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HOUSE OF REPRESENTATIVES

FEDERAL REPUBLIC OF NIGERIA

Tuesday, 26th May, 2009

The House met at 10:20a.m.

PRAYERS

(The Speaker in the Chair)

VOTES AND PROCEEDINGS

The Speaker: I have examined and approved the Votes and Proceedings of Thursday 21st May, 2009.

ANNOUNCEMENT

The Speaker: Please listen to these announcements.

This is from the Chairman, Committee on Rules and Business.

Re: 2009 Children Day

Members are please reminded that tomorrow will be Children's Day. The House will dedicate a greater part of tomorrow's plenary to honour Nigerian Children and pledge to their future. Members are please informed accordingly.

(Sgd)

*Hon. Ita Enang
Chairman Rules and Business*

Meeting of Committee on Agriculture

The Speaker: This is from the Chairman Committee on Agriculture

Will the following Members please meet with the Chairman, Committee on Agriculture as soon as possible?

- i. Hon. Mohammed Ashiru Isa;*
- ii. Hon. Bitrus Kaze;*
- iii. Hon. Kuta Adamu Kuta;*
- iv. Hon. David Sanda;*
- v. Hon. Saha M.T. Tahe;*
- vi. Hon, Mohammed Sani Ibrahim;*
- vii. Hon. Baba Buka Manchin Nama;*
- viii. Hon. Sabo Usman Ibrahim;*
- ix. Hon. Shuaibu Guanda Gobi;*

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- x. Hon. Saheed Mohammed; and*
- xi. Hon. Baba Shehu Agaie*

Meeting of Joint committee on Appropriation and Finance

The Speaker: *I wish to notify all members of Joint Committee on Appropriation and Finance that there will be an important meeting today Tuesday 26th of May, 2009. At 2:00p.m. at Committee Room 301, New Building.*

(Sgd)

Hon. Ayo Adeseun

Meeting of the Chairman Committee on Police Affairs and Chairman Committee on Drugs and Narcotics with the Speaker

The Speaker: *Will the Chairman Committee on Police Affairs and Chairman Committee on Drugs and Narcotics and other Financial Crimes please meet with the Speaker immediately after sitting?*

(Sgd)

The Speaker

Death of Alhaja Abadat Alake Adewusi

The Speaker: This is from Hon. Razak Adewusi. He is informing the House that he has lost the dearest to him and that is his mother Alhaja Abadat Alake Adewusi. This happened on Thursday the 21st of May, 2009. Fudal prayers and final prayers ceremony would come up on Friday 29th of May, 2009 at Ijomu, Yewa North, Ogun State.

May her soul rest in perfect peace.

May we rise up for a minute silence, please?

May her soul rest in perfect peace.

(A minute silence observed)

Presence of the Representatives of the Ministry of Health and Civil Society

The Speaker: From Hon. Saudat Sani, we have the representatives of the Ministry of Health and Civil Society in the Gallery to commemorate the Safe Motherhood Day which is today.

Representatives where are you?

(The Representatives rose for recognition)

Safe Motherhood Day

The Speaker: Also on that we have also this announcement from Hon. Saudat Sani again.

The Committee on Millennium Development Goals wishes to draw the attention of Hon. Members to today's Safe Motherhood Day by the United Nations and countries the world over to promote safe motherhood. Nigeria is today marking the same. May I request that hon. Members should please pray today and always for safe delivery by women and also remember those women that lost their lives in the course of child birth.

May I seek the leave of the House to present the brochure to the House?

(Sgd)
Hon. Saudat Sani

Hon. Saudat Sani (Lere): Hon. Speaker, hon. Members, may I on behalf of the Nigerian Women and Children present to this hon. House brochures to commemorate Safe Motherhood Day in Nigeria, Mr. Speaker, may I present please?

The Speaker: Please go ahead.

(The Brochures laid on the Table)

The Speaker: Hon. Colleagues, can we please rise up for one minute silence for those women who lost their lives in the course of child birth?

May their souls rest in perfect please.

(One minute silence observed)

Meeting of House Committee on Constitutional Amendment

The Speaker: This is from the Deputy Speaker.

There would be a meeting of the House Committee on Constitutional Amendment today immediately after sitting, at House Meeting Room 1

Hon. Usman Bayero Nafada
Deputy Speaker

PRESENTATION OF PUBLIC PETITIONS

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

Wrongful Dismissal and Injustice against SSS

Hon. Umar M. Bature (Sokoto North/South): Mr. Speaker, hon. Colleagues, I have a complaint from Alhaji Jikata Bawa Mohammed who joined the services of the SSS in August, 1983 and rose to the rank of Assistant Security Officer but was dismissed in 1992 for an alleged offence. He is petitioning for wrongful dismissal and injustice against SSS services.

With your kind permission I would like to lay the petition on the Table.

The Speaker: Please proceed. Any other petitions, please? *(No response).*

All right hon. Colleagues, the petition is referred to the Committee on Public Petitions.

Petition accordingly referred to the Committee on Public Petitions.

Tragic Motor Accident in Bagwai/Shanono Constituency, Kano State

Hon. Farouk Lawan (Shanono/Bagwai): Hon. I rise to inform this House of a very tragic event that occurred in my Constituency. It is quite sad that I recall that the last time I raised an issue regarding my Constituency had to do with the capsizing of a boat that led to the death of several people. Some time last week, an accident occurred in Kano where 28 people died in an accident and 21 of them were members of the same family.

This very devastating and very tragic accident calls for sober reflection and for this House to condole the families particularly the family that lost 21 members. I also urge and pray that this honourable House will pray for the repose of the souls of those who lost their lives in *Jannatul Firdaus*. I therefore urge this House to formally condole with the family and to pray for the souls of those who lost their lives.

The Speaker: While we rise for a minute silence for the departed souls, I would ask Hon. Kawu Isma'ila to pray for the departed souls.

Prayers offered and one minute silence observed accordingly.

The Speaker: May the souls of the departed rest in perfect peace, Amen.

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PRESENTATION OF REPORTS

Report of the Committee on Special Duties on Call for Speedy Action for Internally Displaced People of Bakassi

The Speaker: Hon. Colleagues, the first Order of the Day is the presentation of reports of the Committee on Special Duties on the Call for a Speedy Action on the Resettlement Plan for the Internally Displaced People of Bakassi standing in the name of Hon. Samson Osagie.

Members would recall that on Thursday the 20th of February, 2009 the House on resolution mandated the Committee to visit the displaced people of Bakassi and report its findings to the House. The report is ready. Hon. Samson Osagie, please proceed.

Hon. Samson Osagie (Orhionmwon Uhunmwode): Mr. Speaker, may I move that this House do receive the report of the Committee on Special Duties on the Call for a Speedy Action on the Resettlement Plan for the Internally Displaced People of Bakassi.

I so move.

Hon. Isa Idris Umar (Igabi): I stand to second the motion ably moved by Hon. Samson Osagie.

Question put and agreed to.

(Report laid on the Table)

Committee on Aids, Loans and Debt Management on National Institute of Credit Administration (Establishment) Bill, 2008

The Speaker: Hon. Colleagues, the Second business the Day is the presentation of reports of the Committee on Aids, Loans and Debt Management on a Bill for an Act to Establish the National Institute of Credit Administration and for Matters Connected Therewith 2008 standing in the name of the Deputy Chairman of that Committee.

Members would recall that the Bill was referred to the Committee on Wednesday February 4th of 2009 and the report is ready. Honourable, please proceed.

Hon. Friday Itulah (Esan North East/South East): May I present the Joint Committee Report of the House Committee on Aids, Loans and Debt Management on a Bill for an Act to Establish the National Institute of Credit Administration and for Matters Connected Therewith 2008.

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Hon. Ahmed Audi Zarewa (Karaye/Roga): I rise to second the Motion as moved by the Deputy Chairman of that Committee.

Question put and agreed to.

(Report laid on the Table)

Report of the Committee on Women Affairs on National Council for Public Assistance to Widows, Dependent Children and Orphans (Establishment) Bill, 2008

Speaker: The Third Business of the Day is the presentation of the Report of the Committee on Women Affairs on a Bill for an Act to Establish the National Council for Public Assistance to Widows, Dependent Children and Orphans, and to provide for Other Matters Connected Thereto, 2008. This is standing in the name of Hon. Binta Masi Garba.

Hon. Members, you will recall that this Bill was referred to the Committee on Wednesday 12th of March, 2008. The Report is now ready. Hon. Binta Masi Garba is called upon to present the Report.

Hon. Binta Masi Garba (Madagali/Michika): Mr. Speaker, I move that this House do receive the Report of the Committee on Women Affairs and Youth Development on A Bill for an Act to Establish the National Council for Public Assistance to Widows, Dependent Children and Orphans, and to provide for Other Matters Relating Therein 2008.

I so move.

Hon. Sani Abdullahi Dabai (Bakori/Danja): Mr. Speaker, I rise to second the Motion as moved by Hon. Binta Masi Garba.

Question put and agreed to.

(Report laid on the Table)

CONSIDERATION OF BILL

A Bill on Independent National Electoral Commission Act, Cap. 15 LFN 2004 (Amendment) Bill, 2009

The Speaker: The next Order of the Day has to do with the Electoral Reform. I do not think we have made enough consultation among Members and caucuses before we take this.

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Hon. Ita Enang (Itu/Ibiono Ibom): Mr. Speaker, at the request of the hon. Members we pray to stand down this Bill.

The Speaker: The Bill is stood down.

(Bill with the leave of the House stood down.)

CONSIDERATION OF REPORT

Report of the Joint Committee on Agriculture and Justice on National Agricultural Seeds Council Act, 1992 (Repeal and Re-enactment) Bill, 2008

The Speaker: The second Order of the Day is the resumption of consideration of the Report of the Joint Committee on Agriculture and Justice on a Bill for an Act to Repeal and Re-enact the National Agricultural Seeds Council Act, 1992 and for Other Related Matters, 2008.

Members will recall that the House in a Committee of the Whole considered Clauses 1-9. I now invite the Leader of the House to move that the consideration of the Report do resume in the Committee of the Whole. But before you do that, I think it would be better we take the rest of the Reports

Federal Capital Territory Primary Education Board (Establishment) Bill, 2009

The Speaker: Next is the consideration of the Bill for an Act to Provide for the Establishment of the Federal Capital Territory Primary Education Board and for Matters Connected Therewith, 2009. This was referred to the Committee of the Whole on Monday 13th May, 2009.

I invite Hon. Ita Enang to move for the consideration of that Report.

Hon. Ita Enang: I move that this House do consider a Bill for an Act to Provide for the Establishment of the Federal Capital Territory Primary Education Board and Matters Connected Therewith referred to the Committee of Whole.

Hon. Ibejiako Ernest (Owerri Municipal/North/West): I hereby second the Motion.

Question put and agreed to.

Resolved: That this House do consider a Bill for an Act to Provide for the Establishment of the Federal

Capital Territory Primary Education Board and Matters Connected Therewith.

National Primary Healthcare Development Agency Act, 1992 No. 29 (Amendment) Bill 2008

The Speaker: The next consideration of Report is of the Committee on Health on a Bill for Act to Amend the National Primary Healthcare Development Agency Act, 1992 No. 29 and for Matters Connected Therewith, 2008.

The Report was laid on Thursday, 14th May, 2009. I hereby invite Hon. Alaba Lad-Ojomo to move for the consideration of the Report.

Hon. Alaba Lad-Ojomo (Owo/Ose): I move that this House do consider the Report of the Committee on Health on a Bill for an Act to Amend the National Primary Healthcare Development Agency Act, 1992 No. 29 and for Matters Connected Therewith, 2008 and approve the Recommendations therein.

Hon. Nnenna Ukeje (Bende): I rise to second the Motion as moved by the Chairman, House Committee on Health.

Question put and agreed to.

Report of the Committee on Health on Repeal of National Programme on Immunisation Act, 1997

Speaker: The next consideration of Report is also from the Committee on Health Report on a Bill for an Act to Repeal the National Programme on Immunization Act, 1997 and Transfer the Functions of the National Programme on Immunization to the National Primary Health Care Development Agency and for Matters Connected Therewith, 2008.

The Bill was referred to the Committee on 14th May, 2009. I invite Hon. Alaba Ladi-Ojomo to move for the consideration of the Report.

Hon. Alaba Ladi-Ojomo: I move that this House do consider the Report of the Committee on Health on a Bill for an Act to Repeal the National Programme on Immunization Act, 1997 and Transfer the Functions of the National Programme on Immunisation to the National Primary Health Care Development Agency and for Matters Connected Therewith, 2008.

I so moved.

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The Speaker: The seconder will be Hon. Binta Masi Garba.

Hon. Binta Masi Garba: (Madagali/Michika): I second the Motion as moved by the Chairman, House Committee on Health.

Question put and agreed to.

Resolved: That the House do consider the Report of the House Committee on Health on a Bill for an Act to Repeal the National Programme on Immunization Act, 1997 and Transfer the Functions of the National Programme on Immunisation to the National Primary Health Care Development Agency and for Matters Connected Therewith

Report of the Committee on Public Petitions on the Petition by 47 Disengaged Staff of the National Orthopaedic Hospital, Enugu Against the Bureau of Public Service Reforms (BPSR)

The Speaker: The next Report to be considered is the Report of the Committee on Public Petitions on the petition by 47 disengaged staff of the National Orthopaedic Hospital, Enugu against the Bureau of Public Service Reforms (BPSR).

The Report was referred to the Committee on Thursday, 4th December, 2008. Hon. C.I.D. Maduabum is invited to move for the consideration of the Report.

