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HOUSE OF REPRESENTATIVES
FEDERAL REPUBLIC OF NIGERIA

Thursday, 28th May, 2009

The House met at 11.00

PRAYERS

(The Speaker in the Chair)

VOTES AND PROCEEDINGS

The Speaker: Hon. Members, the House is called to order. I have examined and approved the Votes and Proceedings of Wednesday, 27th May, 2009.

ANNOUNCEMENTS

**End of the Second Session of the
Third Assembly**

The Speaker: This is from Hon. Ita Enang, Chairman, Committee on Rules and Business. The Second Session of the Third Assembly will come to an end on the 4th of June, 2009 being two years of confirmation convening this Assembly.

The House will thereafter proceed on Retreat to Uyo and Kano from Sunday, 7th June to Thursday, 11th June, 2009. Members will proceed on a one-week break immediately afterwards to re-convene on Tuesday 23rd June 2009 for five weeks up to and including Thursday, 30th July, 2009.

The House will thereafter proceed on Annual Vacation which will also include all the relevant Sallah breaks after which we will come back in September.

Conferees on the National Health Bill

The Speaker: This is also from Hon. Ita Enang. It is on Conferees on the National Health Bill that we are going to discuss with the Senate. Hon. Members would recall that the House of Representatives had on Thursday, 26th February, 2009 passed the National Health Bill. The same Bill was passed by the Senate on Thursday, 15th May, 2008 with some differences.

The following Members are nominated as Conferees on this Bill to resolve the differences.

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Hon. Ojomo-Alaba
Hon. Adamu Abba Anas
Hon. Patrick Osagie
Hon. Abalagba Johnson
Hon. Sumaila Adams
Hon. Samson Positive

PRESENTATION OF PUBLIC PETITIONS

The Speaker: Any Member who has Petition to present may, please, rise to do so.

**Petition against the Nigeria Railway
Corporation for Non-payment of Pensions**

Hon. Joseph Jaiyeola Ajatta (Oshodi/Isolo): Mr. Speaker, I have a group of Railway pensioners who are in my constituency. They complained bitterly that they have not been paid their arrears of pension of about 25 months and all their efforts to get this money paid have been fruitless. They also complained that other pensioners from other places got their own. They are now appealing to this honourable House to, please, assist in getting the Nigeria Railway Corporation to pay their arrears.

With your permission, I will lay the Petition on the Table.

The Speaker: Go ahead, Sir.

Petition laid.

**Non-Payment of Entitlements of Retired
Officers of the Nigeria Prisons Service**

Hon. Samson Osagie: Mr. Speaker, I have a Petition authored by one B.O. Ugbeide, a retired Deputy Superintendent of the Nigeria Prison Service on behalf of all the officers of the Nigeria Prison Service affected by the 2007 downsizing exercise by the Federal Government.

Their complaint is that the new salary structure is not being used to calculate the payment of their Pension and Gratuity and they are urging this House to, please, intervene to ensure that their accurate entitlement are paid to them by the Directorate of Customs, Immigration and Prison Pension Board. I beg to lay this Petition on the Table.

The Speaker: Please, go ahead.

Petition laid.

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

(All Petitions accordingly referred to the Committee on Public Petitions)

Hon. Davies H. Sekonte (Degema/Bonny): Point of Order, Mr. Speaker!

The Speaker: What is the point of Order, Hon. Davies Sekonte?

**Breach of the Privilege of the House:
Chief Ojo Maduekwe, Minister of Foreign Affairs**

Hon. Davies H. Sekonte: My point of Order is Order V, Rule 2 of our Standing Orders dealing with Privileges. Order V, Rule 1 reads:

- (a) Privileges are the rights enjoyed by the collectively and by the Members of the House individually conferred by the Legislative Houses (Powers and Privileges) Act, 2004 and other statutes, practices, precedents, usages and customs.*
- (b) Whenever a matter of privilege arises, it shall be taken into consideration immediately.*

Order V, Rule 2 states thus: *Any Member may rise at any time to speak upon a matter of privilege suddenly arising and he shall be prepared to move, without notice, a motion declaring that a contempt or breach of privilege has been committed or referring the matter to the Committee on Ethics and Privileges but if the matter is raised in Committee of the Whole House, the Chairman shall leave the Chair on an order to report progress.*

My point of Order is based on the article at the back page of *ThisDay* of today, Thursday, 28th May 2009. There is a portion they call *Missile* and it reads: *Maduekwe to House Committee.*

The Speaker: Is that publication referring to Maduekwe, Nigeria's Minister for Foreign Affairs?

Hon. Davies H. Sekonte: Yes. If you permit me, I will read what the Minister said.

The Speaker: Go ahead.

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Hon. Davies H. Sekonte: He said and I quote: *In the issue of investigating Ministers, all the time the Legislature is exceeding its power under the Constitution; you are overstretching your oversight duties to a ridiculous extent.*

Rather than legislators making laws for the good governance of this country, they keep summoning Ministers every time; the Minister of Foreign Affairs and so on to the Committee trying to investigate him.

Mr. Speaker, what are we talking about? The Foreign Affairs Committee called the Minister of Foreign Affairs, Ojo Maduekwe, to come and explain the ridiculous manner and amount Nigerian property in Washington was sold. Instead of coming to explain, he gave flimsy excuses of not coming the first day, a day he himself chose. The Committee, therefore, called him to come and explain and instead of giving cogent explanation, he came to tell the Committee that we are wasting his time and that we should not have called him to appear before a committee he was chairing.

It is annoying that the Committee which was set up by this House to function and make sure that good governance is practiced at all levels, a Minister of this nation will deem it ridiculous to come and explain to Nigerians why Nigerian property was sold at a ridiculous amount and some of the money kept in his own account and all that.

As a Member of this House who is elected by Nigerians to make laws for the good governance of the Federation and to ensure that there is probity in governance, I think my privileges have been breached.

The Speaker: Can the Chairman, Foreign Affairs Committee respond, please?

Hon. Umar M. Bature (Sokoto North/South): Mr. Speaker, the Minister, Foreign Affairs, did say what Hon. Davies Sekonte said. I quoted two Sections of the Constitution for him being a lawyer and I reminded him of Section 147 of the Constitution as well as that we are elected officials while he is an appointed official.

What happened was that we invited him to give us comprehensive information with regard to the sale of a House in Washington. We wrote him a letter on the 7th of April 2009. There was neither any response nor an acknowledgement. We wrote him again on the 6th of May 2009 to come and brief us on the 12th of May

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2009. His Permanent Secretary came to see me on 11th May, 2009 to beg for understanding to shift the date.

The Speaker: He asked for another date?

Hon. Umar Bature: Yes. I told the Permanent Secretary that I had written to the Minister of Foreign Affairs twice on this issue. I added that the Minister of Foreign Affairs has to write me requesting for another date and he did and requested for the 25th of May 2009 to appear.

On the 25th of May, he came with a letter saying that the Minister was attending an ECOWAS Conference and from there, he would be going to Japan and I said no. The Minister has to appear the next day or I will go on air to tell the whole world what the matters were.

The next day, the 26th of May, he came at exact at 12.25 p.m. After Prayers we gave him an opportunity to address the Committee based on the issues we asked him to brief us on. He went ballistic and told us all sorts of things; one of those things was what Hon. Sekonte quoted.

I reminded him of Section 88 of the Constitution that gave us all the powers to investigate any matter that we have the powers to make laws on and I reminded him of Section 162 of the Constitution that says any revenue accruing to the Federation shall be paid into the Federation Account. So there was no reason for that money to be in that account in Washington.

The Speaker: Are you saying that the monies were not paid into the Federation Account?

Hon. Umar Bature: Yes. It is still in an account in Washington.

The Speaker: The money is whose Account?

Hon. Umar Bature: It is in the Embassy Account. After realising what he had done, he called for a time out. He came back after five minutes and said he lost his cool. I do not think he offered an apology to that effect.

The Speaker: What about the money. Has the money been remitted?

Hon. Umar Bature: It is still there in Washington. That is our submission.

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The Speaker: It is all right.

Hon. Gbenga Oduwaiye (Ijebu Ode/Ijebu North East/Odogbolu Ikenne/Remo North/Sagamu): Mr. Speaker, I just want to add one or two pieces of information to what the Chairman has said.

The truth of the matter is that premises belonging to the Embassy in Washington were sold. The monies were not remitted into the Federation Account; that is one. Two, part of the money was appropriated to the Moscow Embassy without any input from the National Assembly. Part of the remaining money was kept in a *Special Account* in Washington which is outside the purview of this National Assembly and then part of it is being withheld by a lawyer purportedly as an insurance against an assignment done for the Ministry of Justice.

We are talking about a huge amount of money; about US\$23 million here. A big property of the Federal Government has been sold. The money is being appropriated without recourse to the National Assembly and it is unfortunate that the Minister would go to the extent of saying that the activities of the National Assembly are an embarrassment to the Federal Republic of Nigeria. I think we need to take a stand on this.

Hon. Abike Dabiri Erewa (Ikorodu): Mr. Speaker, I commend the Committee on Foreign Affairs for taking up this very important matter. In the last few months, every time we travelled this matter has been an embarrassment and it has been a subject of discourse among Nigerians in America. More appalling is that some lawyers just decided that Nigeria owes them anyway. So even if it is big money, let me take it and nobody is saying anything.

It is even more embarrassing to Nigeria that when the Minister was summoned, he described the National Assembly as embarrassing whereas he should have explained the fact of this matter. In fact, by yesterday Nigerians in America were full of commendation that the House of Representatives had taken up this very embarrassing matter. Most importantly is that the Ministry of Foreign does not want to talk about this issue and they are hiding under the cloak of let us push it back to them.

I think this is a matter we should handle with the seriousness it deserves. We should also stress a point to the Executive; if they cannot do their job let them accept responsibility. They should not keep heaping the blame to the National Assembly and we should stop taking these embarrassing comments from any one of them.

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Hon. Sada Soli Jibia (Jibia/Kaita): Mr. Speaker, this is an issue I am very conversant about. I could remember I made an input in writing upon a Memo to President Obasanjo between 2001 and 2002 on the fact that these properties should not be sold. If I go back to my record, I should be able to lay hands on these memoranda.

Anybody that knows our property particularly the one in the heart of Washington cannot believe that property could be sold at that ridiculous amount of money. I remember the proposal of the Ambassador then. We entered into an agreement with property developers whereby they will develop the place and hand over that place after 25 years while we would share in some of the profits; brilliant proposals. We do not know how the Ministry circumvented those proposals and went ahead to sell these properties.

If you go to our Woodland Property that is housing the Deputy Ambassador, it is a choice area. So also is the one at 16 Street. That 16 Street property is a historical property. The Washington authorities will not even allow you to change the outer part of the building on the basis of its history.

The hon. Minister of Foreign Affairs is not ignorant of what is happening in this country. For him to come and castigate the National Assembly for exercising our legal function is very much unbecoming and he needs to be called to order.

Hon. Dino Melaye (Kaba/Bunu/Ijumu): It is most disturbing that the sanctity of the National Assembly and specifically speaking, the House of Representatives will be openly abused by a Minister of the Federal Republic of Nigeria.

I want to use this opportunity to advise our Chairmen that we must have minimum familiarization with our Ministers and MDAs. I cannot understand why a Minister that took an Oath using the Constitution of the Federal Republic of Nigeria to bear allegiance to the Constitution; the Constitution which also gave power to the National Assembly and the House of Representatives to investigate and ask questions and invite the Minister to the National Assembly if need be, would use insolent languages on Members. This is completely condemnable and this character should not go scot-free.

There are reasons the committee must have summoned him. We have laid down procedures and rules for everything in this country. Was the property sold with the consent of the Bureau for Public

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Enterprises? Was due process followed? Why was it sold? Who authorised the sale? Where was the money kept? We can now see the reason they are evading this investigation because it is clear in the Constitution of the Federal Republic of Nigeria that all revenues must, as a matter of utmost necessity, go straight to the Federation Account as provided in Section 162 of the Constitution.

