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FEDERAL REPUBLIC OF NIGERIA

Tuesday
13th October, 2009



NATIONAL ASSEMBLY DEBATES

**FOURTH REPUBLIC
THIRD ASSEMBLY
(SIXTH SENATE)**

THIRD SESSION

SENATE OFFICIAL REPORT

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**SENATE OF THE FEDERAL
REPUBLIC OF NIGERIA**

Tuesday, 13th October, 2009

The Senate met at 10.20 a.m.

PRAYERS

(The President in the Chair)

VOTES AND PROCEEDINGS

The President: Distinguished Senators, we have the Votes and Proceedings of Thursday, 8th October, 2009 before us for approval: Pages 217, 218, 219, 220, and 221.

Senator Simeon Olasunkanmi Oduoye (Osun Central): Mr. President, I move that the Votes and Proceedings of Thursday, 8th October, 2009 be approved.

Senator Hassan Mohammed Gusau (Zamfara Central): Mr. President, I second the Motion that the Votes and Proceedings of Thursday, 8th October, 2009 be approved.

Question put and agreed to.

Resolved: That the Votes and Proceedings of Thursday, 8th October, 2009 be approved.

ANNOUNCEMENTS

Visit of Hon. Members of Lagelu and Akinyele Local Government Councils of Oyo State and Staff and Students of Salami Academy, Lugbe, Abuja.

The President: I wish to acknowledge the presence of hon. Members of Lagelu and Akinyele Local Councils of Oyo State and Staff and Students of Salami Academy, Lugbe, Abuja, who are in the Gallery to observe the Senate proceedings. We wish them very fruitful observation of the Senate proceedings. *(The visitors stood for recognition)*

Thank you very much. Good morning and sit down, please.

Recognition of the presence Mr. James Rockal, Managing Director of the World Liquefied Petroleum Gas Association

I would also like to acknowledge the presence of Mr. James Rockal the Managing Director of the World Liquefied Petroleum Gas Association, with him is Mr. Dayo Adesina, the Deputy President, Nigerian Liquefied Petroleum Gas Association.

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As you are aware, the Senate Committee on Gas is holding a Public Hearing on trying to convince Nigerians to use gas. We wish them very fruitful observation of our proceedings.

**Launching of Sir Ahmadu Bello Memorial
Foundation**

There is another announcement from the Northern Senators Forum to all Senators. It says: I wish to bring to your notice that the Northern Governors Forum is launching a foundation in memory of Sir Ahmadu Bello, the late Premier of our region and the Saduana of Sokoto. The Foundation is meant to immortalise the great Northern Leader as well as ensure the survival of the legacies he bequeathed to our generation and the generation yet unborn.

Saturday the 17th of October, 2009 has been fixed for the launching. It will take place at Murtala Mohammed Square, Kaduna at 10.00 a.m. All persons of Northern extraction are expected to grace the occasion.

The purpose of this letter, therefore, is to solicit your participation at the event and also request you to generously donate to this worthy course. Donation can be made at the venue or through Senator Umaru Dahiru, Chairman of the Northern Senators Forum for those of us who would not be able to attend due to other commitments.

Please accept the assurances of my highest consideration.

Distinguished Senator Bala Abdulkadir Mohammed
Secretary Northern Senators Forum

MATTER OF URGENT PUBLIC IMPORTANCE

Occurrence of Multiple Accidents at Umunya Junction Anambra North Senatorial Zone

Senator Joy Ifenyinwa Emodi (Anambra North): Point of Order, Mr. President!

The President: What is your Point of Order, distinguished Senator Joy Ifenyinwa Emodi?

Senator Joy Ifenyinwa Emodi: It is Order 42 on Matter of Urgent Public Importance. Can I read, please?

The President: You can read please.

Senator Joy Ifenyinwa Emodi: Order 42 reads:

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(1) The matter for discussion shall, if possible, be referred to the President of the Senate before commencement of the day's sitting and the President of the Senate shall refuse to allow the claim unless he is satisfied that the matter is definite and urgent.

(2) If the claim is allowed by the President or the Senate, and the Leave of the senate is given, by at least one-fifth of all the Senators, the matter shall stand over till the next legislative day.

(3) Not more than one such motion may be made at the same sitting.

The President: What is the synopsis of the matter?

Senator Joy Ifenyinwa Emodi: It is in relation to an unfortunate and multiple accidents that happened at Umunya Junction in Anambra North Senatorial Zone where more than 80 lives were claimed as a result of dilapidated road; about nine buses were set ablaze including a bus filled with school children who were going to school. The incident occurred as a result of petroleum tanker that exploded while navigating through the terrible bad road.

