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HOUSE OF REPRESENTATIVES

FEDERAL REPUBLIC OF NIGERIA

Wednesday, 21st October, 2009

The House met at 2.30 p.m.

PRAYERS

(The Speaker in the Chair)

VOTES AND PROCEEDINGS

The Speaker: Hon. Colleagues, the House is called to order. I have examined and approved the Votes and Proceedings of Tuesday, 20th October 2009.

ANNOUNCEMENTS

**Meeting of Some Members with the
Rt. Hon. Speaker**

The Speaker: Will the following Members, please, meet with me immediately after sitting:

Hon. Ado Dogo Audu	- Kaduna State
Hon. Stanley Ohajuruka	- Abia State
Hon. Patty Etete Inemeh	- Akwa Ibom State
Hon. Godfrey Ali Gaiya	- Kaduna State
Hon. Bassey Edet Otu	- Cross River State
Hon. Clever Ikisikpo	-
Hon. Henry Dickson	- Bayelsa State
Chairman, Committee on Aviation or the Vice Chairman	
Hon. Isa Kwara	
Hon. Yakubu Barde	- Kaduna State
Hon. Bernard Ambrose Udoh	- Akwa Ibom State
Hon. Daniel O. G. Reyenieju	- Delta State
Hon. Overah O. Joyce	- Delta State
Hon. Sa'ad M. C. Tahir	-
Adamawa State	
Hon. Warman Ogoriba	
Hon. Ndudi Elumelu	- Delta State
Hon. Musa Usman	- Niger State
Hon. Omoh Isu	

Meeting of the Education Committee

The Speaker: There will be a meeting of the Education Committee in this Chamber today immediately after sitting.

(Signed)

*Hon. George Oyewole Jolaoye,
Deputy Chairman*

MATTER OF URGENT PUBLIC IMPORTANCE

Killing of 30 Nigerians in China

Hon. Austin Nwachukwu (Ehime Mbano/Ihite Uboma/Obowo): Point of Order, Mr. Speaker!

The Speaker: What is the Point of Order, Hon. Austin Nwachukwu?

Hon. Austin Nwachukwu: My point of Order is Order VIII, Rule 4 of our Standing Orders dealing with Matters of Urgent Public Importance. If you allow it to go through, I would plead that we take it tomorrow as it is very urgent.

It has to do with the killing of thirty Nigerians in far away China at a time, not just one after the other. Up till this moment no Nigerian can tell us the reason they were killed. We are the people's representatives and it behoves on us to protect the lives of our citizens anywhere they are outside the country.

The foreign policy thrust of this government hinges on citizenry diplomacy. Therefore, I would like us to unravel the mystery behind the killing of thirty of our dear brothers. The most painful part of it is that they wanted to cremate them; the word *cremation* means burning to ashes. They wanted to burn them to ashes and send them to Nigeria. I am saying that this is very absurd; it is against Human Rights, our culture as Nigerians and our religion. Therefore, I plead that this honourable House do consider this matter of urgent public importance today.

The Speaker: Hon. Austin Nwachukwu, did you say that you are not aware of how our countrymen in faraway China reached the greater beyond? I would, first of all, like to clarify one or two issues.

You told us that they were all killed at the same time. Was this an accident or were they convicted in accordance with the laws of that country?

Hon. Austin Nwachukwu: Mr. Speaker, I did say that up till this moment no reason has been adduced for the massive death of the thirty Nigerians.

The Speaker: There is a difference between *massive death* and *killings*. Was this an execution ordered by the Government of China or what?

Hon. Austin Nwachukwu: They were killed in China and we do not know whether or not it was the Government that killed them.

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The Speaker: I will put the question on the request made by Hon. Austin Nwachukwu that this matter be considered as a Matter of Urgent Public Importance to be taken tomorrow.

Question put and agreed to.

Resolved: That the House do consider this matter as one of Urgent Public Importance to be taken tomorrow.

MOTION

Speed Bumps on the Major Road Junctions in Abuja and their effects on Road Users

The Speaker: Hon. Dino Melaye has a Motion on Speed Bumps on the Major Road Junctions in Abuja and their effects on Road Users.

Hon. Dino Melaye is invited to move his Motion.

Hon. Dino Melaye (Kabba/Bunu/Ijumu): The House:

Aware of the erection of speed bumps on major roads in Abuja;

Further aware of the negative impact of speed bumps on motorists and other unsuspecting visitors to Abuja;

Worried that the reason for constructing these speed bumps is to curb the rate of accidents but it has aggravated it in an alarming rate;

Further worried that there are more scientific and modern ways of averting accidents on our roads without weakening and damaging our vehicles;

Resolves to:

- (i) direct the Minister of Federal Capital Territory to remove the speed bumps immediately,
- (ii) further direct the Federal Capital Territory Administrations to provide solar panels on all traffic on major highways in Abuja, and
- (iii) urge the relevant Road Regulatory Agencies to give orientation to the public on proper road usage.

Mr. Speaker, I so move.

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Hon. Aro Samuel Bamidele (Yagba East/Yagba West/Mopamuro): I rise to second the Motion as moved by Hon. Dino Melaye.

Question proposed.

Hon. Dino Melaye: Mr. Speaker, my highly respected and patriotic Colleagues, this House is the harbinger of hope; it is the democratic bus stop of the masses of this country. The House is the voice of the voiceless and here we speak for those who cannot speak for themselves and it is the carrier of the feelings of the public.

I will start by saying that these bumps that are all over the major roads in Abuja are economic waste to the nation and economic sabotage to road users. According to the best industrial practices anywhere in the world, where bumps must exist, there must be clear slogans and captions some metres before the bumps to say *slow down, bumps ahead*. In this case there is nowhere in Abuja that there is a notice of bumps or speed bumps ahead.

The outrageous calamitous situation is that I regarded this as an economic waste to the government even if the project was being sponsored by another body different from the government. I want to say and I stand to be corrected with every sincerity of purpose and commitment except you want me to invoke the name of God to have some holy seriousness that there are nine of those bumps before and after every traffic junction; three, then after some meters you have another three and then the last three. Each line costs ~~₦~~400,000.00. The three costs ~~₦~~1.2 million. Then the nine at every junction cost ~~₦~~3.6 million.

Mr. Speaker, this is the Parliament of the people. We also know that nobody, no establishment, no agency and no parastatal in this country can spend without appropriations. I have looked at the 2009 Budget; there is nowhere this House appropriated money for bumps and I understand that it is through Counterpart Funding from a commercial bank.

Any money regarded as internally generated revenue includes taxes, levies, donations, grants *et cetera*. Once it is addressed to any agency of government, it becomes public funds. Therefore, it cannot be spent without recourse to the National Assembly but in this case these bumps have been provided with flagrant disobedience to the National Assembly. I want to bring to the attention of this honourable House that there are no iron rods or any form of iron in those bumps.

I also looked at the traffic rules and laws of this country. The only place you are supposed to have

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bumps is where you have zebra crossing or you have children crossing the roads intermittently or in closes, not even streets. For us to have bumps on highways in Abuja is so pathetic. I was thinking that if the House had been consulted, considering the materials we have here coupled with the intellectual mobility of the Speaker and Members of this House, we would have definitely advised against it. Rather, we would have opted for the provision of solar panels on all traffic roads in Abuja. We would have opted for the provision of CCTV cameras on all our highways so that road offenders can be prosecuted and it would be a source of internally generated revenue for the government.

Mr. Speaker, I will pass these photographs to Mr. Speaker and my hon. Colleagues; you can have them.

(Photographs handed out to be distributed to Mr. Speaker and hon. Members)

The Speaker: Hon. Dino Melaye, who gave you permission to do that?

Hon. Dino Melaye: Mr. Speaker, I know you are a humanitarian leader and this is humanitarian service.

The Speaker: You need to ask for permission.

Hon. Dino Melaye: Mr. Speaker, I am sorry, Sir.

The Speaker: Can I have a look at what Hon. Dino Melaye is distributing.

(Copies of photographs passed to the Hon. Speaker)

The Speaker: You can go ahead, Hon. Dino Melaye.

