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HOUSE OF REPRESENTATIVES
FEDERAL REPUBLIC OF NIGERIA

Tuesday, 19th May, 2009

The House met at 10.45 a.m.

PRAYERS

(The Deputy Speaker in the Chair)

VOTES AND PROCEEDINGS

The Deputy Speaker: Hon. Colleagues, the House is called to order. I have examined and approved the Votes and Proceedings of Thursday, 14th May, 2009.

ANNOUNCEMENT

Mr. President's Communication on the 2009 Budget

The Deputy Speaker: Hon. Member, considering the fact that Mr. President's Communication on the 2009 Budget is contained in the

Votes and Proceedings of today, Tuesday 19th May 2009, there is need for hon. Members to start studying it in detail.

Meeting of the South East Caucus

The Deputy Speaker: Hon. Colleagues, there will be a meeting of the South East Caucus immediately after this sitting today at Meeting Room 4.15, New Wing.

(Signed)
Hon. Ihedioha Emeka Nkem
Chief Whip

PRESENTATION OF PUBLIC PETITIONS

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

Refusal of CAC to Register Umuagu Community Association

Hon. Chukwudi Leonard Eze (Orlu/Orsu/Oru East): Mr. Speaker, this is a Petition from Sir Betran Maduka Efobi, the National President of Umuagu

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Community Association. It is a Petition against the refusal of the Corporate Affairs Commission (CAC) to register the Trustees of Umuagu Community Association. He has written to this House to intervene so that the Trustees of this Community will be registered.

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

Petition laid.

The Deputy Speaker: Any other Petition? *(No response)* All Petitions are referred to the Committee on Public Petitions.

All Petitions accordingly referred to the Committee on Public Petitions.

Debate on the President's Letter

The Deputy Speaker: The first business of the Day which is Mr. President's Communication is stood down to a later date. Therefore, we will go to the next item which is Presentation of Report.

MATTER OF URGENT PUBLIC IMPORTANCE

ASSU Plans To Embark On Strike

Hon. Mohammed Ali Ndume (Damboa/Gwoza/Chibok): Point of Order, Mr. Speaker! My point of Order is Order VIII, Rule 4 of our Standing Orders dealing with Matter of Urgent Public Importance.

You may be aware that the ASSU is to embark on strike as from tomorrow, 20th May 2009. Considering the importance of University Education in Child Development in this country, I want this honourable House to consider this ASUU strike as a Matter of Urgent Public Importance so that it will be taken at the next legislative date.

The Deputy Speaker: Hon. Colleagues, I will put the question that this House do consider ASUU Strike as a Matter of Urgent Public Importance to be taken on the next legislative date.

Question put and agreed to.

Resolved: That this House do consider the ASUU Strike as a Matter of Urgent Public Importance to be taken on the next legislative date.

PRESENTATION OF REPORT

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

The Deputy Speaker: Hon. Colleagues, the only Business of the Day is the Presentation of 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 will recall that the Bill was referred to the Committee on Thursday, November 20th 2008. The report is now ready for presentation.

Hon. Terngu Tsegba is invited to present the report. *(No response)*

Hon. Ita Solomon J. Enang (Itu/Ibiono Ibom): Mr. Speaker, I cannot explain immediately the absence of Hon. Tsegba. I do not know whether or not he had given the Deputy Chairman his report to present but he has submitted a copy of the report to us. We did not anticipate that he would not be here; otherwise we would have brought it here.

May the report be stood down, Sir.

The Deputy Speaker: Presentation of the Report is stood down.

Report, with leave of the House, stood down.

ORDERS OF THE DAY

MOTION

**Incessant Maltreatment and Dehumanising
Search on Nigerians by Foreign Airlines
and their Immigration Officials**

The Deputy Speaker: The First Order of the Day is a Motion on Incessant Maltreatment and Dehumanising search on Nigerians by Foreign Airlines and their Immigration Officials standing in the name of Hon. Abasi Ogwime Braimah and 58 Others.

Hon. Braimah is invited to move the Motion. *(No response)*

Hon. Ita Solomon J. Enang: Mr. Speaker, I cannot explain why Hon. Braimah is not here because he definitely spoke with us yesterday that he was prepared to take the Motion.

The Deputy Speaker: Motion is stood down.

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Motion, with leave of the House, stood down.

CONSIDERATION OF BILLS

**Economic and Financial Crimes Commission
(Establishment) Act, 2004 (Amendment) Bill, 2009**

A Bill for an Act to Amend the Economic and Financial Crimes Commission (Establishment) Act, 2004 and for Matters Connected Therewith, 2009 –
Order for Second Reading.

The Deputy Speaker: The second Order of the Day is commencement of debate on the General Principles of a Bill for an Act to Amend the Economic and Financial Crimes Commission Establishment Act, 2004 and for Matters Connected therewith 2009. The Bill was read the First Time on Thursday, 12th May 2009.

I now invite Hon. H. S. Dickson to move that the Bill be now read the Second Time.

Hon. Henry S. Dickson (Ekeremor/Sagbama): Mr. Speaker, I move that a Bill for an Act to Amend the Economic and Financial Crimes Commission be read the Second Time.

Hon. Davies Sokonte (Degema/Bonny): I rise to second the Motion moved by the Chairman, Committee on Justice.

Question proposed.

Hon. H. S. Dickson: Mr. Speaker, I rise this morning to persuade my Colleagues to see the need to effect an Amendment of the law establishing the Economic and Financial Crime Commission (EFCC). I will, first of all, give credit to this Parliament and the former President for seeing the need to create specialised agencies to address what has become a very serious national problem.

The EFCC Act has been in operation for sometime and it has become clear that certain Sections of that enactment need to be amended. This proposal is my humble effort to bring to our attention the need for us to strengthen the anti-corruption mechanism, look at the legal regime to see that we address certain critical issues.

Let us look at the EFCC and the way it operates. It operates as an agency that reports to the Executive Arm. They investigate matters and take reports to members of the Executives before taking decisions as to whether or not to persecute. I think that is wrong. The EFCC has to be given independence to operate for it to

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be useful to the citizens of this country. For it not to be used as an instrument of political vendetta this country needs independent, well-funded anti-corruption agencies. That is why in this proposal we are saying, for example, that the EFCC should not be under any compulsion whatsoever to report its findings on inquiries and investigations to any person other than a Court of law subject to the overriding powers of the Hon. Attorney-General and Minister of Justice under the Constitution to decide as his office authorises him to do. This is one area this Bill seeks to address.

In the course of carrying out their functions, it has also become clear that certain decisions have been handed down by competent judicial authorities in this country which if we do not intervene, have the capacity to impede the work of the EFCC. What do I mean? There are decisions to the effect that the EFCC can only arraign a suspect in a Federal High Court within the area that the crime was committed. Ordinarily, that should not be problem to us. But, looking at the nature

and character of the offences that the EFCC combats, these specialised crimes usually have the capacity to evoke a lot of local sympathy and support which we cannot run away from at this stage of our development. Therefore, saying that the EFCC should be constrained to prosecute such matters including cases of terrorism in those localised environments where local sentiments come to play, in my view, may not serve the best ends of justice.

So, part of this Amendment is to enable the EFCC arraign anybody at any Federal competent Court. Of course, we know that an arraignment is only an allegation. It does not mean that anybody is guilty.

We have also tried to identify another administrative problem within the structure of the EFCC itself. We have a situation where, because of the ad-hoc nature of how it came into existence, have security personnel from the various security and intelligent services seconded to the EFCC; that is all right but the situation we have now is such that these persons who are seconded are under dual authority; that is, they are under the authorities of the persons in charge of the EFCC on the one hand and on the other hand under the control, command and direction of their Service Chiefs. We have a situation where a Police Officer is seconded to EFCC and for whatever reason can be sent on course, redeployed and sometimes without recourse to those who run the EFCC.

Our proposal is simple. Officers and men can be seconded from the various Services but we should protect them by law that once seconded, they should be there for a minimum of five years subject to renewal. Also, when you want to transfer or nominate them for a

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course of whatever description, you will need the consent of the officer and of the Board of the EFCC.

As I said, these are problems that we have identified in the course of operating the EFCC Act which this Parliament, I must commend once again, thought it fit to establish but we have identified some problems in the operations of the EFCC Act for some time now.

What we have is a humble attempt to see how we can correct some of these anomalies so that the EFCC can truly be independent of the Executive. Not only that, but also that the officers who are working in the EFCC are given an opportunity of working in a conducive environment that does not subject them to too much control, influence and direction.

