

1057

HOUSE OF REPRESENTATIVES

FEDERAL REPUBLIC OF NIGERIA

Wednesday, 20th May, 2009

The House met at 2.50 p.m.

(The Deputy Speaker in the Chair)

PRAYERS

VOTES AND PROCEEDINGS

The Deputy Speaker: The House is called to order. I have examined and approved the Votes and Proceedings of Tuesday, 19th May, 2009.

ANNOUNCEMENT

The Deputy Speaker: Hon. Colleagues, this is to inform you that our Leader, Hon. Tunde Akogun, has won his case at the Court of Appeal. Hon. Ehiogie West Idahosa has also won his case. *(Applause)*

Visits of Councillors from Coker/Aguda LGA of Lagos State

The Deputy Speaker: We have in the Gallery Hon. Councillors from Coker/Aguda Local Government Area Council of Lagos State. Can you, please, rise up for recognition?

(Hon. Councillors accordingly recognised)

PRESENTATION OF PUBLIC PETITION

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

Non-inclusion of Indigenous and Highly Experienced Oil Servicing Company in the Award of Pre-shipment Inspection Contracts

Hon. John Halims O. Agoda (Ethiope East/Ethiope West): Mr. Speaker, this Petition is presented on behalf of Globe Inspection Nigeria Limited which specialises in Engineering Services, Petroleum Inspection Services and Tank Calibration/Meter-Proving Cargo Superintendents. The title of the Petition is the complaint of the non-inclusion of indigenous and highly experienced oil servicing company in the award of the Pre-shipment Inspection Contracts at the nations 21st Crude Oil Export Terminus.

1058

The relief of the petitioners are as follows:

- (i) That this House, among other things, should look into the possibility of giving indigenous oil servicing companies the opportunity to be considered for the award of such contracts.

With due humility, may I lay their Petitions on the Table?

Petitions laid.

Wrongful Dismissal from the Service of PPMC

Hon. Ogbuefi Ora Ozomgbachi (Ezeagu/Udi): Mr. Speaker, I have two Petitions from my constituents. The first is from Mr. Stephen O. Ogbo. He has petitioned this honourable House for wrongful dismissal from the service of PPMC and he is craving the indulgence of this honourable House to intervene on his behalf to get his services reinstated or in the alternative get his entitlements paid to him.

Wrongful Termination of Appointment by NIPOST

The second Petition is from Mr. R. O. Igwe, one of my constituents. He is also complaining about wrongful termination of his appointment by NIPOST and he is asking for reinstatement.

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

Petitions laid.

Alleged Infringement of Fundamental Human Rights by the University of Jos

Hon. Peter Linus Umoh (Oron/Mbo/Okobo/Udung Uko/Urue Offong/Oruku): Mr. Speaker, I have a Petition from Hon. (Chief) Professor Amayak Essien-Obot of the University of Jos. He is complaining of the infringement of his fundamental rights against the University of Jos.

The facts of the matter are well stated here in his Petition and I crave your indulgence to lay the Petition on the Table

Petition laid.

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

1059

(Petitions accordingly referred to the Committee on Public Petitions)

Hon. John Halims O. Agoda: Point of Order, Mr. Speaker!

The Deputy Speaker: What is the point of Order?

MATTER OF URGENT PUBLIC IMPORTANCE

Major Confrontation between the Militant Groups and Officers and Men of the Joint Task Force (JTF)

Hon. John Halims O. Agoda (Ethiopia East/Ethiopia West): Mr. Speaker, it is Order VIII, Rule 4(3) of our Standing Orders dealing with Matter of Urgent Public Importance. With due humility, let me use one Motion to move this rule so that this issue can be briefly taken today.

I seek the indulgence of this House to read the Order.

The Deputy Speaker: Go ahead.

Hon. John Halims O. Agoda: Let me appeal to this honourable House to which I am a Member that for six days running, starting from Thursday last week, there had been a major confrontation between the militant groups in Delta State and indeed the officers and men of the Joint Task Force (JTF) also in Delta State. As leaders, I want to appeal to this honourable House to see how we can put our heads together to seek the intervention of the Executive Arm of Government in this matter.

If I am allowed, I will present a short Motion that will serve as a guide to this honourable House. I beg to submit.

The Deputy Speaker: I will put the Question that this matter be discussed as a Matter of Urgent Public Importance.

Question put and agreed to.

Resolved: That this honourable House do discuss the major confrontation between the militant groups in Delta State and indeed the officers and men of the Joint Task Force (JTF) also in Delta State as a Matter of Urgent Public Importance.

1060

Hon. John Halims O. Agoda: I move that this honourable House do suspend Order VIII, Rule 4(3) of

our Standing Orders so that this issue can be thoroughly discussed today.

Hon. Leonard Okuweh Ogor (Isoko North/Isoko South): I second the Motion moved by Hon. Halims Agoda.

Question put and agreed to.

Resolved: That this honourable House do suspend Order VIII, Rule 4(3) of our Standing Orders so that this issue can be thoroughly discussed today.

Hon. John Halims O. Agoda: The House:

Notes the raging military action in the Niger Delta and the accompanying mass refugee crisis that has led to the displacement of scores of women, children and senior citizens who no longer have homes, foods and access to medical care;

Mindful of the very sensitive nature of the issues in contention that subsequently resulted in agitation and now into actions that are difficult to classify;

Recalling the untiring efforts of the Federal Government to pacify the genuine feelings of the people of the Niger Delta through the institution of a Master Plan of development;

Worried that even though the agitations slipped out of the control of the original concept of constructive engagements, there is now the need more than ever before for both parties to sheath their swords to give room for resolution.

Concerned that the nation can ill-afford an escalation of the crisis in the Niger Delta because of the grave social and economic consequences that they can wrought on the country in general.

Resolve to:

(i) Call on the President of the Federal Republic of Nigeria Alhaji Umaru Yar'Adua as Commander-in-Chief of the Armed Forces to order the immediate cessation of further Military actions;

(ii) Request all stakeholders to prevail on gun-wielding youths to stop forthwith all further acts of hostilities while the government

1061

continues with its building of structures for the resolution of the Niger Delta Crisis.

(iii) Encourage the Hon. Abdul Ningi Ad-hoc Committee on the Niger Delta Crisis to expedite action in proffering workable and enduring solution to the crisis and

(iv) Finally urge the Federal Government through the National Management Emergency Agency (NEMA) to urgently send relief materials including beddings, medicine, food etc to displaced persons.

Mr. Speaker, I beg to move.

Hon. Uche Ekwunife (Anaocha/Njikoka/Dunukofia): Mr. Speaker, I rise to second the Motion moved by Hon. Halims Agoda.

Hon. John Halims Agoda: Thank you, Mr. Speaker. Graciously - *(Interruptions)*

Hon. Chile W. Igbawua (Kwande/Ushongo): Point of Order, Mr. Speaker!

The Deputy Speaker: What is the point of Order, Hon. Igbawua?

Hon. Chile W. Igbawua: Mr. Speaker, I come under the same Order VIII Rule 4 of our Standing Orders dealing with Matter of Urgent National Importance. The topic we are about to discuss has very serious security implications and we are about to discuss it when we have very little information. We are likely to raise issues here which may not be proper if we discuss it the way we are sitting in the public; we shall be endangering the security of this nation. We know this is a matter which affects a lot of people on either side.

The Deputy Speaker: Read the Order.

Hon. Chile W. Igbawua: Order VIII, Rule 4 at page 26 says:

The matter for discussion shall, if possible, be referred to the Speaker prior to the commencement of the day's sitting and the Speaker shall refuse to allow the claim unless he is satisfied that the matter is definite and urgent.

This matter has risen on this Floor. I did not anticipate that it will come up but I am only calling attention to the security implications if we go ahead and discuss it. It has arisen in a manner in which I had no opportunity to brief Mr. Speaker before raising it but I

1062

am raising it in the national interest all the same, that we do not discuss this matter as a public matter in the way we are trying to do.

The Deputy Speaker: Are you relying on any of our Orders not to discuss this matter?

Hon. Chile W. Igbawua: No, it is a matter of Urgent Public Importance that has arisen on the Floor.

The Deputy Speaker: I put the question before the House and the House agreed that it is a Matter of Urgent Public Importance.

Some hon. Members: Put the Question again.

The Deputy Speaker: I had earlier put the Question and it was agreed to.

Hon. Chile W Igbawua: Mr. Speaker, as soon as my hon. Colleague gave the Preamble, I noticed that the matter which was about to be raised has serious security implications. So it has arisen here on the Floor; it did not arise outside.

I am not objecting to the matter being discussed but I do not think we can discuss a matter affecting the security of this nation in the public.

The Deputy Speaker: The procedure is that once there is a Motion it has to be seconded by a Member after which a question will be put. If the question is agreed to, the matter will be discussed.

If you want to us to reverse our decision, you have to come by way of Motion again? That is the only way the House can reverse a decision.

Hon. Chile W. Igbawua: It is all right, Mr. Speaker. I will come by way of Motion.

The Deputy Speaker: Even then, the Motion cannot be taken like that. Hon. Ita Enang, please?

Hon. Ita S. J. Enang: Mr. Speaker, you have put the Question on the two Prayers that Hon. Agoda requested and the House had agreed to it.

The only thing to be done now is for the Motion to be moved and you will put the question on the final Motion. No other interlocutory matter can come in to stop the hearing of the Motion except on the substance and the request by my hon. Colleagues is not on the substance of the Motion.

1063

Mr. Speaker, I pray that you overrule him and then Hon. Agoda will move his Motion.

The Deputy Speaker: Hon. Chile Igbawua, it will be acceptable if you advise the Mover of the Motion to change his decision but I am not sure if Hon. Agoda will accept anything like that.

A hon. Member: Point of Order, Mr. Speaker!

The Deputy Speaker: Until we rule on the point of Order we are still considering, we cannot take another.

Hon. Halims Agoda: Mr. Speaker, I have listened to your instruction. We are all together in the process of nation building and I do wholeheartedly accept your suggestion for want of proper way for coming to a final decision.

The Deputy Speaker: Thank you very much.

(Motion with leave of the House, withdrawn)

Hon. Abasi O. Braimah (Etsako East/West Central): Point of Order, Mr. Speaker! My point of Order is anchored on Order VIII, Rule (4)(3) of our Standing Orders at page 26. It is titled: *Matter of Urgent Public Importance*.

The Deputy Speaker: We cannot take more than one because we have taken one already. The Rule says we cannot take more than one.

Hon. Abasi O. Braimah: Mr. Speaker, I had earlier discussed this with you.

The Deputy Speaker: When you discussed with me, I told you that a Member had earlier brought that issue to me.

Hon. Abasi O. Braimah: This is a completely different matter.

The Deputy Speaker: If it is a different matter, the Rule says we cannot take more than one matter and we have taken one already.

PRESENTATION OF BILLS

The Deputy Speaker: Hon. Colleagues, the first Business of the Day is the presentation of three Bills. The Clerk is invited to read the Short Title of the Bills.

Manufacturing and Expiry dates on Tyres (Mandatory) Bill, 2009

1064

Manufacturing and Expiry dates on Tyres (Mandatory) Bill, 2009 – presented by Hon. Ekperikpe L. Ekpo (Abak/Etim Ekpo/Ibenu); *read the First Time*.

National Youth Service Corps Act (Amendment) Bill, 2009

National Youth Service Corps Act (Amendment) Bill, 2009 – presented by Hon. Betty Apiafi (Ahoada East/Abua/Odual) and Hon. Warman Ogoriba (Yenagoa/K/Opokuma); *read the First Time*.