Hon. Dino Melaye: Mr. Speaker, if you look at the picture of what we have here, it is that of a car directly on the speed bumps. That resulted in a multiple accident at the spot because the driver of the car in question applied break unceremoniously; you can see blood all over the place. The plate numbers of the vehicles are there and the bumps are there; the cars were already on the bumps. This is just to express the negative concomitant effect of these bumps.

When the world is moving towards digital operation our common destiny is being reversed to the Stone Age; I mean the days of Homo sapien and homo-erectus. It is a very myopic and porous decision in the first place to have those bumps there.

Mr. Speaker, what I will say next will sound funny but I am very serious. Those bumps are actually

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responsible for cases of abortion in this FCT; pregnant women have been losing their unborn babies, tyres have been pulling off on motion, bolts and nuts have been removing, engine sittings dismembered from vehicles; there is need for an instantaneous amelioration and palliation.

Our democracy is fashioned after the United State of America. Our spoken English in Nigeria was adopted from the United Kingdom. We want to ask the FCT Administration, where did they fashion those bumps from? This is because the normal bumps we know do not have this type of ravaging and damaging effect. There is nowhere; north of the Sahara, no where South of the Limpopo, where this type of bumps have been noticed. I will not want to belabour us with unnecessary talks. Democracy is government of the people by the people for the people; it is not government of the greedy by the greedy and for the greedy.

As a sensitive House and voice of the voiceless, some of us today as Members of this Parliament must decide either to work in the light of creative altruism or we perish in the darkness of destructive selfishness. This green Chamber, this hallowed Chamber, this House of Representatives must be seen to be standing by the people. Our vehicles are being dismembered; there is economic waste on our roads and we are wasting money visiting mechanic workshops on daily basis; may God Almighty help this House today to take a decision that will stand the test of time.

Hon. Ihiabe Samson A. Positive (Dekina/Bassa): I thank Hon. Dino Melaye for bringing this Motion today and he has been modest enough to tell us that they are bumps. To me they are car destroyers. Do you realise that by the time you pass those bumps you will lose one or two nuts from your car?

Taking into cognisance that most Nigerians use second-hand vehicles, why do we have to fix these car destroyers on the main roads where we pass day in day out? Since these car destroyers came onto the roads most people have been forced to buy and keep spanners in their cars because the moment you pass it back and forth, if you cannot go to the mechanic, you have to lie under the car to put some nuts straight.

Abuja is modelled towards a modern city capital; why are we going back to do what is unreasonable? I mentioned some time last week that the FCT Administration is doing something that is outside its statutory duties.

It was just last week that the issue of land rate was debated on the Floor of this House; everybody saw the way it was. It was also last week that the issue of

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revocation of plots which had been allotted to Nigerians in Abuja was discussed. Everybody contributed and we all took a decision that the Committee on FCT should conduct a Public Hearing on it.

This issue of bumps even though not mentioned last week has been brought up today. It is a sensitive

issue; it is germane and important for us to look at it positively so that it would be known that Abuja should be a model city.

The Speaker: Is there any member wishing to speak against it?

Hon. Shehu Garba Matazu (Matazu/Musawa): Mr. Speaker, I want to share the belief of Hon. Dino for bringing this Motion but let us be honest and sincere. Let us first ask ourselves what are or what were the purpose of putting those things in place in Abuja? Before they were put in place, we are all living witnesses to what happen on our roads. Some of us have been here for the last ten years. Anytime a serious and terrible accident occurs within the Federal Capital Territory, it is as a result of people driving without obeying simple traffic rules. When the danger light shows, they ignore it and sped past. They do not obey the rules and we used to have very terrible accidents.

In order to reduce these terrible accidents within the Federal Capital Territory to the barest minimum, the Federal Capital Territory Administration had to put those things in place because no matter how you are on speed once you approach the traffic light because of those things you must apply your brake and slow down before you get to the traffic light and that has drastically reduced road accidents in the Federal Capital Territory.

What Hon. Dino Melaye showed us in these pictures, with due respect, is not an accident.

Some hon. Members: No!

Hon. Shehu G. Matazu: I know the purpose of putting those bumps in place is to reduce loss of lives on our roads and I believe it is the responsibility of the hon. Members of this hallowed Chamber to also do whatever we can as the representatives of the people to prevent and also to stop accidents from happening and also to save lives and property. That is why we are making good laws for the good governance of our country, Nigeria.

Hon. Charles Onyekwelu Udogwu (Ndokwa/Ukwuani): Mr. Speaker, I want to comment that the Motion moved by Hon. Dino Melaye did not

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give us any details of statistics of accidents that may have occurred backed by reports from either the Federal Road Safety Commission or the Police to justify the frequency of such accidents.

The bumps are supposed to slow the vehicles down but what he is telling us is that Nigerians are wonderful drivers or reckless drivers who do not mind the traffic lights. If you can approach an intersection at that kind of speed that could cause this kind of accident,

if you did not have these kind of bumps only God knows how severe the accident would have been.

If we want to remove such bumps as he has advocated, it will amount to extra cost on the public funds. Besides, he has spoken of installing solar panels to help give warnings. If he wants solar panels or enough warning for motorists who are approaching such bumps, it would have been a better thing for us to do than to dismantle the bump structure.

The Speaker: I will give the Floor to the Minority Whip to speak for the Motion.

Hon. Olufemi Gbajabiamila (Surulere 1): Thank you very much, Mr. Speaker. I do not have much addition save to add by way of rejoinder to what my Colleague and Friend Hon. Matazu has said regarding the need for speed pumps.

It is very clear to everybody that the reason for the erection of the speed bumps itself has become counter-productive. The purpose for it which in itself may be noble has become defeated because people now understand the science of those speed bumps that the faster you go the smoother your ride.

Some hon. Members: Yes.

Hon. Femi Gbajabiamila: If everybody on all four sides are trying to speed at the same time to get ease of passage over the bumps what you have is a kind of wonderful pictures that have been captured by Hon. Melaye. That there are no statistics to show the number of accidents that have happened I do not know when that became a pre-condition for Motions in this House. In the legal parlance, what Hon. Dino Melaye showed us is *res ipsa loquitur*; the thing speaks for itself. Every time we drive past junctions, we see accidents.

Hon. Dino Melaye has presented a very good case; he has marshalled his points very well and we need to support this Motion for the sake of all the points he has canvassed except that I would like Prayer (ii) to be amended.

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The Speaker: When it comes to Amendment, I will call on you. That is the end of the debate on this. However, as I said, if you have Amendments, it is time to do so.

Hon. Olufemi Gbajabiamila (Surulere I): My Amendment will be by way of deletion of Prayer (ii) which asks that the FCT provide Solar Panels.

The reason this is impracticable and should be deleted is because I believe the FCT has a budget that was approved by this House and I am not sure that the provision of solar panels at those junctions forms part of the monies that were appropriated this year.

The Speaker: That prayer has to do with next year's Budget. Therefore, we should either delete or amend it that the FCTA can present it in their proposals for provision of fund because they cannot do it the way it is worded. It is like giving them an instruction to provide solar panels. Where will the money come from?

Anyway, is any Member seconding this Amendment?

Hon. Solomon U. Agidani (Apa/Agatu): Hon. Speaker, I rise to second the Amendment as proposed by the AD Leader, Hon. Gbajabiamila.

Amendment put and negated.

The Speaker: Hon. Jime, let us have your Amendment.

Hon. Emmanuel Jime (Makurdi/Guma): Mr. Speaker, my Amendment is on Prayer (i). With your kind permission, I will read:

That this House resolves to urge the Minister of the Federal Capital Territory to modify the speed bumps as they are today in order to avoid accidents but at the same time retain speed bumps on the streets.

Hon. Zakari Ya'u Galadima (Jakusko/Bade): I rise to second the Amendment as proposed by my Hon. Emmanuel Jime.

Amendment put and negated.

Hon. Tamarautare E. Brisibe (Burutu): Mr. Speaker, my Amendment is:

That this House should urge the FCTA to analyse the problem of accidents at

junctions in Abuja thoroughly and proffer a solution that is agreeable to this House through the Committee on FCT.