This is only a raw proposal to this Parliament. I must admit that it is not perfect and should not be expected to be perfect. If we agree at this stage of debate on the general principles on the need to firm up the legal framework under which the anti-corruption fight is waged, then the appropriate Committees can fine-tune it after interacting with relevant stakeholders *et cetera*.

I submit now and plead with all my Colleagues to support our humble effort so that we can truly have Anti-corruption agencies that are independent and that are able to operate in a free and fair manner.

I so move.

Hon Sada Soli Jibia (Jibia/Kaita): Mr. Speaker, in my view, corruption can be considered as the AIDS and very strong enemy of our democracy.

This Amendment Bill seeks to address the weaknesses in the Principal Act of the EFCC which was evident in the controversies in the Commission and its criticism in the recent past. It is a truism that the greatest challenge facing our democracy today is corruption. There is no iota of doubt about this.

If we grant this Amendment, I am sure that this Parliament would be moving an inch ahead to address some of the acute legislations that we have in order to strengthen our democracy.

There is no legislation that is perfect. Weaknesses become obvious and legislation becomes operative as it is tested. Everyone can bear us witness that the EFCC Act has been tested and we have identified the weaknesses. If you grant this Amendment, it will definitely address some of these problems.

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Hon. Andrew I. Uchendu (Ikwerre/Emohua): Mr. Speaker, the truth is that I am at great pains not supporting this very amendment Bill. As a matter of fact, I thought I should make my views known on the basis of principles.

Rightly and wrongly, some individuals and indeed the Parliament are on trial at both the court and court of public opinion. Many people may not understand the importance of the Bill being proposed by my hon. Colleague but because of what is happening, I believe that any right action taken at the wrong time ends up being wrong. The integrity of the Parliament will need to be protected.

If it will please my dear brother, let us stand this Amendment Bill down because our reputation is at stake. Our good intention may be misconstrued. I am not really against the Motion but I am pleading that this Bill be stood down so that we can watch events thereafter.

Some hon. Members: Put the question.

Hon. Aminu Waziri Tambuwal (Kebbe/Tambunwal): Mr. Speaker, I believe from the submissions of the sponsor of this Bill and indeed the content of the Amendment sought to be made to the Act, it is very clear that the intention behind this Bill is to strengthen the workings of the Anti-corruption agency, the EFCC. I believe that the time may not be the most auspicious particularly when we have some of our Colleagues being prosecuted by EFCC. That notwithstanding it will not make us stop discharging our constitutional responsibility of passing good laws for the good governance of the Federal Republic of Nigeria.

I believe that we should go ahead and look at this Bill. Let it go through the due process of legislation. I am sure at the end of it all our collective fight against corruption and indeed the agency we are trying to strengthen will be better for it.

Later today, I am aware that the former EFCC boss, Nuhu Ribadu will be appearing at a hearing in the US Congress in Washington. From the feelers I have, he has prepared a text which he intends to submit to indicate that all of us as a government of today are not serious about fighting corruption and I believe this Parliament, particularly the House of Representatives is not in support of anything that will promote corruption in Nigeria. Even on the premise of this alone, we need to demonstrate to Nigerians and the international community our conviction as a government towards fighting corruption. We need to pass the Second Reading of this Bill so that it can go to the relevant committee for all of us once again to take a look at the

Act itself and, of course, what the EFCC has been doing particularly under Mallam Nuhu Ribadu.

We are all living witnesses here as to how EFCC was used selectively and Mallam Nuhu Ribadu was the Chairman of EFCC at that time. I believe it is not quite out of tune for this House to go into the Second Reading of this Bill.

Hon. Sokonte Davies: Mr. Speaker, I rise to support that this Amendment Bill be read the Second Time. The EFCC has counterpart organisation overseas. For example, the ICAC in Hong Kong was established primarily to tackle corruption in Hong Kong and the strongest corruption point was the Police. So, it has tackled the Police and from there it went to tackle corruption in that territory. Today, everybody is happy with what ICAC is doing in Hong Kong.

I believe that the EFCC, by seconding people from the Police Force, will not be able to function effectively. Therefore, the EFCC Act should be amended such that it can recruit people who are loyal to the leadership of EFCC and not loyal to the leadership of other organisations from which they are being seconded. This will enable the EFCC do its work effectively. Presently as constituted and as run it has so many loopholes. That is why sometimes it is being accused of selectively prosecuting corrupt people. If we want to be serious about tackling corruption, then all the loopholes in the Principal Act that are impeding the effectiveness of EFCC must be removed.

The fight against corruption is the fight for the life of this nation. Whatever is required of this Parliament, which is a noble Parliament that is well respected by Nigerians, to strengthen the EFCC Act for it to function effectively should be done and this Amendment is one of such moves and I stand to support it.

Hon. Daniel Dino Melaye (Kabba/Bunu/Ijumu): Mr. Speaker, I want to start by clearing an insinuation that because of the ongoing investigation by the EFCC we become careful about discussing a Bill that was presented for First Reading over three months ago. What we are doing here today is Second Reading.

So I want us to separate what is happening now by mere investigation of our Colleagues and doing our legislative work. The difference between what the EFCC is doing now and this Bill is the difference between man and woman. As a legislature we have the responsibility of providing the best of laws for this country.

What is proposed this morning is to strengthen the activities of EFCC to do that which it has been

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mandated to do. A situation whereby clearances are being made from higher quarters before decisions are taken will not augur well for our democracy. What is being proposed is actually to strengthen the democratic process and legislative practice in this country. We are supporting the fight against anti-corruption. That is why the clamour that the EFCC be strengthened to fight corruption. Corruption must be defined in all ramifications.

Non-implementation of budget is also corruption. Removal of constructive budget from the budget is corruption. So we want to strengthen the EFCC to make sure that it carries out its anti-corruption crusade not minding who is involved.

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

Question put and agreed to.

Bill read the Second Time and committed to the Committee on Drugs, Narcotics and Financial Crimes.

Distribution and Payment to State Governments of Some Taxes and Duties Collected by the Federal Inland Revenue Services (FIRS) Bill, 2009

A Bill for an Act to Provide for the Distribution and Payment to State Governments of Some Taxes and

Duties Collected by the Federal Inland Revenue Services (FIRS) or Other Authorities of the Federal Government and Other Matters Connected Therewith, 2009 –

Order for Second Reading.

The Deputy Speaker: The third Order of the Day is commencement of debate on the General Principles of a Bill for an Act to Provide for the Distribution and Payment to State Governments of Some Taxes and Duties Collected by the Federal Inland Revenue Services (FIRS) or Other Authorities of the Federal Government and Other Matters Connected Therewith, 2009.

The Bill was read the First Time on Tuesday, 12th May, 2009. I now invite Hon. Moruf Akindelu Fatai to move that the Bill be now read the Second Time. *(No response)*

Hon. Ita Solomon J. Enang: Mr. Speaker, the hon. Member had indicated that he is willing to take the Bill today. That is why we listed it after publishing it on the Notice Paper.

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The Deputy Speaker: Now that he is not here, do we stand the Bill down?

Hon. Ita Solomon J. Enang: Very well, Mr. Speaker.

The Deputy Speaker: The Bill is stood down.

Bill, with leave of the House, stood down.

CONSIDERATION OF REPORTS

Report of the Committee on Agriculture on the Nigeria Agricultural Quarantine Service (Establishment) Bill, 2008

The Deputy Speaker: Hon. Colleagues, the fourth Order of the Day is consideration of the Report of the Committee on Agriculture on a Bill for an Act to Establish the Nigeria Agricultural Quarantine Service and Matters Connected Therewith, 2008.

Hon. Members will recall that the Report was laid on Tuesday, 12th May 2009. I now invite Hon. Gbenga Makanjuola to move for the consideration of the Report.

Hon. Gbenga P. Makanjuola (Ekiti/Isin/Irepodun/Oke-Ero): 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 Nigeria Agricultural Quarantine Service and Matters

Connected Therewith, 2008 and approve the recommendations therein.

Hon. Shehu Garba Matazu (Musawa/Matazu): Mr. Speaker, I rise to second the Motion moved by the Chairman of the 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 Nigeria Agricultural Quarantine Service and Matters Connected Therewith, 2008 and approve the recommendations therein.

