Title of the Bill that he brought.

The Chairman: Whether it was a Bill or a Report, as Chairman, House Committee of the Whole, I have never seen a Report on a Bill like this. I have listened to you the way you want but I have never seen a Report like this for the seventeen months that I have been chairing this Committee.

Hon. Chile Igbawua (Kwande/Ushongo): The observation made on page 1 is proper and that should have guided the Committee to do what is right. As it stands, after making that observation they went ahead to do what was wrong.

I therefore move that this report be stood down to enable the Committee do further work and submit the proper Report.

Hon. Takori Mohammed Sani (Gummi/Bukkuyum): Mr. Speaker, I rise to second the Motion moved by Hon. Igbawua.

The Chairman: Hon. Colleagues, please let us give them some time to explain to see whether we will be convinced. The Chairman has given his explanation but it seems Members are not convinced.

Hon. Terngu Tsegba: Mr. Chairman, this is why we are in a Committee of the Whole. The House in the Committee of Whole is to look at the details of the Bill including the Short Title.

If the Chairman is saying that the Bill came from a Member to provide for the regulation of the use of siren

0964

and there was inadequate provision in the Road Safety Act in respect of the use of siren, what we will simply do in the Committee of Whole is to amend the Title to read thus:

A Bill for an Act to amend the Road Safety Act to provide and regulate the use of siren.

The Chairman: Hon. Tsegba, you have brought about four or five Reports to this House.

Hon. Terngu Tsegba: Yes, Sir.

The Chairman: Please, was that the format you used?

Hon. Terngu Tsegba: Mr. Chairman, that is why we are in the Committee of Whole.

The Chairman: But you can also bring your own raw and then say we will do it at the Committee of Whole.

Hon. Terngu Tsegba: We can correct it here. That is why we are in the Committee of Whole; we are here to correct everything. We know that the principle behind the Bill is to regulate the use of siren.

The Chairman: We are not quarrelling about that; it is about the arrangement.

Hon. Terngu Tsegba: That is why we are in the Committee of Whole.

Hon. C. I. D. Maduabum (Nnewi North-South/Ekwusigo): Mr. Chairman, I have the Federal Road Safety Act here. Section 10 does not say any single thing about siren. In fact, it talks about supplying particulars. It says:

Every Directorate of Motor Vehicle Administration shall supply on request by any other Directorate of Motor Vehicle Association, a Road Traffic...

It is totally unrelated.

Hon. Terngu Tsegba: Which Section are you reading?

Hon. C. I. D. Maduabum: I am talking about the Road Safety Commission Act.

The Chairman: He is talking about Section 10(p).

0965

0966

Hon. C. I. D. Maduabum: There is no Section 10(p) in the Road Safety Commission Act. It is Section 10 - (Interruptions)

Hon. Leonard Okuweh Ogor: Look at Section 10(p) there and read it.

The Chairman: The Chairman reserves the right to suspend the Motion and discuss the matter. I have suspended the Motion and we are discussing the matter before I brought back the Motion.

Hon. C. I. D. Maduabum: Mr. Chairman, with due respect, let me confer with Hon. Ogor and come back to you.

The Chairman: Hon. Maifata, you are a Member of the Committee. Let me hear from you.

Hon. Abubakar Mohammed Maifata (Tarauni): Mr. Chairman, inasmuch as I respect Hon. Ita Enang but to me if a private member presents a Bill, it is the responsibility of the Committee on Rules and Business to look at the arrangement and how he presented the Bill.

If there is fundamental correction such as this it is supposed to have been corrected from his office before listing it for consideration by this House.

The Chairman: Hon. Maifata, you have now agreed that the arrangement is wrong and that the Committee on Rules and Business has not done its job?

Hon. Abubakar M. Maifata: Yes, but this is subject to amendment. We can amend it here.

The Chairman: As a Member, he has agreed that the job was not properly done.

Hon. Leonard O. Ogor: With all due respect and humility, I believe the controversy is becoming too much.

