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HOUSE OF REPRESENTATIVES
FEDERAL REPUBLIC OF NIGERIA

Thursday, 7th May, 2009

The House met at 11.10 a.m.

PRAYERS

(The Speaker in the Chair)

VOTES AND PROCEEDINGS

The Speaker: Hon. Members, I have examined and approved the Votes and Proceedings of Wednesday, 6th May, 2009.

ANNOUNCEMENTS

**Report of Consultation between Leadership of the
House of Representatives and Members from
Plateau State**

The Speaker: Hon. Members, could you please listen to this announcement.

After due consultation with the Leadership of the House of Representatives and Members from Plateau State, we thought it wise for us to have further discussion with the Members from Plateau State on the Matter of Urgent Importance that the Floor approved yesterday.

We feel that Plateau is a bit delicate right now and we should try and avoid anything else that could add to the tension there whilst addressing the issue. So we would discuss further and then make presentation of that matter at a later date.

Please bear with us.

Thank you.

An Hon. Member: Point of Order!

The Speaker: Hon. Members, if you wish to raise a Point of Order on what I have just said I would appeal to you, in the name of God Almighty, to please speak with me after sitting.

I would appeal that you please dialogue with me immediately after sitting.

Hon. Mohammed Sama'ila Abdullahi
(Bassa/Jos North): Point of Order.

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The Speaker: Hon. Sama'ila, I am sure you are aware that we have not reached the point where we can raise a Point of Order yet. However, I would still appeal to all of you.

PRESENTATION OF PUBLIC PETITIONS

The Speaker: Any Member who has a petition to present may please rise to do so. Yes, Hon. Hembe has a petition.

**Non-payment of Monetization and
Pension Benefit**

Hon. Iorwase Herman C. Hembe
(Konshisha/Vandekiya): Mr. Speaker, I have two petitions from my Constituents; one Habibu Vase who is petitioning this honorable House over non-payment of his three months salary arrears, monetization and pension benefit by the Federal ministry of Transport. He seek that this House give him justice.

Wrongful Termination of Appointment

Another is from a member of my Constituent, Mr. Carnise Nweke, who is seeking justice in a case of unlawful termination of appointment and denied of justice from the National Drugs Enforcement Agency.

May I lay the Petition on the Table?

The Speaker: Go ahead.

Petition laid.

Unlawful Dismissal from Service

Hon. Uche Ekwunife
(Anaocha/Njikoka/Dunukofia): Mr. Speaker, I have three petitions: One is from one Mr. Michael Okafor who was unlawful dismissed from the service of the Nigerian National Petroleum Corporation (NNPC), Warri. His is asking this House to intervene on his behalf.

**Mr. Christian Onuigbo Shot Dead by the
Nigeria Police Force**

The second petition is from Ohanaeze Abuja Branch. Their petition is on one Mr. Christian Onuigbo, a 28 years old man; a father, brother, bread winner and a patriotic Nigerian who was shot dead by the men of the Nigeria Police Force.

Mr. Speaker, they want this House to intervene and make sure that justice is done.

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Non-Payment for Job Done

The third one is from one Mr. Raphael Nwadije, from my Constituency. This man is an Engineer; he did a job with Independent National Electoral Commission (INEC) during Dr. Ape Gubadia. Up till now he has not being paid. He was told that his file was missing.

With you kind permission, may I lay the Petitions on the Table.

(Petitions laid)

Discriminately, Oppressive Labour Practices by the Nigeria Deposit Insurance Corporation

Hon. Ado Dogo Audu (Jama'a/Sanga): Mr. Speaker, I have two petitions here before me; one is a petition against unfair discriminately, oppressive labour practices by the Nigeria Deposit Insurance Corporation's continuous casualization of retained staff of liquidated banks.

Denial of Entitlements of some Employees

The second petition is on denial of entitlements of some of the employees of the Nigeria Institute of Nigeria Oil Palm Research (NIFOR), Benin City, Edo State whose employments were terminated in 1994.

May I lay the Petitions on the Table?

The Speaker: Please, go ahead.

(Petitions laid)

Non-Payment for Job Done

Hon. Gbenga Oduwaiye (Ijebu Ode/Ijebu North East/Odogbolu): Mr. Speaker, I have with me a copy of a petition from one of my Constituent, Mr. Adeboye Adeyemi. It is in respect of some electrical jobs he did for the Kaduna State Government through the Kaduna State Transport Authority. He was supposed to have been paid in cash while the balance was supposed to have been used to buy some Low Cost Houses for him. As we speak neither had he collected the money nor have the Houses being given to him and Government Agencies that are tenant in those houses have refused to pay.

If I have your permission I would like to lay the Petition on the Table.

The Speaker: Please, proceed.

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(Petition laid)

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

(Petitions accordingly refereed to the Committee on Public Petitions)

Hon. Emmanuel Yisa O. Jev (Buruku): Point of Order!

MATTER OF URGENT PUBLIC IMPORTANCE

Swine flu

Hon. Emmanuel Yisa O. Jev (Buruku): Mr. Speaker, my Point of order is Order VIII, Rule 4 - Matter of Urgent Public Importance. Recently we treated the issue of Swine flu here; it has not yet landed on the shores of Nigeria but we are already taking steps to stop it.

The Speaker: Hon. Member, could you please repeat what you have just said?

Hon. Emmanuel Yisa O. Jev: Mr. Speaker, I said Swine flu has not yet landed on our shores, but because of the urgency of the matter we took steps here on the Floor to make sure that it does not land on our shores but if it does land, we would be able to combat it.