Report of the Committee on Public Petitions on the Petition by Evening Programme Graduates of the University of Nigeria against the University of Nigeria, Nsukka

The Deputy Speaker: The fifth Order of the Day is consideration of the Report of the Committee on Public Petitions on the Petition by the Evening

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Programme Graduates of the University of Nigeria against the University of Nigeria, Nsukka.

Hon. Members will recall that the Report was laid on Thursday, 4th December 2008. I now invite Hon. C. I. D. Maduabum to move that the report be considered now.

Hon. C. I. D. Maduabum (Nnewi North/South/Ekwusigo): Mr. Speaker, I move that this House do consider the Report of the House Committee on Public Petitions on the Petition by the Evening Programme Graduates of the University of Nigeria against the University of Nigeria, Nsukka and approve the recommendations therein.

Hon. Binta Masi Garba (Madagali/Michika): Mr. Speaker, I rise to second the Motion moved by Hon. Maduabum.

Question put and agreed to.

Resolved: That this House do consider the Report of the House Committee on Public Petitions on the Petition by the Evening Programme Graduates of the University of Nigeria against the University of Nigeria, Nsukka and approve the recommendations therein

**Report of the Committee on Public Petitions
on the Petition by the Technical Trainee Graduates
against the Nigerian Ports Authority (NPA)**

The Deputy Speaker: The sixth Order of the Day is consideration of the Report of the Committee on

Public Petitions on the Petition by the Technical Trainee Graduates against the Nigerian Ports Authority (NPA).

Hon. Members will recall that the report was laid on Tuesday, 20th November, 2008. Hon. C. I. D. Maduabum will now move for the consideration of the report.

Hon. C. I. D. Maduabum: Mr. Speaker, I rise to move that this House do consider the Report of the Committee on Public Petitions on the Petition by the Technical Trainee Graduates against the Nigerian Ports Authority and approve the recommendations therein.

Hon. Chukwuka Wilfred Onyema (Ogbaru): Mr. Speaker, I second the Motion moved by Hon. Maduabum that this House do consider this report.

Question put and agreed to.

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Resolved: That this House do consider the Report of the Committee on Public Petitions on the Petition by the Technical Trainee Graduates against the Nigerian Ports Authority and approve the recommendations therein.

**Report of the Committee on Public Petitions
on the Petition by Wing Commander Yusuf Garba
Mshelia against the Nigerian Air Force**

The Deputy Speaker: The seventh Order of the Day is consideration of the Report of the Committee on Public Petitions on the Petition by Wing Commander Yusuf Garba Mshelia against the Nigerian Air Force.

Hon. Members will recall that the report was laid on Tuesday, 3rd March 2009. Hon. C. I. D. Maduabum will now move for the consideration of the report.

Hon. C. I. D. Maduabum: Mr. Speaker, I move that this House do consider the Report of the Committee on Public Petitions on the Petition by Wing Commander Yusuf Garba Mshelia against the Nigerian Air Force and approve the recommendations therein.

Hon. Iorwase H. C. Hembe (Konshisha/Vandekiya): Mr. Speaker, I do second the Motion moved by Hon. Maduabum that this House do consider this report.

Question put and agreed to.

Resolved: That this House do consider the Report of the Committee on Public Petitions on the Petition by Wing Commander Yusuf Garba Mshelia against the Nigerian Air Force and approve the recommendations therein.

**Report of the Committee on Public Petitions on the
Petition by Retrenched Workers Association of
Savannah Sugar Company against the Bureau of
Public Enterprises (BPE)**

The Deputy Speaker: Hon. Members, the eighth Order of the Day is consideration of the Report of the Committee on Public Petitions on a Petition by Retrenched Workers Association of Savannah Sugar Company, Numan against the Bureau of Public Enterprises (BPE) and approve the Recommendations therein.

Hon. Members will recall that the Report was laid on Thursday 20th of November 2008. Hon. C.I.D. Maduabum is now invited to move for the consideration of the Report.

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Hon. C. I. D. Maduabum (Nnewi North South/Ekwusigo): I move that this House do consider the Report of the House Committee on Public Petitions on the Petition by the Retrenched Workers Association of Savannah Sugar Company against the Bureau of Public Enterprises (BPE).

Hon. Members will recall that the report was laid on Thursday, 20th November 2008. Hon. C. I. D. Maduabum will now move for the consideration of the report.

Hon. C. I. D. Maduabum: Mr. Speaker, I move that this House do consider the Report of the Committee on Public Petitions on the Petition by the Retrenched Workers Association of Savannah Sugar Company against the Bureau of Public Enterprises (BPE) and approve the recommendations therein.

Hon. Barnabas Y. Bala (Kaura): I second the Motion moved by Hon. C. I. D. Maduabum; Chairman, Committee on Public Petitions.

Question put and agreed to.

Resolved: That the House do consider the Report of the Committee on Public Petitions by Retrenched Workers Association of Savannah Sugar Company against the Bureau of Public Enterprises (BPE) and approve the recommendations therein.

**Report on the Committee on Public Petitions
on the Petition by Dr. Obadia Mailafia against
Central Bank of Nigeria (CBN)**

The Deputy Speaker: The ninth Order of the Day is consideration of the Report of the Committee on Public Petitions on the Petition by Dr. Obadia Mailafia against the Central Bank of Nigeria (CBN).

Hon. Members will recall that the Report was laid on Thursday, 20th of November, 2008. Hon. C.I.D. Maduabum will now move for the consideration of the Report.

Hon. C.I.D. Maduabuam: Mr. Speaker, I move that this House do consider the Report of the Committee on Public Petitions on the Petition by Dr. Obadia Mailafia against the Central Bank of Nigeria (CBN) and approve the recommendations therein.

Hon. Abdukadir Jobe Tijjani (Dawakin Tofa/Tofa Rimin Gado): Mr. Speaker, I do second the Motion moved by Hon. C. I. D. Maduabum, Chairman, Committee on Public Petitions.

Question put and agreed to.

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Resolved: That this House do consider the Report of the Committee on Public Petitions on the Petition by Dr. Obadia Mailafia against the Central Bank of Nigeria (CBN) and approve the recommendations therein.

**Report of the Committee on Public Petitions on
the Petition by
Mr. Anthony Morka against the Nigerian Ports
Authority (NPA)**

The Deputy Speaker: The tenth Order of the Day is consideration of the Report of the Committee on Public Petitions on the Petition by Mr. Anthony Morka against the Nigeria Ports Authority.

Hon. Members will recall that the Report was laid on Thursday, 20th November, 2008. Hon. C.I.D. Maduabuam will now move for the consideration of the Report.

Hon. C.I.D. Maduabum: Mr. Speaker, I move that this House do consider the Report of the Committee on Public Petitions on the Petition by Mr. Anthony Morka against the Nigerian Ports Authority and approve the recommendations therein.

Hon. Peace Uzoamaka Nnaji (Nkanu East/Nkanu West): Mr. Speaker, I second the Motion moved by Hon. C. I. D. Maduabum, Chairman, Committee on Public Petitions.

Question put and agreed to.

Resolved: That this House do consider the Report of the Committee on Public Petitions on the Petition by Mr. Anthony Morka against the Nigerian Ports Authority.

Hon. Baba Shehu Agaie: Mr. Speaker, I move that this honourable House do resolve into Committee of the Whole to consider the several Reports.

Hon. Ita Solomon J. Enang (Itu/Ibiono Ibom): Mr. Speaker, I do second the Motion that the House do resolve into the Committee of the Whole to consider the Reports.

Question put and agreed to.

**Report of the Committee on Agriculture on a
Bill to Establish Agricultural Quarantine Service
and Matters Connected Therewith - CONSIDERED
IN THE COMMITTEE OF THE WHOLE.**

The Chairman: The First Report we are considering is the Report of Committee on Agriculture on a Bill for an Act to Establish Nigeria Agricultural Quarantine Service and Matters Connected Therewith.

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

Hon. Gbenga Peter Makanjuola (Ekiti/Isin/Irepodun/Oke-Ero): Hon. Colleagues, you will recall that the creation of the Quarantine Service was approved by the last administration in 2002 following the Report of Professor Ango Abdullahi led Committee on Food Security and the measure initiated by the Ministry of Agriculture was to create six additional agencies including Quarantine Service.

This particular Bill is intended to harmonise three quarantine units, that is, plant, livestock, aquatic resources and animal, which hitherto existed and operated independently under the Federal Ministry of Agriculture. So the essence of this Bill is to harmonise these three units under the Ministry of Agriculture.