Banks and Other Financial Institutions Bill, 2009

Banks and Other Financial Institutions Bill, 2009 – presented by Hon. Betty Apiafi (Ahoada East/Abua/Odual); *read the First Time*.

PRESENTATION OF REPORT

Report of the Committee on Water Resources on River Basins Development Authorities (Establishment, etc.) Act (Amendment) Bill, 2008

The Deputy Speaker: The second Business of the Day is presentation of the Report of the Committee on Water Resources on a Bill for an Act to Amend the River Basins Development Authorities (Establishment, etc.) Act to provide for the Establishment of the Lower Anambra and Upper Niger Basin Development Authorities and List same into the First Schedules of the Act and for Other Related Matters, 2008 standing in the name of Hon. Terngu Tsegba.

Hon. Members would recall that the Bill was referred to the Committee on Thursday, 20th November, 2008. The Report is now ready for presentation. Hon. Tsegba is invited to present the Report.

Hon. Terngu Tsegba (Gboko/Tarka): Mr. Speaker, I move that this House do receive the Report of the Committee on Water Resources on a Bill for an Act to Amend the River Basins Development Authorities (Establishment, etc.) Act; to provide for the Establishment of the Lower Anambra and Upper Niger Basin Development Authorities and List same into the First Schedules of the Act and for Other Related Matters, 2008.

Hon. Ifaluyi Isibor (Egor Ikpoba Okha): I rise to second the Motion.

Question put and agreed to.

Report laid on the Table.

1065

1066

ORDERS OF THE DAY

MOTION

Academic Staff Union of Universities (ASUU) Nationwide Strike Vis-à-vis its Implication on the Society

The Deputy Speaker: The third Business of the Day is a Motion on Academic Staff Union of Universities (ASUU) Nationwide Strike vis-à-vis its implication on the society standing in the name of Hon. Mohammed Ali Ndume and 175 others.

Hon. Mohammed Ndume is invited to move the Motion.

Hon. Mohammed Ali Ndume (Damboa/Gwoza/Chibok): Mr. Speaker, the Motion I have is Academic Staff Union of Universities (ASUU) Nationwide Strike vis-à-vis its implication on the society.

The House:

Notes the importance and significance of Education to the wellbeing of our youths and the development of any nation;

Further notes that the Academic Staff Union of Universities (ASUU) has embarked on a nationwide strike over the refusal of the Federal Government of Nigeria to fulfil the agreement entered into in October 2008;

Worried that the strike will affect millions of youths mostly from middle and lower classes of Nigerians;

Concerned that such strike will add to the problems of thousands of youths already roaming our streets with a lot of energy but nothing to do;

Resolves to:

- (i) Mandate the House Committee on Education to intervene with a view to resolving the matter and report to the House within two weeks;
- (ii) Urge the Academic Staff Union of Universities (ASUU) to suspend the strike pending the outcome of the House Committee on Education's intervention.

Hon Ubale Jakada Kiru (Bebaji/Kiru): Mr. Speaker, I second the Motion.

Question proposed.

Hon. Mohammed Ali Ndume: Mr. Speaker, my Motion is very simple and straightforward. Everybody knows what is happening right now. I have already said that ASUU is on strike. That strike will affect the middle and lower income earners in Nigeria. This is because they are the ones that send their children to public universities.

As the Motion says, there was supposed to be an agreement between the Federal Government and ASUU, which they entered into in 2008. That agreement was supposed to be signed. The technicalities had been done but up till now, the agreement has not been signed.

The Academic Staff Union of Nigeria Universities is not really desperate to just go on strike. They have made efforts including trying to reach some of us to intervene in this matter.

I therefore urge my Colleagues to support this Motion while mandating our Committee on Education to intervene so that ASUU will call off the strike and enter into final negotiation with the Federal Government.

Hon. Nkiruka Onyejeocha (Isuikwuato/Umunneochi): Mr. Speaker, I stand to support this Motion and to say in categorical terms that it is high time our Government lived up to expectation. There is no reason the Government should sit down with ASUU and sign an Agreement since 2008 and up till today, it has not been implemented.

These issues are very simple; if the government does not agree with what ASUU is demanding, they should not have any business signing the agreement. That the government has signed the agreement showed that the government agrees with ASUU on the terms of the Agreement.

So, if by the month of May 2009 the Federal Government had not fulfilled the Agreement that means that they are looking for something. We do not want our children to be out of school; we would not want education in Nigeria, which is at its lowest ebb to continue to die. If nothing is done today, what we are seeing in educational institutions and all over Nigeria today will be a child's play.

I am appealing to my hon. Colleagues to support this Motion in its entirety and make sure that the Government responds tangibly and do something concrete and urgently too so that this strike would stop.

1067

1068

Hon. Khadija Bukar-Abba Ibrahim (Damaturu/Gujba/Gulani/Tarmuwa): Mr. Speaker, while supporting this Motion I feel that we are all aware of the importance of education in any society, especially in our developing country where education is fundamental to any set up in our society.

Undergraduates should not be kept idle. As the saying goes, an idle mind is the devil's workshop. If they are not in school, they will get engaged in other things. We must not encourage them to be out of school.

This Motion is straightforward which does not require further debate. I move that we pass it and proceed further.

Hon. Habeeb A.B. Fasinro (Eti Osa): Mr. Speaker, as much as I do support the efforts of the Leader who brought up this Motion, it is important for us to know the Agreement that was entered into and why it has not been fulfilled because it behoves on this honourable House which approved the Federal Budget. If this was not included in the Budget and the Chairman of the Committee on Education has not told us anything about the non-implementation of the Agreement that was included in the Budget then it is another way in which we can hold the Executive to account that indeed it is not implementing the Budget.

The Leader should tell us what agreement was entered into and let us know clearly that the Executive has not implemented the Budget.

Hon. Shehu Garba Matazu (Musawa/Matazu): Let me first of all commend the Sponsor of this Motion and to also say that Education is very vital to National Development. It is on account of this that I want to inform this honourable House that this ASUU Agreement was signed a long time ago.

It is an ongoing problem but for the first time in order to tackle this problem seriously Mr. President graciously agreed and made available a lot of funds in the 2009 Appropriation Act, which this honourable House passed. As a Member of Education Committee, I know we did not tamper with any kobo from that provision and the money has been approved. I know processes aimed at settling these arrears had commenced between the Federal Ministry of Education and the Leadership of ASUU.

I believe that the Prayer of the Motion which is asking the Committee on Education to investigate and report back to the House within two weeks is very important. By the time the Committee commences its investigation on this issue very soon the findings of the Committee will be brought back to this honourable

House. I know that this issue would be solved once and for all and Nigeria and Nigerians will no longer hear about any strike action by Academic Staff Union of Nigerian Universities.

Hon. Abdullahi Umar Farouk (Birni Kebbi)/Kalgo/Bunza): I align myself with the Mover of the Motion, particularly the two Prayers for the fact that the incessant ASUU strike is a national embarrassment taking into consideration the importance of education to any society and the position of Nigeria in the leadership of the African Continent. That we cannot solve these industrial action years after years is really a national embarrassment and it is high time we, the Representatives of the people, intervene and bring an end to this.

Some of us who daily interact with the latest graduates know that there are problems in our Education Sector. Nowadays, most of the graduates are nothing but educated illiterates. You will find that many of them cannot write application for employment properly. What are the causes? The incessant strike is one of the reasons. Most of them only strive to pass examinations because proper teaching has not been done. Besides, Academic Calendars of universities are not adjusted. The effect is that they are forced to write examinations without proper teaching. Because of these implications, it is high time we sit down and know exactly what the problem is and how to solve it.

We do not have to know the details; let us just ask the Committee on Education to intervene and come back with their recommendations.

The Deputy Speaker: I will now take those who want to speak against the Motion.

Hon Abdul Ningi (Ningi): This is a Parliament of Nigeria and, therefore, it is not a talk shop. It is a Parliament that is supposed to deal with the substance. Here we are with a Motion about ASUU and ASUU Strike. The ingredient of debate is not in this Motion. We must be informed with facts on the ground. When was this Agreement signed? What was the Agreement agreed upon? Who signed this Agreement? What has been implemented and what has not?

Hon. Habeeb Fasinro, in supporting the Motion also asked whether this Agreement been captured in the 2009 Budget for us to know who is guilty and who is not. These questions are relevant considering the fact that we have a Committee on Education that could have given the Sponsors of this Motion the ingredients to debate upon. We also have a Standing Committee that is supposed to inform this honourable House as to the details of what is happening

1069

I will now take the Prayers; *Mandate the House Committee on Education to intervene*; to intervene on what? Is it because there is an impending Strike? We neither know the fact nor the Agreement. *Urge the Academic Union to suspend the Strike until the outcome of the House Committee on Education*. The House Committee on Education has inherent jurisdiction and powers to have been involved in this matter without recourse to the House.

Has the main Sponsor of the Motion spoken to the Chairman or Members of the Committee on Education? We are shooting ourselves on the foot because these Prayers will no longer do anybody any good because there is no substance to back these Prayers.

I believe as a Parliament we should be well informed because all of us are representing constituencies; we would be asked these questions in our constituencies. Here we are supporting what can be referred to as a *mirage*. That is why I said this Motion has no substance for us to support it. We need information and facts to be able to do this job.

Hon. Iorwase Herman C. Hembe (Konshisha/Vandekiya): I actually want to make an Amendment to the Motion.

The Deputy Speaker: We are not ready to take Amendments yet, but for those who want to speak against the Motion.

Hon. Iorwase Herman C. Hembe: God forbid that I should speak against this powerful Motion.

Hon Aminu Shehu Shagari (Yabo/Shagari): I concur with what Hon. Abdul Ningi has said about this Motion because there is no substance in the Prayers and we do not really know what the Agreement is and what has not been implemented.

I am wondering whether or not it is prudent to join the Second Order of the Day with this Motion which says; *a sum of about ₦22.6 billion is idling somewhere in Education Trust Fund* so that we know what we are talking about.

Hon. Terngu Tsegba: Education is a typical example of the failure of public sector institutions in Nigeria; it is just one. It takes eight years for our children to complete a normal Academic Session of four years. Despite all these, nobody has been punished because of the occurrence of all these things. No Minister has been sacked over the closure of our universities or because somebody somewhere has not done his work for teachers to be paid on time. I recall when we went for the 2009 Budget Interface. One of

1070

the first provisions that were captured under Education was the issue of outstanding arrears of University teachers. This is May 2009; ASUU had given two weeks notice that they were going on strike if these monies were not paid yet nobody had acted until they started this strike. We are now calling on the Education Committee and the House to intervene. Is it to pay the money or what? We as a Parliament passed the Budget in this House in January 2008 and we made a provision for this.

Mr. Speaker, you read a letter written by the Executive to this Parliament which was circulated in this House that the Executive was not going to implement our Budget and that they were returning the Budget here. I am sure part of what they intend not to implement is the arrears due to ASUU and Members are calling on the House to intervene; intervene in what?

We have done our work and we have made provision for this. Let me quickly add that if the drivers on our roads were like ASUU they would have gone on strike and our roads would have been empty because the roads are very bad - (*Interruptions*)

Hon. Sani Sale Minjibir (Minjibir/Garun Mallam): Point of Order, Mr. Speaker. Hon. Tsegba is one of the Sponsors of this Motion and he is speaking against it.

The Deputy Speaker: Hon. Minjibir, please read the Order first.

Hon. Sani S. Minjibir: The Order has not yet been incorporated into our Standing Orders. (*Laughter*)

The Deputy Speaker: Is it in our Rules?

Hon. Sani S. Minjibir: Yes, it is in our Rules.

