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HOUSE OF REPRESENTATIVES
FEDERAL REPUBLIC OF NIGERIA

Tuesday, 5th May, 2009

The House met at 10.55 a.m.

P R A Y E R S

(The Speaker in the Chair)

VOTES AND PROCEEDINGS

The Speaker: Hon. Members, the House is called to order. I have examined and approved the Votes and Proceedings of Thursday, 30th April, 2009.

ANNOUNCEMENTS

**2009 Niger Delta Development Commission
Budget Proposal**

The Speaker: You will recall that on Tuesday, 28th April, 2009 the House received a communication from the President of the Federal Republic of Nigeria, Alhaji Amaru Yar'Adua, forwarding the 2009 Niger Delta Development Commission (NDDC) Budget Proposals to the House for consideration and approval.

I have verified the Budget Proposals and referred it to the Joint Committee on Niger Delta Development Commission and the Committee on the Ministry of Niger Delta.

(Budget Proposals accordingly referred to the Joint Committee on Niger Delta Development Commission and the Committee on the Ministry of Niger Delta)

**2009 Budget Proposal for Nigerian
Telecommunications Commission**

The Speaker: The President also forwarded the Nigerian Communications Commission 2009 Budget Proposal for consideration and approval.

This is also referred to the Committee on Communications for further legislative input.

(Budget Proposal referred to the Committee on Communications for further legislative input)

**Meeting of Deputy Leader with some
Committee Chairmen**

The Speaker: Hon. Colleagues, the Deputy Leader would want to meet with Chairmen who have not submitted their Report after the subject matter or the Bills concerned have been fully funded.

Those Chairmen that have not submitted their Reports should, please, meet with the Deputy Leader of the House.

PRESENTATION OF PUBLIC PETITION

The Speaker: Any Member who has a Petition to present to the House should please do so. *(No response)*

Hon. Mayor Chukwudi Eze (Orlu/Orsu/Oru West): Point of Order, Mr. Speaker!

The Speaker: Please proceed, Hon. Eze.

MATTER OF URGENT PUBLIC IMPORTANCE

**Fuel Crisis in Nigeria and the
Attendant Long Queue**

Hon. Mayor Chukwudi Eze: My point of Order is Order VIII, Rule 4 titled: *Matter of Urgent Public Importance*. The issue is on the fuel crisis in Nigeria and the attendant long queue. With the leave of this House, I would like to move that the matter be taken immediately.

I therefore move that Order VIII, Rule 4(3) to be suspended - *(Interruptions)*

The Speaker: Please, hold on. First of all, I will seek the leave of the House to determine whether or not the issue is important and urgent enough.

Question put and agreed to.

Resolved: That this matter be taken as a Matter of Urgent Public Importance.

Hon. Mayor Chukwudi Eze: Mr. Speaker, I move that Order VIII Rule 4(7) be suspended so that we can take this matter immediately.

Hon. Peter Linus Umoh (Oron/Mbo/Okobo/Udung Uko/Urue Offong/Oruku): Mr. Speaker, I hereby second the Motion moved by Hon. Mayor Eze.

Question put and agreed to.

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Resolved: That Order VIII Rule 4(7) be suspended to enable the House take a matter of Urgent Public Importance immediately.

Hon. Mayor Chukwudi Eze: Mr. Speaker, hon. Colleagues, the House knows that there is an on-going fuel scarcity which is said to have been caused by Marketers stopping the importation of products due to the refusal of the Nigeria National Petroleum Corporation (NNPC) to pay ₦201,000,000,000.00 (Two Hundred and One Billion Naira) to the Petroleum Equalisation Fund (PEF) as Petroleum Price Support Fund (PPSF) which is used to subsidise the importation of refined fuel products.

The House:

Notes that the ongoing fuel scarcity is said to have been caused by the Petroleum Marketers who stopped the importation of products due to the refusal of the Nigeria National Petroleum Corporation (NNPC) to pay ₦210 billion to the Petroleum Equalisation Fund (PEF), as Petroleum Price Support Fund and subsidies for the importation of refined fuel products:

Observes that this has necessitated the utilisation of NNPC supplies to meet the needs of all Marketers.

Further notes that other reasons advanced as the causes of the scarcity were the Petroleum Tanker Drivers' strike starting from 13th to 21st of April, 2009 and the shutdown of Loading Bay at Apapa, Lagos, following a dispute between Petroleum Tanker Drivers and the Lagos State Transport Management Authority (LATSMA) as well as vandals attack on Petroleum Products Marketers Corporation's (PPMC's major pipeline system (System 2B) which moves products from Atlas Cove to Mosimi, Ejigbo, Ibadan, Ilorin and Ore pipelines which have effectively shut down PPMC's capacity to move product by about 30 per cent, a minimum of up to 380 trucks per day;

Aware that President Yar'Adua had in March, 2009 given directive that marketers be paid ₦126 billion of their claims so that they could have money to do business, but up till now nothing has been done;

Worried that it is further alleged that 80 per cent of the bridging of petroleum products to the Northern States has stopped because the Government is yet to pay ₦6.6 billion in marketers' bridging claims;

Conscious of the economic costs of dry filling stations and the hardship being faced by Nigerians;

Resolves to:

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(i) Urge the Federal Government to immediately intervene and restore normal fuel supplies.

(ii) Further urge the Federal Government to reactivate the nation's refineries and also encourage the establishment of private refineries.

I so move.

Hon. Oyetunji Omotayo (Akinyele/Lagelu): I hereby second the Motion moved by Hon. Mayor Eze.

Question proposed.

Hon. Mayor Chukwudi Eze: Mr. Speaker, it is the duty of this House to once again intervene in issues like this because Nigerians have been expecting a statement from the House of Representatives being the highest assemblage of representatives in this country.

We know that whatever touches on the fuel supply of this country touches on all aspects of the socio-political and economic life of this country. It is a big irony that we are still witnessing fuel queues in Nigeria despite the love God showers on this country by giving us abundant natural resources especially petroleum products.

Once OPEC prices are high, it is always difficult for Nigeria to maximise the opportunity because while non-oil producing countries are importing we are also importing at high prices. This has brought again the issue of petroleum products, refineries and deregulation so that Nigerians will walk into filling stations, buy fuel and petroleum products and walk away without long queues.

We all know that a lot of people no longer go to work on time; students do not go to school on time and prices have already doubled because it is always easy for people cash in on fuel prices.

Mr. Speaker, I do not want to belabour this House. Without doubt I know that this House is going to do justice to this matter.

Hon. Leonard Okuweh Ogor (Isoko North/Isoko South): Mr. Speaker, today as the mover of the Motion said, we are confronted with a problem. We need to look at this problem holistically and find a solution to.

I believe seriously that the government has taken a very major decision which bothers on deregulation of the downstream sector. We cannot run away from the truth. The concept of de-regulation is so important that

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at the moment when you look at the financial meltdown and happenings, we cannot afford to spend ₦650,000,000,000.00 (Six Hundred and Fifty Billion Naira) on an annual basis in subsidising any product. The concept of Government being a charity organisation is something we need to look at critically.

But my worry is that since we have come out with such a wonderful policy of deregulating the downstream sector, it becomes important as a nation for us to go into immediate implementation because what we are seeing today is a situation where we have not been able to implement. It, therefore, means that everybody is standing by the side waiting.

The most important problem we are being confronted with today which bothers on the import of products has indirectly caused a major problem for us because we have ended up almost importing the whole fuel that we are using. We decided to revert the sale of some refineries we sold some years ago and today these refineries are not working. These are problems that we have created internally.

My appeal to this House is that we should be able to tell the Executive that the time has come for them to implement the concept of this deregulation. Deregulation, at the end of the day, as I have clearly noted here carries a lot of benefit no matter how you look at it. It will, first and foremost, bring competition into that sector which, therefore, means that the whole process will enhance efficiency. The concept of bringing in funds whereby the government has to take all the resources which is probably close to about 22 *per cent* of our national Budget into financing a consumable product; indirectly financing the economy of other nations would be discouraged.

I therefore appeal to my Colleagues that we are being confronted with a problem because it bothers on the fact that we have not been able to tackle the major problem of deregulation. It therefore means that we should urge immediately the Executive to implement the concept of deregulation that they have already announced. It will bring in capital from the Private Sector. People will be free to do that particular importation rather than allowing some Marketers to hold us to ransom because at the end of the day you owe the marketers. Owing them, therefore, means that you have already indirectly fixed the price of petrol at ₦65 per litre. Let us open this market.

The government, therefore, has to come out with its own palliatives so that at the end the palliative becomes the source of benefits to the Nigeria people. It is important that we implement this concept of deregulation.

Hon. Daniel Dino Melaye (Kabba/Bunu/Ijumu): Mr. Speaker, the issue is coming at a very auspicious time. The situation is begging for serious attention. The government at all levels must be seen to be responsible and responsive.

If you go to every filling station in this town, you will get fuel and you would see tankers on daily basis offloading fuel in these filling stations. Then what is responsible for the scarcity or what is responsibly for the long queues we are seeing?

The Federal Government is doing a turnaround in the Nigeria National Petroleum Corporation (NNPC). A new Board has been inaugurated and a new Group Managing Director appointed. We have a Minister of Petroleum in this country yet the problems persist; the queues are becoming longer and it is also having some negative concomitant effects on security of lives and property in this city. You find people at 2.00 a.m. and 3.00 a.m. queuing for fuel. At times, some roads in Abuja now are not even passable and there is traffic congestion because of this scarcity.

This House, as the House of the people, must quickly call the Group Managing Director of Nigerian National Petroleum Corporation, the Minister of Petroleum and PPMC to explain the reason(s) for this fuel scarcity. The masses of this country must know why there is fuel scarcity. We cannot explain why the scarcity since in all filling stations you go to in this town fuel is being sold at this moment. We see these tankers moving everyday offloading fuel. We must get to the root of the problem and this House or the relevant Committee of the House should, please, take charge.

The Speaker: Thank you. Deputy Chairman, Committee on Petroleum (Downstream), you have the Floor?

Hon. Aro Samuel Bamidele (Yagba East/Yagba West/Mopamuro): Mr. Speaker, it is important for us to educate one another over the issue of this fuel scarcity. In my attempt to explain to this honourable House, I will take my time to start it historically so that we can understand in real sense the problem we are facing.

The scarcity we are experiencing today is not a problem of today; it is a problem that started a long time ago that we really need to know its genesis. I want you to know first that nationwide we consume about 120 million litres of fuel daily. Out of these 120 million litres that we consume daily, our four refineries can only produce between 25 and 30 million litres of fuel if they are working at full capacity. What it means is that we have a shortfall of over 80 million litres. These 80

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million litres of fuel that we have as shortfall have to be imported by the Federal Government.

What I am saying in essence is this; if the refineries are working at full capacity it is possible for them to produce the 120 million litres but when they are not working at full capacity it is practically impossible for them to meet this target.

As at last week, precisely four days ago, Warri Refinery came on board; Warri Refinery is not working. It is only Port-Harcourt II that is producing and this mean that we have to import the remaining total consumption of these products. We should bear in mind that the calculation of the product is based on international pricing which is being handled not even by NNPC or PPMC but by PPPRA. PPPRA has a template which they use to calculate the price the major marketers use in importing the products. When the products are imported, at the landing cost of the products, they use their template; calculate the cost of freight, demurrage and all sorts of charges after which they will now arrive at the landing cost of the products.

As at the time the Federal Government reduced price from ₦70.00 per litre to ₦65.00, the landing cost of refined petrol when it is calculated internationally was supposed to be about ₦90.00. This meant that the government had to pay subsidy by covering the difference between ₦90.00 and ₦65.00. These are the parameters that Government use in calculating these prices.

Now when you import the product and there is a shortfall, the government has to pay subsidy. The Government, according to the mover of the Motion, is owing the major marketers about ₦250 billion.

The Committee on Down-Stream liaised with PPPRA to know the exact amount of money they owe the major marketers and we found out that PPPRA cum the Federal Government is owing the major marketers about ₦150 billion. Out of these ₦150 billion no payment has been made to the major marketers since January this year until last week when this strike started that the Federal Government paid ₦47 billion to the major marketers.

Since January no import permit has been released to any major marketer until last week when this strike started the government had to release import permit to the major marketers and major marketers cannot go ahead and import without the import permit.

Now the major marketers are insisting that certain conditions be met before they can set out to import. We have met with them on this matter. Some of the

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conditions are that they have to be given permission to import and that all the monies owed the major marketers should be paid to them.

The marketers maintained that if the Federal Government owe them ₦150 billion and you pay ₦46 billion to them, they have commitment with the banks; the banks are not ready to give them loans again to import this product and that they do not have enough money to import this product because they have used all the money they have as working capital to import the product but the government has only been paid ₦46 billion. Out of these ₦46 billion we have returned the money being owed the banks. So they do not have the money with which to import refined products any longer.

Secondly, as regards the tankers' drivers strike, the Lagos State Government and the Nigerian Navy, the Committee on Downstream last week summoned the Chief of Naval Staff; we called the National Chairman of the PTD to resolve the differences between the two parties so that the lifting of oil can commence in Lagos. Everybody agreed at the meeting that they are going to call off the strike. They have called off the strike and they have started lifting product but that is not the final solution to the problem.

We have agreed with the Group Managing Director of PPMC to call a summit of everybody that is involved so that this strike will not be coming up repeatedly. We have come to a point that we have agreed that the Committee on Downstream will meet with Lagos State Government. We have sent a letter to them to this effect and the Lagos State Government has already allocated a plot of land to the PTD people in Orile in Lagos where they can be parking their trucks and it will not cause any congestion or traffic commotion again in Lagos but the problem now is how to develop it. Our Committee has written to the Lagos State Government for us to agree on the way forward.