The Chairman: You caused it.

Hon. Leonard O. Ogor: I am seeking the leave of this House to withdraw this Report and repackage it.

The Chairman: Yes, Hon. Ita Enang?

Hon. Ita Enang: With respect, Sir, what is being withdrawn? Is it the Bill or the Report?

The Chairman: The report is withdrawn, to be resubmitted tomorrow.

Report, by leave of the House withdrawn, to be resubmitted at the next legislative day.

Report of the Committee on Housing and Habitat on A Bill for an Act to enforce the provisions of the National Building Code and Provide for Punishment for Non-compliance with the Code and for Related Matters – CONSIDERED IN THE COMMITTEE OF WHOLE.

The Chairman: The next Report is on a Bill for an Act to enforce the provisions of the National Building Code and Provide for Punishment for Non-compliance with the Code and for Related Matters.

I call on Hon. Shehu Matazu to brief the House on this Report before we take it Clause by Clause.

Hon. Garba Shehu Matazu: Mr. Chairman, if this honourable House could recall, at a sitting on 30th January, 2008 and also 21st July, 2008, the House of Representatives referred the two Bills to the Committee on Housing and Habitat for legislative action.

The two Bills are as follows:

- (1) A Bill for an Act to enforce the provisions of the National Building Code and Provide for Punishment for Non-compliance with the Code and for Related Matters, 2008.
- (2) A Bill for an Act to provide for the Assessment, Supervision and Approval of all Building Constructions by qualified Architects or Building Engineers and for Related Matters, 2008.

The Committee held several meetings on the Bills and resolved to conduct a very thorough Public Hearing. This was done on Tuesday, 24th of March, 2009 and Wednesday, 25th of March, 2009, the Committee conducted a well-attended Public Hearing where all the stakeholders in the building industry in Nigeria and within attended. They made very reasonable, educative and comprehensive contributions.

After the Public Hearing, the Committee again invited the several regulatory bodies in the building industry for another meeting. During the deliberations, the Committee made reference to the following documents to guide the proceedings of that very important meeting. *(Interruptions)*

The Chairman: Hon. Matazu, that will be all right.

0967

0968

Hon. Garba Shehu Matazu: Mr. Chairman, let me round up. These two Bills have the same objectives. There is a National Building Code which was put in place by professionals in the Building industry. The only problem that this Building Code has is that there is still no Act yet to impose the enforcement of this very laudable Building Code. Now we have a Bill that we intend to make into a law to make every Nigerian comply with the provisions of this Code so that the frequent collapse of buildings in different parts of this country that is killing innocent Nigerians will be brought to an end.

To achieve this aim the Committee harmonised, integrated and brought together the two Bills into one and it is only a five page Report which will not take more than ten minutes of this hon. House to conclude.

I want to urge my hon. Colleagues to support this Bill as they have always done in order to save the lives and properties of our electorate. Let us demonstrate that once again today.

Clause 1 – (OBSERVANCE OF NATIONAL BUILDING CODE)

Hon. C.I.D Maduabum: Mr. Chairman, I make my observations with great sense of responsibility.

The Chairman: Is it on Clause 1?

Hon. C.I.D. Maduabum: Yes. There is no law, as far as I know, that is called the *National Building Code* in either the States or at the Federal level. If there is no such law, they cannot now bring a law to enforce the Building Code. I have looked carefully; there is no place they said they want to now make the Building Code a law of the land and to provide penal features on how it will be implemented.

In this Report the Code has not been enacted because if there is a law called Building Code, it is just a simple amendment saying there are no penal features. We will then introduce a Clause to amend Sections 1, 2, 3 of the National Building Code to show that when you contravene it, this will be the punishment.

Even by the Chairman's own admission, it is not a law but they have brought a law to now enforce a non-existing law.

