

FACTSHEET

November, 2018

FACTSHEET ON SENATE COMMITTEE ON ETHICS, PRIVILEGES AND PUBLIC PETITIONS

ABOUT THE COMMITTEE

Section 88(1) of the 1999 Constitution (as amended) empowers each chamber of the National Assembly to direct or cause to be directed an investigation into:

- (a) any matter or thing with respect to which it has power to make laws; and
- (b) the conduct of affairs of any person, authority, ministry or government department charged, or intended to be charged with the duty of or responsibility of:
 - (i) executing or administering laws enacted by the National Assembly, and
 - (ii) disbursing or administering of monies appropriated by the National Assembly.

By virtue of the Constitutional provision above, Order 97 (4) (a)(b) and (c) of the Senate Standing Rules 2015 (as amended) provides for the establishment of the Senate Committee on Ethics, Privileges and Public Petitions. The Committee is mandated to investigate petitions from Nigerians (Private and Corporate) on any issue or matter especially the conduct of affairs of government agencies.

The Senate Committee on Ethics, Privileges and Public Petitions is a fact-finding/investigatory body. It does not make laws or resolutions.

The Committee maintains a secretariat headed by the Clerk of the Committee who is responsible for the administration of the Committee. The Clerk receives and sends out official communication and organizes the business of the Committee.

JURISDICTION/MANDATE OF THE COMMITTEE

A petition is a formal request for action from the National Assembly to redress rights violations, administrative breaches or infractions committed by public officers or authorities. It is the Senate Committee on Ethics, Privileges and Public Petitions that receives and handles citizens' petitions submitted to the Senate Chamber.

The jurisdiction of the Committee includes:

- (a) Consideration of the subject matter of all petitions referred to it by the Senate.
- (b) Recommend to the Senate administrative actions as it may deem appropriate to establish standards of official conduct of the Senators
- (c) Oversee and monitor the activities of the following parastatals:
 - (i) Code of Conduct Bureau
 - (ii) Public Complaint Commission; and
 - (iii) Code of Conduct Tribunal

In cases where the Committee has no jurisdiction, such as contractual issues between two private citizens, the Committee is expected to dismiss the petition or make recommendations for its referral to an appropriate body with the approval of the Senate.

WHO CAN SUBMIT A PETITION?

Any private individual or corporate entity can petition the Senate Committee on Ethics, Privileges and Public Petitions either by himself or through a representative such as a legal practitioner. The person making a petition is called "the Petitioner" while the person(s) or body(ies) that the petition is made against is called "the Respondent".

It is important that the petitioner or his representative must attend the investigative hearing and defend the allegations or complaints contained in the petition.

DRAFTING A PETITION

There is no specific format a petition may assume. However, it is expected that a petition must be intelligible and contain relevant information on the issue(s) that the petitioner seeks to resolve.

According to the rules and practices of the Committee, a petition must:

- Be directly addressed to the Senate President, National Assembly, Abuja through the Senator from his/her/their constituency or any Senator of his/her/their choice.
- Refer to a matter, which is within the jurisdiction of the Senate to intervene (e.g. matters before a competent court or those which are the responsibility of private entities may not be made the subject of a petition to be presented to the Senate).
- Identify the petitioner or petitioners, then a statement of grievance or complaint explaining or underlying the request for the Senate intervention
- Set out the prayer(s) or request for action by succinctly stating what specific action the petitioner(s) wish the Senate to take in response to the grievance.
- Be written or printed on paper in language that is respectful or temperate in nature.
- Be written in English, but if it is written in a language other than in English, it must be accompanied by a certified translation, including the contact details of the translator

- Be free of erasures and interlineation
- Occasionally contain attachments, letters, affidavits, photos or supporting documents.
- Consist only of original, handwritten signatures (printed, photocopied, faxes or electronic signatures are not accepted)
- Contain the signature of the petitioner(s) on pages, which detail at least the request for action exactly as on the first page of the petition.

SUBMITTING A PETITION

Every petition to the Senate must be sponsored and presented at the Chamber by

a Senator, but no Senator can be compelled to do so. This means that only a lawmaker can present a petition. It is expected that after writing a petition, a petitioner should locate either the Senator representing his Constituency or any other lawmaker to sponsor and present such a petition. In circumstances where a petitioner is unable to submit his/her petition to the Senator representing his/her constituency, he may direct his petition to the Chairman of the Senate Committee on Ethics, Privileges and Public Petitions who may assist the petitioner in getting a Senator to present the petition in the Senate Chambers.