Finally Mr. Speaker, there is no need for us to shy away from saying the truth. At least the whole world is watching and we have account to give to the people that voted for us. It is important for us to say the truth that the system has failed and if the system has failed the next thing we need to do is for us to find solution to the problem. What is the solution to the problem? The solution is: why are we importing products? Why are we creating jobs for outsider? Why are we not creating jobs for our own people?

I agree fully with the mover of the Motion that we should urge the Federal Government to intervene. It is important for us to find a lasting and pragmatic solution to our problem instead to be running away from it.

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First, what we need to do is for us to urge the Federal Government to tell PPMC to build more refineries. Why are we importing the products when we have the raw materials here? If we build more refineries and all the existing refineries are put in order we would have a permanent solution to our petroleum product problem.

As far as I am concerned, we are doing our best but there is a problem that we need to solve.

Hon. Abdul A. Ningi (Ningi/Warji): Mr. Speaker, technically speaking, I concur with whatever Hon. Aro has said but that is not the problem; the problem of fuel supply has been a recurring dismal in this country.

Everybody knows what Hon. Aro has said. We understand the basis of the problem. But here is the situation Mr. Speaker. This fuel crisis started with the Tanker Drivers strike in Lagos; that was the genesis of this particular crisis. Every other thing that Hon. Aro has said has been there but this particular one started in Lagos with Tanker Drivers strike. What happened is that seven days after the Tanker Drivers had called off their strike, this problem persisted over time because of the Nigerian situation.

Hon. Aro said something about import/export but this Parliament has been giving money for this subsidy year-in year-out. This subsidy money, having been given, what reasons do NNPC and Government officials have for this ongoing fuel crisis. Hon. Aro has spoken as if he is on the other side just to educate us. What Hon. Aro said should not have been the problem. The problem is that the Executive Arm is not too serious on our responsibilities for this nation. This is about the third week that this crisis has been going on and no Government official has come out to explain the reasons(s) for the ongoing crisis. No person has offered to resign and this Parliament too has not spoken for anybody to be fired for this problem. It is because of this kind of things that we have all appear to be involved in a comedy of silence. Everybody is sceptical to say something and this is affecting everybody but we do not seem to feel that we must lead.

Mr. Speaker, we must be leaders; we must ask the Group Managing Director of NNPC, the Minister and the Head of PPMC to resign. For goodness sake, this is Nigeria and not their home! When things are happening and we are trying to get one excuse or the other in order to cover up, we are not going anywhere. We are not leading this country. Therefore, this particular problem cannot be solved without these people being fired; I swore to God!

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This situation has caught us in the economic meltdown. Every other youth in this country has abandoned what he or she is doing in order to pursue fuel. For you to return back to normalcy, it will take a lot of heads to roll. Now, the quantity of supply is not up to half of the demand. Even when the supply is there, from Kaduna to Lokoja and from Lokoja to Lagos, there is fuel in these filling stations but in most cases it is not being sold. If you go round Abuja between 12.00 midnight and 3.00 a.m., you will find tankers emptying their fuel from the stations into Jerry cans and drums and these things are being done openly.

Mr. Speaker, I hope you will use your good office to call the attention of those that are concerned that their positions are at stake and unless we take such a very draconian move, we cannot get anywhere.

Hon. Solomon U. Agidani (Apa/Agatu): Mr. Speaker, before I go through the historical perspective, I want to disagree with some of the figures that have been cited here. This is a Parliament and when we give statistics we should be careful about the figures we quote here. The total consumption of refined fuel in Nigeria is between thirty million and thirty five million litres of MPS per day; you can cross-check this figure from the Internet and elsewhere. 445,000 barrels of crude oil is the capacity of all the refineries put together producing 18 million litres of PMS per day if they are all producing at 100 *per cent* capacity.

There is a shortfall of between 12 and 17 million litres per day if all our refineries are working; we must have that in perspective. It is wrong to say that we are consuming 120 million litres.

Having said that, a few of us who are still here such Hon. Femi, Hon. Halims Agoda had investigated this matter in the previous House and the issues that had departed from what we were used to doing are the issues that are bringing us to where we are now. For instance, we had two crude systems in place; the equity crude and the domestic crude. Now, the domestic crude converted to Naira value between 1999 and 2001 was 140 billion subsidies in every financial year running for three consecutive years.

In 2003, the Executive came here and told us lies and said that they were deregulating and that there would no longer be any subsidy but Mr. Speaker will recall that in 2008 NNPC under-declared revenue to the tune of ~~N~~600 billion in support of subsidy. Now in a Budget of under ~~N~~3 trillion, ~~N~~600 billion is going for subsidy ~~N~~1.7 billion is going for Recurrent; how much money is available for Capital?

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The point here is not deregulation; you cannot deregulate a sector of petroleum alone when CBN can devalue your Naira overnight! The international crude oil price came down as if it is time for us to celebrate; no! We were earning more money even when we were earning US\$147 per barrel and all of a sudden it now crashed to between US\$40 and US\$50 per barrel; suddenly there is a downturn. Invariably, we have justified that by devaluing our currency from ₦115 to US\$1 to about ₦185 to US\$1 at the Black Market rate.

The Speaker: Hon. Colleagues, we should understand that we do not operate a system whereby we can devalue our currency; we do not run that exchange rate system. There are policies that we can introduce that can result in the depreciation in the value of the Naira but not necessarily devaluing the currency overnight.

Hon Solomon U. Agidani: I say with authority here that the present value of the Naira was determined by the CBN.

The Speaker: I am telling you that it is a simple economic decision; you cannot devalue when you are not operating a fixed exchange rate system but you can depreciate. Please, proceed.

Hon. Solomon U. Agidani: It is all right. What do we need to do under a situation like this? As a member of this Parliament, if you ask me how much was captured in 2009 Budget to take care of subsidy, I do not know but at the end of 2009 financial year NNPC is going to rollout a revenue shortfall that is going to use subsidy to justify.

Why are we not proactive enough to capture subsidy in the budget so that when there is crisis the Executive Arms resorts to subsidy to make fuel available. Where did the Federal Government get the over ₦60 billion that was paid to the marketers? Can we see it in the budget? These are issues that we must take conscious efforts to address.

Hon. Ubale J. Kiru (Bebeji/Kiru): Mr. Speaker, certainly this issue is very important and I believe all Nigerians are concerned about this situation. I agree with Hon. Ningi when he identified the problem in two ways. It started with Tanker Drivers problem with the Lagos State Government which was resolved later on and before we could begin to see any improvement as a result of that resolution, this second part now came in and the pattern of the queuing became something else more than what, in fact, it was before that incidence. Unfortunately, we are running into this debate of what statistics is correct may be because most of us have been reading these things from the newspapers. I

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believe that would not have been the right way for us to tackle this situation.

In my opinion, even if this House has not done it before in the last two years, I want to recommend that this House invite the Hon. Minister of Petroleum Resources and the Group Managing Director of NNPC to come to this Floor and address this House on this issue. This is important because then we would be able to understand the dynamics of the crisis.

Secondly, I believe that this House had been able to identify and foresee this kind of situation. That is probably why we went into a resolution asking the NNPC be investigated. Unfortunately, I am not aware if that investigation had been carried out and a Report laid before this House. I suggest that that process should be re-invigorated; it should be conducted and a proper Report be tabled before this House for the consideration of hon. Members.

I am saying with all sense of responsibility that Nigerians are looking ahead for us to come up with something. We cannot and should not be seen to be sitting quiet in this Chambers watching things happening on the streets of this country daily, weekly and yearly. The crisis of petroleum distribution in this country has turned out to be a weekly, monthly and yearly event and I believe we should begin to tackle the issue properly.

Hon Sada Soli Jibia (Jibia/Kaita): Mr. Speaker, fuel supply in this country has become like conveyor belt. Every body knows how a conveyor belt system works. If one chain is affected, other parts of it will stand still. Why? It is because of the cheap money that is being made in the system. That is why you have these big blackmails from the major marketers against the Government. What is this ₦120 billion or ₦130 billion to major marketers? How much are they putting into the economy?

This industry has been deregulated and people are making lousy money. People are making so much money from the system. If you drive from Abuja to Kano there is fuel in every fuel Station. If you go to any fuel station in Abuja there is fuel yet on the roadside, you will find people selling fuel in jerry cans and other containers and they are getting from the pump. The question is why is this so?

The NNPC had said it repeatedly that fuel is available. The Committee on Petroleum (Downstream) is here; can they disprove that? They said they met with them. They have been announcing over the radio that people should not engage in panic buying. There is the syndrome of scarcity in this country. When a little thing happens in this country people will generally

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manifest the syndrome; then you will discover that people have resorted to panic buying.

People are talking about major marketers. How many of them have money with the government? How many are they for them to hold the government and 140 million Nigerians to ransom and bleeding us? The Government decided to withdraw the subsidy because the government realised that the average Nigerian is not enjoying the subsidy because of arbitrage. The independent marketers and the independent Depot Managers are manipulating the supply system because they know that the NNPC and PPMC do not have the capacity.

The system has not failed; we have laws and we have enforcement. The most important thing is: do we have this product available? Yes, we have this product available because nobody has gone to buy this fuel and failed to buy but there is this issue of panic buying.

The Speaker: I am going to put the Question on this because we cannot talk all day on this issue. We do not have enough time and we are all saying the same thing. All right, I am going to give two more members the opportunity to speak.

Hon Andrew Uchendu (Ikwerre/Emohua): Mr. Speaker, I only want to observe that as we continue to have fuel crisis on an annual basis, this Parliament has had the misfortune of raising Motions on this issue annually. I am suggesting that we adopt a different strategy or a new approach rather than bemoaning the issue all the time. It is obvious that we have so many Committees that should be saddled with this. Yes, it is good to mention it as a Motion but let us set a Committee to look into this matter properly. Let them go and gather the information, correct its intelligence, document it properly and present the report to this House.

It is beginning to be embarrassing that every year we continue to bemoan the issue of fuel scarcity. This Parliament should adopt a different strategy.

Hon. Bala Ibn Na'Allah (Zuru/Fakai/Sakaba/D/Wasagu): Mr. Speaker, first of all, there are three issues that we must look at. We cannot operate a country where everyone chooses which law to obey and which one not to obey. Starting from the point of the tanker drivers, that is what this House should first address.

These are three questions we must ask. Is it right that every time a Policeman stops a tanker driver to ask for one thing or the other, the next thing is that they will go on strike? Is it right that when they are asked to

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obey the laws of the land where they operate, they will not do it; the next thing is to go on strike? Is it equally right to say that certain groups of people who render services no matter how critical it is to a nation should live above the laws of the land?

When we have answers to these, then the next question will be that we are all aware, and this is a fact, that the Federal Government on its own has said that it has discovered a lot of unholy practices in the management of that sector of the economy. One which is very fundamental is that people will import petroleum, bring it to the dispensing place but they will not allow the petroleum to be dispensed. They will take it back to the high sea and come back for the second time so that they will collect subsidy twice.

The Speaker: Please say it again?

Hon. Bala Ibn Na'Allah: Recently, the Special Adviser to the President on Media, Mr. Segun Adeniyi, made it very clear and had even circulated some documents to this House where it was alleged that importers of this petroleum, the so called petroleum marketers, would ship tankers and bring to the country and document them as having been imported and then carry the same petrol back to the high sea and come back for the purpose of collecting double subsidy. They call it *round tripping*. Papers were circulated here and I have had the privilege of reading it.

The Speaker: Deputy Chairman Petroleum, are you aware of this?

Hon. Aro Samuel Bamidele: Yes.

The Speaker: You are aware of this and you were saying all those things?

Hon. Aro Samuel Bamidele: Yes.

The Speaker: Proceed, Hon. Ibn Na'allah.

Hon. Bala Ibn Na'Allah: The next question is can petroleum marketers on their own roundtrip? If the answer is no, it means they are doing that with the active connivance of those who we budget here to pay as working for the Federal Government of Nigeria. So, the issue should be tackled from that position.

This House has a responsibility to go outside the scope of its Committee on these two aspects. Even if it is a four-man Committee, for God's sake we have sat on the Aviation Committee for the purpose of this Aviation fuel and I told you that I do not even know how to describe what was disclosed there. I am even sure that we are not doing the correct thing.

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What I am suggesting to this House are two:

- (i) The last part of the prayer that says *the Minister should appear* is unnecessary reminder and true. The Speaker should take the bull by the horn and say that we as a responsible Parliament will discharge our responsibilities with the highest degree of honesty; and
- (ii) a four-man Committee should be set up to investigate everything and their Report should be made known to Nigerians so that Nigerians can now take a decision through their own representatives.

This is the best way that we can solve this issue once and for all.

The Speaker: Hon. Colleagues, we have all been somewhat educated enough to take the question and in that way I will welcome the amendments. The first Amendment will come from Hon. Halims Agoda.

Hon. John Halims Agoda (Ethiope East/Ethiope West): Mr. Speaker, honestly we owe people of this great country apology.

The Speaker: Your amendment, please?

Hon. John Halims Agoda: Having been forced to bring an amendment, my amendment is as follows: *The Minister of Petroleum Resources, the GMD of NNPC and the Managing Director of PPMC should provide this great country fuel within one week or get ready to resign or be forced to resign or be fired.*

Hon. Mustapha Ahmed (Bauchi): I rise to second the Amendment proposed by Hon. Halims Agoda.

The Speaker: Hon. Colleagues, Hon. Agoda's Amendment is that the Minister of Petroleum, the GMD of NNPC and the MD of PPMC should provide fuel within a week or resign, be forced to resign or fired. I will now put the question in respect of that Amendment.

Amendment put and agreed to.