The importance of the Bill also is that we realised that the inflow of animal plant and aquatic stuff into the country based on the porous borders into this nation calls for regulatory and monitoring agencies. You will discover that there is need to check the movement of agricultural commodities and also to check the porous nature of our nation's border coupled with Nigeria's involvement in the World Trade Organisation considering the fact that Nigeria is a co-participant in the World Organisation for Animal Health and other Conventions. Therefore, Nigeria cannot be an exception.

So, there is need to have an agency in place to be entrusted with the responsibility of discharging the mandate under this service. I hereby urge my Colleagues to, please, accord this Bill the urgent attention it deserves.

The Chairman: The Bill will now be considered Clause by Clause.

Clause 1 - (ESTABLISHMENT OF THE NIGERIA AGRICULTURAL QUARANTINE SERVICE AND THE GOVERNING BOARD)

Amendment proposed.

Hon. Mohammed Maifata (Tarauni): Mr. Chairman, I want us to introduce subsection 1(c) and to read as: *shall be operated under professional departments, plants, livestock, aquatic resources and other relevant services.*

This will give us an opportunity to introduce professionalism in the sector. As it is, if we pass the Bill you can send anybody to be a Quarantine Officer which will not serve the purpose of this Bill. So, I want

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us to put this clause so that professionals will be sent as Quarantine Officers in different departments.

Hon. Olajumoke Okoya-Thomas (Lagos Island I): Mr. Chairman, I rise to second the amendment as proposed by Hon. Maifata.

Amendment put and agreed to.

Clause 1 - (ESTABLISHMENT OF NIGERIA AGRICULTURE QUARANTINE SERVICE) - as amended, ordered to stand part of the Bill.

Clause 2 - (ESTABLISHMENT OF THE GOVERNING BOARD)

Amendment proposed.

Hon. C.I.D Maduabum (Nnewi North South/Ekwusigo): Mr. Chairman, my Amendment is on Clause 2 (2)(b) at page 2 of the Bill. It reads: *To hold office on part-time basis for a term of four years and no more.* If someone is doing well, he should be re-appointed.

Therefore, the words *no more* should be removed. It should now read:

(b) hold office on part-time basis for a term of four years subject to reappointment for another term of four years.

Hon. Shehu Garba Matazu (Masawa/Matazu): I rise to second the amendment proposed by Hon. Maduabum.

The Chairman: Hon Makanjuola, do you want to throw more light on that?

Hon. Peter Gbenga Makanjuola: Mr. Chairman, I recall that during the Public Hearing, this particular Clause was a subject of contention. What the Executive mean by the words *no more* is that it will be one term for the members of the Board and not subject to renewal.

The Chairman: That is exactly what they are opposing. I will now put the question on the Amendment seconded by Hon. Matazu.

Amendment put and agreed to.

Hon. H. S. Dickson (Ekeremor/Sagbama): Mr. Chairman, I will refer this House to Clause 2(1)(e) and (f). My Colleague asked a question; I did not know the answer and I thought the Chairman should clarify it.

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The question is whether this subject matter we are dealing with is not already being handled by the Customs Service? Even if it is not, why is the Customs service not represented?

The Chairman: Chairman, Committee on Agriculture, please?

Hon. Peter Gbenga Makanjuola: The issue of Quarantine Service has nothing to do with the Customs. This is an agency under the Federal Ministry of Agriculture. We are talking about agencies responsible for the importation and exportation of plants, animals and livestock. They are to ensure that all the items mentioned are not imported after they have been contaminated. It has nothing to do with Customs Service; it is an agriculture-related service.

Hon. Ike Chinwo (Obio/Akpor): In addition, if you go to any border, both internally and externally, you will see a lot of officers. The Quarantine Service officers are part of those that are in the borders. So, they do not have anything to do with Customs Service.

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

Clause 3 - (CESSATION OF MEMBERSHIP) - ordered to stand part of the Bill.

Clause 4 - (DISSOLUTION) - ordered to stand part of the Bill.

Clause 5 - (ALLOWANCES OF MEMBERS) - ordered to stand part of the Bill.

PART II – (FUNCTIONS OF THE SERVICE AND POWERS OF THE BOARD)

Clause 6 - (FUNCTIONS OF THE SERVICE) - ordered to stand part of the Bill.

Clause 7 - (POWERS OF THE BOARD) - ordered to stand part of the Bill.

PART III - (APPOINTMENT OF THE DIRECTOR-GENERAL AND OTHER STAFF)

Clause 8 - (APPOINTMENT OF THE DIRECTOR-GENERAL) – ordered to stand part of the Bill.

Clause 9 - (APPOINTMENT OF SECRETARY/LEGAL ADVISER) – ordered to stand part of the Bill.

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Clause 10 - (ESTABLISHMENT OF ZONAL QUARANTINE OFFICES AND OPERATIONAL STATIONS) – ordered to stand part of the Bill.

PART IV - (FINANCIAL PROVISIONS)

Clause 11- (FUND OF THE SERVICE)

Question proposed.

Hon. Mohammed Maifata (Tarauni): I want the Chairman to explain more about this 2 per cent of Agricultural Development Fund. How much will 2 per cent be out of the Agricultural Development Fund? This will give us an idea of how much will go to the Fund. This is because we have so many departments in the Ministry of Agriculture that need resources. We need to have some ideas from the Chairman for us to take it.

The Chairman: Chairman, Committee on Agriculture, how much will 2 per cent be?

Hon. Peter Gbenga Makanjuola: To be frank with you, I am not in a better position to explain what will amount to 2 per cent of this Fund because it is not a Fund that has a particular budget. It is as a result of certain contribution from the Federation Account to this Fund by the Federal Government. Therefore, it does not have a specific accrual. So I cannot say specifically how much it is going to be.

Hon. Mohammed Maifata: Hon. Makanjuola, if you know how much it was in 2008, we can get the percentage or average. What I want to prevent is a situation where we will give too much money to this department alone without sharing it with other departments.

The Chairman: They are only taking 2 per cent out of the 100 per cent.

Hon. Mohammed Maifata: If the money is ₦200 billion, 2 per cent is ₦2 billion, which is too much for this department alone.

The Chairman: The money is not ₦200 billion; so, why are you mentioning that figure? You know that it is not ₦200 billion. Why do you not mention ₦20 million?

Hon. C.I.D. Maduabum: I would like to refer this House to Part III, Clause 8.

The Chairman: Hon. Maduabum, let us finish with Clause 11. Hon. Members, I will now put the question on Clause 11.

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Clause 11 – (FUND OF THE SERVICE) – ordered to stand part of the Bill.

Hon. C. I. D. Maduabum: Thank you for the indulgence. Part III, Clause 8(4)(a) states: *The Director-General shall hold office for a term of five years only.*

This is not good enough because if someone is in office for five years and did well, you cannot say his appointment cannot be renewed. He should have an opportunity even if it is for one more term. My Amendment is that he should be given an opportunity for another term. Also, it is not good for those he is working with because if they know that five years is done, they will sabotage the man till he goes.

The Chairman: But we have these cases, like Vice Chancellors and the Deputy Vice Chancellors. They serve for five years and no more.

Hon. C. I. D. Maduabum: My Amendment is that he should be given an opportunity to serve for another term.

The Chairman: If this officer is a Civil Servant and you are saying he should serve only for five years are you going to retire him after five years if he has not finished his 35 years in service or will you transfer him to the Office of the Head of the Civil Service? That is the question I do not know whether or not the Committee has answered?

Hon. C. I. D. Maduabum: I think five years and no more is very restrictive especially if the person has done well.

The Chairman: We have many cases like that.

Hon. Maduabum: Anyway, that is my amendment - *Another term of five years.*

The Chairman: Hon. C.I.D. Maduabum has an Amendment that instead of five years and no more, like in some other places; he wants this one to be a special case. Is any Member seconding this Amendment? *(No response)*

Clause 12 – (EXPENDITURE) – ordered to stand part of the Bill.

Clause 13 – (ANNUAL ACCOUNT AND ESTIMATE) - ordered to stand part of the Bill.

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Clause 14 – (ANNUAL REPORT) - ordered to stand part of the Bill.

Clause 15 – (POWER TO ACCEPT) - ordered to stand part of the Bill.

Clause 16 – (POWER TO BORROW)

The Chairman: Is there any amendment on Clause 16?

