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HOUSE OF REPRESENTATIVES
FEDERAL REPUBLIC OF NIGERIA

Wednesday, 4th March, 2009

The House met at 2:45 p.m.

PRAYERS

(The Speaker in the Chair)

VOTES AND PROCEEDINGS

The Speaker: Hon. Members, I have examined and approved the Votes and Proceedings of Tuesday, 3rd March, 2009.

Please listen to the following announcement.

ANNOUNCEMENT

Correspondent from the President

The Speaker: This is from Mr. President.

A Bill to amend the Land Use Act Cap. L5LSN 2004

I forward herewith for your kind consideration and passage into law the attached Draft Bill for an Act to amend the Land Use Act. It is my hope that the honourable House of Representatives of the Federal Republic of Nigeria will consider and pass the amendment Bill in your usual expeditious manner.

Please accept, Mr. Speaker, the assurance of my highest consideration.

Yours Sincerely,

Umaru Musa Yar'Adua
President

Meeting with Mr. Speaker

The Speaker: Will the following hon. Members please meet with me immediately after today's sitting.

Hon. Stanley Ohajuruka - Abia State
Hon. Patty Etete - Akwa Ibom State

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Hon. Ifeanyi Ugwuanyi - Enugu State
Hon. Farouk Lawan - Kano State
Hon. Bernard Udoh - Akwa Ibom State

**Visit by Political Science students,
Katsina State University**

The Speaker: Hon. Members, in the Gallery today we have Political Science students from Katsina State University.

You are welcome. (*Applause*)

PRESENTATION OF PUBLIC PETITIONS

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

**Non-payment of Retirement Benefits:
Mrs. Florence Obarogie**

Hon. Isibor Ifaluyi (Egor Ikpoba Okha): Mr. Speaker, I have three petitions here and they are from my constituents. The first one is from Mrs. Florence Obarogie. It bothers on pension issue.

She worked with NIPOST Services and since her retirement, she has got nothing. She is asking this honourable House to intervene to ensure that she would get benefits for the service she has rendered to this country.

**Non-payment of Pensions: Mr. Vincent Oyomiri
And Rev. Joseph Okunwague**

The second petition is from Mr. Vincent Oyomiri. He worked with the government and the issue is against the office of the Permanent Secretary, Office of the Head of Service for the Federation, Establishment and Pensions.

The last petition with me is from Rev. Joseph Okunwague. He is also having a problem against the Office of the Permanent Secretary, Office of the Head of Service for the Federation, Establishment and Pensions, and it on Pension issue.

May I have the privilege my Hon. Speaker to lay these petitions on the Table?

The Speaker: You certainly have.

Hon. Isibor Ifaluyi: Thank you.

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Petitions laid

Illegal and unlawful Dismissals

Hon. Abdulkadir Nasir (Kafur/Malumfashi): Mr. Speaker, I have two petitions from my constituents. The first one is a Petition on illegal dismissal from the Nigeria Police by Mr. Yusuf Arga Kofar Gabbas. The other petition is from Mallam Abdulmumuni Barau of Rafinguza Kawo, New Extension, against unlawful dismissal by the Council of National Teachers Institute, Kaduna.

With your permission, I want to lay the petitions on the Table.

The Speaker: Please, proceed.

Petitions laid.

The Speaker: All the Petitions are referred to the Committee on Public Petitions.

(Petitions accordingly referred to the Committee on Public Petitions)

MATTER OF URGENT PUBLIC IMPORTANCE

Hon. Abubakar Yari (Anka/Talata Megen): Point of Order.

The Speaker: Order what?

Hon. Yari: Order VIII Rule 4, Matter of Urgent Public Importance.

The Speaker: Go ahead.

Hon. Yari: Mr. Speaker, I want to draw the attention of this honourable House to the issue of Fiscal Responsibility. Two weeks ago we experienced the devaluation of our national currency.

The Speaker: Devaluation?

Hon. Yari: Yes, it is losing value.

The Speaker: That does not mean devaluation.

Hon. Yari: It is depreciation of the Naira.

The Speaker: Thank you, Sir.

Hon. Yari: We may recall that some time in December when Mr. President presented a budget in this House, he stated that the Naira should be traded at ₦125.00 to a dollar; but today as I am talking to this honourable House, the US Dollar to a Naira is between ₦175 and ₦180. It is not because of the economic realities as the Apex Bank is saying but there are several factors that make it to happen and this honourable House needs to do something about it.

Mr. Speaker, this is why I decided to present this matter. I urge the House to give us the chance to discuss it. The CBN, the banks and other agencies are factors to this depreciation of the Naira. Corruption within the whole thing is the most important issue in the matter and this House needs to do something about it. If the House would grant me audience we can take it today or the next legislative day.

The Speaker: Hon. Colleagues, the question is whether or not we should consider the depreciation of the Naira as a Matter of Urgent Public Importance.

Question put and agreed to.

Resolved: That the depreciation of the Naira should be discussed in the next legislative day as a Matter of Urgent Public Importance.

Hon. Joyce O. Overah (Okpe/Sapele/Uvwie): Point of Order!

The Speaker: What order, Hon. Overah?

Hon. Joyce O. Overah: Mr. Speaker, my Point of Order is Order V, Rule 2, Matter of Privilege, which says:

Any Member may rise at any time to speak upon a matter of privilege suddenly arising, and he shall be prepared to move, without notice, a motion declaring that a contempt or breach of privilege has been committed, or referring the matter to the Committee on Ethics and Privileges, but if the matter is raised in Committee of the Whole House, the Chairman shall leave the Chair on an order to report progress.

You will recall Mr. Speaker, that last week here, precisely on Thursday, 26th of February, 2009, this House

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in one vote took a decision to reprimand one of us who actually erred because of misconduct. While I was reading the *Daily Sun* newspaper of today I saw this caption *Ogunewe Suspension in Bad fate says Honourable Kayode Amusan*. I was taken aback and I said the decision for Ogunewe's suspension was unanimous; why would a lawmaker come to brief the Press by saying it was a witch-hunt and that it was even for just the Leadership, that is, the House did not take the decision.

I am asking this Honourable House to please, mandate the committee on Ethic and Privilege, to investigate this particular write up because I am not comfortable with it at all. It is a breach of my privilege as a Member of this Assembly. Mr. Speaker, I want it to be taken now Sir, if the House permits.

I so move.

The Speaker: Honourable Colleagues, Members of the House of Representatives including his Leadership are not tried on the pages of Newspapers. Therefore, this will be committed to the Committee on Ethics and Privileges.

ORDERS OF THE DAY

BILL

Nigerian Press Council Act 1992 (Repeal) Bill, 2009

A Bill for an Act to Provide for the Repeal of the Nigerian Press Council Act 1992 and Establish the Nigerian Press and Practice of Journalism Council, to Promote High Professional Standards for the Nigerian Press, and Deal with Complaints Emanating from Members of the Public about the Conduct of Journalism and Media Houses in their Professional capacity, or complaints emanating from Press about the Conduct of Persons, Organization or Institutions of Government towards the Press 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 Provide for the Repeal of the Nigerian Press Council Act 1992 and Establish the Nigerian Press and Practice of Journalism Council, to Promote High Professional Standards for the Nigerian Press, and Deal with Complaints Emanating from Members of the Public about the Conduct of Journalism and Media Houses in

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their Professional capacity, or complaints emanating from Press about the Conduct of Persons, Organization or Institutions of Government towards the Press and for Matters Connected therewith, 2009 (HB.130).

This Bill was read for the first time on Wednesday 25th of February 2009. Chairman Rules and Business, this is from Hon. Abike Dabiri but she is not here?

Hon. S. J Ita Enang (Itu/Ibiono Ibom): Mr. Speaker, I am sorry, I am unable for now to say why she is not here. Sir, I pray that we stand it down but she had assured me that she would be here.

Bill by leave of the House stood down.

CONSIDERATION OF REPORTS

Report of the Committee on Pensions on a Bill for an Act to Establish the Chartered Pension Institute of Nigeria, 2008

The Speaker: The next Order of the day is consideration of the Report of the Committee on Pensions on a Bill for an Act to Establish the Chartered Pension Institute of Nigeria, 2008. Members will recall that the Report was laid on Thursday, 19th February, 2009.

I now call on Hon. Adewusi to move his Motion.

Hon. Rasaki Babatunde Adewusi (Egbado North/Imeko Afon): Mr. Speaker, I here by move that this House do consider the Report of the House Committee on Pensions on a Bill for an Act to Establish the Chartered Pension Institute of Nigeria, 2008 and approve the Recommendations therein.

Hon Elizabeth O. Ogbaga (Ebonyi/Ohaukwu): I rise to second the Motion as move by my colleague.

Question put and agreed.

Resolved: That this House do consider the Report of the House Committee on Pensions on a Bill for an Act to Establish the Chartered Pension Institute of Nigeria, 2008 and approve the Recommendations therein.