The Deputy Speaker: Please, just read the Order. (*Interruptions*)

Hon. Sani S. Minjibir: Mr. Speaker, can I have your protection so that I can expatiate further?

The Deputy Speaker: Hon. Sani, the reason I will not allow you to speak is because you said *Point of Order*.

Hon. Sani S. Minjibir: Mr. Speaker, I am saying Hon. Tsegba is one of the Sponsors of this Motion but he is speaking against it; his is wrong.

The Deputy Speaker: It is all right, Hon. Minjibir. I understand the point you are making.

1071

Hon. Tsegba, why are you speaking against the Motion when your name is among the sponsors of the Motion?

Hon. Terngu Tsegba: Mr. Speaker, I implore Hon. Sani to look at that name. That is not my name. My name is not spelt like that. *(Laughter)*

The Deputy Speaker: Go ahead, Hon. Tsegba.

Hon. Terngu Tsegba: Thank you, Mr Speaker. The point I was making is that until people take responsibility for their job, we will continue to have this kind of problem. This is not the first time we are having the problem of ASSU strike; neither will it be the last as long as people are not held accountable for their actions. Someone is responsible for ensuring that Members of the Academic Staff Union of Nigerian Universities are promptly paid but this is not being done and nothing has happened to these people yet we are calling on the House to intervene.

I am opposing the prayer and I think that the House should go ahead and hold people who are charged with implementing this agreement responsible, not the House Committee. The House has done its work. It is now left for the Executive to also do their work and stop ASUU from going on strike. If we intervene today and ASUU does not go on strike and tomorrow the Government fails to pay ASUU, ASUU will accuse us of taking sides with the Executive.

These are some of the reasons I am opposing the Motion.

Hon. Mohammed Ali Ndume: Mr. Speaker, first of all, let me say this is a Motion, not a Bill. Inasmuch as you bring in a Motion that captures the subject the details of that Motion are normally the work of the Committee.

This issue did not come up because ASUU was going on strike. Before ASUU went on strike, the North East Branch of that Union approached me last week to inform me that they are holding a NEC meeting in Yola to enable them take a decision whether or not to embark on strike. I promptly informed the Chairman, Committee on Education and he said he was quite aware of the Meeting.

On reaching Yola, the North East Branch of ASUU had taken a resolution despite all efforts made to stand down the strike. What happened was that the strike had been suspended since 2008, not called off. ASUU's two weeks warning strike started today. I equally informed the Chairman of the House Committee on Education on the need for this House as a Parliament to say something about it.

1072

The nitty-gritty of whatever has transpired is not the issue that I am bringing before the House. What I am bringing before the House is that ASUU is on strike and there is a need for this House to intervene so that ASUU can suspend the strike and then other nitty-gritties as to who is to blame or whatever will be done.

Therefore, I have not brought a Bill; but a Motion.

The Deputy Speaker: I will take only one Amendment.

Hon. Herman Iorwase Hembe: My Amendment is very simple; I am proposing an Amendment that the matter should also be referred to the Committee on Labour, Employment and Productivity since the Committee is directly involved in such issues.

The Deputy Speaker: The Amendment is that Committee on Labour, Employment and Productivity be included in the exercise.

Hon. J. Olaka Nwogu (Eleme/Oyigbo/Tai): Mr. Speaker, I rise to second the Motion moved by Hon. Herman Hembe.

Amendment put and agreed to.

Main Question as amended put and agreed to.

The House:

Noted the importance and significance of Education to the wellbeing of the Nigerian youths and the development of any nation;

Further noted that the Academic Staff Union of Universities (ASUU) has embarked on a nationwide strike over the refusal of the Federal Government of Nigeria to full the agreement entered into in October 2008;

Worried that the strike would adversely affect millions of the Nigerian youths;

Concerned that such strike would add to the problems of thousands of Nigerian youths already roaming the streets;

Resolved to:

- (i) Mandate the Committee on Education and the Committee on Labour, Employment and Productivity to intervene with a view to resolving the matter and report to the House within two weeks;

1073

- (ii) Urge the Academic Staff Union of Universities (ASUU) to suspend the strike pending the outcome of the intervention by the Committee on Education and the Committee on Labour, Employment and Productivity.

The Deputy Speaker: Hon. Colleagues, whenever you want to get your Colleagues to be co-sponsors of your Motion, make sure that you contact them before including their names. Do not take the list from the Committee on Rules and Business and attach it to your Motion and say these are the co-sponsors of your Motion. If you go to the last Column on page 624 my name is listed there as one of the sponsors of this Motion. I cannot remember any time when any Member informed me that he wanted me as one of the Co-sponsors.

Hon. Colleagues, please, contact any Member that you feel will assist you in making your Motion pass through before putting his name.

Hon. Mohammed Ali Ndume: Mr. Speaker will recall that yesterday I raised this issue as a Matter of Urgent Public Importance. It means that the Motion which I brought has the support of all Members because there was no objection. (*Interruptions*)

A hon. Member: Majority of the Members supported your Motion, not all.

The Deputy Speaker: There were some Members who said *no* but you included their names.

Hon. Mohammed Ali Ndume: Thank you very much, Mr. Speaker. It is noted.

Idle Education Funds

The Deputy Speaker: The second Order of the day is a Motion on Idle Education Funds standing in the name of Hon. John Halims Agoda and 15 others.

Hon. Agoda is invited to move his Motion.

Hon. John Halims O. Agoda (Ethiopia East/Ethiopia West): Mr. Speaker, before I formally move this Motion, let me make one short correction. Prayer (iii) should now be Prayer (i) and Prayer (ii) stands but leave out Prayer (i). The Title of the Motion is: *Idle Education Funds* and it reads thus:

The House:

Notes an unusual large sum of money allegedly classified as idle funds is being held by the Education Trust Fund;

1074

Aware that these funds amounting to ₦22.6 billion (Twenty-Two Billion, Six Hundred Million Naira) is designed as quick intervention funds for further infrastructural development of Educational Institutions;

Worried that in spite of such idle funds being available to boost Infrastructure in Education, the Academic Staff Union of Universities continues to cry for paucity of funds for increase in the funding of the Educational Sector;

Disturbed by the enormity of the infrastructural decay in the Educational Sector coupled with the accompanying fall in the standards of teaching, research and morale among Students and Academic Staff of Tertiary Institutions;

Regrets that these idle funds is quite a sizeable amount that if utilised urgently for the purposes it is meant for, would mark the beginning of a renewed commitment and drive to boost the state of education in the country.

Resolves to:

- (i) Mandate the House Committee on Education to immediately investigate the circumstances that led to the accumulation of such amount of money over a period of eight years without releasing them to the institutions and agencies for which they were intended and determine the interest the funds have accumulated over the years and report to the House;

- (ii) Urge the Education Trust Fund to give the affected Tertiary Institutions, States Ministries of Education and the Universal Basic Education Boards an extension of at least six weeks within which to prepare and submit proposal to access the funds.

I beg to move.

Hon Bala Ibn Na'Allah (Zuru/Fakai/Sakaba/D/Wasagu): I arise to second the Motion.

Question proposed.

Hon. John Halims O. Agoda: The Education Trust Fund is enjoined by the law made by this Parliament to source funds from Oil Companies with a view of using this money to assist various institutions in the implementation of their Educational Programmes. Under the Constitution, we are enjoined to ascertain the level of use this money either by the ETF or by the various Institutions puts the said funds into.

1075

First, let me read briefly the editorial comment of a newspaper over this critical issue that is affecting one important sector of our national life which is the Educational Sector. Page six of *The Sunday Sun* newspaper of 17th April, 2009 titled: *Idle ₦22.6 billion Education Funds* reads:

The failure of Educational Institutions and State Ministries of Education to access funds that they badly need to address the critical challenges in the Sector is worrisome.

These challenges include dearth of infrastructure and instructional facilities. It is indeed sad that while the Sector suffers under the yoke of inadequate funding billions of Naira in free intervention funds lie idle in the Account of ETF.

It went further to say that the ETF should do everything within its power to inform the beneficiaries about the availability of these funds and the steps that are needed to access them. Each Manager should consider representation from beneficiaries on how to improve access to funds and meanwhile every care must be taken to ensure that the funds are properly kept and duly accounted for including due interest on it.

The ETF intervention is not a bazaar and must be duly accounted for by both beneficiaries and those in its custody.

Before I go into my argument, I want to appeal to this House that I have been able to draw out some Universities across the six geo-political zones that are entitled to these funds and the amount they are supposed to collect.

I have also outlined some Polytechnics across the six geo-political zones that are entitled to these funds and the amount they are to collect including Colleges of Education and Ministry of Education across the board. By your permission may I read briefly, Sir?

The Deputy Speaker: How long is the list?

Hon. John Halims Agoda: Just give me two minutes for that. I will just give few examples.

The Deputy Speaker: It is all right, Hon. Halims Agoda.

Hon. John Halims O. Agoda: When we come to Universities that are entitled to ₦200,000,000 and above.

1076

Abubakar Tafawa Balewa University is entitled to collect ₦232,250,000.00. Delta State University, Abraka is entitled to ₦202,000,000.00. They are so many.

With respect to South Eastern States, Michael Opara University is entitled to ₦217,000,000.00. Federal University of Technology, Minna is entitled to ₦200,000,000.00.; the list is endless.

When you go to the Polytechnics, the list is equally endless. I will read one or two examples. Kaduna Polytechnic, Kaduna is entitled to collect ₦116,000,000.00.

Let me read the total of what each of these Universities and Polytechnics is supposed to collect across the land. Under Universities they are entitled to collect ₦6.3 billion that is lying there. The Polytechnics are entitled to collect ₦1.2 billion while the States Universal Basic Education is entitled to collect ₦8.8 billion. The States Ministries of Education are entitled to collect ₦2.8 billion. This is the scenario we have in our country today.

The ETF, by the concept and its mandate, is designed to provide intervention funds to various higher institutions including Colleges of Educations that are in dire need of these funds for infrastructural development in their institutions. For the past eight years, these funds have been lying in the vaults of ETF as an institution.

The Deputy Speaker: Is the money in the Central Bank or Commercial Banks?

Hon. John Halims O Agoda: It is the responsibility of ETF to answer that. The information I gathered was that for the past eight years these funds must have generated interest that is so staggering. The question is who is holding on to this interest? Even the ones that have been disbursed, how have they utilised the money?

We have just discussed the issue of ASUU and we can see that it relates to money and funding. Now we have this money in the kitty of ETF. Why will this money not be released? Why will this money not be accessed? What are these policymakers doing? There must be commission paid whether 10 per cent or 20 per cent; this is what we have to determine.

I urge this distinguished Parliament that we must look at the totality of this issue. When the House of Representatives of the National Assembly was convened in 1999 one of the very first Motions and investigation conducted by this distinguished Parliament related to ETF over the issue of ₦50 billion

1077

which they could not account for. When we investigated and reached out to the oil companies, they gave us receipts with which they used in depositing this money in ETF account but ETF could not reconcile it.

It is our responsibility as a Parliament to ensure prudent management of public funds and if this money is lying there it behoves on us, therefore, that we must do something to release this money genuinely to institutions that are entitled to it.

Hon. Leonard Okuweh Ogor (Isoko North/Isoko South): Let me start by saying very clearly that a sound and qualitative education is the foundation for every nation. Let us call a spade a spade; you will agree with me that most of our Universities are not even comparable in standard to even Secondary Schools.

I can clearly state here that looking at the Motion and the import of it there is a clear issue of wickedness. I have looked at it from this angle because here are Universities, Polytechnics and Colleges of Education lacking infrastructures. There are funds that are supposed to be given to these institutions to build on their infrastructures and we are here talking about ₦22.6 billion. These funds are lying down in some banks generating interest and you can clearly see that theirs are just nothing more than personal interest superseding national interest.

