



HOUSE OF REPRESENTATIVES FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Wednesday, 1 March, 2006

1. The House met at 2.44 p.m., Mr Speaker read Prayers.
2. **Votes and Proceedings:**
Mr Speaker announced that he had examined and approved the Votes and Proceedings of Tuesday, February 28, 2006.

By unanimous consent, the Votes and Proceedings was adopted.

3. **Announcements:**
(i) **Defection:**
Mr Speaker read the following communication from Hon. Gyang Dalyop Dantong (Barkin Ladi/Riyom) Federal Constituency).



Hon **Dr. Grang D. Dantong (JP) MBBS, MPH**

FEDERAL HOUSE OF REPRESENTATIVES
TeL: 080 37012574

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March, 2006

*The Honorable Speaker, House of
Representatives, National Assembly
Complex, Abuja.*

Sir,

NOTICE OF RESIGNATION FROM THE ALL NIGERIA PEOPLES PARTY (ANPP) AND JOINING THE PEOPLES DEMOCRATIC PARTY (PDP)

I joined the All Nigerian Peoples Party in 2002 with the zeal and aspiration to deliver to my constituents and the entire Country the dividends of democracy. I remain grateful to the Almighty God and the ANPP for the mandate to represent my constituency in the House of repetitive.

However, recent development in the ANPP have not gone well with my desired aspiration. It has got to a stage of factionalization not only at the National, but also at the State levels.

After extensive consultations with my constituents and teaming supporters who virtually have left ANPP to PDP, I decided tot resign my membership of all Nigerian Peoples Part (ANPP) tot join the Peoples Democratic Party (PDP).

I believe in the new party and will work for its continuous success and growth.

/ seize this opportunity to thank the leadership of the house and my Colleagues for their support and understanding.

Accept the assurances of my highest regards.

*(Signed) Hon. Dr. Gyang Daiyop
Dantong.*

Cc: Majority Leader House of Rep,
ANPP Leader.

(ii) Computer Soft Copies on Small-Scale Industries:

Hon. S. I. Abegunde informed the House that he was in possession of 360 soft copies on Small-Scale Industries for distribution to Hon. Members. The copies would enable Hon. Members access information on Small Scale Industries and would be placed in their mail boxes.

4. Ratification of Treaty:

Motion made and Question proposed, "The House, having adopted the Report of the Committee of Whole on A Bill for an Act to enable effect to be given in the Federal Republic of Nigeria to the Agreement on the Establishment of the West African Monetary Zone (WAMZ) 2006, do advise and consent to the Ratification of the Treaty in the form agreed to" (Hon. Abdul Ningi).

Question that the House do advise and consent to the ratification and enforcement of the Treaty in the form agreed to resolved in the affirmative.

5. Ratification of Treaty:

Motion made and Question proposed, "The House, having adopted the Report of the Committee of Whole on A Bill for an Act to Enable Effect to be given in the Federal Republic of Nigeria to the International Convention on Civil Liability for Oil Pollution Damage 1969 as Amended and for Matters Connected Therewith 2006, do advise and consent to the Ratification of the Treaty in the form agreed to" (Hon. Abdul Ningi).

Question that the House do advise and consent to the ratification and enforcement of the Treaty in the form agreed to resolved in the affirmative.

6. A Bill for an Act to provide for the Repeal of the National Boundary Commission, Etc, Act CAP. 238 LFN 1990 and among other things, to Establish a new National Boundary Commission with more Powers and Functions; and for Related Matters 2006 — Third Reading.

Motion made and Question proposed, "That A Bill for an Act to provide for the Repeal of the National Boundary Commission, Etc, Act CAP. 238 LFN 1990 and among other things, to Establish a new National Boundary Commission with more Powers and Functions; and for Related Matters 2006 be now read a Third Time".

Question that the Bill be read a Third Time, put and agreed to.

Bill read the Third Time and Passed.

7. A Bill for an Act to Establish the Chartered Pension Institute of Nigeria and for Matters Connected Therewith, 2006 (HB. 229) — Second Reading.

Order read; deferred.

8. A Bill for An Act to Establish the Small Business Administration Agency to make Small Loans to Small Businesses in the Federation and Assist them in obtaining Procurement Contracts Etc. and to perform other Functions Relating Thereto (HB. 77), 2005 — Second Reading.

Bill by leave of the House, withdrawn.