Hon. Abdul Ahmed Ningi (Ningi): Mr. Chairman, I want a detailed explanation on Clause 16. It reads:

1. *The Service may from time to time borrow by way of overdraft or otherwise such sums as it may require for the performance of its functions under this Act.*
2. *The Service shall not, without the approval of the Minister, borrow money which exceeds at any time, the amount set by the Government as the limit of the authority of the Service.*

With respect to Clause 16(2), I would like the Chairman of the Committee to let us know the limit of the amount set by the Government in order to give meaning and logic simultaneously between Clause 16(1) and (2).

Hon. Gbenga P. Makanjuola: Honestly, I do not have the idea of the amount set by the Government. This is what is obtainable in most of the Federal Government agencies and services. I do not have the idea of the limited amount at which they can borrow. But it is peculiar to most agencies and ministries. So, it is subject to particular agencies; it is not specifically stated. It is not a matter of law but service.

The Chairman: Hon. Makanjuola, they cannot borrow more than what has been appropriated to them.

Hon. Gbenga P. Makanjuola: That is exactly what Clause 16(2) provides but the question is that he wanted to know how much. Clause 16(2) has taken care of how much they can borrow by setting the limit expected. The amount is not specifically stated here but limitation has been placed by virtue of Clause 16(2).

The Chairman: I believe Hon. Abdul Ningi is convinced. I will now put the Question on Clause 16.

Question put and agreed to.

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Clause 16 – (POWER TO BORROW) – ordered to stand part of the Bill.

Hon. Ita Solomon J. Enang: I have something to say on Clause 16.

The Chairman: Hon. Ita Enang, we have ruled on Clause 16. We now go to Clause 17.

Hon. Ike Chinwo (Obio/Akpor): Point of consideration.

The Chairman: Is it on Clause 16?

Hon. Ike Chinwo: It is on a consideration which was with you last week when we were discussing another Report. It has to do with the approval of budget when we were treating the Report on Hybrid Development or one of such Reports.

Let me refer to Clause 13 which states: *A copy of the Annual Estimates and Supplementary Estimates shall, upon their adoption by the Board, be sent forthwith to the Minister for approval.*

Sub clause (3) states: *Money shall not be expended by the Service other than in accordance with the estimates of expenditure approved by the Minister.*

If you recall, this House objected to similar provisions because of our constitutional provision. Therefore, I suggest that we recast this to fall in line with the constitutional provision.

The Chairman: Please do that. It is talking about Appropriation here. It is not about the Minister because he has no right.

Hon. Ike Chinwo: This is subject to abuse; we have seen some agencies that do not bring their budget here.

The Chairman: Hon. Chinwo, please reframe it.

Hon. Ike Chinwo: As the Chairman pleases.

The Chairman: We would now go to Clause 17.

Clause 17 – (POWER TO ENTER INTO CONTRACT)

Hon. Ita Solomon J. Enang: I have serious reservations about Clause 17. It says:

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No Committee of the Service or any person or body engaged by it and notwithstanding anything in terms of reference –

a) shall carry on any activity on behalf of the Service unless the consent of the Minister is obtained.

Mr. Chairman, we have a Board for this. It is wrong to make direct reference to the Minister. For any Committee or person to carry on any activity; he needs the consent of the Minister. I pray that it should be deleted.

The Chairman: Do we delete or amend it to read *unless the consent of the Board is obtained?*

Hon. Ita Solomon J. Enang: We have defined the powers of the Board. This is making a surplusage and it can cause a problem.

The Chairman: *No Committee of the Service or any person or body engaged by it and notwithstanding anything in terms of reference –*

(a) shall carry on any activity on behalf of the Service unless the consent of the Minister is obtained.

Hon. Ita Enang is saying that this one should be removed because there is a Board and the Board can give that consent, not necessarily the Minister. Is there any seconder to that?

Hon. C.I.D. Maduabum (Nnewi North-South/Ekwusigo): I second the Amendment moved by Hon. Ita Enang that Clause 17(a) be deleted.

Amendment put and agreed to.

Clause 17 – (POWER TO ENTER INTO CONTRACT) – as amended ordered to stand part of the Bill.

Clause 18 – (POWER TO ACQUIRE LAND) – ordered to stand part of the Bill.

PART IV – MISCELLANEOUS

Clause 19 – (POWER OF AUTHORISED OFFICER) - ordered to stand part of the Bill.

Clause 20 – (OFFENCES) - ordered to stand part of the Bill.

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Clause 21 – (PENALTIES) - ordered to stand part of the Bill.

PART VI - LEGAL PROCEEDINGS

Clause 22 – (INDEMNITY) - ordered to stand part of the Bill.

Clause 23 – (EXECUTION OF DEEDS) - ordered to stand part of the Bill.

Clause 24 – (LIMITATION OF SUITS AGAINST THE SERVICE)

Hon. Ita Solomon J. Enang: Mr. Chairman, I pray that we delete Clause 24 completely. We should simply say that *in respect of suit against the Agency the Provisions of the Public Officers Protection Act shall apply*. This is a reproduction of the provisions of the Public Officers Protection Act. We do not need to reproduce that provision in this law.

The Chairman: Is any Member seconding that Amendment?

Hon. Ogbuefi Ozomgbachi (Ezeagu/Udi): I second the Amendment proposed by Hon. Ita Enang.

Amendment put and negatived.

Clause 24 – (LIMITATIONS OF SUITS AGAINST THE SERVICE) – ordered to stand part of the Bill.

Clause 25 – (SERVICE OF DOCUMENTS) - ordered to stand part of the Bill.

Clause 26 – (INTERPRETATION) - ordered to stand part of the Bill.

Short Title - (THE NIGERIA AGRICULTURAL QUARANTINE SERVICE (AMENDMENT, ETC.) BILL, 2009 – agreed to.

Schedule, agreed to.

Long Title – (A BILL FOR AN ACT TO ESTABLISH NIGERIA AGRICULTURAL

QUARANTINE SERVICE AND MATTERS CONNECTED THEREWITH, 2009)

Hon. Austin Nwachukwu (Ehime Mbano/Ihitte Uboma/Obowo): I have an observation to make on the Long Title.

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The Chairman: Go ahead.

Hon. Austin Nwachukwu: I feel that we have a group called the Nigerian Quarantine Services and their functions are part of what we have just treated in this Bill. The only exception is that human beings are not included in this particular Bill under consideration.

My Amendment is that we should seek to remove those functions of the plants, animals and flowers from the existing quarantine service whose duties are to serve as a check for this particular area of operation.

The Chairman: Move your Amendment as you want it to appear as the Long Title. Read the one that you proposed.

Hon. Austin Nwachukwu: *An Act to Establish Nigeria Agricultural Services and other Matters Connected Therewith.* The word *Quarantine* is removed, the reason being that there is a quarantine department in existence that handles most of these jobs.

The Chairman: Is there any seconder?

Hon. Patrick Ikhariale (Esan Central/Esan West/Igueben): I second the Amendment moved by my Colleague, Hon. Austin Nwachukwu.

Hon. Gbenga Makanjuola: Mr. Chairman, it is like my Colleague does not quite understand the Bill before the House. The Nigeria Agricultural Quarantine Service that he is referring to is the same thing that this Bill is trying to give a legal backing.

Secondly, he was talking about the issue of quarantine of human being which is under the purview of the Federal Ministry of Health. Human beings are not animals, plants, livestock or aquatic products. What he said is totally in contradiction of what we are talking about.

The Chairman: Hon. Austin Nwachukwu, I believe you did not hear him.

Hon. Austin Nwachukwu: I heard him, Sir.

The Chairman: What did he say?

Hon. Austin Nwachukwu: He said I did not understand what he was saying but he was saying that the Bill sought to give legal teeth to this particular area of job but in the 80's, Late Major General Joe Garba who was then Nigeria's External Affairs Minister of travelled to Kenya and he was quarantined at the airport because there was an outbreak of Meningitis in Nigeria.

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The Chairman: That was why I said you did not hear him because Hon. Makanjuola said that one is not under the Ministry of Agriculture; it is under Health

Hon. Austin Nwachukwu: This same function is in those peoples' law establishing them; that is what I am saying.

The Chairman: But this is a different jurisdiction.

Hon. Austin Nwachukwu: I do not know.

The Chairman: Anyway there is a Motion seconded by Hon. Patrick Ikhariale that the word *Quarantine* be removed from the Long Title.

Question put and negatived.

