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HOUSE OF REPRESENTATIVES
FEDERAL REPUBLIC OF NIGERIA

Wednesday, 1st July 2009

The House met at 2.45 p.m.

P R A Y E R S

(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, 30th June 2009.

ANNOUNCEMENT

Meeting of the South East Caucus

There will be a meeting of the South East Caucus today, 1st July 2009 immediately after the sitting at the Office of the Chief Whip.

Signed
Hon. Emeka Ihedioha.

PRESENTATION OF PUBLIC PETITIONS

The Deputy Speaker: Any Member who has a Petition to present may, please, rise to do so. *(No response)*

ORDERS OF THE DAY

CONSIDERATION OF BILLS

Electoral Offences Commission
(Establishment) Bill, 2009

A Bill for an Act to Establish the Electoral Offences Commission and for Other Matters Connected Therewith, 2009 (HB. 238) -

Order for Second Reading.

The Deputy Speaker: The first Order of the Day is commencement of debate on the General Principles of a Bill for an Act to Establish the Electoral Offences Commission and for Other Matters Connected Therewith, 2009. The Bill was read for the First Time on Wednesday, 13th May 2009.

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I now invite Hon. Tunde Akogun to move that the Bill be read the Second Time. *(No response)*

The Bill is stood down.

Bill with the leave of the House stood down.

Registry for Foreign Offenders and Publish
Information (Establishment) Bill, 2009

A Bill for an Act to Establish a Registry for Foreign Offenders and Publish Information about them Bill and for Related Matters, 2009 (HB. 217) -

Order for Second Reading.

The Deputy Speaker: The second Order of the Day is commencement of the debate on the General Principles of a Bill for an Act to Establish a Registry for Foreign Offenders and Publish Information about them and for Related Matters, 2009. The Bill was read for the First Time on Wednesday, 13th May 2009. I now invite Hon. Iorwase H. Hembe to move that the Bill be read for the Second Time. *(No response)*

Hon. Ita Enang, please.

Hon. Ita Enang: Mr. Speaker, with respect, Sir, may the Bill be stood down. I have just been informed that Hon. Hembe is on official assignment.

The Deputy Speaker: The Bill is stood down.

Bill with the leave of the House stood down.

National Directorate of Employment Act Cap. N28
Laws of the Federation of Nigeria, 2004
(Amendment) Bill, 2009

A Bill for an Act to Amend the National Directorate of Employment Act Cap. N28 Laws of the Federation of Nigeria, 2004 to provide for a Minimum Remuneration for Qualified Nigerians, 2009 -

Order for Second Reading.

The Deputy Speaker: The third Order of the Day is commencement of the debate on the General Principles of a Bill for an Act to Amend the National Directorate of Employment Act Cap. N28 Laws of the Federation of Nigeria, 2004 to Provide for a Minimum Remuneration for Qualified Nigerians, 2009. The Bill was read for the First Time on Wednesday, 13th May 2009.

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I now invite Hon. Abbas Olafimihan to move that the Bill be now read the Second Time. *(No response)*

Hon. Ita Enang: Mr. Speaker, with respect, may the Bill be stood down.

Bill with the leave of the House stood down.

**Control of Public Exhibition of an
Exposure of Children to Pornographic
Materials in Nigeria (Control) Bill, 2009**

The Deputy Speaker: The fourth Order of the Day is commencement of the debate on the General Principles of a Bill for an Act to Provide for the Control of Public Exhibition of an Exposure of Children to Pornographic Materials in Nigeria and for Related Matters, 2009. The Bill was read for the First Time on Wednesday, 13 May 2009.

I now invite Hon. Darlington Okereke to move that the Bill be read for the Second Time. *(No response)*

Hon. Leo Okuweh Ogor (Isoko): Mr. Speaker, I am a bit worried. The concern here is that, how can these Bills be coming to the Floor and the Members concerned are not here? I am very sure that they must be aware that these Bills are coming in and we are all here to discuss them.

The Deputy Speaker: Where are you directing your question?

Hon. Leo Ogor: It is being directed to Hon. Ita Enang.

The Deputy Speaker: I will answer that for him. I believe Hon. Ita Enang was in contact with all these Members before putting their Bills on the Order Paper. So if you want to know what is happening call the Members who are sponsoring the Bills.

Hon. Ita Enang: Mr. Speaker, I want the Members to know that when we publish the Notice Paper, we will publish all the things that are on the Notice Paper unless a Member indicates that he will not be available or he is not disposed to take his Bill. However, none of these Members had indicated that they would not be available to take their Bills.

The Deputy Speaker: You have done your job, Hon. Ita Enang.

Hon. Ita Enang: Thank you, Mr. Speaker.

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

A Bill for an Act to Establish the Environmental Managers Registration Council of Nigeria as a body Corporate and to Empower the Council *inter alia* to Determine Persons, What Standard of Knowledge and Skill to be Attained by Such Persons and for Related Matters (HB. 206) -

Order for Second Reading.

The Deputy Speaker: The fifth Order of the Day is commencement of debate on the General Principles of a Bill for an Act to Establish the Environmental Managers Registration Council of Nigeria as a body Corporate and to Empower the Council *inter alia* to Determine Persons, What Standard of Knowledge and Skill to be Attained by Such Persons and for Related Matters. 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 read for the Second Time.

Hon. Ita Enang: Mr. Speaker, I am the sponsor of this Bill. A moment ago, the Chairman, Committee on Environment drew my attention to certain matters they are doing which affect and relate to this Bill. Because of this new information, I am craving the indulgence of the House that this Bill be stood down for me to further consult.

The Deputy Speaker: I thought as Chairman Rules and Services, you will contact the Chairman even before putting the Bill on the Order Paper.

Hon. Ita Enang: No, Sir. I do not consult; it is information that he has given to me relating to some matters about thirty minutes ago while we were coming in that made me ask that the Bill be stood down so that he can contribute more to it.

The Deputy Speaker: You can do that at the Committee level.

Hon. Ita Enang: No Sir. He has just drawn my attention that he will want to contribute to it but he does not have clear information about much of it.

The Deputy Speaker: That is what I am saying, Hon. Ita Enang. He can contribute at the Committee level.

Hon. Ita Enang: No, it has not gone to the Committee level; he wants to contribute in the Plenary.

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The Deputy Speaker: If it is only on that ground, we cannot take it except it is on any other issue.

Hon. Ita Enang: It is on some other issues.

Hon. Igo Aguma: Mr. Speaker, I want to re-echo what Hon. Leo Ogor pointed out. We have finished Bill number 5 and this is happening on a day many of us prepared for debate such as today but my Colleague in Business and Rules has shown that even he did not consult himself before placing his own Bill for consideration.

If we have one or two Bills that we will do justice to let us prepare along those lines. He should not make us read far and wide; we have read eight Bills. Therefore, we should not come here to evaporate ourselves.

The Deputy Speaker: Thank you. The Bill is stood down.

Bill with the leave of the House stood down.

**Chartered Institute of Shipping of Nigeria
(Establishment) Bill, 2009**

A Bill for an Act to Establish the Chartered Institute of Shipping of Nigeria and to Regulate the Profession of Shipping and for Related matters (HB. 207) -

Order for Second Reading.

The Deputy Speaker: The sixth Order of the Day is commencement of debate on the General Principles of a Bill for an Act to Establish the Chartered Institute of Shipping of Nigeria and to Regulate the Profession of Shipping and for Related Matters. The Bill was read for the First Time on Thursday, 7th May 2009.

I now invite Hon. Adamu Gora Kalba to move that the Bill be read for the Second Time. *(No response)*

The Deputy Speaker: Hon. Ita Enang, what is happening to this one again?

Hon. Ita Enang: Mr. Speaker, the sponsor of this Bill did not indicate that he is not going to be available.

The Deputy Speaker: Just as you have not indicated.

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Hon. Ita Enang: I am available.