The Speaker: The next Amendment is from Hon. Ubale. Hon. Ubale, can you move your amendment please?

Hon. Ubale Jakada Kiru (Bebeji/Kiru): My amendment is two-fold. The first is that the Hon. Minister of Petroleum and the GMD of NNPC should

be invited to come and address this House. Secondly, that the investigation into NNPC should continue and that the Report be laid before this House.

The Speaker: Hon. Ubale's Amendment is that the Minister should come and address the House. Is there any seconder to that? (*No response*)

Amendment lapsed.

The Speaker: The second amendment is that the investigation ordered by the House into the NNPC should continue and a Report brought before the House for consideration.

Chairman, Committee on Rules, what do you say in that respect?

Hon. Ita Solomon J. Enang (Itu/Ibiono Ibom): With due respect, Mr. Speaker, that is a matter that is pending on the Floor and a Motion cannot be moved on it.

The Speaker: You may as well get in touch with the Chairman on Ad-Hoc Committee to provide us with his Report.

Hon. Ita Solomon J. Enang: I agree.

The Speaker: I know that they have carried out some investigations. Is there any other amendment?

Hon. Daniel Dino Melaye (Kabba/Bunu/Ijumu): Mr. Speaker, my amendment is that a thorough investigation of the activities of major marketers and other stakeholders with regard to fuel scarcity be investigated by the relevant Committees.

Hon. H.S. Dickson (Ekeremor/Sagbama): Mr. Speaker, I rise to second the Motion for investigation because we must investigate why we are where we are.

Amendment put and negatived.

Main Motion as amended put and agreed to.

The House:

Noted that the ongoing fuel scarcity is said to have been caused by the Petroleum Marketers who stopped the importation of products due to the refusal of the Nigeria National Petroleum Corporation (NNPC) to pay ₦210 billion to the Petroleum Equalisation Fund (PEF), as Petroleum Price Support Fund and subsidies for the importation of refined fuel products:

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Observed that this has necessitated the utilisation of NNPC supplies to meet the needs of all Marketers;

Further noted that other reasons advanced as the causes of the scarcity were the Petroleum Tanker Drivers' strike starting from 13th to 21st of April, 2009 and the shutdown of Loading Bay at Apapa, Lagos, following a dispute between Petroleum Tanker Drivers and the Lagos State Transport Management Authority (LATSMa) as well as vandals attack on Petroleum Products Marketers Corporation's (PPMC's major pipeline system (System 2B) which moves products from Atlas Cove to Mosimi, Ejigbo, Ibadan, Ilorin and Ore pipelines which have effectively shut down PPMC's capacity to move product by about 30 per cent, a minimum of up to 380 trucks per day;

Aware that President Yar'Adua had in March, 2009 given directive that marketers be paid ₦126 billion of their claims so that they could have money to do business, but up till now nothing has been done;

Worried that it is further alleged that 80 per cent of the bridging of petroleum products to the Northern States has stopped because the Government is yet to pay ₦6.6 billion in marketers' bridging claims;

Conscious of the economic costs of dry filling stations and the hardship being faced by Nigerians;

Resolved to:

- (i) Urge the Federal Government to immediately intervene and restore normal fuel supply to States;
- (ii) Further urge the Federal Government to reactivate the nation's refineries and also encourage the establishment of private refineries;
- (iii) The Minister of Petroleum, the Group Managing Director, NNPC, and the Managing Director PPMC should provide fuel within one week, failure of which they should resign, be forced to resign, or fired.

ORDERS OF THE DAY

MOTION

Need to Avert the Spread of Swine Flu in Nigeria

The Speaker: The first Order of the Day is Motion on the Need to Avert the Spread of Swine Flu in Nigeria standing in the name of Hon. Yacoob E.A. Alebiosu.

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Hon. Alebiosu, please move the Motion.

Hon. Yacoob E.A. Alebiosu: This Motion is on the Need to Avert the Spread of Swine Flu in Nigeria.

The House:

Notes that the Swine Flu is a virus contacted from pigs to human and is easily transmitted from one person to the other;

Concerned that the Swine Flu does not have any vaccine and it is spreading like wild fire in the European and American continents with reported cases in South Korea, Israel, Australia and some other countries;

Worried that if not checked, it can spread to our country Nigeria and can also be mistaken for high fever or malaria;

Resolves to:

- (i) Request the relevant agencies of Government to do a proper check (especially on people coming from the affected countries) at all the border posts into Nigeria;
- (ii) Urge the Ministry of Aviation and the Nigeria Civil Aviation Authority (NCAA) to ensure that screening machines are made available in all major entry points;
- (iii) Further urge the Federal Ministry of Health to ensure that all affected people are treated promptly and all cases reported;
- (iv) Urge NEMA to be alert if case is found in Nigeria.

I so move.

Hon. Isah Idris Umaru (Igabi): I second the Motion moved by my Colleague.

Question proposed.

Hon. Yacoob E.A. Alebiosu: The Swine Flu is a virus that is said to emanate from pigs and easily transmitted to human beings. As at Thursday last week the World Health Organisation raised its level of alert to Level 5. The highest level we have is Level 6.

As at yesterday, there were reported cases by CNN and Sky News that cases had risen to 1,025 cases in about 20 countries world wide. One hundred and fifty-

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nine people have contacted the flu and 26 have died reportedly in Mexico and in USA 286 confirmed cases mainly in children of average age of 16 years have also been reported.

There are suspected cases in Chile, Venezuela, South Africa, Colombia, Costa Rica and the scary part of it is that suspected cases are also said to be in our neighbouring country; Republic of Benin.

The Speaker: Are you saying that Republic of Benue has a case?

Hon. Yacoob E.A. Alebiosu: Yes, Sir. A case has been suspected reported as at yesterday.

Considering the fact that the Swine Flu can be mistaken for Malaria; God forbid or the regular flu, if one person has it in here and sneezes in here, we are in trouble. If you sneeze, you cover your nose and you open a door and somebody else comes and opens the door that is trouble.

Now considering the fact that we have traders going in and out of our neighbouring countries or coming from the United States and European countries, I think it is necessary that they be screened, and present whatever documents before being allowed entry into Nigeria with certificates of clearance be they Nigerians or foreigners.

As at last week no case has been reported in Nigeria yet but does it mean we should sit down and fold our arms? It is necessary for us to be prepared, which is why we are saying let NEMA be on alert; let all our ports and entry points be manned by officials of the Ministry of Health and other relevant agencies to screen people who would have visited those areas.

We are also saying that all cases reported or treated whether in private clinics or elsewhere be reported so that we can have a proper documentation and statistics of what is going on.

The Speaker: Chairman, Committee on Health, you have the Floor.

Hon. Oladoyinbo Ojomo-Alaba (Owo/Ose): I support Hon. Alebiosu's Motion in the sense that it is going to heighten up sensitisation of the agencies responsible for the health of Nigerians and it is going to increase their awareness. Already we have been talking to the Minister of Health and he is to meet with our Committee today after Sitting.

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The Speaker: He is to meet with your Committee today?

Hon. Alaba Oladoyinbo Ojomo: Yes. It is in the Order Paper and he is to brief us on what the government has done and what the government is proposing to do to prevent Nigeria from being a centre of epidemic of Swine Fever.

As of now, I am not aware that any case has been reported in the country. I also think there are some controversies over the nomenclature of Swine Flu. Everybody is aware the level of preparedness is quite high and the Minister has been briefing the nation appropriately.

The Speaker: I think it is quite straightforward, Hon. Colleagues. I will, therefore, put the question unless a member wishes to speak against it.

Hon. Henry S. Dickson: I commend the mover of this Motion for being highly patriotic. The Motion is timely and laudable but in view of the information that this House has now received from the Chairman of the Health Committee regarding a meeting summoned today for the purpose of finding out from the Health administrators what is already on ground, I would suggest most humbly that we should allow the Committee on Health to interact with the relevant government agencies and then do a Report to us in Plenary for consideration so that we do not jump the gun.

The Speaker: I think we should put the question.

Hon. Chile Igbawua (Kwande/Ushongo): I have an amendment, Mr. Speaker.

The Speaker: Go ahead, please.

Hon. Chile Igbawua: I move that we delete prayer (iii). This is because we have no cases of the disease. Therefore, we should not be praying for people to be treated. We should simply delete prayer (iii) and retain prayers (i) and (ii).

The Speaker: Is there any seconder?

Hon. Isah Idris Umaru: I rise to second the Motion moved by Hon. Chile Igbawua.

Amendment put and agreed to.

Main Question, as amended, put and agreed to.

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The House:

Noted that the Swine Flu is a virus contacted from pigs to human and is easily transmitted from one person to the other;

Concerned that the Swine Flu does not have any vaccine and it is spreading like wild fire in the European and American continents with reported cases in South Korea, Israel, Australia and some other countries;

Worried that if not checked, it can spread to our country Nigeria and can also be mistaken for high fever or malaria;

Resolved to:

- (i) Request the relevant agencies of Government to do a proper check (especially on people coming from the affected countries) at all the border posts into Nigeria;
- (ii) Urge the Ministry of Aviation and the Nigeria Civil Aviation Authority (NCAA) to ensure that screening machines are made available in all major entry points;

CONSIDERATION OF BILLS

National Honours Act, Cap. N43, Laws of the Federation of Nigeria, 2004 (Amendment) Bill, 2009

A Bill for an Act to Amend the National Honours Act, Cap. N43 Laws of the Federation of Nigeria, 2004 to provide that the Award of National Honours shall be subject to the Confirmation of the National Assembly, 2009 (HB. 185) -

Order for Third Reading.

The Speaker: Hon. Members, the second Order of the Day is the Third Reading of a Bill for an Act to Amend the National Honours Act, Cap. N43, Laws of the Federation Nigeria, 2004 to provide that the Award of National Honours shall be subject to the Confirmation of the National Assembly, 2009.

The House adopted the Report of the Committee of Whole on the Bill on Thursday, 2nd April 2009. Clean copies of the Bill have been circulated to members to enable them peruse its content.

I therefore call on the Leader to move that the Bill be read a Third Time.

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Hon. Tunde Akogun (Akoko-Edo): Mr. Speaker, I rise to move that a Bill for an Act to Amend the National Honours Act, Cap. N43, Laws of the Federation of Nigeria, 2004 to provide that the Award of National Honours shall be subject to the Confirmation of the National Assembly, 2009 be read a Third Time.

Hon. Baba Shehu Agaie (Agaie/Lapai): Mr. Speaker, I rise to second the Motion moved by the Leader.

Question put and agreed to.

Bill Read the Third Time and passed.

Chartered Pension Institute of Nigeria (Establishment) Bill, 2009

A Bill for an Act to Establish the Chartered Pension Institute of Nigeria Bill, 2009 (HB.96) -

Order for Third Reading.

The Speaker: Hon. Members, the next Order of the Day is the Third Reading of a Bill for an Act to Establish the Chartered Pension Institute of Nigeria Bill, 2009.

The House adopted the Report of the Committee of the Whole on the Bill on Thursday, 2nd April, 2009. Clean copies of the Bill have been circulated to Members to peruse its content.

I therefore call on the Leader to move that the Bill be now read the Third Time.

Hon. Tunde Akogun: Mr. Speaker, I rise to move that a Bill for an Act to Establish the Chartered Pension Institute of Nigeria Bill, 2009 be read the Third Time.

Hon. Baba Shehu Agaie: Mr. Speaker, I rise to second the Motion moved by the Leader.

Question put and agreed to.

Bill Read a Third Time and passed.

Gurara Water Management Authority (Establishment) Bill, 2009

A Bill for an Act to Establish the Gurara Water Management Authority with Responsibility among Other Things, to ensure Sustainable Operation and

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Maintenance of the Gurara Multipurpose Water Project and for Matters Connected Therewith, 2009 -

Order for Third Reading.

The Speaker: Hon. Members, the next Order of the day is the Third Reading of a Bill for an Act to Establish the Gurara Water Management Authority with Responsibility, among other things, to ensure Sustainable Operation and Maintenance of the Gurara Multipurpose Water Project and for Matters Connected Therewith, 2009. The House adopted the Report of the Committee of the Whole on Thursday, 2nd April 2009. Clean copies have been circulated to Members.

I call on the Leader to move that the Bill be read the Third Time.

Hon. Tunde Akogun: I rise to move that a Bill for an Act to Establish the Gurara Water Management Authority with Responsibility, among other things, to ensure Sustainable Operation and Maintenance of the Gurara Multipurpose Water Project and for Matters Connected Therewith, 2009 be read the Third Time.

Hon. Baba Shehu Agaie: I rise to second the Motion moved by the Leader.

Question put and agreed to.

Bill Read the Third Time and passed.

Nigeria Hydrological Services Agency (Establishment) Bill, 2009

A Bill for an Act to Establish the Nigeria Hydrological Services Agency and for Matters Connected Therewith 2009 -

Order for Third Reading.

The Speaker: Hon. Colleagues, the next Order of the Day is the Third Reading of a Bill for Act to Establish the Nigeria Hydrological Services Agency and for Matters Connected Therewith, 2009. The House adopted the Report in the Committee of the Whole on Thursday, 2nd April, 2009. Clean copies of the Bill have been circulated to Members.

Leader, please move that the Bill be read a Third Time.

Hon. Tunde Akogun: Mr. Speaker, as we are now making considerable progress with the number of Bills passed by this House, I rise to move that a Bill for an Act to Establish the Nigeria Hydrological Services

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Agency and for Matters Connected Therewith be read a Third Time.

Hon. Baba Shehu Agaie: I rise to second the Motion that the Bill be read the Third Time.

Question put and agreed to.

Bill Read a Third Time and passed.