Now we have an equally serious and devastating ailment. My attention was drawn to today's Tribune newspaper with the caption: *Cerebral Meningitis death toll rises above 2,000*. The Death roll of 2,148 is just between December, last year and now. If you consider the mode of transmission of this disease very seriously, it is a disease that is contracted through kissing, sneezing, cough, and living in close quarters. We know that, that is very serious; this is about the same method that swine flu is contracted.

The Speaker: Thank you. Honourable Colleagues, the question is that we consider this as a Matter of Urgent Public Importance

Question put and negatived.

Reactivation of National Website

Hon. Daniel Dino Melaye (Kabba/Bunu/Ijumu): Mr. Speaker, my Point of Order is Order VIII Rule 4 - Matter of Urgent Public Importance. As I speak to you today, the Official Website of the Federal Government that is supposed to be the medium through which

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investors will browse and invest in this country is scanty, empty and there is no information there.

As I speak to you, if this House considers this issue I will bring a substantive Motion to be taken the

next legislative day because any investors that is coming to invest in Nigeria will not look for Dino Melaye; will not even look for Speaker of the House of Representative, but he would go to our official website to see what is in there before he can come and invest in Nigeria. And as I speak to you all the Parastatals that are investment-related in Nigeria have no website and those that have websites, they are not being fed on daily basis.

If you consider it I will come with a substantive Motion that will mandate the relevant arm of the Ministry of Information to open official website for all Government Parastatals and Agencies so that anybody who is coming to do business with Nigerians, will not fall into wrong hands. Addresses will be posted on this website; Government programmes will be posted on this website, investments that have succeeded in Nigerian that will endear people to come and invest in this country will be posted on this website. This is because it is the trend globally any where in the world. We have such websites in all other democracies, and if Nigeria must be one of the 20 richest economies by 2020 we need to be digital.

Thank Sir,

The Speaker: Honourable Colleagues should we consider this as a Matter of Urgent Public Importance?

Question put and Negatived.

Burial of Hon Ofo's father

The Speaker: Honourable Colleagues before we go to the next business of the day, Hon. Austin Nwachukwu wishes to inform all Members that the burial of Hon Ofo's father is Saturday in Amichi-Uwana, Enugu State. Members are requested to please attend; there is an Arik flight at 5.55 p.m. this evening.

PRESENTATION OF BILLS

The Speaker: The next Business of the Day is the Presentation of Seven Bills. The clerk is invited to read the Short Titles of the Bills.

Medical and Dental Practitioners Act (Amendment) Bill, 2009

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Medical and Dental Practitioners Act (Amendment) Bill, 2009 (HB.201) sponsored by Hon. Chukwudi Mayor Eze and 36 others – *Read the first Time.*

Federal Capital Territory Primary Education Board Bill 2009

Federal Capital Territory Primary Education Board Bill 2009 (HB.202) sponsored by Hon. Ita Enang – *Read the First Time.*

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

Federal Capital Territory Water Board (Establishment, etc) Bill, 2009 (HB.203) – sponsored by Hon. Ita Enang – *Read the First Time.*

Federal Capital Territory Board of Internal Revenue (Establishment, etc.) Bill, 2009

Federal Capital Territory Board of Internal Revenue (Establishment, etc.) Bill, 2009 (HB. 204) – sponsored by Hon. Ita Enang – *Read the First Time.*

Equipment Leasing Bill, 2009

Equipment Leasing Bill, 2009 (HB.205) – sponsored by Hon. Ita Enang – *Read the First Time.*

Environmental Managers Registration Council of Nigeria Bill, 2009

Environmental Managers Registration Council of Nigeria Bill, 2009 (HB 206) – sponsored by Hon. Ita Enang – *Read the First Time.*

Chartered Institute of Shipping of Nigeria Bill, 2009

Chartered Institute of Shipping of Nigeria Bill, 2009 (HB. 207) – Sponsored by Hon. Adamu Gora Kalba – *Read the First Time.*

PRESENTATION OF REPORTS

Mid- Sessional Report of the Committee on Emergency and Disaster Preparedness

The Speaker: The next business of the Day is the presentation of the Mid-Sessional Report of the Committee on Emergency and Disaster Preparedness standing in the name of the Deputy Chairman, Hon. Warman.

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He is invited to present his Report.

Hon. Warman W. Ogoriba (Yenagoa/K./Opokuma): Mr. Speaker, I rise to move that this House do receive the Mid-Sessional Report of the Committee on Emergency and Disaster Preparedness.

Hon. Ahmed Mustapha (Bauchi): Mr. Speaker, I rise to second the Motion for presentation of Report as moved by my Colleague.

Question put and agreed to

Report laid on the Table.

**Report of the Committee on Governmental Affairs
on a Bill to Regulate the Use of Sirens in Nigeria**

The Speaker: The next Business of the Day is presentation of Report of the Committee on Governmental Affairs on a Bill for an Act to Regulate the Use of Sirens in Nigeria and for Other Matters Connected Therewith, 2009 (HB. 161) standing in the name of Hon. Leo Ogor.

The Report is ready; Hon. Leo is invited to present his Report.

Hon Leo Ogor: (Isoko North/Isoko South): Mr. Speaker, I move that this House do receive the Report of the Committee on Governmental Affairs on a Bill for an Act to Regulate the Use of Sirens in Nigeria and for Other Matters Connected Therewith, 2009 (HB.161). I so move.

Hon. Austin Nwachukwu (Ehime Mbano/Ihite Uboma/Obowo): Mr. Speaker, I rise to second the Motion as moved by hon. Leo Ogor, that this House do receive the Report on the use of Sirens.