Report of the Committee on Rural Development on a Bill for an Act to Establish the National Integrated Rural Development Agency

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The Speaker: Before we move into the Committee of the whole, we will also move for the consideration of the Report of the House Committee on Rural Development on a Bill for an Act to Establish the National Integrated Rural Development Agency and other matters thereto, 2008, the Report was laid the first time on 25th of February 21009.

I invite Hon. Paulinus Igwe Nwogu to now move for the consideration of the Report.

Hon. Paulinus Igwe Nwogu (Ezza North/Ishielu): Mr. Speaker, I move that this House do consider the Report of the House committee on Rural Development on a Bill for an Act to Establish the National Integrated Rural Development Agency and other Matters Thereto, 2008 and approve the recommendations therein.

Hon. Austin Nwachukwu (Ehime Mbano/Ihite Uboma/Obowo): I rise to second the Motion as move by Hon .Nwogu

Question put and agreed to.

Resolved: That this House do consider the Report of the House committee on Rural Development on a Bill for an Act to Establish the National Integrated Rural Development Agency and other Matters Thereto, 2008 and approve the recommendations therein.

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

Hon. Waziri Aminu Tambuwal (Kebbe/Tambuwal): I rise to second the Motion as moved by the House Leader.

Question put and agreed to.

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

Report of the Committee on Pensions on Chartered Pension Institute of Nigeria Bill, 2008 – CONSIDERED IN THE COMMITTEE OF THE WHOLE.

The Chairman: Hon. Colleagues, the first Report we are taking is the Report on a Bill for an Act to Establish the Chartered Pension Institute of Nigeria and for Matters Connected Therewith, 2008 (HB. 96).

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I now call on the Chairman, House Committee on Pension to brief the House on this Bill in two sentences.

Hon. Rasak Adewusi Babatunde (Egbado North/Imeko Afon): Mr. Chairman, the Bill before the House is to establish the Chartered Pension Institute of Nigeria as a central professional body representing practitioners in the Pension Industry. The Institute when established will, in addition to setting standards for those seeking to register as members of the Institute, monitor and enforce professional discipline among the ranks and files of the pension practitioners and sanction erring practitioners where necessary.

The utmost goal of the Institute when licensed is to improve the quality and efficiency of Professional Pension Practitioners and encourage greater dialogue, cooperation, educational opportunities and high ethical standards among Pension Practitioners in the industry.

You will recall that the Bill has previously been introduced in both Houses - House of Representatives and the Senate. The Bill was at the Second Reading but due to time constraints among other reasons, the Public Hearing for the Bill was unable to come on board and it was thrown out.

The Chairman: We can now commence the consideration of the Bill Clause by Clause.

Hon. Rasak Adewusi: Mr. Chairman!

The Chairman: I think it is all right, we will just take your Report.

Hon. Rasak Adewusi: Thank you, Sir.

The Chairman: Hon. Colleagues, we are now going to consider the Report Clause by Clause.

Clause 1 – (ESTABLISHMENT OF THE INSTITUTE) – ordered to stand part of the Bill.

Clause 2 – (HEAD OFFICE)

Hon. Ahmed Abdul Ningi (Ningi/Warji): The Committee Chairman is needed to shed light on Clause 2, which says:

The Institute shall have its Head Office anywhere in Nigeria

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Whereas the original Act stipulates that:

The Head Office should be in Federal Capital Territory, Abuja.

Can we have his reasons for thinking that Federal Capital Territory is not befitting enough to be able to host its headquarters?

The Chairman: Yes, Mr. Chairman, it seems you did not hear what he said. He said that in Clause 2, the

recommendation of the Committee is that the Institute shall have its Head Office anywhere in Nigeria. Whereas the original Act is saying that, the Head Office should be in the Federal Capital Territory.

What is your reason for changing it? Is it that the Federal Capital is not suitable?

Hon. Babatunde Adewusi (Egbado North/Imeko Afon): That is just the recommendation of the Committee.

The Chairman: He is asking what informed the Committee for making that recommendation. What is the wisdom of taking it from Abuja? However, why not in Abuja specifically?

Hon. Adewusi: The Headquarter can be anywhere in Nigeria including Abuja.

The Chairman: But it was specific in the original Act.

Hon. Bala Ibn Na'Allah (Zuru/Fakai/Sakaba/D/Wasagu): Mr. Chairman, I am not attempting to give reasons as to why it should be anywhere in Nigeria. It is more appropriate for this House to adopt the original position in the Act rather than the amendment of the Committee since the Committee has shown that it is not in a position to give us any reason as to convince us to move from the former position.

The Chairman: Can we have a Secunder to that proposed amendment?

Hon. Saudatu A. Sani (Lere): Mr. Chairman, I second the Motion.

Amendment put and agreed to.

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Clause 2 – (HEAD OFFICE) – amended, ordered to stand part of the Bill.

Clause 3 – (THE INSTITUTE RESPONSIBILITY) – ordered to stand part of the Bill.

Clause 4 – (MEMBERSHIP OF THE INSTITUTE)

Hon. Chile W Igbawua (Kwande/Ushongo): Mr. Chairman, I would like the Committee to give explanation as to why they are changing the age of registration as a Fellow from 25 years to 30 years. This is because they have not given any reason.

We have many geniuses in Nigeria who can attain all the requirements to register at 25 years. I do not know why they are advancing the age from 25 years to 30 years.

The Chairman: Do you want to respond to that, Mr. Chairman? His observation is on Clause 4 (2) (a) (1); where you have: *He has attained the age of 30 years and has acquired not less than seven years professional experience.*

Why is it no longer 25 years of age?

Hon. Christopher Sunday Eta: Mr. Chairman, if you look at that Clause 2 of that very Section, it says:

He has at least three years relevant senior appointment in one or more organizations for the past ten years.

It will be difficult for someone at the age of 25 to attain this height. Therefore, the most appropriate age would be 30 years. If we look at the other requirements here, 30 years would be sufficient for one to attain that height. That is why we said 30 years is the best age

The Chairman: He is saying that the best appropriate age is 30 years.

Hon. Aminu Waziri Tambuwal (Kebbe/Tambuwal): Mr. Chairman, I do not see anything wrong with the age of 25 years being retained if the person at that age is able to acquire the relevant qualification and experience. I do not see anything wrong in him being accorded the Fellowship.

The age of 25 years has been recognized in our law to be the age where a person can contest for

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Counsellorship and that is a very heavy responsibility. If at age 25 years a person can stand on election into a very sensitive office like that of a Counselor, I believe that at the age of 25 years if that person satisfies the condition he should be admitted as a Fellow of the Institute.

Hon. Emmanuel Jime (Makurdi/Guma): Mr. Chairman, I align myself with the submissions made by the Deputy Whip of the House and to go further to say that my take and understanding of this provision is that age 25 years is just the minimum age requirement; it is not at the maximum. I do not know why in any case we will have a problem with that.

Let me also say that there are actually two criteria that are required here: age, which is 25 years and then of course, seven years of relevant professional experience.

The argument here is that it is not possible for somebody to be 25 years and have seven years of relevant professional experience; it is possible to have two of these criteria working at the same time.

Therefore, let us leave it to the determination of the authority as to whether or not it is possible for somebody to be 25 years and at the same time to have seven years of relevant professional experience. Age 25 years is just the minimum; it is not the maximum.

Hon. Ike Chinwo (Obio/Akpor): Mr. Chairman, we are talking about a Professional Association here and in my opinion, age should not be in contention. What should be in contention is qualification and experience.

I would rather want us to have ten years experience with qualification and delete the aspect of age. This is because if somebody is well qualified and has acquired experience, that should be taken into cognizance. This aspect is on Fellowship and not Associate Membership. A professional association should have Associate Member and Fellow. *Fellow* is the highest grade and it comes with age and experience. As far as I am concerned, what should be in the Constitution should be the qualification and experience. Let us have ten years post-qualification and delete anything about age.

Hon. Ita Enang (Itu/Ibiono Ibom): Mr. Chairman, it should be discriminatory if in a law we make provision for age that somebody is supposed to attain before he gets to any particular position. There is a general law on *Minority and Majority*. Once you attain the age of 18, you will become a major; if you have that qualification, you are entitled to any position.

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The Chairman: But do you contest election at the age of 18?

Hon. Ita Solomon J. Enang: No, you cannot. But we cannot make a law in this manner limiting age, because below 17 you are still taken as a minor, so you cannot contest any election.

Finally, I want to speak on a general note. I do not see the rationale for Clause 4 of this Bill; the entire Clause 4. This is because we have in Clause 3, the functions of the Institute. One of the functions of the Institute is to determine the standard of knowledge and skills and other things to be attained by the persons who are qualified to practice as Chartered Pension Practitioners. If we had given that job to the Institute we are establishing, why are we also in the same law that we are creating the Institute defining in such great details the qualifications which the practitioners must hold? Otherwise, this will not be a law establishing the Institute with these wide powers.