Hon. John Enoh (Obubra/Etung): Mr. Chairman, I am sorry to take us back to Part IV, dealing with Financial Provisions.

The Chairman: Which Clause?

Hon. John Enoh: Clause 11(2)(e). It reads: *All sums accruing to the Service by way of rents, fees, grants, subsidies, subscriptions, interests, royalties and other internally generated revenues from service rendered by the Service.*

Mr. Chairman, the Committee on Finance has an outstanding report before the House on revenue remittances. One of the most critical issues the Committee faced in the course of investigation was the fact that agency after agency appeared before the Committee and referred us to the section dealing with Financial Provisions.

If we say that moneys in respect of matters that have to do with internally generated revenue should be paid to the fund of the agency we are trying to establish, it goes counter to the constitutional provision that insists that all internally generated revenues must be paid into either the Consolidated Revenue Fund or into the Fund established in the Constitution for that purpose.

I would like to move that although all other issues such as –

(a) Such sum as may be appropriated to it by the National Assembly;

(b) 2 per cent of the Agricultural Development Fund;

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(c) Such sums as may be approved by the President from the Natural Resource Development Fund.

Section (e) which deals with internally generated revenue cannot go to the Fund of the Commission. It has to go to another Fund established by the Constitution for that purpose.

The Chairman: Which Fund is that?

Hon. John Enoh: The Consolidated Revenue Fund of the Federal Government.

The Chairman: Is there any seconder to that Amendment?

Hon. Gbenga Makanjuola: With due respect, Sir, if you look at the law establishing most of the departments and agencies of Federal Government today, especially all the institutes and parastatals, there are provisions in their Act empowering them. It is true if the Committee on Finance is trying to put forward a Bill but presently it is on-going and that law has not been passed by this House.

As a matter of practice in the Federation, the law establishing agencies or parastatals of the Federal Government does not give them the power, to a certain extent, to make use of their internally generated revenue to augment most of their expenditure. It has been in existence before now.

The Chairman: You said that practice is only a practice. It is against the law.

Hon. Gbenga Makanjuola: It is the law that set up the practice.

The Chairman: The Constitution is very cleared about that. He is quoting Section 162 of the Constitution. It states that all revenues should be taken to the Federation Account, Consolidated Account or the Federal Government Consolidated Account.

Hon. Gbenga Makanjuola: In this case, it is the Consolidated Revenue of the Federal Government.

The Chairman: So, we do not even need to put question on that because it is a constitutional provision. Henceforth, we are going to amend any Bill that has this provision so that it will go along with what the Constitution has provided.

Hon. Ike Chinwo, where is your amendment?

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Hon. Ike Chinwo: It is there

The Chairman: Let us go to Clause 13. Clause 13(2) reads: *A copy of all the annual Estimates and supplementary Estimates shall upon their adoption by the Board be sent forward to the Minister for inclusion into the Ministry's Budget for presentation to the National Assembly for approval.*

Clause 13(3) reads: *Moneys shall not be expended by the Service other than in accordance with the estimate of expenditure as approved by the National Assembly.*

Question put and agreed to.

Clause 13 – (ANNUAL ACCOUNT AND ESTIMATE) - ordered to stand part of the Bill.

Long Title, agreed to.

Report of the Committee on Public Petitions on the Petition by Evening Programme Graduates of University of Nigeria, Nsukka – CONSIDERED IN COMMITTEE OF THE WHOLE.

The Chairman: Hon. Colleagues, the next Report we are considering is the Report of the Committee on Public Petitions on the Petition by Evening Programme Graduates of the University of Nigeria against the University of Nigeria, Nsukka and approve the Recommendations therein.

Recommendation (i) states: *The House do direct the Honourable Minister of Youth Development to withdraw the circular issued on October 11, 2000 which has effect of excluding the petitioners from mobilisation for the National Youth Service Corps (NYSC) programme as the circular is in conflict with Section 2 of the National Youth Service Corps Programme Act.*

Question put and agreed to.

Recommendation (i) – ordered to stand part of the Recommendation.

Recommendation (ii) states:

That the House do direct the Director-General of the National Youth Service Corps (NYSC) programme to grant special dispensation to the petitioners by immediately mobilising them for the National Youth Service Corps programme due to the special circumstances of this matter.

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Question put and agreed to

Recommendation (ii) – ordered to stand part of the Recommendations.

Recommendation (iii) says:

That in the alternative, the House do direct the National Youth Service Corps (NYSC) Director-General to issue certificates of exemption to the petitioners under Section 17 of the National Youth Service Corps Act that authorises the Directorate, with the necessary approval to exempt any person from all or any provisions of this Act.

Hon. Friday Itulah (Esan North East/South East): Mr. Chairman the provision in Recommendation (iii) is in conflict with Recommendation (ii) that we have considered.

Recommendation (ii) says: *That the House do direct the Director-General of the National Youth Service Corps (NYSC) programme to grant special dispensation to the petitioners by immediately mobilising them for the National Youth Service Corps (NYSC) Programme due to the special circumstances of this matter.*

If this is agreed to, then the alternative no longer applies.

The Chairman: No. Recommendation (iii) is not in conflict with Recommendation (ii) because it is assumed in Recommendation (ii) that they are below thirty years. What applies to those over thirty years?

Hon. Friday Itulah: It applies. Anybody who is above thirty years is to be given exemption certificate.

The Chairman: That is why the provision is saying that in the alternative, the House do direct the National Youth Service Corps (NYSC) Director-General to issue certificates of exemption.

Hon. Friday Itulah: What I am saying is that Recommendation (ii) has already taken care of Recommendation (iii).

The Chairman: All right. Is there any seconder to that Amendment?

Hon. Aminu Shehu Shagari (Yabo/Shagari): I rise to second the Amendment proposed by Hon. Friday, Itulah.

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Hon. C.I.D. Maduabum: Mr. Chairman, sometimes when we go direct to recommendations, it does not quite explain the genesis of any recommendation.

We put Recommendation (iii) in the alternative because we want to give the NYSC itself discretion on the matter. If the alternative of mobilising them immediately for service is difficult for any special reason, they can rely on Section 17 of the Act to give them an exemption. So it is in the alternative; it is not necessarily in conflict. It is to give the service a leeway to make implementation of the resolutions more practicable.

So, I urge you with due respect to allow this provision.

Amendment put and negatived.

Main Question put and agreed to.

Recommendation (iii) – ordered to stand part of the Recommendations.

Report of the Committee on Public Petitions on the Petition by the Technical Trainee Graduates against the Nigerian Ports Authority – CONSIDERED IN COMMITTEE OF THE WHOLE.

The Chairman: The next Report is the Report of the Committee of Public Petitions on the Petition by the Technical Training Graduate against the Nigerian Ports Authority and approve the recommendations.

Recommendation (i): *That the House could not compel NPA to re-admit the petitioners to their payroll nor order a deployment of all successful graduates as the NPA complied with the Federal Government Policy on disengagement of staff.*

Question put and agreed to.

Recommendation (i) – ordered to stand part of the Recommendations.

Recommendation (ii): *That although the entitlement due to the petitioners have been paid to them, we urge the Management of the NPA to continue to assist the graduates with job placements in other companies where their services may be needed as part of its corporate social responsibility as they are currently doing.*

Is there any objection?

Hon. Stanley O. Ohajurika (Umuahia North/South Ikwunano): Mr. Chairman, Recommendation (ii) there is very ambiguous. If you are actually making a recommendation it has to be very straightforward. The ambiguity in this recommendation is such that we cannot compel NPA or give them an open ended recommendation.

If you look at that recommendation, it says *that although entitlements which necessitated ab initio the Petition have been paid to them, we urge the Management of NPA to continue to assist the graduates with job placements in other companies where their services may be needed as part of its corporate social responsibility as they are currently doing.*

That was not part of their prayers in their Petition. So the Committee cannot now give them what they did not request for. If you look at that recommendation, it says *to continue to assist*. So, there has to be proof of evidence; something to show that they requested the Committee to urge NPA to assist them in this particular respect. It is not proper that we now begin to give these petitioners what they did not request for.

Hon. C. I. D. Maduabum: Mr. Chairman, these are young men who have been trained by NPA itself but who have been thrown into the Labour market.

During the Public Hearing on the matter NPA itself said that they have been using their best endeavours to assist them to get work and we are just saying; continue with it. It is good.