It is important that for eight years we need to find out what happened to these funds. The essence of the investigation that the Committee will carry out is to make sure that the funds that belong to these various Universities, Polytechnics, and Colleges of Educations are channelled immediately to them.

As you can clearly see, there is a problem in our history. The essence of these funds as you all clearly know is to assist the various Universities and Polytechnics in meeting up their requirements. If for any reason somebody somewhere for whatever reason keeps these funds in some banks lying idle and generating interest, then it is unacceptable

I therefore move that my Colleagues should, please, support this Motion so that what belongs to the various Universities and Polytechnics are disbursed to them.

The Deputy Speaker: At the beginning of this sitting, I announced that the Leader of the House has won his case and Hon. West Idahosa has also won his case. Let us hear from Hon. West Idahosa. *(Applause)*

Hon. Ehigie West Idahosa (Ovia North East/South-West): Mr. Speaker, let me thank you for

1078

this victory gift of recognising me and I thank all my Colleagues and the Nigerian people for the support throughout the period of litigation.

I am glad that my brother, Hon. Farouk Lawan, Chairman of Committee on Education, is here. Ideally, this Motion ought not to be generated from Plenary; it should be one of those critical Reports that the Committee should make available to the House. However, I am told that Hon. Halims Agoda is a Member of the Education Committee and in that capacity he has enough information on this matter.

It is regrettable; if you ask those who run the Education Trust Fund where their children are, I can assure you that more than 80 *per cent* of them have their children in institutions outside this country. We cannot eat our cake and have it. You cannot keep your children outside of Nigeria and then deny those of us who cannot afford to do that the chance of quality education.

In any case, why do we have to send our children outside of this country? Where we are sending them to are run by men and women like us. Therefore, we must keep our country going. This is one of the reasons why we must introduce the Sectoral Debate.

I want to propose, as a reaction to this type of shenanigan, that we have to find a way out. If we had Sectoral Debate this Motion would have come up while we were debating the Education Sector and we would have had the chance to curtail these excesses a long time ago.

It is shameful that we can have ₦22.6 billion or thereabout lying down in any account whatsoever and we are here looking for a way to deal with the problem of ASUU. I am worried at this stage whether I can still, while supporting this Motion, confidently say that it will be in the interest of this investigation that the Education Committee should handle it.

They have slept over their right; those who want equity must not be indolent. If the House must decide on this, the House must probably take very decisive action and if possible the Body of Principal Officers themselves should handle this matter because this is a serious one and I want you to send a serious signal to the Nigerian people that we care about education.

Hon. Ahmed Idris (Wase): Mr. Speaker, I want to speak against this Motion from an informed position.

The Deputy Speaker: No, I have not called for those who are against the Motion yet but those who want speak in favour of the Motion. Yes, Hon. Chile Igbawua.

Hon. Chile Igbawua (Kwande/Ushongo): Mr Speaker, we deliberated this morning on the problems we are having with ASUU and other problems of funding our educational institutions. It should be a matter of very great concern for us if we have funds idling somewhere which are supposed to go a long way in solving these problems that we have been discussing all the while. If the funds are not there, we will know we have a problem but if the funds are there and are not being applied, it is a bigger problem to us and it is a matter which the House needs to look into.

We agreed that the Education Trust Fund has achieved substantially. If you go to several of our institutions, you will see buildings and other infrastructure, which are sponsored by the ETF. That notwithstanding, it does not create room for them to denigrate from their functions while they have funds to apply to these areas of education for purposes of improving them.

Therefore, I fully support this Motion that we should pass it for the benefit of our children who are in schools and for the benefit of those who have given their lives to training our children in schools.

My only concern is that at the appropriate time, I would like to move for an Amendment to Prayer (ii) because the sponsor had already deleted Prayer (i). I would like to move that Prayer (ii) should also go while Prayer (iii) stands. We should give a deadline which should be transferred to Prayer (iii) so that the Report is submitted to us within six weeks.

Hon. Samson Osagie (Orhionmwon/Uhunmwode): Mr, Speaker, although a number of Colleagues have expressed dismay over the idleness of this colossal sum of money in certain Trust Fund, it is pertinent to reiterate the fact that we are in a clan where actions of public institutions are condoned with impunity irrespective of the consequences on the masses.

I am at great pains to be told this afternoon that an institution of government set up for the purpose of driving the educational sector to a level that our children can have quality education and that our educational system can be better for it can keep away some kind of money. I believe this is a criminal offence to all intents and purposes when we have institutions of learning across our country that are dilapidated and lack the basic infrastructure.

I do not see why those who are running the ETF cannot be prosecuted for this particular matter. We have ₦22.6 billion in the Education Trust Fund. Who are those managing this Fund? Who is accountable for the interest that is being accrued? Why is it being

held? What are the circumstances surrounding the keeping of this money without being utilised? In any case, we have a government today that complains of paucity of funds for the implementation of projects yet we are being told that educational projects across the country cannot be implemented because there is no money. It is an irony and paradox that an institution such as the ETF could be holding down the sum of ₦22.6 billion yet our Universities, Polytechnics and Colleges of Education are suffering from so much neglect.

I support this Motion whole-heartedly. If it is possible at the end of the day those who are running this Fund should face criminal prosecution for negligence.

Hon. Lawan Farouk: Mr Speaker, I rise to support the Motion moved by Hon. Halims Agoda. It is unfortunate that given the state of education in this country we can have this huge amount of money lying down unutilised for this long period. However, it is also important that in passing the Motion, we urge all those who are responsible. It is not the ETF alone; it is more the beneficiaries rather than the ETF.

In the Education sector, there are two fundamental problems and it affects both the funds that are in the hands of the ETF and the funds that are in the Universal Basic Education Commission (UBE). For the UBE, the money is supposed to be directly transferred to the State Universal Basic Education Commissions if they raise an equivalent amount by the State. So, the amount that the law has provided is to serve as counterpart funding. As we can speak today, more than two-thirds of the States have not accessed not only 2009 but also 2007 and 2008 while some have never accessed it at all.

A few days ago, I had cause to raise this matter with the Minister of Education as to what they intend to do. In fact, their worry was that now that the government has no money to fund their budget, the Executive is already looking at this money that is lying there because the States have failed to access it.

The difficulty is simply because some of the States are deliberately refusing to put their money. This is because the law says that whatever is provided for you, you have to put your money before you can access it. I do not think it will be proper for us to relax the procedure because that will simply encourage the States to neglect their responsibilities in funding education.

For the ETF, most of the difficulties are also associated with the ability of the beneficiary institutions to transparently account for what they have collected. I recall that during the unveiling of the Road Map by the Minister of Education, he had to publicly announce the list of all the institutions - the Universities, the Polytechnics and the Colleges of Education as a way of

1081

compelling them to come and meet the conditions required of them to access this money. I believe that keeping this money is criminal and improper but all those who are involved in accessing this money need to play their role.

It is simply not enough for us to say ETF has not released the fund as long as we do not encourage the beneficiary institutions to meet up the conditions for accessing this money. Some of them collected this money and decided to divert it to areas that are unnecessary.

The Deputy Speaker: Hon. Farouk, are you speaking against the Motion?

Hon. Lawan Farouk: I am speaking in favour of the Motion but it is important to clarify the issue as to where the money is lodged. Let me clarify that this money is in the CBN Account. It is not as if the money is in a commercial bank Account where somebody is making something out of it. It is not in the interest of this country for this money to remain in CBN unaccessed and unutilised while the education sector is decaying.

It is important that the Education Trust Fund, the Federal Ministry of Education and particularly the beneficiary institutions and the States to wake up and play their own role in accessing this money so that it can be used in the development of education in this country.

The Deputy Speaker: Those Members who want to speak against the Motion will now take the Floor.

Hon. Moh'd Abubakar Maifata (Tarauni): Mr. Speaker, first, I have to appreciate the spirit with which the mover of this Motion brought it. From the explanation of the Chairman of the Education Committee and the little I know about this issue I rise to oppose this Motion because a greater part of this money can be accessed if the State or the institution involved complied with the issue of counterpart funding.

Three months ago, I read in the dailies about ETF writing to the institutions that are involved. The mover of the Motion corroborated this statement during his presentation that all these institutions were being called by ETF to come and access this money.

We cannot, therefore, say here that the fault is that of the ETF alone; the institutions and the States are partly responsible for this problem. If you read Prayer (iii) of the Motion, my hon. Colleague said this money has been there for eight years. It is not true. When was ETF established?

1082

Some hon. Members: It is more than that.

Hon. Moh'd Abubakar Maifata: We cannot really say that this money is just there in the ETF unutilised. If we want to criticise an institution let us put the record straight so that people should not blame those who are in charge of these parastatals as having done something that is irregular.

On the issue of whether the money is generating interest or not, the Chairman of the Committee has said it all that this money is not in commercial banks, it is in a Central Bank account. So, the issue of yielding interest does not arise. It is not an ideal thing to say in the public because it could generate rancour.

The Deputy Speaker: But I believe the Central Bank is a bank and it also pays interests on deposits. You cannot go and keep your money in Central Bank and expect that they will not give you anything. There must be interest because they lend the money out.

Hon. Darlington Okereke (Ivo/Ohaozara/Onicha): Mr. Speaker, I sincerely appreciate Hon. Halims Agoda for brining this Motion. It is worrisome too that in a period when we have decay in our schools this amount of fund is lying idle. We cannot allow this state of affairs to continue.

The ETF has to do what is possible to ensure that the beneficiaries and institutions access this fund. Yes, the Education Trust Fund had given some reasons; they said that some of these Institutions - (*Interruptions*)

The Deputy Speaker: Hon. Darlington, are you speaking for the Motion?

Hon. Darlington Okereke: I am for the Motion Sir. I know why I am saying this; I have not been allowed to speak.

The Deputy Speaker: Hon. Darlington, you are overruled. You may, please, sit down.

I will take one speaker from among those who are against the Motion.

Hon. Patrick A. Ikhariale (Esan Central/Esan West/Igueben): Mr. Speaker, I rise to speak against this Motion with reasons. I stand to say that the information given to this honourable House by the Chairman, Committee on Education is unassailable. The issues he raised are irrefutable and were never challenged. The beneficiary institutions have failed to meet with the fundamental requirements for them to access the fund and it will be out of place to punish the operators of the

1083

Trust Fund for the inadequacies, inabilities, negligence and recklessness of the States that have failed to do what they should do to access the fund.

Two, which is equally very critical and material to the issue at stake is the fact that there is a condition attached for accessing this fund which is: you must show evidence of the project for which you collected this money.

The Deputy Speaker: Hon. Patrick A. Ikhariale, are you speaking for or against the Motion?

Hon. Patrick A. Ikhariale: Mr. Speaker, I speak against the Motion.

The Deputy Speaker: But it sounds to me as if you are speaking for.

Hon. Patrick A. Ikhariale: No. The information given to this House are quite critical for us to assess and understand the reason the fund we are talking about is where it is. We do not have any source of authority other than the newspaper publication that was said to be an editorial opinion.

It is also material that before we bring issues having to do with figures to this House we must have sufficient and ample evidence to be sure that we are not making a case where it does not exist.

It would be against the run of play; we cannot be here representing the people and talking about justice and we use any means to do anything that, to the best of my knowledge, will amount to injustice. I say so with sufficient understanding of the fact that it will be wrong to put the blames on ETF and the operators when we have been told the reason for their not being able to access the funds.

We must not be seen as encouraging reckless usage of funds. They must be prepared to do what they are supposed to do.