I respect the Chairman of this Committee a lot. So this is not personal, I have always supported him. Nevertheless, we have a duty in this House; a responsibility in this House to only pass those things that would enter the statute book such that the Legislature will not look like a laughing stock. The

truth is that the National Building Code is not a law and, therefore, you cannot bring something to enforce it.

Moreover, the most important thing I must say is that even when they go back to rectify what they have done, they should know that the Supreme Court of Nigeria clearly in the case of the *Attorney General of Lagos State vs. Attorney General of the Federation* has clearly decided that on issues of town planning and fiscal development it is clearly a matter for the States concerned. When they later enact a Building Code, it should apply only to the Federal Capital Territory; it is very clear.

The Chairman: When the judgment was being read there was no law regarding a Building Code. Now if there is one, I believe the judgment will change. I want to believe that the National Assembly has the powers to make laws on the Building Code.

Hon. Abdul Ningi (Ningi/Warji): Mr. Chairman, I am really shocked and surprised by the assertion made by Hon. CID Maduabum on the technical point that he raised on this Bill, which are technically and legally wrong, and unparliamentary.

The Preamble from the onset said that there is a Building Code, which is supposed to be respected by all people within the Building industry but because that provision is not a legally binding document, he wants the House of Representatives to look at that Code with a view to giving it legal statute. We cannot say we cannot do that; he said this is a Code, which has no legal statute.

If this Building Code is contrary to our laws, we should reject it but if it is within the confines of our laws we should accept it, legal technicalities notwithstanding.

We should look at it on its merit.

Hon. Mohammed Sani Takori (Gunmi/Bukkuyum): Mr. Chairman, the observations made by Hon. CID Maduabum is legally relevant. If a Building Code is in existence, this Bill must be enacted as a Schedule to this Act and the purpose of this Act is to enforce that Schedule.

Hon. Sani Sale Minjibir (Minjibir/Ungogo): Mr. Chairman, I just want to draw the attention of my hon. Colleagues to the fact that Section 5 of the Bill that we are considering now clearly states that the *provisions of the National Building Code comes into force upon the signing of this Bill into an Act*. That is what this whole exercise is all about. Hon. C.I.D Maduabum jumped the gun.

0969

0970

Hon. Stanley O. Ohajuruka (Umuahia North/South Ikwuano): Mr. Chairman, you will all agree with me that there is no law before this National Assembly indicating that this House should enact a Bill into law that prescribes all the contents of National Building Code. We do not even know what it contains. Therefore, as far as this Chamber is concerned, there is no Bill before it.

If you look at what is before this honourable House, it is only saying that this Bill, which is non-existent as it were, should now be used to enforce something that has not been presented on the Floor of this House.

What we are saying is that if there is a National Building Code, which has prescribed how building or structural activities would take place in Nigerian, it should be formerly presented for First Reading and Second Reading after which it will now be referred to an appropriate Committee for the consideration of this honourable House.

We cannot just by mere unprocedural measure now enact a law that will enforce something a professional body has prepared for itself. It is necessary that we are properly guided on this issue.

Hon. Isah Idris Umaru: I am the sponsor of this Bill. I would say this kind of law is not really peculiar to only this country; it has been in existence in many countries. What is happening in the Building Code is like a minimum benchmark guiding the Building industry. There is nothing to enforce the ethics of the professionals and stakeholders in the industry to adhere to that minimum benchmark. Those benchmarks would change from time to time and the Building Code provides a proviso whereby the changes in the benchmark based on the new technology evolving could be altered from time to time.

What we need to do as a Parliament is to provide enforcement for this minimum benchmark which is non-existent. This is the practice all over the world. The Building Code cannot be part of the law because it is subject to changes. If there is a new technology which takes effect today, they will have to come to the Parliament to effect these changes in the Building Code but if we provide a base and enforcement law that will make violation of the benchmark provided in the Building Code and the law punishable; then violators would be liable to punishment if found guilty.

For example, we passed a law here for disabled persons. There are certain criteria which you have to adhere to that the Building Code had provided. If you do not do that, then you are liable and if you are liable, this law gives you the option of going to Court.