The Deputy Speaker: But you have not indicated that to the Committee. That is why it appeared in the Order Paper.

Hon. Ita Enang: I apologise to the House and I pray that the Bill be stood down.

The Deputy Speaker: The Bill is stood down.

Bill with the leave of the House stood down.

**National Agency of Albinism and Hypo-
Pigmentation (Establishment) Bill, 2009**

A Bill for an Act to Provide for the Establishment of National Agency of Albinism and Hypo-Pigmentation (NAAH), 2009 (HB. 210) -

Order for Second Reading.

The Deputy Speaker: The seventh Order of the Day is commencement of the debate on the General Principles of a Bill for an Act to Provide for the Establishment of National Agency of Albinism and Hypo-Pigmentation (NAAH), 2009. The Bill was read for the First Time on Thursday, 14th May 2009.

I now invite Hon. Abasi Ogwime Braimah to move that the Bill be read the Second Time. *(No response)*

Hon. Ita Enang: Hon. Braimah is not in. I apologise.

The Deputy Speaker: I agree with Hon. Igo Aguma's observation because Members appear to be ready to consider these Bills unfortunately the sponsors are not here to lead the debate.

Hon. Faruk: What is actually happening now is really an embarrassment for most of us after having prepared for debate and then we cannot have the opportunity to do so; it has also wasted the time of the House.

I want to re-echo what Hon. Leo said and to advice the Chairman, Committee on Rules and Business that he should, please, consider consulting Members before listing Bills on the Order Paper.

The Deputy Speaker: Thank you. The Bill is stood down.

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Bill with the leave of the House stood down.

**Institute of Certified Public Accountants of
Nigeria (Establishment) Bill, 2009**

A Bill for an Act to Establish the Institute of

Certified Public Accountants of Nigeria Charged with the Responsibility for Registration and Discipline of Members of the Profession and for Related Matters, 2009 -

Order for Second Reading.

The Deputy Speaker: The eight Order of the Day is commencement of debate on the General Principles of a Bill for an Act to Establish the Institute of Certified Public Accountants of Nigeria Charged with the Responsibility for Registration and Discipline of Members of the Profession and for Related Matters, 2009. The Bill was read for the First Time on Thursday, 17th March 2009.

I now invite Hon. Bala Ibn Na'Allah to move that the Bill be read for the Second Time.

Hon. Bala Ibn Na'Allah
(Zuru/Fakai/Sakaba/Wasagu): Mr. Speaker, and I move that a Bill for an Act to Establish the Institute of Certified Public Accountants of Nigeria Charged with the Responsibility for Registration and Discipline of Members of the Profession and for Related Matters, 2009 be read the Second Time.

Hon. Bala Almu Banye
(Batagarawa/Charanchi/Rimi): Mr. Speaker, I rise to second the Motion moved by Hon. Ibn Na'allah.

The Deputy Speaker: Hon. Ibn Na'Allah, please lead the debate.

Hon Baba Ibn Na'Allah: I think there may not be serious need for me to bother this House with the debate on this issue in view of the fact that this was a Bill that the last House passed. It passed through Second Reading and was committed to the relevant Committee and a report was made. Unfortunately, before the Bill could pass Third Reading the last House was dissolved.

Some of us who are privileged to be back found it necessary to re-introduce this Bill in view of its importance. Did the last House pass this Bill? The reason is simple; there were certain structures that were put in place for the purpose of fighting corruption in this country and then the House at that time wanted to

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re-establish the fact that there has been no any other body in this dispensation that has taken the issue of the fight against corruption seriously than the former House of Representative and, of course, the present House.

In view of that, the House sought to know the problems encountered in the process of fighting corruption at the Executive level based on the oversight conducted. They found out that so many things were muddled up; financial accounts filed by people who were not certified to give the accounting system the virile nature that makes tracing of certain corruption issues available. It was agreed at that time that it was a very valuable Bill that will further boost the position of the House as far as the fight against corruption is concerned. That was how the House unanimously decided that the Bill passed the Second Reading and it was committed to the House at that time.

With this information, it may not be necessary to bother this House with the details of the Bill which is very clear and straightforward. The only thing I will do is to urge my Colleagues that it is only a matter of courtesy that when the last House painstakingly considered a Bill and found it worthy of passing Second Reading, that the House following it will equally concur in the same line equally to reinvigorate the position of the House in the contribution towards fighting corruption in this country.

With these few remarks, I urge my Colleagues to support it.

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

The Deputy Speaker: What is the Point of Order, Hon. Leo Ogor?

Outstanding Bills from the Preceding Assembly

Hon. Leo Okuweh Ogor: Arising from the comment, I will rely on Order 15, Rule 8 of our New Standing Orders at page 75. It states:

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

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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.

Mr. Speaker, from the House Rules and as clearly stipulated by Hon. Ibn Na'Allah, if it is the wish of the House we can now, therefore, commit this particular Bill to Committee of the Whole.

The Deputy Speaker: If I understand what Hon. Bala Ibn Na'Allah was saying, he said the Bill was not read for the Third Time; that was what he said. Since it was not read for the Third Time, it means the House did not send it to the Senate and to the Executive.

Hon. Bala Ibn Na'Allah: Can I explain Sir,

The Deputy Speaker: Go ahead.

Hon. Bala Ibn Na'Allah: Hon. Leo Ogor is perfectly grounded in the Rules of this House and I have a lot of respect for him. The word *or* is to be read disjunctively.

The Deputy Speaker: Read it from the beginning. It is the first paragraph at page 75.

Hon. Bala Ibn Na'Allah: *Bills passed by the preceding Assembly and forwarded to the Senate for concurrence – (Interruptions)*

The Deputy Speaker: Hold on, Hon. Bala. What does *Bill passed by the House* mean?

Hon. Bala Ibn Na'Allah: When a Bill passes Second Reading, it is passed by the House.

Some hon. Members: No.

The Deputy Speaker: No. The House can decide to reject the Bill at the Third Reading. If a question had been put for the Third Reading of that Bill and it was negatived, what would have happened?

Hon. Bala Ibn Na'Allah: Then it has not been passed.

The Deputy Speaker: That is it.

Hon. Bala Ibn Na'Allah: Can I read the whole provision?

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The Deputy Speaker: No, the first one is sufficient.

Hon. Bala Ibn Na'Allah: No, we cannot read the first paragraph in absentia. I know the position taken by my brother, Hon. Leo Ogor. He said:

for which no concurrence were made or negatived or which were passed by the National Assembly and forwarded to the President for assent and 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 be circulated be re-considered in Committee of the Whole without being commenced de-novo.

The Deputy Speaker: First, it has pass the three steps; that it was passed by the House and sent to the Senate or it was passed by the Senate and sent to the House or the National Assembly passed it. In this case, this Bill has not passed any of these three.

Therefore, I rule you out of Order.

Hon. Leonard Okuweh Ogor: Point of Order, Mr. Speaker!

The Deputy Speaker: Hon. Leo Ogor, what is the Point of Order?

Hon. Leo Ogor: Let me come under Order XV, Rule 7 of our new Standing Orders at page 74. It reads:

The Legislative business of the House, which remain undetermined at the close of a session of the House shall be resumed and proceeded with in the same manner as if no adjournment of the House had taken place; and all papers referred to Committees and not reported upon at the close of session of the House shall be returned to the Office of the Clerk of the House and retained until the next session of the House when they shall be returned to the several Committees to which they had previously been referred.

You have already concluded here that this Bill had passed through the Second Reading and going by the provision that I have clearly read which you have overruled - *(Interruptions)*

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The Deputy Speaker: I overruled the Point of Order based on what you have read.

Hon. Leo Ogor: That is why I am coming with another Point of Order. The position we should be able to put this issue now is to read this Bill the Third Time because it has already passed through the Second Reading.