9. Consideration of Reports:

Joint Committee on Judiciary and Justice:

Motion made and Question proposed, "That this House do resume consideration of the Report of the Joint Committee on Judiciary and Justice on A Bill for an Act to Provide for the Re Establishment of the National Industrial Court as a Superior Court of Record and to Prescribe its Jurisdiction on Labour and Organizational Disputes; and for Matters Connected Therewith, 2005" (Hon. Ibn Na'Allah).

Question put and agreed to.

Question that the House do resolve into Committee of the Whole to consider the Report, agreed to.

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

A BILL FOR AN ACT TO PROVIDE FOR THE RE ESTABLISHMENT OF THE NATIONAL INDUSTRIAL COURT AS A SUPERIOR COURT OF RECORD AND TO PRESCRIBE ITS JURISDICTION ON LABOUR AND ORGANIZATIONAL DISPUTES; AND FOR MATTERS CONNECTED THEREWITH, 2005

Pursuant to the Mandate to the Four Member Committee comprising Hon. Obeten O. Obeten, Hon. Abdullahi Umar Idris, Hon. Mohammed U. Kumalia, and Hon. Alex Nwofe to consult with the Legal Department on the intendment of the Bill vis-à-vis the provisions of Section 6 (3), (4), (5) of the Constitution and report to the House on Tuesday, 21 February, 2006, Hon. Obeten O. Obeten reported as follows:

STATUS OF NATIONAL INDUSTRIAL COURT AS
A SUPERIOR COURT OF RECORD

The National Industrial Court was established by Decree No. 7 of the Trade Dispute Decree of 1976, now Trade Disputes Act, Cap. 432 Laws of the Federation of Nigeria 1990. Because of the incessant disputes over the status and jurisdiction of the court vis-à-vis the High Court, Decree No. 47 of 1992 by the provisions of Section 5 amended Section 19 of the Trade Disputes Act, Cap. 432 LFN, 1990 earlier referred to. The Trade Disputes (Amendment) Decree No. 47 of 1992 thereby vested the National Industrial Court with the status of a superior court of record. The court has therefore since 1992, over 13 years ago, been enjoying the status of a superior court of record, which was never challenged until the case of O.D. KALANGO & ORS. V. ROMEO DOKUBO & ORS. 2004 1 NLLR, page 180 at pages 182 to 223, but particularly at page 189 paragraph 12 where the court said.

"the National Industrial Court, though not one of those specified in Section 6 (5) (a-i) of the 1999 Constitution as the only superior courts of record, is nevertheless, not an inferior court. It became a superior court of record by virtue of an amendment to Section 19 by Decree 47 of 1992."

In IME EKONG & ANOR. V. GODFREY OSIDE & ORS. 20041 NLLR, Page 528, at pages 532 to 533, particularly at page 532 paragraph 6 which deal with whether the Decree is inconsistent with the 1999 Constitution, the Court of Appeal held that:

"Decree 47 of 1992 is an existing law which came into force on 1st day of January, 1992 and its provisions remain in force up to today as same have been saved by Section 315 of the Constitution of the Federal Republic of Nigeria 1999".

In a nutshell, the National Industrial Court as at today by virtue of Section 5 of the Trade Disputes (amendment) Act of 1992 is a court of superior record which is recognized by the combined provisions of Section 315 of the Constitution which saved existing laws as at 29th May 1999 and Section 316 which saved the existing courts as at 29th May 1999 and by virtue of which the National Industrial Court is recognized as a superior court of record.

For purposes of clarity Section 315 (1) (a) provides:

"315 (1) Subject to the provisions of this Constitution, an existing law shall have effect with such modifications as may be necessary to bring it into conformity with the provisions of this Constitution and shall be deemed to be—

(a) an Act of the National Assembly to the extent that it is a law with respect to any matter on which the National Assembly is empowered by this Constitution to make laws".

And Section 316 (1) provides:

"316 (1) Any office, court of law or authority which immediately before the date when this section comes into force was established and charged with any junction by virtue of any other Constitution or law shall be deemed to have been duly established and shall continue to be charged with such junctions until other provisions are made, as if the office, court of law or authority was established and charged with the junction by virtue of this Constitution or in accordance with the provisions of a law made there under."

Based on the above submissions and decisions of the Court of Appeal which is still subsisting, the National Assembly is not being asked to establish a new court under Section 6 (4) of the 1999 Constitution. Rather, the National Assembly is being asked to give effect to 316 (1) of the 1999 Constitution by properly re-establishing the National Industrial Court by conferring on the court additional jurisdiction and powers to enable it meet the intendment of Decree No. 47 of 1992.

