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;HOUSE OF REPRESENTATIVES

FEDERAL REPUBLIC OF NIGERIA

Thursday, 22nd October 2009

The House met at 11.00 a.m.

PRAYERS

(The Speaker in the Chair)

VOTES AND PROCEEDINGS

The Speaker: Hon. Members, the House is called to Order. I have examined and approved the Votes and Proceedings of Wednesday, 21st October 2009.

ANNOUNCEMENTS

**Meeting of Members with the Speaker, Rt.
Hon. Dimeji Bankole**

The Speaker: The following Members of the House are to, please, meet with me immediately after Sitting:

Hon. Yakubu Barde - Kaduna State;

Chairman or Deputy Chairman of the Committee on Aviation

Hon. Isa Kwara, Chairman of the Committee on Federal Character

Hon. Bernard Udoh - Akwa-Ibom State

Hon. Daniel Oritse Reyenieju - Delta State

Hon. Stanley Ohajuruka - Abia State

Hon. Patty Etete - Akwa Ibom State

Hon. Warman Ogoriba - Bayelsa State

Hon. Overah Joyce - Delta State;

Hon. Musa S. B. Usman - Niger State;

Chairman, Committee on Petroleum Resources (Downstream)

The Minority Leader, Hon. Mohammed Ali Ndume - Borno State

Hon. Olaka J. Nwogu - Rivers State

Hon. John Kalipa - Rivers State

Hon. Kayode Amusan - Ogun State and

Hon. Andrew Uchendu, Chairman (South-South Caucus)

**Visit of Students from St. Michael's Anglican
Diocesan College**

Hon. Members, we have in the Gallery this morning students from St Michael's Anglican College, Kaduna.

Could you, please, stand up for recognition? You are welcome. *(Applause)*

Meeting of the Committee on Pension

This is from Hon. Rasaq Adewusi, Chairman Committee on Pension. Members of the Committee on Pensions will be having a meeting today at 2.00 pm in Room 327, New Building with the AGF, the Federal University Pension Association (FUPA), NUP and the National Pension Commission (PENCOM).

Deadline for submission of Committee Reports

The Speaker: Before I move on to the next Business of the Day, may I remind those Chairmen of Committees that have failed to submit their reports on Bills financed over seven months ago that next week is the final deadline. The Leader of the House has advised that those Chairmen be sanctioned. You know what that means? They may be relieved of their duties.

I must also remind you that the 55 Bills financed for Public Hearing this quarter have a deadline of November as well. The Leader of the House is also advising for sanctions if those things are not completed.

PRESENTATION OF PUBLIC PETITIONS

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

**Wrongful Dismissal from the Nigerian Army:
Mr. Jimoh Otuoze**

Hon. Saliu Abdulkareem (Adavi/Okehi): I have a Petition from Mr. Jimoh Otuoze who has been wrongfully dismissed from the Nigerian Army. He is asking the House to kindly look into his case so that he would be reinstated in his work.

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May I have Mr. Speaker's permission to lay this Petition on the Table?

The Speaker: Please, go ahead.

(Petition laid)

**Wrongful Dismissal from the Nigerian Army:
Mr. Michael Sugh**

Hon. Emmanuel Yisa O. Jev (Buruku): I want to present a Petition from a constituent of mine, Mr. Michael Sugh. He was wrongly dismissed from the Nigeria Army on the basis of false accusation that he had sent a text message to his superior.

He wants this honourable House to, please, intervene and look at the justice of the case with a view to calling him back.

May I with your permission lay the Petition on the Table?

The Speaker: Please, proceed.

Petition laid.

In the absence of any other Petition, all Petitions are hereby referred to the Committee on Public Petitions.

(Petitions accordingly referred to the Committee on Public Petitions)

PRESENTATION OF BILLS

The Speaker: The First Business of the Day is the presentation of seven Bills. The Clerk is now invited to read the Short Titles of the Bills.

National Commission for Polytechnics Bill, 2009

National Commission for Polytechnics Bill, 2009 (HB. 195) - presented by Hon. Daniel Reyeniejju (Warri North/Warri South/Warri West); *read the First Time.*

**National Sugar Development Council
(Amendment) Bill, 2009**

National Sugar Development Council (Amendment) Bill, 2009 (HB. 301) - presented by Hon.