Question put and agreed to

Report laid on the Table.

**Report of the Joint Committee on Governmental
Affairs and Justice on a Bill for Yearly Submission
by the President of the Federal Republic of Nigeria
on implementation of the Fundamental Objectives
and Directive Principles of State Policy, 2008**

The Speaker: The next business of the day is the presentation of Report of Joint Committee on Governmental Affairs and Justice on a Bill for an Act for Yearly Submission by the President of the Federal Republic of Nigeria to the National Assembly on the implementation of the Fundamental Objectives and

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Directives Principles of State Policy as Contained in Chapter II of the 1999 Constitution and for Other Purposes Connected Therewith, 2008.

I now call on Hon. Leo Ogor to present the Report, please.

Hon. Leonard Okuweh Ogor (Isoko North/Isoko South): Mr. Speaker, I move that this House receive the Report of Joint Committee on Governmental Affairs and Justice on a Bill for an Act for Yearly Submission by the President of the Federal Republic of Nigeria to the National Assembly on the implementation of the Fundamental Objectives and Directives Principles of State Policy as Contained in Chapter II of the 1999 Constitution and for Other Purposes Connected Therewith, 2008.

The Speaker: Is there any seconder, please?

Hon. Mulikat Akande Adeola (Ogbomosho North/South/Orire): Mr. Speaker, I wish to second the motion.

Question put and agreed to.

(Report laid on the Table).

**Report of the Joint Committee on
Governmental Affairs and Employment,
Labour and Productivity on the National
Minimum Wage (Amendment) Bill, 2008**

The Speaker: The next business of the day is the presentation of another Report also coming from the Joint Committee on Governmental Affairs and Employment, Labour and Productivity on a Bill for an Act to amend the National Minimum Wage (Amendment) Act, 2000 and for other Matters Connected Therewith, 2008.

Hon. Leo Ogor, please present your Report.

Hon. Leonard Okuweh Ogor: Mr. Speaker, I move that this House receive the Report of the Joint Committee on Governmental Affairs and Employment, Labour and Productivity on a Bill for an Act to amend the National Minimum Wage (Amendment) Act, 2000 and for other Matters Connected Therewith, 2008.

The Speaker: Is there any Secunder, please?

Hon. Ibrahim M. Bichi (Bichi): I rise to second the motion.

Question put and agreed to.

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Report laid on the Table.

EXECUTIVE SESSION

Hon. Olufemi Gbajabiamila (Surulere I): Mr. Speaker, I would like to move under the Rules and Privileges of the House if this House at this point in time can resolve or dissolve into an Executive Session.

Sitting suspended: 11:40p.m.

Sitting resumed: 1:45p.m

ORDERS OF THE DAY

MOTION

Forceful Ejection and Deportation of Fulanis

The Speaker: The first Order of the Day is a Motion on Forceful Ejection and deportation of Fulanis from Wase Local Government Area of Plateau State standing in the name of Hon. Idris Ahmed and 100 others.

I now call on Hon. Ahmed, to move his Motion, please.

Hon. Emmanuel Bello (Gombi/Hong): Point of Order, Mr. Speaker.

The Speaker: What is your Order?

Hon. Emmanuel Bello (Gombi/Hong): My Point of Order is Order V Rule 1 on page 11.

The Speaker: Could you read it, please?

Hon. Emmanuel Bello (Gombi/Hong): I read: *Privileges are the rights enjoyed by the House collectively and by the members of the House individually (Interruptions)*

The Speaker: All right, Honourable could you please take your seat? Hon. Idris, you can continue.

Hon. Idris Ahmed (Wase): Mr. Speaker,

The House

Notes the forceful ejection of thousands of Fulanis from Bashar Chiefdom of Wase Local Government Area of Plateau State, by the Plateau State Government to other parts of the country which action started on Monday 27th April, 2009;

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Concerned that this action contravenes Section 41(1) and 42(1) of the 1999 Constitution of the Federal Republic of Nigeria, which guarantees right to freedom of movement and right to freedom from discrimination;

Worried that if the action of the State Government is left unchecked, it is capable of breaking the fragile peace of the State with a possible consequence of spreading to other parts of the country;

Resolves to:

(i) Mandate the Committee on Special Duties to investigate the matter and report back to the House within two (2) weeks;

(ii) Call on the Plateau State Government to stop further expulsion of Fulanis, and bring back those already expelled to their respective villages, pending the outcome of an investigation of the allegation.

I so move.

The Speaker: Is there any seconder, please?

Hon. Njidda Ahmed Gella (Miaha/Mubi North/Mubi South): I rise to second the motion.

Hon. Friday Itulah (Esan North East/South East): Mr. Speaker, I intend, with the permission of the Speaker, to move an amendment to the prayers of this motion.

My amendments are as follow: That we combine prayer (i) and (ii) to read thus:

That the House mandates the Committee on Special Duties to investigate the matter and report back to the House within one week while the Plateau State Government is advised to stop further expulsion of Fulanis pending the outcome of the investigation.

The Speaker: Hon. Colleagues, I am of the opinion that it is the entire Leadership of the House that should proceed to Plateau State.

Hon. Friday Itulah: I amend it to read *Leadership of the House* instead of *Special Duties Committee*,

The Speaker: Is there any seconder to that?

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Hon. Shuaibu Umar Galadima
(Yamaltu/Debba): I rise to second the amendment.

Amendment put and agreed to.

Main Question as amended put and agreed to.