Hon. Dino Daniel Melaye (Kabba/Bunu/Ijumu): Point of Order, Mr. Speaker. I am citing Order IX, Rule 3(3) of our Standing Orders at page 35. Four Members spoke for and two have just spoken against.

It reads:

Time Limit and Sequence of Speeches

The Speaker shall allot one-half of such time to be given to debate in favour of and one-half to debate in opposition to such proposition.

1084

The Deputy Speaker: Thank you. Let me answer you; *one-half* for those who are *for*, and *one-half* for those who are against. It does not mention number. It is talking about half. When you are talking about half you are talking about time and I have given the time. Your point of Order is overruled.

Hon. Colleagues, I have two Amendments. On Prayer (iii) Hon. Augustine Nwachukwu is proposing an Amendment that we delete the words *Committee on Education* and substitute it by constituting an Ad-hoc Committee.

Is there any seconder to that?

Hon. Rufus Omeire (Ideato North/Ideato South): I rise to second the Amendment moved by Hon. Augustine Nwachukwu.

Amendment put and negatived.

The Deputy Speaker: Hon. Igbawua has proposed in Prayer (ii) that the money allegedly classified as Idle Fund by ETF be deleted. Is there any seconder to that?

A hon. Member: There is no prayer like that.

The Deputy Speaker: I will now put the Question on the Main Motion as amended.

Main Question as amended put and agreed to.

The House:

Noted an unusual large sum of money allegedly classified as idle funds is being held by the Education Trust Fund;

Aware that these funds amounting to ₦22.6 billion (Twenty-Two Billion, Six Hundred Million Naira) is designed as quick intervention funds for further infrastructural development of Educational Institutions;

Worried that in spite of such idle funds being available to boost Infrastructure in Education, the Academic Staff Union of Universities continues to cry for paucity of funds for increase in the funding of the Educational Sector;

Disturbed by the enormity of the infrastructural decay in the Educational Sector coupled with the accompanying fall in the standards of teaching, research and morale among Students and Academic Staff of Tertiary Institutions;

1085

Regretted that these idle funds is quite a sizeable amount that if utilised urgently for the purposes it is meant for, would mark the beginning of a renewed commitment and drive to boost the state of education in the country.

Resolves to:

- (i) Mandate the Committee on Education to immediately investigate the circumstances that led to the accumulation of such amount of money over a period of eight years without releasing them to the institutions and agencies for which they were intended and determine the interest the funds have accumulated over the years and report to the House within six weeks;
- (ii) Urge the Education Trust Fund to give the affected Tertiary Institutions, States Ministries of Education and the Universal Basic Education Boards an extension of at least six weeks within which to prepare and submit proposal to access the funds.

CONSIDERATION OF BILL

Sourcing of Local Raw Materials by all Grades of Contractors Bill, 2009

A Bill for an Act to provide for the sourcing for Local Raw Materials by all Grades of Contractors for the execution of Public Sector Construction Contracts; and for Ancillary Purposes Connected Thereto, 2009 –

Order for Second Reading.

The Deputy Speaker: Hon. Colleagues, the third Order of the Day is commencement of Debate on the General Principles of a Bill for an Act to provide for the sourcing for Local Raw Materials by all Grades of Contractors for the execution of Public Sector Construction Contracts and for Ancillary Purposes Connected Thereto, 2009. The Bill was read the First Time on 5th February, 2009.

I now invite Hon. John Halims Agoda to move that the Bill be read the Second Time.

Hon. John Halims O. Agoda (Ethiopia East/Ethiopia West): Mr. Speaker, we can stand the Bill down till the next legislative day.

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

1086

The Deputy Speaker: Hon. Agoda has done so in order that we can consider the Reports we have on Bills.

Hon. Colleagues should know that people assess us on the basis of the number of Bills we have passed, not the number of Motions. Therefore, we have some Bills for our consideration. I urge our Colleagues to, please, remain so that we can consider these Reports on four Bills.

CONSIDERATION OF REPORTS

Report of the Committee on Agriculture on the National Industrial Crops Development Agency (Establishment) Bill 2008

The Deputy Speaker: The third Order of the Day is the consideration of the Report of the Committee on Agriculture on a Bill for an Act to Establish the National Industrial Crops Development Agency, 2008.

Hon. Members will recall that the Report was laid on Thursday, 30th April 2009. I now invite Hon. Gbenga Makanjuola to move for the consideration of the Report.

Hon. Gbenga Peter Makanjuola: Mr. Speaker, I move that this House do consider the Report of the Committee on Agriculture on a Bill for an Act to Establish the National Industrial Crops Development Agency 2008 and approve the recommendation therein.

Hon. Isah Idris Umaru (Igabi): I second the Motion moved by Hon. Makanjuola, Chairman, Committee on Agriculture.

Question put and agreed to.

Resolved: That the House do consider the Report of the Committee on Agriculture on a Bill for an Act to Establish the National Industrial Crops Development Agency 2008 and approve the Recommendations therein.

Report of the Committee on Agriculture on a Bill for an Act to Regulate the Transportation of Animals, Prevent undue pain, and suffering etc.

The Deputy Speaker: The fourth Order of the Day is consideration of the Report of the Committee on Agriculture on a Bill for an Act to Regulate the Transportation of Animals, prevent undue pain and suffering in animals used in Food production and for Matters Connected Therewith, 2009.

1087

Hon. Members will recall that the Report was laid on 30th April, 2009. I now invite Hon. Gbenga Makanjuola to move for the consideration of the Report.

Hon. Gbenga P. Makanjuola: I move that this House do consider the Report of the Committee on Agriculture on a Bill for an Act to Regulate the Transportation of Animals, prevent undue pain and suffering in animals used in Food production and for Matters Connected Therewith, 2009 and approve the Recommendations therein.

Hon. Shehu Garba Matazu (Matazu/Musawa): I rise to second the Motion.

Question put and agreed to.

Resolved: That the House do consider the Report of the Committee on Agriculture on a Bill for an Act to Regulate the Transportation of Animals, prevent undue pain and suffering in animals used in Food production and for Matters Connected therewith, 2009 and approve the Recommendations therein.

Report of the Joint Committee on Agriculture and Justice on National Agricultural Seeds Council Act, 1992 (Repeal and Re-Enactment) Bill, 2008

The Deputy Speaker: The fifth Order of the day is consideration of the Report of the Joint Committee on Agriculture and Justice on a Bill for an Act to Repeal and Re-Enact the National Agricultural Seeds Council Act, 1992 and for Other Related Matters, 2008 and approve the Recommendations therein.

Members would recall that the Report was laid on Thursday 30th April, 2009. I now invite Hon. Gbenga Makanjuola to move for the consideration of the Report.

Hon. Gbenga P. Makanjuola: Mr. Speaker, I move that this House do consider the Report of the Joint Committee on Agriculture and Justice on a Bill for an Act to Repeal and Re-Enact the National Agricultural Seeds Council Act, 1992 and for Other Related Matters 2008 and approve the Recommendations therein.

Hon. Saudatu Sani (Lere): I rise to second the Motion moved by Hon. Gbenga Makanjuola.

Question put and agreed to.

Resolved: That the House do consider the Report of the Joint Committee on Agriculture and Justice on a Bill for an Act to Repeal and Re-Enact the National Agricultural Seeds Council Act, 1992 and for Other

1088

Related Matters, 2008 and approve the Recommendations therein.

The Deputy Speaker: Hon. Colleagues, time will not permit us to take more than three Reports.

I therefore call on the Leader to move that the House do resolve into the Committee of Whole to consider the three Reports.

Hon. Baba Shehu Agaie (Agaie/Lapai): I rise to move that this honourable House do resolve into Committee of the Whole to consider the three Reports.

Hon. Shehu Garba Matazu: I do second the Motion moved by Hon. Baba Shehu Agaie.

Question put and agreed to.

Resolved: That the House do resolve into Committee of the Whole to consider the three Reports.

Report on a Bill for an Act to Establish the National Industrial Crops Development Agency and for Related Matters (HB. 51) - CONSIDERED IN COMMITTEE OF THE WHOLE.

The Chairman: The first Report we are considering is the Report on a Bill for an Act to Establish the National Industrial Crops Development Agency and for Related Matters, 2008.

I will now call on Hon. Gbenga Makanjuola to brief the House on this Report. Hon. Gbenga.

Hon. Gbenga Makanjuola: Mr. Chairman, in respect of this particular Bill, it was the general consensus during the Public Hearing that there is no need for this Bill in the sense that there are in existence about thirteen other related agencies with related functions according to the representatives of the Hon. Ministers.

Also, the creation of the agency will amount to duplication of functions. It is the judgement and wisdom of the Committee from the foregoing that there are in existence agencies that are similar to the one being proposed.

So, we recommend that there is no need for this agency to be created. That is why in our Recommendations, we negated all the provisions in the proposed Bill.

1089

1090

Hon. Tsegba Terngu: Mr Chairman, I do not know whether or not you are considering this Bill Clause-by-Clause.

The Chairman: No, they have negated the entire proposal.

Hon. Tsegba Terngu: It is all right. I was just observing that this Bill went through the Second Reading and it passed without this observation. Maybe the Chairman discovered it while considering the Report in the Committee on Agriculture.

I have no addition.

The Chairman: Is it the wish of the House that we adopt the Recommendation of the Committee.

Question put and agreed to.

Resolved: That the House do adopt the Recommendation of the Committee.

A Bill for an Act to Regulate the Transportation of Animals, prevent undue pain and suffering in animals used in Food production and for matters Connected Therewith (HB. 106) - CONSIDERED IN THE COMMITTEE OF THE WHOLE.

The Chairman: The next Report is on a Bill for an Act to Regulate the Transportation of Animals, Prevent undue pain and Suffering in animals used in Food production and for Matters Connected Therewith.

I call on Hon. Gbenga Makanjuola to brief the House.

Hon. Gbenga Makanjuola: Mr. Chairman, it is unfortunate that this present Bill also suffered similar faith at the Public Hearing for the follow reasons:

One, the Committee was supported by the general view of the participants at the Public Hearing that there is an existing law which is *Animal Disease (Control) Act 10 of 1988* which covers the issues raised in the Bill in question.

Two, the Animal Disease Control Act is presently being reviewed to bring it in tandem with the current global veterinary practices as presented in the present Bill. There are provisions in the existing law which empowers the Minister and Commissioners to make regulations on any issue that has adverse effect on animal health and welfare. We also have the Nigerian Agricultural Quarantine Service, which is also in place

to enforce all animal movements, disease control and welfare issues.

It was the general consensus of the Committee and even at the Public Hearing, with all due respect, that there is no need for creating another agency or establishing any law in this regard.

The Chairman: I will put the Question that we adopt the Report of the Committee?

Question put and agreed to.

Resolved: That the House do adopt the Recommendation of the Committee.

A Bill for an Act to Repeal and Re-Enact the National Agricultural Seeds Council Act No. 72 of 1992 and For Other Related Matters 2008 (HB. 124) - CONSIDERED IN COMMITTEE OF THE WHOLE.

The Chairman: The next report is on a Bill for an Act to Repeal and Re-Enact the National Agricultural Seeds Council Act No. 72 of 1992 and for Other Related Matters, 2008 (HB. 124).

Hon. Gbenga Peter Makanjuola: Mr. Chairman, the National Agricultural Seed Council Decree was promulgated in 1992 by the then Military Administration. The objective of this Bill, therefore, is one of Amendment because the previous Bill was a Decree and we want to bring it in tandem with the present reality.

The objective of this Bill is to repeal the Decree and re-enact it as an Act of Parliament to bring it in line with current dispensations and realities. The current realities, changes and developments have also made it imperative to update this instrument to fall in line with the modalities in practice and operation. This is, in summary, the essence of this Amendment to the Bill.