Hon. Ndudi Godwin Elumelu (Aniocha North/South/Oshimili North/South): I second the Motion as amended by Hon. Brisibe.

Amendment put and negated.

Hon. Olajumoke Okoya-Thomas (Lagos Island I): Hon. Speaker, my amendment is:

That the House should urge the Minister of Federal Capital Territory to provide road signs, like a few meters before the motorists get to the bumps or modify the bumps too.

That means that the bumps should remain but modified a bit.

The Speaker: Yes, but are you aware that this Motion is seeking to remove those bumps.

Hon. Olajumoke Okoya-Thomas: It should not be removed. I have seen bumps in developed countries especially where children are crossing.

Hon. Folake Olunloyo Oshinowo (Ibadan South West/ North West): I hereby second the Amendment as moved by Hon. Okoya-Thomas.

Amendment put and negated.

Hon. David Onobi Idoko (Ado/Ogbadibo/Okpokwu): Mr. Speaker, I wish to recommend that prayer (ii) be amended to read:

Further direct the Federal Capital Territory Administration to provide Solar Panels and road furniture on all traffic on major highways in Abuja.

The Speaker: Can you, please, explain what you mean by road furniture?

Hon. David O. Idoko: Road furniture are obstacles on the road that when you go over them they really make noise. They are road furniture but they have ability to illuminate in the night and provide some level of obstacles.

The Speaker: Hon. Colleagues, since this is an Amendment stage and Hon. Idoko has educated us on what he meant by road furniture, I do understand that.

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He has moved his amendment and we need a Member to second that.

Hon. Florence Atinuke Akinwale (Emure/Gbonyin/Ekiti East): Mr. Speaker, I rise to second the Amendment as moved by Hon. David Idoko.

Amendment put and negatived.

Main Question put and agreed to.

The House:

Aware of the erection of Speed bumps on the major roads in Abuja;

Further aware of the negative impacts of the speed bumps on motorists and other unsuspecting visitors to Abuja;

Worried that the reason for constructing these speed bumps is to curb the rate of accidents but it has aggravated it in an alarming rate;

Further worried that there are more scientific and modern ways of averting accidents on our roads without weakening and damaging our vehicles;

Resolves to:

- (i) direct the Minister of Federal Capital Territory to remove the speed bumps immediately;
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- (iii) Urge the relevant Road Regulatory Agencies to give orientation to the public on proper road usage.

CONSIDERATION OF BILLS

Public-Private Partnership Contracts (Implementation) Bill, 2009

A Bill for an Act to Provide for the Implementation of Public-Private Partnership Contracts between Public Partner and to Establish a Set of Rules Governing Public Partnership Contract, 2009 (HB. 270)

Order for Second Reading.

The Speaker: The next Order of the Day is commencement of debate on the general principles of a

Bill for an Act to provide for the Implementation of Public-Private Partnership Contracts between Public Partner and to Establish a Set of Rules Governing Public Partnership Contract, 2009. This Bill was read for the First Time on Wednesday, 22nd July 2009.

I now invite the sponsor, Hon. Lanre Agoro to move that the Bill be read the Second Time.

Hon. Lanre Adeniran Agoro (Irepo/Orelope/Olorunsogo): I humbly rise to move that a Bill for an Act to Provide for the Implementation of Public/Private Partnership Contracts between Public Partner and Private Partner and to Establish a Set of Rules Governing Public Partnership Contract be read the Second Time.

Hon. Saudatu A. Sani (Lere): I rise to second the Motion as moved by Hon. Adeniran Agoro.

Question proposed.

Hon. Lanre Adeniran Agoro: Hon. Colleagues, this Bill seeks to define the content and implementation of Public/Private Partnership Contracts. Let me also say from the onset that this Bill is not oblivious of one existing Act of the National Assembly which is Infrastructure Concession Regulatory Commission.

However, I will go on, as they say in law court, to distinguish between these two later. Before then, if you go through the Bill as presented in our Journal, it is to define the contract and the partnership contents of Private Partnership Contracts. The regime now in Nigeria is that of Public/Private Partner initiatives.

You would recall that in the 1970s, there was this Indigenisation Act. By the content of this Act, the government was bound to provide all these infrastructural facilities because there were no private investors who were capable enough of putting their money in providing these infrastructural facilities. However, today, we now have good banks and investors who could put down their money or go to the banks to collect money and invest in all these contracts.

The ancient regime was that the government must put money down. We also moved to another regime, which was that of concessioning; government started to concession all these infrastructure to those concessionaires. You will recall that the Nigerian Ports were concessioned to some concessionaires but without laws. We gave out ports to concessionaires, whether Nigerians or foreigners without enabling laws. We then put the cart before the horse. Again, we are moving to another regime which is Public/Private Partnership but where are the rules?

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If you look at the gamut of the Infrastructure Concession Regulatory Commission, you will not find the details of what this Bill seeks to put in place. It is then necessary to look at the content of this Bill and address it *vis-à-vis* what Public/Private Partnership Contracts would do to the development of this country.

Just some few weeks back, a company was given the Ibadan-Lagos Expressway not on the basis of concessioning but on the basis of Public/Private Partnership. What this law is saying is that it is the Public Partner that will identify these structures, make advertisement and invite Private Partners that will invest.

There is a law here too; we are not debating the details of the Bill but let me make reference to Sections 5 and 13; the details of how these which will come into being are already there.

Hon. Colleagues, the essence of the Bill is to bring about efficiency. There is a popular saying that government does not have business doing business. It is because there is no efficiency in running government establishments; that was why government deemed it fit then to concession all those facilities. Now, we are saying you can concession but there are areas where we need to focus attention on. This is because Nigeria is haven for investments and for haven for investment to be what it is, there must be enabling laws. I am not saying, by my own personal wisdom, we would get all these things done.

The other one is to put our resources into optimal use. When we do this, we would remove the hands of bureaucracy but we will devote a section to what bureaucracy will do. When partners go into it, the aim is maximum profit and efficiency. What this Bill seeks to do is to bring all those things to bear.

This Bill also seeks to protect public interest of which I am one. My interest and your interest would be protected; we would not mortgage the future of Nigeria to the Private investors. I know my Colleagues would have gone through this Bill and would have one or two things to say but I urge and crave your indulgence to support this Bill and let it pass Second Reading so that their wisdom will come to bear on this particular Bill.

The Speaker: Is any Member speaking against this Bill?

Hon. Henry S. Dickson (Ekeremor/Sagbama): I rise to speak against the Bill that has just been proposed by my very good Friend. I support him any day but not on the Bill he has just presented. The reason is that there must be clarity about the objectives and the practical necessity of a Bill. There is already in place a

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legal regime governing this area that the Bill seeks to address. I am happy that my good Friend in the course of his lead debate made references to the Infrastructure Concessioning and Regulatory Commission. That is the regulatory body governing these issues that the Bill seeks to address.

If there is need for rules, it may be better for us to take the proposal as an Amendment to the existing legislation so that we do not have multiplicity of legislations; we can amend the existing law and provide the ground rules.

It is for that reason that I am opposed to this Bill, not because I disagree with the objective but because I think that we can take a different route and still get to the destination. We should take this as an Amendment to the existing rule. I thank him for his industry and for what he has done.

Hon. Friday Itulah (Esan North East/South East): Point of Order, Mr. Speaker!

The Speaker: What Point of Order, Hon. Friday Itulah?

Hon. Friday Itulah: Mr. Speaker, I am raising Order IX, Rule 3(2) of our Standing Orders at page 33. It reads:

A Member may speak for or against the Motion. But during consideration of Bills, Report and other measures, a Member can speak on the Bill, pointing out the merits and demerits of the Bill, including Statutory and Constitutional issues for and against such measure. He is not to speak for or against, because the debate is on the general principles.

When Hon. Henry Dickson rose, he said he was speaking against the Bill.

The Speaker: Hon. Itulah, that was because I asked for it.