Also, the National Assembly is being asked to save the court from a dual process of appointing judges whereby the President of the Court is appointed by the President and Commander-in-Chief of the Armed Forces of the Federal Republic of Nigeria on the recommendation of the Federal Judicial Council, while the other judges are appointed on the recommendation of the Minister of Labour and Productivity, which negates the principles of separation of powers.

In conclusion, unconstitutionality cannot be read into the Act conferring the status of a superior court of record on the National Industrial Court. There is, therefore, nothing unconstitutional by the National Assembly still allowing the National Industrial Court to remain as a superior court of record.

Debate:

(Consideration of the Report deferred till the next legislative day to enable the Committee on Rules and Business circulate copies of the Report to Members).

Chairman to report progress.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair, reported that the House in the Committee of Whole, deferred consideration of the Report of the Joint Committee on Judiciary and Justice on A Bill for an Act to Provide for the Re Establishment of the National Industrial Court as a Superior Court of Record and to Prescribe its Jurisdiction on Labour and Organizational Disputes; and for Matters Connected Therewith, 2005 to enable the Committee on Rules and Business circulate copies of the Report to Members.

10. Committee on Sports and Social Development:

Motion made and Question proposed, "That this House do consider the Report of the House Committee on Sports and Social Development on the Investigation into the Financial Activities of the Nigeria Football Association and approve the Recommendation therein" (Laid: 15/2/2006).

Recommendations:

Recommendations :

1. The NFA Chairman, Alh. Ibrahim Galadima and Secretary General Taiwo Ogunjobi carried out some significant expenditure without recourse to any Budget and in some cases double expenditure as money was received from the Ministry for the same purpose e.g. expenditure from sponsorship fund, CAF and FIFA grants. This is a clear case of maladministration and misappropriation of funds. The Auditor General, as a matter of urgency, should audit the accounts of NFA from 1999 to 2005 and send its report to the National Assembly.
2. The Board Members and the Management staff of NFA within this period under audit should stay clear from the Association until the assignment is completed.
3. The Provision of Section 82 of the Constitution of the Federal Republic of Nigeria as it relates to the withdrawal of money from Consolidated Fund of the Federation for the purpose of meeting expenditure necessary by the beginning of a year before coming into operation of the Appropriation Act should be enforced on the Federal Ministry of Finance to ensure adequate preparation and participation in International Sporting activities at the beginning of the year.
4. The NFA must as a matter of Constitutional compliance and obedience to its establishing Act, disclose and submit detailed budget profile on all its incomes from the Ministry and other sources to:
 - (a) Its congress;
 - (b) The Ministry of Sports for further processes and appropriation by the National Assembly.
5. Financial Regulation and proper financial records must be maintained by the N.F.A in accordance with the Civil Service Rules and Regulations on Public accountability.

6. The welfare, salaries, allowances, air tickets etc of coaches and players should be given appropriate consideration to boost morale for better control system and improved performance. Our home bred coaches should be remunerated with packages that commensurate with their experiences. Such packages should be proportionate to that of the Foreign coaches.
7. All verifiable claims due the coaching crew that qualified the National Team for Korea, Japan World Cup in 2002 should be paid immediately by the NFA.
8. Well equipped training camps should be provided by the Federal Government in various geo-political zones in the country.
9. The sponsor of NFA especially Adidas, Palmodzi Sports Marketing, Coca Cola, Globacom, WAMCO, Nike Sport Wears are commended for their effort towards developing football through sponsorship and are urged to continue with this laudable support.
10. Finally, the vacancies discovered in the NFA should, as a matter of urgency, be advertised and filled for effective functioning of the NFA. (*Hon. Danlami Joel Ikenya*).

Question put and agreed to.

Question that the House do resolve into Committee of the Whole to consider the Report, agreed to.

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

REPORT OF THE HOUSE COMMITTEE ON SPORTS AND SOCIAL DEVELOPMENT ON THE
INVESTIGATION INTO THE FINANCIAL ACTIVITIES OF THE NIGERIA FOOTBALL ASSOCIATION

Debate:

Consideration of the Report deferred till the next legislative day to enable Members study the Report.

Chairman to report progress.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair, reported that the House in the Committee of Whole deferred consideration of the Report of the Report of the House Committee on Sports and Social Development on the Investigation into the Financial Activities of the Nigeria Football Association till the next legislative day to enable Members study the Report.

II. Adjournment:

That this House do now adjourn till Thursday, March 2, 2006 at 10.00 a.m. (*Hon. Abdul Ningi*).

Adjourned accordingly at 3.42 p.m.

Aminu Bello Masari
Speaker