The President: All right. Senator Emodi discussed this matter with me yesterday. She told me that a ghastly accident occurred in which so many people lost their lives.

Senator Mahmud Kanti Bello (Katsina North): Mr. President, I am raising a Point of Order in regard to Order 56(10) which says: *During a sitting all senators shall be silent or shall confer only in undertone.*

The President: But there is a Point of Order already on ground. Let me finish with that one, then I will take your own Point of Order.

Senator Joy discussed the matter with me yesterday and I have no objection and I think it is important that the matter be taken because we lost so many people in the accident. In accordance with the Standing Orders, I have to get the consent of, at least, one-fifth of the Senate to take her Point of Order and stand it down to the next legislative day.

Question put and agreed to.

Resolved: That the Matter of Urgent Public Importance be stood down to the next legislative day.

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Senator Kanti-Bello, what is your Point of Order?

Senator Mahmud Kanti Bello: My Point of Order is with regard to distinguish Senator Lee Maeba. He has been making so much noise to the extent that we cannot even hear what is happening. So, I just want to call him to order.

The President: All right. Before I sustain your Point of Order, Senator Lee, you and Senator James Manager, if why you are talking is because you caught a big fish to your side, then I understand. Is that the reason why you are talking?

Several distinguished Senators: Yes.

The President: Senator Kanti Bello, your Point of Order is sustained because they have not caught the fish after all.

PRIVILEGE

The Vanguard Newspaper Public

Senator Yisa Braimoh (Edo North): Point of Order, Mr. President!

The President: What Point of Order, Senator Braimoh?

Senator Yisa Braimoh: Mr. President, it is Orders 14 and 15. Order 14(a) reads: *Privileges are the rights enjoyed by the Senate collectively and by the members of the Senate individually conferred by the Legislative Houses (Powers and Privileges) Act Cap 208 Laws of the Federation 1990 and other statutes, or by practice, precedent, usage and custom.*

(b) Whenever a matter of privilege arises, it shall be taken up immediately.

(c) In cases where adequate provision is not made in this Standing Orders, the Senate shall be resolution regulate its procedure.

Order 15 says: *Any Senator 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 Senate, The Chairman shall leave the Chair to report progress.*

0201

Precisely last Thursday my brother and Colleague Senator Nimi Barigha-Amange came up on Orders 14 and 15 on a matter that impugned on his privilege following a scoop published by *The Vanguard Newspaper* on Wednesday a day previous to last Thursday and that scoop from Vanguard Newspapers concerned the N300 billion supposed transportation probe by the Ad-Hoc Committee of this Senate and that scoop by *The Vanguard Newspapers* suggested the indictment of certain categories of officers in this country. Following consideration by the Senate of that Motion it was referred to the Ethics and Privileges Committee for investigation.

Yesterday, I was shocked to see another publication by *The Vanguard Newspapers* which I have here before me with the headline on its cover page reading: *Senate Report Indicts Anenih, Okonjo-Iwenala, Chiroma, Allison-Madueke, Ezekwesili and 12 others, also recommends them for ICPC prosecution.*

The import of my coming up with these Orders 14 and 15 this morning is to further emphasise the fact that my own personal privilege as a Senator was further impugned by this Newspaper report which has now published detailed Report of the Ad-Hoc Committee which no distinguished Senator in this Chamber has ever seen except the Members of that Committee and their Clerks.

I am very concerned on this and I seek the leave of the Senate to allow me move a Motion on it to further strengthen the work of the Ethics Committee towards putting a search light on the source of the unofficial leakage of this Report.

At the moment, I am not concerned about the content of the report - we shall cross that bridge when we get there - but for now, it is important that we collectively empower the Ethics Committee to look into how this Report was unofficially leaked to the Press and I would like to move the Motion.

The President: Please, you have moved the Motion already.

Senator Braimoh: I want to formally read it out.

The President: No, please, by your explanation you have already moved the Motion. It does not need a special Motion. This is a very serious issue and we cannot take it lightly. I have not seen a copy of the Report and I am not sure that any other Senator has seen a copy of the Report. If that Report has gone to the Press it is totally unacceptable. The Ethics Committee must take it very seriously. We can

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neither take it for granted nor lightly. It concerns all of us. A Report that was just laid on Thursday, now the contents are getting out to everybody, then there is certainly something wrong with our ability to keep our documents safe and the effect of that on all of us can only be imagined because it means nobody is going to trust us with documents in the Chambers here.

We have not seen it, why should the Press have detailed Report. The matter is hereby referred to the Ethics Committee to report back within two weeks. They must really get to the bottom of this matter.