Compulsory Teaching of National Ethics in all Schools in Nigeria Bill, 2009

A Bill for an Act to Make Compulsory for all Schools in Nigeria to Teach the National Ethics in their Schools and for Other Matters Connected Therewith, 2009 -

Order for Second Reading.

The Speaker: Hon. Colleagues, the next Order of the Day is the commencement of debate on the General Principles of a Bill for an Act to Make Compulsory for all Schools in Nigeria to Teach the National Ethics in their Schools and for other Matters Connected Therewith, 2009. It was read for the First Time on 26th March, 2009.

Hon. Chukwudi Eze, could you please move that the Bill be read a Second Time?

Hon. Mayor Chukwudi Eze: Mr. Speaker, I move that a Bill for an Act to Make Compulsory for all Schools in Nigeria to Teach the National Ethics in their Schools and for other Matters Connected Therewith, 2009 be read a Second Time.

Hon. James J. Idachaba (Idah): I rise to second the Motion that the Bill be read a Second Time.

Question Proposed.

Hon. Mayor Chukwudi Eze: Mr. Speaker, Section 23 of the 1999 Constitution of the Federal Republic of Nigeria states as follows:

The National Ethics shall be Discipline, Integrity, Dignity of Labour, Social Justice, Religious Tolerance, Self-Reliance and Patriotism.

Every nation should be a forerunner to its development. At a particular time in history, the Chinese Government closed its borders and doors for six years and looked inwards towards the development of China and it paid off.

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Now we are talking about Asian Tigers. Some countries that were comfortably among Third World countries in Asia are now seriously developing and are on the verge of answering First World country. This is because they looked inwards in their quest to develop.

There is no particular formula for national development. Nations sit together and develop. It is clear that 95 *per cent* of Nigerians have not read the Nigerian Constitution. So no matter the provisions of the Constitution it requires people to sit down and make sure that Nigerians imbibe the good tenets of democratic dividends and the provisions of the Constitution.

As Christians and Moslems we have Bibles and Korans yet every Friday and Sunday we go to Mosques and Churches for experts to still teach us those doctrines in order that we can understand. If National Ethics is taught in our schools, it is going to lead a way for the youths of Nigeria to imbibe patriotism and all those lofty provisions in Section 23 of the 1999 Constitution.

When children are growing up, people always say that the major cause of armed robbery is unemployment; that is part of it but not all. When one and two students of Nigerian Universities are caught in armed robbery I do not believe that it is as a result of unemployment. This is because the moral foundation has not been properly laid. We copy curriculum as a colonised country. There is no doubt that the school curricula that we are operating are the ones introduced by the advanced countries. So we must look inwards and develop curriculum activities that are best suited for the development of this country so that our children will grow up thinking Nigerian, acting Nigerian, breeding Nigerian in whatever they do.

Imagine a scenario where a student is going; around him you will see militancy, thugery, armed robbery and cults activities in Nigerian Universities. That student is already programmed to believe that it is only through violence that somebody can succeed unfortunately this is not so.

There must be a conscious State policy that will catch them young. From primary school to secondary school there must be an integrated part in our curriculum that teaches National Ethics so that the school as the most important agent of socialisation after the family will inculcate these values in leaders of tomorrow.

I have been interacting with my own Colleagues on this issue and I believe that some of the points they raised could be well addressed at the Committee level so that together we can build a Nigeria. Every generation all over the world thinks for the next

generation coming and it is the duty of every generation to make sure they leave a dynasty and a guideline for the oncoming generation to be an improvement on the present generation.

I plead that we give this Bill the attention it requires and pass it immediately for the interest of all of us tomorrow.

Hon. Olufemi Gbajabiamila (Surulere I): Mr. Speaker, I am going to contribute against so I do not know if that is in order at this point.

The Speaker: It is the general principles of the Bill.

Hon. Olufemi Gbajabiamila: Mr. Speaker, while the intention of my Colleague is honourable and understandable, Section 23 of the Constitution my hon. Colleague read out basically tells us what National Ethics is. It talks about discipline, patriotism, religious tolerance and integrity. These things are already found in the curriculum of most schools through different subjects. You will find it in history and in all other subjects. It is also found in the National Anthem and National Pledge.

The Constitution does not say you must teach it. Actually that Section should be read together with Section 39(1) of the Constitution which says basically that *every person shall be entitled to freedom of expression, including freedom to hold opinion and to receive and impart ideas and information without interference.*

There is still that freedom of expression which precludes us from compelling the teaching of certain subjects. This is my only reservation on the Bill. While the intention may be noble we must definitely look at what the Constitution says. I do not think we are going to gain anything by imparting National Ethics on public or private schools and that is the reason why some of these schools are even private. They are guaranteed that right to migrate. They can decide that they are not going to teach Mathematics. Are we going to make it compulsory?

So these are some of the areas I want us to look at very seriously before we put the question.

Hon. Kayode Idowu (Odo Otin/Ifelodun/Boripe): Mr. Speaker, the Bill is highly academic. Therefore, it has to be looked at in that regard. Equally we have to understand the principle of teaching at all levels.

At the primary and secondary school levels, we know what we are teaching. At the tertiary level we

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understand the basic things we are trying to pass across. When a teacher is teaching there must be a principle behind that particular teacher's mind and the teacher is going to pass across that information the way and manner he sees it. Therefore, when we are talking of National Ethics, we need to know what Ethics means.

Ethics can be simply defined as a standard way of doing a particular thing relatively to a particular subject at stake at that particular point in time. Every profession has its own ethics. Therefore, I want to say that there is no need for this Bill because there are various subjects today that are being taught that people are being taught the way and manner to behave.

There is a particular subject which we call Government. At the secondary school level, students are taught the principles of our Constitution whereby we would have actually taught these issues of National Ethics. It is the beauty of every teacher and lecturer at the various teaching levels in this country today to actually teach Ethics. I want to encourage my Colleagues that we should not allow this kind of Bill to go through Second Reading.

Hon. Betty A. Apiafi (Ahoada East/Abua/Odual): Mr. Speaker, I do not see anything wrong with Members supporting this Bill that encourages Nigeria to have Ethics in our Curriculum.

My hon. Colleague in opposing this Bill said that teachers at various levels are entitled to teach Ethics in schools the way they like. I do not think that is right because if we are supposed to have a curriculum, it is such that it should guide teachers to teach the same thing. Discipline is something that is very fundamental in our national life. Today, in our nation, we are talking about re-branding; if we are serious about re-branding Nigeria, then we have to go back to teach the children the right things to do and the right ways to be good citizens of this country.

I do not see anything wrong in having discipline, integrity, dignity of labour as part and parcel of our school curriculum. When we were in primary schools, we used to have a subject called Civics but recently I noticed that we do not see so much of that in our school curriculum. There is nothing wrong in ensuring that these issues are re-emphasised in our educational system if they are there already.

Hon. Halims Agoda (Ethiope East/Ethiope West): Mr. Speaker, I do not really have much to say other than one or two things. With the trend of things today in our nation there is the need for this country, particularly from the level that we are, to mould, design and indeed

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define what our consciousness in terms of ethics and discipline should be. This is because it will definitely take us to the right direction. My worry is that perhaps at the Committee level they should be able to sit down and harmonise. For instance, if the law that we want to pass here defines what the behaviour of our students and pupils should be and if State A, in their definition of Ethics in their Curriculum based on their historical and cultural background, decided to say this is what their ethics should be, then it becomes a problem.

According to the Bill, Ethics should to be taught in Schools and Education is under the Concurrent List where both the Federal Government as represented by this Assembly has the right to legislate on. Also, the States Government as represented by the Houses of Assembly equally have the right to legislate on even down to the Local Government Areas. This is exemplified under the Concurrent List particularly under item 30 downwards.

Perhaps, we may be able to see how we can blend the two distinctions. If as a nation represented by the States and the Federal Government all working together for the common good of man we have decided that this is where our philosophy and approach to issues should be, then it will not have a problem. But in a federation where the autonomous units are entitled to their independent views in the running of the affairs of the States, then that is where we have a little problem. We need to navigate and reach new heights in our efforts to develop our democracy. Perhaps, we may find a meeting point somewhere.

Hon. Samson Positive Ihiabe (Bassa/Dekina): Mr. Speaker, this is a beautiful Bill with very wonderful explanations. However, I am at a loss somewhere having to compulsorily teach National Ethics in primary and secondary schools. I do not know how it is going to look like. To me, this looks frivolous. There are certain basic things within our academic curriculum that have been put in place and are being modified over time.

As one of our Colleagues said, the Nigerian Constitution is taught to students through a particular subject called Government. In that subject there is a topic called Constitutional Development. Under that condition, you teach them why those things belonged there; National Ethics.

Nigerians should be encouraged to start studying the Constitution more than ever before if they have not been doing so. This will enable them go along with what their rights are and know where their liberty begins and ends. We do not need Ethics to teach Chemistry.

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It is a bit vague to go into discussion of this nature right here. In fact, we should stand this Bill down for now. I do not support its continuation.

Hon. James J. Idachaba (Idah/Ibaji/Igalamela-Ofu): Mr. Speaker, I was privileged to second this Bill and I strongly believe that teaching National Ethics as a compulsory curriculum in our schools is something that does not need to be over-emphasised.

As far as I am concerned, even though you are bringing before the students other areas like Constitutional Development through a subject called Government or Political Science at a higher level, the teaching of National Ethics comprising patriotism, integrity and honesty go a long way to actually expose our children to morality. This is because in these days we parents do not sit down at home to teach our children the morals they deserve to learn from us because we do not devote time. We prefer to chase after money rather than sit down at home and teach our children what they deserve to learn from us as parents.

If we can include some of these as part of the curricula in our schools, I believe the teachers will assist parents to impart some moral knowledge in our children in schools.

Hon. John Enoch Owan Enoch (Obubra/Etung): Mr. Speaker, this Bill wants us to make it compulsory for National Ethics to be taught in our schools. The sponsor of this Bill in one of the papers he circulated drew our attention to Section 23 of the 1999 Constitution. My understanding of this is that we should make Section 23 of the Constitution teachable in our schools. If all were going right as a country we would not in 2009 be talking about issues of re-branding; we took certain things for granted.

I believe if all were going well, even those who said that the teaching of most of the issues emphasised in Section 23 are already implied in the various curricula at the various levels of education, would not be talking about this because the results are actually not there.

Therefore, what Section 23 of this Bill is essentially emphasising is that we should make the teaching of issues of discipline, integrity, dignity of labour, social justice, religious tolerance, self-reliance and patriotism compulsory. All these issues are the main bane of this country. Let us make the teaching of the issues that are implicated in Section 23 compulsory and see whether or not there can be a difference at all in terms of the circumstance of our country.

Whereas this Bill at this level has not even talked about the level at which this can be introduced, it has

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not also talked about how to professionalise these but I believe that at the Committee level and before this is reported to us there can be fine-tuning of all these issues.

I therefore support it.

Hon. Abike Dabiri Erewa (Ikorodu): Mr. Speaker, I support the Second Reading of this Bill because I believe the issue of ethics is a very serious issue in our nation now.

Having supported it, I want to stress that the first teachers are the parents. It does not matter what you teach in school. If you teach integrity in school and your parents do not show integrity at home, then you have a problem. If you teach patriotism and your leaders do not show patriotism then we still have a problem.

While dotting the i's and crossing the t's, we must stress that the first teachers are the parents. As long as parents themselves do not have moral re-orientation; as long as parents themselves do not teach their children the right thing, we still have a long way to go.

Hon. Rabe Nasir (Bindawa/Mani): Mr. Speaker, I have to intervene as a matter of necessity to put some records straight because we seem to be misled into believing that these issues, which are constitutional provisions, are not at all taught in our schools; they are. I had the privilege of teaching for two years in a secondary school and I know that all issues that we are talking about are being taken care of in Social Studies. You can ask your wards if you are in doubt.

The Speaker: May be not in your part of the country. It is a bit complex.

Hon. Rabe Nasir: I am coming to that. We are not even talking about all these things. Rather than instil discipline, integrity, dignity of labour, social justice, religious tolerance, self-reliance and patriotism, we are passing the buck. What should bother us is National Ethics which should have prevented perversion of corruption in all facets of our national life. We are passing the buck to primary schools and to children who know nothing about what we are talking about. All these issues have to do with leadership; you and I and whoever that is involved in leadership in this country. We are the ones that need to be disciplined.

It is for us as leaders who have the trust and mandate of the people and who are in a position to effect changes in this country that should lead by example. We should not pass the buck when we are the ones that should be targeted in respect of these very important matters.

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Therefore, taking these issues to primary and secondary schools will not solve the problem at all. The problem should be seen where it is and it is within the adult class of this country. It is within all facets of leadership at all levels of governance in this country. It is the responsibility of whoever is in a position either in the Ministries, Parastatals or in any area of

responsibility. We should not pass the buck to the students and teachers because they know nothing about this. This is because we have all been taught.

Who does not know that corruption is bad in this country? Who does not know that lack of patriotism will not take to us anywhere in this country? Who does not know that personal integrity is what makes the difference in leadership? Therefore, do we need to teach children specifically for that when they have no influence whatsoever and have no hands in what this country has become in the areas of corruption, mismanagement and official irresponsibility in the act of governance in this country?

So, we should not pass the buck; the buck should stay where we are.

The Speaker: I will now put the Question for the Bill to be read the Second Time.

Question put and agreed to.

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

National Judicial Council Bill, 2008

A Bill for an Act to provide for Condition of Service of the Secretary and Other Staff of the National Judicial Council and for Purposes Connected Therewith, 2008 (HB.118) –

Order for Second Reading.