Hon. C.I.D. Maduabum (Nnewi North South/Ekwusigo): Mr. Speaker, may I move that this House do consider the Report of the Committee on Public Petitions on the petition by 47 disengaged Staff of the National Orthopaedic Hospital, Enugu against the Bureau of Public Service Reforms and approve the recommendations therein.

I so move.

The Speaker: The seconder will be the Deputy Chairman, Hon. Jaiyeola Ajatta.

Hon. Joseph Jaiyeola Ajatta (Oshodi Isolo II): I will like to second the Motion as moved by my Chairman.

Question put and agreed to.

Resolved: That the House do consider the Report of the House Committee on Public Petitions on the petition by 47 disengaged Staff of the National Orthopaedic Hospital, Enugu against the Bureau of Public Service Reforms and approve the recommendations therein.

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Report of Committee on Public Petitions on the Petition by Residents of T.Y. Danjuma Street, Asokoro against the FCTA

Speaker: Again there is a Report to be considered by the Committee on Public Petitions on the Petition by Residents of T.Y. Danjuma Street, Asokoro against the Federal Capital Territory Administration (FCTA).

This Report was laid on Thursday, 4th December, 2008. Hon. C.I.D. Maduabum is invited to move for the consideration of the Report.

Hon. C.I.D. Maduabum (Nnewi North South/Ekwusigo): I move that this House do consider the report of the Committee on Public Petitions on the Petition by the Residents of T.Y. Danjuma Street, Asokoro against the Federal Capital Territory Administration (FCTA) and approve the Recommendation therein.

I so move.

The Speaker: Hon. Olumuyiwa Bamidele Obadina will please seconder the Motion.

Hon. Olumuyiwa Bamidele Obadina: (Ifọ/Ewekoro): I hereby second the Motion as moved.

Question put and agreed to.

Resolved: That the House do consider the Report of the House Committee on Public Petitions on the Petition by the Residents of T.Y. Danjuma Street, Asokoro against the Federal Capital Territory Administration (FCTA) and approve the Recommendation therein.

Report of the Committee on Public Petitions on the Petition by Nelson Okugie against the Nigerian Postal Service (NIPOST)

The Speaker: Again the Committee on Public Petition has the Report on the Petition by Nelson Okugie against the Nigerian Postal Service (NIPOST).

The Report was laid on Tuesday, 4th December, 2008. Hon. C.I.D. Maduabum is invited to move for the consideration of the Report.

Hon. C.I.D. Maduabum: I move that this House do consider the Report of the Committee on Public Petitions on the Petition by Nelson Okugie against the Nigerian Postal Service (NIPOST) and approve the recommendations therein.

I so move.

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The Speaker: Hon. Nkiruka is to second the Motion.

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

Question put and agreed to.

Resolved: That the House do consider the Report of the House Committee on Public Petitions on the Petition by Nelson Okugie against the Nigerian Postal Service (NIPOST) and approve the recommendations therein.

Report of Committee on Public Petitions on the Petition by Mr. Felix Anozie against the Federal Ministry of Education

Speaker: Again, the Committee on Public Petitions on the Petition by Mr. Felix Anozie against the Federal Ministry of Education.

The Report was laid on the 4th December, 2008. Hon. C.I.D. Maduabum is invited to move for the consideration of the Report.

Hon. C.I.D. Maduabum: May I move that this House do consider the Report of the Committee on Public Petitions on the Petition by Felix Anozie against the Federal Ministry of Education, and approve the recommendations therein.

I so move.

Speaker: The seconder will be the Chairman, Committee on Agriculture.

Hon. Gbenga Peter Makanjuola (Ekiti/Isin/Irepodun/Oke-Ero): I rise to second the Motion as moved by Hon. C.I.D. Maduabum.

Question put and agreed to.

Resolved: That the House do consider the Report of the House Committee on Public Petitions on the Petition by Felix Anozie against the Federal Ministry of Education, and approve the recommendations therein.

Report of Committee on Public Petitions on the Petition by Communities of Bayelsa State against Nigerian Agip Oil Company

Speaker: The 10th Report to be considered is from the Committee on Public Petitions on the Petition made by Olugbobiri, Tebidaba and Igbomatoru Communities of Bayelsa State against the Nigerian Agip Oil Company (NAOC).

The Report was laid on 10th February, 2008. Hon. C.I.D. Maduabum is invited to move for the consideration of the Report.

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

I so move.

Hon. Chinenye Ike (Isialangwa North/South): I stand to second the Motion ably moved Hon. C.I.D. Maduabum.

Question put and agreed to.

Resolved: That this House do consider the Report of the Committee on Public Petitions on the Petition by Olugbobiri, Tebidaba and Igbomatoru Communities of Bayelsa State against the Nigerian Agip Oil Company (NAOC) and approve the recommendations therein.

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

Hon. Oke Jev (Buruku): I second the motion as ably moved.

House in the Committee of Whole

(Chairman in the Chair)

Report of the Joint Committee on Agriculture and Justice on National Agricultural Seeds Council Act, 1992 (Repeal and Re-enactment) Bill, 2008
CONSIDERED IN THE COMMITTEE OF WHOLE

Chairman: Hon. Colleagues, we are resuming Consideration of the Report on a Bill for an Act to Repeal and Re-enact the National Agricultural Seeds Council Act No. 72 of 1992 and for other Related Matters 2008.

We are to start from Clause 10, on page 17.

Hon. Gbenga Peter Makonjuola (Ekiti/Isin/Irepodun/Oke-Ero): Mr. Chairman, you will recall that during the last consideration of this Bill there were series of issues raised against some Clauses. I am here to inform my colleagues as I recall especially Hon. Maduabum was saying that the offences stated here will be detrimental to our local farmers. Unfortunately, this

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particular Law has nothing to do with local farmers. It has to do with the people who are operating in the seed industry and those are the people that this Bill seeks to protect and to regulate the practice and the production of seed in the country.

I am trying to inform my colleagues that as we are considering this Bill along, this particular Bill has nothing to do with our rural local farmers because their own way of sourcing for their seed is different from those who have invested as private investors in the area of seed. This is the essence. These are the people that this Bill seeks to protect. This is just for the purpose of clarification. So, the offences stated here are not against local farmers.

The Chairman: Now that the Chairman has clarified some issues of the offences, is there any observation on that?

Hon. Ita Enang: I will pray the Hon. Chairman to draw our attention to the particular section which says that the offences are only for members of the Council and not the ordinary farmer because of the particular Clause which exempts other people who deal on seed. He should draw our attention to any particular section because the way it is, it is for any person that has something to do with cultivation and dealing with seed.

Hon. Gbenga Peter Makonjuola: I think it is necessary for me to make a clarification to my

colleagues. As far as the rural farmers are concerned, their own way of sourcing for seed is called *farmers safe seed*. As you know they are our local farmers, once they harvest perhaps their maize or corns they always keep them until the next farming season. Those are the people we call the farmers safe seed; that is their own way of operating.

But, this particular Bill is for the people who are operating in the seed industry. The rural farmers do not operate seed industry. And this is to protect the production of seedlings.

For example, in the Daily Trust of 20th of April, 2009, some people were arrested in Kano market whereby they were faking seed with the Sub-African company label. This is the letter of complain. So, these are the kind of people that this Bill seeks to protect and not the rural farmers in the village. The farmers in your area will not come to any market in Kano or Abuja or to any of the urban markets to buy seeds in label. But for those who are in the industry of seeds, these are the people that this Bill seeks to protect. So, they are two different things Mr. Chairman and honourable Colleagues.

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Further more, it is important to let you know that Nigeria is even a signatory to the ECOWAS Law on the same Bill we are trying to consider. Again under the National Agricultural Seed Decree, National Seed Law and Regulations under the United Nations, Nigeria is a signatory to these International Laws. So, Nigeria cannot be an exception.

You know that seeds are being imported and exported in most of these countries so, there must be a regulatory system to check and to monitor the practices of the profession.

Hon. Ita Enang: If my colleague is saying so, to be very safe, I would want this provision to be inserted in the Bill. That the penal provisions shall apply to persons operating Commercial and Regulated Seed production Ventures. That it shall not apply to the local farmers; that we should just have a Clause that exempts every other person. This is because I know that in my village, people who produce seeds and who have fruits and other things -

The Chairman: Hon. Ita Enang, if you do that you will have to define local farmers also.

Hon. Ita Enang: What I am saying is that the controversy does not apply to everybody like he has said. This is why we stood down this Bill so that the penal provisions were too (*interruption*).

The Speaker: But, what he is saying now is that there is a Bill on the ECOWAS or what? Is it a Treaty or what?

Hon. Gbenga Peter Makonjuola: Mr. Chairman, it is Economic Community of West African States, Sixth Ordinary Session of the Council of Ministers: Regulations on Harmonisation of Goods Governing Policy Control, Certification and Marketing of Plant Seeds and Seedlings in ECOWAS Region. The other one is as contained under the Treaties signed by Nigeria under the United Nation.

Another point is that I do not think there is any history or any report of any local farmers in Nigeria today that had been arrested or crucified under this particular law. Remember, it is an Amendment Bill; it is not a new Bill. There is no case where any rural farmer in Nigeria as of today has been arrested or prosecuted under this Bill. It is a Bill that has been in existence since 1972.

Hon. Chile Igbawua (Kwande/Ushongo): I think the issue that my Colleague Hon. Ita Enang is raising is still very important. When you put in a law that *any person...*; any person could be any person and the

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Treaties we are referring to until they are domesticated are not part of our laws. We are not complaining about the spirit of this Bill; we are complaining about the impact on people who would not understand.

If you say people who are engaged in commercial trading in seedlings, it still refers to everybody because even our rural farmers during the planting season, those who have more seeds go to the market to sell to others who do not have sufficient seed.

I think it is just appropriate that we must do something very drastic about that Section if it is going to operate properly. As it stands now, it requires an Amendment.

The Chairman: What he is saying is that it is an Amendment Bill. This is just to amend an existing law. So, it has been in existence and there is never a case where a local farmer was arrested based on any crime he committed on the issue of seeds. Therefore, I want to believe that this Amendment would not affect the local farmers that we are talking about because it has been in existence since 1972.

Chairman, House Committee on Agriculture, is it an Amendment?

Hon. Gbenga Peter Makanjuola: It is to repeal and re-enact. The essence is that before now, that was in 1972, it was promulgated under the Decree. We are only trying to change it now in consonance with the democratic system.

The Chairman: Was that provision there earlier on or it is a new provision for such offences?

Hon. Gbenga Peter Makanjuola: It is not a new provision; the only thing that is being inserted here is just the word *seed labelling* to clarify those affected.

The Chairman: I mean the issue of offences.

Hon. Gbenga Peter Makanjuola: Yes, it has been there and not a new provision. If you look at our Report, you would see *Retained*, that is, we are trying to retain the provisions.

Clause 10 – (OFFENCES) – as amended, ordered to stand part of the Bill.

PART V – ESTABLISHMENT OF DEPARTMENT AND ZONES

Clause 11 – (ESTABLISHMENT OF

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DEPARTMENTS AND ZONES) – *ordered to stand part of the Bill.*

Clause 12 – (ZONAL OFFICES SCHEDULE) – ordered to stand part of the Bill.

Clause 13 – (REGISTER) – ordered to stand part of the Bill.

PART VI – SEED CERTIFICATION, IMPOT, EXPORT, PACKAGING

Clause 14 – (ISSUANCE OF CERTIFICATION)

Question proposed.

Hon. Abubakar Mohammed Maifata (Tarauni): On Clause 14 (2), I need some clarifications from the Chairman of the Committee.

The Chairman: Clause 14 (2) states: *Every application under sub-section (1) of this Clause shall be in such form and contain such particulars and fees as may be prescribed by the Council.*

Hon. Abubakar Maifata: My problem there is the fee. It is certain we cannot support any thing that would make agriculture expensive in any way. Therefore, we want him to throw more light on this fee because we cannot leave such a thing open like this; they can put any fee as it is.

The Chairman: Do you want to suggest a figure or what are you trying to say?

Hon. Abubakar Maifata: It is going to be beautiful if they can go ahead to specify a figure but let us have more clarifications on this fee.

The Chairman: I do not think it would be right to suggest a figure to this type of law. In case there is inflation, what would happen? Supposing you put a fee today that the dollar is \$1.00 to ₦170.00 for example, you say all right, ₦10,000; and maybe the naira gets stronger and it is exchanging at ₦2.00 to a US dollar; would you still say US dollar is still high? It is as dynamic because so it goes with the situation; if the situation changes then they can change the fee.

Hon. Abubakar Maifata: I understand all these but my concern is that we should have a little caveat that will make the fee not attractive or not to run the Commission on a commercial purpose because this fee can be put on anything.

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The Chairman: What is your suggestion on that?

Hon. Abubakar Maifata: My suggestion is that we should add a certain fee that cannot add to the cost of the whole thing.

The Chairman: No matter how little the fee, it will add to the cost. There is no doubt about it. Only that the additional may be negligible; but there must be additional to the cost.

Hon. Gbenga Peter Makonjuola: All I have to say at this juncture is that when you are talking about having a fixed fee, we should realise that this is one of the Council's responsibilities to regulate the practice of seed business.

If you look at that particular Clause, it is talking about Seed Certification, Seed Importation, Seed Exportation and Packaging. At this stage, with all due respect, I do not think we would be doing justice by sitting here and start fixing fees for what should be considerable fee for Seeds Certification, Importation, Exportation and Packaging since there is a Council that has been charged with the responsibility.