If this has not been complied with, then there is a constitutional breach by the Minister of Foreign Affairs in the sale of that place and that money is being kept in an illegal account because once it is not in the

Federation Account, there is no other language to use other than illegal account. That it is a breach and disobedience to the National Assembly. It shows that he is not fit to be a Minister of the Federal Republic of Nigeria. The same man who said we should go and buy bicycle and start riding is the man that is today abusing the authority of the Constitution and of this House.

My prayer is that Mr. Speaker should take the bull by the horn and hit the nail on the head. We should summon this man and take the right decision on him.

Hon. John Halims Agoda (Ethiope East/Ethiope West): Mr. Speaker, yes I watched the conduct of the Minister of Foreign Affairs on *Channels Television* when he appeared before the Committee on Foreign Affairs on the said day over the said subject matter. It was very uncultured of the hon. Minister who had the penchant of disobeying the invitation of Parliament because that was not the first time.

I could remember that during the Budget process Ojo Maduekwe was invited several times to appear before the Committee. It was almost a battle. This was a man who claimed that he was one-time a Member of Parliament; of course the House of Representatives. I think the activities of most of these Ministers particularly Ojo Maduekwe is an embarrassment to the President and indeed the Government of this country.

Before we take the critical step let us tell him that this is a matured institution. I would advise that this House should now direct the Committee to formally present a Report to this honourable House within the shortest possible time. Tell the House what happened and in your Report state the findings and give recommendations to this House immediately. On the basis of that this House will pass a resolution so that it would be properly documented.

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What I watched was shameful. I was ashamed that it was coming from a senior Minister; a man who is supposed to be a senior Minister of this country. No wonder *ThisDay* newspaper carried it as a missile because I watched it with dismay and I stand here to condemn the attitude of Ojo Maduekwe that he should help to assist Mr. President in giving good conduct, respect, decorum, dignity to the system.

I want to suggest that the Committee should be allowed within the next few days to formally present a Report before this House.

The Speaker: I think the Committee will give us a report on this matter on Tuesday, 2nd June 2009.

Hon. Umar M. Bature: It is all right, Mr. Chairman.

The Speaker: Before we close this case, there is a particular part of that caption which Hon. Sekonte mentioned and I quote: *instead of making laws*. There was a publication on this issue three or four weeks ago which suggested that apparently we only passed four laws in the House of Representatives.

For the record, Hon. Ita Enang, in the last two years of this Session, could you tell the world the record of Bills passed by this House of Representatives?

Hon Ita Enang (Itu/Ibiono Ibom): Mr. Speaker, this House from 4th June 2007 up to and including the two Bills that will be read for the Third Time today by the Clerk in the next two minutes have passed 59 Bills. *(Applauses)*

With respect, Sir, if I have your indulgence, I submit that of these 59 Bills, we have received a total of 236 Bills and the 236th Bill is listed as Item 4 on the Order Paper, that is, a Bill for an Act to Alter the Provisions of the Constitution of the Federal Republic of Nigeria 1999 and for other matters connected thereto, 2009 (HB. 236). This is the 236th Bill and several of these Bills have also been refused.

Finally, the job of the Legislature consists of considering Bills and if thought fit pass them into law. The Legislature does not repeat laws which are already in existence. If there is any law, which has become obsolete or which the programme of government has changed, then the Legislature may decide to repeal and, perhaps, re-enact those laws. This House has done excellently well.

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I thank you, Sir. *(Applause)*

The Speaker: We would accept Hon. Halims Agoda's suggestion to make sure that the Committee gives us the Report by Tuesday.

Question put and agreed to.

Hon. Ubale Jakada Kiru (Bebeji/Kiru): Point of Order!

The Speaker: Go ahead, please.

Personal Explanation

Hon. Ubale Jakada Kiru: Mr. Speaker, with your kind permission I will refer to Order VIII, Rule 5 of our Standing Orders and with your kind permission, I will read:

By the indulgence of the House and the leave of the Speaker, a member may make a Personal Explanation although there may be no question before the House but no controversial matter may be brought forward nor may debate arise upon the explanation.

The terms of the proposed statement shall be submitted in extenso to the Speaker when his leave to make is sought.

Some three weeks ago this honourable House took as a Matter of Urgent Public Importance the case of our brothers and sisters in Plateau State, specifically in Wase Local Government, who were ejected by the State to other States of the Federation.

This honourable House expressed legitimate concern for that matter for those unfortunate happenings and finally resolved to ask the Leadership of the House to visit Wase Local Government, assess the situation and report back to the House within one week. This is now three weeks since that resolution was passed on the Floor of this House.

Unfortunately things have continued till date. Reports reaching me indicate that more and more of our brothers and sisters are still being ejected from Wase Local Government. They are not only being subjected to hardship, they are losing their money and houses. Unfortunately very soon we may begin to receive reports of even more unfortunate circumstances unless something serious is done about it.

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I wish to present for your kind consideration that the Leadership of the House should please kindly, respect the resolution of this House.

The Speaker: I hope you are not insinuating that the Leadership of the House has not been respecting the resolutions of the House?

Hon. Ubale Jakada Kiru (Bebeji/Kiru): No, I am not insinuating.

The Speaker: That will be all right. Can the Deputy Speaker explain, please?

Hon. Usman B. Nafada (Dukku/Nafada): Mr. Speaker, if you could recall, I was not in Nigeria when this resolution was passed.

When I came back a week later, you called and briefed me on this resolution. You mandated me and the other leadership to visit Wase Local Government. You did say that before we embark on the visit, we should inform the State Governor that we are coming to the State to know exactly what is taking place regarding the issue of Fulanis in Wase Local Government.

Five days ago, I met with the Speaker of Plateau State House of Assembly and I discussed with him on the issue regarding our visit to the State. This morning, I spoke with the Speaker while he was with the Governor and the Governor has accepted that we should write to him formally so that he would have it documented that we are visiting the State based on the resolution of the House. Immediately, I called the Clerk of the House this morning and asked him to formally write that we are visiting Plateau State next week on this issue.

I will urge my Colleagues to exercise patience; we are on course. We are going to implement the resolution of the House.

Hon. Bitrus Kaze (Jos South/Jos East): Point of Order, Mr. Speaker!

The Speaker: Hon. Bitrus Kaze before I give you the Floor, I expect you to display a high level of maturity. Secondly, if it is about an issue that I have already ruled on, I would advise you to simply take your seat.

Hon. Bitrus B. Kaze: I am relying on Order V, Rule 1(b) of our Standing Orders. With your kind permission, it reads:

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Whenever a matter of privilege arises, it shall be taken into consideration immediately.

The matter that I have is the report from a Motion which this House mandated the leadership of this House to proceed to Plateau State, a Motion that was taken on the 5th of May this year.

The Speaker: Hon. Bitrus Kaze, I would advise you for the last time.

(Hon. Bitrus Kaze took his seat)

PRESENTATION OF REPORT

Report of the Joint Committee on Appropriation and Finance on the Investigation into the Implementation of the 2009 Appropriation Act

The Speaker: I am very glad that you have finally taken your seat. Thank you.

The first Business of the Day is presentation of the Report of the Joint Committee on Appropriation and Finance on the investigation into the implementation of the Appropriation Act standing in the name of Hon. Ayo Adeseun.

Members will recall that on Wednesday, 13th May, 2009 the House in a Resolution mandated the Joint Committee to come up with factual figures and percentage of budget implementation and report its findings to the House. The Report is ready for presentation.

Hon. Ayo Adeseun is invited to present the report, please.

Hon. Ayoadé Ademola Adeseun (Ogo Oluwa/Surulere Oluyode): I move that this House do receive the Report of the Joint Committee on Appropriations and Finance on the investigation into the implementation of the 2009 Appropriation Act.

Hon. Patrick Obahiagbon (Oredo): It is my honour and privilege to second the Motion ably moved by the Chairman of the Appropriation Committee.

Question put and agreed to.

Report laid on the Table.

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ORDERS OF THE DAY

MOTION

Communal Clash over Chieftancy Title in South Ibie Clan of Etsako West Local Government Area of Edo State

Hon. John Halims Agoda (Ethiope East/Ethiope West): Point of Order, Mr. Speaker!

The Speaker: Hon. Halims Agoda, what is the point of Order!

Hon. John Halims Agoda: Mr. Speaker, my point of Order is Order IX, Rule 1(9) over the Order Paper itself. With your permission, I read:

A Member desiring to speak shall raise his hands in his place and if called upon shall address his observations to the Speaker or the Chairman.

Yesterday, this distinguished Assembly set the entire time of this House on the debate for our children and the Order Paper yesterday contained this Motion and other Bills that were reflected yesterday. After the debate on the children, I could recall vividly that this House adjourned and those Bill were not taken. That those Bill were not taken was not because of the inability of those sponsoring them not to move them.

By Convention, once matters were not taken by the House it should roll back to the following legislative day. I and some of my Colleagues had a Bill yesterday which we expect to come up today but they are not listed in today's Order Paper.

Let me also advise that for us to move more and more forward there is the need for the compliance Committee to be directed to report progress to this House every week on the basis of the Resolution this House has taken in all subject matters. We need to devote a day for that Committee to tell us how far the resolutions of this House were carried out by the government or the agencies. There are so many. Look at the resolution, for instance, passed by this House on the former Deputy Governor of Central Bank, Msheila. It was well reasoned, well thought-out and this House came up with a Resolution and so many others that are not here. So, we need to do something about it.

Hon. Ita Enang: My Colleague is right that a

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number of Bills were listed for consideration yesterday which we could not take because we had to devote yesterday to honour our children.

Today, we have decided to concentrate on Bills which have passed Second Reading and are ready for consideration in Committee of the Whole or Bills which are for Third Reading. That is the justification of Rules and Business Committee. I pray my Colleagues will bear with us. Thank you very much for accepting.

The Speaker: Hon. Colleagues, the first Order of the Day is a Motion on Communal Clash over Chieftancy Title in South Ibie Clan, Etsako-West Local Government Area of Edo State standing in the name of Abass Braimoh.

Hon. Abass Braimoh, please proceed.

Hon. Abass Braimah (Etsako East/West Central): This House:

Notes that the People of South Ibie in Etsako-West Local Government Area of Edo State have lived together in peace and harmony for several decades in their communities;

Aware of the bloody mayhem that recently erupted over contention for the Chieftancy title in South Ibie Clan in Etsako-West Local Government Area of Edo State;

Worried that not fewer than 40 persons were reported dead while over 50 houses and properties were burnt in the feud that ensued;

Concerned that while the communal crisis is still raging, the lives of thousands of people including women and children are at risk and people are relocating to neighbouring towns and villages;

Disturbed that this development could give rise to increased internal displacement, refugee situation, humanitarian crisis and epidemic in other Communities in Etsako West Local Government Area of Edo State;

Resolves to:

- (i) Call on the Nation Emergency Management Agency (NEMA) to urgently sent relief materials to the thousand of displaced victims in South Ibie;

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- (ii) Urge the Inspector-General of Police to direct the State Commissioner of Police to restore peace, law and order in South Ibie Clan of Edo State.

Hon. Rufus Omeire (Ideato North/ South): I second the Motion moved by Hon. Abass Braimah.

Question proposed.

Hon. Abass Braimah: I believe very strongly that one of the greatest challenges facing us today as a people is how to expand the boundaries of tolerance so that humanity can fulfil his potential of creating a highly secured, safe and healthy world that would enhance life instead of desecrating life. Innocent souls have been prematurely dispatched to the world beyond; properties worth millions of naira have been lost over a Chieftaincy title that has lasted well over ten years in my community.

I would crave the indulgency of this House for me not to get into the fine details or the fundamentals of substratum of this matter because the people concerned are my brothers and sisters and my constituents. My role is to ameliorate their pathetic situation.

I would pray that I rest my submission on my prayers and more importantly that God will give me and my people the wisdom to find a solution to this problem in my immediate community.

The Speaker: Hon. Colleagues, this is straightforward enough.

Hon. Rufus Omeire: I just want to amend that we mandate the Committee on States and Local Government to look into this matter and inform the House as to how far they have gone.

Hon. Wilfred Chukwuka Onyema (Ogbaru): Mr. Speaker, I second the Amendment moved by my Brother, Hon. Rufus Omerie.

Question put and negatived.