Hon. Bala Ibn Na'Allah (Zuru/Fakai/Sakaba/D/Wasagu): Point of Order; a constitutional Order, Mr. Speaker.

The Chairman: What do you have on the constitutional Order?

Hon. Bala Ibn Na'Allah: Mr. Chairman, I am referring to Section 42, Sub-section 1, most specifically (3) of the 1999 Constitution. With your permission, I will read.

The Chairman: Go ahead.

Hon. Bala Ibn Na'Allah: I read: (1) *A citizen of Nigeria of a particular community, ethnic group, place of origin, sex, religion or political opinion shall not, by reason only that he is such a person –*

(a) *be subjected either expressly by, or in the practical application of, any law in force in Nigeria or any executive or administrative action of the government, to disabilities or restrictions to which citizens of Nigeria of other communities, ethnic groups, places of origin, sex, religions or political opinions are not made subject; or*

(b) *be accorded either expressly by, or in the practical application of, any law in force in Nigeria or any such executive or administrative*

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action, any privilege or advantage that is not accorded to citizens of Nigeria of other communities, ethnic groups, places of origin, sex, religions or political opinions.

(3) Nothing in subsection (1) of this section shall invalidate any law by reason only that the law imposes restrictions with respect to the appointment of any person to any office under the State or as a member of the armed forces of the Federation or a member of the Nigeria Police Force or to an office in the service of a body corporate established directly by any law in force in Nigeria.

Nothing like age has been specifically referred to and this is the grund norm. So, it could not amount to discrimination if we say that somebody should attain a certain age before he gets somewhere; otherwise, we might as well say that he can be a Justice of the Supreme Court at the age of 12 once you can achieve that. With due respect, I do not think that is the intendment of the law.

The Chairman: That is in response to your learned Colleague.

Hon. Alex Ikor Ukam (Akamkpa/Biase): Mr. Chairman, I am in line with the opinion and the contribution of Hon. Ike Chinwo. This is because if you look at the development of things today, and the age which we call *jet age*, people develop faster than their own age.

I could recall there is a fellow that I knew very well, he is presently a Senator, who occupied the seat of a Commissioner in a State at the age of 20. If by law the requirement was to be if you are up to 25 years old before you are appointed a Commissioner, I think that fellow could have been denied the opportunity to be appointed a Commissioner.

I therefore agree with Hon. Ike Chinwo that we should rather target and face the issue of qualification and experience instead of *age*. I am suggesting that we should rather delete the issue of age and allow qualification and experience as criteria.

The Chairman: Thank you very much. Hon. Colleagues. Hon. Ukam said that somebody had occupied the seat of a Commissioner at the age of 20. It seems the qualification for you to become a Commissioner is the same thing as that of House of Assembly.

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We have about three opinions: The first one is from Hon. Ike Chinwo. He suggested that we should remove the age consideration and base it on experience and qualification. Others are saying that we should leave it at the age of 25 instead of increasing it to 30 years. So, we are going to take a decision on that.

But let us look at it, Hon. Colleagues: we are talking about a profession. Hon. Ita Enang said since we have given them both the powers to determine and to run the organization; we should allow them to determine who should be a *Fellow*. But I think it is equally important that we restructure it so that they will not just on their own decide who qualifies to be a Fellow.

Secondly, if you look at the age of 25, from your graduation year to the age of 25, it may not even be up to 7 years. And it is part of the pre-requisite condition that you must work for 7 years before you become a Fellow. If you deduct 7 years out of 25, you are left with only 18 years. Our graduates hardly attain that. Only maybe those who are from well to do families that can finish their universities at the age of 17. That means that such a person will finish at the age of 17, do his Youth Corp Service the following year and becomes 18 and then join the body and becomes a professional pension practitioner for 7 years. I think that is not feasible.

Hon. Abdul Ahmed Ningi (Ningi/Warji): Mr. Chairman, permit me to re-cap: this particular Bill which is concerned with the establishment of Chartered Institute of Pension. In order to arrive at a meaningful conclusion we should address the following questions: how can we assess the issue of Pension? Who actually has the pre-requisite experience? When was the issue of pension actually introduced in the body politics of this country?

While we are making laws, we must take into cognizance the fact that this particular aspect is an entirely new phenomenon in Nigeria body politics. Therefore, because it is an entirely new phenomenon, we must take cognisance of the fact that while we make a law, such a law must be water-tight.

I graduated at the age of 23 years and I regard myself as an old person. I was born in 1960 and graduated from the University in 1983; that was just at 23 years then. But now we have graduates at the age of 18, 19, or 20 years. While these graduates graduated and acquired the additional seven years relevant experience, what you are saying is that they must wait until they actually attain the age of 30 years.

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The Chairman: That is what we are saying.

Hon. Abdul Ningi: Yes, I am just giving a picture whereby the original Clause actually guarantees more participation than the one that the Committee is recommending.

The Chairman: What Hon. Ike Chinwo is saying is that we should delete the issue of age and base it on experience. If you have the experience whether you are 25, 22, 23 or 20 years of age and you are qualified, you can be a Fellow.

Hon. Halims Agoda: Experience in what? Except it is thoroughly defined in the Interpretation Section, there would be a problem.

The Chairman: It says: *relevant experience*.

Hon. Halims Agoda: Relevant experience in what?

The Chairman: Relevant professional experience; it is an Institute and it conducts examinations. Therefore, you have to write the examinations, first. Another thing is that, in our Universities we do not have graduates in Pensions as a course.

Hon. Ndudi Elumelu (Aniocha North/Aniocha South/Oshimili North/Oshimili South): Mr. Chairman, we should not mix up issues here. We are not talking about qualification and it does not matter whether you have B.Sc., OND, M.Sc. *et cetera*, to enable you to be a member of this Institute. For you to be a member you must undergo some examinations. Therefore, it is immaterial whether you are a B.Sc. holder or OND holder or M.Sc. holder. What is important is that you go for the examinations and when you pass, you become qualified to be a member of the Institute.

Hon. Mohammed Ali Ndume (Chibok/Damboa/Gwoza): Mr. Chairman, I want to draw Members attention to the fact that we are looking at one condition; we should also be looking at the other conditions as related thereto.

As you know, the first one is not the qualification. If you go to Section 2(a) (iii) it further says: *He is a holder of a certificate of the final examination of the Institute and approved academic professional qualification*. This takes care of the concern some Members are raising about the qualification.

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The Chairman: That is correct. We have an amendment from Hon. Ike Chinwo. Hon. Ike Chinwo, can you move for your amendment?

Hon. Ike Chinwo (Obio/Akpor): Mr. Chairman, my amendment is that we replace what we have there with: *the person should be a Fellow if he is a qualified Pension Practitioner with relevant qualification and has acquired not less than ten years experience*.

Hon. Abiodun A. Adesida (Akure North/South): Mr. Chairman, I second the Motion moved by Hon. Chinwo.

Amendment put and agreed to:

*Clause 4 – (MEMBERSHIP OF THE INSTITUTE)
– As amended, ordered to stand part of the Bill.*

The Chairman: Clause 5 – (DESIGNATORY LETTER)

Hon. H. S. Dickson (Ekeremor/Sagbama): Mr. Chairman, in Clause 4.

The Chairman: We have ruled on Clause 4 and we are now on Clause 5.

Hon. Harrison S. Dickson: I thought that you have not dropped the gavel on Clause 4.

The Chairman: I have done so.

Hon. H. S. Dickson: All right, I am sorry.

The Chairman: Any comment on Clause 5.

Hon. Emmanuel Jime (Makurdi/Guma): Mr. Chairman, I hope that it is the same Clause 5 that I have here on page 3 - *Fellow of the Chartered Pension Institute of Nigeria*.

The Chairman: Yes, it is.

Hon. Emmanuel Jime: There is also a question that we can raise here on these acronyms. What really are we changing here? This is because I do not seem to understand what we are changing. There is FCIP and there is FCP. What really is it that needs to be altered?

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The Chairman: The additional thing there is the Institute. One has Institute and in the other one, they did not reflect the Institute.

Clause 5 – (DESIGNATORY LETTER) – Ordered to stand part of the Bill.

Part II

The Chairman: Clause 6 – (ESTABLISHMENT OF THE GOVERNING COUNCIL OF THE INSTITUTE)

Hon. Betty Apiafi (Ahoada East/Abua/Odual): Mr. Chairman, I am wondering why the Committee decided to recommend for a Second Vice President.

The Chairman: What number? Your comment is on Clause 7, but we are on Clause 6 now.

Hon. Betty Apiafi: Sorry, it is Clause 7. When we get to Clause 7 I will make my comment.

Clause 6 – (ESTABLISHMENT OF THE GOVERNING COUNCIL OF THE INSTITUTE) – Ordered to stand part of the Bill.

Clause 7 – (COMPOSITION OF THE GOVERNING COUNCIL OF THE INSTITUTE)

The Chairman: Clause 7. Hon. Betty, you can make your comment.