The Chairman: Members of the Council are politicians as well; they cannot do anything out of order.

Hon. Gbenga Peter Makonjuola: The Members are even farmers. I am sure they would not do anything outrageous to the detriment of our farmers.

Hon. Chile Igbawua: I am still on this Clause 14. I think it is easier for us to clarify this matter.

The Chairman: Clause 14 what?

Hon. Chile Igbawua: Right from the beginning; I have read through all of them but I do not feel comfortable with this issue of *any person*.

The Chairman: *Any person, who sells, keeps et cetera.*

Hon. Chile Igbawua: Yes, I want us to now provide this exclusion Clause here and to define it. I would say *any person other than a local farmer*, then, we shall go to Interpretation Clause and define who a local farmer means by our standard, otherwise, if it runs through and each time we come across it, it becomes a problem.

We all know that if the law has been there and it was not being enforced, nothing stopped it from being enforced now that we are bringing it into limelight

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again. Maybe the law was unpopular, now we are popularising it under a democratic regime. It may suddenly become very important, applicable and enforcement may be set up. So, we need to protect the local farmer and I think it costs us nothing to do that.

The Chairman: *Any person, who sells, keeps other than a local farmer.* Let us listen to the Chairman.

Hon. Gbenga Peter Makonjuola: I think the issue being raised by my Colleague has been taken care of on page 24. The issue of inserting who should be a local farmer and who should not; how do we define who is a local farmer? Is it by the size of the farm or size of produce or nature of what he sells? We should not go into technicalities that we cannot handle.

The Chairman: Hon. Igbawua Chile, if you look at page 24; Clause 13, *the Council shall maintain a Register of persons licensed to engage in Seed Production*. If you are not in their Register, you are not that *any person*. It is those who are in this Register that are referred to as *any person*.

Hon. Chile Igbawua: Mr. Chairman, I am not being unnecessarily insistent but there is a previous provision prohibiting those not registered from marketing. So, we are just carrying this issue through the Bill.

Before now, we have already talked about somebody not registered prohibited from marketing. We are now dealing with the penalties and we are trying to use this one as exclusion of somebody who has not registered.

Already, he has a problem of not being allowed to market because he is not registered. Therefore, he is not just benefiting here by being excluded from penalties. These are the issues we are raising. I do not think there is any problem with defining who a local farmer is. We can define who a local farmer is in a

matter of ten to fifteen minutes. It is easier for us to protect these people who are more in number than trying to be presumptuous that the law would not accept them.

Hon. Gbenga Peter Makonjuola: I do not know why my friend is trying to turn this to a legal battle, but I am equal to the task with all due respect.

Mr. Chairman, based on his suggestion, I want to oppose that because that is not the intendment of this

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Bill. We are talking about inserting *local farmers* under the provision of *giving license*. It does not make any meaning that they should come together, just because you want to protect local farmers.

Besides, on the issue of those who contravene the provision of this Bill, what we are saying is that, like the letter I showed you now, these people are selling seed with a South African Company Label whereas they are not registered seed merchants. These are the people that this kind of Bill is try to take care of. Our local farmers do not have companies to produce seed and label them.

The Chairman: Thank you.

Clause 14 – (ISSUANCE OF CERTIFICATION)
– ordered to stand part of the Bill.

Clause 15 – (REVOCATION OF CERTIFICATES) – ordered to stand part of the Bill.

Clause 16 – (GENETIC IDENTITY) – ordered to stand part of the Bill.

Clause 17 – (SEED CERTIFICATION) – ordered to stand part of the Bill.

Clause 18 – (CONDITION FOR EXPORT, ETC)
– ordered to stand part of the Bill.

Clause 19 – (APPLICATION FOR EXPORT, ETC) – ordered to stand part of the Bill.

Clause 20 – (PROHIBITION OF SALES OF SEEDS VARIETY) – ordered to stand part of the Bill.

Clause 21 – (PROCESSING OF SEEDS FOR PRODUCTION) – ordered to stand part of the Bill.

Clause 22 – (CENTRAL SEED TESTING LABORATORY) – ordered to stand part of the Bill.

Clause 23 – (SUIT) – ordered to stand part of the Bill.

PART VII – POWER TO PROSECUTE

Clause 24 – (POWER TO PROSECUTE) – ordered to stand part of the Bill.

PART VIII – FINANCIAL PROVISIONS

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Clause 25 – (FUNDS OF THE COUNCIL) – ordered to stand part of the Bill.

Clause 26 – (ANNUAL REPORT) – ordered to stand part of the Bill.

PART IX - MISCELLANEOUS

Clause 27 – (POWER TO MAKE REGULATIONS) – ordered to stand part of the Bill.

Clause 28 – (AMENDMENT)

Amendment proposed

Hon. Ita Enang: The word *Amendment* should be changed to the word *Repeal*. It should read *National Agricultural Seeds Council Act, 1992 is hereby repealed*.

Amendment put and agreed to

Clause 28 – (AMENDMENT) – as amended ordered to stand part of the Bill.

Clause 29 – (SAVINGS)

Amendment proposed

Hon. Bala Ibn Na’Allah (Zuru/Fakai/Sakaba/D/Wasagu): Mr. Chairman, instead of Clause 29(1) to read thus; *any approval granted under the amended enactment shall continue to be in force notwithstanding the amendment*, it should read as follows: *any approval granted under the repealed Act shall continue to be in force notwithstanding that the Act is repealed*.

Amendment put and agreed to

Clause 29 – (SAVINGS) – as amended ordered to stand part of the Bill.

Clause 30 – (INTERPRETATION)

Amendment proposed

Hon. Ita Enang: Mr. Chairman, please permit me to take you to page 43 on the definition of the word Seed Producer/Seed Importer.

It says: *Seed Producer means any person who*

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either exclusively or in conjunction with any other trade or business produces seeds for sale.

Then, *Seed Seller means any person who either exclusively or in conjunction with any other person, trade or business sells seeds for growing to Nigerian Farmers.*

Sell includes; to exchange or to offer, advertise, keep, expose, transmit, convey or conveying.

Mr. Chairman, I am drawing attention to this because earlier, my learned Colleague had told us that this law will not apply to local farmers and that was why I said that we should make an exemption.

As at now, by the time we talk of a seed producer, it includes whoever we call local farmer. It is any person. It does not define. Also, *seed seller means any person who either exclusively or in conjunction with any other trade.* That is, whether you are a Legislator and you plant cassava or produce seed for any other thing. If you have the opportunity of giving out or produce at all, you are subject to the provision of this Bill.

The Chairman: Hon. Ita Enang, it says: *Any person who either exclusively or in conjunction with any other trade, business produces seed for sale.*

Hon. Ita Enang: Mr. Chairman, what is sale?

The Chairman: Sale had been defined.

Hon. Ita Enang: It has been defined but this will apply to everybody, including you and I.

The Chairman: All right, thank you, Hon. Ita Enang.

Hon. Bala Ibn Na'Allah: I am a little bit uncomfortable with the unlimited extension of the interpretation of *any person* as it relates to this Bill. The fact is that the necessary intendment of this Bill is that for you to produce seeds for sale, you must be registered.

Therefore, *any person* here is referring to those who have registered to produce seeds for the purpose of selling to agricultural Farmers in Nigeria. It cannot be violently extended to include a local farmer. I do not think that, that interpretation can be said to be reasonable.

The necessary intendment of this provision is to limit the interpretation of *any person* to those who have

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registered to produce seeds for the purpose of selling to Nigerian Farmers.

Mr. Chairman, I hope I am right?

The Chairman: Yes, you are.

Clause 30 – (INTERPRETATION) – ordered to stand part of the Bill

Clause 31 – CITATION, agreed to.

Schedules, agreed to.

Long Title, agreed to.

Report of Committee on Education on FCT Primary Education Board Bill, 2009 –
CONSIDERED IN THE COMMITTEE OF THE WHOLE HOUSE.

The Chairman: The next Report is on a Bill for an Act to Establish the Federal Capital Territory Primary Education Board and for Matters Connected Therewith 2009, (HB202).

Hon Ita Enang is invited to move for the consideration of the Report.

Hon. Ita Enang: This is a Bill which was referred to the Committee of Whole. It was earlier passed by this House but it did not complete the full process. We have looked at it, consulted and it is now ready for Members to consider.

I so plead.

The Chairman: Hon. Colleagues we should go ahead and look at the Clauses of this Bill starting from Clause 1.

Clause 1 - (ESTABLISHMENT OF THE FEDERAL CAPITAL PRIMARY EDUCATION BOARD)

Question proposed.

Hon. Okereke Darlington
(Ivo/Ohaozara/Onicha): I believe there is a fundamental issue that should be addressed. Considering the Universal Basic Education that is operational in Nigeria today, we do not need to have a Primary Education Board; rather we should have a Universal Basic Education Board. So the body should be known as *Federal Capital Territory Universal Basic*

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Education Board in tandem with the Act Establishing the Universal Basic Education Commission, which states that each State in the Federation including the Federal Capital Territory should have a Universal Basic Education Body which is a Universal Basic Education Board.

That is my amendment.

Hon. Ita Enang: It is correct that this House did pass this Bill and it is now law - The Universal Basic Education Commission Act. That law authorises each State to establish and States have actually established the Universal Basic Education Boards. Some States still have Primary Education different from the Junior Secondary. There is the Universal Basic Education Board in some States, which controls up the Junior Secondary School and then they have what they call *Secondary Education Board*.

In the Federal Capital Territory, there is pending before us Tertiary Education Board and this is a different Bill. Let it just be Primary.

Hon. Haruna Hassan Ahmadu (Balanga/Biliri): With regard to the issue of SUBEB (State Universal Basic Education Board) when the Act was passed in the National Assembly, it was referred to the State Legislators to pass their own law in concordance with that of the National Assembly. The issue is this; all the States have enacted that law to concur with that of the National Assembly. So the issue that a particular state has never enacted that Act would not be correct. This is because all the States have been functioning with the State Universal Basic Education Board (SUBEB) in place and they have been receiving 50 *per cent* subvention from the Federal Government; the State gives 50 *per cent*.

The Chairman: Now the question is: do we leave it at Primary Education Board or Universal Basic Education Board?

Hon. Haruna Hassan Ahmadu: It should be left as Universal Basic Education Board.

Hon. Shehu Garba Matazu (Matazu/Musawa): The right title is supposed to be the FCT Universal Basic Education Board because when we passed the Universal Basic Education Board (UBE) Bill into an Act in 2001, it was clearly stated, as one of the provisions of that Act, that each State and the Federal Capital Territory must pass a similar law and I believe all the 36 States, with the exception of FCT, as mentioned by the former Chairman of the Gombe State Universal Basic Education Board (UBE), have that Act in place.

The Universal Basic Education Act consists of Primary Education and Junior Secondary School Education, that is JSS 1 to JSS 3. Therefore, making it Primary Education Board in the FCT contradicts with the Universal Basic Education Act. Therefore, it must be the FCT Universal Basic Education Board or Commission.

Hon. C.I.D Maduabum (Nnewi North South/Ekwusigo): I think the matter is a simple one. This Act clearly envisages only Primary Education. If you look at the functions as state at Section 6 it says “*Both shall: (a) Manage the Primary Schools in the Territory.*” And everything in this Bill only deals with Primary Education. I think if anybody wants to deal with Basic Education as it is defined by the Universal Basic Education (UBE) Act, maybe another Bill may be brought or there has to be a complete networking of this Bill. This is because this intendment, its functions and activities are only limited to Primary Education. So if we want to include *Basic Education* we will have to refer the Bill back to the Education Committee.

But I believe that what is before us is Primary Education and we should go on and deal with it.

The Chairman: Let us listen to Chairman, FCT.

Hon. Atai A. Ali (Ankpa/Omala/Olamaboro): I believe that what this Bill seeks to achieve is to enact a law for the existing Universal Basic Education Board in FCT.

Right now we have Universal Basic Education Board (UBE) in FCT. What this Law seeks to do is to give it a legal backing. I think Hon. Darlington is right that if this is supposed to be meant for UBE then the Act should read: *FCT Universal Basic Education Board*.

The Chairman: Hon. Colleagues, what Hon. C.I.D is saying is that all the provisions that we have in the Bill are reading Primary Education Board. So if you only change the heading to read Universal Basic Education what do you do with the body? But what we are saying is that this Bill is dealing with Primary whereas the issue of Basic Education goes beyond Primary, it goes up to Junior Secondary School and it has not been accommodated in this Bill. That is the constraint we have.

Hon. Sada Soli Jibia: Regardless of the preponderance of the Primary Education in the Bill, when it comes to producing the clean copy I think the Secretariat can do that. Wherever there is the appearance of *Primary Education*, it can be changed to *Universal Basic Education (UBE)*.

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The Chairman: Are we saying that we have given the Secretariat some powers of the Legislatures to change what we have passed? What we have passed is on Primary Education; it does not include Junior Secondary Schools. What you are saying now is that they can change it at the level of the Secretariat.

Hon. Sada Soli Jibia: No, if this House agrees now and we have agreed that yes it should be changed, they will note it and it will be changed, they are professionals.

The Chairman: If this House agrees, all right.

Hon. Olufemi Gbajabiamila (Surulere I): We should take very serious cognizance of what Hon. C.I.D Maduabum said. This is not about preponderance of Primary Education, no; it is exclusively on Primary Education and there are ways where we have procedures for effecting amendment; we do not just send it to the Secretariat.