Hon. Shehu Garba Matazu (Matazu/Musawa): I want to propose an additional Prayer which is very important whenever there is crisis. My Amendment is there should be additional Prayer condemning the perpetrators of the crisis before asking the Government and NEMA to come to their rescue. We have to condemn those who initiated this crisis.

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Hon. Ahmad Tsoho Kargi (Ikara/Kubau): I second the Amendment moved by Hon. Shehu Garba Matazu.

Question put and negatived.

Hon. Friday Itulah (Esan North East/South East): While I thank the House for adopting the Prayers of this Motion, I wish to make further Amendment to the effect that our security agencies should be proactive in their duties by preventing crisis before it occurs.

Hon. Olakunle Kazeem Salako (Ado Odo/Ota): I rise to second the Amendment proposed by Hon. Friday Itulah.

Amendment put and negatived.

The Speaker: Hon. Colleagues, I will now put the Question on the Motion as presented.

Question on the Main Motion put and agreed to.

This House:

Noted that the People of South Ibie in Etsako-West Local Government Area of Edo State have lived together in peace and harmony for several decades in their communities;

Aware of the bloody mayhem that recently erupted over contention for the Chieftaincy title in South Ibie Clan in Etsako-West Local Government Area of Edo State;

Worried that not fewer than 40 persons were reported dead while over 50 houses and properties were burnt in the feud that ensued;

Concerned that while the communal crisis is still raging, the lives of thousands of people including women and children are at risk and people are relocating to neighbouring towns and villages;

Disturbed that this development could give rise to increased internal displacement, refugee situation, humanitarian crisis and epidemic in other Communities in Etsako West Local Government Area of Edo State;

Resolves to:

- (i) Call on the Nation Emergency Management

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Agency (NEMA) to urgently send relief materials to the thousands of displaced victims in South Ibie;

- (ii) Urge the Inspector-General of Police to direct the State Commissioner of Police to restore peace, law and order in South Ibie Clan of Edo State.

CONSIDERATION OF BILLS

Nigeria Integrated Water Resources Management Commission (Establishment) Bill, 2009

A Bill for an Act to Establish the Nigeria Integrated Water Resources Management Commission charged with the responsibility for the Regulation and Management of Water in Nigeria and for other Matters Connected Therewith, 2009 (HB.120) -

Order for Third Reading.

The Speaker: Hon. Colleagues, the second Order of the Day is the Third Reading of a Bill for an Act to Establish the Nigeria Integrated Water Resources Management Commission charged with the responsibility for the Regulation and Management of Water in Nigeria and for other Matters Connected Therewith, 2009.

The House adopted the Report of the Committee of the Whole on this Bill on Thursday, 30th April, 2009.

Clean copies, I believe, have been circulated to Members to enable them have a look at them.

The Leader is invited to move that the Bill be read a Third Time.

Hon. Tunde Akogun: Mr. Speaker, I move that a Bill for an Act to Establish the Nigeria Integrated Water Resources Management Commission charged with the Responsibility for the Regulation and Management of Water in Nigeria and for Other Matters Connected Therewith, 2009 be now read a Third Time.

Hon. Baba Shehu Agaie: I second the Motion that a Bill for an Act to Establish the Nigeria Integrated Water Resources Management Commission charged with the responsibility for the Regulation and Management of Water in Nigeria and for Other Matters Connected Therewith, 2009 be read the Third Time.

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Question put and agreed to.

Bill read the Third Time and passed.

National War College Act Cap.N82 2004 (Amendment) Bill, 2009

A Bill for an Act to Amend the National War College Act, Cap. N82 2004 to provide for the Change of Name to National Defence College and for Other Connected Purposes Therewith 2009 (HB. 107) -

Order for Third Reading.

The Speaker: Hon. Colleagues, the third Order of the Day is the Third Reading of a Bill for an Act to Amend the National War College Act, Cap. N82 2004 to provide for the Change of Name to National Defence College and for Other Connected Purposes Therewith, 2009.

Members would recall that the House adopted the Report of the Committee of Whole on the Bill on Wednesday, 28th May 2009. Clean copies have been circulated.

The Leader is invited to move that the Bill be read the Third Time.

Hon. Tunde Akogun: I move that a Bill for an Act to Amend the National War College Act Cap. N.82 2004 to provide for the Change of Name to National Defence College and for Other Connected Purposes Therewith, 2009 be now read a Third Time.

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

Question put and agreed to.

Bill read the Third Time and passed.

Constitution of the Federal Republic of Nigeria 1999 (Amendment) Bill 2009

A Bill for an Act to alter the Provisions of the Constitution of the Federal Republic of Nigeria 1999 and for Other Matters Connected Thereto, 2009 (HB. 236) -

Order for Second Reading.

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The Speaker: Hon. Ita Enang, the next Bill has to do with Constitution Amendment.

Hon. Ita Enang: Yes, Sir.

The Speaker: Stand it down.

Hon. Ita Enang: Mr. Speaker, the next Order of the Day is on Constitution Amendment. I have formally requested from the Presidency the provision to hon. Members of 400 copies of the Uwais Committee Report. They have promised that they will make them available over the weekend.

I move that the Bills under items numbers 4, 5 and 6 be stood down, please?

The Speaker: Does it include the Police Service Commission Act (Amendment) Bill?

Hon. Ita Enang: Yes. This is because all the recommendations relating to this Bill were from the Uwais Committee Report.

Hon. Wilfred Onyema (Ogbaru): The Police Service Commission (Amendment) Bill is mine.

The Speaker: Is it a Private Member's Bill?

Hon. Wilfred Onyema: Yes.

Hon. Ita Enang: Mr. Speaker, I am sorry. I apologise to Hon. Onyema and the whole House for number 6 only.

Bills, with the leave of the House, stood down.

**Police Service Commission (Establishment)
Act 2001 (Amendment) Bill, 2009**

A Bill for an Act to Amend the Police Service Commission (Establishment) Act, 2001 and Other Related Matters, 2009 (HB. 211) -

Order for Second Reading.

The Speaker: The next Order of the Day is commencement of debates on the General Principles of a Bill for an Act to Amend the Police Service Commission (Establishment) Act, 2001 and Other

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Related Matters, 2009. The Bill was read for the First Time on Wednesday, 13th May, 2009.

I now invite Hon. Onyema Wilfred to, please, move that the Bill be read a Second Time.

Hon. Wilfred Onyema: I move that a Bill for an Act to Amend the Police Service Commission (Establishment) Act, 2001 and Other Related Matters, 2009 be read the Second Time.

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

Question proposed:

Hon. Wilfred Onyema The attempt to amend the establishment Act of this vital but undermined Commission is borne out of the spirit for the following factors:

- (i) understanding the major duties of the Nigeria Police Force as to maintain order and protect lives and property, not necessarily of Nigerians but of all in Nigeria;
- (ii) understanding the main purpose of the establishment of the Commission as, among other things, to appoint persons to offices other than the Office of the Inspector-General of Police in the Nigeria Police Force and dismiss and exercise disciplinary control over any person holding office in the Nigeria Police Force other than the Inspector-General of Police and for related matters.

Having been Chairman, Police Service Commission, a Subcommittee of the House Committee on Police Affairs, I came to understand the magnitude of responsibilities and challenges that face this Commission, among others.

The Police Service Commission (Establishment) Act was passed by the previous of the National Assembly in 2001 with reference to Section 153(1) of the 1999 Constitution (Federal Commissions and Councils). Also in the same category are the Federal Civil Service Commission, Federal Character

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Commission, INEC, NJC, Code of Conduct Bureau and so on.

Justification of the Amendment

In Section 2(3), the Police Service Commission is inefficient partly as a result of the Board membership. The Commission manages the personnel matters of the Nigeria Police Force.

We have 370,000 Police Officers and they are meant to be managed by this Commission with only four full time members. The four full-time Members are: the Chairman, the Permanent Secretary, who doubles as the Secretary, Commissioner I who is a retired Judge and Commissioner II who is a retired Commissioner of Police (CP) as the only full time members. The rest are part-time members.

The part-time members cannot be expected to place the Commission's work over and above that of their full time engagement where their income is coming from. This causes inefficiency in what they do at the Police Service Commission. The Commission's Standing Committees are barely ever fully constituted or meet regularly as they should on issues of Police disciplinary, promotion and appointment matters.

This position of the Commission should be contrasted against the composition of either personnel management or organisation namely: Federal Civil Service Commission dealing with personnel matters of 170,000 civil servants with 15 full time members. The Federal Character Commission has 37 full-time members. INEC has 13 full time members. The National Population Commission has 37 full time members. All these bodies deal with less than 200,000 people while the Police Service Commission deals with 370,000 Police men and has only four full-time members.

A term of five years is provided for Members of all these other bodies as in the 1999 Constitution but it will be thus inconsistent with the provision of the Constitution for the Police Service Commission Act to provide less than five years, which is what it is now.

The inclusion of this provision is to enhance the performance of the Commission's functions; appointment, promotion, dismissal and disciplinary control of Members of the Nigeria Police Force. They correlate with the Police Act and Regulations which require Commissioners of Police to make periodic Staff Returns to the Inspector-General of Police as the

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ultimate appropriate authority over the personnel matters of the Police Force.

The ability of the Commission will remain handicapped when such powers do not exist. Without prejudice to the powers of the Inspector-General of Police (IGP), the Commission would be better enabled by its ability to make such demand. Similar provisions exist in the instrument of delegation of powers by the Commission to the IGP but these are seldom being respected or enforced. Many Policemen are fired from the Force at times for years without informing the Commission about it.

The proposed amendment is in the view of the Force bureaucracy and the powers vested in Commissioners of Police to dismiss junior officers. The personnel administration and management matters of the Nigeria Police Force vests in the Commission. It should be appreciated that the Nigeria Police Force is the largest body of unified manpower of the Federation. It is also the most widely distributed and its personnel are highly mobile, constantly transferred and more often disengaged than those of most other organisations.

The intake and exit rate of the Force runs into hundreds bi-annually and the Commission requires keeping pace with the personnel movements of the Force hence the need of periodic personnel audit to be made mandatory for the Commission. The demotion of former EFCC Chairman and 49 others by the Commission exposed the neglect of the Commission and the hijack of its responsibilities by the Executive arm of the government.

With the trend of information technology and computerisation, it is only logical that the Police Service Commission as the body constitutionally charged with the management of the Force personnel should dominate the database of the Police officers, serving and ex officers. Such database requires to be constantly updated by the Commission through periodic verification and auditing at least once, twice or thrice in the Commission's lifetime.

The need for the organisational restructure has become imperative to create the department of supply and procurement, appointment, recruitment and promotion separate from the administrative staff of the Commission for effective discharge of core responsibilities of the establishment of the Commission.

It is my sincere appeal to us to ensure that the Commission fully discharges its responsibilities and

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functions properly without usurpation of its powers by the Executive or the Inspector General of Police (IGP).

I rest my case.

Hon. Labaran Yunusa Danbatta (Danbatta/Makoda): It is a pity I have to oppose this Bill on grounds that when we are looking for leaner establishments. The proposed amendment is seeking to enlarge the number of the Commissioners on that Commission. I think we should look at the cost implication of such a thing when we are looking at issues of this nature.

We also have to look at the parameters and volume of work that are associated with the Commission. When it comes to promotion and so on, it is not something that you can do on daily basis rather it is something that comes up periodically. To that extent, I see the wisdom in allowing for part-time Commissioners as it were in the main Act. Therefore, to say that you will allow more Commissioners would involve a lot of cost and bring about redundancy. When there is not much work to do, those additional full-time Commissioners would be idle. It is better really to maintain the *status quo*.

Hon. Chinyere Emmanuel Igwe (Port Harcourt II): Mr. Speaker, I want to stand behind my Colleague, Hon. Chukwuka Onyema for this Bill. As we all know to a very great extent, this Bill will change the perception that the Nigerian public have about the Nigeria Police Force. You will agree with me that the Police believe they are underpaid and under catered for. By the time we amend the Police Service Commissions Act, I am sure a lot of things would change. For instance, it will bring the salaries, benefits and allowances of the rank and file of the Nigeria Police in line with other arms of the Public Service. If the salaries of the Force are determined by the National Salaries, Income and Wages Commission, the perceived little sum being paid to the Nigerian Police would change. It would bring them in tandem with other arms or other departments of Government.