Hon. Patricia Olubunmi Etteh (Ayedaade/Irewole/Isokan): Mr. Speaker, if I heard what my Colleague said properly, the Constitution is supreme and if we want to go by the Rules of the House, the Bill must pass through the First and Second Reading after which this House will consider it in the Committee of the Whole. Thereafter, it will come back for the Third Time for consideration before we can pass it into law.

We have not reached the third stage and for the benefit of our new Members, it is only normal for us to look into this Bill properly and do the proper thing. How many of us returned from the last House? We are very few.

What I believe my brother that has been raising Point of Order should do is to consult with our Colleague that brought the Bill and see how we are going to amend this Bill and pass it properly.

Hon. Ita Enang: Point of Order, Mr. Speaker!

The Deputy Speaker: Hon. Ita Enang, what is your Point of Order?

Hon. Ita Enang: I pray that this House is not misdirected. I am relying on Order XV, Rule 7, which my brother read. It says:

The Legislative business of the House, which remain undetermined at the close of a session of the House shall be resumed and proceeded with in the same manner as if no adjournment of the House had taken place; and all papers referred to Committees and not reported upon at the close of session of the House shall be returned to the Office of the Clerk of the House and retained until the next session of the House when they shall be returned to the several Committees to which they had previously been referred.

What is important here is to determine what a session is. A session is one legislative year; it is not a term. The House is in the Third Session now and this does not apply and cannot avail on this Bill. Again,

when the term of this House ends, everything that stood finished stood finished. The provision in Order XV, Rule 8 is to shorten the process of Bill; it is not intended to breach the Constitution as it is.

What we should do in the case of this Bill is to allow it to be fully debated; nothing is wrong. At the end of the day, by the direction of the Chair or the resolution of the House, it can be referred to the Committee of Whole but it has to be debated as it is. Even if it is not debated, nothing has gone wrong yet.

It is only when the question is put and passed whether or not it is further debated. This is because the sponsor of the Bill has moved it. Therefore, nothing is wrong with it.

Hon. Austin Nwachukwu: Point of Order, Mr. Speaker!

The Deputy Speaker: Hon. Austin Nwachukwu, before you raise your Point of Order let me rule on this Point of Order raised by Hon. Leo Ogor.

What does a session mean? It means one year as has been defined by the Chairman, Committee on Rules and Business and this Bill is talking about the last four years.

Therefore, you are ruled out of order.

Hon. Austin Nwachukwu: Point of Order, Mr. Speaker! My Point of Order is Order XII, Rule 2 of the new Standing Orders at page 46. It reads:

Any Member who wishes to move a Motion for leave to bring a Bill shall give notice of provisions proposed to be embodied in the Bill to the Clerk, who shall cause them to be published in the Official Gazette or House Journal and shall send a copy of the first of such issues to every Member.

Why I am drawing your attention to this rule is that the crux of this problem we are having here today arose when the Bill was introduced to the House. Administratively, the moment the Bill comes to the House, it is the Clerk who should make sure that this rule is followed and it goes through the right channel.

The Deputy Speaker: I know it was followed.

Hon. Austin Nwachukwu: What I am saying is that sometimes - (*Interruptions*;

The Deputy Speaker: Not sometimes, let us talk on this one. What is the problem of this one?

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Hon. Austin Nwachukwu: I am only trying to make a general comment.

The Deputy Speaker: No, let us finish with this particular one before we go to the general.

Hon. Austin Nwachukwu: It is all right.

The Deputy Speaker: You are overruled.

Hon. C.I.D. Maduabum (Nnewi North/South/Ekwusigo): Mr. Speaker, for those who do not have this Bill, the purpose is to set up an Institute. There shall be an organisation which shall be national and international in scope and activities for Accountants, Treasurers and Finance Officers in Government Ministries, Parastatals, Corporations, Commercial, Public bodies, Local Government, other industrial organisations and for Public Auditors.

The Institute should prescribe standards and level of efficiency or experience required for the registration or election of members. The Institute should also secure a professional status necessary to promote and encourage the study of taxation, auditing, investigation and development of the science of Public Accountancy and so on. The Institute will also enhance efficiency in Public Accounting. Therefore, the purpose of the Bill is for those in the Public Service.

Currently, there are many accounting bodies. The best thing in my view is to allow this Bill to pass through Second Reading and subject it to appropriate Committee to look properly at it.

On the issue of General Principles, I support that this Bill should go through Second Reading and the relevant Committee or Committees should also look at it and determine its fate.

Hon. Igochukwu N. Aguma (Port Harcourt I): Mr. Speaker, there can never be enough to be done in trying to check instances of corruption in Nigeria. We know that today our Public Service is populated by people who may have acquired accounting skills through practice.

We have to start talking about standardisation of practice and introduce professionalism in the Public Service so that people can now put their name and stamp on any action they take and become responsible for such actions. It is not true that we have so many Accounting bodies. We have only two. Recently, we passed the tax body. I know that this Bill, during Public Hearing would be populated by views that are

counter to this Bill seeing the light of the day by professional bodies trying to protect their membership.

However, let it be said that this is targeted mainly at where we need it most. Every businessman will want to go to a Chartered Accountant for proper reporting. Most businessmen will want to recruit Chartered Accountant for proper reporting but this Bill, if passed, will become an opportunity for the lowest strata of Government to be populated by certified Accountants as Public Accountants.

There are differences between Commercial Reporting and Public Accounts Reporting. We talk of transparency. The Constitution as it is today recognises Public Accounts Committee for the House because of the importance placed on taxpayers' moneys that are in the hands of Government. We are talking of dividends of democracy, value for money and above all plugging leakages in the system.

I urge all my Colleagues that this is not even a stage at which any Bill, no matter how we may feel about it, should be asked not to see the light of day. This is a stage where the General Principles of a Bill are debated and we would now give the public the opportunity to have their say through Public Hearings.

I urge my Colleagues to support this Bill. We did it before in the previous House; it is unfortunate the term was not long enough. Maybe we should be talking of tenure elongation during Constitution Review so that Bills like this can be concluded before we finish.

Hon. Ihiabe Samson Abdul Positive (Dekina/Bassa): Mr. Speaker, *a Bill for an Act to Establish Institute of Certified Public Accountants of Nigeria*. It sounds new to me; maybe because I was not there in the last session.

I am aware that the Accounting profession is a very popular one. I am equally aware that there are so many young Nigerians who want to become Accountants and I am aware that there are very old Accountants in various spheres of life who have been regarded as ANAN and ICAN members and so many other groups of Accountants. If Certified Public Accountants is restricted to people working in the Public Service, those who have worked and left the Public Service are members of ICAN; a lot of them are members of ANAN. Who becomes a Certified Public Accountant? Is it at a particular time during that job of a public office that you are a Certified Public Accountant?

I am very sure, for reasons that some of us are

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looking at, that what accounted for this Bill not being passed in the last House was because it amounted to duplication of responsibilities of a particular profession into various spheres of no basic focus for the interest of Nigerians.

This Bill is going to attract a lot of criticism from Chartered Accountants of Nigeria and so many other groups within the Accounting sphere. I am of the opinion that we are yet to see the details of this in respect of which perspective this particular Certified Public Accountants is focusing. Otherwise, we have enough Chartered Accountants in Nigeria; we have ICAN, ANAN and fellows of this or that in various spheres. As far as I am concerned this particular, one has no basis for existence.

Putting up all these Acts all over the place and backing them with a law in such a way that many of them are not going to be functional may not be good enough for the profession.

Hon. Isa Idris Umaru (Igabi): I concur with my Colleague, Hon. Samson Positive concerning this Bill. Though professionalism is very important in the development of any society but with regard to Accountancy in Nigeria I believe ANAN is charged with the responsibility of taking care of professionalism in Accountancy in the Public Sector while ICAN is dealing more with the Private Sector.

With the creation of this Bill, I do not know where this one falls or whether it is succeeding the responsibilities of ANAN or ICAN. Another thing that calls for worry is that professionalism is associated with specific rendering of services with curriculum backed up by a University as a profession. I am not sure if there is any course called Certified Public Accountancy in any of our universities.