So I think what Hon. C.I.D Maduabum is saying is very clear. We can deal with this as it is because if the Universal Basic Education Act is saying there is a similar provision for every State, this is not a similar provision; this is a totally different Bill. So we should deal with this as it is and just leave the title as it is.

Hon Austin Nwachukwu (Ehime Mbano/Ihite Uboma/Obowo): I just want us to look at Section 299 of the Constitution of this Country. That will give us a bit of idea where we should tilt towards this particular issue. If you allow me, I want to read: Section 299 of the Constitution of this Country says:

The provisions of this Constitution shall apply to the Federal Capital Territory, Abuja as if it were one of the States of the Federation; and accordingly.

The Chairman: So what does that has to do with this? We have all agreed with that.

Hon. Austin Nwachukwu: What I am trying to say is that the Primary Education has an Act because in the States we have the SSEB and the PSEB. The SSEB is Secondary School Education Board while also they have Primary School Education Board.

The Chairman: But what they are saying is that there is Universal Basic Education which should take care of the Primary and the Junior Secondary Schools.

Hon. Austin Nwachukwu: Yes what I am trying to say is that the UBE is an arrangement or a plan.

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The Chairman: It is not an arrangement; it is an Act by this National Assembly.

Hon. Austin Nwachukwu: What I am saying is that it is a law passed by this House to give effect to Universal Basic Education as it applies to Nigeria as a Nation and not only to a particular State. The Federal Capital Territory can do their create their own Primary Education Board while the Universal Basic Education can also be available to take care of its education in general.

Hon. Emmanuel Jime (Makurdi/Guma): I believe the dilemma that we are having as regards this particular matter, has to do with the fact that we have now come to the situation where this Parliament is dealing with an issue as if it was a Parliament of a State.

In other words, we are here functioning in our capacity as the State Assembly of the Federal Capital Territory. That is where it appears that there is a contradiction on our minds and the attitudes that are brought to bear in this particular matter.

I believe that the Universal Basic Education Act is indeed an Act of this Parliament acting in this capacity as the Parliament of the Federal Republic of Nigeria. Perhaps, we are dealing with this particular issue in our capacity as a Parliament of the State called the Federal Capital Territory.

I am inclined to agree with the position taken by Hon. C.I.D. Maduabum that as far as this particular matter is concerned, we should restrict ourselves to dealing with it as the Parliament of the State. Whenever there is a need for us to enact a legislation that will be consistent with the Universal Basic Education Act federally, that particular legislation will come and we will deal with it as such.

At the present time, we are only asked to regulate as if we are the Parliament of the Federal Capital Territory and we should not bring that contradiction to bear on the way we are looking at this particular Bill.

Hon. Abubakar Garba Shehu Matazu (Matazu/Musawa): I totally agree with the submission of Hon. Jime. Inasmuch as we are trying to enact this Law as FCT legislators today, we also have to remember that we cannot make the law to have any contradiction with the previous UBE Act which this honourable Chamber passed into law.

Therefore, in the provision of the UBE Act, it was stated under *Funding* that two *per cent* out of the Federal Government Consolidated Revenue Fund,

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which is the allocation that belongs to the Federal Government after giving the State and the Local Government their share, should be used to fund the Universal Basic Education Commission. That is why the Federal Government is giving grants to States based on the contribution of their counterpart funding.

What we are to do is to stand down this Bill now. Let the Bill go back to the Committee for them to do the right thing because it is a must that we include the Junior Secondary School. That is what makes it Universal Basic Education Board. We cannot enact any law as there is no State in Nigeria that has Primary Education Board. The Primary Education Board was in existence during the Military era and not under the Civilian Regime.

So, let us do the right thing by standing down this Bill.

The Speaker: Have you agreed with Hon. Jime 100 per cent?

Hon. Abubakar Garba Shehu Matazu: Yes. Let us stand down the Bill for the Committee to go back and do the right thing and present the Bill back to the House.

Hon. Leonard Okuweh Ogor (Isoko North/South): Mr. Chairman, the Voice of the people is the Voice of God as you can clearly see here. What I strongly believe is that if we enact this law today, when we look at the Universal Basic Education Act, it will become an invalid law at the end of the day.

I agree with my Colleagues that we stand down this Bill so that the Committee on Education can do a better job and come up with the UBE Act which will encompass the whole provisions that are here and then, we can discuss them in details.

Hon. Umar Buba Jibrin (Lokoja/Kogi): I tend to agree with the position of Hon. Abubakar G. Shehu Matazu but I have a slight difference.

First, we must stand down this Bill and secondly the Committee handling the matter should be asked to domesticate the Universal Basic Education Act since this Parliament acts as the State Assembly on behalf of the Federal Capital Territory.

Hon. Titilayo. M. Akindahunsi (Ekiti South West/Ikere/Ise/Orun): It is necessary to produce the Universal Basic Education Act. If it is not done, they would not have the opportunity of accessing the Education Trust Fund (ETF). This is part of the reasons States did not access the Fund. Any State that does not

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set up the Universal Basic Education Board will not have access to ETF as it is this same Board that will map out what the fund will be used for.

It is better to produce the Universal Basic Education Board Act.

Hon. Friday Itulah (Esan North East/Esan South West): Mr. Chairman, I understand the sentiment that is attending to the Bill on hand. We must also understand that by the provision of our Rules, matters taken at the Second Reading are referred to a Committee. The Committee is expected to come up with recommendation based on the Second Reading as attended to that Bill under discussion.

So, what we are discussing is this particular Bill with the heading as it is now and which was taken at a Second Reading and referred to a Committee. What we are introducing now is what I refer to as an after thought. If the House, in its wisdom has already referred this matter with this Title after a Second Reading to a Committee, we cannot get to the Committee stage and begin to reverse ourselves.

The Bill before us is the one that we are treating. Until we go back and rescind what we have done, it will be out place for us to start thinking of the FCT Basic Universal Education Board.

Hon. Olufemi Gbajabiamila (Surulere I): While I have the problem of standing down this matter, I do not think it should be on the premise that my learned Colleague has said that a State cannot make laws on anything that has to do with Primary Education. That will be totally a misreading of the law because this subject matter is actually on the Recurrent List of the Constitution and Item 30 specifically says that:

Nothing shall preclude a House of Assembly to make laws for the States with respect to technical vocational post-primary and primary including the establishment of institutions for the pursuit of such education.

Therefore, this does not in any way contradict any law that has been made by the National Assembly. In fact, as a State Assembly, which is what we sit at now, we are given the powers to make laws on primary institution. But, if we want to stand this matter down, we can do so but not on the premise that it will be contradicting the Constitution.

Hon. C.I.D. Maduabum (Nnewi North-South/Ekwusigo): I move that this House do commit this Bill back to the Committee on Education and FCT, together with the mover of the Motion for further

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legislative attention to include the issue of Basic Education.

Hon. Ita Enang (Itu/Ibiono Ibom): I second the Motion that the House do commit this Bill back to the Committee on Education and FCT.

Question put and agreed to.

Resolved: That the Report of Committee on Education on FCT Primary Education Board Bill, 2009 be committed back to Committee on Education and FCT for further legislative action.

The Chairman: I understand the point that Hon. Femi Gbajabiamila was trying to make that we have powers to make laws on Primary Education but we understand also that we need to make a law that will stand the test of time. Even if you have done this one, there will be a need for the other one. So it is better for us to put them together and have a common law.

Report of the Committee on Health on the National Primary Health Care Development Agency Act, 1992 No.29 (Amendment) Bill 2008 – CONSIDERED IN THE COMMITTEE OF THE WHOLE

The next Report is on a Bill for an Act to Amend the National Primary Health Care Development Agency Act, 1992 No.29 and for Matters Connected Therewith, 2008 HB134

I call on the Chairman of Health to brief the House on the Report.

Hon. Ojomo-Alaba Oladoyinbo (Owo/Ose): Mr. Chairman, the Bill for an Act to Amend the National Primary Health Care Development Agency Act, 1992, has become necessary to give the Constitution a legal backing towards the merger between that particular Agency and the National Body on Immunisation.

Often times we have called government officials' attention to the fact that there is no legal bases for the merger and there response was this Bill.

The Bill also seeks to redefine the scope of National Primary Health Care Development Agency in line and in tune with modern times. Primary Care forms the fulcrum of Health Care Delivery and there is always need to fine-tune the programme now and then. Essentially the Bill now incorporates the Board of Immunisation under the Primary Health Development Agency and has created a new section that will now define the functions of the Primary Health Care Development Agency.

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The Chairman: Thank you, we will now go into Clause by Clause consideration of the Bill.

PART I - ESTABLISHMENT OF THE NATIONAL PRIMARY HEALTH CARE DEVELOPMENT AGENCY AND ITS GOVERNING BOARD, ETC

Clause 1 – (ESTABLISHMENT OF THE NATIONAL PRIMARY HEALTH CARE DEVELOPMENT AGENCY)

Question proposed.

Hon. C.I.D. Maduabum: Mr. Chairman, my comment is on this Committee recommendation 1 (1) page one where it is said that the Board shall be supervised by the Federal Ministry of Health. My quarrel with it is that it sometimes unduly hamstrings the President's Executive powers because if the President determines that the Agency is not moving as fast as they are doing in the Ministry of Health, he could determine that it could be put under the Presidency. Therefore, we should not by law hamstring that power of the President to create Ministries and move Agencies around in terms of supervision by law.

My amendment therefore is to expunge *which shall be supervised by the Federal Ministry of Health*. Let us just establish the Agency by an Act and leave it to place it where it should be.

Hon. Leonard Okuweh Ogor (Isoko North/South): Mr. Chairman, I tend to disagree with Hon. Maduabum. The function here is that the Board definitely must be answerable to somebody.

We should avoid the concept of creating a kind of an independent Board that is not answerable to anybody; it is dangerous.

I therefore will want to appeal to him that he should understand the concept of accountability whereby the Minister definitely becomes the supervisory authority rather than to just create an independent Board without any kind of control where probably at the end day the Chairman becomes the Alpha and Omega. I think he should look at it from that concept.

The Chairman: May I put the question that the recommendation remain as it is.

Question put and agreed to

Clause 1 – (ESTABLISHMENT OF THE NATIONAL PRIMARY HEALTH CARE

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DEVELOPMENT AGENCY) – *ordered to stand part of the Bill.*

Clause 2 – (ESTABLISHMENT AND COMPOSITION OF THE GOVERNING BOARD OF THE AGENCY) – *ordered to stand part of the Bill.*

PART II – DEFINITION AND COMPONENTS OF PRIMARY HEALTH CARE

Clause 3 – (DEFINITION OF PRIMARY HEALTH CARE) – *ordered to stand part of the Bill.*

Clause 4 – (COMPONENTS OF PRIMARY HEALTH CARE)

Question proposed.

Hon. C. I. D. Maduabum: The speed is actually beyond me but I am trying to catch up.

The Chairman: Is your observation on the speed or something else?

Hon. C. I. D. Maduabum: My observation is the issue at page three for instance.

The Chairman: We are on page five, Components of Primary Health Care.

Hon. C. I. D. Maduabum: Speed is best taken because we usually say in this Chamber that we should not impose duties on State Governments. If you look at this place, we are imposing some of the functions on States. If you look at even the composition, we are saying Ministry of Health of a State should bring this person or this Ministry should be represented from States.

The Chairman: Which one are you reading? You have raised your hand to make an Amendment.

Hon. C. I. D. Maduabum: Yes, I have and my Amendment refers to page three.

The Chairman: Which item at page three?

Hon. C. I. D. Maduabum: I am taking about Page 3 (e).

The Chairman: Page 3(e) reads: *One person to represent a Local Government Area from each Primary Healthcare Zone, to be nominated by the Conference of Local Government Chairmen.*

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Hon. C. I. D. Maduabum: Even (d) too. I do not know whether we are making a Federal law or making a State law. This is what I want to find out from the Chairman because we should concern ourselves with Federal questions.

The Chairman: But you can look at (e) of the original Bill. Subsection (e) of the original Bill reads:

One person to represent a Local Government Area from each Primary Healthcare Zone, to be nominated by the Conference of Local Government Chairmen.

Hon. C. I. D. Maduabum: Yes, that was what was done during the military regime when the country was one Federal Military Government.

The Chairman: When the country was what?

Hon. C. I. D. Maduabum: When the country was one in terms of administration under the Federal Military Government included the Local Governments.

The Chairman: But the country is still one.

Hon. C. I. D. Maduabum: No, in terms of administration, it is one Federal Government and different States. We do not have a Supreme Military Council any longer that can make such laws.

The Chairman: But we have the National Assembly.

Hon. C. I. D. Maduabum: We have the National Assembly to make laws for the Federation. Just as we have the State Assembly to make laws for the State.

The Chairman: We have the National Assembly that makes laws for the Federation.

Hon. C. I. D. Maduabum: We have States Houses of Assembly that make laws for their States. This idea of staying here most of the time and appointing this or that person should represent this Local Government; we cannot do it from here. We should make our laws for the Federation or for the Federal Government.

Hon. Leonard Okuweh Ogor: It is a legal question not academic. I am a bit worried again because of the fact that this ... (*Interruption*).

The Chairman: You are worry about what?

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Hon. Leonard Okuweh Ogor: I am worried with his presentation. Here we are again talking about National Primary Health Development Agency, which is something that borders on a concept that must be emulated at every State level. The idea behind selecting people from Zones, and the fact that ALGON is already a national Body, to give a representative, is for them to be able to get somebody within their own system into this central Body.