The Speaker: The next Order of the Day is the commencement of Debate on the General Principles of a Bill for an Act to Provide for Condition of Service of the Secretary and Other Staff of the National Judicial Council and for Purposes Connected Therewith, 2008.

It was read for the first time on Tuesday, 28th of October 2008. I now invite Hon. Agoro Lanre Adeniran to move that the Bill be now read the Second Time.

Hon. Agoro Lanre Adeniran (Irepo/Orelope/Olorunsogo): Mr. Speaker, I rise to move that an Act to Provide for Condition of Service of

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the Secretary and Other Staff of the National Judicial Council and for Purposes Connected Therewith be read the Second Time.

Hon. Ibrahim Umar Ballah (Kumbotso): I rise to second the Motion.

Question proposed.

Hon. Agoro Lanre Adeniran: This Bill is brought pursuant to Section 153 of the Constitution of the Federal Republic of Nigeria, 1999. Section 153 lists so many agencies as creations of the Constitution of which the National Judicial Council (NJC) is one of them. The National Judicial Council is the apex body controlling all judicial institutions and agencies in Nigeria. It might interest you to know that National Judicial Council also controls one way or the other all Judicial Commissions in the 36 States of the Federation and the Federal Capital Territory, Abuja.

When you go to the Third Schedule, Part 1 of the Constitution of the Federal Republic of Nigeria, 1999 the functions of NJC are well stated therein but one of the foremost functions is the one numbered (i) and I read:

This Commission deals with all other matters relating to broad issues of policy and administration.

Hon. Lanre Adewale Agoro (Irepo/Orelope/Olorunsogo): It might interest you, hon. Colleagues, that a body saddled with this responsibility does not have a structure of its own. If you look at Item 22 of the Third Schedule, Part I, it also states further:

The Secretary of the Council shall be appointed by the National Judicial Council on the recommendation of the Federal Judicial Service Commission and shall be a legal practitioner.

Hon. Colleagues, if we move beyond this confinement and go towards Supreme Court, you will see a very imposing edifice, which is the building belonging to NJC but it might interest you, as I said earlier, that this Council does not have a structure.

What I have decided to do by this Bill is to look into this structural issue. By structure, I mean that provided for by my Bill and that is the mischief my Bill wants to address.

Hon. Colleagues, what I am trying to say in essence is that Section 22 of the Third Schedule, Part I, states that the Secretary would be appointed but what about the other staff? My intention by bringing up this

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Bill is go give some level of autonomy to the NJC in terms of staff structure.

The Constitution does not stipulate the tenure of the so appointed Secretary of the National Judicial Council. It is just a recommendation from the Federal Judicial Service Commission to the Council and once that person is appointed, there is no tenure of office.

If you look at the Bill properly, you will see that it is 9-Clause Bill and it seeks to address Clause-by-Clause giving a statutory office in terms of autonomy to the Secretary of NJC. It also seeks to give tenure of office. Appointment is appointment but as the Office of the Head of Service is to the Federal Civil Service Commission so is the Secretary to the NJC to the Judiciary.

What this Bill seeks to do is to say that if we have autonomy for the Office of the Head of Service, Secretary to the National Judicial Council as encompassed in the Federal Constitution must also be given such recognition.

Secondly, this Bill also provides that the tenure of office shall be four years but if the National Judicial Council in its wisdom says that that person has performed wonderfully well and should go for another tenure that is another thing entirely. Provision has also been made for it in this particular Bill.

The third issue is the issue of giving it autonomy in terms of self-accounting. The Secretary to the National Judicial Council by this Bill is made the Accounting Officer. If you look at the composition of the National Judicial Council, the Chairman of that Council is the Chief Justice of Nigeria (CJN). It might interest to also know that the Chief Justice of Nigeria is also the Chairman of the National Judicial Institute (NJI) and so many other bodies. The Chairman, as the Chief Justice of Nigeria, is the Accounting Officer vis-à-vis the Head of the Supreme Court. In conjunction with the Chief Registrar of the Supreme Court, they both have to account for the funds the National Assembly appropriates for the Body.

What I am trying to say is that we should accord the NJC that coordinates as many as ten national judicial bodies and 36 other judicial formations, including that of FCT that brings their Budget proposals to the National Assembly for proper appropriation, self autonomy in all its ramifications.

In this wise, this is a very small 9-Clause Bill giving specific and pin-pointed assignment to the Judicial Council Secretary and the staff thereto. There is a provision again for the transitional stage. For those who are working there now, once this Bill comes into

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existence, they will form part of the body and autonomy is thereby given.

In the light of this, I call on Members to support the Bill.

Hon. Leonard Okuweh Ogor (Isoko North/Isoko South): Mr. Speaker, what I am seeking here is more like clarification from the author of this whole issue. If I listened to his argument clearly and I am in tune with what he was saying, it seems as if there is no specific Act that probably runs the affairs of the National Judicial Council. And if that is true, then it becomes very important that we must put immediate and necessary machinery in place to make sure that the Act of how this Council should be governed and the operations of the Council should be put in place.

Let me say that such an Act, like INEC Act and other Acts, definitely must exist. If it does, it would also be very strange that the issue of tenure is not even discussed in this case. So I believe that we should give this Bill the necessary support. At the Committee level, they should be able to give us the detailed information and we would be able to look at it and when we go into the consideration of the Bill, we would give it all the necessary treatment.

Hon. Abubakar Mohammed Maifata (Tarauni): Mr. Speaker, this Bill as come at the right time going by the trend of the activities of the Judicial of this country. As the mover of the Bill rightly said, the National Judicial Council is constitutionally provided in the Third Schedule. It is the highest organ of the Judiciary that deals with the finances of the judicial arm of government.

If we can have the Clerk as the Chief Accounting Officer of the National Assembly, there is no reason why we cannot appoint somebody to be the Chief Accounting Officer of the Judicial Arm of our Government. The way things are going, the legal backing and all the necessary apparatus that will help that arm of government to work perfectly by having a proper accounting is not there.

I urge my Colleagues to, please, allow this Bill to pass the Second Reading as it will be of good use to the Judiciary arm of this country.

Hon. Chinyere Emmanuel Igwe (Port Harcourt II): Mr. Speaker, I want to speak against this Bill on the premise that my Colleague, Hon. Lanre Agoro, wants to introduce a dimension through this Bill.

If you look at this Bill critically, you will see that we are embarking on a Constitutional Amendment. The Constitution provided for NJC a 22-Section Act and

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anything as you know that alters the provisions of the Constitution is an amendment. The Bill seeks to introduce a 9-Clause Act. If you pass this Bill into law, where does it fall into? It falls into the Nigeria Judicial Council Act. That is an amendment.

You will also agree with me that the Constitution has provided for an Executive Secretary who is of the Civil Service. The structure of the Civil Service, the working conditions and all paraphernalia flows because the Executive Secretary is assumed to be a Civil Servant who is to be appointed by the Judicial Council, on the recommendation of the Federal Civil Service. Giving him function by this new Bill is also amending the Constitution.

I want to believe and I want this House to see it from that perception that anything that we do to alter the provision of this Constitution is ultra vires because we are not doing it through the right process.

Only last week you suspended a Bill that seeks to do the same thing.

The Speaker: No, I did not.

Hon. Chinyere Emmanuel Igwe: You did because you said you were going to work on the Bill.

The Speaker: I did not suspend.

Hon. Chinyere Emmanuel Igwe: I am sure that this issue was also under contention whether at this point in time we can amend the Constitution or not? I want you to critically look at this Bill from that perception.

Hon. Abdulhakeem O. Gbajabiamila (Surulere I): Mr. Speaker, I only have one point to make. I was meditating on it while the debate was going on.

Since my Colleague, the last speaker had mentioned it, it was a point I was trying to make but I was not sure about. This is a grey area and it borders on constitutional amendment. There was a provision which I heard the mover of the Bill talk about with respect to tenure. I believe the drafters of the Constitution were aware that they were creating an Office of the Secretary. If, in their wisdom, they did not put a specific tenure, I believe it may have been intentional that the Secretary continues for as long as he wants or let the Council determine by itself how long they want the Secretary to remain in office. I think withholding or not including the issue of tenure for the Secretary may have been intentional and for us to now want to reverse the provision of the Constitution by legislation would amount to constitutional amendment.

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Since some of my Colleagues are already thinking in that line, we should proceed very carefully in amending the Constitution on the Floor of the House by way of a Bill.

Hon. Chile W. Igbawua (Kwande/Ushongo): Point of Order, Mr. Speaker!

The Speaker: What Order, Hon. Igbawua?

Hon. Chile W. Igbawua: Mr. Speaker, my point of Order derives from Section 9 (1) of the Constitution which provides for the amendment of the Constitution. It states: *The National Assembly may, subject to the provisions of this section, alter any of the provisions of this Constitution.*

Of late, we have been speaking about constitutional amendment as if it is a crime or wrong. There is nowhere that it is written that when you want to amend the Constitution, you must amend many parts of it. You can pick one Section of the Constitution and amend it and the process is clearly stated there. On account of the fact that this Bill seeks to amend the Constitution, all we need do is to ensure that it follows the process of constitutional amendment when it is referred; that is all. There is nothing wrong raising the matter.

Hon. Ita Solomon J. Enang: Mr. Speaker, the function of Parliament is to make laws for the country. Part of the laws we make would even include amending the Constitution of that country. I have read the Third Schedule to the 1999 Constitution relating to the National Judicial Council. What the Constitution has done is to set out the function of the National Judicial Council. It provides that it is the Chief Justice of the Federation that would be the Chairman and the next most senior will be the Deputy Chairman. It provides in Section 22 thereof of the Third Schedule that:

The Secretary of the Council shall be appointed by the National Judicial Council on the recommendation of the Federal Judicial Service Commission and shall be a legal practitioner.

None of the Clauses in this Bill relates to the appointment of the Secretary of the Judicial Council. So the only matter that talks about the Secretary is the appointment in Section 22 of this.

Now what the sponsor of this Bill has sought to do is to give flesh to the provisions of the Constitution. He is not introducing any other matter properly so called. Therefore, if in the course of going to hear this Bill by the appropriate Committee, they find that there is a constitutional element, then they can make it by of constitutional amendment.

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I have reservation on one Clause in the Bill; it says: *The Secretary shall be the Chief Executive and Accounting Officer of the Council*. I disagree with him and this should be taken care of.

Secondly, *the Council shall appoint other principal officers who shall be equivalent in status with the Permanent Secretary or his equivalent in the Public Service*.

If we make a law that makes the Secretary of the National Judicial Council to be the equivalent of the Head of Service, what then becomes the duty of the Chief Registrar of the Supreme Court who is like the highest in the administrative rung at that ladder? These are issues which will be taken account of during the Public Hearing.

I support that this Bill should pass Second Reading.

Hon. Abdulhakeem O. Gbajabiamila: I have an observation to make. Hon. Ita Enang was talking about Amendment as though the amendment of the Constitution necessarily means changing something that is already in the Constitution; that is not the meaning of amendment. When you bring something new that is not there, it is an amendment. It does not mean changing something that is already there on its own.

It is important to note that when you amend the Constitution there is a process. It requires a two-third majority, not ayes or nay which we are going to do in this Chamber; that is why it is important to note that difference.

Hon. John Halims O. Agoda (Ethiopia East/Ethiopia West): Mr. Speaker, I have listened very interestingly to various contributions relating to this Bill; among other things, the appointment of Secretary, the other staff and all others. References have been made to issues as thoroughly explained in the Third Schedule of our Constitution, particularly Section 22 of the Third Schedule that relates to the appointment of the Secretary. A cursory look at the title of the Bill one would agree that it is not necessarily talking about appointment but the condition of service of the Secretary and other staff of the National Judicial Council.

There should be a distinction when you talk about condition of service of staff and when you talk about the appointing procedure. The appointment of the Secretary has been clearly spelt out in the Constitution.

If we are taking this Bill as it is, then I need to ask further whether or not as a nation, specially relying on the Civil Service Procedure, we have the conditions of

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service already put in place by law that covers the entire workforce in Nigeria? If the answer is in the affirmative, are we now creating a different condition of service for the National Judicial Council? This is a critical issue that the sponsor of this Bill needs to educate me on so that I can better understand it and when I am confronted by any Nigerian as to the reason for this Bill, then I can easily explain. I believe very well that the condition of service of our staff and workers in this country even the political class has been really spelt out by the existing legislation.

If we are going to create a different condition of service for the judicial staff, then I wonder if we are doing something right. I think it is food for thought for us to really look at it and see the issue of harmony.

Hon. Aminu Waziri Tambuwal: I will take it up from where my friend, Hon. John Halims Agoda stopped. The need for the passage of this Bill for Second Reading and possibly consideration of the Bill by the House and indeed National Assembly arose in view of the fact that the Judicial arm of Government is distinctively different from the Legislative arm of Government and indeed the Executive arm of Government. So we have three services.

The Service of the Executive is headed by the Head of Service, the Service in the National Assembly is headed by the Clerk of the National Assembly while the Service of the Judicial Staff is headed by the National Judicial Service Commission which is under the Chairmanship of the Chief Justice of Nigeria and supposedly to be headed by the Secretary of the National Judicial Council. This is where the difference comes in; it is a different service.

Hon. John Halims Agoda: Mr. Speaker, the issue is not the headship of each of the three arms of Government. It is not about the person heading each of the three arms of the government. Under the very strict doctrine of Separation of Power, we have three arms of government but we are now talking of the condition of service, which staff of the Executive, Legislature and indeed the Judiciary should enjoy. By this law must we make their own at variance with the conditions which the other two arms of Government are enjoying?