Solomon U. Agidani (Apa/Agatu); *read the First Time.*

**Teachers Registration Council of Nigeria
(Amendment) Bill, 2009**

Teachers Registration Council of Nigeria (Amendment) Bill, 2009 (HB. 302) - presented by Hon. Chukwuka W. Onyema (Ogbaru); *read the First Time.*

**Public Infrastructure (Naming Regulation)
Bill, 2009**

Public Infrastructure (Naming Regulation) Bill, 2009 (HB. 304) - presented by Hon. Chukwuma Umeoji (Aguata); *read the First Time.*

**Graduate Management School (Establishment,
etc.) Bill, 2009**

Graduate Management School (Establishment, etc.) Bill, 2009 (HB. 305) - presented by Hon. Darlington O. N. Okereke (Ivo/Ohaozara/Onicha); *read the First Time.*

Indigenes (Status Conferment) Bill, 2009

Indigenes (Status Conferment) Bill, 2009 - presented by Hon. Gozie Agbakoba (Onitsha North/Onitsha South); *read the First Time.*

**National Emergency Management Agency
(Establishment, etc.) (Amendment) Bill 2009**

National Emergency Management Agency (Establishment, etc.) (Amendment) Bill, 2009 (HB. 307) - presented by Hon. Patrick Ikhariale (Esan Central/Esan West/Igubeben); *read the First Time.*

PRESENTATION OF REPORTS

**Report of the Committee on Finance on the Budget
Implementation for the First and Second Quarter of
2009 from the Budget Office of the Federation,
Federal Ministry of Finance**

The Speaker: The next Business of the Day is the Presentation of the Report on the Budget Implementation for the First and Second Quarters of 2009 from the Budget Office of the Federation, Federal Ministry of Finance pursuant to Section 30 of the Fiscal Responsibility Act, 2007 standing in the name of the Chairman of the Committee on Finance, Hon. John Owan Enoch.

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Member would recall that in line with Section 30 of the Fiscal Responsibility Act, the Budget Office of the Federation shall monitor and evaluate the implementation of the Annual Budget and report thereon on a quarterly basis to the Fiscal Responsibility Council and the Joint Finance Committee of the National Assembly.

Hon. John Enoch is invited to present his report. *(No response)* Is the Deputy Chairman of the Committee on Finance here? *(No response)*

Is any Member of the Finance Committee here?

Hon. Joseph Jaiyeola Ajatta (Oshodi-Isolo II): Mr. Speaker, I am sure that our Chairman has it but he is not here. We will find out where he is.

The Speaker: We are aware that he is not here; that is why we called you.

Hon. Ajatta: I do not know where he is; perhaps he is having a meeting somewhere.

Hon. Mohammed Tahir Monguno (Monguno/Marte/Nganzai): Mr. Speaker, I am aware that we had a meeting yesterday.

The Speaker: Is your Report ready?

Hon. Oluwole Oke: The Report is being finalised.

Hon. Tamarautare Brisibe (Burutu): The Report is ready. I cannot explain why the Chairman is not here. We had discussion on the Report and it is ready. Copies of the Report were made for it to be presented this morning.

Hon. Ita Enang (Itu/Ibiono/Ibom): Mr. Speaker, may the Chairman be excused. The Report is ready; he has just submitted a copy to us. That was why we listed it for presentation but we are actually unable to explain why he is not here. May the Report be stood down, Sir.

The Speaker: It is all right, Chairman, Committee on Rules and Business. We are not going to stand this Report down. We will look for him while we carry on our work. If it is ready somebody else can present the Report.

Hon. Ita Enang: Yes, Mr. Speaker.

Report of the African, Caribbean Pacific and European Union (ACP-EU)

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Delegation on the 17th Session of the African, Caribbean Pacific and European Union (ACP-EU) Joint Parliamentary Assembly, 4th to 9th April 2009

The Speaker: The next Business of the Day is presentation of the Report of the African, Caribbean, Pacific and European Union (ACP-EU) Delegation on the 17th Session of the African, Caribbean, Pacific and European Union Joint Parliamentary Assembly held in Prague, Czech Republic between 4th and 9th April, 2009 standing in the name of Deputy Chief Whip of the House, Hon. Aminu Waziri Tambuwal.

Hon. Tambuwal is invited to present his report.

Hon. Waziri Tambuwal (Tambuwal/Kebbe): Mr. Speaker, may I move that this House do receive the Report of the African, Caribbean, Pacific and European Union (ACP-EU) Delegation on the 17th Session of the African, Caribbean, Pacific and European Union Joint Parliamentary Assembly held in Prague, Czech Republic between 4th and 9th April, 2009.

Hon. Abdul-Aziz Ahmed Tijjani (Dandume/Funtua): I do second the Motion as moved by Hon. Aminu Waziri Tambuwal.

Question put and agreed to.