Hon. Barnabas Bala (Kaura): First and foremost, it is very important that we understand why this Bill needs to be passed. We are fully aware of the incessant collapse of buildings in this country, particularly in recent times. This has been traced to the fact that although there are sets of rules within the Building industry which if subscribed to will arrest the incessant collapse of buildings. However, it was realised that although these sets of rules by way of the Building Code are very elaborate, even though they are subject to changes and improvement with time but it is not clear what penalties exist for those who flout these regulations provided for in the Building Code. That is why this Bill is brought forward in order to ensure that the provisions in the Building Code are adhered to by all people that are actors within the Building Industry.

What I guess ought to happen and which we must realise is that this Building Code should come in as an attachment to this Bill.

The Chairman: Hon. Colleagues, let me ask the Chairman of the Committee some questions regarding this issue.

Hon. Chairman, you said this National Building Code should be part of the law that we are supposed to pass today. Is that the position?

Hon. Shehu Garba Matazu: No, Sir. What I said was that there is a National Building Code, which is like the ethics of the Building professionals. For example, before you construct a house, an Architect is supposed to go and play his professional role there. In spite of the fact that there is this Building Code in place but because it is not a law, it does not provide for any punishment for non-compliance. Therefore, what this Bill seeks to achieve is just to enforce the compliance of the provisions of the Building Code.

The Chairman: What Hon. C.I.D Maduabum is saying is that you have not enacted the Bill into law. What are you then enforcing? That is his question. First of all, you have to enact the law after which it will now be enforced; that is the only problem.

Hon. Shehu Garba Matazu: Mr. Chairman, the Building Code, as I said, is not an Act.

The Chairman: Before you enforce the Act, you need to first enact it. Has it been enacted?

Hon. Shehu Garba Matazu: That is what the Bill seeks to do.

The Chairman: No, the Bill is saying *enforce*. It states: *A Bill for an Act to enforce the provisions of the*

0971

National Building Code and provide for Punishment for Non-compliance with the Code and for Other Related Matters, 2008.

Hon. Shehu Garba Matazu: Yes, it is to ensure that the National Building Code is complied with.

The Chairman: We have not enacted any Building Code Act; that is the problem.

Hon. Shehu Garba Matazu: Mr. Chairman, if that is the wish of the House, we will do that.

Hon. John Halims Agoda: We need not spend much time on this Debate. It pays we listen to each other. I agree entirely with Hon. C.I.D. Maduabum.

If you look at the presentation of my Colleagues, there are three areas. The first is the provision of the Bill, which signifies that he is lifting this one from an existing Act. The second is the Committee's Recommendations and thirdly, whatever the House Committee of the Whole decides.

The Chairman: Hon. Agoda, the first column does not indicate that there was an existing Bill. If there was, it would be *provision of the Act* but it says: *provisions of the Bill*.

Hon. John Halims Agoda: Yes, it says: *provisions of the Bill*.

The Chairman: Since it is called a Bill, it is a proposal.

Hon. John Halims Agoda: If we are to rely on what he had said here; there is the need for that Building Code to be legalised by making it pass through the normal legal framework of Parliament. Since there is nothing of that nature, then we cannot cite anything from it.

I agree completely with the ruling the Supreme Court decided in the case because I read it. We have to decide on two things. If we decide that the Building Code must be a set of laws that must pass through the rudimentary background of Parliament that will be one. Thereafter, we need to decide whether or not the issue relates to the Building Code as it affects the country. It is an issue that we have jurisdiction to contemplate on if we read the decision of the Supreme Court which he showed to me just now.

The issues are very many. We need to stand this Bill down and take our time to look at the legal issues involved vis-à-vis the pronouncements of the Supreme

0972

Court in the case which he cited. I read it just now and I seem to be convinced.