Hon. Betty Apiafi: Mr. Chairman, the Committee recommended for a second Vice President and where the original Act made provision for ten elected persons from the six geo-political zones, they went ahead to reduce it to six.

Please, can we have some justification why they reduced the number of persons to six and then made provision for a second Vice President? There was no reason given.

The Chairman: Thank you.

Hon. Halims Agoda: Mr. Chairman, in line with what my honourable Colleague is saying, the words used here: *First Vice President and Second Vice President* are not known to the Constitution. There is no word in the 1999 Constitution that is like that.

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If you check from Section 5, we do not have the word: *First or Second Vice President*. We cannot make law that will be inconsistent with the grund norms which we are using.

The Chairman: Hon. Colleagues, especially those who are from the legal profession, in this Bill we have First Vice President and Second Vice President; and Hon. Agoda is saying that there is no where in the Constitution where we have First Vice President and Second Vice President and therefore we cannot use the words: *First Vice President and Second Vice President*.

Hon. Femi Gbajabiamila (Surulere I): Mr. Chairman, unfortunately, I have to disagree with Hon. Agoda because of the context within which the word: *Vice President* is being used.

The Constitution talks specifically about an Elected Vice President and office of the Vice President for the Federal Republic of Nigeria. We are talking about an Institute. Just as you can have a President of a Company

Hon. John Halims O. Agoda: Mr. Chairman it is very clear, so I seek to withdraw my observation.

The Chairman: Hon. Betty Apiafi is asking why you reduced the number of 10 elected persons to 6 elected persons by the Institute from the 6 geo-political zones of Nigeria.

Hon. Christopher Sunday Eta (Boki/Ikom): Mr. Chairman we looked at the whole composition of the Commission and we discovered that if we take the 10 elected persons as prescribed, the Organisation would be too large. So we felt that if every geo-political zone makes a representation of one person, that would be fine for an Organisation managing an Institute.

On the issue of Vice President and the Second Vice President, we felt it was also part of the geo-political representation, in other to avoid the problem of ICAN that we experienced sometimes ago where one section was dominating the other section as regards the organisation.

The Chairman: Are you satisfied Hon. Betty?

Hon. Betty Apiafi O: Mr. Chairman if we are reducing number of elected persons from 10 to 6, yet you are talking about geographical zones representation, it does not make sense to me. This is because what the original Act says is Vice President, President and 10

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persons and that gives you 12. This makes it more balanced than when you have 6 persons plus 3 persons making a total of 9 persons.

The Chairman: If you are talking of Federal Character, she said in the original one you have the President, Vice President and 10 Members making 12; that is 2 from each geo-political zone. Now that you have only 8 there may be some in-balances somewhere.

Hon. Christopher Sunday Eta: We do not have only 8 persons. We have representation from PENCOM, Ministry of Education, SEC and others.

The Chairman: That can come from one particular zone.

Hon. Christopher Sunday Eta: Those ones are Organisational interest, so if we have one person from each zone and then with other representations, it will just be right. So we felt that for an Organisation and for effective management we needed a leaner membership, instead of having a large number. If you have 10 members from the body with PENCOM and the rest coming in, it would be too large.

Hon. Ita Enang: Mr. Chairman I believe that the issue of the number has been cleared. I want to raise one issue on Clause 7(h) of the same clause when you finish.

Hon. Emmanuel Jime (Makurdi/Guma): My concern has to do with the issue raised by my colleague Hon. Halims Agoda which I believe has also not been laid to rest and that is the point about First Vice President, Second Vice President.

Apart from the fact that there is really no reason that has been advanced by this Committee as to why we need to have these, I am completely in agreement with Hon. Halims Agoda that there is no precedence anywhere in our laws where these sort of things exist.

The Chairman: That has been exhausted; they said even in the Nigerian Bar Association (NBA) you have first Vice President and Second Vice President and you are a member of that Association.

Hon. Friday Itulah (Esan North East/South East): Mr. Chairman I do know that you have not put a question on Clause 7 of this Bill.

The Chairman: No, I have not put the question.

Hon. Friday Itulah: Therefore, I wish to reiterate the view of Hon. Halims Agoda on the issue of the Vice President. Even though there is such a provision in the NBA the Bill before us is the issue we are discussing now. To the best of my knowledge, a Vice President is supposed to act in the absence of the President. So I do not know whether we are foreseeing a situation where we could have in the absence of the President and the Vice President, the Second Vice President has to act.

When laws are made, it should be very clear and concise as to the reason we have such a position. I am therefore moving with all sense of responsibility that we should remove it.

The Chairman: Now, let us address the issue raised by Hon. Betty Apiafi, please. She said that the way it is structured may create imbalance in the structure because we have 9 persons made up of the Chairman, first Vice Chairman, second Vice Chairman and 6 elected members and we have 6 Zones. Which of these Zones would be given additional 3 positions? That is her argument and the Committee is saying that apart from these 9 persons, we would still have nominations from SEC, PENCOM and the Ministry of Education but you may not know from where these persons they will nominate will come from. They may equally come from those zones that here 2 positions each.

Hon. John Halims O. Agoda: Mr. Chairman and my distinguished colleagues, I actually believe in the fear

of Hon. Betty Apiafi because we are trying to prescribe the number of what should be in existence. Even though we are trying to encourage unity of purpose in this country we have the in-built mechanism with which we can balance the scale whenever it arises.

Now if we leave it as it is recommended, 8 for instance to start with, the President and the Vice President may happen to come from a Zone where you have a member already; there is no doubt about that. Now, if we say let us over look that and look at those to be nominated from the Ministries, you might discover that you could also have those who may come from the same zones as those already nominated.

So in order to strike a balance, which this country is used to, there is the need to allow the 10 persons as prescribed by the parent Act. This will enable those who would come from the Ministry strike the balance. So, I support her argument.

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Hon. Adamu Abbas Anas (Birniwa/Guri/Kiri-Kasamma): Why this recommendation is made is that anybody can come from any part of the country but each person must come from a particular zone. It means that the person from each zone is representing that particular interest. That is the idea and that is why it is reduced from ten to six.

Therefore, I maintain that we retain that seat so that whether the Chairman, the President or the Vice Chairman are coming from the South-South or the other one from the South East, it does not matter despite the fact that they still have their own representation. When issues are discussed, each person will be called upon to make submissions on behalf of his zone so that at the end of the day the totality of the submission would be for Nigerians as a whole.

The Chairman: The question is: is it fair to have three representing a zone and one from a different zone?

Hon. Abbas: No Sir. Let me point it out here that the President, the Vice President and the second Vice President are all national leaders.

The Chairman: But they come from a zone.

Hon. Abbas: Yes, they come from a zone. Let us take the present arrangement we have now.

The Chairman: The arrangement we have today is that the President is from the North-West.

Hon. Abbas: Yes, the President is from the North-West and each state has its Governor and its Speaker.

The Chairman: What we are saying is: why can we not have twelve instead of that? The opinion of some members is why can we not have twelve whereby every zone will be given two instead of having some zones getting two and some getting three while some get one.

Hon. Abbas: The top echelon, made up of the President and the two Vice Presidents are the national leaders who may be given specific assignment or to handle a particular assignment.

The Chairman: So, if you are a zonal leader, you cannot be given assignment?

Hon. Abbas: A zonal leader can be given an assignment for the whole country, Sir. They are acting on

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behalf of the whole country. The fact I am trying to point out is that each person from the six zones is representing a particular zone and making submissions specifically on behalf of that particular zone.

The Chairman: Supposing with this arrangement of six Members, you are from the North-West but a particular zone is given the President and fortunately the nomination from SEC went to that particular zone again; what happens if they have another member from that zone whereas from your zone, the North-West, you have only one person?

Hon. Ahmed Mohammed Mukhtar (Gurara/Suleja/Tafa): It seems we are over flogging and over politicizing this issue. In a setting of professional institute, this kind of thing we are talking about does not happen. The President and maybe the two Vice Presidents are the key officers. What they are trying to do is to be in line with the practice in other professional institutes. Those six slots are supposed to be for the zonal representatives and I think it is in order.

As to the issue of the first and second Vice Presidents we are talking about, some institutes do not even have the office of the Vice President. They straightaway have Deputy President and there are some that have Deputy President I, Deputy President II and Deputy President III. Some of the things we are talking about here are not strictly in line with the way things are done.

The Chairman: Honourable, we can make a law to say that where the President comes from, they are entitled to only one member; that is making two in total. Where

the First Vice President comes from, they are entitled to additional one and where the Second Vice President comes from is entitled to one member. With that, you have given every zone two slots.

Hon. Mu'azu Ibrahim Bichi (Bichi): Mr. Chairman, the equation is balanced as it is.

The Chairman: Is it as it is in the original Bill or as it is in the Committee's recommendation?

Hon. Bichi: As it is in the Committee's Report; if we say that the President and the two Vice Presidents are the key officers of that institute, then the President and the Vice President should come from one zone each, that is the three geographical zones. It means that the rest of the

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six members could be elected from the other zones as they are.