Report laid.

Report of the Committee on Science and Technology on the Nigerian Council of Food Science and Technology (Establishment) Bill, 2009

The Speaker: The next Business of the Day is the presentation of the Report of the Committee on Science and Technology on a Bill for an Act to Provide for the Establishment of the Nigerian Council of Food Science and Technology and for Allied Professional Matters Connected Therewith, 2009. This was referred to the Committee on 11th February, 2009. The Report is ready.

The Chairman of the Committee, Hon. Akinlade will move for the presentation of the Report.

Hon. Akinlade Abiodun Isiaq (Egbado South/Ipokia): Mr. Speaker, I move that this House do receive the Report of the Committee on Science and Technology on a Bill for an Act to Provide for the Establishment of the Nigerian Council of Food, Science and Technology and for Allied Professional Matters Connected Therewith.

Hon. Sadiq Muhammed (Ajaokuta): I second the Motion as moved by Hon. Akinlade Abiodun Isiaq.

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Question put and agreed to.

Report laid.

**Report of the Committee on Drugs, Narcotics and
Financial Crimes on the Petition by 71
Disengaged Staff of the NDLEA**

The Speaker: The next Business of the Day is the presentation of Report of the Committee on Drugs, Narcotics and Financial Crimes on the Petition by 71 disengaged staff of the National Drug Law Enforcement Agency (NDLEA) standing in the name of Hon. Rabe Nasir. This was referred to the Committee on Thursday, 30th July, 2009.

Hon. Rabe is not here. Is the Deputy Chairman of that Committee here? *(No response)* Chairman, Committee on Rules and Business, what is happening?

Hon. Ita Enang: Mr. Speaker, with respect, the Chairman of the Committee gave an undertaking on the Floor of this House that he would present the Report today and it is on the Votes and Proceedings.

I will plead that the Report be stood down.

The Speaker: Chief Whip, can you, please, call the relevant officers to find out what is going on here?

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

**Report of the Committee on Finance on the Budget
Implementation for the First and Second Quarter of
2009 from the Budget Office of the Federation,
Federal Ministry of Finance**

The Speaker: The next Business of the Day is the presentation of the Report on the Budget Implementation for the First and Second Quarter of 2009 from the Budget Office of the Federation, Federal Ministry of Finance, pursuant to Section 30 of the Fiscal Responsibility Act, 2007 standing in the name of Hon. Tam Brisibe.

This is in line with Section 30 of the Fiscal Responsibility Act. The Budget Office of the Federation shall monitor and evaluate the implementation of the Annual Budget and report thereon on a quarterly basis to the Fiscal Responsibility Council and the Joint Committee on Finance of the National Assembly.

Hon. Tamarautare Brisibe is invited to present the Report.

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Hon. Tamarautare E. Brisibe (Burutu): Mr. Speaker, I move that this House do receive the Report on the Budget Implementation for the First and Second Quarter of 2009 from the Budget Office of the Federation, Federal Ministry of Finance, pursuant to Section 30 of the Fiscal Responsibility Act, 2007.

Hon Ike Chinwo (Obio/Akpor): Mr. Speaker, I rise to second the Motion as moved by Hon. Tam Brisibe.

Question put and agreed to.

Report laid.

ORDERS OF THE DAY

MOTIONS

State of the Nation

The Speaker: The next Order has to do with the Motion by Hon. Sani Saleh Minjibir and a few other Members. I am afraid that we will have to stand that Motion down till the next legislative day.

Motion with the leave of the House stood down.

**Membership of the Conference Committee
on the Harmonisation of the Public
Procurement Bill with the Senate**

The Speaker: For the record, there will be an additional name to the Committee harmonising the Public Procurement Bill with the Senate and the addition is the Deputy Chairman of the Committee on Public Procurement, Hon. Olajumoke Okoya-Thomas from Lagos State.

**Proposed Cremation of 30 Dead
Nigerians in China**

The Speaker: The next Order of the Day is a Motion on the proposed cremation of 30 Dead Nigerians in China standing in the name of Hon. Austin Nwachukwu.

Hon. Nwachukwu is invited to move the Motion.

Hon. Austin Nwachukwu (Ehime Mbano/Ihite Uboma/Obowo): Mr. Speaker, my Motion this morning is the proposed cremation of 30 Dead Nigerians in far away China.