Clause 1 - (ESTABLISHMENT OF THE NATIONAL AGRICULTURAL SEEDS COUNCIL) – ordered to stand part of the Bill.

Clause 2 – (ESTABLISHMENT OF THE GOVERNING BOARD)

Question proposed.

Hon. Ita S. J. Enang: Mr. Chairman, I have reservation with Clause 2(f) on page 3. It provides that one person representing the National Food Reserve Agency should be a member of the National Seed Council. This is one agency which we are yet to

1091

establish. It is a Bill that is pending and has not yet been assented to.

When you look at the functions of the Food Reserve Agency, part of it is to ensure the preservation of food produced. There are other agencies that handle the issue of cropping and all that. We should not overburden that agency by making it omnibus and omnipresent.

I pray that we should delete this National Food Reserve Agency as a member of this Council.

Hon. Abdul Ningi (Ningi/Warji): Mr. Chairman, I think this provision is quite in order. It is an anticipatory provision. If that agency is not a product of law they cannot nominate anybody. The consequences - *(Interruptions)*

Hon. Mohammed Ali Ndume (Damboa/Gwoza/Chibok): Point of Order, Mr. Chairman. My Order is Order IX, Rule 4(12) of our Standing Orders.

I am raising this point of Order because the person I am raising the point of Order on is the former leader of this House, Hon. Ningi. The leader is not properly dressed and the rule says: *Members shall attend sitting of the House formally dressed.*

The Chairman: Hon. Ali Ndume, what is informal in his dressing? If you raise your observation, I need to be assisted on what Hon. Abdul Ningi is wearing. Therefore, you are overruled.

Hon. Abdul Ningi: Mr. Chairman, thank you for protecting me and exposing my leader and my Friend to the international dressing code. I almost forgot what I wanted to say but my good Friend, Hon. Ita Enang raised a point but that point is not valid in this provision the reason being that this is an anticipatory provision. By the time this Act becomes a law, then we do not have to come back to re-amend it. That is the intentment.

Hon. C.I.D. Maduabum (Nnewi North South/Ekwusigo): Our former leader, Hon. Ningi, has answered the question himself. He said if it becomes law we do not need to come back. If it does not become law, what happens? This is not an agency. It does not exist at the time of making this law. If you need to capture something close, legal drafters can be of assistance; definitely not in this manner.

If there are some duties they have we can couch something to say those who have that functions can represent. However, we cannot call it an agency and

1092

put it here. If the functions are clear, you can couch it in this manner: *representative of those doing this type of thing.* Legal ingenuity can help. However, we should not say an agency that does not exist should be part of a law.

Hon. Bala Ibn Na'Allah (Zuru/Fakai/Sakaba/Wasagu): I am in difficulty to appreciate the sentiment of Hon. C.I.D Maduabum. Based on my limited understanding of the law, you cannot put something on nothing and expect it to stand but that something can be put on something and then it stands. The issue is that the National Grains Reserve is in existence as a creation of the Executive Arm.

What the Bill before us seeks to do is to widen the scope of that agency but that as it exists today, it is not an illegal agency because the President has power to set up those measures that he thinks will preserve the grains for this country for the purpose of making them available to those who need them as and when due.

What is important here is someone charged with the responsibility of storing these grains that we seek to make law for the purpose of producing. He will be making a report to this agency to say that this one is only capable of being kept for six months or for seven months so that if there can be some improved positions, that can be taken care of. We cannot continue to be too legalistic over governance.

The Chairman: Deputy Chairman of Agriculture, do we have that agency now?

Hon. Ike Chinwo (Obio/Akpor): Mr. Chairman, presently, there is a Department of the Ministry of Agriculture.

The Chairman: Is that the Agency you are referring to here?

Hon. Ike Chinwo: Yes, as a Department of the Ministry of Agriculture.

The Chairman: The second question is that the Constitution of the Federal Republic of Nigeria 1999 we are using was made and written before we came in and when we came in, we accepted it.

You can make a law for something that you are anticipating because it was, for example, anticipated that there would be election of the President, Members of the National Assembly and so on, that was why they made the Constitution like that.

Is there any Amendment?

1093

Hon C.I.D. Maduabum: Mr. Chairman, let me amend this to say: *one person representing the agency responsible for Food Reserve Matters*. I am saying so because maybe, Food Reserves is currently located somewhere rather than this Agency that is not in existence. Therefore, if the responsibilities of that agency are now transferred to this one when it is in existence, it can still be saved.

Hon Bala Na'Allah: Point of Order!

The Chairman: Hon. Ibn Na'Allah, before I take your point of Order, let me say that even if this agency Bill is not passed into law, it is still in existence as an Executive agency and the President is allowed to create agencies for the good governance of this country.

Hon. C. I. D. Maduabum: This is a fallacy that we cannot afford to say in this House as a law-making body that sets up agencies.

Hon. Bala Ibn Na'Allah: Point of constitutional Order! With the permission of the Chairman, I will read in extenso the provision of Section 315(1) of the 1999 Constitution of the Federal Republic of Nigeria. It says:

Subject to the provisions of this Constitution, an existing law shall have effect with such modifications as may be necessary to bring it into conformity with the provisions of this Constitution and shall be deemed to be –

(a) *An Act of the National Assembly to the extent that it is a law with respect to any matter on which the National Assembly is empowered by the Constitution to make laws; and*

(b) *A law made by a House of Assembly to the extent that it is a law with respect to any matter on which a House of Assembly is empowered by this Constitution to make laws.*

2. *The appropriate authority may at any time by order make such modifications in the text of any existing law as the appropriate authority considers necessary or expedient to bring that law into conformity with the provisions of this Constitution.*

Again, that is in respect of the existing Order. It goes further to state that:

1094

3. *Nothing in this Constitution shall be construed as affecting the power of a court of law or any tribunal established by law to declare invalid any provision of an existing law on the ground of inconsistency with the provision of any other law, that is to say –*

- a) *any other existing law;*
- b) *a law of a House of Assembly;*
- c) *an Act of the National Assembly; or*
- d) *Any provision of this Constitution.*

4. *In this Section, the following expressions have the meanings assigned to them respectively.*

This is where the issue comes from.

(a) *“Appropriate authority” means the President in relation to the provisions of any law of the Federation.*

So, if the President says *I have a reserve* and this law says you can operate how then can you say it does not exist?

The Chairman: Hon. Ita Enang, there is an Amendment by Hon. C.I.D Maduabum. Can Hon. Maduabum say his Amendment again?

Hon. C.I.D. Maduabum: My Amendment is this: *when person representing any agency or institution with responsibility for National Food Reserve Matters.*

I can hear a Colleague say it is semantics but I am saying it is not.

Hon. Stanley Ohajuruka: I second the Amendment.

Amendment put and negatived.

The Chairman: Hon. Ita Enang, did you say you have a Constitutional Order?

Hon Ita Solomon J. Enang: It is now belated.

The Chairman: Hon. Colleagues, what we have done now is that Hon. Maduabum has brought an Amendment; it was seconded and negatived. It has nothing to do with the provision yet.

Hon. Ita S. J. Enang: The provision of the Constitution although we may have passed there does not at all apply because as it were there is no Food Reserve Agency to which the President can be said to make a modification law. Unless, there is in existing

1095

Agency only then can there be a modification order by the President.

A Bill does not qualify as an existing law. The fact of bringing a Bill to the Floor of Parliament does not guarantee that that body has been established.

The Chairman: Hon. Ita Enang, what is the state of that Bill?

Hon. Ita S. J. Enang: The House has passed it but it has not been assented to. It has not been forward to the President and so it is not a law.

The Chairman: Hon Colleagues, we have passed that Bill in this House. We have done our constitutional responsibility as far as that Bill is concerned. We have finished with that Bill.

If there is anything about the Bill, maybe it has to come back from the Executive but as far as the House of Representatives is concerned, it is something that we have passed.

Question put and agreed to.

Clause 2 - (ESTABLISHMENT OF THE GOVERNING BOARD) - *ordered to stand part of the Bill.*

Clause 3 – (DISSOLUTION)

Question proposed.

Hon. Chile Igbawua: Mr. Chairman, in Clause 3, we have spoken on this before that the idea of allowing Ministers to take over the functions of the Boards usually encourage them not to set up these Boards.

I want us to include here a Clause which compels that such time that the Ministers shall exercise such powers shall not exceed three months.

The Chairman: Where do you want us to insert that?

Hon. Chile Igbawua: It should be inserted in Clause 3 which says;

Notwithstanding anything to the contrary in this Bill, the Minister shall exercise all the powers of the Board where:

(a) The Board has not been constituted;

1096

I want us to add that: *Howsoever, that the Board shall not remain unconstituted for more than three months.* So that Ministers do not continue to exercise powers on Boards indefinitely.

The Chairman: What do you do if it is more than three months?

Hon. Chile Igbawua: No, it must be constituted.

The Chairman: There is a problem there because I know that up till now some Boards have not been constituted. If you put that, it will only affect this one. What about the remaining ones?

Except we are going to make a general law or rule, if you fish out this one and put it like that, it means while others may be there for two years without Board Members, you must constitute the Board of this one within three months; that is the problem.

Hon. Chile Igbawua: Mr. Chairman, we shall bring a substantive Bill on that.

The Chairman: It is better that way.

Hon. Ita Solomon J. Enang: Mr. Chairman, let us look at sub-Clause (10) of Clause 3 on Page 6.

The Chairman: Hon. Ita Enang, we are on Clause 3 - Dissolution at page 7.

Hon. Ita Solomon J. Enang: Mr. Chairman, the Clause we are still discussing is the one that says: *Notwithstanding anything to the contrary in this Bill, the Minister shall exercise all the powers of the Board where –*

(a) The Board has not been constituted;

The Chairman: That is Dissolution on Page 7.

Hon. Ita S. J. Enang: It is still the same item.

The Chairman: Did you say it is on Page 6?

Hon Ita S. J. Enang: Yes, we are still on Clause 3, not Clause 4.

The Chairman: That is what I am saying. Clause 3 is only on Page 7 unless you are having a different version.

Hon Ita S. J. Enang: The issue I wanted to raise is on item 10 on Page 6.

1097

The Chairman: Item 10 is not in Clause 3; it is in Clause 2.

Hon. Ita S. J. Enang: I concede, Sir.

Clause 3 - (DISSOLUTION) – ordered to stand part of the Bill.

Clause 4 - (FUNCTIONS OF THE COUNCIL) – ordered to stand part of the Bill.

Clause 5 - (POWERS OF THE BOARD) - ordered to stand part of the Bill.

Clause 6 - (APPOINTMENT OF THE DIRECTOR-GENERAL)

Question proposed.

Hon. Abdul Ningi: Mr. Chairman, let me refer this House to Clause 6(1) and by your leave, I read:

There shall be appointed by the President, on the recommendation of the Minister, a Director-General for the Council who shall be the Chief Executive Officer of the Council and is responsible for the execution of the policies and day-to-day running of the affairs of the Council.

I do not know whether this is the normal practice. My stake on this matter is: are we not trying to tie the President's hands. In the event that he has no recommendation from the Minister will he not appoint?

Secondly, supposing he appoints a Director-General without a recommendation from the Minister, what happens? That means he still is violating the law.

The Chairman: On the first question, at any time there will be a Minister.

Hon. Abdul Ningi: Supposing the Minister did not advise the President to appoint the Director-General, should the President not appoint? Supposing there is a cabinet dissolution, can the President not appoint?

Are we not trying to tie the hands of the President by saying that he must take recommendation from the Minister?