We should bear in mind that the rules allow the Committee to make consequential recommendations. I am not even sure my hon. Colleague has read the Petition but we have powers to make consequential recommendations and it is in the best interest of the petitioners.

The Deputy Speaker: I will now put the question on Recommendation (ii) *that although the entitlement due to the petitioners have been paid to them, we urge the Management of the NPA to continue to assist the graduates with job placements in other companies where their services may be needed as part of its corporate social responsibility as they are currently doing.*

Question put and agreed to.

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Recommendation (ii) – ordered to stand part of the Recommendations.

Report of the Committee on Public Petitions on the Petition by Wing Commander Yusuf Garba against the Nigerian Air Force – CONSIDERED IN COMMITTEE OF THE WHOLE.

The Speaker: The next Report is the Report of the Committee on Public Petitions on the Petition by Wing Commander Yusuf Garba Mshelia against Nigerian Air Force and approve the recommendation therein.

Recommendation (i): says: *That since the petitioner's retirement was not based on a disciplinary matter but on overriding service interest, the Committee recommends that Wing Commander Mshelia accept his retirement from the Nigerian Air Force and collect his entitlement.*

Hon. Bala Ibn Na'allah: The only reason this recommendation cannot stand is that it distinguishes between democracy and autocracy. There are certain coinages that are acceptable under an autocratic government but unacceptable under a democracy.

This man joined the service of the Nigerian Air Force to serve his nation. He strictly complied with all the extant rules and regulations. That is why no disciplinary action was filed against him. That somebody can just sit down and say you are retired on overriding service interest should not be acceptable in a democracy. He is entitled to explanation.

It would be wrong if we accept this recommendation because we would be setting a very dangerous precedence as far as the various security services are concern. In fact, consequentially if you have a very dangerous person he will negatively work in the interest of the service itself. For example, who determines *overriding service interest*? Who is in a position in any of the services to say that you are unfit to continue in the service because of overriding service interest? We must refrain from setting this kind of dangerous precedent for the purpose of safeguarding the fundamental issue that Nigeria sits on and that is the unity of Nigeria.

Hon. Ike Chinwo: In addition to what Hon. Ibn Na'Allah said, there was a Petition referred to this House. The House, in its wisdom, gave it to a Standing Committee. As they are bringing a Report to this House what is that overriding service interest. Should we not know? Is it personal to Air Force or personal to the Committee? We should object to this recommendation except the Committee convinces us of that overriding service interest.

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Hon. C. I. D. Maduabum: I hope you know that the *coinage overriding service interest* is what is in the Act; it is not a personal submission. It is what is in the law itself. It is the letters of the law. It is the Air Force that determines that. Sometimes when you even do a lot of things, they use this code even to protect the person and retire the person. Instead of saying he stole money or did this or that, sometimes they will just use the words *overriding service interest* as an omnibus clause that is contained in the Act itself.

So we invited both parties to the Public Hearing. The Air Force gave their reasons but said this is the

Clause they decided to use in retiring him. They added that it was not a disciplinary matter because the petitioner's grouse was that his name was put at the same time with other people who were dismissed as if he had committed a crime.

The Force said that his own was not a disciplinary matter but that of declining productivity. This was done in 1999, that is, ten years ago. I am not sure he is even eligible for service if we reinstate him by virtue of age. So, I urge that we let this matter go; this is a straight case.

The Chairman: The only recommendation is that the petitioner's retirement was not based on disciplinary matter but on overriding service interest. The Committee recommends that Wing Commander Mshelia accepts his retirement from the Nigerian Air Force and collect his entitlement.

Question put and negatived.

The Chairman: Hon. Colleagues, this House has rejected this recommendation. That cannot be the end of the matter. The matter has to be referred back to the Committee to look at it again.

Hon. C.I.D. Maduabum: That is, we need to furnish the House with the actual reasons.

The Chairman: Yes.

Report, with leave of the House, referred back to the Committee on Public Petitions to furnish the House with the actual reason(s).

Report of the Committee on Public Petitions on the Petition by Retrenched Workers Association of Savannah Sugar Company - CONSIDERED IN THE COMMITTEE OF THE WHOLE.

The Chairman: The next Report is the Report of the Committee on Public Petitions on the Petition by

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Retrenched Workers Association of Savannah Sugar Company against the Bureau of Public Enterprises (BPE) and approve the Recommendations therein.

Recommendations (i): *That the Bureau of Public Enterprises (BPE) should show a breakdown of how it arrived at its computation in order to allay the fears of the workers that they may be short-changed.*

Question put and agreed to

Recommendation (i) – ordered to stand part of the Recommendations..

We should object to this recommendation.

The Chairman: Recommendation (ii): *That the Bureau of Public Enterprises (BPE) should immediately calculate and pay the staff of Savannah Sugar based on their entitlements on their last pay certificates.*

Question put and agreed to.

Recommendation (ii) – ordered to stand part of the Recommendations.

**Report of the Committee on Public Petitions on the petition by
Dr. Obadia Mailafia against the Central Bank of Nigeria**

The Chairman: The next Report is the Report of the Committee on Public Petition on the Petition by Dr. Obadia Mailafia against Central Bank of Nigeria (CBN). The Recommendations are:

(i) *That the Committee is unable to recommend Dr. Mailafia's reinstatement to the Central Bank of Nigeria (CBN) as he was properly disengaged from service and the President has appointed another person in his place.*

Question put and agreed to.

Recommendation (i) – ordered to stand part of the Recommendations.

(ii) *That Dr. Mailafia be paid all his entitlements for the period he served as Presidential Adviser including a severance allowance.*

Question put and agreed to.

Recommendation (ii) – ordered to stand part of the Recommendations.

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Hon. Gaiya Godfrey Ali (Jaba/Zangon Kataf): Mr. Chairman, there is a disconnect between Recommendations (i) and (ii).

The main Petition from Dr. Mailafia was to do with his wrongful disengagement with Central Bank of Nigeria and I thought the recommendation should have been on his wrongful disengagement with Central Bank of Nigeria.

It was after his disengagement from CBN that he became Adviser to the President. That should have been something outside the recommendation because he never petitioned his job as Adviser to the President. It was his job as Deputy Governor at Central Bank of Nigeria that warranted his petition. Therefore, I do not see a connection between Recommendations (i) and (ii).

Hon. C.I.D. Maduabum: There is a nexus because he moved from one office to the other. I will read the findings of the committee:

The Community found out that Mr. Mailafia did not exercise his right of return to ADP because he admitted to the Committee that there were insinuations that he would be involved in ushering in the new administration in May 2007 with other possibilities open to him.

The Committee is of the view that having lost out in the power play in the period leading to the take-off of the new administration in May 2007 Mr. Mailafia is reverting to the House of Representatives in order to reinstate him to his former post.

I will explain the issue relating to Section 14(1) of the Central Bank of Nigeria Act. The President reassigned him from being Deputy Governor to Special Adviser and he did not complain. According to him, from our cross examination, he felt he would be involved in ushering in the new administration; may be becoming a Minister or something. So he did not complain. He made this presentation himself.

When the new administration now came on board and most of the opportunities he expected did not materialise, he brought a Petition. I am saying what he said. We have the Verbatim Reports of the proceedings. I keep saying that we have the right to consequential recommendation.

The Chairman: Why was he not paid his severance gratuity?

Hon. C.I.D. Maduabum: He complained that he was not paid.

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The Chairman: Is it that he was not paid because of his Petition or what?

Hon. C.I.D Maduabum: He complained that his severance had not been paid at that time and we said he should be paid because it is consequential; he has earned it having worked as Special Adviser and we made consequential recommendation that he should be paid his severance.

Hon. Shuaibu Abdullahi Hashimu (Awe/Doma/Keana): I still support the issue that we should not connect his service as the Presidential Adviser with his petition concerning his removal as Deputy Governor of the Central Bank of Nigeria.

If he is not going back as Deputy Governor of CBN, he has entitlement as Deputy Governor of the Central Bank of Nigeria which may include his

severance allowance. Now, you are recommending payment of severance allowance for a position that he occupied for less than one year. How are you sure that he merits that as a Presidential Adviser?

Therefore, let us not mix up the two issues. He is entitled to his severance allowance. Whether he is still entitled to another entitlement as Presidential Adviser or not is something outside of the Petition and we should not complicate issues by making Recommendation (ii).

Hon. Bala Ibn Na'Allah (Zuru/Fakai/Sakaba/D/Wasagu): My difficulty is that in Recommendation (i), there is a finding which appears unsupported by the evidence before the Committee. The Committee is saying that he has been properly disengaged. What is proper disengagement?