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This House:

Notes the recent plan by the Chinese Government to cremate 30 Nigerians who died in Chinese prisons on the pretext that their relatives could not be traced;

Further notes that over 700 Nigerians are currently serving various jail terms in China;

Worried by the various acts of degrading and inhuman treatment suffered by Nigerians in foreign countries especially China;

Aware that Africans including Nigerians staged a peaceful protest in the city of Guangzhou condemning the dehumanising treatment of Africans in China;

I appreciate the age long business and diplomatic relations between Nigeria and China;

Further aware that several Chinese citizens resident in Nigeria are given fair treatment.

Resolves to:

- (i) Condemn the act of cremation of Nigerians or citizens of other countries as inhuman and wicked;
- (ii) Mandate the Committee on Diaspora to visit China to ascertain the veracity or otherwise of this claim, and determine the problems facing Nigerians in Diaspora and report to the House within two weeks.

I so move.

Hon. Rufus Omeire (Ideato North/Ideato South): Mr. Speaker, I rise to second the Motion as moved by Hon. Austin Nwachukwu.

Question Proposed.

Hon. Austin Nwachukwu: Mr. Speaker, my heart bleeds this morning because of the very pathetic and inhuman treatment being meted out to our dear brothers and sisters across the globe. A few days ago, it was reported that 1,058 Nigerians are facing death sentence in prisons in China.

Barely a few months ago, if you would recall, I brought a Motion to this honourable House about the killings of - *(Interruptions)*

Hon. Igochukwu Aguma (Port-Harcourt I): Point of Order, Mr. Speaker!

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

Hon. Igochukwu Aguma: My Point of Order is Order IX, Rule 5 of our Standing Orders at Page 35. We were all here yesterday when a Matter of Urgent National Importance was moved and the subject matter was the killing of 30 Nigerians for unknown reasons in China and attempt to cremate them. Our Votes and Proceedings and Official Report of Proceedings are very clear on it.

We asked several questions. What were the circumstances and Hon. Austin Nwachukwu could not tell us. He wanted to take it on the spot but we said, it is all right, go back and let us all be addressed. He has now come up with a different Motion that is based on people who died in prison. He has also asked us here to condemn cremation which is against the faith of other people. These are things that are different from the Matter of Urgent Public Importance that he moved yesterday.

Therefore, I believe that if Hon. Nwachukwu has a Motion like this, it should come under Notice; it is different from what he moved yesterday.

The Speaker: Chairman, Rules and Business, could you, please, explain to us.

Hon Ita Enang: Mr. Speaker, my witness is the Votes and Proceedings. This is what we have on page 1 of the Votes and Proceedings.

Rising under Order VIII, Rule 4 of the Standing Orders of the House, Hon. Austin Nwachukwu drew the attention of the House to the death of 30 Nigerians in China under uncertain circumstances and their corpses to be cremated prior to their being brought to Nigeria.

He noted that such cremation is against our culture and religion. He therefore stressed the need for the House to unravel the cause of their death and, thereafter, sought the leave of the House to bring the matter as a Matter of Urgent Public Importance.

That was the prayer for which leave was sought and this is what is contained in the body of the Motion as it is brought except Prayer (ii). Thereafter, he then submitted this to us.

When a matter comes under Urgent Public Importance, it is the leave of the House that is important and it has been brought in accordance with the leave the House gave. If what the honourable Member brought is different, in the opinion of the House, then it is for the House say no to it.

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The Speaker: There is something we need to clear first. Based on the Order of Hon. Igochukwu Aguma, he is suggesting to the House that what Hon. Austin Nwachukwu asked the House for yesterday is different from what he is asking the House for today.

Hon. Ita Enang: Yes, Mr. Speaker.

The Speaker: Now, can you clarify that first? Is it the same or is it different?

Hon. Ita Enang: Mr. Speaker, it is my opinion reading the - (*Interruptions*)

The Speaker: It is your work that produced today's Order Paper.

Hon. Ita Enang: Yes.

The Speaker: So, it is no longer your opinion; it is your work.

Hon. Ita Enang: Yes, Mr. Speaker.

The Speaker: Say it according to what you have done. Is it the same or otherwise?

Hon. Ita Enang: Let me, with your leave, read Prayer (i) of the Hon. Austin Nwachukwu's Motion. He is simply asking to *condemn the cremation of Nigerians or citizens of other countries as inhuman and wicked*; that is his prayer in the Motion.

I will read what Hon. Nwachukwu was given leave to do yesterday as per our Votes and Proceedings. It reads: *Hon. Austin Nwachukwu drew the attention of the House to the death of 30 Nigerians in China under uncertain circumstances and their corpses to be cremated prior to being brought to Nigeria.* Hon. Nwachukwu's Prayer (i) is the same thing; only Prayer (ii) is different but the decision is that of the House.