To me, the Bill sounds very nice; maybe there are specific reasons which it wants to achieve in terms of eliminating corruption and so on. However, the fact is that ICAN and ANAN are in existence and are saddled with the responsibility for ensuring professionalism in Accountancy in Nigeria. Creating yet another body that will go into competition with these two bodies calls for concern.

It is either we amend one of these Acts governing ANAN or ICAN or discard the idea of passing this Bill for Second Reading.

The Deputy Speaker: Let us hear from one member from ICAN and one member from ANAN whether there is a Public Accounting in any of our curriculum. Hon. Ajatta will speak for ICAN.

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Hon. Joseph Jaiyeola Ajatta (Oshodi Isolo II): I am not going to make any statement on this because one of the members here has actually told me to keep quiet. Since the Speaker specifically called me to say something, I cannot go away from the truth.

Many organisations are now setting themselves up just to make money. If I may ask, how many Institutes are regulating the Lawyers in Nigeria? How many of them are regulating the Medical profession in Nigeria? Why is it that it is only in Accountancy that we are having the ANAN, ICAN, ACCA and so on? It is just a question of putting themselves together to dupe the students; it is simple. This is because these students are now confused on which one they should register with.

Some people who are putting these things together are making money. You will find that those people who are in the Board of those certified bodies, a lot of them are not even members of any Accounting Institute; they do not even know debit and credit. The Institute of Chartered Accountants has been on and recognised and ANAN has come in.

The Deputy Speaker: And it has been recognised. *(No response)*

Hon. Joseph J. Ajatta: What I want to say is that the Institute of Chartered Accountants came from England. They went through a long process before they were granted Charter status. Others have gone through that way but some of the people we are having at the moment, as I said, are not qualified. No matter where anybody wishing to be a member comes from, they will ask him to come in just because they are going to make money from him. I do not know who is looking into the issue of their examination.

I have not even seen where the Certified Public Accountants got its name from because in America they have the Institute of Chartered Accountants of America and they want to impose it here and use it to make money. So, if this is what we are doing here to just certify anything and approve of it and let it go; well, it is good for us but in future you will be getting sub-standard results whereby you will invite accountants into your company or organisation and they will just certify the papers for you and they will end up being rubbish.

I have not seen the details of this Bill. It was previously smuggled in and it went through. However, this time, let us see the details; many hon. Members have not seen this Bill. Have you all seen it?

Several hon. Members: No!

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Hon. Joseph Ajatta: So, why should we impose it on people who have not seen it? I want to see this Bill in more detail; I am opposing it.

Question put and agreed to.

The Deputy Speaker: Hon. Colleagues, Hon. Leo Ogor earlier raised a Point of Order; specifically Order XV, Rule 8 of our New Standing Orders at page 75. It reads:

Bills passed by the preceding Assembly and forwarded to the Senate for concurrence for which no concurrence were made or negatived or passed by the Senate and forwarded to the House for which concurrence were made or negatived or which were passed by the National Assembly and forwarded to the President for assent and 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.

I have just received the number of Bills that were sent to the President for Assent. This Bill is Bill number 62; Institute of Certified Public Accountants of

Nigeria Bill, 2003. It was sponsored by Hon. Abdullahi Idris and five other Members. It was sent to the Senate, which passed it, and the Conference Report was adopted by both the House and the Senate and it was sent to the President for assent but it was not assented to; it was returned to the House.

Maybe Hon. Bala has not seen this one and this is the available information for us now. Since this Bill had been passed to the President for assent and it was not assented to, the only thing we can do now is to recommit it to the Committee of the Whole House in line with our Rules.

Several hon. Members: No.

Question put and agreed to.

Bill read the Second Time and recommitted to Committee of the Whole for consideration.

CONSIDERATION OF REPORTS

Report of the Ad-Hoc Committee on Niger Dock on the Investigation into Threats to National Security and Economic Interest of Nigeria at Niger Dock Premises

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The Deputy Speaker: The ninth Order of the Day is Consideration of the Report of the Ad-Hoc Committee on Niger Dock on the Investigation into Threats to National Security and Economic Interest of Nigeria at Niger Dock Premises.

Hon. Members would recall that the Report was laid on Thursday, 4th December 2008. Hon. Tunde Akogun will now move for the Consideration of the Report. Unfortunately, Hon. Akogun is not here to move for the Consideration of the Report. I was informed that Hon. Baba Shehu Agaie is not fully in the picture of that Report.

Therefore, we will stand the Report down until Hon. Akogun comes back.

Report with the leave of the House stood down.

Resumption of Consideration of Report

The Deputy Speaker: The next Order of the Day is the resumption of Consideration of Report, which is to be taken by Hon. Henry Dickson. He is also not here to take his Report. Therefore, we will stand it down.

Report with the leave of the House stood down.

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

(Adjourned Debate: 25/2/2009)

The Deputy Speaker: The other Report to be taken by Hon. John Enoh is 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 (HB. 41).

Hon. John Enoh is not around. Therefore, the Report is stood down.

Report with the leave of the House stood down.

The Deputy Speaker: Hon. Ita Enang, there is one Report that you were supposed to bring to the Floor. Is it ready?

Hon. Ita Enang: The Report is not ready.

Report of the Committee on Public Petitions on the Petition by Nathaniel Itelimo against the Nigerian Police

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The Deputy Speaker: The twelfth Order of the Day is consideration of the Report of the Committee on Public Petitions on the Petition by Nathaniel Itelimo against the Nigerian Police.

Hon. Members would recall that the Report was laid on 3rd March 2009. Hon. C. I. D. Maduabum is now invited to move for the consideration of the Report.

Hon. C. I. D. Maduabum: Mr. Speaker, I move that this House do consider the Report of the Committee on Public Petitions on the Petition by Mr. Nathaniel Itelimo against the Nigeria Police and approve the recommendations therein.

Hon. Aminu Shehu Shagari: I rise to second the Motion moved by Hon. C. I. D. Maduabum.

Question put and agreed to.

Resolved: That the House do consider the Report of the Committee on Public Petitions on the Petition by Nathaniel Itelimo against the Nigeria Police and approve the recommendations therein.

Report of the Committee on Public Petitions on the Petition by Olugbobiri, Tebidaba and Igbomatoru Communities of Bayelsa State against the Nigerian Agip Oil Company (NAOC)

The Deputy Speaker: The thirteenth Order of the Day is Consideration of the Report of the Committee on Public Petitions on the Petition by Olugbobiri, Tebidaba and Igbomatoru Communities of Bayelsa State against the Nigerian Agip Oil Company.

Hon. Members would recall that the Report was laid on Tuesday, 10th March 2009. Hon. C. I. D. Maduabum will now move for the consideration of the Report.

Hon. C. I. D. Maduabum: Mr. Speaker, I move that this House do consider the Report of the Committee on Public Petitions on the Petition by Olugbobiri, Tebidaba and Igbomatoru Communities of Bayelsa State against the Nigerian Agip Oil Company and approve the recommendations therein.

Hon. Austin Nwachukwu: Mr. Speaker, I second the Motion moved by Hon. C. I. D. Maduabum that this House do consider the Report on the Petition by Olugbobiri, Tebidaba and Igbomatoru Communities of Bayelsa State.

Question put and agreed to.

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Resolved: That this House do consider the Report on the Petition by Olugbobiri, Tebidaba and Igbomatoru Communities of Bayelsa State.

Report of the Committee on Public Petitions on the Petition by Chief Suobo against the Nigerian Agip Oil Company (NAOC)

The Deputy Speaker: The fifteenth Order of the Day is Consideration of the Report of the Committee on Public Petitions on the Petition by Chief Suobo against the Nigerian Agip Oil Company (NAOC).

Hon Members would recall that the Report was laid on 10th March, 2009. Hon. C.I.D. Maduabum is now invited to move for the consideration of the Report.