Hon. Igochukwu Aguma (Port Harcourt I): Indeed, I wish to align myself with Hon. Dickson. However, I also wish to align myself with Hon. Agoro. Why do I say so? What Hon. Agoro had done was to highlight the inefficiency of an existing legislation and to try to see what our shortcomings were based on our experiences in practicing that existing legislation today.

There are certain areas we have not been able to even bother while talking about this concessioning. Have we been able to categorise for security reasons even the types of facilities to concession or go into PPP? Those are the issues I believe should be analysed

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at the Committee stage, particularly those shortcomings or as an Amendment to the existing legislation. I will give an example.

We hear every day that Nigerians leaving the airports are caught with various forms of hard drugs. We have not heard how many Nigerians coming in through our airports are caught with these hard drugs.

Statistics available at the Maritime Authority today show that ever since the concessioning of our seaports, we have had issues whereby there have been lapses of security even the proliferation of arms into Nigeria. So I believe that in concessioning the responsibilities of the concessionee and the concessioner should be well-defined either as a separate Act as proposed by Hon. Agoro or as an Amendment to the existing one.

I want to say that because of the exigencies of the practice we have done today this Bill should be committed to the relevant Committee and let them come out with an efficient Report that this House can deliberate on; but that there is a gap is certain and Hon. Agoro has highlighted that.

Hon. Aliyu Ahmed Wadada (Keffi/Karu/Kokona): Mr. Speaker, I want to start by applauding the efforts of my Colleague to have brought up such a Bill. At the same time, I want to say that there is a disconnect between the content of the Bill and the Concessioning Act already put in place.

First and foremost, I want us to remember that in contemporary world just like he said government has no business in doing business. What government does is to create enabling environment and that enabling environment should be all encompassing in the sense of provision of enabling Act and infrastructural facilities which if effectively provided will reduce cost of capital and by so doing encouraging private businesses to thrive.

Every contemporary economy is private sector driven which of course Nigeria is falling in line. It is not practicable anywhere for a law to be brought or to be put in place to determine the content of either public or private partnership in such a transaction. What the government does is to provide that enabling environment. The prevailing situation as to what business will be done between the public and the private will determine the level of content each of them will play. In line with this, the Bill should be sent to the relevant Committee of the House so that these issues raised will be looked into because it is not practicable.

My hon. Colleague gave example of an agreement between the government and a company. What is

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between the government and that company is a concession agreement and the Bill is talking about public/private partnership; so there is a disconnect. The ideal behind the Bill is welcomed but the issues around it are supposed to be looked into so that we really do what the Bill requires.

The Speaker: Hon. Colleagues, I am going to put the question on this Bill because we have four more Bills that have been slated for Second Reading.

Question put and agreed to.

Bill read the Second Time and referred to the Committee on Public Procurement.

Community Service for Offenders in Certain Cases (Regulatory) Bill, 2009

A Bill for an Act to Provide for and Regulate Community Service for Offenders in Certain Cases and to Provide for Related Matters 2009 (HB. 266) -

Order for Second Reading.

The Speaker: The next Order of the Day is commencement of debate on the general principles of a Bill for an Act to Provide for and Regulate Community Service for Offenders in Certain Cases and to Provide for Related Matters 2009.

You will recall that this Bill was read for the First Time on Tuesday, 21st July, 2009. Hon. Samuel Whesu Sejoro will now move for the Bill to be read the Second Time.

Hon. Austin Nwachukwu (Ehime Mbano/Ihite Uboma/Obowo): Point of Order, Mr. Speaker!

The Speaker: Hold on, Hon. Sejoro. There is a Point of Order. Hon. Austin Nwachukwu, please proceed.

Hon. Austin Nwachukwu: My Point of Order is Order VIII, Rule 5 of our Standing Orders dealing with Personal Explanation. It is on page 26. If you allow me, I would like to read.

The Speaker: Go ahead, please.

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

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

I want to inform the House that the Bill that is about to be taken is an integral part of the Prisons Reform Bill that is already awaiting consideration by the House. All items as captured in this Bill are all embedded in the Prisons Reform Bill of which I am a Co-Sponsor.

The Speaker: Has the Bill you are talking about gone through Public Hearing?

Hon. Austin Nwachukwu: Yes.

The Speaker: Has the Report been laid to the House?

Hon. Austin Nwachukwu: I cannot say for sure whether or not it has been laid before the House.

The Speaker: It is all right; Chairman, Committee on Rules and Business, could you respond, please?

Hon. Ita Enang (Itu/Ibiono Ibom): The Bill is pending Public Hearing.

The Speaker: On your honour, Hon. Austin Nwachukwu, you said it had already gone through Public Hearing?

Hon. Ita Enang: It has been committed to the Committee for Public Hearing.

The Speaker: Hon. Austin Nwachukwu, I rule you out of Order. Hon. Sejoro please proceed.

Hon. Samuel Whesu Sejoro (Badagry): I hereby move that a Bill for an Act to Provide for and Regulate Community Service for Offenders in Certain Cases and to Provide for Related Matters, 2009 be read the Second Time.

Hon. David Idoko (Ado/Ogbadibo/Okpokwu): I second the Bill as moved by Hon. Whesu Sejoro.

Question proposed.

Hon. Whesu Sejoro: Mr. Speaker, we are all aware that our prisons are overcrowded and that there are five times the number of inmates in such prisons than are supposed to be there. We are all aware that minor and serious offenders are crowded together in our

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prisons. In the process of serving their jail terms, they emerge more corrupt and more hardened than they were before they went into those prisons.

We are all aware that there is a national outcry that the prison system be reformed because the present system tends towards punishing the offenders rather than reforming them. We are also aware that minor offenders form between 60 and 70 *per cent* of inmates in our prisons. This is why there is the need for reform in the form of Community Service or Probation.

What is Community Service? It is non-custodial punishment whereby with the approval of the offender, the court rules that he undergoes Community Service around where he committed the offence instead of being crammed into jail with hardened criminals and the like.

What are advantages of Community Service? It allows the convict to be recreated or reformed. It reduces the cost of governance and on the society. This is because prisoners are fed and clothed and their wellbeing is taken care of when imprisoned. Therefore, with Community Service this will not happen.

We are all aware of the stigmatisation in the system. If we allow minor offenders to serve their community, the problem of stigmatisation of prisoners will not be there and such offenders that are serving their community are most likely to be reformed. They would have learnt their lessons and rediscovered themselves and it would have formed a form of restitution on them. It would also give the communities affected the opportunity to take part in the process of rebuilding and remoulding the personality of the character of the convict.

The community service system has worked effectively in the developed world like in the United States of America, Canada, United Kingdom, France and Germany; we should allow it to work here.

The system is actually driven by the courts; the court supervises the serving of the punishment on the offenders. The supervisor of the offender can be penalised. The Bill provides for the penalties against the offender if he refuses to carry out the Community Service and provides for punishment for the supervisors, that is, the officers of the courts that are supposed to carry out the supervision.

With this submission, I appeal to my Colleagues to see the need for the coming into life of the Community Service Bill.

Hon. Solomon U. Agidani: (Apa/Agatu) Point of Order, Mr. Speaker!

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The Speaker: What is the Point of Order, Hon. Solomon Agidani?

Hon. Solomon U. Agidani: I want to cite Order XII, Rule 14 of our Standing Orders at page 54. If Mr. Speaker permits me I will read it.

The Speaker: Please proceed.

Hon. Solomon U. Agidani: *More than one Bill on the same subject matter may be introduced, but the when the Second Reading of a Bill have been agreed to or negated, the question shall not be proposed for the Second Reading of another Bill of the same subject matter during the same session. On the Order of the Day relating to such a Bill being read, the Speaker shall direct that the Bill be withdrawn.*

We have at one time or the other harmonised Bills here. I am at a lost why this should be allowed to get to this stage.

The Speaker: Hon. Chairman, Committee on Rules and Business, I was going to suggest that based on the Order raised by our dear Colleague Hon.

Nwachukwu after Hon. Sejoro was allowed to address us on the merits of the Bill, that both Bills be harmonised.