Hon. Lanre Adeniran Agoro: (Irewo/Orelope/Olorunsogo): Mr. Speaker, bringing up this Bill was informed and is still informed by my privilege or the privilege the House gave me being a Member of the House Committee on Judiciary. Having been fully integrated into the workings of the Judiciary in Nigeria, it is my utmost belief that this particular Bill is desirable. I will now address those issues raised by Hon. Halims Agoda and Hon. Chile Igbwua. It is not a question of amending the Constitution. It is to give

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force of law and enforcement to Section 22 of the Third Schedule, Part I.

The second is the issue raised by Hon. Halims Agoda. If you look at the totality of the Bill as I am holding, it does not say that you should give ₦10 much more than what is being earned outside what is stipulated in the consolidated salary of staff of the Judiciary. What we call conditions of service is to create the office and give them power as created by the Constitution and to make that particular Secretary self-accounting officer. The Chief Justice of Nigeria is Chairman to four or five bodies in the Judiciary and the Secretaries of those bodies are self-accounting officers. This is what the Bill seeks to address and that is my intentment.

Question put and agreed to.

(Bill read the Second Time and referred to the Committee on Judiciary)

CONSIDERATION OF REPORTS

The Speaker: Hon. Members, before I go to the first report to be considered, we still have on record 28 reports to be submitted by Chairmen for consideration. This is after three months of financing those Committees for this particular subject.

The Leader of the House and the Deputy Leader want to meet with all those Chairmen concerned. If you do not, I may be forced to announce your names on the Floor. Please Chairmen, do not hold us back. Twenty-six reports have been submitted and we are considering it as quickly as possible. I saw one of the Chairmen smiling at me now but I will not give his name.

Report of the Joint Committee on Women Affairs and Human Rights on the Establishment of a Trust Fund for the Physically Challenged and a National Commission for Persons with Disability –
Adjourned Consideration: 29/4/2009

The Speaker: The next Order of the Day is resumption of consideration of the Report of the Joint Committee on Women Affairs and Human Rights on a Bill for an Act to Establish a Trust Fund for the Physically Challenged in Nigeria and for Other Matters Connected Therewith 2008 and a Bill for an Act to Ensure full Integration of Nigerians with Disability into the Society and to Establish the National Commission for Persons with Disability and Vest it with the Responsibilities for their Education, Health Care and Protection of their Social, Economic, Civil and Political Rights and for Other Matters Connected Therewith, 2008.

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On Wednesday the 29th of April, 2009 the House, in the Committee of the Whole, considered Clauses 1 to 67. I will invite the Leader to move that the consideration of the Report do resume.

Hon. Tunde Akogun (Akoko Edo): Mr. Speaker, I rise to move that the House do resolve into Committee of the Whole to resume consideration of this Report.

I so move.

Hon. Baba Shehu Agaie (Lapai/Agaie): I rise to second the Motion that this House do resolve into Committee of the Whole to resume consideration of the Report.

Question put and agreed to.

Resolved: That this House do resolve into Committee of the Whole to resume consideration of the Report.

Report of the Joint Committee on Women Affairs and Human Rights on the Establishment of a Trust Fund for the Physically Challenged and a National Commission for Persons with Disability –
CONSIDERED IN THE COMMITTEE OF THE WHOLE

(The Deputy Speaker in the Chair)

The Chairman: Hon. Colleagues, we are resuming consideration of the Report on a Bill for an Act to Ensure full Integration of Nigerians with Disability into the Society and to Establish a National Commission for Persons with Disability and Vest in with the Responsibilities for their Education, Health Care and Protection of their Social, Economic, Civil and Political Rights, 2008.

We stopped at Clause 67. So we are resuming consideration from Clause 68.

Clause 68 – (ACCOMMODATION)

Amendment proposed.

Hon. Isah Idris Umaru (Igabi): Mr. Chairman, I vividly recall that before adjourning the Session, I formally made a complaint on Part 9 at page 3. It is titled *Building Plan*. I read:

Before erecting any building, its plan shall be scrutinised by the relevant authority to ensure that the Plan conforms with the Building Code provided in Section 93.

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I recommend that the words: *in conjunction with the Commission* should be deleted.

The Chairman: Hon. Colleagues, Hon. Isah is coming by way of a Motion that the words *in conjunction with the Commission* be deleted. Is any member seconding the Motion?

Hon. Ita Solomon James Enang: I second the Motion.

Amendment put and agreed to.

Clause 68 – (ACCOMMODATION) – as amended, ordered to stand part of the Bill.

PART XIX - PARTICIPATION IN POLITICS AND PUBLIC LIFE

Clause 69 – (PARTICIPATION IN POLITICS) – ordered to stand part of the Bill.

Clause 70 – (ELECTORAL PROCEDURES) – ordered to stand part of the Bill.

Clause 71 – (FREE POLITICAL PARTY NOMINATION FORMS) – ordered to stand part of the Bill.

Hon. Abdullahi Shuaibu Hashimu (Awe/Doma/Keana): Mr. Chairman, I would like to refer this honourable House to Clause 71 titled: *Free Political Party Nomination Forms*. Are we not infringing on the rights of political parties?

The Chairman: *Free Political Party Nomination Forms for persons with disability?* It has been deleted.

Hon. Abdullahi Shaibu Hashimu: No, it is not the Clause that was deleted. If you go to the other side, it provides that *political parties shall issue Nomination Forms free to persons with disability*. That has been deleted.

The Chairman: Clauses 72 to 77 are retained.

Clause 72 – (ASSISTANCE FOR PERSONS WITH DISABILITIES SEEKING ELECTIVE OFFICES BY POLITICS) - ordered to stand part of the Bill.

Clause 73 – (RIGHT TO CULTURAL LIFE) - ordered to stand part of the Bill.

Clause 74 – (OPPORTUNITIES TO DEVELOP POTENTIAL) - ordered to stand part of the Bill.

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Clause 75 – (ACCESS TO CULTURAL MATERIAL) - ordered to stand part of the Bill.

Clause 76 – (RECOGNITION OF LINGUISTIC IDENTITIES) - ordered to stand part of the Bill.

Clause 77 – (DEVELOPMENT OF SPECIAL SPORTS) - ordered to stand part of the Bill.

PART XXI – ESTABLISHMENT OF THE COMMISSION

Clause 78 – (NATIONAL COMMISSION) – ordered to stand part of the Bill.

Clause 79 – (MEMBERSHIP OF GOVERNING COUNCIL) - ordered to stand part of the Bill.

Clause 80 – (PROCEEDINGS OF COUNCIL) – ordered to stand part of the Bill.

Clause 81 – (TENURE OF OFFICE) – ordered to stand part of the Bill.

Clause 82 – (CESSATION OF OFFICE) – ordered to stand part of the Bill.

Clause 83 – (ALLOWANCE OF MEMBERS) – ordered to stand part of the Bill.

Clause 84 – (POWERS OF THE COUNCIL) – ordered to stand part of the Bill.

PART XXII - FUNCTIONS OF THE COMMISSION

The Chairman: We now go to Clause 85 – (FUNCTIONS OF THE COMMISSION). It has (a), (b), (c), and (d). I will read (d): *to make available 5 per cent of the work force to persons with disability*.

Hon. Colleagues, this Bill seeks to give 5 per cent of the workforce to persons with disability.

Hon. Ita Solomon J. Enang: I have reservation with Clause 85(d) because of the practicability or otherwise of it. One, it is generic and incapable of being defined. Is it workforce in the Federal Public Service? Is it workforce in the unorganised Private Sector? Is it workforce in the area in which each of the disabled persons or persons with physical challenges has competence?

Since we have established the Commission and have allowed the Commission the latitude to do all general things about it, I am suggesting that we delete

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this Section because it is like limiting the disabled. It is like saying women should be given 30 or 40 *per cent*. That is discriminatory because women are entitled to have even 50 *per cent* or 80 *per cent* if they have the means.

Therefore, I move that we delete this Clause.

The Chairman: Hon. Beni Lar, do you know the percentage of disabled persons in the country?

Hon. Beni Lar: There are nineteen million disabled Nigerians.

The Chairman: What is that in terms of percentage?

Hon. Beni Lar: Out of a population of about 140 million?

The Chairman: Let us assume the population is 150 million.

Hon. Beni Lar: That will be about 20 *per cent*.

The Chairman: No, it is not up to 20 *per cent*. If the population is 100 million, then you can say it is 20 *per cent* but our population is more than 100 million.

Hon. Beni Lar: Mr. Chairman, the logic here is that in most advanced countries where the rights of the disabled are fully entrenched in the law, they have a percentage fixed and it is only in the public workforce. Five *per cent* is a very little amount to ask for. It is only the Federal Government that we are asking for 20 *per cent*.

The Chairman: It is all right; let us hear from hon. Members. You had better listen to hon. Members after which you can give them your reason(s).

Hon. Peter Linus Umoh (Oron/Mbo/Okobo/Udung Uko/Urue Offong/Oruku): Mr. Chairman, I would rather suggest that instead of deleting this sub-clause, we can amend it by deleting the specific percentage and substituting it with the words *reasonable percentage*.

The Chairman: All right. Hon. Binta Garba, what is the wisdom of having that 5 *per cent* there?

Hon. Binta Masi Garba: Mr. Chairman, when the Bill came in, persons with disability were agitating that 10 *per cent* of the total workforce be made available to them. When the Technical Committee met, they then reduced it to 5 *per cent* based on the

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percentage of the people living with disability in Nigeria.

That some of these people are disabled is not of their own making. Some of them are well read and it is on account of the discrimination that the percentage was pegged at that.

Hon. Abdulhakeem O. Gbajabiamila: Mr. Chairman, I only want to make an observation on this issue of percentages vis-à-vis the issue of discrimination in the Constitution that some of my Colleagues have talked about. In my thinking, it could be interpreted as you limiting the number to 5 *per cent* and no more because the word *minimum* is not even there.

If you do that and read Clause 42(2) it says: *No citizen of Nigeria shall be subjected to any disability or deprivation merely by reason of the circumstance of his birth.*

Therefore, if you reserved 5 *per cent*, 10 *per cent*, 15 *per cent* or even 20 *per cent* particularly without the word *minimum*, that could be interpreted that all right; we have given you 5 *per cent*. Meanwhile you are capable without that provision of attaining 40 or 50 *per cent*. Therefore, you have been limited and deprived by reason of the circumstance of your disability.

So, we should look at that provision very carefully. We can redraft it, expunge it or add the word *minimum*.

Hon. Abike Dabiri Erewa (Ikorodu): Mr. Chairman, I just want to say that it should actually read: *to make available at least 5 per cent*. However, we cannot say we are deleting percentage totally. If we say reasonable, it does not say anything. Why we are recommending at least 5 *per cent* from the 10 *per cent* that they actually asked for is that there are so many persons with physical disabilities that at the point of getting employment when they say that they are disabled nobody listens to them anymore. Then, they will discover later on that they are actually very good in some of the cases that we have had.

So, we should actually amend it to read: at least 5 *per cent*. I do not think we are asking for too much by saying 5 *per cent* and we are not limiting them. But, I want to appeal that we should not remove percentage totally.

The Chairman: Let me ask the sponsor of this Motion or the Chairman a question. What is the percentage of the able and the disabled Nigerians in our workforce?

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Hon. Binta Masi Garba: I asked a similar question and we were told that the percentage is about 1 *per cent*.

The Chairman: Hon. Colleagues, the work force of the entire country now is about 1 *per cent*.

Hon. Binta Garba: No, that is not what I mean.

The Chairman: I am asking for the workforce in the entire country.

Hon. Beni Lar: Mr. Chairman, it is about 30 *per cent*.

The Chairman: No, it is not up to 30 *per cent*. By the entire workforce, I mean works in the Civil Service, Public Service, the Private Sector etc. I am not talking about the disabled persons.

For you to determine what percentage to give to disabled persons, you have to first of all, determine the percentage of the workforce. From that, you can deduce that 2, 3 or 5 *per cent* constitutes the workforce.

For example, if only 2 *per cent* of Nigerians are in the workforce today and you are saying 5 *per cent* of that should be given to disabled persons; you are not being fair to those who are not disabled.

Hon. Chile Igbawua (Kwande/Ushongo): Mr. Chairman, on that point the Clause is talking about 5 *per cent* of the 2 *per cent* that is in the workforce, not 5 *per cent* of the total workforce.

The Chairman: I know.

Hon. Chile Igbawua: Besides that, I wanted to support the Amendment moved by Hon. Gbajabiamila that we should say *make available not less than 5 per cent of the workforce to qualified persons with disability*. We must put those adjectives there.

The Chairman: Are you seconding that Motion?

Hon. Chile Igbawua: I am seconding the Motion, Mr. Chairman, that that Clause should read: *To make available not less than 5 per cent of the workforce to qualified persons with disability*.

Amendment put and agreed to.

The Chairman: We are on Clause 85.

Hon. Chile Igbawua: Mr. Chairman, I have an observation on Clause 85(a). It says: *To formulate and implement policies*. It is not possible for this agency alone to implement policies that it will formulate. This is because the policies they will formulate will fall in different agencies of Government. So, they cannot be the ones implementing.

Therefore, I propose that we delete the word *implement*. They should simply formulate the policies that would be implemented by various relevant agencies responsible for those particular policies they will formulate.

Hon. Beni Lar: Mr. Chairman, they are responsible for implementing policies as well. This is because they will handle some of the things for their social welfare and education and other devices that are supposed to be given by the Commission and it is the primary function of the Commission that they are able to distribute the educational aids, health aids and all the other aids.

The Chairman: But that is not the only thing they will do; there are so many other things.

Hon. Beni Lar: But they have to be one of the key implementing agencies of the government.