The Chairman: I agree with the argument by some of our Architects that the Building Code may change from time to time; it can pass through the process of legislation and we provide a section in the law to give them the powers to make regulations and changes when the need arises, that one is allowed

Hon. Leonard Okuweh Ogor (Isoko North/Isoko South): Let me give a bit of privileged information here because the National Building Code emerged from the previous House.

This issue was an issue that was properly debated. I would appeal to the House because the House as at then referred it to the Committee on Housing when it was prepared by the Minister. The best thing is to seek the possibility of laying it so that we can look into it and from there we can also put in the regulatory powers because there are bound to be changes on a continuous basis. When you look at Item 49 in the Exclusive Legislative Lists, there it comes under professional issues. It states *Professional occupations as may be designated by the National Assembly*.

The Chairman: Is it under Exclusive Legislative List?

Hon. Leonard O. Ogor: Yes. Mr. Chairman, what we need to do is for him to lay that particular Report. At the end of the day we will consider and pass it before we can go into the consideration of the other issues.

The Chairman: Which Report are you referring to?

Hon. Leonard O. Ogor: I am referring to the Building Code so that we can then have a copy of it. If he can lay it, we can put it for consideration and thereafter look at the issue of the Bill.

The Chairman: Hon. Barnabas Bala, your argument may not hold water. We do not have the powers to look into what professionals have done. It cannot hold. We have been passing laws regarding professional bodies and if you look at the ICAN Report that we considered today, it is a professional body and we are amending it. That is why we have all sorts of professionals in the National Assembly as our employees so that they will guide the Committees where necessary.

Therefore, the National Assembly has the right to regulate any professional body or make laws for

0973

anybody and even look into the content of their ethics. I agree with you. When we are considering the Report maybe you may have an upper hand than many of us because you are an Architect. You will guide us but that does not mean we do not have the powers.

Hon. Sada Soli Jibia (Jibia/Kaita): Mr. Chairman, in view of all these cogent ideas and opinion, I move that this Bill be recommitted to the Committee so that they can look at these things professionally and also the technical issues and bring it back to the Floor?

Hon. Ibrahim Umar Ballah (Kumbotso): I just want to draw the attention of the Committee of the Whole that in recent times there had been many incidents of collapsed buildings and there are no laws to guide us and this House has had several Motions concerning this issue.

If you look at Clause 5, among the recommendations, it clearly says: *The provisions of the National Building Code come into force upon signing of this Bill.*

The Chairman: That is what they are arguing. Why should they just go and agree to that when they have not seen the Building Code?

Hon. Ibrahim Umar Ballah: Mr. Chairman, the Committee of the Whole can direct that the Building Code be included.

The Chairman: We thought that what we need to do is to pass the Building Code. Let us agree on the Building Code.

Hon. Ibrahim Umar Ballah: It is all right. Let us include it in the Schedule to this law.

The Chairman: Yes, it can be included in the Schedule and maybe we have to change the Long Title or Citation of the Bill?

Hon. Ibrahim Umar Ballah: It can all be done in the Committee of the Whole.

The Chairman: Yes, it can be done depending on the availability of time.

Yes, Hon. Matazu, do you want to respond?

Hon. Shehu Garba Matazu: Yes. Mr. Chairman, my response must be based on the general contributions of my hon. Colleagues.

0974

Since the general belief is that we should include the provisions of the Building Code as Schedules in the proposed law, then the Committee will do that if that is the wish of the House. Therefore, we can stand it down and then go back to do what the House wants.

The Chairman: The Chairman of the Committee has agreed to stand the Report down and maybe put the Building Code as part of the Report of their Committee as a Schedule to the Bill.

Hon. Ita Enang, at this time, can we refer this issue to the Committee on Justice to assist the Committee?

Hon. Ita Solomon J. Enang: Mr. Chairman, we can. However, we should remind the Committee that in 2006, the Report was brought by Hon. Alex Nwofe, the former Chairman of Justice Committee when we had the destruction of houses in Kubwa. Then, the judgment of the Supreme Court in the case of *Attorney General of the Federation vs. Attorney General of Lagos State* was cited and brought to our attention that the National Assembly and no Federal legislation can regulate any matter relating to what is done in terms of physical planning in a State.