Under our Exclusive Legislative List, we have power to make laws as it borders on Health. Mostly, what we are talking about here is the national issue. It, therefore, means that his argument makes some legal acceptance to some extent as to what we are trying to do. But we are trying to co-opt these people to take this message down to the grassroots. I think we can do it. There is nothing really too serious about that.

Hon. Olufemi Gbajabiamila (Surulere I): Much as I am somebody who very seriously supports Federalism at its very best, I think what we are doing here is recognised even under the law. There are doctrines call pre-emption and covering the field.

So what we are basically doing is that we are covering the field. If you look at the provisions here, we are not imposing. The Bill is optional because at the end of the day the State does not include somebody like

that on the Board. You have enough members on the Board that will form a quorum and so there is no circling the functions of that Body. So I will agree with Hon. Leo in this instance that what we are doing is a national law that covers the field.

Clause 2 - (ESTABLISHMENT AND COMPOSITION OF THE GOVERNING BOARD OF THE AGENCY)

Question Proposed.

Hon. Ita Solomon J. Enang: I will plead that we should all listen. This law will be interpreted in the highest of places and the way we craft this law and make it is the way that we will be rated. Please the representation and the caption of everything here is so misrepresenting and I want us to listen to what my Colleague Hon. C.I.D. Maduabum has said. It is not sentiment, it is not grammar; it is about law-making.

The Chairman, I want to draw attention to one matter. I will go to page 3 (d) and it says:

One person to represent a State Ministry of Health from each Primary Healthcare Zone, to

be nominated by the National Council of Health.

To read this and give meaning may be a little difficult; to represent a State or the States Ministry of Health or to represent a State or each State or the State Ministry of Health.

Please let us listen. Number (e):

One person to represent a Local Government Area from each Primary Healthcare Zone to be nominated by the Conference of Local Government Chairman.

The Chairman: Hon. Ita Enang, your argument is different from that of Hon. C.I.D. Maduabum. You are talking about the nomination.

Hon. Ita Solomon J. Enang: Yes Sir.

The Chairman: Or are you talking about the interpretation of this provision? Is that what you are talking about?

Hon. Ita Solomon J. Enang: I am talking about the caption and even the nomination.

The Chairman: *One person to represent a State Ministry of Health from each Primary Health Care Zone.*

Hon. Ita Solomon J. Enang: How many will that be? What decides the Primary Health Care Zone?

The Chairman: We have not got to the definition yet.

Hon. Ita Solomon J. Enang: I have gone to each healthcare zone.

The Chairman: What does that mean?

Hon. Ita Solomon J. Enang: What the Healthcare Zone is, is not defined. Is it two States, is it three States, is it each State?

The Chairman: Why can you not ask the Chairman and know what a zone means.

Hon. Ita Solomon J. Enang: We may throw it to him. The Chairman please, even the entirety of page three is in riot with itself.

Hon. Ojomo-Alaba Oladoyinbo (Owo/Ose): I

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think there are about four Primary Healthcare Development Zones. As we go along we will see these zones.

The Chairman: Hon. Ojomo-Alaba Oladoyinbo, we do not want *I think*, that is not an answer please.

Hon. Ojomo-Alaba Oladoyinbo: I know.

The Chairman: Not I know. Just be definite that we have five zones, two zones or six zones.

Hon. Ojomo-Alaba Oladoyinbo: I know we have four zones.

The Chairman: We have four zones: is it defined in the law?

Hon. Ojomo-Alaba Oladoyinbo: Yes it is defined.

The Chairman: All right, we have four zones. That one is defined. When we are there we will know.

Hon. Olufemi Gbajabiamila: Going back to what Hon. Ita Enang said, I think page three paragraph (d) says:

One person to represent a State Ministry of Health from each Primary Healthcare Zone, to be nominated by the National Council of Health

The States need to be given some degree of

independence as to who they put on the Board. So that provision towards the end that says; *nominated*, the State should nominate, not the National Council of Health.

The Chairman: That one is understandable. The State should nominate.

Hon. Olufemi Gbajabiamila: We should delete that portion that says: *to be nominated by the National Council of Health*.

The Chairman: *To be nominated by the National Council of Health*. That one should be deleted according to Hon. Ita Enang and supported by Hon. Olufemi Gbajabiamila.

Is it the wish of the House that that particular portion *to be nominated by the National Council of*

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Health should be deleted, and let that nomination be from the Zones or from the States?

Hon. Gbenga Peter Makanjuola (Ekiti/Isin/Irepodun/Oke-Ero): I am not comfortable with Clause 2 (1) (a) where it was said: *A Chairman, who shall be a highly respected...* There is nobody that is not respected in his profession. I do not think we should be using this kind of words when we are making law.

The Chairman: There is nobody that is not respected.

Hon. Gbenga Peter Makanjuola: We are talking about the words: *highly respected*.

The Chairman: You say everybody is highly respected.

Hon. Gbenga Peter Makanjuola: At least in one's own profession, one earns respect; it is not given to you.

So, what I am trying to suggest now is that I want to propose an Amendment thus: *a Chairman who shall have vast experience as primary healthcare practitioner or who has vast experience in primary healthcare profession* instead of using the word *somebody highly respected*.

The Chairman: Is there any Seconder?

Hon. Rabe Nasir (Bindawa/Mani): I rise to second the Amendment as proposed by Hon. Gbenga Makanjuola.

Amendment put and agreed to

Clause 2 - (ESTABLISHMENT AND COMPOSITION OF THE GOVERNING BOARD OF THE AGENCY) - *as amended ordered to stand part of the Bill*

Clause 3 - (DEFINITION OF PRIMARY HEALTH CARE) - *ordered to stand part of the Bill*

Clause 4 - (COMPONENTS OF PRIMARY HEALTH CARE) - *ordered to stand part of the Bill*.

PART III – FUNCTION OF THE AGENCY

Clause 5 - (FUNCTIONS OF THE AGENCY)

Hon. Rabe Nasir: Mr. Chairman, Clause 5 (a) is supposed to read thus:

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The Functions of the Agency shall be;

(a) to provide support to the National Health Policy;

The word *to* should be changed to the word *for* so that it would read: *to provide support for the National Health Policy.*

The Chairman: It is all right. Functions of the Agency starts from page 6 and ends on page 17. Yes Hon. Omeire.

Hon. Rufus Omeire (Ideato North/ South): Mr. Chairman, I believe you skipped page 5, which is Component of Primary Health Care.

Mr. Chairman: We are on page 6.

Hon. Omeire: Yes, we have passed it but I believe you skipped that one.

The Chairman: Let us finish page 6 first. .

Clause 5- (FUNCTIONS OF THE AGENCY) – as amended, ordered to stand part of the Bill.

PART IV – STAFF OF THE AGENCY

Clause 6 - (APPOINTMENT OF EXECUTIVE DIRECTOR AND OTHER STAFF OF THE AGENCY) – ordered to stand part of the Bill

Clause 7 – (SERVICE OF THE AGENCY) – ordered to stand part of the Bill.

PART V – ESTABLISHMENT OF PRIMARY HEALTH CARE ZONES

Clause 8 -(PRIMARY HEALTH CARE ZONES)-

The Chairman: We are on page 20, which deals with Establishment of Primary Health Care Zones. The Zones are as follows:

Zone “A”, with Headquarters at Enugu, comprising Abia, Akwa Ibom, Anambra, Benue, Cross Rivers, Enugu, Ebonyi Bayelsa, Imo and Rivers State;

Zone “B” with Headquarters at Ibadan, comprising Delta, Edo, Ekiti, Lagos, Ondo, Ogun, Osun and Oyo States;

Zone “C” with Headquarters at Kaduna, comprising Katsina, Kebbi, Zamfara, Kogi, Kwara,

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Niger and Sokoto States and the Federal Capital Territory, Abuja;

Zone “D” with Headquarters at Bauchi, comprising Adamawa, Bauchi, Gombe, Borno, Jigawa, Kano, Plateau, Taraba and Yobe States.

We are considering them Zone by Zone. Let us first of all take Zone A. Is there any Amendment on Zone A?

Amendment proposed

Hon. Leonard Okuweh Ogor (Isoko North/Isoko South): Mr. Chairman, we have the unwritten law that we know and what we have collectively is six Zones. These are the Six Geo-Political Zones that we have.

It might be a bit unhealthy for us to compress this whole concept into just four Zones. My sincere appeal is that we should try as much as we can to maintain the Six Zones, so that the concept behind it would flow as easily as it has been from standard instead of taking South-South to South-West.

We should look at the concept from that angle.

Mr. Chairman: As you have said, the law of the six Zones is unwritten.

Hon. Leo Ogor: Mr. Chairman, can I appeal to you? We know that it is unwritten but it is almost a standard procedure. So, it will be wrong for us to now take the South-South to the South West. We should look at it, please.

Mr. Chairman: There is no law of South-South, South East, or North East. It is not a law.

Hon. Leo Ogor: I am proposing an Amendment, if you would allow me, Sir. The Amendment is that we should break the whole Zones into Six Zones.

Hon. Abdul Ahmed Ningi (Ningi/Warji): I will agree completely with Hon. Leo Ogor on the Six Zones. The reason is that if you look at the trends, the Geo-Political Zones have come to stay.

Most citizens of this country have tuned their minds to their Zones. This is because we are in an unbalanced Zonal representation, where you find Ibadan as the Headquarter of a Zone, and then bring in a State from the South South to be part of that zone. You will see that members of that Zone will be highly alienated. Also, in the North-East, when you bring in a Member from the North-East to North-West, you will find out

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that the State will feel really alienated.

So, we should maintain the six zonal structures as a matter of representation because our minds are set and we all believe in the zonal structure.

Hon. Abolagba Johnson Aigbudu (Owan East/West): Mr. Chairman, this law that we are amending was made when Zones were not born. My suggestion is that now that we have Zones, it will be proper and better to maintain the Zones.

Hon. Ernest I. Ibejiako (Owerri Municipal/North/West): I associate with the idea of spreading the Zones to six. Further, my Amendment is that the Headquarter of Zone 'A' be in Imo because Imo State is more central in the South East.

Mr. Chairman: It is not about centre but about convention.

Hon. Ita S. J. Enang: Mr. Chairman, I will pray my Colleagues that we do not create the centres of the Zone in this Chamber. I pray that we amend this just to allow the Agency to create such Zones. We do not make it by Act, so that if later it becomes necessary for them to even compact it or something else, they may. I pray we amend it to read as follows:

Primary Health Care Zones for the purpose of effectively discharging its functions under this Act, the agency shall decentralise its field activities and for that purpose, cause the country to be divided into such zones as may be expedient from time to time.

If they need to create 7 or 10 Zones later, they may do it without coming to the Parliament.

Hon. Okey Udeh (Orumba North/South): Mr. Chairman, this issue is mainly for administrative convenience and like the hon. Member who spoke rightly pointed out, the Bill or the Principal Act was a decree that was promulgated in 1992. Then it was just convenient for them to use four administrative zones. I am aware that since 1994, 1995 and 1996, there was the trend to shift these Administrative Zones for convenience to six and the country has been grappling over this period to adjust to these six zonal structures.

I believe it would be better for us since it is a culture that we are trying to develop to more or less align ourselves with the trend we are already getting used to by helping the six zonal structures. I happened to be conversant with the operations of this Agency and I know that there is nothing sacrosanct about the four zonal structures that they are using. I believe it is better

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for us as a Parliament to help them to align with the six zonal structures that is now so universally acknowledged both in the political and other social interactions.

I so submit.

The Chairman: Hon. Leo Ogor can you please move a Motion for the amendment of this Clause.

Hon. Leo Okuweh Ogor: Mr. Chairman, may I, with due humility, move that in line with the issue of zoning structure that we amend the Zones from four to six with their headquarters stipulated.

I so move.

The Chairman: No, but some of the Zones do not have Headquarters. So just say six Zones because we have only four headquarters.

Hon Leo O. Ogor: Mr. Chairman, the essence of the law is based on zoning.

The Chairman: Yes I agree with you.

Hon. Leo O. Ogor: All right, *I move that the whole concept be broken down into six Zones.*

The Chairman: Is there any seconder?

Hon. Lanre Adeniran Agoro (Irepo/Orelope/Olorunsogo): Mr. Chairman, I rise to second the Motion as move by Leo Ogor, though each Political Zone has its own Headquarters.

The Chairman: No, the Motion of Hon. Leo Ogor is that the Zones should be six. That is where he stopped and it was seconded by Hon. Lanre Agoro without amendment.

Amendment put and agreed to.

Hon. Friday Itulah (Esan North East/South East): Mr. Chairman, I wish as the amendment now stands that we also name the headquarters of these zones as follows:

Zone A,B,C,D,E, that is the four zones, then the new additional zones.

The Chairman: You said E, that is five Zones.

Hon. Friday Itulah: Mr. Chairman, A,B,C,D,E and F that is six Zones and these the headquarters of the various Zones should be as follows:

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The Chairman: What is your basis for naming the headquarters?

Hon. Friday Itulah: Mr. Chairman, the basis is for purposes of centralisation.

The Chairman: Are you sure you will talk about centralisation?

Hon. Friday Itulah: Yes, Mr. Chairman.

The Chairman: All right, say it and let us hear.

Hon., Friday Itulah: Zone five for example should comprise the South South Zone, as it stands now. The Headquarters should be at Benin City.

The Chairman: But Edo State is closest to the North and close to the West.

Hon. Friday Itulah: That is the only State that was created by an Act of Parliament.