You will also agree with me that the lopsidedness in some parastatals of government does not help matters. A situation where the Board of the Police Service Commission is not in comparison with what we have in other parastatals does not augur well for them. Two things happened, first of all, some geo-political

areas of the country are not included. Secondly, they do not have enough capacity in terms of human resources with which to carry on with the job. If we amend the

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Act, we would bring them in tandem with what we have in other parastatals.

Third, the issue of discipline per se in the Force will, to a very great extent, be brought in line with what is happening all over the world. What happened in the issue of Nuhu Ribadu is history for Nigeria and food for thought. We need to correct the situation. With these few points, I solidly urge my Colleagues to pass this Bill into an Act.

Hon. Deeyah Emmanuel Nwiika (Gokana/Khana): I support that this Bill be read and passed to the appropriate Committees. It is very important at this point in the life of this country for us to look at the things that have been there before this time. There was no democracy because if there was government in place without the Legislature it was not a complete government; that was more or less like a dictatorship.

For example, the Federal Civil Service Commission has a Commissioner assigned to every State yet they are not able to do the promotions and all the things they are supposed to do on time; now come to talk of an institution where you have so much number of men and only four full-time members. I am of the opinion that we should without delay push it to the necessary Committee because as with the matters of this nature other issues will come up. But I want to inform our Colleagues too that the Court has affirmed that the Police Service Commission was right in the issue of Nuhu Ribadu.

I also believe that if it is institutionalised, the issue of politicking or people from the Executive Arm arm-twisting the Commission to do their bidding will not also arise. I therefore support it.

The Speaker: I will now put the Question for the Second Reading of the Bill.

Question put and agreed to.

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

CONSIDERATION OF REPORTS

Report on a Bill for an Act to Regulate the Business of Equipment Leasing in Nigeria, 2009

The Speaker: I will go through all the considerations so that we can take them at the same time.

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The next Order of the Day is Consideration of a Bill for an Act to Regulate the Business of Equipment Leasing in Nigeria and for Connected Purposes Therewith, 2009. This Bill was referred to the Committee of the Whole on Thursday, 21st May 2009. Copies of the report were circulated on Wednesday 27th May, 2009.

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

Hon. Ita Enang: Mr. Speaker, I move that this House do consider in Committee of the Whole the Report on a Bill for an Act to Regulate the Business of Equipment Leasing in Nigeria and for Connected Purposes Therewith, 2009.

Hon. Gbade Aderemi Waheed (Ibadan North): I second the Motion moved by my hon. Colleague.

Question put and agreed to.

Resolved: That this House do consider in Committee of the Whole the Report on a Bill for an Act to Regulate the Business of Equipment Leasing in Nigeria and for Connected Purposes Therewith, 2009.

Report of the Committee on Environment on the National Climate Change Commission of Nigeria (Establishment) Bill, 2007

The Speaker: The next one is the consideration of the Report of the Committee on Environment on a Bill for an Act to Establish the National Climate Change Commission of Nigeria for the Strategic Planning and Coordination of National Policies in the Field of Climate Change and Energy and for Matters Connected Therewith, 2007. The Report was laid on Thursday, 21st of May, 2009.

I invite the Chairman, Committee on Climate Change, Hon. Ubani, Eziuche Chinwe to move for the consideration of this Report.

Hon. Eziuche Chinwe Ubani (Obingwa/Osisioma/Ugwunagbo): Mr. Speaker, I beg to move that this House do consider the Report of the Committee on Environment on a Bill for an Act to Establish the National Climate Change Commission of Nigeria for the Strategic Planning and Coordination of

National Policies in the Field of Climate Change and

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Energy and for Matters Connected Therewith, 2007 and approve the Recommendations therein.

Hon. Adewale Aribisala (Ikole/Oye): I second the Motion moved by my Colleague.

Question put and agreed to.

Resolved: That this House do consider the Report of the Committee on Environment on a Bill for an Act to Establish the National Climate Change Commission of Nigeria for the Strategic Planning and Coordination of National Policies in the Field of Climate Change and Energy and for Matters Connected Therewith, 2007 and approve the Recommendations therein.

Report of the Joint Committee on Health and Justice on a Bill to Control the Possession, Sale, Use of Corrosive Chemical Substances etc, 2008

The Speaker: The next Order of the Day is the consideration of the Report of the Joint Committee on Health and Justice on a Bill for an Act to Control the Possession, Sale, Use of Corrosive Chemical Substances Containing Hydro-Chemical Acid, Trioxonitrate (v) Acid, Tetra-sulphate (iv) Acid, Sulphuric Acid, Nitric Acid and Other Liquids Capable of Causing Hurt, Harm or Death and Other Related Matters, 2008.

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

Hon. Oladoyinbo Ojomo-Alaba (Owo/Ose): I move that this House do consider the Report of the Committee on Health and Justice on a Bill for an Act to Prohibit the Possession, Sale, Use of Corrosive Chemical Substances Containing Hydrochloric Acid, Trioxonitrate (v) acid, Tetra-Sulphate (iv) Acid, Sulphuric Acid, Nitric Acid and Other Liquids Capable of Causing Hurt, Harm or Death and Other Related Matters 2008.

Hon. Abubakar Shehu Bunu (Bungudu/Maru): I rise to second the Motion moved by the Chairman, Committee on Health on the Consideration of the Report.

Question put and agreed to.

Resolved: That this House do consider the Report

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of the Committee on Health and Justice on a Bill for an Act to Prohibit the Possession, Sale, Use of Corrosive Chemical Substances Containing Hydrochloric Acid, Trioxonitrate (v) acid, Tetra-Sulphate (iv) Acid, Sulphuric Acid, Nitric Acid and Other Liquids Capable of Causing Hurt, Harm or Death and Other Related Matters 2008.

Hon. Tunde Akogun (Akoko Edo): I move that this House do resolve into Committee of the Whole to consider these Reports.

Hon. Baba Shehu Agaie (Agaie/Lapai): I rise to second the Motion moved by my able Leader, Hon. Tunde Akogun.

Question put and agreed to.

A Bill for an Act to Regulate the Business of Equipment Leasing in Nigeria and for Connected Purposes Therewith, 2009 - CONSIDERED IN COMMITTEE OF THE WHOLE.

(The Chairman in the Chair)

The Chairman: The first Report we are considering is the Report on a Bill for an Act to Regulate the Business of Equipment Leasing in Nigeria and for Connected Purposes Therewith, 2009. This Bill was passed by this House and was brought in again by Hon. Ita Enang.

I call on Hon. Ita Enang to brief the House on this Bill.

Hon. Ita Enang: This is a Bill to regulate the business of Equipment Leasing in Nigeria. The Bill was passed by the last House but did not complete the legislative journey to assent. So it had to be re-introduced under Order XV, Rule 8 of this House for re-consideration in Committee of the Whole.

The Bill as it is does not have any financial charge on the Government and all the provisions are simply to ensure that the Business of Equipment Leasing is regulated by law and persons who come in are known and their investment and the public are protected.

I pray that we consider this Bill Clause by Clause considering the fact that we had earlier passed it.

The Chairman: Hon. Colleagues, you will note

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that this Bill had earlier been passed by this same House except that it was not assented to by the immediate past President.

We are now considering the Bill Clause-by-Clause.

Hon. Friday Itulah (Esan North East/South East): I love to partake in the exercise we are doing but I have only two Bills in my hands.

The Chairman: When were you given this one?

Hon. Friday Itulah: Just now.

The Chairman: These Bills had earlier been posted to your pigeonholes; it is only that you have not picked your own. The one you have just collected is a Supplementary.

Hon. Friday Itulah: I wish I can have it.

The Chairman: Call your Special Assistant to open your pigeonhole so that you can pick the original one that was meant for you. But we can provide one for you.

Next time, hon. Members, please try to come with your Bills or Reports.

Clause 1 - (COMMENCEMENT) - ordered to stand part of the Bill.

Clause 2 - (EQUIPMENT LEASE AGREEMENT) - ordered to stand part of the Bill.

Clause 3 - ordered to stand part of the Bill.

Clause 4 - (CONTENTS OF A LEASE AGREEMENT) - ordered to stand part of the Bill.

Clause 5 - (DELIVERY OF A LEASE AGREEMENT TO THE LESSEE) - ordered to stand part of the Bill.

Clause 6 - (BUSINESS OF EQUIPMENT LEASING) - ordered to stand part of the Bill.

Clause 7 - (ESTABLISHMENT OF REGISTRATION AUTHORITY) - ordered to stand part of the Bill.

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Clause 8 – (COMPOSITION OF REGISTRATION AUTHORITY) - ordered to stand part of the Bill.

Clause 9 – (DUTIES OF A REGISTRATION AUTHORITY) - ordered to stand part of the Bill.

Clause 10 – (FUNDS AND FINANCIAL ACCOUNTS OF THE REGISTRATION AUTHORITY)

Amendment proposed.

Hon. Leonard Okuweh Ogor (Isoko North/South): When Hon. Ita Enang was presenting this Bill, he said this Bill is more of the private sector to regulate Leasing arrangement but when you look at Clause 10(4), it says:

(a) The authority shall prepare and submit to the Minister not later than 31st day of December of each year an estimate of the Income and Expenditure during the next succeeding year.

My worry there is for us not to enact laws whereby there might be too much interference from the Government sector. After the Minister must have appointed the Chairman, this Body like any other Accounting body, should be allowed to regulate their financial arrangements. It therefore means that it is wrong for us to then decide that this Private Business arrangement should be reporting their Accounting system on a yearly basis to Government.

When you look at Clause 10(3)(b), it states that *such reasonable travelling and subsistence allowances of Members of the Authority in respect of time spent on the business of the Authority as the Authority may, with the approval of the Minister, determine.*

How can the Minister be determining the expenses and expenditure incurred by Members of the Board? My advice here, if the Committee will accept, is to remove these functions because we cannot allow too much of interference from the Minister.

The Chairman: Hon. Ita Enang, at the commencement of the consideration of this Report, you informed us that there was no financial implication on the part of the Government. But, if you look at Clause 10(4)(a) as Hon. Leonard Ogor pointed out, it says:

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(a) The authority shall prepare and submit to the Minister not later than 31st day of December of each year an estimate of the Income and Expenditure during the next succeeding year.

What does that mean?

Hon. Ita Enang: This is not by way of incorporation with the Corporate Affairs Commission. It is going to be a law that will be assented to by the President. If you look at Clause 8, it says:

The Registration Authority shall consist of –

(a) A Chairman who shall be appointed by the Minister being a person by reason of his ability, experience or specialised knowledge of leasing, commercial, financial or economic matters, would in the opinion be capable of making outstanding contributions to the work authority;

(b) A representative of the Federal Ministry of Finance;

(c) A representative of the CBN;

(d) Three representatives of the Equipment Leasing Association of Nigeria to be appointed by the Association; among others.

Mr. Chairman, if you also look at Clause 10(2)(a), it says: *all fees and other monies payable to the Authority, whether in the course of the discharge of its functions or not;* that is, by the Members of the Association.

I do not think that there is any thing dangerous since the public is involved.

The Chairman: Then, why are they submitting their Income and Expenditure to the Minister? That is his question.

Hon. Ita Enang: I concede that that sub-section should be deleted.

Amendment put and agreed to.

Clause 10(4) – deleted.

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Clause 10 - (FUNDS AND FINANCIAL ACCOUNTS OF THE REGISTRATION AUTHORITY) – *as amended ordered to stand part of the Bill.*

Clause 11 – (POWER OF THE MINISTER TO ISSUE GUIDELINES TO THE REGISTRATION AUTHORITY)

Amendment proposed.

Hon. Leonard Okweh Ogor: I am a bit worried. Looking at what is stated here *the Minister shall issue guidelines as he consider necessary for the purpose of implementing the provisions of Section 8.*

When you look at Section 8, we have stated clearly who should be the Chairman, the representative of the Federal Ministry of Finance, the representative of the Central Bank *et cetera*. Here again, we are now giving the Minister powers to issue guidelines as he considers necessary for the purpose of implementing the provisions. I am seeking some small interpretation there so that he can really explain the differences here.