The House

Noted the forceful ejection of thousands of Fulanis from Bashar Chiefdom of Wase Local Government Area of Plateau State, by the Plateau State Government to other parts of the country which action started on Monday 27th April, 2009;

Concerned that this action contravenes Section 41(1) and 42(1) of the 1999 Constitution of the Federal Republic of Nigeria, which guarantees right to freedom of movement and right to freedom from discrimination;

Worried that if the action of the State Government is left unchecked, it is capable of breaking the fragile peace of the State with a possible consequence of spreading to other parts of the country;

Resolved to:

Mandate the Leadership of the House to investigate the matter and report back to the House within one week while the Plateau State Government is advised to stop further expulsion of Fulanis pending the outcome of the investigation.

CONSIDERATION OF BILLS

Certain Welfare Benefits and Health Services to Every Woman Pregnant with Child, Bill 2007

A Bill for an Act to Authorize the Provision of Certain Welfare Benefits and Health Services to Every Woman Pregnant with Child Gratuitously and to Require the Compulsory Immunization of Every Child against Communicable Diseases, and for Other Related Matters –

Order for Second Reading.

The Speaker: Honourable Colleagues, the next Order of the Day is the commencement of debate the general principles of a Bill for an Act to Authorize the Provision of Certain Welfare Benefits and Health Services to Every Woman Pregnant with Child Gratuitously and to Require the Compulsory Immunization of Every Child against Communicable Diseases, and for Other Related Matters. The Bill was read for the first time on Tuesday 11th of December,

2007. I now invite Rt. Hon. Patricia Olubunmi Etteh to move that the Bill be read the second time.

Hon. Patricia Olubunmi Etteh
(Ayedaade/Irewole/Isokan): Mr. Speaker, I move that a Bill for an Act to Authorize the Provision of Certain Welfare Benefits and Health Services to Every Woman Pregnant with Child Gratuitously and to Require the Compulsory Immunization to Every Child against Communicable Diseases, and for Other Related Matters be read the second time.

I so move.

Hon. Lawan Goni Bukar
(Bursari/Geidam/Yunusari): I rise to second the Motion as moved by the former Speaker of this House, Rt. Hon. Patricia Etteh.

Question put and agreed to.

Question proposed.

Hon. Patricia Olubunmi Etteh: The issue of maternal and infant mortality is very relevant and topical. This is because it is one of the indices that determine development of a society. Since 1940 up to date, maternal death in the developed countries has tremendously decreased when it comes to the issue of zero tolerance. The opposition is what is happening in developing countries like ours today. I rise this afternoon to say that Nigeria is one of those countries that are not really blessed as far as this issue of maternal mortality is concerned.

I brought up this Bill because I have attended a Seminar on this issue. When the issue was raised at the House of Commons, it was debated and we discovered that Nigeria is second on the lowest ladder. The indices as at today, with ratio of maternal mortality in Nigeria are 1,000 per 100,000 births which is very alarming. I believe we need to discuss this issue and look into the Bill to ensure that this neglected part of our health sector could be brought to the front burner.

The record of infant mortality in Nigeria is also very high. According to the current statistics furnished by United Nations Children and Educational Fund (UNICEF), infant mortality distribution across the six geo-political zones of the federation as at today read as follows:

North Central has 103 per 1,000 life birth,
North West has 114 per 1,000 life birth,
North East has 125 per 1,000 life birth,
South East has 66 per 1,000 life birth,
South-South has 120 per 1,000 life birth, and

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South West has 69 per 1,000 life birth.

That is to tell you that this particular aspect of our health sector has been purely neglected.

I believe it is high time we looked at the indices and the problems that are really confronting this aspect of this sector. With the research that we have conducted so far before we brought out the Bill, we discovered that what is really contributing to this neglect and causing the maternal mortality in this country is due to the inability to afford the cost of hospital care as a result of mass poverty, lack of personnel and equipment with which to provide healthcare to the teeming population especially in the rural areas. There are prevalence killer diseases such as malaria, polio, measles and negative cultural practices.

Having looked into all these parts, the Bill seeks that we ensure that appropriate resources are made available to this sector to ensure that we eradicate infant mortality and death of pregnant women during pregnancy or after child delivery or even the children themselves. We discovered that there are lots of issues that we need to look at and we must find solution to all these problems that are facing the health sector.

The Bill seeks that we should provide some benefits that will be of use to this sector so that women who are pregnant and even the children can benefit. It also requires compulsory immunization of infants and children against communicable diseases in order to serve as impetus for necessary implementation.

The Bill requires government at all levels to contribute 30% of their budget to this aspect of Maternal Health Services for our newborn babies. If we can achieve this, it will serve as a support and complement the efforts of Government to ensure that the services initiated by them can be achieved in conjunction with International Agencies and Non-Governmental Organisations that has been supporting this particular programme.

There is no point putting all our eggs in one basket believing Foreigners to give us the support when we know that we have to contribute as far as this project is concerned. I believe that the Government should be more proactive when it comes to lives of her citizens.

There are some other provisions that are already mentioned in the Bill such as that a working mother should be supported during pregnancy. We discovered that pregnant women are not accorded the necessary support and opportunities. Sometimes they are engaged in menial or hard labour that can jeopardise their health and that of the unborn baby.

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Owing to the hardship most pregnant women go through, they refuse to go on the three months Maternity Leave because after delivery they find it difficult to take care of themselves and the babies. As such some incentives should be attached to the neglected Health sector.

We discovered that the International Organisations are more proactive and concerned about Nigerian citizens. I believe that we have to carry our load from where it is quite heavy. We should not put our problems on them in such a way that they continue to fund Health issues. We should see maternal mortality as one of the killer diseases and Government should accord it the same attention and treatment as in other areas in the health sector. We believe that those pregnant women, their born and unborn babies need to be taken care of. Whatever the decision is today, I want Members to support this Bill because it is very important to ensure that women are properly taken care of.