Hon. C.I.D. Maduabum: Mr. Speaker, I move that this House do consider the Report of the Committee on Public Petitions on the Petition by Chief Suobo against the Nigerian Agip Oil Company (NAOC) and approve the recommendation therein.

Hon. Peter Linus Umoh (Oron/Mbo/Okobo/Udung Uko/Uru): I do second the Motion.

Question put and agreed to.

Resolved: That this House do consider the Report of the Committee on Public Petitions on the Petition by Chief Suobo against the Nigerian Agip Oil Company (NAOC) and approve the recommendation therein.

Report of the Committee on Public Petitions on the Petition by Odioma Community of Bayelsa State against the Joint Task Force of the Nigerian Armed Forces

The Deputy Speaker: The fifteenth Order of the Day is Consideration of the Report of the Committee on Public Petitions on the Petition by Odioma Community of Bayelsa State against the Joint Task Force of the Nigerian Armed Forces.

Hon. Members would recall that the Report was laid on Tuesday 10th March 2009. Hon. C. I. D. Maduabum will now move for the consideration of the Report.

Hon. C. I. D. Maduabum: Mr. Speaker, I move that this House do consider the Report of the Committee on Public Petitions on the Petition by Odioma Community of Bayelsa State against the Joint

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Task Force of the Nigerian Armed Forces and approve the Recommendations therein.

Hon. Ekperikpe Ekpo (Abak/Etim Ekpo/Ika): I second the Motion.

Question put and agreed to.

Resolved: That the House do consider the Report of the Committee on Public Petitions on the Petition by Odioma Community of Bayelsa State against the Joint Task Force of the Nigerian Armed Forces and approve the Recommendations therein.

Report of the Committee on Public Petitions on the Petition by Joinkrama 1 Community, Rivers State against the Shell Petroleum Development Company (SPDC)

The Deputy Speaker: The sixteenth Order of the Day is Consideration of the Report of the Committee on Public Petitions on the Petition by Joinkrama 1 Community, Rivers State against the Shell Petroleum Development Company (SPDC).

Hon. Members would recall that the Report was laid on Tuesday, 10th March 2009. Hon. C. I. D. Maduabum will now move for the consideration of the Report.

Hon. C.I.D. Maduabum: Mr. Speaker, I move that this House do consider the Report of the Committee on Public Petitions on the Petition by Joinkrama 1 Community, Rivers State against the Shell Petroleum Development Company (SPDC) and approve the Recommendations therein.

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

Question put and agreed to.

Resolved: That this House do consider the Report of the Committee on Public Petitions on the Petition by Joinkrama 1 Community, Rivers State against the Shell Petroleum Development Company (SPDC) and approve the Recommendations therein.

Hon. Baba Shehu Agaie (Agaie/Lapai): Mr. Speaker, I rise to move that this House do resolve into Committee of the Whole to consider the five Reports.

Hon. Gilbert E. Nnaji (Enugu East/Isi-Uzo): I second the Motion.

Question put and agreed to.

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Resolved: That this House do resolve into Committee of the Whole to consider the five Reports.

House in Committee of Whole

The Deputy Speaker: The House is hereby resolved into the Committee of the Whole

Report of the Public Petitions on the Petition by Olugbobiri, Tebidaba and Igbomatoru Communities of Bayelsa State against the Nigerian Agip Oil Company (NAOC) – CONSIDERED IN COMMITTEE OF THE WHOLE.

The Chairman: The first Report we are considering is the Report of the Public Petitions on the Petition by Olugbobiri, Tebidaba and Igbomatoru Communities of Bayelsa State against the Nigerian Agip Oil Company (NAOC). I call on the Chairman to brief the House on the findings of the Committee.

Hon. C.I.D. Maduabum: Mr. Chairman, this is a Petition by the Communities so mentioned asking the House to direct Daewoo Engineering and Construction Company to implement the Local Content policy of the Federal Government on the projects in their Communities and secondly to award Local Content Contracts on pipelines to the Company they nominated.

The Committee carried out an investigation on

this subject. All the parties were represented. At the first sitting, Agip Oil Company said they needed more time to prepare. Therefore, we adjourned to give them more time.

At the adjourned sitting, the company came and said they were unwilling to subject themselves to the jurisdiction of the Committee that the Petitioner should rather go to Court. The Committee decided to go ahead, having given them the opportunity to present their own side of the story and we came to the following findings:

That the Agip Oil Company was unwilling to cooperate with the Committee on Public Petitions towards a peaceful resolution of the Petition and even though Agip is in the joint venture with Nigerian National Petroleum Company, humbly refuse to submit itself to the decision of the National Assembly.

We therefore, made the following recommendation:

That the House direct that as part of its corporate social responsibility, the Nigerian Agip Oil Company (NAOC) and its contractor Daewoo Engineering

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Construction Company takes measures to award Local Content Contract on the Pipeline Project at Tebidaba Community to the nominee of its Landlord Communities, Agon Trust Investment Limited.

Question put and agreed to.

Report of the Committee on Public Petitions on the Petition by Mr. Nathaniel Itelimo against the Nigeria Police – CONSIDERED IN COMMITTEE OF THE WHOLE.

The Chairman: The next Report is the Report of the Committee on Public Petitions on the Petition by Nathaniel Itelimo against the Nigeria Police. It has three recommendations. Let us hear from Chairman, Committee on Public Petitions.

Hon. C.I.D Maduabum: Mr. Chairman, this Petition concerns a Policeman who was dismissed from service because they were attacked in their office by some hoodlums and the Police authorities felt that they did not defend the Police Station properly. Consequently, he was dismissed.

Findings:

The Committee after its Investigative Hearing found out:

- (i) That the Petitioner had served the Nigeria Police for thirty years and was due for retirement in 2011.
- (ii) That he was a first offender and his Record of Service prior to this incident is commendable and
- (iii) That the dismissal in the circumstance is too harsh for the petitioner who has spent thirty years of his life to the service of the nation.

Recommendation:

The Committee recommends that the dismissal be converted to demotion by one rank and retirement with full benefit on the new rank.

The Chairman: Is there any comment, hon. Members?

Hon. Aminu Shehu Shagari: With due respect, I am opposing this recommendation. I say this because the Petitioner while on active duty fell asleep and

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allowed some hoodlums to overpower them and collect their service rifles. This is a very grave offence and should not be taken lightly. Even though the Petitioner served the Nigeria Police for thirty years but what they did collectively as a group while on duty in the Secretariat was something they should be punished seriously for.

They fell asleep and people armed with only sticks overpowered them. I believe what the Room Trial proposed is the appropriate thing which is that they were found guilty and dismissed without any benefits; that is appropriate.

The Chairman: These are Policemen that have served the Nigeria Police for thirty years without any bad record and if you now dismiss them without benefit what do you think they will become?

Several hon. Members: Armed Robbers.

Hon. Aminu Shehu Shagari: They were trained in the art of physical combats.

The Chairman: That they slept might have been an accident.

Hon. Aminu Shehu Shagari: It is too grave an offence, Sir.

Hon. Titilayo Akindahunsi (Ekiti South West/Ikere/Orun/Ise): Since the other four have been reinstated, this man should not be left out. This is because the five of them committed the same offence. The recommendation of the Committee is all right.

The Chairman: Is there any other view different from Hon. Akindahunsi's own?

Hon. Tijjani Abdulkadir Jobe (Dawakin Tofa/Tofa/Rimin Gado): First and foremost, the question I want to ask is: what happened to the other four? Were they reinstated or not? If they were reinstated, my question has been answered because they were specifically directed to keep vigil on that office with the money inside. How did it happen that all of them fell asleep?

The Chairman: Maybe they were hungry.

Hon Tijjani Abdulkadir Jobe: How could all of them have fallen asleep? At least if three of them had fallen asleep while two were awake and hoodlums came in and overpowered them it would have been a different matter.