Hon Leo Ogor: Mr. Chairman, I am very surprised that my brother is talking about centralisation and look at where he was taking us to. The concept he adopted was centralisation. I think it is important that we appreciate the fact that when you talk about centralisation, you are talking about the location. Edo State is at the end of the other side, so the concept of centralisation does not arise. It therefore means for us to avoid this argument, let us allow the whole issue to settle down and then we can take care of it. But I know that definitely my proposal is definitely going to be Warri.

The Chairman: Warri is not a State Capital. If you talk about Delta State, it is close to Anambra State, just like Edo State has a common boundary with Anambra State.

Hon. Clever M. Ikisikpo (Ogbia): Mr. Chairman, looking at the scenario, we need a central point; a place that can be taken as a close point to all the Zones. If you look at Yenagoa, it is like the capital of the South South in reality. So I would propose Yenagoa as the Headquarter of one of the Zones.

The Chairman: Hon. Colleagues, please I think it is not important for us to discuss the issue of the Headquarters. Let us leave it with the bureaucrats to determine where the Headquarters should be.

Hon. Ita S.J. Enang: Mr. Chairman, since we have said it should be the six zones, I pray that this

House would understand that when we are couching the Votes and Proceedings, each of the States that is in each of the Zones, will be captured here because if it is not defined. That would be understood. Not Headquarters but States and each of the six Zones. I want us to take note of that now.

Clause 8 (PRIMARY HEALTH CARE ZONES) –
as amended ordered to stand part of the Bill.

Part VI - (FINANCIAL PROVISIONS)

The Chairman: Part VI, on page 21; FINANCIAL PROVISIONS.

Clause 9 – (FUND OF THE AGENCY)

Hon. Ita Enang: Mr. Chairman, much of what we have on this Section is about expenditure. We need to talk about their income. All is how they would spend their money. The income is only one paragraph on page 22, Clause 9(2) and it says:

There shall be paid and credited to the fund established in pursuance of sub-section (1) of this section such payments as may be made to it by the Federal Government for the running expenses of the Agency and all other assets accruing, from time to time, to the Agency.

This Agency is National Primary Healthcare Development Agency. It is this Agency that is building Primary Health Care Centres. It is an Agency that could have funds from other sources; it could be donations, or grants by the State governments and from other agencies like we do in other Bills.

I believe that this is too limited because if we just have this, then the Agency may not have the authority to take funds from any other place except such that are paid and credited. Above all, it is paid and credited by the Federal Government for running expenses of the Agency. It is too limited, restrictive and capable of causing interpretation and funding problem for the Agency.

Therefore, I propose that we amend this to give them authority to take funds from donations and grants from State governments, Federal government,

counterpart funding and donations from the International Donor Agencies as sources of its fund.

The Chairman: Is there any Seconder for that Amendment?

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Hon. Gbenga Peter Makanjuola (Ekiti/Isu/Irepodun/Oke-Ero): I second the Amendment ably proposed by Hon. Ita Enang.

Amendment put and agreed to.

Clause 9 – (FUND OF THE AGENCY) – as amended ordered to stand part of the Bill.

Clause 10 – (EXPENDITURE OF THE AGENCY)

Question proposed

Hon. Olufemi Gbajabiamila (Surulere I): On page 22, 10(b), I just want us to be very careful on how we surreptitiously expand the powers of the Federal Executive Council. Many times we have come to this Chambers to talk about them giving approvals or taking over -

The Chairman: Read the one you are referring to.

Hon. Olufemi Gbajabiamila: Clause 10(b) says:

For reimbursing members of the Board or any committee set up by the Board, for such expenses that may be expressly authorised by the Board in accordance with the rates approved by the Federal Executive Council;

Personally I believe the Federal Executive Council, I may be wrong, is an internal arrangement because I do not know whether it is known to law.

The Chairman: Just like the six geo-political zones.

Hon. Olufemi Gbajabiamila: Well, it is not known to law. There are 14 Executive Bodies in the Constitution under Section 153; the Federal Executive Council is not one of the 14. We have the Council of States and others. If we are making a law giving powers, and very wide powers too to a Body, it must be a Body that is known and recognised by the Law. Many times we have come to this Chamber to say this people are taking over Appropriation work of the National Assembly.

I object seriously to these provisions.

The Chairman: What is your proposition?

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Hon. Olufemi Gbajabiamila: Well, it can read the *President*; it does not matter to me. It can read otherwise but not something that is unknown to the law.

Hon. Ita Enang: I agree with my Colleague but I want to extend it further that 10 (b) should go. He is suggesting that they should delete *Federal Executive Council*.

The Chairman: He said it should read: ... *approved by the President*.

Hon. Ita Enang: I will even object to it Sir. My argument is that *the fund of the agency for reimbursing members of the Board or of any committee set up by the Board for such expenses as may be expressly authorised by the Board* -

It is not necessary to state in the Law that the Fund shall be applied to reimburse them. The cost of administration of the Agency is already covered and captured in clause 10(a). I am proposing that we delete this.

The Chairman: What Hon. Ita Enang is saying is that since in 10(a) we have, *to the cost of Administration of the Agency*; it has taken care of (b), because (b) is also part of the administration cost. Therefore, he is proposing that we delete (b).

Hon. Chile Igbawua (Kwande/Ushongo): I second the Motion moved by Hon. Ita Enang that 10 (b) be deleted because it is superfluous.

Amendment put and agreed to.

Hon. Ita Enang: I want us to go to Clause 10(c). Payment of salaries is part of the cost of the administration; it is given that when you are there you will be paid salary. It does not need to be written in the Law. Payment of salaries, fees, remuneration and the rest, would make provision for pensions at the end of this Bill. The Pension Act would apply. You do not need to state that they would be paid salary and the cost would be used in paying you.

The Chairman: Payment of salaries Hon. Ita Enang, is not an administrative cost. An administrative cost is overhead. Payment of salaries is personnel cost.

Hon. Ita Enang: Well, I would concede that, but not that I agree. I would also refer to Clause 10(d) which reads: *for the maintenance of any property vested in the Agency*. This is cost of Administration which you

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need not state in the Law because it is superfluous. It is an overstatement. It is stating the obvious.

Clause 10 – (EXPENDITURE OF THE AGENCY) – as amended ordered to stand part of the Bill.

Hon Lanre Adeniran Agoro
(Irepo/Orelope/Olorunsogo): Point of Order!

The Chairman: Yes, which Order?

Hon Lanre Agoro: Mr. Chairman my Order is Constitutional Order, Section 144. When Hon. Gbajabiamila stood up, he just made specific reference to Section 153 where 14 Bodies were listed. He wants us to go away with the impression that there is no Executive Council. With your kind permission I want to read Section 144.

144. – (1) The President or Vice President shall cease to hold office if -

- (a) *by a resolution passed by 2/3 majority of all members of the Executive Council of the Federation.*

The impression Hon. Femi Gbajabiamila wants us to go away with is that it does not even exist at all. If this is the ground norm, the basis upon which we are seated here and the Constitution has gone ahead to expressly mentioned the word *Executive Council of the Federation* which means in totality Federal Executive Council comprising the President, the Vice President and the Ministers; it invariably means that it exists in the Law. So we should not go away with the impression that it does not exist. It is clearly stated in the Constitution.

The Chairman: Point of Order, sustained.

Hon. Olufemi Gbajabiamila (Surulere I): Very nicely put by my Colleague unfortunately, the mere mention of a word or thing is different from the establishment of that thing.

In legal interpretation, there is something called the *excluso unit rule*. The *excluso unit rule* says that the specific mention of certain things necessarily means the exclusion of others. So, while Section 153 has specifically mentioned 14 bodies, it implies that it is excluding the Federal Executive Council. That is the proper interpretation. The fact that a word or two words were used in a sentence does not mean that it is something that is established by the Constitution.

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The Chairman: Thank God that our decision was not based on what Hon. Femi Gbajabiamila has said. It was based on the fact that that particular provision has been taken care of in (a). Therefore, thank you very much Hon. Femi Gbajabiamila and Hon. Lanre Agoro. It is left to Members to determine whether or not there is an Executive Council.

Clause 11 (ANNUAL ESTIMATES AND ACCOUNTS)

Hon. Leonard Okuweh Ogor: I think we need to look critically at the Financial Provisions because it extends to the expenditure of the Agency. : I am looking at page 23, Clause 11; *Annual Estimates and Accounts*. What is here is probably a clear duplication of what is in the Principal Act.

The Chairman: Read it, please.

Hon. Leonard Ogor: It says that:

The Board shall, not later than 31st October in each year, submit to the Minister an estimate of the expenditure and income of the Agency during the following year.

It flows like that and I am a bit worried because if I will be given the privilege to do this interpretation, I may carry on with the impression that the Minister is the one with the authority to approve knowing full well that when you look at Section 81 of the Constitution; it is the President that submits this Annual Report to the National Assembly.

Therefore, I want to propose an amendment to read that:

The Board shall, not later 31st October in each year, submit to the National Assembly through the President estimates of the expenditures and income for the Agency during the following financial year.

This is because funds are going to be in the whole process coming from the Consolidated Account of the Federation to the Agency.

Hon. Ita Enang: Mr. Chairman, Sir, this law was made in 1992 under the Military rule. It is in most of the laws that were made under the Military that you will find this provision because at that time, all the estimates were submitted to the Minister who would compile and submit to the Executive Council and they would in turn sit and approve.

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The Chairman: Which Federal Executive Council are you talking about?

Hon. Ita Enang: The Supreme Military Council as it were and not the Executive Council of the Federation. I want to propose that we delete this completely and maintain it as precedence for us to delete it in other Bills we have made.

The reason is that normally what happens these days is that each of the Agencies would make their submission to the Ministry and the Ministry would prioritize what they want, compile it and take it to the Ministry of Finance. It is presented and the President would compile and bring it to the National Assembly.

We would not want to create something that would be a bottle-neck because all this is administrative. Therefore, I pray that we delete the whole of this Clause 11 (1) that says:

The Board shall not later than 31st October in each year, submit to the Minister an estimate of the expenditure and income of the Agency during the following year.

The Chairman: Is there any Secunder to the Amendment?

Hon. C.I.D. Maduabum: I second the Motion moved by Hon. Ita Enang. I also want to remind the House that the Fiscal Responsibility Bill has taken care of this when the call circulars would go out.

I so second

Amendment put and agreed to.

Clause 11 – (ANNUAL ESTIMATES AND ACCOUNTS) – as amended ordered to stand part of the Bill.

The Chairman: Hon. Members, you know that what we are doing here is being aired live by AIT. If you watch AIT Parliament you will see everything that we are doing here live. I watched it yesterday and saw all sorts of things. We should please be mindful that this proceeding is broadcast live. Every Sitting, including Committee Sitting, is covered live and nobody can edit anything. It will appear the way we did it and our constituents will be there watching.

Part VII – (MISCELLANEOUS ANNUAL REPORT)

Clause 12 - (ANNUAL REPORTS) - ordered to stand part of the Bill.

Clause 13 - (ACCESS TO RECORDS, ETC) - ordered to stand part of the Bill.

Clause 14 – (POWER OF MINISTER TO GIVE DIRECTIVES) - ordered to stand part of the Bill.

Clause 15 – (REGULATIONS) - ordered to stand part of the Bill.

Clause 16 – (INTERPRETATION) - ordered to stand part of the Bill.

Short Title – (NATIONAL PRIMARY HEALTHCARE, DEVELOPMENT AGENCY (AMENDMENT) BILL, 2009) - Agreed to.

SUPPLEMENTARY PROVISION RELATING TO THE BOARD AND THE AGENCY

The Chairman: Supplementary Provision Relating to the Board and the Agency, number 2 on page 27.

Hon. Ahmed Abdul Ningi: Every meeting of the Board shall be presided over by the Chairman and if the Chairman is unable to attend a particular meeting, the Members at the meeting shall elect one of their Members to preside at the meeting.

The key word there is *election*; it presupposes that there would be voting or voice vote. The election there, administratively speaking, would conjure a lot of problems. Why would we not use the word *selection* instead of the word *election*?

The Chairman: At times in election, it may not involve voting; there may be consensus like we had selection at the primaries. It was a consensus that nobody would context with me; that was a free and fair election. Leader you know in PDP in Bauchi State you are a product of consensus.

Hon. Abdul Ningi: I came to this because of the presence of the word *election*; there might be some problems here and there. Perhaps, members can just select somebody and then other members would concur.

The Chairman: When other members concur what does that mean?

Hon. Abdul Ningi: That is selection. I would say Prince preside over the meeting.

The Chairman: If you said Prince preside over the meeting and I said no, Agoda preside over the meeting. What happens?

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Hon. Abdul Ningi: You would be violating the law.

The Chairman: No, I would not be violating the law. There is no law which says that you must be the only person to nominate.

Hon. Abdul Ningi: To hold election presupposes the other things

The Chairman: On that one I agree with you but what I am now saying is that if you say Prince preside over the meeting and I said no, Prince must not preside, rather Agoda should preside, what happens?

Hon. Abdul Ningi: Then they would decide.

Hon. Ita Enang: When it involves selection it has an element of election.

The Chairman: That is right.

Hon. Abdul Ningi: Like the way you were selected at the Primary election, it is selection.

The Chairman: It was a unanimous decision that nobody would contest with me.

Hon. Abdul Ningi: It is an anti-democratic procedure. Where you want democracy you elect and where you have administrative procedure you select.

The Chairman: Anyway let us put the question.

Hon. Ita Enang: Please Sir, there are two things there. I want to pray my Colleagues that this is a standard form of drafting. *It says the Members present shall elect one of their numbers.* I even want to change the word member to number. The normal standard is one of their numbers.