I therefore urge my Colleagues to give their support to this Bill because one cannot tell who the next person could be. It could be our mother, wife or daughter. *(Applause)*

The Speaker: Hon. Colleagues, I think this is quite straightforward.

Members: Yes.

Question put and agreed to.

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

**Auditor General for the Federation,
Additional Powers and Functions Bill, 2008**

A Bill for an Act to Provide for Additional Powers and Functions for the Office of the Auditor-General for the Federation and for Matters Connected Therewith, 32008 (HB.15) –

Order for Second Reading.

The Speaker: The next Order of the Day is the commencement on the debate on the general principles of an Act to Provide for Additional Powers and Functions for the Office of the Auditor-General for the Federation and for Matters Connected therewith, 2008. The Bill was read the First Time on the 27th of November, 2008.

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

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Hon. Uche Ekwunife (Njikoka/Dunukofia/Anaocha): Mr. Speaker, I move that a Bill for an Act to Provide for Additional Powers and Functions for the Office of the Auditor-Generals for the Federation and for Matters Connected Therewith be read the Second Time.

Hon. Emmanuel Bello (Gombe/Hong): Mr. Speaker, I hereby second the Motion moved by my Colleague, Hon. Uche Ekwunife.

Question proposed.

Hon. Uche Ekwunife: Mr. Speaker, I want to let the House know that this Bill was passed by this House and the Senate during the last Session of the National Assembly.

The Bill seeks to amend the 1958 Audit law which has become outdated and bring it in tune with contemporary Audit realities and best practices. The last time the Bill was amended was in 1958.

The Bill aims at ensuring greater independence for the Office of the Auditor-General by taking him out of the Civil Service structure. The Bill also seeks to enhance accountability, transparency in the management of funds.

One of the merits of this Bill is to block loopholes and to make people to be accountable for the expenditure in their Ministries, Agencies and Parastatals of Government.

From the experience that we have had in the past where Ministries and Agencies will come, but because the Office of the Auditor-General is not independent enough to handle certain transactions in the Ministries, it has become very impossible for people to account for budgetary expenditures for releases to their Ministries and Agencies.

Actually, this Bill is seeking amongst other merits, to make sure that especially public office holders are accountable for their actions and inactions in the office. Time frame has been introduced for the submission of accounts by Ministries, Department and Agencies (MDAs) and Auditor-General's Office. We are experiencing a system where we do not have periodic checks on Ministry's Accounts. Some people audit their account after five years of expenditure and this has given room for corruption in the system. This is the era we are talking about re-branding Nigeria; curbing and minimizing corruption *et cetera*. If the Office of the Auditor-General is not independent enough to handle the problem of checking the expenditures in the Government, it will be very difficult for us to stop corruption in the system. We talk about corruption

because it is the major thing that is setting this country back.

If we are serious in curbing corruption, we have to make the Office of the Auditor-General for the Federation not just strong but independent of the Executive and the Agencies. Presently, we have Auditors posted to those Ministries but you will find out that the Ministries could come and dictate to the Auditor General the ones that they want in their Ministries and those would be posted there. They would not even have access in trying to be independent of the Auditors in those Ministries.

Sometimes, the Auditors would see themselves as part of the Ministries and Agencies where they are supposed to be a kind of investigators or those checking the account. Therefore, it is difficult for us to have quality auditing of the account in some Ministries. Even the audited accounts that we are talking about, sometimes what we see is where somebody has used a car and dumped it for over three years; the auditors would leave checking cases like this and go to check cases of ₦1,000 or ₦5,000 while we are talking about billions of Naira being siphoned out of this country. You can never see such things (dumped cars etc.) in audited accounts.

However, if we make this office independent of the Executive, I believe we are going to have quality Report from the Auditor General's Office.

The Bill also seeks to create an Audit Commission. As I speak to you now, the Auditor General of the Federation is still a tenant. That office just exists without powers and this is the only way we can give power to the office. The office is as important as any other office if we are truly serious about curbing corruption in the system.

We are all very responsible Parliamentarians. Our duty here is to help the government fight corruption. This is one of the best ways we can tell the Executive that we are here to support them to curb corruption by making this office independent.

I call on my Colleagues to please support this Bill to pass the Second Reading so that we can have a better auditing system in the nation.

Hon. Leonard Okuweh Ogor (Isoko North/South): Mr. Speaker it is important for us to know that what this Bill seeks is to establish or probably to provide for additional powers and functions for the Office of Auditor General of the Federation. We all know as legislators that it is a settled principle that an Act of the National Assembly cannot in anyway be allowed to add and subtract from a constitutional

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provision neither will an enactment similar to the constitutional provision be allowed. Any addition or subtraction will be invalid on the ground of inconsistency.

Let us look at Section 85(1) of the Constitution. It says:

There shall be an Auditor General of the Federation who shall be appointed in accordance with the provision of Section 86.

It goes further to specify the functions of the Auditor General in the Constitution, where it states clearly that:

(2) The Public Account of the Federation and all other offices and courts of the Federation shall be audited and reported on by the Auditor-General who shall submit his reports to the National Assembly; and for that purpose, the Auditor-General or any person authorised by him in that behalf shall have access to all the books, records, returns and other documents relating to those accounts.