Now, the rule being put forward by Hon. Agidani here is actually contradicting the practice that we are used to here.

Chairman, Committee on Rules and Business, can you respond please?

Hon. Ita Enang: Mr. Speaker, the situation is that we were not fully aware that the provisions of this Bill were actually and fully reflected in the Prisons Bill sponsored by Hon. Okoya Thomas. It is not our intention that since it was pending for the Public Hearing, to still schedule it here. That would have been the appropriate time to direct that the Bill be withdrawn. But since it has been taken as you have done at this stage we can still order that it be consolidated.

The Speaker: Hon. Ita Enang, there is a fundamental point we need to clear once and for all here. We are used to the practice that when Bills are read and it becomes obvious that it is similar to another Bill that has already been read, it should be harmonised and dealt with accordingly at the Committee Stage.

However, a Rule is being brought to our notice now in our books which clearly states that we do not

even have to wait for harmonisation; it should be withdrawn immediately.

Hon. Ita Enang: Yes, Mr. Speaker.

The Speaker: That being the case, we need to solve this problem right now since we have the opportunity to do so. From now onwards, are we now suggesting that there is no more room for harmonisation? The question is how do we know and at what time do we decide whether or not it is of similar nature in order for us to direct its withdrawal or harmonisation?

Hon. Ita Enang: Mr. Speaker, normally when we detect that two Bills are of a similar nature - *(Interruptions)*

The Speaker: At what point do you detect?

Hon. Ita Enang: We detect this in the course of reading through them. If inadvertently both of them were published in the Journal, we normally bring them up at the same time on the same day. It is at that stage of the two Bills being brought at the same time on the same day that we now ask that it be consolidated and taken together.

The Speaker: My dear Colleagues, to guide us the Chairman, Committee on Rules and Business is suggesting that the consolidation is supposed to have been done before it gets to the Order Paper. However, it has passed that stage now.

Please, Hon John Halims Agoda, could you advise?

Hon. John Halims O. Agoda (Ethiopia East/Ethiopia West): Mr. Speaker, my worry is that what Hon. Ita Enang is saying is beautiful and well presented as it is but we are in a system where we are guided by either the Constitution or our Standing Rules.

We cannot reasonably assume it. The situation he is saying ought to be contained in our Rules, whether before it appears on the Order Paper it must be contained in this book is something we cannot assume because there is no way we can run away from the fact that we will not sponsor Bills that are of similar subject matter; we definitely will. Sometimes when we harmonise them, you will see the beauty of it. Bill A may not contain issues that are contained in Bill B and when we harmonise the two Bills, you will bring the best of the system and that has been what we have in our Standing Orders. I do not think we will run away from it; there must be an Amendment.

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This is House of Representatives of the Federal Republic of Nigeria. Our role here is to make law. Therefore, we must make law that will suit the system and we will continue to amend until we get a perfect document.

The Speaker: What is your suggestion vis-à-vis the rule Hon. Agidani cited?

Hon. Halims Agoda: Mr. Speaker, as regards Order XII, Rule 14 of our Standing Orders which Hon. Agidani cited, you have no option. By the last sentence, Mr. Speaker, you are enjoined by the Rule that the Speaker shall direct that the Bill be withdrawn.

Hon. Olufemi Gbajabiamila (Surulere I): Mr. Speaker, my position on this issue according to the Rules is that it only vindicates what a lot of Members have continued to argue which is that the powers of the Rules and Business Committee are very limited. What this Rule is saying on the one hand is that a Bill on the same subject matter can be brought but then it says that a question shall not be put.

What it means is that this Rule gives the Speaker the power to withdraw the Bill immediately only when you are satisfied that the subject matter is the same and the only way that the Speaker can be satisfied that the subject matter is the same is upon perusal or after he has led its debate; that is what this Rule says. As I said earlier on, it vindicates the argument that has been put forward on this Floor several times that the Rules and Business Committee cannot determine what comes to the Floor of this honourable House.

The Speaker: What I see here is very simple; it is of the Speaker's opinion on whether or not it is of similar subject matter and it is based on that similarity that the Speaker can direct that it be withdrawn. Am I in order?

Some hon. Members: No.

Some hon. Members: Yes.

The Speaker: Hon. Friday Itulah, you have the Floor. Before you make your contribution, please bear in mind that we are reaching a consensus. So, be careful not to throw us into a different issue entirely.

Hon. Friday Itulah (Esan North East/Esan South West): Mr. Speaker, flowing from our Rules, which is Order XII, Rule 14 at page 54 that has been cited by Hon. Agidani, the issue to be determined is not whether these Bills are of the same subject matter but whether or not it is introduced in the same Session; that is what is

important. Bills of the same subject matter can be introduced provided it is not in the same Session.

The Speaker: My dear honourable, the first sentence of Sub-Rule 14 is that *more than one Bill on the same subject matter may be introduced*; that is a fact.

Hon. Friday Itulah: Yes.

The Speaker: So, why are you saying it is not?

Hon. Friday Itulah: You can only apply this Rule if a Bill on the same subject matter is introduced in the same Session. He is right; he is not introducing the Bill in the same Session now.

The Rule provides as follows: *More than one Bill on the same subject matter can be introduced but when the Second Reading of the Bill has been agreed or negated, the question shall not be proposed for the Second Reading of another Bill of the same subject matter during the same Session.*

We are now in a Session that is different from when it was introduced. We are in the Third Session of the Third Assembly.

Hon. Ita Enang: Mr. Speaker, the principal question in this matter is whether or not the Bills are on the same subject matter. For us to determine this question, both Bills must be on the Floor and must be seen.

I would suggest that we examine again whether the provision in the Prisons Bill is exactly what is provided in this one. Otherwise, we will not be able to determine if it is of the same subject matter.

I therefore pray that this matter be stood down for that examination. Then I would like Members attention to be drawn to the particular Sections or Clauses in the Prison's Bill that is *in pari materia* with the present Bill.

The Speaker: Hon. Colleagues, this is like chicken and egg story; which comes before the other one? It is quite clear that we have benefited from the position of harmonising Bills before today but we are also restricted by some of the Rules in our Book which states that when the Second Reading of a Bill has been agreed to or negated, the question shall not be proposed for the Second Reading of another Bill of the same subject matter during the same session and that on the Order of the Day relating to such a Bill being read, the Speaker shall direct that that Bill be withdrawn.

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So, by these rules, we are restricting ourselves from giving the opportunity to allow a harmonisation which, in most cases, gives us a better law at the end of the day. Hon. Chairman, Rules and Business Committee, are we in a position to amend this Rule right now?

Hon. Ita Enang: No, Mr. Speaker. We can only suspend that Rule for the purpose of this matter only.

The Speaker: In that case, Hon. Solomon Agidani, I am going to rule that you are in order. However, I would advise that immediately I rule on that, you will move a Motion that this Rule be suspended. If that Motion succeeds, it means that it would solve that problem. If it does not succeed, it means that it would be withdrawn. That is the basic intuition of that Motion.

My dear Colleagues especially those who are part of the first Bill, this is not a contest between two Members who have moved the Bill; let us understand it. This is a contest for us to enact a better Bill for our nation. Let us not misunderstand what our objectives are here. The Rule of the House has come to the rescue. So, I will rule that you are in order. Can you now move for the suspension of that rule?

Hon. Solomon U. Agidani (Apa/Agatu): I move that this House do suspend the relevant Rules of this House to allow debate on the Bill to continue.

Hon. Igochukwu N. Aguma (Port Harcourt I): I second the Motion as moved by Hon. Agidani.

The Speaker: I will put the question now that Order XII, Rule 14 of our Standing Orders be suspended now that we understand fully the consequence of the decision we are about to take.

Question put and agreed to.

Resolved: That Order XII, Rule 14 of our Standing Orders be suspended for this purpose only.

Hon. Sejoro, having completed his debate, I am going to put the question so that we can move on. It is 4.00 p.m.; we have four more Bills to consider today.

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

The Speaker: What is the Point of Order, Hon. Agoda?