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We can even interpret this incident to be connivance between the hoodlums and them. If it is connivance, it is disservice to the country. Therefore, they should be dismissed.

The Chairman: What is the position for the remaining four?

Hon. C.I.D. Maduebum: The petitioners themselves in their petition said that they were five in number; four of them had already been reinstated. It is in the Report; the Police did not contradict it.

The Chairman: So he is the only one that was dismissed.

Hon. C.I.D. Maduabum: It was a 15-Member militant group that attacked them.

The Chairman: Even if the Policemen had not fallen asleep would they have overpowered them?

Hon. Patricia Olubunmi Etteh (Ayedaade/Irewole/Isokan): Mr. Speaker, I will take it as negligence of duty but I believe that what is good for the goose is also good for the gander. If they had reinstated the other four there is no point punishing this man. All the same, we should not allow them to go unpunished. They are also not paying them their salaries. This is because in the recommendation they did not state whether he is going to have the accrued amount of salaries that has not been paid to him between that time and now that he has been retired.

The Chairman: The punishment the Committee recommended is that the Petitioner be demotion by one rank and retired.

Hon. Patricia O. Etteh: I agree with that but when is the retirement going to take effect? We need to find out.

The Chairman: The problem here, Hon. C.I.D. Maduabum, is that your Committee is saying that he should be retired as at when due and on that same rank. How can it be like that?

Hon. C. I. D. Maduabum: I did not say that.

The Chairman: That is what is in your Recommendation. I will read it again: *The Committee recommends that the dismissal should be converted to demotion by one rank and retirement with full benefit on the new rank.*

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If he is to retire in 2011, he may be due for another promotion.

Hon. C.I.D. Maduabum: What we actually recommended was that instead of dismissing him, he should be retired on being demoted.

The Chairman: It is all right. Now hon. Members are suggesting that since the other four Policemen had been reinstated this particular Policeman should also be reinstated.

Hon. Patricia O. Etteh: Again, he should have been given a mild punishment at least to serve as a warning to others.

The Chairman: What of that demotion by one rank?

Hon. Patricia O. Etteh: The demotion is not sufficient. Let me tell you what happened as I was coming to the office today. Right at our gate, the Policeman that was standing there to open the lift slept and raised up his two legs. This happened this morning while he was on duty. This is uncalled for because if you allow them to go scot-free, it is like we are condoning acts of indiscipline and what are we sitting here doing if this House cannot correct these anomalies

The Chairman: Do you want to suggest any punishment?

Hon. Patricia O. Etteh: Yes, I want to suggest that the four of them should be given a mild punishment if they do not want to send them away, not that they would allow four of the Policemen involved to go scot-free and punish only this gentleman.

Hon. Mohammed Sanni Takori (Gummi/Bukkuyum): Mr. Chairman, it is difficult for us to arrive at an equitable and just decision if we are trying to merge the issue of the other four who have been reinstated with the one who has been dismissed.

First, we have not seen the proceedings of the Room Trial where these people were punished and the gravity of the offence of each of them. So putting the person who has been dismissed on the same pedestal with those four who have already been reinstated will not allow justice to be done.

Secondly, it is well known to all of them that the money was kept in that place. I am not saying that an act of God cannot cause all of them to sleep at the same

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time but the circumstances by which they slept at the same time is also questionable. Action has already been taken; the man has been dismissed. The only thing that this House can do is to convert the dismissal to retirement.

The Chairman: We do not have anybody on the minority role.

Hon. Austin Nwachukwu (Ehime/Mbano/Ihite Uboma/Obowo): Mr. Chairman, as a former officer of the Nigerian Immigration Service, let me say that it is regimental; there is what we call hierarchy of ranks.

Napoleon Bonaparte of France once said that *we do not have stubborn soldiers but we have weak generals*.

The Chairman: But this is a different source, not from the other source.

Hon. Austine Nwachukwu: Bonaparte said *for we do not have stubborn soldiers but we have weak generals*.

The issue here is that the Petitioner, by hierarchy of rank, is supposed to be the Team Leader of the Policemen on guard duty but suddenly he fell asleep alongside other men.

Having pardoned the other four that were guilty of the offence, I am suggesting that *we should recall this team leader, demote him and let him retire as at when due. That will serve as deterrent to him without other encumbrances*.

The Chairman: Is there any seconder?

Hon. Ernest Ibejiako (Owerri Municipal/North/West): I second the Amendment made by Hon. Austin Nwachukwu.

The Chairman: Hon. Rabe Nasir, we have a Motion on the ground fully seconded. What is your comment?

Hon. Rabe Nasir (Bindawa/Mani): I have gone through this case. Let me say that I find the recommendation by the Committee on Public Petitions very upsetting. The House should bear in mind that the investigation carried out arising from the offence committed by the officers is a criminal one; it is not civil and not administrative. Therefore, as per the provisions of the law in all the enforcement agencies,

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especially security agencies when you commit an offence like this, even the offence of losing weapon earns dismissal or retirement. There is nothing whatsoever like reduction in rank. Go to paramilitary organisations, the military and the Police, you will never find this kind of punishment being meted out as recommended by the Committee.

We should desist from taking a decision, which will not be possibly implemented by the implementing authority thereby causing possible embarrassment to the House of its directives not being complied with.

If a police officer or any security officer for that matter in any security establishment or paramilitary establishment on a guard duty, for whatever reason, loses a weapon, especially in a manner that is careless and an outright dereliction of duty, there is no way you will simply demote that man by a rank or ranks.

The recommendation by this Committee is not only wrong; it is also highly inappropriate and the best thing this House could do for this man who is said to have served for thirty years without any blemish until this time, is for us to recommend that the dismissal should be reverted to retirement and that is simply because of his thirty years of service without blemish.

The Chairman: That is exactly the recommendation of the Committee.

Hon. C.I.D. Maduabum: May be Hon. Rabe Nasir has not read this Report and he was upset.

Hon. Rabe Nasir: I read it.

Hon. C.I.D. Maduabum: You did not read it. If you had read it, you would have known that the recommendation is retirement. We are even saying we should be harsher. My Committee's Recommendation is that the Petitioner's dismissal be converted to demotion by one rank and retired with full benefit on the new rank. To say here that in the services there is nothing like demotion in one rank is false.

Go and read your Police Service Rules properly. Please, do not mis-inform the House. It is not true that you cannot demote an officer in rank.

The Chairman: Hon. C.I.D Maduabum, do not be too emotional, please.

Hon. C.I.D. Maduabum: I am sorry Sir; I apologise. It is just that we have a lot of respect for him

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on service matters, whatever he says you believe him. Therefore, he should be careful how he talks. He is a very senior person in the Security so we believe him. So, anything coming from him we take it as correct.

The Chairman: It is all right.

Hon. Rabe Nasir: Mr. Chairman, I want to make this abundantly clear to Hon. C.I.D. Maduabum. In spite of the fact that I respect you, I want you to exercise due diligence and decorum that is supposed to be exercised in this House. If you break it, it will provide all the licence for me to equally do the same and if that is accepted, I will not mind to do it.

I warn you not to talk to me in the way you are doing in this place. Moreover, what I have said is arising from my own experience and provision of the law. I warn you not to do it anymore.

The Chairman: Hon. Colleagues, please, let us not be emotional about this. The way you think may be different from the way I think; the way you reason may also be different from the way I reason; we must accommodate one another. We should not be harsh to our fellow Colleagues. We should try at all times to be polite in our behaviour, our speeches and even in our appearance.

I want to say that for the action that was exhibited by one of our Colleagues, we should also know that there are individual differences; maybe that is his nature but he should try to control the nature in such a way that it will be accepted by the public.

Hon. Bala Ibn Na'Allah: As an old Member of this House, I need to go a bit further from the sermon that the Hon. Chairman has given.