3(a) (ii): The Auditor General shall have the powers to provide guidelines on the levels of fees to be paid to external auditors;

Then Section 3(b) goes further to state thus: *Comment on their annual accounts and auditor's reports thereon.*

(4) The Auditor General shall have power to conduct periodic checks of all government statutory corporations, commission, authorities, agencies, including all persons and bodies established by an Act of the National Assembly.

We know clearly here that the Constitution has set out specific functions for the Auditor General of the Federation. We also know that under Section 315 of the Constitution our laws must be in conformity with the provisions of the Constitution. It therefore means that what this Committee or the authors of this Bill are trying to do is to come out with extra functions which are not clearly recognised by the Constitution.

I therefore feel and believe under pure conviction that it is a clear violation of the provisions of the Constitution. It is like what I said earlier that it is already a settled principle that an Act of the National Assembly cannot in anyway be allowed to add or subtract from the constitutional provisions.

Hon. Olufemi Gbajabiamila (Surulere I): Mr. Speaker, I am just going to add a little to what Hon. Leo Ogor has said regarding what the constitutionality of this Bill.

I totally agree with his submission but let me just add that the principle of this Bill as moved by my Colleague was to establish the independence of the Auditor-General which is already clearly stated in Section 85 (6). It says: *In the exercise of his functions under this Constitution, the Auditor-General shall not be subject to the direction or control of any other authority or person - including the National Assembly.*

Section 85 (3) talks about the list of auditors which he has already alluded to and it is a settled principle which is the only point Hon. Leo Ogor did not raise.

It is a settled principle by the law court that where something has already been taken care of under the Constitution, there shall be no need to enact a law. Therefore, it becomes redundant and that is what the Supreme Court has said. I really do not believe that under any circumstances, this Bill should be allowed to pass the Second Reading.

Hon. Ita Enang: Mr. Speaker, I agree that when the Constitution provides for an office, you cannot give powers contrary to the provisions of the Constitution; but you can give additional powers or make laws that add flesh to that body. I want to read the Title of this Bill and it says: *Auditor General for the Federation Additional Powers and Functions Bill, 2008.*

The provisions of this Bill clearly identify and agree with the provisions of the Constitution. What the Bill simply seeks to do is to provide additional structures and powers for the Auditor-General to enable him function. What the Constitution does sometimes is that all the powers given to all the agencies cannot be stated in the Constitution. It is just that frame.

We have the Electoral Act but there is also the Independent National Electoral Commission provision in the Constitution. We have the Federal Character Commission Act but Federal Character is also provided for in the Constitution.

Yesterday, we passed a law relating to the National Judicial Council. The provisions are there in the Constitution but what was sought to be done was to add additional powers and give flesh to the provisions of the Constitution. If we were to provide for every thing that ought to be in a law in the Constitution, then the Constitution will be bigger than the Chamber of this House.

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I submit that this Bill is proper and should pass the Second Reading.

Hon. Emmanuel Bello (Gombi/Hong): Mr. Speaker, this Bill arose from the fact that the Public Account Committee of both the House of Representatives and the Senate do have some limitations when it comes to sometimes three issues: value for money, audit enquiry and spot audit.

Spot Audit is very important in the sense that it can stop fraud and the Auditor-General is incapacitated by the provisions of Section 85. So, what we did before this Session started was that the last House Committee on Public Accounts and that of the Senate met severally and produced this Law so that the Office of the Auditor-General can be efficient.

There is no provision in this law that contradicts Section 85 of the Constitution. All that this law is seeking is to affirm the authority and give the Auditor-General power to stop fraud. I think it is important that the two Houses in this Session met three times; the last one was about three weeks ago when we had a Joint Sitting to fine-tune the law. I am happy to tell you that the Senate has passed this law already and they are waiting for us.

The last time this law was passed the Executive President refused to sign it because the Executive do not want this law but this law is important to checkmate them and it is a function of Parliaments.

I urge my Colleagues to support this law because this law would further strengthen the authority of Parliament.

Hon. Sokonte H. Davies (Degema/Bonny): Mr. Speaker, inasmuch as it is important and it is right that we should do anything possible to ensure that corruption is fought and arrested, that should not make us to go against the provisions of this Constitution. Hon. Ita Enang is trying to mislead this House by saying that because certain Commissions have been provided for in the Constitution and we have made law for them, therefore we should also expand the power of the Auditor-General; that is not correct.

The laws this House expounds concerning those Commissions are mentioned in the Constitution and this House has the power to give them jobs to do. The functions of the Auditor-General are defined and what this Bill seeks to do is to amend the Constitution. If they seek to amend the Constitution like we decided yesterday concerning the right to vote by those overseas, the Committee can pass this request to the Constitution Committee who would look into it. We should not begin to want to amend the Constitution

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because the functions and the duties of the Auditor-General are defined.

Hon. Solomon U. Agidani (Apa/Agatu): Mr. Speaker, I have very few comments. My first comment is to challenge the last but one Speaker Hon. Bello that if the additional powers that this Bill seeks to give the Auditor-General are in line with fraud, then I have a problem. The problem is that the job of the Auditor-General as enshrined in the Constitution is post-audit and not pre-audit. So, it is checking the expenditure that has already been incurred. How is he going to be pro-active enough to be able to stop the fraud? There is a mix-up there, Sir. However, if that is the intension then, of course, the powers as enshrined in the Constitution are actually adequate.

Hon. Olufemi Gbajabiamila (Surulere I): It is important to note that we are talking about the Constitution here and it is about its interpretation. Where the Constitution has basically enumerated the powers and there is no provision that says: *or any other power as enacted by the National Assembly*, then it is assumed it is exhaustive.