There are no costs for presentation or submission of a petition or filing of any other process.

PRESENTATION OF A PETITION

Although Senators will, at their discretion, present petitions at the request of their constituents, the presentation of a petition by a Senator does not imply that he or she supports the content. In presenting the petition, the Senator makes a brief statement setting out who the petition is from, the petitioners' concerns, before reading out the request(s) or prayer(s), which the petitioner(s) are making to the Senate.

Only Petitions sent from the floor of the Senate can be processed and handled by the Committee on Ethics, Privileges and Public Petitions. Sometimes, petitions can be referred from the floor of the House of Representatives to the Committee.

Importantly, it is only when the petition is presented and considered in chamber, that the Senate can refer same to the Committee on Ethics, Privileges and Public Petitions for investigation.

DETERMINATION OF A PETITION

The procedures for determination of petitions by Senate Committee on Ethics, Privileges and Public Petitions are not formally laid out. The Committee may adopt any procedure that is most convenient and expeditious in the handling of the petition. However, the Committee is also guided by the basic principles of natural justice.

The general procedure for determination of petitions is as follows:

- 1) Upon receipt of a petition, the Committee Chairman fixes a date for hearing and the Clerk communicates that date to the petitioner. The respondent is equally informed of the petition against him with a copy of same sent to him.
- 2) The parties are mandated to file and exchange written briefs detailing their arguments/positions to the petition. Usually, the petitioner first writes his brief, files sufficient copies at the secretariat and also serves same on the respondent. The respondent does the same.
- 3) The Committee may request the petitioner to provide any document(s) or material(s), which it deems necessary for the proper determination of the petitioner's case
- 4) During the hearing of the petition, the petitioner is first given opportunity to present his case before the respondent presents his response.
- 5) The Committee may either elect to engage the parties as soon as each presents his/her brief or elect to interview both simultaneously after the presentations their briefs.
- 6) The parties are often given opportunity to interview each other while the Committee observes.

COMMITTEE RECOMMENDATIONS AND REPORTS

At the conclusion of the hearing of a petition, the Committee will make a report of its findings and lay the report on the floor of the Senate in Plenary. The Committee report must be with recommendation(s) for consideration and adoption by the Senate.

After receiving the report of the Committee, the Senate, in plenary, may take a decision based on any of the recommendations contained in Committee report. Nonetheless, the Senate is not under any duty to accept any of the recommendation(s). Any decision taken by the Senate on the report will be treated as a resolution of the Senate.

Thereafter, the Clerk of the Committee will notify both the petitioner and the respondent of the Senate's resolution on the petition.

Nonetheless, parties, who are not satisfied or feel aggrieved by the resolution, can make recourse to the Courts of law for judicial adjudication if they so wish.

LAPSE OF PETITIONS

At the end of every term of the National Assembly, all business before the Senate, including the Senate Committee on Ethics, Privileges and Public Petitions, lapses. If a petition is before the Senate Committee on Ethics, Privileges and Public Petitions, it will lapse too. The newly elected Senate may decide to reinstate a petition. If it lapses and is not reinstated, a petitioner may present another petition on the matter.

SITTING DAYS

The Committee conducts investigative hearings/sittings on Petitions at any of the committee rooms of the National Assembly. There are no specific days for the Committee hearings/sittings.

The Quorum for the sitting of the Committee is at least one-third (1/3) of the membership of the Committee. Also, for the report of the Committee to be valid, at least one-third (1/3) of the members of the Committee must have signed the report.

Hearings are open to the public, except on sensitive and national security matters.