I know Hon. C.I.D. Maduabum to be a man of God and a man of high intellect and culture and Hon. Rabe Nasir is of the same status. I do not want to believe that what has just happened is not part of parliamentary gimmicks. It is normal. In parliamentary practice the only way you express differences in opinion is to go a bit on the other side. Nevertheless, I do not want to believe that it has passed this place because I know the two of them are good Friends.

On a lighter mood, the issue of weapon is a very serious one; it is not only in terms of the moneys the

Government spends in acquiring it but in relation to the danger it poses to the public whose responsibility the government has taken to not only protect but to defend.

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As we have always said, the primary purpose of governance is protection of lives and property. So if in determining the appropriate punishment to be meted to somebody who has served for thirty years is not to take into account that service but to view seriously the issue of allowing arms and ammunitions placed under his custody by a special warrant by the Commander-in-Chief of the Armed Forces of the Federal Republic of Nigeria, it calls for a very serious punishment.

But where we are today in our national development, we must equally be careful that in solving one problem we do not put ourselves into another. Here we are with somebody who has served the nation for a period of thirty years. Taking that into account, the recommendation by the Committee that the dismissal should be converted to retirement and then reduction in rank is what tempering justice with mercy is all about. If this House is to consider those, it is to prevent this man from going back to the streets. Of the thirty years the Petitioner has spent in service, only God knows how many of his family members depended on him for feeding. So if we just abruptly put that, the consequence is that we may have more armed robbers on the way and it may not be in the overall interest of the public.

So I urge my Colleagues to adopt this recommendation.

The Chairman: I will now put the question on the recommendation of the Committee.

Question put and agreed to.

Resolved: That the dismissal should be converted to demotion by one rank and retirement with full benefit on the new rank.

Report of the Committee on Public Petitions on the Petition by Chief Stanley Suobo against the Nigerian Agip Oil Company (NAOC) - CONSIDERED IN THE COMMITTEE OF THE WHOLE.

The Chairman: The next Report of the Committee on Public Petitions is the Petition by Chief Stanley Suobo against the Nigerian Agip Oil Company Limited alleging breach of Local Content agreement.

Since every Member has the Report, let me just go straight to the recommendations:

Recommendation (i) says:

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(i) Restore the agreement the company reached with its Landlord Communities;

Question put and agreed to.

(ii) Take steps to initiate the award of bursary to deserving wards of its Landlord Communities;

Question put and agreed to.

(iii) If convenient to the operations of the company, continue the hire of water tank/speed boat;

The Chairman: Is there any comment on this?

Hon. Ita Enang: This recommendation is neither here nor there. It is non-committal. The company can come up at any time and say it is not convenient.

The Chairman: I agree with you.

Hon. Ita Enang: I pray that we delete this provision. We cannot compel the company to keep hiring the water tanker and speedboat. Since we have said that the agreement be restored it covers Recommendation (iii). Therefore, I pray that we delete Recommendation (iii) because it is covered by Recommendation (i).

The Chairman: Is there any seconder?

Hon. Hassan Adamu Sekarau (Birni Gwari/Giwa): I rise to second the Amendment proposed by Hon. Ita Enang.

Amendment put and agreed to.

Recommendation (iii) - deleted

Report of the Committee on Public Petitions on the Petition by Odioma Community of Bayelsa State against the Joint Task Force of the Nigerian Armed Forces - CONSIDERED IN COMMITTEE OF THE WHOLE.

The Chairman: The next Report of the Committee on Public Petitions is the Petition by Odioma Community of Bayelsa State against the Joint Task Force of the Nigerian Armed Forces. I will go to the Recommendations.

(i) Urge the Security Agencies to investigate the murder of the 12 persons including four Councillors of Nembe Legislative Assembly;

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Question put and agreed to.

(ii) Urge Shell Nigeria to exercise adequate corporate due diligence and undertake thorough Human Rights risk assessments to ensure that its activities do not contribute to conflicts in its area of operations;

Question put and agreed to.

(iii) Urge the Federal Government as relevant authority responsible for the actions of the Joint Task Force (Defence Headquarters) should pay the sum of One Billion Naira (₦1,000,000,000.00) as assessed by Judicial Commission of Inquiry to the Odioma Community as compensation for the destruction of Houses, Property and death of persons in the Community;

The Chairman: Who established that Judicial Commission of Inquiry?

Hon. C.I.D. Maduabum: It was established by the State and all the parties were represented.

The Chairman: Was the Joint Task Force represented?

Hon. C. I. D. Maduabum: Yes.

Hon. Friday Itulah (Esan North East/South East): Mr. Chairman, we should understand that this Joint Task Force is not an autonomous body on its own neither can we say that it is the Defence Headquarters that should pay any compensation as a result of their action. Rather, this recommendation should be addressed to the Federal Government because these people are acting on behalf of the Federal Government of Nigeria.

Hon. Umar Buba Jibrin (Lokoja): Mr. Chairman, I want that provision to be amended to read as follows:

That the Federal Government as the relevant authority responsible for the actions of the Joint Task Force, after due consultations and assessment of the damages to life and property, consider a sum that is reasonable as compensation to the Community.

The Chairman: Hon. Betty, I do not think it is right to say there is no assessment. Assessment has already been done. I will now put the question on Recommendation (iii) as recommended by the Committee.

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Question put and agreed to.

**Report of the Committee on Public Petitions
on the Petition by Joinkrama 1 Community,
River State against the Shell Petroleum
Development Company (LPDC)**

The Chairman: The next Report is that the House do consider the Report of the Committee on Public Petitions on the Petition by Joinkrama 1 Community, Rivers State against the Shell Petroleum Development Company (SPDC) and approve the Recommendations therein.

Recommendations:

- (i) That the Shell Petroleum Development Company of Nigeria (SPDC) immediately undertakes a post Impact Assessment of the Joinkrama Area;

Hon. Betty Apiafi (Ahoada East/Abua/Odual): Mr. Chairman, it is all right for Shell to carry out a post Impact Assessment but an independent body also needs to carry out the assessment. We have the Federal Ministry of Environment and somebody else has to carry out that assessment because Shell is the one operating in that area.

Hon. Isah Idris Umaru (Igabi): I want to make a clarification. Environmental Impact Assessment is not made by any organisation or individual. There are professionals specifically assigned with this responsibility. Even if Shell is asked to do the post Environmental Impact Assessment they have to hire the relevant professionals and consultants to do that on their behalf and pay as such.

The Chairman: What she is saying is that if Shell can hire, Shell can influence, that is the problem.

Hon. C. I. D. Maduabum (Nnewi North South/Ekwusigo): Whatever we feel should be the proper thing I do not mind it. The purport of this recommendation is that Shell should bear responsibility for the costs.

Of course, it is not Shell that carries out impact assessment; Shell will contract it out themselves and bear the costs rather than the community. We can modify it that the Shell Petroleum Development Company should be asked to pay for the post-Impact Assessment.

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The Chairman: Then the assessment may be done by a different organisation but obviously not Shell.

Hon. Mohammed Ali Ndume (Damboa/Gwoza/Chibok): Mr. Chairman, if you look at Recommendation (ii), it says: *If the result of the assessment indicates the presence of any spill, Shell should immediately begin the process of remediation.*

This is something that Shell is responsible and it is being asked to rectify. Therefore, there is the need, as Hon. Betty said, to have an organisation that is charged with that responsibility to be involved in the process.

The Chairman: That is what Hon. C. I. D. Maduabum, Chairman, of the Committee said. Even if an independent body is involved, Shell should bear the cost of assessment by paying that independent body.

Hon. Mohammed Ali Ndume: Mr. Chairman, it should be stated there that the Federal Ministry of Environment should be involved in the assessment.

The Chairman: I will now put the question on the Amendment *That the Shell Petroleum Development Company of Nigeria (SPDC) should pay for the post impact assessment of the Joinkrama Area to be supervised by the Federal Ministry of Environment as suggested by Hon. Betty Apiafi.*

Amendment put and agreed to.