He referred to the Independent National Electoral Commission (INEC). I would read that provision where it says: *the Commission shall have power to* and then it lists the powers of the Commission. The Very last provision under sub-section (i) says: *and also to carry out such other functions as may be conferred upon it by an Act of the National Assembly*.

So, that has already been taken care of under the Constitution because the Constitution has allowed the National Assembly to make other laws regarding INEC. We do not have any such thing under the Office of the Auditor-General. There is an omnibus clause under INEC. So, it is not the same thing at all.

Hon. Ahmed Abdul Ningi (Ningi/Warji): Mr. Speaker, this is a very contentious issue but my sympathy goes to Hon. Uche on this particular matter. You cannot give what you do not have. While the Constitution specifically vested certain powers on this Office, then we are limited to giving him those extra powers which is unconstitutional. That means that whatever we are going to give him outside the Constitution is not recognized by the Constitution and that is where the issue of unconstitutional matter comes.

She, as a good Parliamentarian, has spelt out the loopholes on this particular Office and all of us understood that she has recognized the defects of the Office of the Auditor-General. Therefore, because our hands are tied on this particular matter, there is nothing anybody can do until the Constitution is amended to add

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more power to the Office of the Auditor-General of the Federation.

However, within the roles enumerated in the Constitution we may give flesh to those powers for him to be able to manoeuvre within the Constitutional liberty.

The Speaker: We do not understand.

Hon. Ahmed Abdul Ningi: You have given him powers to audit constitutionally; you must create a vehicle for him to be able to carry out those functions, but not powers. We cannot give him additional powers but we can legislate on the functions of the Office of the Auditor-General.

The Speaker: Hon. Uche Ekwunife, you have a right of reply or do you want to yield your right of reply to anyone else or you want to take it yourself?

Hon. Uche Ekwunife: Mr. Speaker, I quite understood clearly (*interruption*).

The Speaker: No, do you want to yield your right of reply to another Member or you want to take it?

Hon. Uche Ekwunife: Hon. Stanley can talk but I want to say something please.

The Speaker: Hon. Stanley would be allowed to give you a right of reply.

Hon. Uche Ekwunife: Just give me that honour please.

The Speaker: All right, go ahead.

Hon. Uche Ekwunife: I quite understood clearly what they have just said. I remembered that Mr. President just submitted to this Parliament an Electoral Reform Bill because we have all witnessed the flaws in our electoral practices. We are practicing Section 85 of 1999 Constitution and we have seen the flaws. If we continue to practice what we have in Section 85 of 1999 Constitution the problem would continue.

The Speaker: Are you agreeing with the Constitutional amendment?

Hon. Uche Ekwunife: No, I am not talking about Constitutional amendment but we are talking about additional powers to the Office of the Auditor-General for him to do his work and better the system.

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The Speaker: That is why they are saying that it is constitutional but you disagree.

Hon. Uche Ekwunife: It is not a constitutional amendment.

Hon. Stanley Ohajuruka (Umuahia North/South Ikwunano): Mr. Speaker, what actually this law seeks to do is not just to expand the powers of the Auditor-General of the Federation but rather to strengthen the powers and these powers are within the ambits of what the Constitution has already provided for.

Let us read through that particular Section 85(3); it says:

(3) Nothing in subsection (2) of this section shall be construed as authorizing the auditor-General to audit the accounts of or appoint auditors for government statutory corporations, (We all know that a lot of activities actually go on in these government corporations) commissions, authorities, agencies, including all persons and bodies established by an Act of the National Assembly, but the auditor-General shall:

(a) Provide such bodies with:

(i) A list of auditors qualified to be appointed by them as external auditors and from which the bodies shall appoint their external auditors, and

(ii) Guidelines on the level of fees to be paid to external auditors; and

(b) Comment on their annual accounts and auditor's reports thereon.

Section 85(4) says:

The Auditor-General shall have powers to conduct periodic checks of all government statutory corporations, commissions, authorities, agencies, including all persons and bodies established by an Act of the National Assembly.

Mr. Speaker, when an auditor goes to these Corporations, agencies and Parastatals established by the Federal Government, what they do is just to conduct periodic checks. What they tell the Auditor-General of the Federation is that they do not have constitutional powers to audit them. At the end of the day, the Auditor-General does not have any Audited Report for

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anybody because they would tell you that the Constitution just restricts them to carry out periodic checks whereas, this same Constitution has asked the Auditor-General to submit Audited Report every 90 days to this Parliament.

What the Auditor-General is seeking is for us to tell him how to get this Audited Account. How does he get it? Is it to just go there, carry out periodic checks and have something to submit? Is he going to submit to the National Assembly a statement of meetings going on in these Corporations and agencies? That brought to the fore the need for this Parliament in all its responsibility to set out guidelines and tell the Auditor-General how to go about collecting these audited accounts and ensuring that they track the audited account of this Corporations and agencies.

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

The Speaker: Which Order?

Hon. Ogor Leonard Okuweh: I am still relying on Section 85 of the Constitution in respect of what the hon. Member has just said.

Mr. Speaker: Can you read the Section?

Hon. Leonard Okuweh Ogor: I will read it for you Mr. Speaker. It says: *Section 85(3) (a)*

(a) Provide such bodies with:

- (i) A list of auditors qualified to be appointed by them as external auditors and from which the bodies shall appoint their external auditors, and*

You know what the job of external auditor is. It went further to say that:

- (b) Comment on their annual accounts and audit report thereon.*

So, why are you saying that the job of the auditors is just only carrying out periodic checks? The Auditor-General is given the power under the Constitution.

The Speaker: He has given the right of reply. That is the end of the debate unless you have a Point of Order.