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John Halims Agoda: Mr. Speaker, we learn everyday. It is from the Definition aspect of the new Rules on this issue we have concluded. I am not raising it but I believe it is very important. This is because while we were debating just now, Hon. Itulah relied on the issue of a Session from that Order XII, Rule 14 on Page 54.

I went to the Definition Section of our Rules and it says *Session* means one *Legislative year*. I am wondering; is a Session one Legislative year or a Session is the totality of the tenure which is four years? I need to know.

The Speaker: Fortunately, for us we have a Chairman of the Rules and Business Committee. So Chairman, could you, please, advise?

Hon. Ita Enang: There are four Sessions in one Legislative Term. Each Session starts from June 4. This particular Session started on 4th June, 2008 and ended on 3rd June, 2009.

We are in the Third Session of the Third Assembly. This is the Third Assembly and a Session is one Legislative year. It is like one Academic Year.

The Speaker: Hon. Colleagues, it is incredible, and that is the beauty of Democracy, that even the word *Session* is still debatable in this National Assembly after ten years; that is how it is supposed to be.

However, Hon. Ita Enang, is a Session a term of four years or a year in four years or both?

Hon. Ita Enang: It is one legislative year within the four-year tenure of the life of the House.

The Speaker: So, a Session is one year?

Hon. Ita Enang: A Session is one legislative year starting from the day the House was inaugurated after the Proclamation of the President.

The Speaker: How many Sessions do we have in a term?

Hon. Ita Enang: There are four Sessions in a term.

The Speaker: If there are four Sessions in a term and it is clear, what is the dispute?

Hon. John Halims O. Agoda: Mr. Speaker, we learn every day. If my Colleague is saying that a

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Session means one legislative year, I am not too convinced yet. What is he relying on as the basis for this definition?

The Speaker: The Chairman, Committee on Rules and Business is not under trial. He has stated what his opinion of what the Rule is. If you have something contradicting to that, you can just tell us.

Hon. Halims Agoda: I do not have.

The Speaker: I will rule that he is in order then. Chairman, Rules and Business, I will advise that you and your Committee should, please, have a look at our Rule Book on such things.

Hon. Tsegba Terngu (Gboko/Tarka): Mr. Speaker, I have gone through some sections and provisions of this Bill and I would love to point out particularly some sections which, if removed may render this Bill unnecessary.

This Bill seeks to create the Office of the Supervisor of Offenders; the person who, according to the Bill, is to supervise people who are assigned to do community service. Under our existing laws, it is the Prison warders who are responsible for supervising people who have been convicted and without amending the Prison Act, you cannot come here and create the Office of the Supervisor of the Offenders.

Under Clause 10, the Bill seeks to give the Minister the power to convey to Judges in writing areas where he feels that people who are to do community work should be assigned. Under our laws and our Constitution, the Judiciary is not responsible to the Minister. The Judiciary is a separate arm of Government and they are not to work under the direction of the Minister. So, this is a major flaw also in this legislation which seeks to give the Minister the power to direct the Judiciary where to assign people for community service; this cannot also stand.

Under Section 11 of this Bill, the Bill seeks to create a Commission of Community Service. What are we trying to achieve here? To create another bureaucracy with twelve members, a Chairman and twelve Members without even considering the financial implication of creating a Commission of Community Service. This is unnecessary because that responsibility falls under the Judiciary. If at all we are even going to create community service in our statutes as part of punishment to be served by those who are convicted, I do not think we need a Commission to regulate this; that should be left at the discretion of the Judge.

I do not know the function of the Commission because it is not stated here in the Bill. We do not

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know what the Commission would be doing but the Commission is listed here with fifteen members and it is going to be a body corporate which can sue and be sued. We do not know what the relationship between the Commission and the Judge or the Commission and the Judiciary will be. These are some of the duplications we should try to avoid.

Any time we are to pass a law here, we must look at the functions of the Commission we are setting up so that it would not conflict with existing bodies that are statutorily responsible for the regulation of the Judiciary which is an agency that regulates the judges. I do not think we should come here and create a Commission and assign it with the responsibility of dictating to our Judges where somebody should do community service or not.

This Bill is just to reform the Prison Service which is still in line with what we have been saying that there has been a Bill on the Floor of this House which seeks to reform our Prison system. So, we should not create duplication; the sponsor should withdraw this Bill.

Hon. Igochukwu N. Aguma (Port Harcourt I): First of all, I commend my Colleague for bringing up this Bill. I thank God that all of a sudden we have realised that the House Rule supports the introduction of this Bill.

The Speaker: It also supports the withdrawal.

Hon. Igochukwu Aguma: Yes, but we have accepted the introduction. This Bill is still going to go to the same Committee on Reform. I believe that in anything we do, any added voice goes to bring about the robust nature of the outcome at the end of the day. Is it not true that minor offenders, awaiting trial people and hardened criminals all share the same prison? It is true. Do we need to look at that problem along the line of our prison reform? It is true.

I believe that the merit of this Bill goes to re-emphasise the fact that we need to reform the Prison

and the Bill has been pending for a very long time. I am sure if this Bill had gone through Public Hearing, my Colleague might have also presented this in the Public Hearing.

I also do not agree with my Colleague that the principle of separation of power means that the Judiciary is a stand-alone; I disagree. We have a situation where the Executive had so over-sighted the Legislature and the Legislature has so over-sighted the Executive. We should also know that the Legislature overlooks the Judiciary. I do not believe that if there is a law that prescribes a way in which a Ministry or the

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Executive arm shall make regulations on which the Judiciary should rely on, then that will be eroding the powers of Judiciary; it is not true. I believe that we should take this Bill to the Committee and let them look at it alongside the existing Prison Act and the existing Reform as stated by my Colleague.

Question put and agreed to.

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

The Speaker: Hon. Colleagues, the Bill for an Act to Provide for the Implementation of Public-Private Partnership Contracts Between Public Partner and Private Partner and to Establish a Set of Rules Governing Public Partnership Contract, 2009 should be referred to a Joint Committee on Public Procurement and that of Privatisation and not to Committee on Public Procurement alone as I had earlier announced.

Bill accordingly read the Second Time and referred to a Joint Committee on Public Procurement and that of Privatisation.

Hon. Ita Enang: Point of Order, Mr. Speaker!

The Speaker: What is the Point of Order, Hon. Ita Enang?

Hon. Ita Enang: The Point of Order is Order VIII, Rule 5 of our Standing Orders. I want to rely on this Order to draw attention to the top left-hand corner of the Order Paper of today, 21st October, 2009, which says: *Fourth Republic, 3rd National Assembly, Third Session, No. 44.*

I am drawing attention to this in view of the assignment that Mr. Speaker had given that the Committee on Rules and Business should take a look at this. It is not a question of our Standing Orders; it is a standard practice in the Senate and the House of Representatives - (*Interruptions*)

The Speaker: Hon. Chairman, please look at it.

Hon. Ita Enang: All right Mr. Speaker, I will do that.

Nigerian Railway Corporation Act Cap N129 LFN 2004 (Repeal) Bill, 2009

A Bill for an Act to Repeal the Nigerian Railway Corporation Act, Cap N129 LFN 2004, to Provide for the Establishment of the Nigerian Railway Authority, the Introduction of Private Sector Participation in the

Provision of Rail Services, the Regulation of the Railway Sector and for Related Matters, 2009 -

Order for Second Reading.

The Speaker: The next Order of the Day is the commencement of debate on the general principles of a Bill for an Act to Repeal the Nigerian Railway Corporation Act, Cap N129 LFN 2004, to Provide for the Establishment of the Nigerian Railway Authority, the Introduction of Private Sector Participation in the Provision of Rail Services, the Regulation of the Railway Sector and for Related Matters, 2009.

This Bill was read for the First Time on Wednesday, 22nd July, 2009. The sponsor of this Bill is Hon. Chukwudi Mayor Eze. He is invited to move the Motion.