The Chairman: Thank you. It is just like somebody was pointing out the arrangement of the PDP and I said yes, it is agreed that the President is from the North-West. But you cannot take out of the five higher Principal Officers of the National Assembly to the North-West again. You cannot do that because we want a balance and that is why some Members are talking about ten members.

The question is that we should retain the provision of the Bill by electing ten Members.

Hon. Ike Chinwo: If we are going by that, the original calculation was if we take two, which is the President and the Vice President, plus ten members that will be twelve. If we are having First and Second Vice Presidents plus the President, that is three. Then, we should have additional nine, which still brings the balance to the same twelve. So, if you are talking about retaining the original clause, you should take into consideration the fact that we have created Second Vice President. Therefore, the number should reduce to nine, making it twelve.

The intention was that every zone would have two slots each.

The Chairman: All right. It will be the President, the Vice President and nine Members because we have an additional Vice President. Is that all right?

Hon. Members: Yes.

The Chairman: Is there any objection?

Several Members: No!

Hon. Davies Sokonte (Degema/Bonny): I think our calculation is actually not correct. Even if we take the provision of the original Act we do not have twelve.

The Chairman: We are not taking the original provision now. We are taking nine.

Hon. Sokonte: The amendment too does not have twelve because if you go to page 4, we still have Immediate Past Presidents of the Institute, a representative of the Ministry of Education, which will come, and six persons who shall be members of the

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Institute to represent institutions of higher learning. We have already taken more than the number we are calculating. We have to look at it from that point.

The Chairman: All right, when we get to the page.

Hon. Sokonte: We are still treating Clause 7 at page 4.

The Chairman: With what you are saying, we have not even taken the original one.

Hon. Sokonte: We have not even taken the amended one too.

The Chairman: Even on this one, we are taking nine and not ten.

Hon. Sokonte: Even in the Committee's recommendation, we are still not going to arrive at twelve. What I am saying is that anyone you take, you will not arrive at twelve.

The Chairman: No, but if you have the President, Vice Presidents I and II plus nine members, we have twelve.

Hon. Sokonte: What of the representative of PENCOM?

The Chairman: We have also talked about that one.

Hon. Sokonte: Why I am saying this in essence is to avoid all these unnecessary arithmetic because if we begin to look at those ones, then we will begin to arrive at 18, 24 and things like that. But we can just put a clause in the law, which says that in the distribution of offices, no zone should have more than one position above others. This is because we cannot arrive at a situation where all the zones would produce equal representatives.

The Chairman: These ones are elective and at least, let the elective ones be on geographical spread.

Hon. Sokonte: It is the same thing. You gave one example to say that if the North-West has one member and then the President comes from the zone and have a nominee from SEC from another zone and the nominee from the Ministry of Education is from the same zone, will he like it?

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The Chairman: Honourable colleague, what I am saying is that we are talking first about the elective one.

Hon. Sokonte: The third point I want to make is that pension is about labour. You have put Ministry of Education and there is nothing about labour here.

The Chairman: It is all right, until we get there. The question is that it be left at nine members, President, Vice President I and Vice President II.

Amendment put and agreed to.

Clause 7 – (COMPOSITION OF THE GOVERNING COUNCIL OF THE INSTITUTE) – As amended ordered to stand part of the Bill.

The Chairman: We have finished with Clause 7(1) (a, b, c).

Clause 7(1) (d) – (IMMEDIATE PAST PRESIDENT OF THE INSTITUTE) – ordered to stand part of the Bill.

Clause 7 (1) (e) – (A REPRESENTATIVE OF THE MINISTRY OF EDUCATION)

The Chairman: Is there any comment?

Hon. Terngu Tsegba (Gboko/Tarka) I am at a loss why a representative of a Ministry should be a member of a Professional Body. What is the relationship between the Ministry of Education and the Chartered Institute of Pension Practitioner? This is a professional body as we have the NBA regulating the practice of lawyers. The fact that the Ministry of Justice has something to do with law has nothing to do with the NBA.

The Attorney-General can be invited to the NBA conference by virtue of the fact that he is a lawyer and not because he is the Attorney-General. Why should we bring a Ministry to be a member of a professional body which is charged with the responsibility of regulating the

practice of that profession when the Ministry of Education is not affiliated to the Chartered Institute of Bankers, neither is the Ministry a member of the Chartered Institute of Pensioners? We should delete anything that has to do with Ministry in the performance of a professional body.

Hon. Christopher Sunday Eta (Boki/Ikom): In the Bill, there is educational content in it. The Institute would

be conducting examinations for those who want to become chartered in the Institute. As a result of that we need educational standards, which the Ministry of Education can provide.

The Chairman: Hon. Tsegba can you listen to his argument?

Hon. Christopher Sunday, Eta: Because of the Educational content in this Bill, we need the Ministry of Education for the regulation of educational standards required in almost every examination. That is why Federal Ministry of Education is a party to the Body.

Hon. Tsegba Terngu: The Chartered Institute of Accountant also has an education affiliation by virtue of the fact that one has to be an accountant to sit for examination and be qualified. For the Nigerian Bar Association, one has to go to school and be qualified as a lawyer. That also, is through an educational institution.

When you talk about Educational content, what do you mean? Is it because I sat for an examination and I am qualified as a Chartered Pensioner then there is an educational content? It is not convincing. There is no nexus between the Ministry of Education and a man who is a practitioner in the Pension Industry.

Hon Chile W. Igbawua (Kwande/Ushongo): I just want to address our minds to the comparison just given by my Colleague. The Nigerian Bar Association is not seen as the type of the Body we are discussing. We talk about Council of Legal Education or National Institute of Advanced Legal Studies; that is what we can compare with this one. It is not the NBA.

The Chairman: He mentioned NBA and ICAN as an Institute.

Hon. Chile Igbawua: I am clarifying that and still insisting that we have passed a Bill in this House involving Ministerial representations so long as their roles are relevant. I thought what we were going to do was to add a representative of the Federal Ministry of Labour through Education to be concurrently on membership.

Hon. O. Joyce Overah (Okpe/Sapele/Uvwie): What the original Act says is all right since it has to do with education by way of qualification. We need to have somebody that would represent the Ministry of Education. The ICAN he mentioned has equally a Member in the Ministry of Education. He should check it; there is a

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member of the Federal Ministry of Education in that Commission.

The Chairman: We recently passed a Bill on ANAN and we did not include a member from the Ministry of Education.

Hon Ike Chinwo: I am inclined to align with Hon. Tsegba. This is a professional association; it is just like Nigerian Institute of Personnel Management or the NBA. The comparison Hon. Chile was making with Institute of Advanced Legal Studies is different entirely. I do not see any rationale having a representative from the Ministry of Education. If we do this, the implication is that all other professional associations will have somebody from one Ministry or the other. Therefore, it is irrelevant. I align with him that we should delete that.

The Chairman: Hon. Gbenga, I understood you are a member of ICAN; do you have in the Board, a representative from the Ministry of Education?

Hon. Gbenga Oduwaiye: On the Board of ICAN?

The Chairman: Yes.

Hon. Gbenga Oduwaiye: No.

Hon. Bernard Ambrose Udoh (Ikot Abasi/Mkpat Enin/Eastern Obolo): Mr. Chairman, since the Institute is a professional body, the Ministry of Education has nothing to do there. The examination will be set merely by the Institute so it is better to allow the Institute to set its pace.

The Chairman: Hon. Colleagues, does the Ministry of Education supervise the examinations of professional bodies like ICAN and Law School?

Several Hon. Members: No!

The Chairman: The amendment is that we remove the representative of the Ministry of Education. There was a Motion by Hon. Tsegba that we remove the representative of the Ministry of Education. That Motion was duly seconded by Hon. Ita Enang.

Amendment put and agreed to:

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Clause 7 (1) (e) – (A REPRESENTATIVE OF THE MINISTRY OF EDUCATION) – *as amended ordered to stand part of the Bill.*

Clause 7(1) (h) – (A REPRESENTATIVE OF SECURITIES AND EXCHANGE COMMISSION (SEC))

The Chairman: Is there any Comment?

Hon. Ita Enang: Mr. Chairman, I want to plead that it is unnecessary for the Commission to be here. It has nothing at all to do here. The job of the Securities and Exchange Commission is to regulate the activities in the Capital Market. What we are considering here relates to Pension Institute; it is not even the Pension Commission. It is enough that the Pension Commission is a member of this Institute.

I move that we delete *a representative of Securities and Exchange Commission* because it is unnecessary in this Institute.

The Chairman: Is there any seconder?

Hon Emmanuel Jime (Makurdi, Guma): Mr. Chairman, I rise to second the amendment as moved by Hon. Ita Enang.

The Chairman: Before I put the question, let me ask the Chairman the wisdom of putting a representative of the Securities and Exchange Commission so that Members may have a different opinion from the reasoning of the Committee. Any one of you can speak; I understand you are working together.