The Chairman: Hon. Ita Enang, Section 8 - Composition of the Registration Authority; this is the authority. I want to say that we may not likely have two authorities. If you go to Clause 11 we still have the Powers of the Minister to issued guidelines to the Registration Authority.

Hon. Ita Enang: Mr. Chairman, the Minister is like the supervising Minister. This is like an Agency under the supervisory jurisdiction of the Ministry. We have something like the Infrastructure Regulatory Commission.

This Body is just to regulate the business of equipment leasing. Being a regulator, there must be somebody in government who has to be an authority. It is not a private enterprise or a limited or public Plc. I do not think that there is anything wrong in the Minister issuing directives. It is what we normally provide in every law, that is, power to make statutory instrument and power to issue directive; power to issue instruction or directives of a general nature. So there is nothing awkward here but if the House is disposed, I do not object.

Hon. John Halims Agoda: This Bill if passed will eventually become an Act. Is it a private concern or is a purely government regulatory authority?

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The Chairman: Could you repeat you question please for Hon. Ita Enang to answer.

Hon. John Halims O.Agoda: My question is on this Bill we are considering Is it a private concern or a government regulatory authority? Once we get that very clearly, then we can now know the role and responsibility a Minister should play if it is government but if it is private, I wonder what a Minister should be doing there.

Hon. Ita Enang: Mr. Chairman, I refer to the Short Title on the heading. It says: *A Bill to Regulate the Business of Equipment Leasing in Nigeria.*

When you look at the general intendment including the purpose of the authority, the content and composition of the regulatory authority, it is quasi-private. It is not private at all. It is like what we said when we were doing the Second Reading. It is because some people had lost money in the past in the course of leasing equipment because presently there is no law that regulates the business.

When it goes to court, some people will either say it is a hire purchase or something and since there is no law, people who own these machineries are always in trouble getting it in and out. It is a public authority but as I said earlier if this provision will create a problem to the Bill, I will not object to that provisions being deleted.

The Chairman: Hon. Halims Agoda, when Hon. Ita Enang was answering you, you were discussing with the Deputy Chairman, Committee on Agriculture.

Hon. John Halims Agoda: It is all right. I am lost. I thought it is like what is operating in other regulatory authorities like NBA, ICAN *et cetera*, which are somehow private in nature. I do not really understand it.

The Chairman: Hon. Colleagues, two weeks ago or so, a Bill was referred to the Committee of the Whole like this and problems arose like the way they are arising now. The Bill was referred back to the Committee to go and make further research and report to the House.

Since this Bill has not been considered by our present Committee, will it not be wise to take it back to the Committee level for the Committee to look at it?

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Hon. Olaka J. Nwogu (Eleme/Oyigbo/Tai): Mr. Chairman, I am on all fours with you that a competent Committee of the House should review this. No doubt the confusion between whether it is a private or public organisation is obvious. I do not think it ought to be a public Commission.

From what is available to us, it is clear that we do not intend to fund it publicly. It serves the people to have an association with woofs and with slurs and with a clear intention to have legal backing but it does not derive from a process or a situation where we envisage that it will be part of Appropriation and it will need ministerial supervision directly. It is to regulate the internal workings of the members so that the public is served very well.

So with this in mind, let me put a formal Motion to give teeth to the suggestion you have just put so that we can send it to a Committee of the House to align the Bill along these lines so that we have a proper document to work with.

Hon. C.I.D. Maduabum (Nnewi North/South/Ekwusigo): Actually when I saw this Bill and the recommendations, I did not really want to talk more on the Bill. I wanted to be guided on the process in the Committee of the whole.

We know that if you commit something to a Committee, it should be worked on and presented to the House in the Committee of the Whole as we are having now. When things are referred to the Committee of the Whole, it does not seem to have human beings in the Committee to work on the Bill that is referred to it.

I believe the Committee of the Whole is headed by the Deputy Speaker if I am right or I may be wrong but who works on the Bill that is referred to the Committee of the whole?

The Chairman: Not at all times.

Hon. C.I.D. Maduabum: I know there is a Motion but this is just a procedural issue. So it impinges on the Motion because if a Committee had worked on it, there would have been a Column.

Some hon. Members: Yes.

Hon. C.I.D. Maduabum: This one says *Committee of the Whole*. There is nothing in the Column on what the Committee of the Whole did in terms of research or working on the Bill.

So I am just bringing it out to determine whether the Committee of the Whole will have a Secretariat that works on a Bill. I do not know; I just want to be guided. I am sorry; I am not seconding. I am just making this observation.

The Chairman: Anyway, it is not the responsibility of Committee of the Whole to go and scrutinise Bills. It is the responsibility of our Special and Standing Committees. So if you have seconded the Motion, it will be referred to one of our standing Committees to work on it.

Hon. C.I.D. Maduabum: You did not understand me, Sir. If a Bill passes Second Reading sometimes the discretion of the Speaker is to refer it to a Standing Committee or Committee of the Whole. Who works on the Bill in the Committee of the Whole? That is just the question, Sir.

The Chairman: Anyway, I want to believe that Committee of the Whole cannot handle issues like this. Issues that are simple, straightforward and non-contentious can be handled by Committee of the Whole but once there are issues like this, it cannot be handled by the Committee of the Whole. This is the Committee room and we cannot sit here and be amending; doing this and putting that in a Report. So it has to go back to a relevant Committee.

Hon. Leonard O. Ogor: Let me try and clarify what he is trying to find out. What he probably has to understand is that this document was worked on by the Committee and it has passed through the Third Reading. It therefore means that this is the clear position of the House before it was not assented to by the President.

Therefore, it means that the position of the previous House is clearly stipulated here as we can see.

The Chairman: All right, now we are talking of the present House.

Hon. Leonard O. Ogor: Yes. So what we are doing now is to consider what the previous House had considered and approved.

The Chairman: Now because there are some new Members in the House, new thinking, new technology and new ideas, there is need for the Committee to go back and look at the Report again. So a Motion has been moved by Hon. Olaka Nwogu. Could a hon. Member second the Motion?

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Hon. Ayo Ademola Adeseun (Ogo-Oluwa/Surulere/Oluyole): I second the Motion moved by Hon. Olaka Nwogu.

Question put and agreed to.

Bill re-committed to the Committee on Commerce.

Report of the Committee on Environment on a Bill for an Act to Establish the National Climate Change Commission and for Other Matters Connected Therewith – CONSIDERED IN THE COMMITTEE OF THE WHOLE.

The Chairman: The next Report is on a Bill for an Act to Establish the National Climate Change Commission of Nigeria for the Strategic Planning and Co-ordination of National Policies in the Field of Climate Change and Energy and for Matters Connected Therewith, 2007. The Chairman of the Committee on Environment is not here but it was first referred to the Committee on Climate Change.

Chairman, Committee on Climate Change, what do you have to say about that?

Hon. Ayode Ademola Adeseun (Ogo-Oluwa/Surulere Oluyole): Mr. Chairman I think that we should go ahead with the Consideration of the Report.

The Chairman: One other thing is that if a Report has been laid before the House it has automatically become the property of the House, not of the Chairman. It is our property as Members of the House.

If he has interest in his Report he will remain and may be protect his interest in the Report. If he does not have any interest the House can go ahead and consider the Report the way it feels right.

We are taking the Report Clause by Clause.

Clause 1 – (ESTABLISHMENT OF THE COMMISSION)

Question Proposed.

Hon. Stanley O. Ohajuruka: I have an observation on the Head Office Clause 1(2).

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The Chairman: *The Head Office of the Agency shall be in Abuja with a Zonal office located in each of the six geo-political zones.*

Hon. Stanley O. Ohajuruka: Mr. Chairman, I have something to say against that.

The Chairman: Go ahead.

Hon. Stanley O. Ohajuruka: I submit that it will not be overtly proper for us to state in this law where the Head Office of a Commission shall be situated. This is because there are environmental issues. Climate issues are issues that are very serious and some of them might not be located at the head of government in Nigeria. I would rather suggest that that particular clause should read: *That there shall be a head office and the government will be at liberty to ...*

This is a Federation. I do not think it would be proper for us in this law to now state where a head office shall be situated. That is a matter for the experts, the scientists and all other bureaucratic considerations to be taken alongside in determining where to situate the head office. I would not want to subscribe to the fact that we now say a head office should be at a particular place because we may now begin to run the risk of always siting head offices of every agency and every activity in the Federal Capital Territory. So that is not the proper path to follow.

Let us leave it independent so that situations on ground will determine. The NASA Agency in America is not situated in Washington which is the Capital of America.

The Chairman: In the original Act, the Head Office of the Commission shall be in Abuja with a Zonal office located in each of the six geo-political zones.

Hon. CID Maduabum: I am not worried about the Headquarters. On the six geo-political zones, I have looked at the Definition Section; it is not defined.

The Chairman: Let us finish with the Head Office first.

Hon. C.I.D Maduabum: It is in the same section

The Chairman: I agree with you

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Hon. C.I.D Maduabum: Let us define the six geo-political zones as follows:

The Chairman: Hon. CID Maduabum, if we define the six geo-political zones in the law, are we saying that we have now recognised that there are six geo-political zones?

Hon. C.I.D. Maduabum: Anything you say in the law becomes what you say. You can say for the purposes of this law ...

The Chairman: Hon. C.I.D. Maduabum, I believe you will have a better way to capture it without mentioning six geo-political zones.

Hon. C.I.D Maduabum: We can say, it should be represented in six zones namely Zone A comprising the following States, Zone B *et cetera* until you reach six. It can be better worded like that if we are afraid of six geo-political zones. We can create six zones here in the law without necessarily calling it geo-political zones but we know what it is in practice.

The Chairman: The first Amendment by Hon. Stanley Ohajuruka that the issue of having the Head Office in Abuja be deleted and let the Head Office be determined by the experts; that is his opinion.

Some hon. Members: No.

Hon. Agoro Lanre Adeniran (Irepo/Orelope/Olorunsogo): I rise to support what is recommended by the Committee that the Head Office should be in Abuja and we should have six zonal offices the reason being that this particular Commission is not just addressing one climatic issue; the North suffers from desert encroachment; the South, particularly the coastal States suffer from ocean encroachment. Therefore this particular Commission should be able to address all those matters arising.

If it were to be one particular climatic issue we should have said that Commission should be taken to that particular region or zones suffering from that particular issue. So I am saying clearly that this issue, being general, entitles the Commission to site its headquarters in Abuja to also provide synergy; there must be synergy with all other agencies and government parastatals.

Hon. Friday Itulah: I rise to support the position of the last speaker. The Federal Capital Territory Abuja today is the Capital of this country. There is no reason

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we would not be able to say the Headquarter of an office like this should be here.

As for the Zonal offices, we do agree that for now the Constitution has not recognised the zones. If you look at the Amendment that is even proposed by the President, references are made to the six geo-political zones.

The Chairman: But it can be amended here.

Hon. Friday Itulah: Therefore, we are not like the ostrich that should hide its head in the sand.

The Chairman: What we are saying is that there should be six zones.

Hon. Friday Itulah: I agree Sir

The Chairman: But not six geo-political zones.

Hon. Friday Itulah: It can be defined as six geo-political zones; there is nothing wrong with that.

The Chairman: Then where do we get that definition from?

Hon. Friday Itulah: When we get to the Interpretation Section we will define the six geo-political zones as we know it for now comprising the states; we know the South-South; South-East *et cetera*.

The Chairman: Then why do we not call them six zones?

Hon. Friday Itulah: Let us call the six zones; that is not even conclusive. As we have agreed that the Headquarters should be in Abuja, there is nothing wrong in also suggesting where the Headquarters of these six zones should also be. We can go ahead and do this. We should not pretend to ourselves. We should be able to say the Headquarters of this Commission will be in this or that State. So I do not know if I can go ahead and suggest.

The Chairman: Can you suggest the Headquarters of the South-South Zone?

Hon. Friday Itulah: Of course, Benin City. (Laughter)

The Chairman: Thank you, Hon. Friday Itulah. Hon. Colleagues, is it the wish of the House that we

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leave the Headquarters in Abuja and to have six Zonal offices?