Hon. H. S. Dickson (Ekeremor/Sagbama): I rise to lend my voice to this Bill. Everything that has to be said has been said.

Mr. Speaker: Are you in support?

Hon. H. S. Dickson: I am in support.

Mr. Speaker: All right, go ahead.

Hon. H. S. Dickson: The observation raised by Hon. Femi Gbajabiamila, Hon. Leo Ogor and all other who spoke in that vein are persuasive. But it does not capture the totality of the legal issues that we are talking about here.

There is no doubt that the Constitution by Section 85 has created the Office of the Auditor-General of the Federation. That is not what the Bill seeking to do. If that were so, the Bill will be clearly unconstitutional. What the Bill is actually trying to do is to talk about penalties. How does the Office of the Auditor-General, created by Section 4 go about executing that very important duty? It is not stated and it is not meant to be stated in the Constitution. That is the duty of Parliament to enact laws.

The important issue is whether the subject matter falls within the Exclusive Legislative List. Once we are satisfied that it is a matter that the national Parliament, such as we are can legislate, then we would go ahead to legislate. If there is any issue about constitutionality or otherwise, we are not a Court of law. Once we are satisfied that we are serving the national interest and that the matter is not on its face value unconstitutional, we have done our job. The other details will be sorted out when we have passed the Bill.

I am speaking in support of this Bill. We need to pass it to promote transparency.

The Speaker: Hon. Members, I will now put the Question that the Bill be read a Second Time.

Question put.

The Speaker: Hon. Members, this is a bit tight. I will put the Question for the last time and if we do not get right, we would call for a Division.

Question put and negatived.

The Speaker: Hon. Uche, if you are not satisfied, you can move a Motion for a Division.

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Hon. Uche Ekwunife: Mr. Speaker, I can see the mood of the House but I want to move that this House do divide.

Hon. Lawan Goni Bukar (Bursari/Geidam/Yunusari): I do second the Motion that this House goes into a division.

Hon. Friday Itulah (Esan North East/ Esan South East): Point of Order!

The Speaker: Which Order?

Hon. Friday Itulah: Order X, Rule 2, page 40.

The Speaker: Please read the Order.

Hon. Friday Itulah: It says:

The Speaker in the House and the Chairman in any Committee shall be responsible for the observance of the rules of order in the House and Committee respectively and their decision upon any point of order shall not be opened to any appeal and shall not be reviewed by the House except upon a substantive Motion after notice.

Mr. Speaker, you have already ruled on this matter and if there is anybody who is seeking to review this matter, he should come by way of a substantive Motion after notice.

Mr. Speaker: Hon. Uche Ekwunife, apparently they need notice. You can move your Motion but only after notice. (*Interruptions*)

Honourable Colleagues listen, I do not know why you are scared of the division but let me just read this. It says here; *if the opinion of the Speaker, which is Order XI (2)(1).*

ORDER XI 2(1) - Division in the House and Committee of the Whole House:

If the opinion of the Speaker or in Committee of the Whole House the Chairman, as to the decision of a question is challenged, the Speaker or the Chairman shall direct that the lobbies be cleared, and on such direction being given, the door at the south and of each lobby shall be locked and the division bells shall be rung for one minute.

No, it says here *that is before the gavel.*

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I am sorry Hon. Uche, put it on notice.

Hon. Uche Ekwunife: No Speaker, it is there on the Order Paper. What you read now is challenged because you have ruled that we should take it. And there is Motion on the Floor.

Hon. H. S. Dickson (Ekeremor/Sagbama): Mr. Speaker, Point of Order!

The Speaker: Let us take a Point of Order from Hon. Dickson, Chairman, Committee on Justice.

Hon. Dickson: Mr. Speaker, my point of Order is Order XI Rule 2 which you just read out now in Plenary. That is the relevant Order regulating ...

The Speaker: Remember it says; *in the Speaker's opinion* and my opinion is that she puts it on notice!

Hon. Dickson: No. Mr. Speaker, with due respect, your opinion on this issue and in this circumstance is as to the decision you will take in terms of Ayes or Nays have it. Once it is challenged, we are moving into division.

Hon. Ita Enang: Point of Order!

The Speaker: All right, let the Chairman Rules raise the final Point of Order on this issue.

Hon Ita Enang (Itu/Ibiono/Ibom): Mr. Speaker, my Point of Order is Order XI Rule 2 page 45.

The Speaker: Can you all open to page 45? Hon. Ita Enang, which Order?

Hon Ita Enang: Order XI Rule 2. It says:

If the opinion (and not if in the opinion,) of the Speaker, and the Committee of the Whole Chairman, as to a decision of a question is challenged...

It is the opinion of the Speaker on the Question that is challenged and the opinion is signified by the drop of the gavel. It is only after the drop of the gavel that your opinion arises for challenge; your opinion cannot arise before the gavel.

The Speaker: Thank you. If my opinion, according to Chairman, Rules, is after the gavel; now the gavel has gone, I am now stating it, which is after the gavel; that they should go on notice. Thank you.

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ADJOURNMENT

Hon Tunde Akogun (Akoko Edo): Mr. Speaker, I move that the House do adjourn sitting till Tuesday the 12th of May, 2009 at 10.00 a.m.

Hon Baba Shehu Agaie (Lapai/Agaie): Mr. Speaker, I second that the House do adjourn till Tuesday, 12th May, 2009 at 10.00 a.m.

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Question put and agreed to.

Resolved: That the House do adjourn till Tuesday, 12th May, 2009 at 10.00 a.m.

The House adjourned accordingly at 1.45 p.m.