Hon. Rasak Adewusi Babatunde: Twenty five *per cent* of Investments for Pension Funds are with SEC. I said Stock Exchange and that is the reason we asked that SEC should be a member.

The Chairman: Their argument is that 25 *per cent* of the funds of pension are invested into the Capital Market and for that reason they need a representation from the Capital Market.

Hon. Waziri Aminu Tambuwal (Kebbe/Tambuwal): In the normal business parlance, it is a representative of the Pension Interest Groups or

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Commission that should be on the Board of SEC. It is PENCOM that should be on the Board and not the other way round.

I disagree with that wisdom.

Hon. Tsegba Terngu: Mr. Chairman maybe the Chairman is mixing something. When the Pension Reform Act was passed in 2004, there was a regulation that not more than 25 *per cent* of contributions should be put into the Capital Market. It is not true to say that 25 *per cent* of Pension Fund Assets is in the Capital Market.

In fact, it is lower now because of the collapse of the Capital Market and this Institute is not about the Capital Market?

The Chairman: Hon. Tsegba, the Capital Market has not collapsed.

Hon. Terngu Tsegba: Let me say the down turn in the Capital Market. Let us understand the fact that this Institute is being set up to regulate practitioners in the Pension Industry. It is not to regulate the investment in the pension industry. These are two different things. We are talking of practitioners and not assets.

The assets of the Pension Fund should be regulated by PENCOM. This industry is to regulate the practitioners. So SEC has nothing to do with the practitioners of the Institute of Pension Administration of which I am a member.

Amendment put and agreed to.

Clause 7(f) (ONE PERSON WHO SHALL BE A MEMBER OF THE INSTITUTION TO REPRESENT INSTITUTIONS OF HIGHER LEARNING IN NIGERIA OFFERING COURSES LEADING TO AN APPROVED QUALIFICATION BY THE INSTITUTE)

Hon Friday Itulah: Mr. Chairman, we have an amendment to this proposal by the Committee.

To the best of my knowledge, I do not see how such a selection can be made because we do not have a Body where we can say we have picked this person and he represents all the Institutions. Are you picking from the University of Benin, Auchi Polytechnic or where?

We are not likely to pick somebody that we can say this man or woman stands to represent the Institutions for Higher Learning offering courses relevant to this Bill.

The Chairman: Not only that, you may ask the relevance of having that representative there.

Hon. Friday Itulah: So I am moving for the deletion of this provision.

The Chairman: Hon. Sokonte, are you seconding this Motion?

Hon. Davies Sokonte (Degema/Bonny): I am here with some amendments. The issue about representation, I think that Pension is about labour.

The Chairman: No, we are not there now.

Hon. Ike Chinwo: Mr. Chairman, in seconding the views of Hon. Itulah, I think that as we speak today and even in the near future, I have not seen any course that you have as a B.Sc. or BA in Pension Studies.

Those that go into this business either have degree Economics, Finance or Accounting. So the issue of having somebody from the Higher Institutions does not arise at all. Let us leave them as the immediate past President have already been passed.**The Chairman:** No, you are just to second the Motion.

Hon. Ike Chinwo: I rise to second the Motion ably moved by Hon. Sokonte.

Amendment put and agreed to.

The Chairman: Hon. Members, we are on Clause 7(f)(2) (THE PRESIDENT, FIRST VICE PRESIDENT, SECOND VICE PRESIDENT AND THE TREASURER SHALL BE ELECTED FROM THE COUNCIL)

Hon. Terngu Tsegba: Mr. Chairman, if we look down at Clause 7(1), this has been exclusively provided for that Sub-section except for the Treasurer. I do not know how the arrangement of Clauses is but except for the Treasurer, there is Clause 8. This deal with the election of President and Vice President and that has been provided for which deals with the issue of election.

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The Chairman: So, what is your prayer?

Hon. Terngu Tsegba: What I am saying is that, except for the issue of Treasurer, these (2) and (3) should not be there because they are provided for in Clause 8, which is the election of President and Vice President and which deals with their tenure of office. For us to just come in the middle here and insert election, I think we should delete this (2) and (3) and take the election of Treasurers when we are talking at the election of the President and the Vice President in Clause 8 (1).

The Chairman: Chairman, do you want to respond to that?

Hon. Rasak Adewusi: Yes Sir, except for the Treasurer, the President and the Vice President here is a typographical error. It is not supposed to be there.

The Chairman: So it is not supposed to be here?

Hon. Rasak Adewusi: Yes Sir, except the Treasurer.

The Chairman: So, we are to delete the President and the Vice President?

Hon. Rasak Adewusi: Yes Sir.

Hon. Terngu Tsegba: Sorry, I thought when we are dealing with Clause 8(1) we can reframe it to include the election of the President, Vice President and Treasurer.

The Chairman: Hon. Tsegba, I do not want us to emphasize the issue of the Treasurer because you are making them 13. Already we have 12 and each zone will have two representatives. If you are laying emphasis on the Treasurer, you are making him another member.

Hon. Terngu Tsegba: We thought as much and that was I suggested that we should delete Clause 7(2) and 7(3) and deal with the election of the President and Vice President and allow the other officers to come in line with the provisions of the Act.

Clause 7 – (COMPOSITION OF THE GOVERNING COUNCIL OF THE INSTITUTE) – as amended ordered to stand part of the Bill.

Hon. Emmanuel Bello (Gombi/Hong): Mr. Chairman, if you look at the composition of the Council

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you will discover that we have greatly reduced the complexion of the Council in the sense that we have eliminated the representative of the Exchange and Security Commission. We have also removed the representative of the Ministry of Education and the Institutions of Higher Learning. We have reduced the scope and the spread. The point I want to make is that we should be careful in making the law so that we do not make a law that will give the President the opportunity to personalize the whole institute.

The Chairman: So what are you saying in effect?

Hon. Emmanuel Bello: What I am saying is that we should as much as possible make sure that the pension beneficiaries are represented on the Board in such a manner that it should be broad so that the election can actually be an election each time there is an election.

The Chairman: We are not yet talking about election but we are talking about the Board coming from the Council where we have the President, the First Vice President and Second Vice President. The emphasis here is the Council. We are saying that we have dealt with that previously and we do not want to make emphasis on the Treasurer so that it will not become as if the Treasurer is also a part of those top officers we have mentioned earlier.

Hon. Emmanuel Bello: So, we still have opportunity to talk on this.

The Chairman: Yes, we can talk about election.

Hon. Alex Ikor Ukam (Akamkpa/Biase): Mr. Chairman, now that we have more or less settled the issue of Clause 7(f) (ii) by deleting First Vice President and Second Vice President, we agreed to still retain the Treasurer position that will be shifted down to when we would be treating Clause 8.

Secondly, Clause 7(f)(iii) could also be shifted down to Clause 8 so that the arrangement will flow.

The Chairman: It is all right, I understand what you are saying.

Hon. Ike Chinwo: Mr. Chairman, I have been pondering over the arrangement of Clauses of this Report. Like the posts we are discussing now, if you go down to the election of the President and the Vice President, it says:

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The President and the Vice President shall be Fellow of the Institute and shall be elected by the Council of the Institute.

The Chairman: I think that is the only thing that we need.

Hon. Ike Chinwo: That in itself is undemocratic. If you say *elected from the Council* it is at the Annual General Meeting of the Institute that officers of the Institute are elected from the Council members. The Council members as we have decided earlier are constituted by saying two from each zone. But in the election, it is at the Annual General Meeting that elections of officers are done from the Council.

So, I think they should go back and consult with the promoters of this institute and let us know what exactly they are talking about. There is a lot of confusion there.

The Chairman: Let us hear from the Committee, maybe they have done the consultation.

Chairman, he is saying that in Clause 8, *The President and the Vice President who shall be Fellows of the Institute shall be elected by the Council of the Institute* not by the general assembly of the Members of the Institute. What is the wisdom in that?

Hon. Adewusi Babatunde (Egbado North/Imeko Afon): Mr. Chairman, Sir, we felt that the election of the President and Vice President should be carried out by the Council itself and not by the entire Institute.

The Chairman: Hon. Ike Chinwo, let me just say this; it may be correct or incorrect. Maybe the zonal representatives were elected by the zonal members; that is, the two members from the zone. If the two members from each zone are elected by the generality of members of the profession to come and be Council members, if that is the way they are going to do it then there is nothing wrong after being elected in your zone for you to come and decide who will be your President.

Hon. Adewusi Babatunde: Yes Sir. That is just that, Mr. Chairman.

Hon. Ita Enang: Mr. Chairman, this is one of those laws we say we do not make law *adomene*, that is, laws attaching to the person.

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I have looked at this, even in the Bill as it came from the promoters; it still says that the same President and Vice President shall be elected by the Council of the Institute. In fact, they go down to say that other members of the Board shall be appointed. This is a law which is intended to test the wisdom of Parliament and the Legislature should show its wisdom in rejecting this provision.