Question put and agreed to.

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

Clause 2 – (MEMBERSHIP OF THE AGENCY) – ordered to stand part of the Bill.

The Chairman: If you look at the Membership of the Commission six other eminent Nigerians appointed by the President from each of the geo-political zones shall also be members of the Board.

Hon. Eziuche C. Ubani: I have a very small problem with the Membership of the Commission, particularly Clause 2(a). Climate Change is a very cross-cutting issue and practically all the sectors of economy are involved because of the nature of the impact in various sectors.

From what the Committee on Environment submitted to us here, I have not seen the inclusion of the Ministry of Transportation and Ministry of Justice.

The Chairman: Hon. Ubani, what has Transport got to do with this?

Hon. Eziuche C. Ubani: It is not retained in the Committee's recommendation. Transport, Justice, Foreign Affairs, Finance, Health, Housing and Urban Development should be on the board.

The Chairman: Hon Ubani, what will be the role of Ministry of Transport there?

Hon. Eziuche C. Ubani: Most of the carbon emissions come from either the tail pipe emissions or from all the means of transportation whether the plane, the ships and all of that. The fact is that most of the regulations we are going through on the down low end when we begin to make legislation on climate change will impact on the operations of these particular Ministries and Departments. Therefore, it is very important and imperative that they are on the board from the beginning.

The Chairman: It is all right. Let him explain so that we can take them one by one. What about the Ministry of Justice?

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Hon. Eziuche C. Ubani: The Ministry of Justice is an integral part of the negotiations as well as the agreement because it is the Ministry of Justice that takes care of all the agreements Nigeria gets into. This is not just basically the bilateral agreements where Nigeria sits down with one country and the other and ratifies a draft. This is a global agreement that is going to be reached and every Ministry of Justice in every country sits down to look at the nature of the agreement whether to ratify or not before it comes to Parliament.

The Chairman: It is all right. I believe with that explanation it has taken care of the reason Foreign Affairs should also be part of it. We do not need to ask you reasons for Foreign Affairs.

Hon. Eziuche C. Ubani: It is all right.

The Chairman: What of Ministry of Finance?

Hon. Eziuche C. Ubani: In the case of the Ministry of Finance, climate change provides both trait and opportunity. There is a whole lot of business that is involved particularly from the CBN mechanism and carbon trading.

The Chairman: But that is not Ministry of Finance.

Hon. Eziuche C. Ubani: Who makes the regulations?

The Chairman: If you are talking about trade and business, it is the Ministry of Finance.

Hon. Eziuche C. Ubani: If you look at the structure of other countries, Ministry of Commerce is there and Ministry of Finance is also there.

The Chairman: When you say Ministry of Housing, I can see the reason Housing is also included.

Hon. Eziuche C. Ubani: Let me refer you to the original provision of the Bill and that the Ministry of Health, Aviation, Foreign Affairs, Finance as well as Education are there. Because of the cross-cutting nature of this matter every ministry is involved.

Hon. Davies Sokonte: The submission made by Hon. Eziuche Ubani is very germane especially with regard to the Ministry of Finance; there is carbon trading and it is an international trade. It is not

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Commerce that handles that aspect but the Ministry of Finance in conjunction with the CBN and other people that handle it.

It is important we put these agencies and the Foreign Affairs because it is an international project and Foreign Affairs is mostly involved in these discussions and, of course, Ministry of Justice will help to craft the law. Therefore, the omission we made should be included so that these areas are properly captured.

The Chairman: My question is: what brought about Commerce or trading in a Bill for an Act to Establish National Climate Change Commission?

Hon. Eziuche C. Ubani: Mr. Chairman, can I make some interventions?

The Chairman: Yes please.

Hon. Eziuche C. Ubani: In its whole ramifications, when we have a proper legislation and this Commission is working the law, the direction of trade is going to impact on the kind of relationship we have with other countries. Particularly, the nature of the commodities that will be allowed to be getting into Nigeria will have to change though that is firmly the responsibilities of the Ministry of Commerce.

For instance, some chemicals somewhere down the line are likely to be prohibited from sale. We are going to make regulations on how many miles per gallon we are going to get from every vehicle coming into the country. Other countries are doing their own.

What we are seeking for now is the baseline because it is going to ultimately come to that and then it is the Ministry of Commerce that will decide to say every automobile that is supposed to be sold in Nigeria must attain maybe 35 miles per gallon or 20 miles per gallon. This falls squarely within the territory of the Ministry of Commerce and what they do.

So the nature of trade is that all the Agencies, Ministries and Departments that are involved in trade are supposed to be involved in this Board.

Hon. Bassey Edet Otu (Calabar Municipal/Odukpani): Mr. Chairman, your question is straightforward and direct. You were trying to find out issues that have to do with Climate Change.

The Chairman: That has been answered by the Chairman.

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Hon. Bassey Edet Otu: It is generally believed that the emissions and carbons are the main factors responsible for it.

The Chairman: No, that will be determined by the House when I put the Question.

Hon. Olaka Nwogu (Eleme Oyigbo/Tai): I want to quickly say that while we agree that this issue is internationally driven with a lot of international interests, it is the local impact that is our concern. We are creating a Climate Commission for the purpose of safeguarding our locality. As regards the main polluters or emitters of carbon, we have talked about the Transportation and Aviation sectors and some of them. But we are missing out Industries.

Every country that is doing this is using the impact on their local industries as a major consideration. There has been that argument between American and Indian as to what level they can reach without hurting their local industries. Our local industries are not being considered here and they are the people who will be running all those facilities, equipment and everything that will be emitting a lot of these fumes. Therefore, we should adopt the original list. Reducing the list is of no use because this is multi-disciplinary. As many agencies and disciplines that are involved should be captured but in addition to the old list, let us add Aviation, Commerce and Industries.

The Chairman: I will put the Question that we include *Transport, Justice, Finance, Foreign Affairs, Health, Commerce and Industries*.

Amendment put and agreed to.

Hon. C.I.D. Maduabum: On that same Section, I also want us to adopt the original Bill prescription in 2(a). I would like to make the following amendments: *Representatives of the following Ministries charged with responsibility for the following matters:*

You can see number 2 where they are struggling to put only *Environment* because the Ministry has now changed. The former Ministry was Environment, Housing and Urban Development. It has now been changed to Ministry of Environment.

The Chairman: So, what is your Amendment?

Hon. C.I.D. Maduabum: I would like it to read: *with responsibility for.*

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Amendment put and agreed to.

Clause 2 - (MEMBERSHIP OF THE AGENCY) - as amended ordered to stand part of the Bill.

Clause 3 - (ESTABLISHMENT OF THE TECHNICAL ADVISORY COMMITTEE)

Amendment proposed.

The Chairman: Establishment of the Technical Advisory Committee on page 4 has been deleted; has it not?

Some hon. Members: Yes!

The Chairman: Have you agreed with the opinion of the Committee that this provision be deleted?

Hon. Ike Chinwo: I have a contrary opinion, Mr. Chairman.

The Chairman: Yes, what is your objection?

Hon. Ike Chinwo: When we are considering the Board, the issue of the Technical Advisory Committee was even more important in that it requires multi-disciplinary approach, which is why all the arguments that took place before this time are very relevant. The reason is that it is the Technical Advisory Committee that does the work. So, why are we deleting this?

The Chairman: Committee Chairman, why are you deleting it?

Hon. Eziuche C. Ubani: It has been agreed that we retain Clause 3(2) to stand as Membership of the Board.

The Chairman: Thank you, Chairman.

Hon. Ahmed Idris (Wase): Mr. Chairman I am of the opinion that we should delete the provision of the Technical Committee because this is an agency and there will be conflict of roles by the time you give people another superior body in-between the Ministry that supervises them and the Governing Board of the Agency.

The Chairman: I will now put the Question that the provision of Clause 3(2) be deleted as recommended by the Committee.

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Amendment put and agreed to.

Clause 3 - (ESTABLISHMENT OF THE TECHNICAL ADVISORY COMMITTEE – ordered to stand part of the Bill.

Clause 4 – (TENURE OF OFFICE) – ordered to stand part of the Bill.

Clause 5 – (PROCEEDINGS OF THE BOARD) – ordered to stand part of the Bill.

Clause 6 – (STRUCTURE OF THE AGENCY) – ordered to stand part of the Bill.

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

Clause 8 – (STAFF AND PENSION MATTERS) – ordered to stand part of the Bill.

Hon. Lanre Adeniran
(Irepo/Orelope/Olorunsogo): Mr. Chairman, we have omitted something.

The Chairman: We have not omitted anything.

Hon. Lanre Adeniran: Mr. Chairman, we did omit Clause 7(b) - Duties and Responsibilities of the Governing Board.

The Chairman: It is part of the Clause 7 which Question has been put and agreed to.

Hon. Lanre Adeniran: But it is a sub-title, Sir.

The Chairman: Yes. We now go to Clause 9.

Clause 9 – (ESTABLISHMENT OF FUND) – ordered to stand part of the Bill.

Clause 10 – (AUDIT)

Amendment proposed.

Hon. Leo O. Ogor: Mr. Chairman, when you look Clause 10(1)(a) at page 20, it says: *The Auditor-General of the Federation shall –*

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(a) inspect and audit the accounts and records of financial transactions of the Agency.

I am also going to read Clause 10(2) which says that *the Auditor-General may dispense with all or any part of detailed inspection and audit of any account or record referred to.*

Mr. Chairman, what we are doing here is enacting the law. These provisions are clearly there under Section 84(4) of the Constitution.

The Chairman: Duties of the Auditor-General.

Hon. Leonard O. Ogor: Exactly! What they are doing here is indirectly repeating the provisions that are clearly enshrined in the Constitution, which is not allowed in the process of law-making.

Since the Auditor-General will definitely carry out these functions, which relate to what they had stipulated there, I will ask for the deletion of these Sections, except you want me to take the pains of reading the provisions in the Constitution.

Hon. Isa Idris Umar (Igabi): Mr. Chairman, I will disagree with my Chairman, Hon. Leo Ogor. Anything that is in the Constitution, if you are making law and you did not contradict the Constitution, it should be allowed. It further clarifies the Functions of the Auditor-General with respect to this particular agency.

Hon. Ita Enang: It is better to err on the part of surplusage than insufficiency. This provision that is in contention may not cause any injury since it does not contradict.

Under the Constitution, if it is a parastatal, the Auditor-General is simply to provide the agency with a list of Auditors. May we make reference to it?

Hon. Leo O. Ogor: Mr. Chairman, he knows as much as I do that an Act of the National Assembly cannot in any way be allowed to add or subtract from a constitutional provision, neither will an enactment similar which in this case is duplication be allowed; I stand to be corrected.

I state clearly here that in Section 85(4) of the Constitution, the Auditor-General *shall have power to conduct periodic checks of all government statutory*

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corporations, commission, authorities, agencies, including all persons and bodies established by an Act of the National Assembly which is one of these things we are setting up.

The Chairman: They have agreed with this provision.

Hon. Leo O. Ogor: What I am saying is that we are indirectly duplicating this position that is already there; it is totally uncalled for.

Hon. John Halims Agoda: The only problem that I have is my inability to immediately sight the authority. I think Hon. Leo Ogor is right. What he is saying is a pronouncement of the Supreme Court in a judgment.

Hon. C.I.D. Maduabum: It was Gani Fawehinmi vs. INEC.

The Chairman: This is not a Court, Hon. C.I.D. Maduabum.

Hon. John Halims Agoda: The essence of the law we are making in this Chamber is that it will go for full interpretation by the Judiciary which is the Third Arm of Government and if the decision of the highest court of the land in previous cases have shown to the effect that a provision in the Constitution in Parliament making a law should not *stricto sensu* come out with the same provisions in the law we are enacting, then we need to respect the decision. This is because when such a matter comes before the court it would declare it null and void. However, the inadequacy I am having at the moment is that I do not have the authority offhand.

The Chairman: Hon. Leo Ogor has read that provision.