Senator Braimoh, your Point of Order is sustained and I agree that it is not the issue of the contents now but the main fact that this document went out to the Press at all is bad enough. You may come and lay the Newspaper on the Table and it will add to the Motion already moved, which is before the Ethics Committee. (*Matter referred to the Ethics and Privileges Committee for thorough investigation*)

(*A copy of the Vanguard Newspaper laid on the Table*)

Senator Lee Ledogo Maeba (Rivers South East): Mr. President, I have a point of Order.

The President: Yes, what is your Point of Order?

Senator Lee Ledogo Maeba: It is Order 18. Why I am raising this Point of Order is that Senator Braimoh did not raise it and without raising it, he has no Newspaper to lay on the Table. Order 18 reads: *Any Senator complaining to the Senate of a statement in a newspaper, book or other publication as breach of privilege shall produce a copy of the newspaper, book or other publication containing the statement in question, and shall be prepared to give the name of the printer or publisher.*

Laying a copy of *The Vanguard Newspaper* without invoking Order 18, all he said does not amount laying the Newspaper before the Senate. For him to lay this newspaper before the Senate he should come by way of invoking Order 18 of our Standing Orders. That is the only Order that gives him the power to complain about a newspaper publication and then lay it before the Senate.

The President: Senator Lee, I thank you very much for that correction, but we cannot trivialise this very serious matter. You are also aware that the person responsible for interpreting the rule is the President of the Senate. I may just ask you to read Order 25(1)(h) along with your Order 18. You have read Order 18, please read Order 25(1)(h) also.

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Senator Lee Maeba: Mr. President, I do not doubt your power of interpretation but what I am saying is that, it is just a matter of precedent. It may be that by tomorrow somebody wakes up at the National Hospital and want to lay a Newspaper before the Senate. It would be proper that if a Senator is complaining he should complain to the rule.

The President: But you know that this matter is already before the Ethics Committee, this is just an addition. It is not a new matter. But that notwithstanding, what I asked you to do is to read Order 25(1)(h), you have not read it.

Senator Lee Maeba: It is not a school boy matter, however, Order 25(1)(h) says: *He shall interpret the Rules* which we are doing.

The President: What I asked you to read is Order 25(1)(h). You will read Order 25(1) first and then (h).

Senator Lee Maeba: Order 25(1) says: *The President shall preside at sittings of the Senate*. Then Order 25(1)(h) says: *He shall interpret the Rules*.

The President: Your Point of Order on 25(1)(h) is sustained and I have interpreted the rules. I asked him to lay the newspaper which he has done. Your other Order 18 which you raised on your own, I rule you out of Order on that one and sustained your Order 25(1)(h).

Closed Session

Senator Teslim Kolawole Folarin (Oyo Central): Mr. President, I move that we resolve into the Committee of the Whole to receive briefing from the Governor of Central Bank and the Chairman of EFCC and suspend Order 17 to allow these officials into the Senate Chamber.

Senator Maina Ma'aji Lawan (Borno North): Mr. President, I second the Motion that we resolve into the Committee of the Whole to receive briefing from the Governor of the Central Bank and the Chairman of EFCC and suspend Order 17 to enable them be admitted into the Senate Chamber.

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Question put and agreed to.

Resolved: That the Senate do resolve into Committee of the Whole to receive briefing from the Governor of Central Bank and the Chairman of EFCC and suspend Order 17 to allow these officials into the Senate Chamber.

Sitting suspended: 10.55 a.m.

Sitting resume: 11.00 a.m.

Suspension of Items on the Order Paper

Senator Teslim K. Folarin: Mr. President, because of the Public Hearing on the Constitution Review taking place at the International Conference Centre, I move that the other Items on the Order Paper be stood down to another legislative day.

Senator Kabiru Ibrahim Gaya (Kano South): Mr. President, I second the Motion ably moved by the Leader

Question put and agreed to.

(By leave of the Senate, other items on the Order Paper stood down to the next legislative day)

ADJOURNMENT

Senator Teslim K. Folarin: Mr. President, I now move that this Senate do adjourn till tomorrow, Wednesday, 14th October, 2009 at 10.00 a.m.

Senator Kabiru Ibrahim Gaya: Mr. President, I second the Motion ably moved by the Leader that the Senate do adjourn till tomorrow, Wednesday, 14th October, 2009 at 10.00 a.m.

Question put and agreed to.

Resolved: That the Senate do adjourn till tomorrow, Wednesday, 14th October, 2009 at 10.00 a.m.

The Senate adjourned accordingly at 11.05 a.m.