The Chairman: Hon. Abdul, that is why I said that at any time there will be a Minister.

Hon Abdul Ningi: Supposing the Minister did not?

1098

The Chairman: The Minister has no choice because it is part of his functions.

Hon. Bala Ibn Na'Allah: Mr. Chairman, it is a constitutional provision that the President performs his functions as President of the Federal Republic of Nigeria through the Minister. So, what he is doing is delegated power.

Whether there is recommendation or not, it is within his power to do so. That is the position of the law.

Hon. Ita S. J. Enang: Mr. Chairman, we know that the Constitution overrides this but if we know that the Constitution overrides this, why do we write this?

I therefore support Hon. Ningi's argument that we delete the following words.

There shall be appointed by the President a Director General for the Council who shall be the Chief Executive.

We should delete the words *on the recommendation of* because even when you know that the President performs his functions through the Minister, you do not have to tie the hands of the President that the person whom he appoints and through him he is deemed to perform his functions shall be only the person to recommend to him. It is not correct.

The Deputy Speaker: Hon. Ita Enang, not quite long I know we passed two Bills like that with the same sentences and provisions.

Hon. Ita S. J. Enang: No, Sir, we deleted some of them. We raised this same issue.

Hon. C. I. D. Maduabum: This House has ample powers to make this provision if it so wishes.

The Deputy Speaker: The way it is?

Hon. C. I. D. Maduabum: Yes, through the Minister. In any case, if you look at the entire gamut of the Bill, the word *Minister* is stated every where. We know that the President has the entire powers but Bills sometime specify procedure for the exercise of Presidential powers. This is one instance where the Bill has said exercise this Presidential Powers in this manner and mostly in the Executive whether the Minister recommended or not no Court can enquire into whether the recommendation was actually made by the Minister in practice.

1099

1100

If the President wants to appoint, he appoints in spite of this law. That is what we should recommend. Even if you do not, in actual practice, the Court cannot enquire into it. I believe for clarity it is better that the Minister recommends. We can do it, which is the important thing.

Hon. Friday Itulah (Esan North East/South East): The argument we are having is more of academic exercise. As you said we have passed a lot of laws here where we expect the President to make appointment on the recommendation of the Minister. All of us were here when this was done and we also know that every appointee is responsible to the appointor.

The Ministers that are made are responsible to the President. So if there is a law that says the appointment should come through the recommendation of the Minister, I do not see what is wrong with that. We know how busy the President is and the Minister who is in charge of special portfolio is in a better position to know who can perform this work more responsibly than any other person.

So, if the recommendation is that the appointment should be made on the recommendation of the Minister it is quite perfect and I believe we need argue that.

The Chairman: I will put the Question that we retain this provision.

Question put and agreed to.

Hon. Terngu Tsegba (Gboko/Larka): In Clause 6(3)(a), the Bill has an explicit provision for five years and no more but the Committee recommendation is for a term of five years and.... What do they mean by that?

Chairman, Clause 6(3a) says: *a term of five years and no more* but in your recommendation you put *for a term of five years and*. The words *and no more* is not there unless you want us to put it.

The Chairman: Please do insert it; it was an omission.

Hon. Ita S. J. Enang: Mr. Chairman, I want to draw attention to Clause 6(2): *The Director General shall possess such professional qualifications and cognate experience in Seed Science and Technology*.

What is the profession of Seed Science because this is something that appears too narrow? I just want to draw attention to it.

The Chairman: Hon. Ita Enang, I believe that agriculture has so many branches and I believe Seed

Science is one of the branches that they have. So if they are saying somebody who has cognate experience and who is qualified in Seed Science they know what it means.

Hon. Stanley Ohajuruka: I want to appeal to my Colleagues to understand that this is a law and laws are supposed to be universally acceptable. If we are talking of something that is within the realm of agriculture it is assumed that agriculture as a discipline takes pre-eminence because when you talk of Seed Science you cannot be an Agriculturist without having to learn something about Seeds. They are all fall within the realm of agriculture.

We cannot stand here as a national Parliament and make a law that will narrow a particular appointment to a particular discipline that is under a very vast field. I think there is probably somebody somewhere who is desirous of being appointed to that position and he is now trying to lure this entire Parliament to now make a law to that effect.

Yes, there are some disciplines in Nigeria where you find only one or two of very few Nigerians who studied those disciplines. So I would not want to be so narrow minded as to now indicate that somebody must qualify in Seed Science which is a very small aspect of Science.

Hon. Bala Yusuf Barnabas (Kaura): I support wholeheartedly what Hon. Stanley Ohajuruka has said. I do know that in considering somebody for this position there are quite a number of other considerations that are likely to come in and this limitation which indeed is too narrow has a way of limiting the opportunity of looking at quite a number of other factors that may make that position better off.

I agree with the last three speakers in the sense that this Seed Science is really too narrow and direct. I do not think there is any Degree in Seed Science. Let us broaden it to say *Agriculture* or something much larger.

Hon. Solomon U. Agidani (Apa/Agatu): I think we are advancing as we progress into the next century. What the Bill seeks to do is to recognise specialisation. It is a specialist area in Agriculture and we believe that the person that can manage it properly is a specialist in that field; I do not see anything wrong with it.

Hon. Saudatu A. Sani (Lere): I support the provision of the Committee. This is because we are talking about National Agricultural Seed Council. This is specific to seeds and we just learnt last week that because the seed that we use in planting our maize was overused, it has now reduced its yield and unless we

1101

have an expert in that area it may divert the whole Council from the seed to another thing.

So, the seed being an important aspect of the Council, I agree with the recommendation of the Committee.

Hon. Wilfred C. Onyema (Ogbara): I want to propose that we amend it to read: *Qualification and cognate experience in Seeds Science, Crops Science, Botany and other related qualifications*. That is my Amendment. This is because we have courses in Seed Science, Crops Science, Botany and other related courses.

Hon. Isah Idris Umaru (Igabi): I second the Motion moved by my Colleague in this regard to broaden the space.

Amendment put and agreed to.

Hon. Onyema Wilfred Chuka: Mr. Chairman, with all due respect, I do not want us to attach any unnecessary sentiment to this issue. I respect the views of my Colleagues. If you go to Clause 4 where it specifies the functions of the Council, you will see that they have nothing to do except more than the issue of seed. I want to inform this House that when we are talking about the Seed Science, it is a profession on its own.

Yesterday when we were considering the Bill on Quarantine Service, an Amendment was proposed by Hon. Maifata here that there should be departments because of the series of professionals handling the issue of Plant, Animal and Aqua Culture services, the Amendment scaled through because we recognised that these are professions in their own field but when we are trying to expand it and make it open, somebody will say they are related. So, I crave the indulgence of my Colleagues to allow this to stay.

The Chairman: I will put the Question that we retain the provision of the Committee

Hon. Abdul Ningi: Mr. Chairman, before the Question is put, it is important to guide Members that are considering this Bill to only take a look at the next five pages. Essentially this particular Bill is about seeds.

You could see that Part IV completely deals with Seeds Inspectors and their appointments. Everything subsequently deals with the issue of seed. So it is important that we all understand this.

1102

Hon. Davies H. Sokonte (Degema/Bonny): We should not narrow this issue as we are looking at it. When some of us are thinking of seeds, we are thinking of maize, rice and so on. Yam has seeds. So let us not narrow it to seed and thinking of only maize, rice and grains; grains are not the only seeds. Therefore, let us expand it and remove the word *seed*.

Secondly, different Universities these days have different nomenclatures for certain qualifications. So, if we say *Seed Science* and somebody comes with a Degree and is not explicitly written *Seed Science* it means he is not qualified but by training the person is qualified. Therefore, let us remove that word *Seed Science* and adopt the Motion as moved by Hon. Chuka Onyema.

The Chairman: Hon. Colleagues, we are talking about whether yam is a seed or not. We have seedlings of yams.

Hon. Chuka Wilfred Onyema, what is your Amendment?

Hon. Chuka Wilfred Onyema: Mr. Chairman, let the Amendment read thus: *qualification and cognate experience in Seed Science, Crop Science, Botany and related discipline*.

Hon. Isah Idris Umaru (Nasarawa): Mr. Chairman, my Colleagues were asking me to rephrase the Amendment. Should I allow Hon. Onyema to rephrase the Amendment after which I will second it?

The Chairman: He has moved his Amendment.

Hon. Isah Idris Umaru: It is all right. I second the Amendment.

The Chairman: I will put the Question on the Amendment proposed by Hon. Chuka Onyema.

Amendment put and negated.

Clause 6 - (APPOINTMENT OF THE DIRECTOR-GENERAL) – *as amended ordered to stand part of the Bill*.

Clause 7 – (APPOINTMENT OF OTHER STAFF)

Hon. Mohammed Sama'ila Abdullahi (Bassa/Jos North): I have a comment to make on Clause 7(3) at page 13. I do not want us to pass it. That is why I want to make this comment.

1103

I do not know what drafting device the Committee has adopted if you read Clause 3, which says:

Where any person is seconded under sub-clause (2) of this Clause, he shall be notified of the terms and conditions of the secondment and the secondment shall be without prejudice to any pension rights which, but for the secondment, would accrue to him.

On this issue of clause or sub-clause, in Nigeria we adopt the convention of section and sub-section. If go further into this document, you will see other places where they have alluded to sections. Therefore, there is a contradiction between using the term *Clause* or *Section*

I am just bringing it to your notice that we adopt the uniform and accepted term of *Section* instead of *Clause* because that is not the acceptable term in Nigeria.

The Chairman: This is not an Act; it is a Bill. In Bills, we use Clauses and when it becomes an Act, we use Sections. It will automatically change to Sections.

Hon. Mohammed Sama'ila Abdullahi: But the word *Section* is being used as we go on.

The Chairman: When you see *Section*, let us know. Is there further Amendment on Clause 7?

Hon. Ita S. J. Enang: Mr. Chairman, Sir, on Appointment of Staff, I agree with Clause 7(i) as stated by the Committee but Clause 7(ii) on page 12 says: *A staff of the Council may be appointed by way of transfer or secondment from any Civil Service of the Federation.* My view is that you can be seconded from the Civil Service of the State; it is still secondment. So, I want us to delete the words: *of the Federation.*

The Chairman: Hon. Ita Enang, any Civil Service of the Federation includes States. It is just like Consolidated Revenue where we have for the Federation and also for the Federal Government.

Hon. Ita S. J. Enang: Mr. Chairman, you will have the problem of interpretation here but if that is so, we will have the problem of understanding because you may have a Director-General or somebody that says that you must be from the Federal Civil Service.

The Chairman: When it is Federal, it could be here in Abuja or any agency of the Federal Government in the States but when you say Federation, it covers everywhere; it includes the Local Government.

1104

Hon. Ita S. J. Enang: Going from there, I would want to say that the matter under sub-clauses (3) and (4) are matters which are stated and given under the Civil Service Rules on Secondment. You do not need to state them in each particular law because if in every law you make you state something about the secondment, the term that applies to it and so on, it is repetitious because it is in the Civil Service Rules. We have not been repeating this in other laws that we made.

I move that we delete this words *and sub clauses (3) and (4).*

Hon Godfrey Ali Gaiya (Jaba/Zangon Kataf): I rise to second the Amendment proposed by Hon. Ita Enang.

Amendment put and negatived.

Clause 7 – (APPOINTMENT OF OTHER STAFF) – ordered to stand part of the Bill

Clause 8 – (APPOINTMENT OF SECRETARY/LEGAL ADVISER)

Amendment proposed.