The Chairman: One of their numbers?

Hon. Ita Enang: Yes.

The Chairman: This is legal; Hon. Halims Agoda can you please help us out.

Hon. Halims Agoda: If you say the members present shall elect one of their members, yes it is understandable but to say one of their number, it is very strange to draft anything like that. I am not in tune with that.

Hon. Ita Enang: That is my submission and that

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is the proper thing to do. He may disagree with me but I am not withdrawing my submission. He may vote against it but that is the proper thing.

Hon. Halims Agoda: Sorry I am recognized. In Parliament two people cannot speak at once. We are learning everyday and if my very good friend can demonstrate what he has said by giving us previous enactment then it will stand otherwise it sounds strange to elect a number. I have been here since 1999 and also I started from the State House of Assembly.

The Chairman: What is your number?

Hon. Halims Agoda: My number?

The Chairman: Yes.

Hon. Halims Agoda: Well, that is what I am saying that it is strange. You could say you elect one of their members and not one of their numbers.

Hon. C.I.D. Maduabum: I think it does not really matter. Hon. Ita Enang in terms of strict language is correct. That is a better language to use but it is clearer when you use member. So let us adopt what is there, member because it is more understandable to ordinary people reading it. But in strict construction of English Hon. Ita Enang is correct.

Hon. Idahosa West: I think it is about semantics. The ordinary meaning of the word is to elect one of their own or one of the members is to select one of their own. The procedure and technicality is what my brother Ningi is talking about.

The Chairman: No the issue now is not that of Ningi it is about member and number.

Hon. Idahosa West: The question of number is colloquial, in the days of the early period of West Minister they use that but the modern drafting as we continue to move they use member.

The Chairman: Was there any reason to use that?

Hon. Idahosa West: That was the old type of English and understanding. There is nothing specific.

The Chairman: Hon. Colleagues maybe every member was numbered from 1 to 10. If that was the case, if you have chosen a number when they say number 6 then you know you are number six and that you can preside. But like what Hon. C.I.D. Maduabum has said it is clearer, understandable and common to use member.

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Hon. Rabi: I want to find out from the Lawyers among us because in this construction, number two there is one other thing that keep recurring and I think we have some tautology there. Let us read it again, it says

Every meeting of the board shall be presided over by the Chairman and if the Chairman is unable to attend a particular meeting the members present at the meeting shall elect one of their members to preside at the meeting.

The tautology is very clear, we can afford to do away with some of these words (meeting) specifically, the one after the members present we can cancel at the meeting and we get a better unambiguous construction.

The Chairman: Let me see the ambiguity there please.

Hon. Rabi: I am suggesting that we should do away with some words there starting from the members present, we should remove *at the meeting* and we have a better construction.

The Chairman: It is relevant to have that word because if the Chairman is not there and maybe two other Members are equally not there they may decide to select somebody who is not there to preside over the meeting in their next meeting and just adjourn. So what we are saying is, it must be there for that particular meeting.

Hon. Rabi: That is what I am saying we already have Members present and that has taken care of that.

The Chairman: All right, Members present has been mentioned.

Hon. Rabi: Exactly, you already have *members present* and you go ahead to have *at the meeting* again, it is tautology.

The Chairman: At the beginning he said he wants to seek the advice of lawyers among us here and we know the lawyers among us but I want to tell us that everybody has equal chance to speak on any matter. He has requested the lawyers among us to interpret this, but it is more or less about grammar than law. Since he asked lawyers to interpret let us call on Barrister Jime.

Hon. Emmanuel Jime (Makurdi/Guma): I will like to inform my learned friend, Hon. John Halims Agoda that I was called to the Nigerian Bar in 1984; that makes me one of the most senior lawyers in this Chamber.

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Outside the advice that I believe we may give to our friend, I think the correction he has made is appropriate because it reflects the correct grammatical sense; it is not legal really. Therefore, I think the correction is one that can be taken because it does not change the message.

I just wanted to perhaps go further, if you allow me to ask a question myself even as a lawyer that I needed to be better informed on this matter.

The Chairman: Do you want to confirm what Hon. John Halims Agoda said?

Hon. Emmanuel Jime: Well, I do not claim to know everything but I think we are learning every day. The question I wanted to ask, I believe, might assist us as we go forward.

We sit down and take so much time on the Floor of this august Assembly correcting grammatical errors and trying to see how we can introduce what the lawyers call *legal excellence in drafting*. My question really is; is that really what should actually bug us down here after we have done with the meat because I thought that should not really be what should concern us on the Floor.

When we put the meat together, this Chamber would still pass laws. For example, it is possible that this Chamber may not have lawyers, who then bring in the legal excellence and the grammar that we seem to be bothered about. Is there no Legal Drafting Section that has the responsibility for legal drafting? I think we should be more concerned with the meat of law and not how beautiful the language of that law is.

Hon. Ita Enang: It may not be necessary at this stage to bring up an issue which I had at all times raised with the Management. I had raised this issue with the Clerk of the National Assembly, Deputy Clerk of the National Assembly and the Clerk of the House. I have said that for every Bill, that a Lawyer should be attached to a Committee to work on such Bill. This issue brought me in conflict with the Management when I was accused that I am working for the lawyers to come and take over the job of Secretaries of Committees. I had to go to the office of the Deputy Clerk of the National Assembly, Mr. Ogunyomi, to raise this issue and then there were some indecent exchanges.

It has become necessary at this stage. But last week the Rules and Business Committee arrived at an agreement with the Clerk of the House that they will now attach lawyers to draft bills because I had raised the issue that the quality of Report that comes to the Floor - (*Interruptions*).

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The Chairman: Are you attaching a lawyer to each Committee or you are attaching a lawyer to each Bill?

Hon. Enang Ita Enang: A Lawyer will be attached to each Bill. I said it is for each Bill; let a lawyer be attached to the working of it so that he will re-draft it and bring it to the correct version that will not give us a lot of work on the Floor and that has been agreed to.

The Chairman: We have over 300 Lawyers in the National Assembly.

Hon. Stanley Ohajuruka (Umuahia North/South Ikwunano): Mr. Chairman, as a veteran, Parliamentary Procedure has it that the Parliament has what is called a Legal Drafting Unit that has the sole responsibility of drafting all the Bills that are presented before the House. It is not done by attaching lawyers to every Committee of the House. That Legal Drafting Unit is the engine room that determines every Bill that is passed and (*Interruption*).

The Chairman: Was it when it has been passed or before?

Hon. Stanley Ohajuruka: It is before it is passed. After our deliberations today, the procedure is that everything we deliberated upon today (*Interruptions*).

The Chairman: After deliberations?

Hon. Stanley Ohajuruka: Yes, it would be sent back to that Legal Drafting Unit to give it all the legal niceties that there is to it. Thereafter, the clean copy would be sent back to the House as it were for the House to pass. The problem that we are having right now is about time and the patience. We lack that patience to allow the Legal Drafting Unit to actually do their job. They need the empowerment to come up with clean Bills that will bring out the ideas that we have tried to espouse on the Floor of the House. It would be brought back to us at every stage. Even if we do it a hundred times here, clean copies of what we do that will carry all the legal language as it were, should be presented to the House in Plenary from the Legal Drafting Unit.

That is their job so they need that empowerment to do their job as it were.

The Chairman: I want to say that it is our responsibility as Members of Parliament to make laws and it is not the responsibility of anybody to make laws for us. The thought of having a lawyer attached to

every Committee is just for them to guide us as to how these things are supposed to be. But to the extent that we need an Amendment, should be the responsibility of the Parliamentarians not any lawyer.

Therefore, after we have passed a Bill here, what the Draftsmen are supposed to do is just maybe to dot the 'i's and cross the 't's in order that we may have clean copies but not for them to go and look at what we have done and redraft it because it will give another meaning.

So it is our responsibility and it is a good idea to have a lawyer on every Bill so that he will be guiding them before it comes to the Floor. This would also mean that whatever we passed on the Floor should be the one that should be assented to by the President.

Hon. Abdu Ningi (Ningi/Warji): Mr. Chairman, I would like to concur with you that even if we have the best of drafting by the staff of this Parliament, what we are doing is essential to law-making. Apart from the real intendment of the law, we must also take cognizance of the fact that this is the apex law-making body in the country. So the elegance of the law matters. It is not just the law that matters but also placement of words. This is because when you use a word to indicate your intention about a particular thing, where you misplace the usage of that word, can turn a sentence into another thing.

The various Electoral Acts are there. Even where we had intention of a specific thing but because we have not been painstaking to scrutinize the usage of words; we have these differences.

As law makers, and in line with what Hon Jime and other Members said, particularly the summary of the Chairman, it is important that we look at the grammar, the elegance of drafting because we are supposed not only to pass the laws, to also understand the basis, the reasons that law was passed.

So we must do more than what we are doing, even if we have the best drafters. I also concur that the time is not given to the drafters. I do not know what training the drafters have undergone to be able to draft these things. We have over 300 lawyers, I agree, but have they been on training; where do they go and what do they do?

These are things that the Secretariat will also need to look into.

(SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD AND THE AGENCY) – *ordered to stand part of the Bill.*

1201

(EXPLANATORY NOTE) – *agreed to.*

Long Title – (A BILL FOR AN ACT TO AMEND THE NATIONAL PRIMARY HEALTHCARE DEVELOPMENT AGENCY ACT, 1992 NO. 29 AND FOR MATTERS CONNECTED THEREWITH, 2009) – *agreed to.*

The Chairman: Leader, can you move a Motion for extension of time?

Extension of Sitting

Hon. Tunde Akogun (Akoko-Edo): In line with the provisions of our Standing Orders, I move that we extend the time of sitting in order to consider the remaining Reports.

Hon. Ita Enang: I second the Motion as moved by the House Leader.

Question put and agreed to.

Resolved: That the House do extend the time of sitting in order to consider the remaining Reports

Report of the Committee on Health on a Bill for Act to Repeal the National Programme on Immunisation Act, 1997 - CONSIDERED IN THE COMMITTEE OF THE WHOLE

The Chairman: The next Report is on a Bill for Act to Repeal the National Programme on Immunisation Act, 1997 and Transfer the Functions of the National Programme on Immunisation to the National Primary Health Care Development Agency and for Matters Connected Therewith, 2009 (HB. 133).

Hon. Ojomo-Alaba Oladoyinbo (Owo/Ose): Mr. Chairman, the National Primary Healthcare Development Agency Bill that we have just passed has subsumed the National Programme on Immunisation (NPI) Act, 1997.

Therefore, this Bill is essentially to repeal the National Programme on Immunisation Act, 1997 and transfer the functions of the National Programme on Immunisation to the National Primary Healthcare Development Agency, which we have just done.

So, all we have to do is to repeal this Act.

The Chairman: Everything here is repealed. But this one says; *the National Programme on Immunisation Act, 1997 is hereby repealed:*

1202

Committee's recommendation says; *retain provision in the Bill.*

Question put and agreed to

The National Programme on Immunisation Act, 1997, accordingly repealed.

The Chairman: The next one is on Page two and it says:

The Bill shall come into force immediately the National Primary Healthcare Agency Act 2009 comes into force.

Question proposed

Hon. Leonard Ogor (Isoko North/Isoko South): Mr. Chairman, what they are saying here is that: *This Bill shall come into force immediately the National Primary Healthcare Development Agency Act 2009.*

We have already started amending a Bill that already exists. What we should be looking at clearly here is that this particular Amendment is transferring almost all the functions to that particular Agency that is there. It becomes important that this concept of *retain* should not even be there. That is my submission.

The Chairman: Are you saying that everything should be retained or deleted? What does that mean if you delete it?

Hon. Leo Ogor: Mr. Chairman, what you have done from the beginning is that you have transferred almost every responsibility to the National Primary Healthcare Development Agency. So, every function totally has gone there.

The Chairman: I agree with you. We do not even have to put the date of the enforcement.

Hon. Ike Chinwo (Obio/Akpor): What this Bill is saying is that by the time the Bill that we have just finished comes into effect, whatever becomes of the National Programme on Immunisation (NPI) ceases to exist. Meanwhile, it is still in existence and this Act is repealing it. Therefore, it is not repealed until it is finally signed as being repealed.

The Chairman: And this one would not have effect also until when it has been signed. So, it is the same.

Hon. Ike Chinwo: Yes.

1203

Hon. Abdul Ningi (Ningi/Warji): Hon. Ike Chinwo is right. You cannot have an Agency that operates in a vacuum. This is a bridge between the repealed Act and the new one. If the repealed Act is already in place, then there is no need of this. If it is not in place because it is still undergoing processes, then this becomes the bridge between the two of them. This is because if you repeal it where there is no functional Agency to take care of the existing things, then there is a lacuna. This should provide a bridge and immediately this one comes in, this one no longer exists.

The Chairman: What I am saying is that what we are doing with this one will not come into effect until it has been signed. Just like that one, we will still be using this one without you mentioning it because if we pass it today it does not mean they will stop using this one. It will continue to be used because the new one has not been assented to.

Hon. Ike Chinwo: This is a repealed Act of the Agency.

The Chairman: Hon. Ike Chinwo, assuming we have passed this Bill the way they have recommended today, will it have come into force or until after it has been assented to?

Hon. Ike Chinwo: It would not. The Bill is a negative one. It is not a positive Bill.

Hon. Emmanuel Bello (Gombi/Hong): I tend to agree with Hon Ningi. This is because if you look at page one, it is repealing the law. If you come to page two, it is enforcing the new Bill that we are passing. It means that if we ignore (2) whatever we do will be a nullity. That is my understanding of what it is.