The Chairman: If you have disabled persons working in the National Assembly, it is expected that the Management of the National Assembly will implement all the policies, guidelines or what have you that were formulated by the Commission of disabled persons? If you say that it is only the Commission that will implement it, it means that you have to deploy the Commission's Staff to the National Assembly to see to the implementation of these guidelines which I believe is not the intendment of this provision.

Hon. Beni Lar: Mr. Chairman, with due respect, they will implement some, not the entire Bill. In most cases, they have to implement the provisions of this Act. They are going to find it difficult for them to carry out their functions without implementation.

Hon. Rabe Nasir (Bindawa/Mani): Mr. Chairman, I have seen the wisdom of what she is talking about. Apparently, what Hon. Chile suggested is equally right. Both sides are right. That is why my suggestion will contain the two views which may probably be acceptable to Members.

I want to make an amendment to be able to satisfy her observation and that of Hon. Chile as well. My amendment goes thus:

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(a) *To formulate and implement policies and guidelines as appropriate for the education and social development of persons with disability.*

This will take care of what she is talking about because it is only the policies which they are in a position to implement that they can implement in this case. They will not be in a position to implement others but it is the responsibility of other agencies to implement. Such other agencies will also implement as appropriate. It is not as if this same authority should be in a position to implement all policies.

This amendment will take care of what Hon. Lar and Hon. Igbawua are talking about; they are both right.

Hon. Binta Masi Garba: Mr. Chairman, we can now couch this Clause to read: *Liaise with public and private sectors.* I believe it is better rather than concentrate on the public.

The Chairman: Can you read what you intend to amend?

Hon. Binta Masi Garba: I said: *Liaise with the Public and Private Sector.*

The Chairman: You should take all of it. We are talking of item (a) on page 33, which says:

To formulate and implement policies and guidelines for the education and social development of persons with disability.

Hon. Abdullahi Shuaibu (Awe/Doma/Keana): Mr. Chairman, I just want to propose an amendment as follows:

The Chairman: Already, there is an amendment by Hon. Rabe.

Hon. Abdullahi Shuaibu: Maybe we should vote on that one before taking mine.

The Chairman: We cannot take too many amendments at a time.

Hon. Abdullahi Shuaibu: Can I modify it if you so agree? The two issues raised are concerned with the fact that the body cannot implement all the policies. So, why do we not say: *To formulate and oversee the implementation of policies and guidelines for the education and social development of disabled persons.*

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This is because they can formulate as well as oversee how other bodies are implementing. This is a kind of oversight.

Hon. Rabe Nasir: Mr. Chairman, I can see what Hon. Shuaibu is talking about but they do not have the capacity to oversee the implementation of policies in other areas where they do not have jurisdiction. That is why I said we should simply add the words as *appropriate* and that will contain the two things.

The Chairman: Can you read out your amendment, Hon. Rabe Nasir?

Hon. Rabe Nasir: Clause 85 (a) reads: *To formulate and implement policies and guidelines as appropriate for the education and social development of persons with disability.*

The Chairman: Is there any seconder?

Hon. Peter Linus Umoh: Mr. Chairman, I do second.

Amendment put and agreed to.

Hon. Ita Solomon J. Enang: Mr. Chairman, I have one correction. I want us to delete the word *print* on sub-clause 85(r) on page 34 to now read: *To collaborate with Media houses.*

The Chairman: You want it to read: *To collaborate with Media houses to make information available in accessible format for persons with disabilities.*

Hon. Ita Solomon J. Enang: Yes, Sir. I want us to delete the word *print*; let it just be *Media houses*.

Amendment put and agreed to.

Hon. Ita Enang: Mr. Chairman, after that, I have reservation with sub-clauses 85(l) and (m). Item (l) says: *issue insignia of identification of persons with disabilities.*

This is not right. It is discriminatory and it is not every person who has one disability or the other that will want to wear insignia of disability.

Therefore, I am praying that we should delete that section because it may be embarrassing. It is not every person that will want to wear a badge to show that he is disabled. After that, I also have reservation on item (m).

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The Chairman: Let us hear from the sponsors of the Motion. Yes, Hon. Beni Lar?

Hon. Beni Lar: Mr. Chairman, why we have this provision is because a temporary certificate is going to be issued. Therefore, the insignia is optional; you may or may not choose to wear it. You may wish to wear it when you want to obtain certain services. For instance, you are in a queue for transportation. You want people to identify that you need to get this service; the law gives you the right to be the first in queue. It is just for easy identification but it is optional and I believe that the option should remain there.

The Chairman: I will now put the question on item (m).

Question put and agreed to.

Hon. Ita Enang: Mr. Chairman, I withdraw my amendment and concede to her. I want to take item (m) which says: *collaborating with relevant ministries, parastatals or bodies to issue codes and directives for designing and building public structures so as to make them accessible to persons with disabilities.*

The Chairman: That one has been corrected. It has been overtaken by events.

Hon. Ita Enang: Yes, Sir. I move that we delete it.

The Chairman: Yes.

Clause 85(m) – deleted.

Hon. Binta Masi Garba: Mr. Chairman, we are concentrating mostly on the Public Sector and I thought that we should include the Private Sector in what we are doing.

The Chairman: Which one are you talking about?

Hon. Binta Masi Garba: I am talking about item (k) which says: *Liaising with relevant ministries and all other government agencies to ensure that the peculiar interests of person with disabilities are taken into consideration in every government policies, programmes and activities.*

I am saying that we should liaise with both the Public and Private sectors to ensure that the peculiar interests of person with disabilities are taken into consideration.

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The Chairman: You want us to include other bodies?

Hon. Binta G. Masi: Yes.

The Chairman: To liaise with the public and private sectors and remove the ministries?

Hon. Binta Masi Garba: Yes.

Hon. Abdullahi Shuaibu: Mr. Chairman, unless we are re-couching item (k); it is talking about government policies, programmes and activities. So, how does the private sector come into it? The provision is talking about *liaising with relevant ministries and all other government agencies to ensure that the peculiar interests of person with disabilities are taken into consideration in every government policies, programmes and activities.*

The Chairman: That includes the private sector. What she is saying is that it should not be limited to the Public Sector alone. Now, if you have that in the Public Sector, what will happen in the Private Sector? How do you take care of that?

Hon. Abdullahi Shuaibu: There should be some other relevant function there relating to the Private Sector.

The Chairman: It is easier to put them together. It is a matter of saying *Public and Private Sectors.*

Hon. Abdullahi Shuaibu: We are talking of government policies.

The Chairman: You can remove those words and item (k) will now read: *Liaising with relevant public and private agencies to ensure that the peculiar interests of person with disabilities are taken into consideration in every policies, programmes and activities.*

Amendment put and agreed to.

Hon. Ita Solomon J. Enang: Mr. Chairman, I have reservation on items (n) and (q).

The Chairman: Take it one after the other.

Hon. Ita Enang: Item (n) on page 34 says: *Enforcement of compliance of public buildings codes and directives in paragraph (m) and imposing necessary sanctions and make appropriate orders.*

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I pray that we delete that in accordance with item (m).

The Chairman: That one has already been deleted.

Hon. Ita Enang: I want it to be on record that it has been deleted. After that, we should go to item (q). It says: *To establish institutions which shall carry out research, development and education on disability issues.* This may be a tall order. I am pleading that we amend that to read: *Ensuring research, development and education on disability issues and disabled persons.*

The Chairman: Is there any seconder to that Motion?

Hon. Rabe Nasir: I second the proposed amendment suggested by Hon. Ita Enang.

Amendment put and agreed to.

Clause 85 – (FUNCTIONS OF THE COMMISSION) – *as amended ordered to stand part of the Bill.*

Clause 86 – (POWERS OF THE COMMISSION) – *ordered to stand part of the Bill.*

PART XXIII – APPOINTMENT AND DUTIES OF THE DIRECTOR-GENERAL AND OTHER STAFF

Clause 87 – (APPOINTMENT AND DUTIES OF THE DIRECTOR-GENERAL OF THE COMMISSION) – *ordered to stand part of the Bill.*

Clause 88 – (TENURE OF OFFICE AND REMUNERATION OF THE DIRECTOR-GENERAL) – *ordered to stand part of the Bill.*

Clause 89 – (RESIGNATION OF THE DIRECTOR-GENERAL)

The Chairman: Hon. Ita Enang, when we were on Clause 89 you were discussing with your hon. Colleague.

Hon. Ita Solomon J. Enang: I was submitting the amendment that I made in writing. I have a little reservation on Clause 89 which states as follows: *The Executive Secretary may resign his office by writing under his hand delivered to the President.*

I want to amend that to read *the Executive Secretary may resign his appointment by writing under*

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his hand to the President. The word *delivered* may be misconstrued to mean that he has to go and see the President in person and deliver his letter of resignation.

The Chairman: *The Executive Secretary may resign his office by writing under his hand delivered to the President.*

Hon. Ita Enang: We want to delete the word *delivered*. It should read: *The Executive Secretary may resign his office by notice in writing to the President.* It may be misconstrued to be that you have to personally deliver the letter to the President.

Hon. Waziri Aminu Tambuwal (Kebbe/Tambuwal): I second the Amendment moved by Hon. Ita Enang.

Amendment put and agreed to.

Clause 89 – (RESIGNATION OF THE DIRECTOR-GENERAL) – *as amended, ordered to stand part of the Bill.*

Clause 90 – (STAFF OF THE COMMISSION AND THE REMUNERATION)

Hon. Ita Enang: There is something in the last sentence in Clause 90. It says: *The Council shall appoint for the Commission such number of employees as may in the opinion of the Council be expedient and necessary for the proper and efficient performance of the functions of the Commission and pay them remuneration and allowances as it determines.*

No Commission would have power to determine allowance and remuneration. Every organisation does not determine for civil servants salaries and allowances; it is determined by the National Salaries and Wages Commission. We want to stop at the word *Commission* because the fact of employment implies that you will be paid. Therefore, you do not need to put it.

I pray that we delete the words *and pay them remuneration and allowances as it determines.* We should just stop at the word *Commission*.

Hon. Rabe Nasir: Mr. Chairman, I rise to second the Motion as proposed by Hon. Ita Enang.

Amendment put and agreed to.

Clause 90 – (STAFF OF THE COMMISSION AND THE REMUNERATION) – *as amended ordered to stand part of the Bill.*

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Clause 91 – (APPOINTMENT, SECONDMENT FROM PUBLIC SERVICE)

Question proposed.

Hon. Betty O. Apiafi (Ahoada East/Abua/Odual): My worry here is on the word *secondment* in Clause 91. We found out from experience in the Ministries that secondment takes up to two years. So they would rather do transfers and ask for recruitment especially for the fact that we want the disabled people to also be part and parcel of this Ministry.

The Chairman: Are you proposing an amendment?

Hon. Betty O. Apiafi: Yes. My amendment is that we remove the word *secondment* and replace it with the words *transfers and recruitments* so that they can be transferred from other Ministries.

The Chairman: But some may not like to be transferred.

Hon. Betty O. Apiafi: Yes, then they would recruit the disabled people to work in their Ministries.

The Chairman: There are some situations whereby you need to be seconded and there are some situations where you need to be appointed and transferred but if we remove the word *secondment*, it means under no circumstances will a disabled person be seconded to anywhere.

Hon. Betty O. Apiafi: I will take the example of the Ministry of Niger Delta. When the Ministry was to take off, all they did was to move people from other Ministries. The Head of Service said secondment takes so long and they do not do secondment as such. That is why I am bringing it up.

If the Ministry has to take off we do not have to wait for secondment which takes close to two years for you to second people from one Ministry to the other.

The Chairman: That is her own opinion as a strong Member of this Committee.

Hon. Chile W. Igbawua: Mr. Chairman, I just want to correct the impression there. Secondment does not take long. It is just one of the procedures whereby you can move staff. Unlike transfer where the person is moving permanently, you may need to move qualified staff to a department for a while to allow you time to recruit and that can be done at the instance of the department that wants you to second. It does no harm. In fact, it is very vital to this section that we have that

word *secondment* so that we do not have a lacuna at any point in time.

Hon. Ita Enang: I pray that we allow the word *secondment* to stand because sometimes a staff takes the option of secondment when he is not sure of how the security of tenure or the strength of the place he is going is. He would request his service to be seconded so that he can return to his original beat if he does not find it convenient or comfortable.

We have that in the National Assembly. When we established the National Assembly Commission, some men who did not want to be full staff of this place had to be de-seconded back to the Federal Civil Service where they came from. I want it to be there because it is convenient to enable the Commission to take off.

The Chairman: The maximum period for secondment in the Civil Service is two years. If you want to renew it you can renew it and you can ask for transfer after two years. It is better that we retain secondment because it is even better for the disabled.

Clause 91 – (APPOINTMENT, SECONDMENT FROM PUBLIC SERVICE) - *ordered to stand part of the Bill.*

Clause 92 – (THE STRUCTURE OF THE COMMISSION)

Hon. Ita Enang: Mr. Chairman, I prayer that we delete the whole of Clause 92. It is not appropriate in the law. We have said it in about three or four of the Bills that we passed here that you do not define the departments in a Commission. The Commission sets up such departments as are conventional and if it becomes necessary they may restructure the Commission.

I am praying that Clause 92 be amended as follows: *There shall be established in the Head Office of the Commission such departments as, in the opinion of the Commission, may be necessary.*

This will give them the latitude.

Hon. Aminu Waziri Tambawal: I second the Amendment as proposed by Hon. Ita Enang.

Amendment put and agreed to.

Clause 92 – (THE STRUCTURE OF THE COMMISSION) - *as amended ordered to stand part of the Bill.*

Clause 93 – (PENSION AND GRATUITY) – *ordered to stand part of Bill.*

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Clause 94 – (PROVISION OF SUPERANNUATION) – *ordered to stand part of the Bill.*

Clause 95 - (FUNDS OF THE COMMISSION)

Question proposed.