In his statement, he said he was reassigned from the position of the Deputy Governor of the Central Bank of Nigeria to the position of Adviser to the President. Re-assignment and proper disengagement are distinct and distinguishable.

What the man has approached this House to do for him is to determine whether his disengagement from the Central Bank of Nigeria was said to have been done formally and if it was done properly, his prayers are that he should be re-engaged and paid all his allowances.

The Committee has said that they are unable to do so because they have found out that he has been properly disengaged. That finding appears to be perverse, not supported by evidence and cannot be sufficiently contemporaneous with the second finding.

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So, I am of the opinion that this matter should be re-examined by the same Committee. The committee should make a clear distinction as to the services of Dr. Mailafia in the Central Bank of Nigeria and his services in the Presidency as Adviser to the President.

The fact that he has refused to complain is entirely his problem but what is important is that there is a valid complaint before the House. The House can come and say it is frivolous, unfounded and anything but, please, address his complaint. Has he been properly removed from the Central Bank of Nigeria?

The Chairman: That has been addressed.

Hon. Bala Ibn Na'Allah: It has not been addressed by the evidence before this House, Mr. Chairman.

The Chairman: In the recommendation we do not have anything like his having been reassigned. Our argument is on this recommendation, Hon. Ibn Na' Allah.

Hon. C.I.D. Maduabum: On the issue of his severance allowance, his petition states that they ordered the payment of all his entitlements for the months he was moved to the Presidency as he had not been paid anything up till date. One of his requests in the petition is that he should be paid his entitlements up to date.

The Chairman: Hon. Bala, you can now see that it was part of his Petition. He was asking the House also to assist him on the payment of severance allowance for the period he served as Special Adviser to the President. So, there is no disconnect.

Recommendation (ii): *That Dr. Mailafia be paid all his entitlements for the period he served as Presidential Adviser, including a severance allowance.*

Question put and agreed to.

Recommendation (iii): *The Committee is unable to recommend that the petitioner be paid damages as the Committee could not find any ground for such compensation.*

Question put and agreed to.

Report of the Committee on Public Petitions on the Petition by Mr. Anthony Morka against the Nigerian Ports Authority (NPA) - CONSIDERED IN COMMITTEE OF THE WHOLE.

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The Chairman: The next report is the Report of the Committee on Public Petitions on the Petition by Mr. Anthony Morka against the Nigerian Ports Authority (NPA) and to approve the recommendation therein.

The recommendation says: *The Petition of Mr. Anthony U. Morka be dismissed for lack of merit.*

Hon. Abdul Ahmed Ningi (Ningi/Warji): Mr. Chairman, one of the cardinal reasons or principles behind the creation of this particular Committee is for the Committee to serve as a review panel on whatever happens in the polity with a view of giving justice.

Mr. Anthony Morka whom I do not know has petitioned this House against the Nigerian Port Authority. Then, the Committee must be able to establish and inform this House as to the reasons this Petition lacks merits in writing as a record.

As it is here, the only reason this Petition lacks merits remains in the domain of only the Chairman and his Committee Members but because we are all party to this recommendation, we must be able to give ourselves concrete reasons and belief that Mr. Morka's Petition lacks credibility so that we are all carried along. The Chairman must give us reasons this petition lacks merits.

The Chairman: Normally I know that the Committee do distribute reports on all the petitions. I do not know whether the Report of the findings of the Committee on this matter has been distributed to Members or not. So, let us hear from the Committee Chairman.

Hon. C.I.D. Maduabum: That is the responsibility of the Rules and Business Committee. This matter has been slated more than twenty times but it was not taken. So reports had been distributed regularly but it may not have been distributed today. But the Report I have was sent in November 2008.

The Chairman: Hon. C.I.D. Maduabum, I want to establish that it is not even necessary for you to be briefing the House if at all these Reports are circulated. If they are circulated Members are supposed to read them at their time so that they will come to the House ready.

Hon. Ita Enang, have you circulated this Report?

Hon. C.I.D. Maduabum: Mr. Chairman, I can help him with the findings so that he can make the nexus.

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Hon. Ita Solomon J. Enang: Mr. Chairman, we have circulated this Report several times but it is only that as we list them sometimes and most days, we did not get there. But, we circulated it about three times.

The Chairman: Next time we are considering this type of report, bring extra copies for Members who did not come with their report to have and read them at the time we are considering it. Please, you can read the findings for him.

Hon. C.I.D. Maduabum: These are the findings:

- (i) *The officer's disciplinary record is replete with queries and charges issued over a period of seven years for sundry offences.*
- (ii) *Given his disciplinary record, the officer was affected in the rationalisation exercise carried out by the Federal Military Government in 1984; that was when he was disengaged.*

He is even about 70 years old now. Due process was observed in severing his service from his employer - the Nigerian Port Authority. Those are our findings.

The other issues are contained in the investigation which we thoroughly carried out. We do not write a Report without hearing both sides and weighing the evidence and putting it in our report. They are all there.

Hon. Abdul Ahmed Ningi: Mr. Chairman, my observation on this matter has nothing to do with the personality of the Chairman or the Committee. But as important as this Parliament is, we should be sufficiently guided by facts and the Chairman after raising this matter has elaborated the steps taken and the position papers received.

As far as I am concerned, that makes the day of this House that yes; this particular petition was factually tendered.

The Chairman: Thank you. The only recommendation is that the Petition by Mr. Anthony U. Morka be dismissed for lack of merit.

Question put and agreed to.

Recommendation, agreed to.

Hon. Tunde Akogun: Mr. Chairman, I rise to move that this House do revert to Plenary.

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Question put and agreed to.

Resolved: That this House do revert to Plenary.

(The Deputy Speaker resumed the Chair)

The Deputy Speaker: The House, in the Committee of the Whole, considered the Report of the Committee on Agriculture on the Nigeria Agriculture Quarantine Service Bill. The House -

Amended Clause 1;
Approved Clauses 2 to 12;
Amended Clause 13;
Approved Clauses 14 to 16;
Amended Clause 17;
Approved Clauses 18 to 27;
Approved the Schedule and the Long Title.

The House also considered the Report on the Petition by Evening Programme Graduates of the University of Nigeria against the University of Nigeria Nsukka and approved Recommendations (i) to (iii).

The House considered the Report on the Petition by Technical Trainee Graduates against the NPA and approved Recommendations (i) and (ii).

The House also considered the Report on the Petition by Wing Commander Yusuf Garba Mshelia against the Nigerian Air Force. The House rejected the recommendation and referred the Petition back to the Committee on Public Petitions.

The Report on the Petition by Retrenched Workers Association of Savannah Sugar Company was considered by the House and Recommendations (i) and (ii) were approved.

The House considered the Report on the Petition by Dr. Obadia Mailafia against the Central Bank of Nigeria (CBN). The House Approved Recommendations (i) to (iii).

So also did the House considered and approved the only recommendation in the Report on the Petition by Mr. Anthony Morka against the Nigerian Ports Authority (NPA).

Adoption of Report

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Hon. Tunde Akogun: Mr. Speaker, I rise to move that this House do adopt the seven Reports of the Committee of the Whole as amended, deleted and approved.

Hon. Ita Solomon J. Enang: I second the Motion moved by the Leader.

Question put and agreed to.

Resolved: That this House do adopt the seven Reports of Committee of the Whole as amended, deleted and approved.

ANNOUNCEMENT

Public Hearing by the Joint Committee on Rules and Business and Justice

The Deputy Speaker: *This is to invite all hon. Members to the Public Hearing by the Joint Committee on Rules and Business and Justice on Statutory Instrument (Legislative Scrutiny) Bill, 2009 scheduled for 19th May 2009 at the Conference Room 231, New Building of the House of Representatives.*

Time: Now.

(Signed)

*Hon. Ita Solomon J. Enang
Chairman, Committee on Rules and Business*

ADJOURNMENT

Hon. Tunde Akogun: Mr. Speaker, I move that this honourable House do adjourn till tomorrow, Wednesday, 20th May, 2009 at 2.00 p.m.

Hon. Ita Solomon J. Enang: I second the Motion for adjournment moved by the House Leader.

Question put and agreed to.

Resolved: That the House do stand adjourned till tomorrow, Wednesday, 20th May, 2009 at 2.00 p.m.

The House adjourned accordingly at 12.50 p.m.