In the Nigerian Bar Association, all members who are delegates are members who, are in the general meeting, will elect the officers. That is what happens in other associations.

The Chairman: In Nigerian Bar Association, do you have zonal arrangement like they have here?

Hon. Ita Enang: We have State arrangements.

The Chairman: They have two from each zone which you do not have in Nigerian Bar Association.

Hon. Ita Enang: Yes, Sir.

The Chairman: So, just treat your own uniquely and allow them to take their own profession in the manner they think the profession will operate well.

Hon. Ita Enang: I want to say that all the members of the institute, so long as you are registered as pension practitioner should be party to choosing the person that should be the President.

Let me even widen this matter the more. When you look at the amendment, they said:

The President and the Vice President who shall be Fellows of the Institute

That means that if you are an Associate, a graduate, you are not entitled to contest for this position unless you are a Fellow.

The Chairman: I do not see anything wrong in that.

Hon. Ita Enang: I will suggest that we hold the same opinion that we should make it open to all members of the institute.

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Hon. Terngu Tsegba: Mr. Chairman, I think there is nothing wrong saying that the President shall be a Fellow of the Institute. I thought what the amendment should be is that *the President and Vice President who shall be Fellows of the Institute shall be elected by the members of the institute.*

In that way we give every member of the institute an opportunity to decide who becomes the President of the Institute.

The Chairman: Hon. Tsegba, the reason we cannot take that is because earlier, we agreed that the President, Vice President (I) and (II) are part of the twelve Council Members. If you leave it open, it will not be all right.

They are to elect two from each zone; and among the two each that were elected from six zones, making twelve, should contest for President, Vice President I and II. That is what it means. *(Interruptions)*

Hon. Abdul Ahmed Ningi: Mr. Chairman, this is exactly what obtains in all the supporting bodies across the country. You are expected to go back to your zone and be elected within the zone. When you come to Abuja, the elected members from the zones will now select the President, the Vice President I and II, as the case may.

That means the President, and the Vice President I and II must have undergone double elections for them to have the superiority or moral right to preside over the affairs of the Council.

The Chairman: It is just like the National Assembly; we have 360 members elected from our Constituencies. We came here and the 360 members decided to elect the Speaker and the Deputy Speaker among themselves. Are we now increasing the number from 360 to 362?

Hon. Terngu Tsegba: That is all right, Sir.

The Chairman: Now, let us decide on Clause 7(f) (2) and (3). We are on Clause 7 (f) (2) and we have deleted them as suggested by Hon. Tsegba and Hon. Ukam and will take them to Clause 8, which is the next Clause.

Clause 7(f) (2) – *by the leave of the House, deleted.*

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The Chairman: Yes, what is your Amendment; is it from Clause 7(f) (4)?

Hon. Sokonte H. Davies (Degema/Bonny): My amendment is before Clause 7(f) (4).

The Chairman: We have finished that one.

Hon. Sokonte H. Davies: That is still on Appointment and it is like an amendment. Pension is a labour matter; it is just like ICAN where the Ministry of Finance has a representation. It is important for the Ministry of Labour to be represented in that Institute. *(Interruptions)*

Hon. Emmanuel Bello (Gombi/Hong): I second the Motion as moved by Hon. Davies.

Amendment put and negatived.

Clause 7 (f) (4) – *as amended ordered to stand part of the Bill.*

Clause 8 - (ELECTION OF PRESIDENT AND VICE-PRESIDENT)

The Chairman: Clause 8 reads: (1) *The President and the Vice President who shall be Fellows of the Institute shall be elected by the Council of the Institute.*

Hon. Alex Ikor Ukam: We have to be specific even though I know some Clause have taken care of it but this area is very important. We have to be specific on the number of Vice Presidents we are referring to. This is because the provision here talks about the President and Vice Presidents.

The Chairman: But earlier on you have talked about Vice President I and II.

Hon. Alex Ikor Ukam: That is what I am saying; previously I have made mention of that.

The Chairman: That is all right. That is the election of President and Vice President I and II.

Hon. Alex Ikor Ukam: This is because this is the area of election and we have to be very careful.

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The Chairman: That has been taken care of in other Sections of the Bill.

Clause 8 – (ELECTION OF PRESIDENT AND VICE PRESIDENT) – *as amended ordered to stand part of the Bill.*

The Chairman: Clause 9 – (TENURE OF COUNCIL MEMBER)

Hon. Ita Enang: I am raising issue on 9(1) (c).

The Chairman: That is retained?

Hon. Ita Enang: That is wrong because if we simply say that the President shall chair the meetings of the Institute and that is all; it may appear that if the President is not there, no meeting can go on and that the Vice President I and II cannot chair.

The Chairman: Let us look at Clause 9(b) *The President shall be the Chairman and the Vice President shall be the Vice Chairman respectively.*

Hon. Ita Enang: That is right; that means the Vice Chairman can only be Vice Chairman and nothing else. The normal way we draft and make laws is that in the absence of the President, the Vice President will act.

I want to make this amendment:

That the President shall chair the meetings of the Institute and in his absence, the First or Second Vice President shall chair.

The Chairman: Thank you. Hon. Lanre Agoro, you have the Floor.

Hon. Lanre Agoro Adeniran (Irepo/Orelope): Mr. Chairman, with due respect to Hon. Ita Enang, it seems as if we are jumping the gun. If we go to Section 9(2), it says:

In the event of death, inability or incapacity of the President, the Vice President shall act as the President for the unexpired portion of the term of office of the President and references in this Act to the President shall be construed accordingly.

Inability or incapacity means in his absence. Inability can be interpreted to be in his absence. So, what

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it means is that even the Vice President who happens to be the Vice Chairman at the meeting can still go on and chair. That is my submission there.

The Chairman: Is there any Second to Hon. Ita Enang's Motion?

Hon. Abdul Ahmed Ningi: I second the Motion as ably moved by the Chairman, Rules and Business, Hon. Ita Enang.

The Chairman: I want to put the question on the Motion that we include the Vice President I and II in the absence of the President to chair the meeting.

Clause 9(b) – *as amended ordered to stand part of the Bill.*

Hon. Chile Igbawua (Kwande/Ushongo): Mr. Chairman, the recommendation by the Committee in 9 (1) (b) has to be amended to include the role of the Second Vice President.

The Chairman: It says: *The President shall be the Chairman and the First Vice President shall be the Vice Chairman respectively.*

Hon. Chile Igbawua: We should say that; *the President shall be the Chairman and the First Vice President shall be the Vice Chairman, failing; the Second Vice President shall be the Chairman respectively.* That will also go down to 9(2).

Hon. Nkiruka Onyejeocha (Isuikwuato/Umunneochi): I second the Motion as moved by Hon. Chile.

Amendment put and negatived:

Hon. Ike Chinwo: Mr. Chairman, my amendment is that the Clause is not necessary; it should be deleted. Where it says: *the President shall be the Chairman and the First Vice President shall be the Vice Chairman.* We have already created office of the Chairman and the Vice President. Why is that necessary there? So, my motion is that it should be deleted entirely.

Hon. Emmanuel Jime: Mr. Chairman, I believe that the real intendment of this provision is to ensure and to state categorically that the First Vice President is indeed superior to the Second Vice President. Emphasis is

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being made here such that it is made clear that between the two Vice Presidents, which one of them takes precedence.

Hon. Abdul Ningi (Ningi/Warji): Mr. Chairman, I concur with the superiority of the First Vice President. If we do not take the issue of Second Vice President into contention, what then is the role of the Second Vice President in the order or in the scheme of things?

Where we say that the President comes first, the First Vice President comes second, then the Second Vice President comes third in the order of priority. It is just like when we say Speaker, Deputy Speaker and House Leader, in that order. So that when each position is passed by law, it should be able to take its natural course of event.

The Chairman: Now, we have a Motion by Hon. Ike Chinwo that we delete (b).

Hon. Terngu Tsegba: Mr. Chairman, in view of the fact that the issue of Chairman has been settled in Clause 9(1) (b), I support the Motion that Clause 9(1)(c) be deleted.

The Chairman: No – he is saying that we should delete 9(1)(b).

Hon. Terngu Tsegba: No, he is saying that we should delete 9(1) (c).

The Chairman: No, he said Clause 9(1) (b) be deleted.

Hon. Terngu Tsegba: If that is the case, I withdraw my support. I thought it was Clause 9(1)(c).

The Chairman: Hon. Ita Enang, do you want to second the Motion?

Hon. Ita Enang: Yes, Sir, I want to support because the President shall be the Chairman and First Vice President shall be the Vice Chairman respectively. This does not on its own need to be in the law. It adds nothing to this law.

The Chairman: Are you Seconding?

Hon. Ita Enang: Yes; I second the Amendment.

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Amendment put and negatived:

Clause 9 – (TENURE OF COUNCIL MEMBERS) – Ordered to stand part of the Bill.