Hon. Leonard Chukwudi Eze: (Orlu/Orsu/Oru West): Mr. Speaker, I do move that a Bill for an Act to Repeal the Nigerian Railway Corporation Act, Cap N129 LFN 2004, to Provide for the Establishment of the Nigerian Railway Authority, the Introduction of Private Sector Participation in the Provision of Rail Services, the Regulation of the Railway Sector and for Related Matters, 2009 be read the Second Time.

Hon. Aminu Shehu Shagari (Yabo/Shagari): Mr. Speaker, I second the Motion as moved by Hon. Mayor Eze.

Question proposed.

Hon. Leonard Chukwudi Eze: Mr. Speaker, we all know that this is a Bill that if properly done will enhance the Transportation sector of this country. It is obvious during the course of my research on this Bill that 65 *per cent* of Nigerians have not seen a train and over 85 *per cent* of Nigerians have not entered a train. From what we have seen in the Telecommunication industry, once an aspect of the economy is privatised, it will give the much needed boost to the economy.

Therefore, this Bill seeks to restructure the Nigerian Railway Authority by allowing the Private Sector to participate in the provision of rail services and infrastructure.

The Bill also seeks to promote the efficient and sustainable development and operation of the Railway sector to facilitate the development of competitive market for services in that sector.

We all know the advantages of efficient and effective railway system. It will not only generate employment for the teeming population of this country

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but will also lessen the pressure on our roads. It will also lead to the massive movement of goods and services by ensuring that agricultural and petroleum products are easily conveyed. Most importantly, accidents on our roads will be reduced drastically.

If the Private Sector initiative is injected into our Railway system, there is no doubt that this would boost economic activities in the hinterlands of this country and wherever this happens, the development of infrastructure such as electricity *et cetera* would be greatly improved. It would also generate employment. This is because an efficient Railway sector generates employment more than any other arm of the Transport sector in any economy.

When we support this Bill to be read a Second Time today, we would have opened a new vista in the economic development of this country.

The Speaker: Is there any Member who wishes to speak against this Bill?

Hon. Tayo Fawehinmi (Ondo East/Ondo West): Mr. Speaker, looking at the body of the Bill just read out by the sponsor, I cannot really understand why the Bill is to repeal the name the *Nigerian Railway Corporation* and establish a new Railway company to be known as *Nigerian Railway Authority*. From what he has said, certainly the provision of Railway services will definitely enhance the economy of this country and provide jobs *et cetera*. But we are still talking about the *Nigerian Railway Corporation* and I believe that the only thing that will help transform the railway subsector is to introduce the Dual-Gauge System which has, for one reason or the other, been stopped by the Government. *(Interruptions)*

The Speaker: Are you sure this has been stopped?

Hon. Tayo Fawehinmi: It has. In fact, it has been reverted to the single system. The government plans to buy new engines *et cetera* and intends to continue with the Single-Gauge System. However, I do not see how changing the name from *Railway Corporation* to *Railway Authority*, will promote efficiency in the Railway subsector.

Hon. Herman Hembe (Konshisha/Vandekiya): Mr. Speaker, I rise to speak for this Bill. This Bill is

timely and very important. There is no gainsaying that today the state of our roads and road transport as it were is deplorable. It is so because of the pressure that is put on these roads by huge trucks that carry goods from the seaports to the hinterlands.

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The most efficient and successful means of carrying these bulk goods all around the world is simply by train but the railway system in Nigeria is not working. It befalls on us as a House to see how we can revamp the entire system. The issue of name does not simply arise here. What is important here is that we need to revamp the railway system and making laws that will bring about an efficient rail transport system in Nigeria is most desirable. So, we should focus more on what we need to do to enhance the rail system in Nigeria and reduce the pressure on our roads so that we can begin to have short range and long range rail systems that will ferry goods and people from one part of the country to the other and even within cities.

Therefore, we should focus more on that and not talk about the matter of whether we are calling it Corporation or an Authority. What we are discussing here today is the general principles of the Bill. *(Interruptions)*

The Speaker: Hold on, Hon. Hembe. Is the Chairman of Land Transport here? *(No response)* Please, proceed, Deputy Chairman of Land Transport.

Hon. Herman Hembe: When we come to Third Reading, we can then be talking about whether we need to agree with the proposal by the sponsor of this Bill to call it Railway Authority or Railway Corporation but what is important today is that we need to do something to make laws that will revamp the practically dead rail transport system in Nigeria.

Hon. James Joseph Idachaba (Idah/Ibaji/Igalamela/Ofu): Mr. Speaker, I am on my feet to support this Bill ably moved by my Colleague, Hon. Mayor Eze. I feel it is imperative on this country to ensure that most of our businesses are privatised especially drawing down from the fact that the experiment made in the Communications Sector has worked positively to the advantage of this country.

In those days when I was in the university in Zaria, I used to enter train from Zaria to Minna for ₦3 and it was a very cheap means of transportation

The Speaker: How many years ago?

Hon. James Joseph Idachaba: That was as far back as 1974.

The Speaker: Hon. Idachaba, were you in the University in 1974?

Hon. Idachaba: I graduated in 1977 Sir.

The Speaker: I take back my comments.

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Hon. Idachaba: For those of us that have really travelled out of this country we have seen these things work efficiently in those countries. And as we have seen, it is better we come back as leaders of this country to impact what we have seen outside positively on our people. A good railway system will go a long way to solving the transport system of this country especially if you bring in private participation. We have decided to deregulate our system starting from the Communications Sector.

I am equally suggesting that the so-called energy that we are hoping to inject into our system at least to raise it to six thousand megawatts by this December will pay off if we can open our doors to private investors who have the wherewithal and expertise to invest in that field. In the same manner, let us open our doors to private investors who have the wherewithal and the expertise to invest in our rail system

The Speaker: That is already the agenda of the government.

Hon. Idachaba: It is the agenda but have we mustered the political will to implement it? Until we are ready to muster the political will to implement most of these things, we will continue to lag behind. This is because we have continued to say that some of the companies or industries that we have in Nigeria are strategic. That is the way we have been treating Ajaokuta Steel by saying that it is strategic and at the end of the day we sold it to people who do not have the wherewithal and resources to run it effectively for the benefits of Nigerians.

The Speaker: Thank you.

Hon. Joseph Jaiyeola Ajatta (Oshodi-Isolo I): Mr. Speaker, I would like to support this Bill because I know it is very important for our country.

I know that railway in time past had played a very active part in the movement of people and goods in this country. It was the desire of some people to kill the progress we have made in the railway subsector because they are interested in carrying goods by trailers, cars and other vehicles and they actually killed the railway system. However, railway system is the best and the cheapest in any part of the world. We were doing it very well before; why did they kill it?

I am supporting the Bill because I want the government and the private investors to bring it back. When I was young, many of the young men here today were not born then; I remember that it was very cheap to move around by train. You would see a train with up to twenty coaches transporting thousands of people

from Lagos to Kano at the same time. Our roads were good then but when they killed the railway they came to the roads. Today, our roads are in very bad shape. I just want to refresh the memory of Members to see reasons this Bill should be supported.

We have a Committee of Land Transport here in the House. They have been here for about eight years or more but nothing has been done about railway in this country. I understand they visited China and invited them to come and revive our railway system. They came with their machinery and a lot of things and they wanted to make it move but it is the government of this country that is putting a clog on their wheels; but this House is determined to transform the railway subsector.

The present state of our roads is deplorable. That is why I am calling on the government to come and reconstruct our roads. And whenever it rains, our roads would be washed away. Movement from Lagos to Benin used to take about four hours but today it takes up to four days. That is why – (*Interruptions*)

The Speaker: Hon. Ajatta, are you saying it takes four days to travel from Lagos to Benin?

Hon. Ajatta: It depends on the type of vehicle because some vehicles break down on the failed portions of the road and they remain there even for a week. That is why I am urging my hon. Colleagues to support this Bill or support anything that will bring railway back to this country.

The Speaker: Is any Member from the Committee on Land Transport here? If there is, can he tell us with facts and figures the position as regards reviving the railway vis-à-vis this Bill?