The Committee should seriously look at the fact whether or not we can make a National Building Code. I have seen the Building Code signed by Mimiko but can it apply to the whole country or only the Federal Capital Territory or is it a matter for each House of Assembly? That is the matter they will go and look at after examining the judgment.

The Chairman: Hon. Colleagues, are you in agreement that we stand this Report down and give it back to the Committee and Committee on Justice?

Question put and agreed to.

Report stood down but recommitted to the Joint Committee on Housing and Habitat, and Justice.

Hon. Sani Abdu Mohammed (Alkalari/Kirfi): Point of Order, Mr. Chairman!

The Chairman: Yes, what is your Point of Order?

Hon. Sani Abdu Mohammed: You have already blackmailed me but I want to assure you that I am privileged to be a Fellow of the Nigerian Institute of Town Planners. I am privileged to have a degree in Architecture. I am privileged to have contributed in the Committee and I wanted to chip in something that may

0975

also add value to this issue.

Mr. Chairman, Sir, I raised a point of Order but you refused me.

The Chairman: Go ahead, please. I have ruled on the issue.

Hon. Abdu Muhammad Sani: The Building Code has been enacted into a law in two countries; Bolivia and Canada. There is a Building Code Act but in England, it is just a Code because they have respect for conventions. In Nigeria, what has been done now is the right thing and that is the point I wanted to make. That means we have to enact it into a law but in other countries it is not like that.

Hon. Baba Shehu Agaie (Agaie/Lapai): Mr. Chairman, I rise to move that this honourable House do revert to Plenary.

Hon. John Halims Agoda: I second the Motion that this House do revert to Plenary.

Question put and agreed to.

(The Deputy Speaker resumed the Chair)

The Deputy Speaker: Hon. Colleagues what happened today regarding these two Reports is a failure on the part of the Management. It is not a failure on the part of the Legislators. We have over one thousand employees in this place; experienced Civil Servants who are supposed to be guiding the Committees on all matters.

I cannot understand how a Committee will just go and bring a Report that is inconsistent with our normal way of reporting. Please, I call on the Head of the Management of the House and those who are concerned that if their employees needed a fresher course, they should better do so. We cannot afford to take reports of this nature that embarrass the House of Representatives and indeed the National Assembly. The legislators have done their job as Members of the National Assembly and House of Representatives. It is only about the arrangement.

Clerk, I believe you have taken note of that.

0976

The House, in the Committee of the Whole, considered the Report of the Committee on Governmental Affairs on the Road Safety Commission Amendment Bill and referred it back to the Committee for further work.

The House, in the Committee of Whole, also considered the Report of the Committee on Housing and Habitat on the National Building Code; deferred consideration and referred the Report back to the Committees on Housing and Habitat and Justice for appraising.

Adoption of Report

Hon. Tunde Akogun: Mr. Speaker, I rise to move that this House do adopt the Report of the Committee of Whole as approved.

Hon. Ita Solomon J. Enang: Mr. Speaker, I second the Motion that this House do adopt the Report of the Committee of Whole as approved.

Question put and agreed to.

Resolved: That the House do adopt the Reports of the Committee of Whole as approved.

ADJOURNMENT

Hon. Tunde Akogun: I move that this House do adjourn till tomorrow Thursday, 14th May, 2009 10.00 a.m.

Hon. John Halims Agoda: Mr. Speaker, in seconding this Motion, let me use this opportunity to remind the Chairman, Rules and Business Committee to also remind the Chairman of Compliance Committee to report to us by tomorrow the one week directive we gave in respect of the issue of web. The directive will expire tomorrow.

I beg to second the Motion.

Question put and agreed to.

Resolved: That the House do stand adjourned till tomorrow Thursday, 14th May, 2009 at 10.00 a.m.

The House adjourned accordingly at 5.50 p.m.