Hon. Abdullahi Shuaibu Hashimu: Mr. Chairman, with respect to Clause 95(2)(i) on page 39 there is a sentence that says *such sums from the Federation Account*. I want these words to be amended to read: *such sums as may be appropriated by the National Assembly*.

The Chairman: It has not been deleted. All right, go to page 38. Subsection (2) has been deleted.

Hon. Abdullahi Shuaibu Hashimu: So, you are deleting it?

The Chairman: Yes, it has been deleted.

Hon. Abdullahi Hashimu: What is the Fund of the Commission if subsection (2) has been deleted?

The Chairman: Subsection (2) has been deleted. *The Commission shall establish and maintain a fund herein referred to as 'Fund' into which moneys accruable to the Commission shall be paid and from which all the activities of the Commission shall be funded.*

That provision is there and it is adequate.

Clause 95 – (FUNDS OF THE COMMISSION) – *ordered to stand part of the Bill.*

Clause 96 – (POWER TO ACCEPT GIFTS) – *ordered to stand part of the Bill.*

Clause 97 – (POWER TO BORROW) – *ordered to stand part of the Bill.*

Clause 98 (1) - deleted.

Clause 98(2) (THE GOVERNING COUNCIL SHALL APPROVE ALL EXPENDITURE OF THE COMMISSION) – *ordered to stand part of the Bill.*

Clause 98 – *as amended ordered to stand part of the Bill.*

Clause 99 – (ANNUAL ESTIMATES AND EXPENDITURE)

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Question proposed.

Hon. Ita Enang: Mr. Chairman, I have reservation on Clause 98.

The Chairman: We are now on Clause 99, Hon. Ita Enang.

Hon. Ita Enang: I will study it further.

Clause 99 – (ANNUAL ESTIMATES AND EXPENDITURE) – *ordered to stand part of the Bill.*

Clause 100 - (AUDIT) - *ordered to stand part of the Bill.*

Clause 101 – (ANNUAL REPORT) – *ordered to stand part of the Bill.*

PART XXIV – MISCELLANEOUS PROVISIONS

Clause 103 – (SERVICE OF DOCUMENTS) – *ordered to stand part of the Bill.*

Clause 104 – (PAYMENT OF JUDGMENT)

Question proposed.

The Chairman: Clause 104 states: *Any such money which may be in the judgement of any court awarded against the Commission shall, subject to any direction given by the court where Notice of Appeal of the said Judgment has been given, be paid from the general reserve fund of the Commission.*

Hon. Ita Enang: Mr. Chairman, whether or not there is an appeal, judgment is self-executing.

So I pray that we delete this clause because the intendment of this Clause is just to say that the judgment debt shall be paid from the reserved funds of the Commission. I want us to delete all the words *appeal*. I want it to read: *any such money which may, by judgment of any court, be awarded against the Commission shall be paid from the general reserve fund of the Commission*. The rest of the other ones are restrictive, and they are seeking to better the power of the court.

Hon. Sokonte H. Davies (Degema/Bonny): I rise to second the Amendment proposed by Hon. Ita Enang.

Amendment put and agreed to.

Clause 104 – (PAYMENT OF JUDGMENT) – *as amended ordered to stand part of the Bill.*

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Clause 105 – ordered to stand part of the Bill.

Clause 106 – (ENGAGEMENT OF PROFESSIONAL OTHER THAN STAFF) – ordered to stand part of the Bill.

Clause 107 – (REGULATIONS) – ordered to stand part of the Bill.

Clause 108 - (COST OF SETTING UP THE COMMISSION) - deleted.

PART XXV – INTERPRETATIONS

Clause 109 – (INTERPRETATION) – ordered to stand part of the Bill.

Clause 110 – CITATION: – (NIGERIANS WITH DISABILITY BILL, 2008)

Question proposed.

Hon. Ita Solomon J. Enang: The Citation says that the Bill should be cited as *Nigerians with Disabilities Bill, 2008*. We should call it *Disabilities Bill* because we take responsibility for any person that is in Nigeria and they are entitled to such assets that a Nigerian is entitled to. I want us to call it *Disabilities Bill*, not *Nigerians with Disability Bill*.

Amendment put and agreed to.

Clause 110 – (CITATION – NIGERIANS WITH DISABILITY BILL, 2008) - as amended, agreed to.

(SCHEDULE) – ordered to stand part of the Bill.

The Chairman: The Schedule has been passed. Let us proceed to the Long Title.

Long Title – (A BILL FOR AN ACT TO ENSURE FULL INTEGRATION OF NIGERIANS WITH DISABILITY INTO THE SOCIETY AND TO ESTABLISH A NATIONAL COMMISSION FOR PERSONS WITH DISABILITY AND VEST IT WITH THE RESPONSIBILITIES FOR THEIR EDUCATION, HEALTH CARE AND THE PROTECTION OF THEIR SOCIAL, ECONOMIC, CIVIL AND POLITICAL RIGHTS, 2009)

Hon. Abdullahi Shuaibu Hamishu: Mr. Chairman, with respect to this Long Title, in view of the Amendment just passed, do we need to add the word *Nigerians* to it again?

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Secondly, is it *Full Integration of Persons with Disability* or *Full Integration of Nigerians*?

The Chairman: It is *Persons with Disability*.

Hon. Abdullahi Shuaibu Hamishu: We need to correct that, please.

The Chairman: It is *Full Integration of Persons with Disabilities*.

Long Title – (A BILL FOR AN ACT TO ENSURE FULL INTEGRATION OF PERSONS WITH DISABILITIES INTO THE SOCIETY AND TO ESTABLISH A NATIONAL COMMISSION FOR PERSONS WITH DISABILITY AND VEST IT WITH THE RESPONSIBILITIES FOR THEIR EDUCATION, HEALTH CARE AND THE PROTECTION OF THEIR SOCIAL, ECONOMIC, CIVIL AND POLITICAL RIGHTS, 2009) – as amended, agreed to.

Hon. Rabe Nasir: I am still concerned with the word *Disability*. I just want to draw our attention to something. If it is something that makes sense, we should look at it. Otherwise, we can overlook it. However, I think it is important. Citing this word *Disability* could be contested in Court.

The Chairman: Hon. Rabe, I think you were not here the first day.

Hon. Rabe Nasir: This one is slightly different.

The Chairman: Were you here the first day?

Hon. Rabe Nasir: Yes, I was.

The Chairman: But you know it has been debated.

Hon. Rabe Nasir: That one was different really.

The Chairman: What made it different?

Hon. Rabe Nasir: My position on that one is that we should totally discard the use of the word *Disability*. I suggested the words *People with Special Needs*. It was overruled but this particular one is different. That is why I am calling our attention to it.

If you are talking about *disabilities* it mean a lot of things. *Disability* does not only refer to somebody with physical deformity, you can look normal but you are

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disabled for so many reasons. The interpretation could also be challenged in respect of what I am talking about. (Interruption)

The Chairman: But the interpretation has been passed.

Hon. Rabe Nasir: Why do we not relate it to Physical Disability? If we do this then we would have taken care of anybody who is physically deformed. This is what this Bill is all about.

The Chairman: Hon. Rabe Nasir, if you go to page 44, *disability* means having a disability and it includes *long-term physical, mental, intellectual or sensory impairment which in interaction with various barriers may hinder full and effective participation in the society on equal basis with others*.

So, it has been defined.

A hon. Member: That is the more reason we should remove the word *physical*.

The Chairman: Hon. Rabe Nasir, whatever meaning the word *disability* has we are limiting ourselves to the interpretation of the word *disability* in this Bill. We cannot go out of this interpretation. Anything out of this interpretation does not mean *disability* as far as we are concerned. Disability has been defined by this Act and we have to limit ourselves to what has been defined.

Hon. Ita Enang: Mr. Chairman, with respect, I had mentioned an issue and you said we can come back to it; that is, Clause 98. Clause 98 (1) is very crucial. It states:

The Council shall, not later than 30th September of each year, submit to the National Assembly through the Minister an estimate of expenditure of the Commission during the next succeeding year.

That is no longer the practice and it is not practised by Commissions. The budget of any Commission or the estimate of expenditure is submitted by any Commission to the Ministry of Finance and they will bring it together with the budget.

The Chairman: Hon. Enang, which Clause are you referring to?

Hon. Ita Enang: I am referring to *Clause 98(1) and (2)*.

The Chairman: Please go to Page 39.

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Hon. Ita Enang: It is taken if it has been deleted.

Hon. Binta Masi Garba: We have it as *An Act to Ensure Full Integration of Persons with Disabilities* but here the word is *Disability*.

The Chairman: It is with *Disabilities*.

Hon. Ita Enang: Mr. Chairman, if we say *disabilities* and a person has one disability, he is not qualified because he must have at least two disabilities before he is qualified under the Act.

Hon. Abike Dabiri Erewa: We are looking at the grammar but I think Hon. Ita Enang is right. It should be *Persons with Disability*, not *Persons with Disabilities*.

Hon. Betty Apiafi: I want to take us back to the Long Title of the Bill: *A Bill for an Act to Ensure Full Integration of Nigerians with Disability into the Society and to Establish a National Commission for Disabled Persons*.

We need to correct the words *Disabled persons*.

The Chairman: It reads thus: *A Bill for an Act to Ensure Full Integration of Nigerians with Disability into the Society and to Establish a National Commission for Persons with Disability and Vest it with the Responsibilities for their Education, Health Care and the Protection of their Social, Economic, Civil and Political Rights, 2009. (HB. 37 & 46)*

Hon. Binta M. Garba: Mr. Chairman, we can expunge the words *for Persons with Disability* and leave it to read: *A Bill for an Act to Ensure Full Integration of Nigerians with Disability into the Society and to Establish a National Commission and Vest it with the Responsibilities for their Education, Health Care and the Protection of their Social, Economic, Civil and Political Rights, 2009*. So, we should remove the words *for Persons with Disability*.

The Chairman: Are you saying that we should remove the words *Persons with Disability* to avoid repetition?

Hon. Binta M. Garba: Yes.

A hon. Member: Mr. Chairman, this is a legal document and we are dealing with a subject and the subject is *Persons with Disability*. If it appears one thousand times, that is the correct thing; it is consistency. The people who have disabilities are not disabled.

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It is only appropriate that we leave that phrase *Persons with Disability* to appear as many times as possible.

The Chairman: In the Long Title, we have two subjects. The two subjects are the Commission and the Persons. Therefore, there must be a position or a place in the Long Title where these two subjects must be mentioned. That is what Hon. Bawa is saying.

To him it should read: *An Act to ensure Full Integration of Persons with Disability into the Society and to Establish a National Commission for Persons with Disability and Vest it with the Responsibility for their Education.*

Hon. Abike Dabiri Erewa: Just to re-emphasis what he has said, when this Commission is in place, it is going to become *National Commission for Persons with Disability*. So, it should remain that way.

The Chairman: Do we accept the amendment?

Amendment put and agreed to.

Hon. Tunde Akogun (Akoko-Edo): Mr. Chairman, Hon. Colleagues, I move that the House do revert to Plenary.

Hon. Baba Shehu Agaie (Agaie/Lapai): I second that the Motion that the House do revert to Plenary for the Chairman to report progress.

Question put and agreed to.

Resolved: That the House do revert to Plenary.

(The Deputy Speaker resumed the Chair)

The Deputy Speaker: Hon. Colleagues, the House in the Committee of the Whole resumed the Consideration of the Report of the Joint Committee on Women Affairs and Human Rights on Disability Bill and approved as follows:

Revisited and amended Clause 9;
Approved Clauses 64 to 68;
Amended Clause 85;
Approved Clauses 86 to 88;
Amended Clauses 89 and 90;
Approved Clause 91;
Amended Clause 92;
Approved Clauses 93 to 103;
Amended Clause 104;
Approved Clauses 105 to 109;
Amended the Citation;

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Approved the Schedule and
Amended the Long Title.

Adoption of Report

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

Hon. Baba Shehu Agaie: I rise to second the Motion moved by the Leader.

Question put and agreed to.

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

ANNOUNCEMENT

Re: Meeting of the House Leadership with the Minister of Police Affairs and the Inspector General of Police

The Deputy Speaker: Hon. Colleagues, you will recall that sometime ago, we passed a Resolution in this House mandating the House Leadership to meet with the Minister of Police Affairs and the IG. We met with them and this is the Resolution as a result of our meeting.

Security Aides of all the Principal Officers are to be restored immediately. Members who are interested in having security aides should send their names to the Secretary of the Police Affairs Committee. The Police reserve the right to offer their personnel to hon. Members, not necessarily for Members to choose. Hon. Members must indicate interest within one week.

Hon. Members who are interested in having Police security should contact the Chairman or the Secretary of the Police Committee.

If you know you need extra security, please, try and contact the Committee in so far as you are not one of the Chairmen of the Armed Forces Committees. If you are, you may not need a Policeman.

ADJOURNMENT

Hon. Tunde Akogun: Mr. Speaker, I want to say that I have taken due note of the returning decimalism of members who, with a high sense of responsibility and commitment, stayed out like this to the end of the Session. We say well done!

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I move that the House do adjourn sitting till tomorrow Wednesday, 6th May 2009 at 2.00 p.m.

Hon. Baba Shehu Agaie: I rise to second the Motion that this House do stand adjourned till tomorrow Wednesday, 6th May 2009 at 2.00 p.m.

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The Deputy Speaker: Thank you very much, Leader for your comment. *Question put and agreed to.*

Resolved: That the House do stand adjourned till tomorrow, Wednesday, 6th May 2009 at 2.00 p.m.

The House adjourned accordingly at 2.15 p.m.