Clause 10 (CEASATION OF OFFICE) –

Hon. Alex Ukam (Akamkpa/Biase): Mr. Chairman, by the recommendation of the Committee, Clause 10 says: *if the President or Vice President ceases to be a member of the Institute...* we should include the First and Second Vice Presidents. This is because it is not only related to the President and the First Vice President alone, who probably by commission or misconduct of office ceases to occupy that office. It also affects the Second Vice President.

In other words, there should be an inclusion of the Second Vice President.

Hon. Ita Enang: Mr. Chairman, I want to even expand it further; we should say: *any officer who ceases to be a member of the Institute ceases to hold office.* That should include every officer and not just the President and Vice Presidents.

The Chairman: You are seconding by way of amending the initial amendment proposed to read: *Any Officer who ceases to be a member of the Institute ceases to hold office?*

Hon. Ita Enang: Yes, Mr. Chairman.

Amendment put and agreed to:

Clause 10 – (CESSATION OF OFFICE) – As amended ordered to stand part of the Bill.

Clause 11- (DISQUALIFICATION OF MEMBERS OF THE BOARD)

The Chairman: Hon. Betty, do you want to make comment on Clause 11?

Hon. Betty Apiafi: Mr. Chairman, my comment is not on Clause 11. I raised my hand for Clause 10. The provision of the law is that when the President ceases to be in office, the First Vice President takes over, but it did not state that the Vice President still have an opportunity to contest for a fresh term in office.

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The Chairman: *In the event of death, inability or incapacity of the President, the Vice President shall act as the President.* It is there.

Hon. Betty Apiafi: After Acting for the unexpired tenure of the President, he still has the right to contest.

The Chairman: Yes, and nobody has disqualified him from contesting. It is implied.

Hon. Betty Apiafi: Is it implied?

The Chairman: Yes.

Hon. Betty Apiafi: All right.

Clause 11 – (DISQUALIFICATION OF MEMBERS OF THE BOARD) – *Ordered to stand part of the Bill.*

Clause 12 – (POWERS/DUTIES OF THE GOVERNING COUNCIL) –

Hon. Ita Enang: Mr. Chairman, this Clause 12(a) and (b) makes sense but it is awkward and ugly.

The Chairman: Which one?

Hon. Ita Enang: I am talking about 12(a) and (b); it makes sense but it is awkward, ugly and inelegant. If we say that; *it shall be the duty of the Council to keep itself informed of the nature of* – that is coming from the back and it is not a decent drafting. It makes sense but it is not neat.

Hon. Abdul Ningi: Mr. Chairman, In addition to what he said, since the Chairman, the Deputy and some other members are here, we may get more clarification as to what informed their opinion of retaining it.

The Chairman: Hon. Sunday, is your Deputy here?

Hon. Christopher Sunday (Boki/Ikom): Mr. Chairman, just like the Chairman, Rules and Business has stated, we saw that it was a little bit awkward but it makes sense. However, we tried to re-couch it but we have some difficulties. So we decided to just retain it, instead of making it more cumbersome.

The Chairman: Hon. Ita Enang, what is your proposal now?

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Hon. Ita Enang: Mr. Chairman, let me take just few minutes to redraft it.

The Chairman: You have three minutes to redraft it.

Hon. Ita Enang: I will.

Hon. Abdul Ningi: Mr. Chairman, I want a clearer picture of the intendment.

The Chairman: That is what he is trying to do.

Hon. Ningi: No, if you have, you can come with it.

The Chairman: Me?

Hon. Ningi: Yes.

The Chairman: No.

Hon. Ningi: If you have, you can clarify so that we can go further. You can guide.

Hon. Ita Enang: It reads: *The Council shall Keep abreast of the nature and content of the instructions.*

That also goes for (a) and (b). We should simply amend the main question. What we are introducing is:

Keep abreast of the nature and content of instructions given at approved institutions to persons attending approved courses of training.

Let me take some time to redraft this.

Hon. Terngu Tsegba: Let us understand the function of the Council. This is to regulate person(s) seeking admission to be qualified as members of the Pension Institute. What I understand is that this Council has its own regulation and it has its own standard, which must be met before one is absorbed as member of the Institute.

He is neither a member of the Governing Council of the University for him to go and observe the proceeding in the University or to go and observe examination being set up in the University neither is he an external examiner. So that is overstepping his bound in the first instance.

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The Council's power here is to regulate and set standard for persons seeking to be member of this Institute. That standard may be through their own examination, which will be conducted by them.

However, to say that they should go and look at what is being done in the University or through approved course of study to watch examination as if they are members of Council of that University is not correct.

Therefore, the powers of this Institute should be restricted to their ability to set up standard within which somebody will meet and then be qualified to be admitted into their own Institute, which is the Chartered Pension Institute.

If they decide to go and give this examination to another body, whether a University or a school to set for them that is their business.

The Chairman: What is your proposal?

Hon. Tsegba: My proposal is that we should remove anything that has to do with institution and that the power of the Board or the Council should be to set up standard and regulation, which are to be met by anybody seeking to be a member.

The Chairman: Let us read the proposal so that I can ask for a seconder.

Hon. Tsegba: All right, I will write it down.

The Chairman: So, it is not yet written?

Hon. Bernard Udoh (Ikot Abasi/Mkpat Enin/Eastern Obolo): The issue in contention is 12(2) that Hon. Ita Enang is trying to redraft. Since it is difficult now for us to get the exact words that we wanted, it is better for us to allow it the way it is, believing that the drafter of this Bill took time to present it before the House.

There is no need to argue when we cannot arrive to the exact thing we want.

The Chairman: Thank you.

Hon. Emmanuel Jime (Makurdi/Guma): I would like to seek the kind understanding of our Colleague, Hon.

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Ita Enang to offer some assistance about how we intend Section 12(2) to stand.

My proposed amendment therefore should be that this Clause 12(2) should read:

The council shall be duly informed:

(a) Of the instructions given at approved institutions.

In other words, I am only changing the language of paragraph 2 to read:

The council shall be duly informed of the instructions given at approved institutions persons attending approved courses or training.

Sub-section (b) should be retained the way it is.

The Chairman: Is there any seconder to that?

Hon. Aminu Waziri Tambuwal (Kebbe/Tambuwal): I second the Amendment. I want to add, if permitted, *That the Council shall be duly informed of the following:* That is for proper capturing.

Amendment put and agreed to.

Hon. Ningi: But you have asked Hon. Tsegba to come up with his amendment.

The Chairman: I also asked Hon. Ita Enang to come up with an amendment.

Hon. Ningi: Are you turning down his proposal

The Chairman: I have told him. It was the same thing.

Hon. Ningi: From his speech, it makes more meaning to capture it.

The Chairman: Hon. Tsegba, do you want to make another amendment on this?

Hon. Tsegba: On the Powers and Duties of the Governing Council

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The Chairman: On which Section. We have passed Section 2.

Clause 12 (2) – POWER/DUTIES OF THE GOVERNING COUNCIL – *as amended ordered to stand part of the Bill.*

Clause 13 – (RULES OF THE GOVERNING COUNCIL) - *ordered to stand part of the Bill.*

Clause 14 – (DUTIES OF PERSONS) – *ordered to stand part of the Bill.*

Clause 15 – (INTERFERENCE OF PERSONS) – *ordered to stand part of the Bill.*

Clause 16 – (REPORT OF PERSONS) – *ordered to stand part of the Bill.*

Hon. Baba Shehu Agaie (Agaie/Lapai): Mr. Chairman, I move that the House do revert to plenary and for the Chair to report progress.

Question put and agreed to.

(The Deputy Speaker resumed the Chair)

The Deputy Speaker: The House in the Committee of Whole considered the Report of the Committee on Pension, on the Chartered Pension Institute and approved as follows:

Clause 1- approved;
Clause 2 - amended;
Clause 3 - approved;
Clause 4 - amended;
Clauses 5 and 6 - approved;
Clause 7 - amended;
Clause 8 - approved;
Clauses 9 and 10 – amended;
Clause 11 - approved;
Clause 12 - amended;
Clauses 13, 14, 15 and 16 - approved.

ADOPTION OF REPORT

Hon. Baba Shehu Agaie: Mr. Speaker, I move that the House do adopt the Report of the Committee of Whole as amended.

I so move.

Hon Friday Itulah: I second the Motion.

Question and put and agreed to.

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

ANNOUNCEMENT

PDP North West Executive Meeting

The Deputy Speaker: *The Meeting of the North West Zonal Meeting Scheduled for Saturday 7th March, 2009, is here by postponed. New date will be communicated later.*

(Signed)

*Hon. Aminu Waziri Tambuwal
Deputy Chief Whip*

ADJOURNMENT

Hon. Baba Shehu Agaie: Mr. Speaker, I move that this House do adjourned till Thursday, 5th March, 2009 by 10.00 a.m.

Hon. Ita Enang: I second the Motion.

Question put and agreed to.

Resolved: That the House do stand adjourned till Thursday 5th March, 2009 at 10.00 a.m.

The House adjourned accordingly at 5.15 p.m.