Hon. Ita Enang: Mr. Chairman, a repealing Enactment normally has three Clauses and it should be as it is. Clause 1 says: *The National Programme on Immunisation Act is hereby repealed.*

The issue of this Bill shall come into force at the time the other one is signed into law does not come in. When the one we have just passed is signed into law, it becomes a law on its own. It comes into effect and it has taken care of everything that is there.

So, Section 2 ought not to be there. Clause 3 ought not to be here – all these functions that we are transferring. This is because these functions we are having on Page 3 have already been transferred to the Bill that we have passed. So, all of that should be deleted.

1204

The only thing that is normal here and should be here is the service provision. It transfers service provision that serves all actions which were continued but not concluded at the time of it, back to the Agency and then the Citation. That is all, Sir.

Chairman: It has taken care of everything.

Hon. Ita Enang: Yes, it has taken care of everything. So, Section 2 ought not to be there. Clause 3 ought not to be there because of these functions we are transferring. These functions we have on page three have already been transferred to the Bill we have passed so all that should be deleted as well. The only thing that is permanent here is the seventh provision. This seventh provision says: *all actions which were continued but not concluded at the time should be transferred to the Agency and then Citation.* That is all Sir.

Hon. C.I.D. Maduabum (Nnewi North South/Ekwusigo): I raised my hand before he spoke and he has spoken clearly. Therefore, it is just to repeal this Act. If the Chairman confirmed to us that the necessary provisions of this Bill have actually been accommodated in the other law, there is no need writing all that. It is just to repeal the old Act. That is all.

The Chairman: Is everything captured in this new Bill, Hon. Chairman?

Hon. Ojomo-Alaba Oladoyinbo: Sir, everything has been captured in the Bill we have just passed.

The Chairman: All right everything has been captured.

Hon. C.I.D. Maduabum: We should not be talking about the Bill that was brought by the President. Just repeal the Act and everything will be different.

The Chairman: So everything should be repealed, including the Citation? Hon. Ningi's Citation is different because we are saying that this should be repealed and in that one you cannot have that word *repealed* in it. That phrase *this Bill has been repealed* is not there.

Hon. Ehiogie West Idahosa (Ovia North East/South-West): Mr. Chairman, I think that would have been the procedure although we have passed there. If the whole story is coming to one paragraph, you are just going to repeal; it should have include that the provision for so and so is hereby repealed. That is what

1205

they should have done rather than what we are about to do now.

The Chairman: I understand what you are saying Hon. West. Can you please draft it in a matter of just one or two sentences? It is a matter of one or two sentences.

Hon. Abdul Ningi: About the Citation on page 15, I want to be further enlightened because it says: This Bill may be cited as the *National Programme on Immunisation Repeal Bill, 2009*.

The Chairman: It should be repeal.

Hon. West Idahosa: Mr. Chairman, I think it is a matter for the Secretariat to do because the intension is to repeal and we have agreed.

Short Title, *agreed to*.

Report on the Petition by 47 Disengaged Staff of the National Orthopaedic Hospital, Enugu – CONSIDERED IN THE COMMITTEE OF THE WHOLE HOUSE.

The Chairman: The next Report we are considering is the Report of the Committee on Public Petition on the petition by 47 disengaged Staff of the Nation Orthopaedic Hospital, Enugu against the Bureau of Public Service Reforms (BPSR) and approve the recommendation therein. We shall now take all the recommendations.

- (i) That fair hearing was not given to the petitioners before being disengaged from the service of the National Orthopaedic Hospital, Enugu.
- (ii) That due process was not followed in the disengagement of the 47 staff of the Hospital as there was no evidence of approval from the Board of the Hospital and no strict compliance with provisions of the Generic guidelines for the Reform of Parastatals
- (iii) That the Bureau of Public Service Reforms, the Honourable Minister of Health and the Medical Director of the National Orthopaedic Hospital, Enugu immediately effect the recall of the 47 disengaged staff of the Hospital
- (iv) That the petitioners' entitlements be calculated and paid to them effective from the date they received their last salaries, that is December, 2007

1206

Question put and agreed to.

Report on the Petition on the Petition of Residents of T.Y. Danjuma Street, Asokoro – CONSIDERED IN THE COMMITTEE OF THE WHOLE HOUSE.

The Chairman: The next Report is the Petition by the Residents of T.Y. Danjuma Street, Asokoro against the Federal Capital Territory Administration and approve the recommendations therein.

That the Federal Capital Territory Administration monitors the contractors working in the area to ensure strict compliance with the master plan of the area.

Question put and agreed to.

Report on the petition by Nelson Okugie against NIPOST – CONSIDERED IN THE COMMITTEE OF THE WHOLE HOUSE.

Chairman: The next Report is also by Nelson Okugie; that the House do consider the Report of the Committee on Public Petitions on the Petition by Nelson Okugie against the Nigerian Postal Service (NIPOST) and approve the Recommendation therein. The recommendation is:

That the petitioner be recalled to the services of Nigerian Postal Service (NIPOST) as no case of fraud or embezzlement was established against him.

Question put and agreed to.

Resolved: That the Committee's recommendation be adopted.

Report on the petition by Mr. Felix Anozie against the Federal Ministry of Education – CONSIDERED IN THE COMMITTEE OF THE WHOLE HOUSE.

The Chairman: The next Report is on the petition by Mr. Felix Anozie against the Federal Ministry of Education; that this House do consider the Report and approve the recommendations therein.

- (i) That Mr. Anozie's petition be dismissed for lack of merit as he could not exculpate himself of the charges of academic dishonesty and insubordination which led to his disengagement by his employers;
- (ii) That Mr. Anozie's entitlements be calculated and paid to him accordingly.

1207

Question proposed.

Hon. Chile W. Igbawua (Kwande/Ushongo): Mr. Chairman, I think the second recommendation does not go with the first. What we know of dismissal from service for this kind of purpose is that once he is dismissed, he forfeits all claims. So except we are provided with additional information, if we uphold his dismissal, we can not say that he should be paid anything.

Hon. Ita Enang: In addition to what my Colleague has said, I will like to ask the Chairman of the Committee, if it is this Petition that is being dismissed and not that the gentleman was dismissed from service? Why are you recommending his entitlement, was he terminated? Was there any mitigating factor because if he was dismissed, I think we cannot make this recommendation. If he was terminated, he is entitled to some relief. Again if there was academy dishonesty, which may presuppose that he did not have a qualification to enter into that job, then the next recommendation we are asked to adopt may not be appropriate.

Hon. C.I.D. Maduabum: Honestly what I have here is: *removed from service*. The calculations that we are talking about is from the date of the removal from office. It was not a case of dismissal. They terminated his appointment. So it is from that date.

The Chairman: Hon. Colleagues, Hon. C.I.D. Maduabum is saying it is not dismissal. That is why he is saying that he is entitled to some benefits.

Hon. Chile Igbawua: Hon. C.I.D. has not emphatically said that. The Pension Act uses three words, retirement, termination and dismissal very discreetly and they have separate implications. So when somebody writes a petition and say that he has been removed from the service, the word removal is innocuous. We must attach it to either termination, compulsory retirement or dismissal. It cannot be presumptuous.

Chairman: But Hon. Igbawua he said it was not dismissal.

Hon. Chile Igbawua: We are entitled to the findings but we have not seen the findings.

Hon. Lanre Adeniran Agoro Irepo/Olorunsogo): If we have to go by what we have here, it does not follow. There is what they call *syllogism* that means the conclusion must flow from the premise. What we have there shows that if a person commits a crime he must not be allowed to enjoy the proceeds of his crime.

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From the letter, he had made a statement; the first recommendation says he cannot exculpate himself. That means he cannot exonerate himself from academic dishonesty and we are going ahead to say that his entitlement should be calculated. He has benefited from that dishonesty. It follows that the punishment arising from that dishonesty must be borne by him. So, if we cannot ascertain that he is honest about his academic qualification; if it is dishonesty based on the recommendation of the Committee, the second recommendation should be struck off.

Hon. C.I.D. Maduabum: Let me say that if we want to remove the second recommendation it can be removed. It does not really matter because the other one is necessary.

The Chairman: Hon. C.I.D. Maduabum if you have facts, I believe most Members did not even read the findings of the Committee; the findings have been circulated but it has not been read by Members. If from your findings you think there is a need for him to be paid his entitlements, why not?

Hon. C.I.D. Maduabum: The truth is that from the findings it is not clear.

The Chairman: All right. Now, it is not clear whether he is the Chairman, I would put the Question.

Hon. C.I.D. Maduabum: When I say it is not clear I mean the issue of (interruption)...

The Chairman: Dismissal?

Hon. C.I.D. Maduabum: No, it is not issue of dismissal but the issue of whether he is entitled to further entitlements from the Report. I may have to consult the document of the Hearing.

The Chairman: Now, we are not concluding on this issue. We can stand this one down.

Report with the leave of the House stood down.

Hon. Tunde Ainukhatemon Akogun (Abakaliki/Izzi): I move that the House do revert to Plenary.

Hon. Ita Enang: I second the motion that the House reverts to plenary and for the Chair to report progress.

(The Deputy Speaker resumed the Chair)

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The Deputy Speaker: Hon. Colleagues, the House in the Committee of the Whole resumed Consideration of the Report of the Joint Committee on Agriculture and Justice on the National Agricultural Seed Council Repeal Bill, 2009 and approved as follows:

Clauses 10 – 27 – approved;
Clauses 28 and 29 – amended;
Clauses 30 and 31 – approved;
Citation – approved;
Supplementary Provision, Approved; and
Long Title – approved.

The House in the Committee of the Whole also considered the Federal Territory Primary Education Bill 2009 and recommitted it to the Joint Committee on Federal Capital Territory and Education.

The House further considered in the Committee of the Whole the Report of the Committee on Health on the Amendment of National Health Care Development Agency.

The House approved as follows:
Clause 1 – approved;
Clause 2 – amended;
Clauses 3 – 7 – approved;
Clause 8 – amended;
Clause 9 – approved;
Clause 10 – amended;
Clause 11 – deleted;
Clauses 12 – 17 approved;
Supplementary Provision 2 – amended;
The Long Title – approved.

Report on the National Programme on Immunisation

The House approved the Repeal of the Act.

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

Petition by 47 Disengaged Staff of the National Orthopaedic Hospital Enugu.

The House approved recommendations 1 – 4

Petition by Residents of T.Y. Danjuma Street Asokoro against the Federal Capital Development Authority.

The House approved the only recommendation.

Petition by Mr. Nelson Okugie against Nigerian Postal Agency

The House approved the recommendation.

Petition by Felix Anozie against the Federal Ministry of Education

The House approved recommendation 1 and deferred other considerations on that Report.

Adoption of Reports

Hon. Tunde Akogun: I move that the House do adopt the Reports of the Committee of the Whole.

Hon. Ita Enang: I do Second the Motion as moved by the Leader of the House.

Question put and agreed to.

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

ANNOUNCEMENTS

Meeting of South East Parliamentary Caucus

The Deputy Speaker: *Dear Colleagues,*

There will be a crucial meeting of the Anambra caucus today as follows:

Date: Tuesday 26th May 2009-05-26

Venue: New Building Room 3.26

Time: 6.00 p.m.

Please be punctual.

Signed
Hon. Chioma Nzeribe

Meeting of House Committee on Pensions

The Deputy Speaker: *This is to inform all Members of the House Committee on Pensions to attend a brief meeting immediately after sitting today Tuesday May 26th in House Committee Room 3.12*

Signed
Hon. Joseph M. Gambari
Deputy Chairman

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ADJOURNMENT

Hon. Tunde Akogun: I move that the House do adjourn its sitting tomorrow 27th May, 2.00 p.m.

Hon. Ita Enang: In seconding the Motion for Adjournment please allow me to announce that the children will be on the Floor of this House tomorrow, in our solidarity with them in the celebration of the Children's Day.

I second the Motion for Adjournment.

The Deputy Speaker: Hon. Ita Enang, when are they coming to the House?

Hon. Ita Enang: After we might have started.

The Deputy Speaker: If it is special, why can we not sit in the morning? We can change our time and sit in the morning.

Hon. Ita Enang: That would be perfect. If it is in the morning, we will appreciate it, Sir.

The Deputy Speaker: Chief whip, it is not part of our Rule to sit by 2.00 p.m.

Hon. Ihedioha Emeka Nkem (Aboh Mbaise/Ngor Okpala): I just want to mention that I am aware that a number of programmes have been scheduled for the morning hours, involving several Committees of the House and indeed, the Leadership.

1212

If we do make effort to change the timing now, it would affect many things.

The Deputy Speaker: What are the things that would be affected?

Hon. Ihedioha Emeka: I am aware that the National Democratic Institute (NDI) is having a Seminar with about seven Committees of the House tomorrow. I am also aware that there are some functions which involve the Leadership whereby they are supposed to be part of by tomorrow morning.

The Deputy Speaker: It has not been communicated to me.

Hon. Ihedioha Emeka: Beyond that, I am aware that you were on vacation to Gombe over the weekend. You are welcome, Sir.

Hon. Ita Enang: If the House is disposed, I would pray that it would be as an honour to the children if we can still bring our Sitting to the morning.

The Deputy Speaker: Hon. Ita Enang, you have been overruled by the Chief Whip.

Hon. Ita Enang: I feel honoured.

Question put and agreed to.

Resolved: That the House do stand adjourned till tomorrow Wednesday 27th May, 2009 at 2.00 p.m.