Hon Terngu Tsegba: Mr. Chairman, we have argued these two issues on Clause 8. The first is the issue of years required for somebody to be a Secretary. We had discussed it in this Chamber in the past that it is not always reasonable for us to put 10 years for somebody as qualification to serve as a Secretary of a Council. Even people who qualified for two years can take minutes and keep records of Council proceedings. So I do not know the reason behind this 10 years post-qualification experience but we can reduce it to five years to give more opportunity to our people.

Secondly, one of the duties of the Secretary, as provided in Clause 8(2)(d) is to discharge insurance requirement of the Council. I am wondering why a Secretary will also be saddled with the responsibility of handling insurance matters when the Council can engage an Insurance expert to handle insurance issues.

Therefore, we can leave issues that relate to the appointment of staff to the Board. After all, there is a Board for the Council to determine what function is given to each it. So, an issue like insurance can be left to be treated in-house by the Council and not fixing it particularly to a Secretary. This is because the Council would be handling a lot of insurance matters.

The Chairman: The first issue is on the minimum experience of 10 years. Has it anything to do with tenure?

1105

Hon Terngu Tsegba: No, what it means is that the applicant must have a minimum of 10 years post qualification experience.

Hon. Solomon U. Agidani (Apa/Agatu): Mr. Chairman, we should retain the 10 years. When you look at advertisements in the newspapers for Company Secretary/Legal Adviser, there is no one that carries less than Grade Level 12 minimum. It is always Grade Level 12 and above and I do not know how many years of progression you will have in the service that you will get to Grade Level 12 and above under 5 years. So 10 years is appropriate.

Hon. Abdul Ningi: It is quite in order to have the 10 years in place. Law is such a wide profession and you could see even how those with 20 or 25 years experience are goofing in the courts and even in the National Assembly.

Whatever we want to do we must also take cognisance of his role. He is not only the Secretary but also the Legal Adviser of the Council. So, 10 years in Nigeria as a lawyer means nothing. We have several of them that have 20, 25 and 30 years experience. It is not something that is difficult to get. We need the best for the Council and that is why this 10 years post qualification experience makes logic.

Hon. Shehu Aminu Shagari (Yabo/Shagari): I support the recommendation of the Committee that it should be 10 years but what I am quarrelling with here is for them to say that the Secretary has to be a Legal Practitioner.

There is a difference between a Legal Practitioner and a Barrister and Solicitor of the Supreme Court of Nigeria. If you say he has to be a Legal Practitioner, that means he must have been in the Chamber and has been practicing law for 10 years.

Hon Ita S. J. Enang: Mr. Chairman, to qualify as a Justice of the High Court, you have to be up to 10 years at the Bar. To qualify to be appointed to the Supreme Court, you have to be up to 15 years at the Bar.

I know most of my Colleagues have expressed opinion that 10 years is all right but with respect, if you are just going to be appointed as Secretary/Legal Adviser of the Nigeria Seeds Council, 10 years appear too high.

You do not need that length of time at the Bar post-call. I will pray that we reduce it to 5 years. He needs experience but not as high as that being qualified to be a Judge of a Court of Record. We have Magistrate at 3 years, 5 years and even at 2 years.

1106

The Chairman: Thank you, Hon. Ita Enang. It is all right. I will now put the Question that we retain the Recommendation of the Committee.

Question put and agreed to.

The Chairman: The second issue that Hon Shagari has raised is that he is objecting to the words: *He shall be a legal Practitioner.*

I do not know what Legal Practitioner means. Is it only those who are going to the Courts that are called Legal Practitioners?

Hon. Aminu Shehu Shagari: I would have suggested that it should read: *He must have 10 years post-call experience.*

Hon. C.I.D. Maduabum (Nnewi North-South/Ekwusigo): A Legal Practitioner is defined as one who has been called to the Bar. Therefore, there is nothing wrong with this.

Question put and agreed to.

Clause 8 – (APPOINTMENT OF SECRETARY/LEGAL ADVISER) – *ordered to stand part of the Bill.*

Clause 9 – (APPOINTMENT OF SEED INSPECTORS) – *ordered to stand part of the Bill*

Clause 10 – (OFFENCES)

Amendment proposed.

Hon Terngu Tsegba: Mr. Chairman, Clause 10(2)(a), at page 18 under Offences reads: *Production of seed without seed label is an offence.*

I come from Benue State, which is an agricultural State. We produce a lot of seeds that are sold to other parts of the country. My people are not in a position to label their seeds but they display these seeds for sale. Under this Act it is an offence for which they are liable under Clause 25 to a fine of ₦1 million or 1 year imprisonment by a seed inspectors.

I wonder how we are going to enforce this kind of provision. Eighty *per cent* of our people are on subsistence farming; they do not have access to this credit that they are giving to the so-called big farmers. So how do we make this kind of thing an offence?

I cannot support this kind of provision when I know very well that even my mother who is into seed

1107

production cannot label millet or guinea-corn and other things. So I think under these offences, we need a lot of time to go through it and see what actually constitutes an offence.

The Chairman: Hon. Tsegba, are you tired?

Hon. Tsegba Terngu: I am not.

The Chairman: Let us look at it now.

Hon. Tsegba Terngu: We know the tendency for abuse of power under enforcement of law, particularly when you have just appointed some seed agents who may not even be farmers and who may not know what it takes or what is required to produce a bag of Soya beans, for example, or Benny seed, which is the most difficult seed to produce.

The Chairman: Are you suggesting that we should reduce the fine?

Hon. Tsegba Terngu: I am suggesting that that provision be deleted.

Hon. Igbawua Chile W (Kwande/Ushongo): Mr. Chairman, I rise to second that proposal.

The Chairman: He has not moved for any amendment.

Hon. Chile W. Igbawua: It is all right. Mr. Chairman, we do not sell our seeds in packets as is done in the developed world. It is when they have proper packaging that they label the packages.

If a village woman is carrying seeds in a basin, it is the basin that she will label or what? If she is selling it in Mudu, is she going to label the Mudu or what? The entire provision is too advanced for an economy that is very low down the line in terms of packaging our agricultural produce.

So I second that this provision be deleted.

Hon. Danlami Hamza (Fagge): Mr. Chairman, I lend my voice to those who are raising some observations about the offences. It goes further to say *marketing of seeds without accreditation*. This is pushing it too far, Mr. Chairman. The day is far spent; let us leave this issue for now.

A hon. Member: Let us debate it.

1108

Hon. Danlami Hamza: I will say this provision is too stiff; a lot of the provisions are too stiff for our rural farmers and they are the bulk of producers.

The Chairman: We have heard from the farmers of the North Central and the North West Geopolitical Zones. Let us hear from the North East.

Hon. Abdul Ningi: Mr. Chairman, the fact that my friend's mother is also involved is still a subject matter that we must also address. This issue of accreditation will cause a lot of problems and embarrassment to the local farmers who have no knowledge, orientation or information whatsoever on this particular matter. That goes on to say that the provisions of the Committee even on the Penalties are very elitist. I understand where they are going; even if we are going to allow these provisions to stay, you must create a caveat to exclude the local farmers.

If we pass this Bill into law as it is now the people will stop production *ab initio*. Secondly, there will be black market. Thirdly, the seed inspectors would be the ones who will benefit rather than the government. Whatever we want to do, we must bear in mind that we have two Nigerians; one, the grassroots who are the actual farmers producing and then we have the second group who are the wholesale dealers. The wholesale dealers could be subjected to such penalties as enshrined.

The Chairman: Thank you, Hon. Abdul Ningi. Can we hear from Hon C.I.D. Maduabum representing the South East?

Hon. C.I.D. Maduabum: Thank you, Mr. Chairman, for recognising the farmers of the South East. I support the deletion of the following Clauses 10(2)(a)(b) and (e). When the people from the South East in my village produce seeds, they do not know what the professional tag means and they cannot go to jail because of it.

With respect to Clause 10(2)(b), the people I represent cannot go to jail because of marketing of seeds without accreditation from who I do not know; they cannot go to jail if I am here representing them. So we should expunge it.

Clause 10(2)(e) says: *Failure to keep proper ledger*. You cannot send my constituents in the village to jail for failing to keep proper ledger. There are so many things in these penalties. We should be careful about sending people to jail when they produce these seeds.

1109

The most important is that this Section even gives power over regulations that have not been made. When you take a look at (2): *The following shall constitute breaches of this Bill and its enabling regulations.*

I think the regulations are made after it has been passed by the Minister or by the Agency. So we have even constituted offences for regulations they will make whenever they will make if I understand it properly. So they are not even restricting the breaches to this Bill; it is also whenever a regulation is made; regulation that is not even properly authorised by our law here.

So my suggestion is that because of absence of time we can ask the Committee to re-work the entire penal positions to avoid many people from my constituency going to jail.

The Chairman: Let us hear from the South South.

Hon Ita S. J. Enang: Thank you for recognising the farmers of the South South. My prayer is that we delete the entire provisions relating to offences as proposed by the Bill and retain the provisions as provided in the Act which we seek to repeal and enact because it seems more reasonable.

If you look at the Section, it says: *Marketing of seeds without accreditation.* How do you accredit somebody to market? The other one says *misgiving information on seed labelling.* Meanwhile the people who produce these seeds are illiterates; they did not go to school.

If you look at the functions of this Seed Council, it is to encourage the production of seeds and the offences are even more than the production of the seeds. So, the provision which says that *a person who is guilty of an offence under this law shall, for the first offence, be punishable with a fine that may extend to ₦500,000.00* We may make it ₦1,000.00 and just delete every other thing in the Bill and allow people to be able produce it.

The Chairman: The rule of the House is that on Mondays, Tuesdays, Wednesdays, Thursdays and Fridays, we sit till 1:30 pm and if there is a Motion, we can extend our sitting till 6:00 pm; it is 5:57 pm.

I call on the Leader to move a Motion that the House do revert to Plenary?

1110

Hon. Shehu Baba Agaie (Agaie/Lapai): Mr. Chairman, I move that this honourable House do revert to Plenary.

Hon Ita S. J. Enang: I second the Motion as moved by the House Leader.

(The Deputy Speaker resumed the Chair)

The Deputy Speaker: Hon. Colleagues, the House in the Committee of the Whole considered the following Reports from the Committee on Agriculture:

Report on a Bill for an Act to Establish the National Industrial Crops Development Agency and for Related Matters. The House adopted the Report that the Bill is not necessary.

On the Report of the Committee on Agriculture on Transportation of Animals Bill, the House adopted the Report of the Committee.

On the Report of the Committee on Agriculture on the National Agricultural Seeds Council, the House approved Clauses 1 to 9 and deferred further consideration till next legislative day.

Adoption of Reports

Hon. Shehu Baba Agaie (Agaie/Lapai): Mr. Speaker, I move that this honourable House do adopt the Reports of the Committee of Whole as approved.

Hon. Ita S. J. Enang: I second the Motion.

Question put and agreed to.

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

ANNOUNCEMENTS

Meeting of the Committee on Pension

The Deputy Speaker: This is an announcement from Hon. Razaq.

Members of the Committee on Pension are, please, requested to meet at the Police Command at 10:00 am prompt for flag-off Payment Ceremony of ICPO.

1111

The Committee will also meet with Stakeholders.

ADJOURNMENT

Hon. Shehu Baba Agaie: Mr. Speaker, I move that this House do adjourn till tomorrow Thursday, 21st May, 2009 at 10:00 a.m.

Hon. Ita S. J. Enang: I do second the Motion

1112

that this honourable House do stand adjourned till tomorrow Thursday, 21st May 2009 at 10:00 am.

Question put and agreed to.

Resolved: That the House do stand adjourned till tomorrow, Thursday, 21st May 2009 at 10.00 a.m.

The House adjourned accordingly at 6:10 p.m.