Hon. Chinyere Emmanuel Igwe (Port Harcourt II): Mr. Speaker, there is no Private/Public Partnership in the Rail industry as we speak. So there is need for that to come in place. Rather, Julius Berger, CCC&C Nigeria Limited *et cetera* are the major contractors in the rail industry for the government today. That is the situation.

The Speaker: Hon. Emmanuel Jime, you are also a Member of the Committee on Land Transport?

Hon. Emmanuel Jime (Makurdi/Guma): Yes, I am.

The Speaker: What is the situation of railway revival vis-à-vis this Bill?

Hon. Emmanuel Jime: Only recently, Mr. Speaker, the Land Transport Committee was charged

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with the responsibility of conducting an investigation into our Rail Transport system.

The Speaker: That was over a year ago?

Hon. Emmanuel Jime: Yes, Sir. To the best of my knowledge and understanding we have already conducted that investigation and our Report has been placed before this House for its consideration. I am very sure that when eventually this House considers that Report, it will become very clear what the state of the railway system in Nigeria is at the moment. This is because we have done a very comprehensive study on this issue.

The Speaker: Can we hear from the Chairman, Committee on Steel?

Hon. Aminu Shehu Shagari (Yabo/Shagari): Out of the four thousand two hundred kilometres of rail in Nigeria, there is only one standard gauge rail that operates in Nigeria. That is very appalling and that is from Ajaokuta to Warri in Delta State; even that standard gauge system is yet to be completed because the outstanding job is about fifteen kilometres.

So, if we are to join the league of nations that have been developed in the Railway sector, we have to complete Ajaokuta Steel Complex. If we can achieve that, we should be able to replace all these railway lines that are begging for rehabilitation - (*Interruptions*)

The Speaker: I was looking for your contribution vis-à-vis this particular Bill which is talking about privatization and the state of materials used in railway development.

Hon. Aminu Shehu Shagari: I was just speaking on the need to revitalise our railway system. I hereby rest my case here.

The Speaker: Thank you. Hon. Idoko, you have the Floor.

Hon. David Onobi Idoko (Ado/Ogbadibo/Okpokwu): I am excited to talk about this Bill because mass transit generally is railways. In developed countries particularly in London, the rail system works. You notice that you have Piccadilly and other rail systems that are owned by private individuals in participation with the government.

What this Bill seeks to do is to develop that level of participation to the extent that private people can be encouraged to run shuttles or rail service within specified areas; participate in the rail activities and in

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earnest probably develop what we really need to call Mass Transit.

Hon. Sokonte H. Davies (Degema/Bonny): I really want to express joy in the presentation of this Bill that this House is considering. I urge all the Members to let it go through the Second Reading the reason being that there is no where development can be meaningful when means of transportation is not cheap. The things that will bring massive development are heavy-duty things. To transport such equipment and materials, you need cheap forms of transportation and the rail system has proved to be, and it still serves as, the cheapest means of transportation. It is also a means to massively evacuate people.

Hon. Ajatta was saying that travelling to Benin from Lagos sometimes takes four days. It might not be four days but it is very difficult the reason being that there is no other means of competition. If the railway system of this country is developed in such a way that private investors come in, it is going to enhance movement and people who run other means of transportation would become more efficient and effective in doing so.

I urge our Members to support this Bill to go through Second Reading so that we have competition that will bring down the cost of transportation in this country in the long run.

Hon. Abubakar Mohammed Maifata (Tarauni): A typical example of the Bill is our Air Transport system. It is the government that constructed and equipped our airports while the private sector is operating some of them. One major thing we must bear in mind is that we have to get the railway working. Unfortunately for us, the government is not encouraging the private sector in this aspect. This is because there is no continuity. If the present government had continued from where the last government stopped with respect to railway contracts, we could have gone far in terms of constructing the rail lines and stations. This Bill would have examined areas where we are having problems and deal with them. This approach would have impacted positively on our nation. This is because so many people have interest to participate but we do not have the enabling environment to operate.

That Bill is timely but we have to go further to charge the government to make sure that our railway subsector is put in order.

Hon. Godfrey Ali Gaiya (Jaba/Zangon Kataf): I am in support of this Bill. I am supporting it because I have indeed seen the success of the partnership with the Nigerian Railway.

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A practical example is what the Governor of Kaduna State is doing in the Railway subsector. The Governor actually initiated a partnership with the Nigerian Railway and made that to become the base for his Mass Transport system in Kaduna State. As it is today, that partnership with the Nigeria Railway has enabled a very efficient transport system in the State. For example, the cost of rail transport from Zaria through Kaduna to Kafanchan is ~~N~~40.00 and that system is perfectly on ground. That has not only alleviated poverty by helping the less privileged to be able to move around, it has also drastically reduced transportation cost in Kaduna State. It has reduced the problem of dependence on vehicles.

I urge my hon. Colleagues to support the Second Reading of this Bill.

Hon. Dr. Okey Ude (Orumba North and South): I am very happy that this issue of railway is actually being discussed because it is germane. You cannot talk about mass transit without actually discussing the railways. I must say that this is one of the areas where the Legislature from 1999 to 2003 actually did not do quite well. The issue of railways was one of the first meetings that the then President in 1999 called between the Presidency and the National Assembly.

We realised that the problem of the railways in Nigeria was actually created by the colonial masters. Why is it so? The problem arose from the way the railways lines were structured. From the South to the North, if you want to go through the railways from the East to the West, you will find that you have to go right up to Kafanchan and sometimes even to Kaduna before you now go down to Lagos.

Why is it very important? This is important for the simple reason that if you want to restructure railways now, you must have to attract private investors to come in. With the present standard of railways, it is capital intensive for private investors to come in. *(Interruptions)*

The Speaker: Hon. Oke Ude, how was that the problem created by the colonial masters? I do not understand that. They created the railways and we did not develop it. How can the problem be caused by our colonial masters?

Hon. Dr. Okey Ude: Mr. Speaker, I am just saying that why we are finding it difficult to develop our railway infrastructure now is because of the structural problem that they presented to us.

The Speaker: We could have restructured it, could we have not?

Hon. Dr. Okey Ude: We now want to restructure it. Julius Berger came in and introduced the standard gauge at the Itakpe/Warri line and now advised that maybe we have to move from the narrow gauge we have now to standard gauge; that also came with its own problem. This is because experience has now shown that the problem of our railways is not the gauge because in South Africa the gage is narrow - *(Interruptions)*

The Speaker: Hon. Okey Ude, with all due respect, this particular debate is vis-à-vis privatisation.

Hon. Dr. Okey Ude: Yes, I will address that. What they have realised is that in restructuring our rail system, we have to use Legislative instrument. This is because the Railway Act was enacted in the 1950s. Therefore, we need to amend our law by inserting provisions that will make it attractive for private investors to come in.

The Speaker: I will now put the question on the Second Reading of the Bill.

Question put and agreed to.

Bill read the Second Time and referred to the Joint Committees on Land Transport, Privatisation and Commercialisation.

Science and Technology Research Development Fund (Establishment) Bill, 2009

A Bill for an Act to Provide for the Establishment of the Science and Technology Research Development Fund and for Other Matters Connected Therewith, 2009 (HB. 264) -

Order for Second Reading.

The Speaker: Is Hon. Isiaq Akinlade here? *(No response)* The Chairman, Committee on Rules and Business, please.

Hon. Ita Enang: Mr. Speaker, Hon. Isiaq Akinlade told us that he was ready. That was why we listed it, Sir. I pray that this Bill be stood down.

The Speaker: It is all right. The Bill is stood down.

Bill, with the leave of the House stood down.

ADJOURNMENT

Hon. Baba Shehu Agaie (Agaie/Lapai): Mr. Speaker, I rise to move that this House do adjourned till

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tomorrow, Thursday, 22nd October, 2009 at 10.00 a.m.

Question put and agreed to:

Hon. Waziri Aminu Tambuwal
(Kebbe/Tambuwal): I second the Motion as ably
moved by the Deputy Leader of the House.

Resolved: That the House do stand adjourned till
Thursday, 22nd October, 2009 at 10.00 a.m.

The House adjourned accordingly at 4.48 p.m.