Hon. Ita Enang: With respect, Sir, I want to read Section 85(3) of the Constitution which says:

Nothing in subsection (2) of this section shall be construed as authorising the Auditor-General to audit

the account of or appoint auditors for government statutory corporations, commissions, authorities, agencies, including all persons and bodies established by an Act of the National Assembly but the Auditor-General shall –

(a) provide such bodies with -

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- (i) *a list of auditors qualified to be appointed by them as external auditors and from which the bodies shall appoint their external auditors and*
- (ii) *guidelines on the level of fees to be paid to external auditors; and*
- (iii) *comment on their Annual Accounts and Auditor's Reports thereon.*

The submission of my friend, Hon. Leo Ogor is that since this provision is already in the Constitution, it cannot be repeated. My submission is different in that the Auditor-General is completely barred from even auditing the accounts of this Agency. He is only to provide them with a list of auditors. It is those auditors that will perhaps audit the agency and submit their findings to the Auditor-General who may make his findings and then submit it to the National Assembly in the course of making his audit.

The worst provision in this Bill is that *the Auditor-General may dispense with all or any part of detailed inspection and audit of any account or record in subsection (1)*

I submit, with respect Sir, that we delete everything that has to do with audit here.

The Chairman: I have a question for you Hon. Ita Enang. Should the Auditor-General submit the list of auditors to the agency or commission?

Hon. Ita Enang: Yes, Sir.

The Chairman: You should know that the Auditor-General in this capacity is not their Internal Auditor.

Hon. Ita Enang: Yes.

The Chairman: He is there serving as an external auditor and why the Constitution has provided this is because the Auditor-General cannot audit the entire books of Commissions, Ministries, Parastatals and Agencies. That is why it has to submit list of auditors. With respect to this list of auditors they are submitting, they are also answerable to the Auditor-General, not to Ministries or Agencies. It is as good as the Auditor-General auditing the records himself.

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Hon Ita Enang: Mr. Chairman, we are not saying different things. I wish you read Section 85(2) of the Constitution. It says:

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

Then it goes to provide for exception in subsection (3) as follows:

Nothing in Sub-section (2) of this section shall be construed as authorising the Auditor-General to audit the accounts of or appoint auditors for government statutory corporations, commissions, authorities, agencies, including all persons and bodies established by an Act of the National Assembly but the Auditor-General shall –

(a) *Provide such bodies with –*

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

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

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

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

What this Section is saying here is audit but it cannot audit the accounts as this Bill seeks to do. This Bill seeks to establish this body by an Act of the National Assembly. The Auditor-General cannot under this Constitution audit, Sir. He can only conduct periodic checks; it is not audit.

Read subsection (4) again.

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The Chairman: Hon. Colleagues, look at what the Section is saying. *The Auditor-General for the Federation shall inspect and audit the accounts of the financial transaction of an Agency*, which you are saying no, he cannot audit.

Hon Ita Enang: He cannot audit. It says: *conduct periodic checks of all government statutory corporations.*

The Chairman: Inspect record relating to the assets of the Agency?

Hon Ita Enang: Yes.

The Chairman: *And draw the attention of the Director-General to the irregularities disclosed by inspection and audit.*

Hon. Leo O. Ogor: I think there is a difference between internal audit and external audit; that is where the confusion is. The external audit is a different thing entirely under which the Auditor-General appoints those lists while the internal audit is handled by the Auditor-General under that subsection (4) that we have just read.

Several hon. Members: No!

Hon. Leo O. Ogor: Mr. Chairman, in every internal audit the Auditor-General posts people from the Office of the Auditor-General to various MDAs and all Commissions to go and do their internal audit.

It is after this internal audit that you will now submit those reports back to the Committee on Public Accounts. The external audit is once-in-a-year procedure under which the Auditor-General does not handle but he picks from that list and gives to the Ministries or Agencies to select from; it is as simple as that and it is clear.

Hon. Ike Chinwo: When we come here, it is also good to impact this place with practical experiences. These bodies we are setting are body corporate that can sue and be sued. That is why the Constitution is aware of it.

I worked in a Housing Corporation; a body corporate. It is mandatory that at the end of every year you appoint external auditors that audit the account of those corporations. The Auditor-General, if he or she wants to do so, can call for the audit. These are the

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records you can check because they will now become records of the agency or authority, as the case may be.

From what we are reading; it contradicts the Constitution *ab initio*. So what we are supposed to do, just as we are canvassing, is the point Hon. Ita Enang and Hon. Leo Ogor have agreed to that we should remove this from the law. If we do that, let the provisions of the Constitution apply; that is it.

But whoever is saying here that the Auditor-General has a right to go and conduct a periodic audit of a business is not telling us the truth.

The Chairman: Hon. Colleagues, every organisation has an Internal Audit Department. In the National Assembly, we have Internal Audit Department. A voucher cannot be paid until it passes through the Internal Audit Department.

The Constitution of the Federal Republic of Nigeria has empowered the Auditor-General to give them a list of those who will come and audit their books or their records; that is the work of an external auditors but the provision of the Constitution is saying that the Auditor-General cannot come and audit their records.

Auditing and inspection are two different things. In the light of that, a Member has moved a Motion that that Section be deleted and it has been seconded.

Clause 10 - (AUDIT) – as amended ordered to stand part of the Bill.

Clause 11 - (ANNUAL REPORT)

Amendment proposed.

Hon. Uzoma N. Abonta (Ukwa East/West): The recommendation states as follows:

The Agency shall submit to the President not later than 30th of June of each financial year a report of its activities within the preceding financial year and it shall include a copy of the audited accounts of the Agency for that year and a copy of auditor's report on it.

If this Agency is supposed to have a Board, why will it recommend that it should submit a copy of the Annual Report and proceedings of audit directly to the President? I thought that the proper oversight should happen when it submits to the Board.

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The Chairman: Chairman, you are asking us this about your Report?

Question put and agreed to.

Clause 11 – (ANNUAL REPORT) – ordered to stand part of the Bill.

Clause 12 – (POWER TO ACQUIRE LAND CAP. 202 LFN, 1990) – ordered to stand part of the Bill.

Clause 13 – (LIMITATION OF SUIT AGAINST THE AGENCY CAP. 380 LFN 1990) Amendment proposed.

Hon. Ita Enang: Mr. Speaker, I want to amend Clause 13(1) to read thus: *The provisions of the Public Officers' Protection Act shall apply in relation to any suit instituted against any officer or employee of the Agency.*

Amendment put and agreed to.

Hon. Ita Enang: My further amendment is that we delete Clause 13(2), which says: *No suit shall be commenced against a member of the Board, the Director General, officer or employee of the Agency before the expiration of a period of one month.*

That has already been covered by the Public Officers' Protection Act. We should therefore delete all that.

Amendment put and agreed to.

Clause 13 – (LIMITATION OF SUIT AGAINST THE AGENCY CAP. 380 LFN 1990) – as amended ordered to stand part of the Bill.

Clause 14 – (SERVICE OF DOCUMENTS)

Amendment proposed.

Hon. Ita Enang: I do not have serious objection against the provision of Clause 14. Nevertheless we could set a good precedence by saying that:

Service of a notice summons or any other document required or authorised to be served upon the Agency shall be served in accordance with the Sheriff and Civil Process Act or any law or Rule of Court regulating the service of processes.

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For it to read that it should be served by delivery to the Director General at the Agency's Principal office will be a very serious thing. My Colleagues know what I am talking about. The Director General can make himself unavailable and you may never serve him.

The Chairman: Is there any seconder to that Amendment?

Hon. Lanre Agoro (Irepo/Orelope/Olorunsogo): I rise to second the amendment as proposed.

Amendment put and agreed to.

Clause 14 – (SERVICE OF DOCUMENTS) - as amended ordered to stand part of the Bill.

Clause 15 – (RESTRICTION ON EXECUTION AGAINST PROPERTY OF THE AGENCY)

Amendment proposed.

Hon. Ita Enang: Mr. Chairman, I have objection to Clause 15(1) which reads:

No execution or attachment of process shall be issued against the Agency in any action or suit without the consent of the Attorney-General of the Federation.

This is wrong because they will be stopping somebody from benefiting from the fruit of his judgment. Therefore, I move that it should read thus: *The execution of judgment or any Writ against the Agency shall be in accordance with the provisions of the Sheriff and Civil Process Act.*

Hon. C.I.D. Maduabum: He has just cited the provisions of the law that he is questioning. This is a clear provision in that law. You cannot execute against government agencies except you have the consent of the Attorney General of the Federation. That is the provision of the Sheriff and Civil Process Act.

Amendment put and agreed to.

Clause 15 – (RESTRICTION ON EXECUTION AGAINST THE PROPERTY OF THE AGENCY) – as amended ordered to stand part of the Bill.

Clause 16 – (INDEMNITY OF OFFICERS)

Amendment proposed.

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Hon. Leonard O. Ogor: With due respect, it states clearly as follows: *A Member of the Board, Director General of the Agency, any officer or any employee of the Agency shall be indemnified out of the assets of the Agency against any proceedings whether civil or criminal in which judgment is given in his favour or in which he is acquainted, if any such proceeding is*

brought against him in his capacity as member of the Board, Director General, officer or employee of the Agency.

I do not see how an agency will be carrying out its functions in accordance with the Act passed by Parliament which is a law of the land that has become criminal. If it is a civil issue, it is a different thing entirely. It will be very dangerous for us to add that criminal aspect because we may end up committing criminal liability somewhere and actions will be taken and at the end of the day, the person who is involved, whether he is a Member of the Board of Directors or whoever, becomes indemnified against the assets of the Agency. So, I suggest the concept of deleting the word *criminal* and leave only the word *civil* there.

The Chairman: Is there any other comment on that?

Hon. John Halims Agoda: If the person commits a criminal offence in the course of carrying out the responsibility on behalf of the Agency, what the law is saying is that he should be indemnified against the asset of the Agency. This is because he committed a criminal offence in the course of carrying out the legitimate business on behalf of the Agency. Where else do you want it to be charged? So, the company must bear both the profit and loss whichever way it comes.

Amendment put and agreed to.

Clause 16 – (INDEMNITY OF OFFICERS) – as amended ordered to stand part of the Bill.

Clause 17 – (ENGAGEMENT OF PROFESSIONALS OTHER THAN STAFF) – ordered to stand part of the Bill.

Clause 18 – (REGULATIONS) – ordered to stand part of the Bill.

Clause 19 – (INTERPRETATION) – ordered to stand part of the Bill.

Clause 20 (Citation) - (THIS ACT MAY BE CITED AS NATIONAL CLIMATE CHANGE AGENCY BILL, 2009) – agreed to.

Schedule, agreed to.

Long Title – (A BILL FOR AN ACT TO ESTABLISH THE NATIONAL CLIMATE CHANGE COMMISSION AND FOR OTHER MATTERS CONNECTED THEREWITH 2009) - agreed to.

Report of the Joint Committee on Health and Justice on a Bill for an Act to Control the Possession, Sale, Use of Corrosive Chemical Substances Containing Hydro-chemical Acid , Trioxonitrate (v) Acid, Tetra-sulphate (iv) Acid, Sulphuric Acid, Nitric Acid and Other Liquids Capable of Causing Hurt, Harm or Death and Other Related Matters, 2009 (HB. 62) - CONSIDERED IN COMMITTEE OF THE WHOLE.

The Chairman: The next Report is on a Bill for an Act to Control the Possession, Sale, Use of Corrosive Chemical Substances Containing Hydro-chemical Acid , Trioxonitrate (v) Acid, Tetra-sulphate (iv) Acid, Sulphuric Acid, Nitric Acid and Other Liquids Capable of Causing Hurt, Harm or Death and Other Related Matters, 2009 (HB. 62).

Hon. Ojomo-Alaba: Mr. Chairman, this Bill seeks to prevent the abuse, indiscriminate sale, procurement and use of corrosive or chemical substances by regulating the sale and procurement with a view to minimize numerous cases of acid attacks across the country which had caused many injuries and death of so many people; it is a free flowing Bill.

The Committee encountered challenges when it came to a point of domestication of regulation. There was contending request by the Ministry of Environment and the Ministry of Health. The Committee felt that domestication should be with the two Ministries except this Committee of the Whole so decides otherwise.

Clause I – (PROHIBITION OF SALE AND USE OF CORROSIVE SUBSTANCES)

Amendment proposed.