Recommendation (ii): *If the result of the assessment indicates the presence of any spill, Shell should immediately begin the process of remediation.*

Question put and agreed to.

Recommendation (iii): *Urge Shell to negotiate with the Joinkrama Community with a view to determining compensation for damages to waterways, farmland and economic trees; since the spill in question did not originate from Joinkrama Community.*

Hon. Ita Enang: Mr. Speaker, let me say that we have established the National Oil Spill Response and Protection Agency.

The Chairman: Has it been established?

Hon. Ita Enang: Yes, Sir; it has been inaugurated and it is at work.

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The Chairman: It is all right.

Hon. Ita Enang: I want us to amend Recommendation (iii) by saying: *Direct the National Oil Spill Response and Detection Agency to carry out the assessment and cleaning up of the Community.* I am saying this because this it is the agency statutorily charged with this responsibility.

The Chairman: Is any Member seconding the Amendment proposed by Hon. Ita Enang?

Hon. C. I. D. Maduabum: I take it that what Hon. Ita Enang is amending is Recommendation (i). Instead of using Environmental Ministry that we use National Oil Spill Response and Detection Agency as the people that will help to do the impact assessment but Recommendation (iii) is talking of civil damages to the Community and we are saying that they should pay damages.

The Chairman: On Recommendation (i) instead of putting Federal Ministry of Environment, we should put the National Oil Spill Detection and Response Agency as Hon. Ita Enang had earlier mentioned. That is to say:

That the Shell Petroleum Development Company of Nigeria (SPDC) should pay for the post impact assessment of the Joinkrama Area to be supervised by the National Oil Spill Detection and Response Agency

Amendment put and agreed to.

Hon. Dino Melaye (Kabba/Bunu/Ijumu): Mr. Chairman, I have a problem with Recommendation (iii) because Prayer (ii) is asking for assessments. Assessment has not been done and we are already recommending in Prayer (iii) what should happen if assessment is carried out. We all know that the Department of Petroleum Resources is involved and it is already a statutory thing that wherever there is spillage there must be cleaning up by the company responsible for the spillage.

Therefore, if Prayer (ii) there is asking for assessment, then it is unnecessary inserting Prayer (iii).

The Chairman: Supposing now they have found in Prayer (ii) that yes; after assessment Shell is guilty of that offence, what happens next?

Hon. Dino Melaye: It is already a law that wherever there is spillage there should be cleaning up.

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The Chairman: It is not about cleaning up now; it is about compensation.

Hon. Dino Melaye: It is the assessment that will determine the magnitude of compensation.

The Chairman: As far as that is concerned we are on the same page.

Hon. Dino Melaye: Assessment definitely includes compensation.

Hon. Sada Soli Jibia (Jibia/Kaita): Mr. Chairman, I am a little bit concerned about these recommendations, particularly Recommendation (iii). This is because Nigeria signed a Treaty on this oil spillage compensation which was ratified by this House.

There was no mention of this stringent Treaty that will not allow any oil spillage by these irresponsible oil companies. I am surprised that this Report did not make any reference to that Treaty.

I can remember vividly that this House ratified that Treaty sometime in 2003.

The Chairman: Hon. Ita Enang, you were a Member of the House of Representatives in 2003.

Hon. Ita Enang: Mr. Speaker, a Treaty is between and amongst nation-States, not between a country and its corporate citizens. Shell is a company operating in Nigeria and unless there is an issue involving a foreign country in this matter only then will this Treaty come into operation.

The Chairman: I could hear Hon. Betty say no. What does a Treaty mean?

Hon. Betty A. Apiafi (Ahoada East/Abua/Odual): When a Treaty is domesticated, it is incumbent on the country to use that Treaty as a law. That is why you domesticate it but Hon. Ita Enang is saying that Shell is not part of the Treaty.

The Chairman: What Hon. Ita Enang is saying is that it becomes relevant when there is a problem, for example, between Shell and maybe Cameroon, Cameroon and Nigeria, Shell and Gabon and so on but not when we have our laws in Nigeria. We have written laws in Nigeria guiding our conducts.

Hon. Betty A. Apiafi: Mr. Chairman, can I ask Hon. Sada Jibia a question? Who are parties to the

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Treaty? Is it African Union Treaty or United Nations Treaty? What is the Treaty for?

Hon. Sada Soli Jibia: It is a multilateral Treaty signed at the UN in order to compel these oil companies around the world to pay compensation in the event of any spillage. This Treaty was signed by over one hundred countries. It is wrong for him to say that a Treaty is between one country and the other.

What about the companies that are operating within the country. Will they be exempted from that Treaty?

The Chairman: If a Treaty is like that, who is responsible for compelling Shell to pay the compensation? It is Nigeria?

Hon. Sada Soli Jibia: Yes.

The Chairman: It is not indicated there.

Hon. Sada Soli Jibia: That is why I am surprised that this Report did not make reference to that.

The Chairman: We do not have any provision for information in our Rules. Let us hear amendment from Hon. Maduabum, Chairman of the Committee.

Hon. C.I.D. Maduabum: I am actually not the appropriate person to amend what I have written.

The Chairman: You can do that; it is our own Report now.

Hon. C.I.D. Maduabum: I feel that our Recommendation (iii) which provides that we *urge Shell to negotiate with the Joinkrama Community with a view to determining compensation for damages to waterways, farmland and economic trees since the spill in question did not originate from Joinkrama Community* is not specific enough.

My Amendment to Recommendation (iii) is that *we would ask Shell to pay compensation for damages to waterways, farmlands and economic trees as assessed by the relevant agency.*

Amendment put and agreed to.

Main Recommendations as amended put and agreed to.

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Resolved:

(i) That the Shell Petroleum Development Company of Nigeria (SPDC) should pay for the post impact assessment of the Joinkrama Area to be supervised by the National Oil Spill Detection and Response Agency.

(ii) If the result of the assessment indicates the presence of any spill, Shell should immediately begin the process of remediation;

(iii) Shell to pay compensation for damages to waterways, farmlands and economic trees as assessed by the relevant agency.

Hon. Baba Shehu Agaie: I move that this House do revert to Plenary.

Hon. Ita Enang: I second the Motion.

Question put and agreed to.

Resolved: That this honourable House do revert to Plenary.

House in Plenary

(The Deputy Speaker resumed the Chair)

The Deputy Speaker: The House in Committee of the Whole considered the following Reports from the Committee on Public Petitions:

(1) Petition by Olugbobiri, Tebidaba and Igbomatoru Communities of Bayelsa State against the Nigerian Agip Oil Company (NAOC). The House approved the recommendation of the Committee.

(2) Petition by Mr. Nathaniel Itelimo against the Nigerian Police Force. The House approved the recommendation of the Committee.

(3) Petition by Chief Suobo against the Nigerian Agip Oil Company (NAOC). The House approved Recommendations (i) and (ii) and deleted recommendation (iii).

(4) Petition by Odioma Community, Bayelsa State against the Joint Task Force of the Nigerian

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Armed Forces. The House approved Recommendations (i), (ii) and (iii).

(5) Petition by Joinkrama 1 Community, Rivers State against the Shell Petroleum Development Company (SPDC). The House amended recommendation (i), approved recommendation (ii) and amended recommendation (iii).

Adoption of Reports

Hon. Ita Enang: Mr. Speaker, I move that this House do adopt the Reports of Committee of the Whole as reported by the Deputy Speaker.

Hon. Kalba Gora Adamu (Kaltungo/Shongom): I do second the Motion.

Question put and agreed to.

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

ADJOURNMENT

Hon. Baba Shehu Agaie: I move that this House do stand adjourned till Thursday, 2nd July, 2009 at 10.00 a.m.

Hon. Abubakar Shehu Garba Matazu (Matazu/Musawa): I do second the Motion.

Question put and agreed to.

Resolved: That the House do stand adjourned till Thursday, 2nd July, 2009 at 10.00 a.m.

The House adjourned accordingly at 4.50 p.m.