FORMORE INFORMATION, CONTACT:

The Clerk, Senate Committee on Ethics, Privileges and Public Petitions

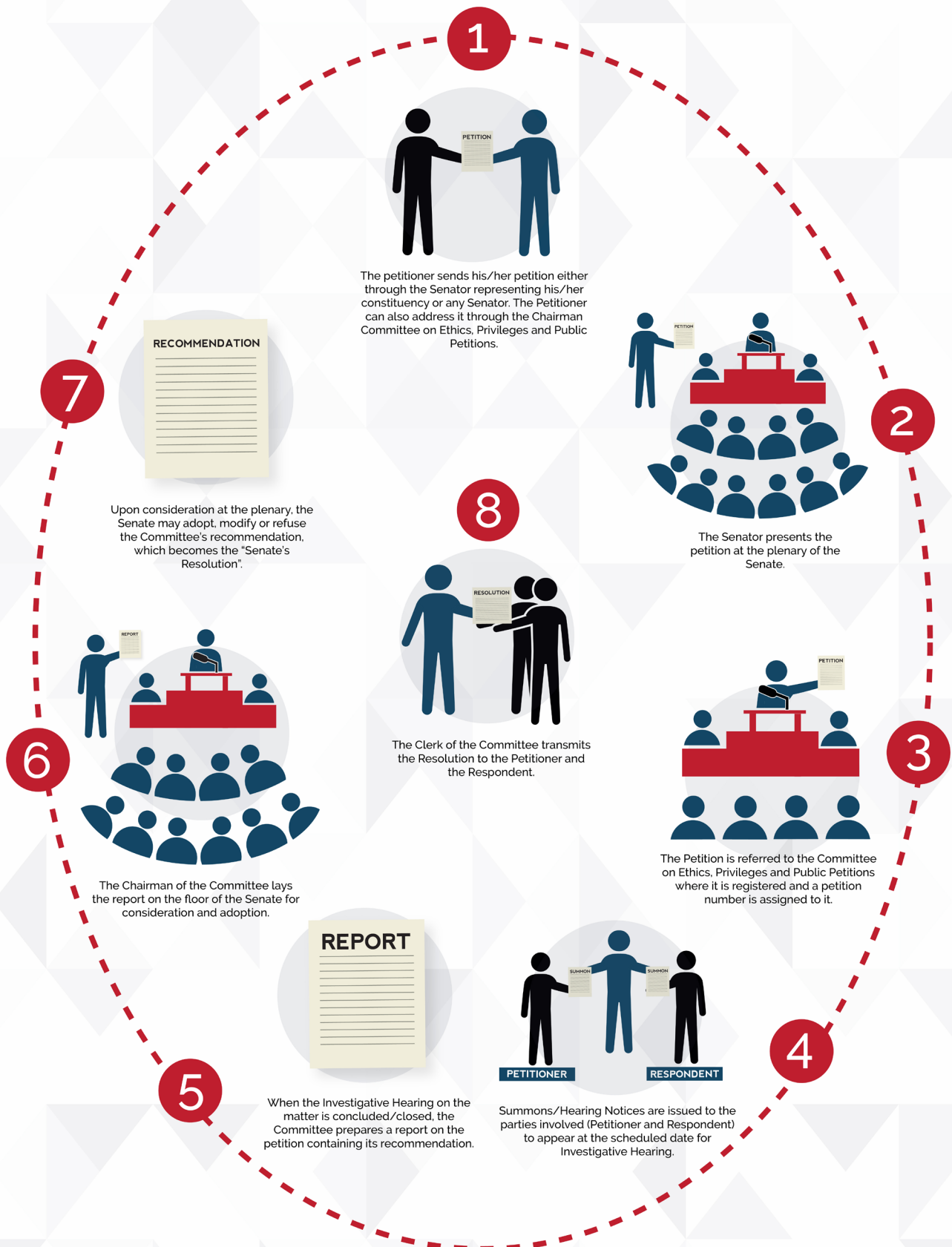
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Website: <http://senateethicsandprivileges.org.ng>

STEP-BY-STEP GUIDE ON HOW PETITIONS ARE PROCESSED BY THE SENATE COMMITTEE ON ETHICS, PRIVILEGES AND PUBLIC PETITIONS



This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

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About PLAC

Policy and Legal Advocacy Centre (PLAC) is a non-governmental organization committed to strengthening democratic governance and citizens' participation in Nigeria. PLAC works to enhance citizens' engagement with state institutions, and to promote transparency and accountability in policy and decision-making processes.

The main focus of PLAC's intervention in the democratic governance process is on building the capacity of the legislature and reforming the electoral process. Since its establishment, PLAC has grown into a leading institution with capacity to deliver cutting-edge research, policy analysis and advocacy. PLAC receives funding support from donors and other philanthropic sources.

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