Hon. Friday Itulah: Mr. Chairman, if you look at Clause 1 titled: *Prohibition of Sale and Use of Corrosive Substances*, it says; *Notwithstanding*

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anything to the contrary contained in the Penal Code Law, Criminal Code Act or any other enactment or law, any person or corporate body who without permission from the appropriate authority imports -

All the enactments that were already referred to, prohibit anybody from carrying this substances without due permission; If you read down this provision. So, if you are going to adopt what is already here it would be a repetition of the enactment that is already on ground. This is because you are not allowed to carry these substances unless specific rules are adopted.

I do not see where this Clause can apply outside the provisions that are already made in the laws.

The Chairman: Hon. Friday Itulah, can you, please, throw more light on this.

Hon. Friday Itulah: What I am saying is that this law that we are referring to has already identified how or what allows you to come in contact with these chemicals. They are already prohibited unless they are for specific use and we are coming back here to say outside this law any person who is in possession of these things as it were is likely to face sanctions.

I do not see other circumstances outside what is already provided for in the law with sanctions that we are referring to. So the Chairman should give us a scenario where somebody can come in possession of these things outside the law that is not already punishable.

Hon. Oladoyinbo Alaba Ojomo: Though, I am not a lawyer but I find it very difficult to understand what Hon. Friday Itulah was saying.

The fact is that the law seeks to prohibit the illegal possession of these chemical substances. There are instances where possession is legal and if you go through it, you cannot isolate just Clause 1 and say that this Bill is obsolete. You have to go down to the end to know whether what you are doing is right or wrong.

If the Science Master in the secondary school has possession of Hydrochloric acid for experiment for his school pupils, it is legal but when it is used for dangerous activities and without permission from the legal authorises, then that is what we are now talking about.

Hon. C.I.D. Maduabum: I wanted to find out

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from the Committee Chairman whether NAFDAC already has exiting authority to prohibit some of these substances and chemicals? Do they not have an existing authority to do that? If they do, is it not a repetition of existing laws?

Hon. Alaba Ojomo: It is not only NAFDAC. We regard NAFDAC in this Bill as part of the Health Ministry. The big problem we have is Ministry of Environment because they are claiming that anything pertaining to injurious chemical substances should pass through their own Ministry whereas the purpose of this Bill is to prevent injuries to people when there is acid attack or misapplication of the chemical.

So, we have very big problem identifying which of these Ministries to domesticate the Bill. That formed part of the Report I made earlier on.

Clause 1 - (PROHIBITION OF SALE AND USE OF CORROSIVE SUBSTANCES) - *ordered to stand part of the Bill.*

Clause 2.

Amendment proposed.

Hon. Leo O. Ogor: Mr. Chairman, if you look at Clause 2(2) on page 2, it says that the Agency shall not grant licence under this Act. I do not want to draw unnecessary conclusion. The sub-head of this Clause did not tell us that we are establishing an agency and I really do not know the agency we are referring to in this situation so that we do not come through the back door.

Hon. Ojomo-Alaba: The agency is at the Interpretation. *Ministry or appropriate agency* means the Ministry of Health or any other agency authorised by law.

The Chairman: It is a Bill for an Act to prohibit not to establish an agency that will prohibit.

Hon Leo O. Ogor: Mr. Chairman, if it is going to be handled by the Federal Ministry or whatever the appropriate authority is, it becomes important because if we are not properly guided here, we may end up passing an agency through the back door here and it will create its own complications. So we need to look at this provision critically.

The Chairman: Hon. Ojomo-Alaba, you said the agency has been defined. On which page is it?

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Hon. Ojomo-Alaba: The agency that the Bill seeks to put domestication under is supposed to be the Ministry of Health. As I said, we have very strong contention from the Ministry of Environment. They are claiming that it is in their jurisdiction to regulate the importation and use of this chemical.

The Chairman: Which one is the agency? Is it the Ministry of Health or the Ministry of Environment?

Hon. Ojomo-Alaba: Ideally it will depend on the circumstances of each case. If it is used to cause bodily harmed, probably we have to go to the Ministry of Health but if it is just for illegal possession, sale and use for other purposes it will fall under the Ministry of Environment.

The Chairman: But it has to be definite, Hon. Ojomo-Alaba. It has to be definite; you cannot just enact a law like that.

Hon. John Halim Agoda: Before now is there any department under the Ministry of Health or the Ministry of Environment that seems to get involved in issues that we are now discussing?

Hon. O. Ojomo-Alaba: Let us take a scenario: if they want to import any of these corrosive substances, you have to go through and seek permission from the Ministry of Environment but the Bill was referred to the Committee on Health.

The Chairman: It is all right. You are not sure whether there is an agency in the Ministry of Environment or not since it is not under your supervision.

Hon. Saudatu Sani: Mr. Chairman, if you look at the Bill that we are trying to enact into law, it is a Bill for an Act to prohibit the Possession, Sale, use of Corrosive Chemical substances containing Hydrochloric acid, Trioxonitrate (v) Acid, Tetra-sulphate (iv) Acid and Sulphuric Acid, which can cause hurt, harm and death.

The moment you mention hurt, harm and death, the first thing is Ministry of Health. Then we look at Sulphuric acid and other corrosives that you can spray.

The Chairman: Hon. Saudatu Sani, you know there are so many causes of death. For example, if you go to our ports, there are so many things that can cause death there. They are not handled by the Ministry of Health but they are handled by the Shippers' Council,

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NPA or the Agencies that they have that are directly working in that sector. It is not always that when death is mentioned it has to be the Ministry of Health.

Hon. Saudatu Sani: I am not saying it has to be the Ministry of Health. What I am saying is that the Committee should guide this House properly.

The Chairman: But what he said is that it is supposed to be under Environment but it was given to his Committee.

Hon. Saudatu Sani: That is the reason the Ministry of Health is now responsible for this Bill, not Environment.

Let us do some homework on this Bill because we do not want to create an agency that will come in and pinch the work of the Ministry of Environment.

The Chairman: Hon. Alaba-Ojomo, during your Public Hearing which Ministry did you invite - Health or Environment?

Hon. Ojomo-Alaba: During the Public Hearing, we invited the Ministry of Health, Ministry of Environment, NAFDAC and Customs. And there was no agreement especially between the Ministry of Health and the Ministry of Environment.

One was claiming that anything pertaining to all chemicals entering the country should come under its own purview whereas the Health Ministry was claiming that injuries belong to the Health Ministry.

I did say at the beginning that we were actually at a confused state at the Committee level and we thought that this matter could be resolved at the Committee of the Whole.

The Chairman: And you transferred your confusion to the Committee of the Whole. *(Laughter)*

Chairman, why are you confessing that you are transferring your confusion to the Chambers?

Hon. O. Ojomo-Alaba: Each of them came with equal confusion. But my own opinion as a medical doctor is that the Bill seeks to regulate the usage of hazardous chemical substances. If these chemicals are always imported into the country, it should be within the purview of the Ministry of Environment to regulate. That is my own candid opinion.

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Hon. Rufus Omeire: I was unable to attend the Public Hearing but I am sure there is already an agency, NESRA, established under the Federal Ministry of Environment to handle this particular issue we are talking about. The Act that established that particular agency specified this responsibility to that agency.

Hon. C.I.D. Maduabum: I rise to move that this Bill be committed back to the Committee on Justice, Environment and Health and in particular the Ministry of Justice. The reason is that there are many laws governing the sector.

I strongly believe there is an agency handling this. The people who attended the Public Hearing should have helped us by going through the existing laws to determine those that are already handling this matter because there are many existing regulatory agencies.

I am aware of the Nuclear Waste Agency; there are some in the Ministry of Science and Technology. So we should be availed of the appropriate information in this sector. We have not been helped; the matter has been thrown back to us to be debating right, left and centre.

A hon. Member: Exactly.

Hon. C.I.D. Maduabum: We need more concise information on this sector or an ad-hoc committee to resolve it if need be.

The Chairman: Our problem with this Report is that we do not know where it belongs to; is it Health or Environment? You are moving a Motion and giving two or three options.

Hon. C.I.D. Maduabum: I am saying that the Science and Technology is also involved.

The Chairman: If you are saying Justice, let it be Justice and the two committees you mentioned and do not say *or create an ad-hoc committee*. Which one do we take?

Hon. Ita Enang: I will not say that the Committee on Health is incapable of handling this Bill; they have done their best.

The Chairman: Nobody has said that.

Hon. Ita Enang: Looking at the Bill, it is penal and it is talking almost exclusively about the Criminal Code Act and the Penal Code. I want to support that we

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refer it to two committees only. This is because we have problem of joint referrals. When you give referrals to more than one committee, it creates the problem of them meeting and bringing the Report in time.

I want to pray that we refer it to Justice as the lead Committee and then the Committee on Health since they had earlier worked on it.

The Chairman: Chairman, Rules and Business, the argument is not about Justice; it is about Health. Even the Health Chairman who is a medical doctor said he knows that it is supposed to be under Environment. That was what the Chairman said.

Hon. Ita Enang: I have read this Bill and as a lawyer, this is a private Bill sponsored by Dr. Omotayo. Reading the entire text shows that it is about punishing somebody who possesses a thing and not how to use it. It is about punishment for possession and it is talking notwithstanding the provisions of the Criminal Code, Penal Code and all that. There is almost nothing about Environment here; I submit with honour.

Hon. Stanley O. Ohajuruka (Umuahia North/South, Ikwunano): Mr. Chairman, I am very much at pains to really understand the difference between the Title of this particular Bill and the content. I do not know where they actually meet.

As the last speaker said, we are talking about prohibition, which shows that this Bill intends to prevent people from acquiring these substances and penalties that would then accrue to that person if found to be in possession of the substance.

In this same Bill, we are talking about Agency, not Ministry, to regulate. I do not think that this Bill intends to bring about regulation of the use of these substances but rather its prohibition. If you look at the body of the Bill, it does not actually flow with the Title.

Since the Bill has Penal Code entrenched in it, I would rather suggest that we refer it to Justice Committee only because of the legal implications arising from the Bill.

The Chairman: Hon. Colleagues, Hon. Ojomo-Alaba, Chairman of the Committee on Health who is a medical doctor said that they do not have anything to do with this Bill. Why are we insisting that we should give the Bill to Health Committee?

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After all, the Bill had earlier gone to the Committee on Health; they have done their bit and they said that they are confused and they brought the confusion to the Chamber.

I will put the Question that the Bill be referred to the Joint Committee on Justice and Environment to do their bit.

Question put and agreed to.

Bill accordingly referred to the Joint Committee on Justice and Environment for further legislative work.

Hon. Tunde Akogun: Mr. Chairman, I move that the House do revert to Plenary.

Hon. Emeka Nkem Ihedioha: I second the Motion as moved by the House Leader.

Question put and agreed to.

Resolved: That this honourable House do revert to Plenary.

(The Deputy Speaker resumed the Chair)

The Deputy Speaker: The House in the Committee of the Whole considered the National Climate Change Commission Bill and approved as follows:

Amended Clauses 1 and 2;
Approved Clauses 3 and 9;
Amended Clause 10;
Approved Clauses 11 and 12;
Amended Clauses 13 to 16;
Approved Clause 17;
Retained Clause 18 of the original Bill;

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Approved Clause 19 – (Interpretation);
Approved Clause 20 – (Citation);
Approved the Schedule;
Approved the Long Title;

The House in the Committee of Whole also considered the Report on Prohibition of Sale and Use of Corrosive Substances Bill and committed the Bill to the Committees on Justice and Environment.

Adoption of Reports

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

Hon. Emeka Nkem Ihedioha: I second the Motion moved by the House Leader.

Question put and agreed to.

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

ADJOURNMENT

Hon. Tunde Akogun (Akoko Edo): Mr. Speaker, I move that the House do stand adjourned till Tuesday, 2nd June 2009 at 10.00 a.m.

Hon. Baba Shehu Agaie: (Agaie/Lapai) I second the Motion that the House do adjourn till Tuesday, 2nd June 2009 at 10.00 a.m.

Question put and agreed to.

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

The House accordingly adjourned at 2.10 p.m.