The Speaker: Minority Leader, please.

Hon. Mohammed Ali Ndume (Damboa/Gwoza/Chibok): Mr. Speaker, considering the controversy surrounding this Motion and the content, as at yesterday the impression given was that 30 Nigerians were killed in China under unknown circumstance and we need to find out but now it has been revealed that 30 Nigerians died in prison and they are to be cremated and their relatives could not be identified.

So, we have to be very careful and I would suggest that we stand this Motion down so that the mover of the Motion and the relevant Committee will discuss it and

see if it is important. This will enable us to bring it again at the next legislative day.

Hon. Umar M. Bature (Sokoto North/Sokoto South): The issue the hon. Member has brought to the Floor is already being addressed by the Ministry of Foreign Affairs and the Ambassador. There is a detailed letter copied to the Hon. Speaker detailing all efforts that had been made in respect of this matter.

The Speaker: I am talking about reference to the Order raised by Hon. Igochukwu Aguma.

Hon. Umar M. Bature: I was thinking you were referring to the letter.

Hon. John Halims O. Agoda: Mr. Speaker, I note seriously the Order raised by Hon. Igochukwu Aguma; the Order is very important. At the stage we are, under Section 60 of the 1999 Constitution which regulates our proceedings based on what we believe, for the purpose of showing to our dear people that we care as a Parliament, let Hon. Nwachukwu raise the issues and the various views we are canvassing can come up by way of debate.

If at the end of his presentation we are not convinced with his facts and materials, then as a House we reserve the right to reject the Motion but if we are convinced, we can go ahead. So let us give him the chance to argue.

The Speaker: My dear Colleagues, this concerns the death of 30 Nigerians. Therefore, I am going to allow it to go. You can lead the debate, Hon. Austin Nwachukwu.

Hon. Austin Nwachukwu: Thank you, Mr. Speaker and hon. Members, for your patience.

Some months ago, a similar Motion came to the Floor of this honourable House over the killing of one John Ojide by the Chinese security guards simply because he went to urinate. He was flogged to death and this House intervened. After the intervention of the House, the Chinese Government took responsibility for the corpse and ensured that the family of that slain Nigerian was adequately compensated. It was because of the intervention of this House that I am also drawing the attention of this honourable House to the death of 30 Nigerians in China; the number is enormous.

If we begin to see our citizens die like this across the world, I wonder whom shall we represent? That is why I am now pleading that we should look at the prayers and see how we can come into this matter to

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enable our citizens have a facelift in other countries and you know that cremation is alien to Nigeria.

Cremation is an Asian culture; it is not known to Africans especially in Nigeria. I am saying that we should condemn the cremation of our dead citizens outside the country. It is also uncultured, barbaric, distasteful, repugnant, unethical, uncivilized, unconventional, inhuman and also degrading to have our own cremated outside this country. I will plead that you listen to these prayers and help do justice to it.

Hon. Terngu Tsegba (Gboko/Tarka): First of all, let us accept that cremation is a Chinese culture. One Chinese man died in my State and he was burnt to ashes and the ashes were packed and sent to China. So Nigerians who elect to live in China and adopt Chinese culture, commit crime, jailed and die in prison are the property of State and the State will treat them as such.

Let me say that except for Nigeria, people pay for their funeral; people prepare their lives and pay for their pensions and funerals so that when they die, they will determine how they will be buried or their families paid for it. This is a situation where the Chinese Government could not trace the relations of the people who were jailed and I wonder who would have been responsible for transporting the corpse to Nigeria when we have enormous problems here and cannot even feed the living.

We cannot stand here to condemn the Chinese Government for doing that; this is not barbaric. As far as they are concerned, people are cremated; dead people have no place in hospitals elsewhere. It is only here that we waste our resources; we put people in the mortuary for six months when we cannot feed the living. If people are practising their culture and their own way of living, we cannot stand in this Chamber to condemn them.

Prayer (i) in my opinion should be completely deleted and this Motion should be rejected on the basis that for somebody to live in China and go to jail up to the point of dying in jail, he must have committed a very serious offence. The cost of bringing back thirty deceased bodies is enormous on this nation and there are several hundreds of people out there living without food to eat.

This is not a Motion worth entertaining in this Chamber. We would be doing ourselves no good standing in this Chamber and condemning the Chinese Government for doing what is legal in their country, and which their tradition permits. The Chinese Government has not rejected any application from any Nigerian to repatriate these bodies. If that was the case, then we can stand by the families to repatriate these

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bodies to Nigeria but we have not been told. I do not think there has been any request from the family members. I do not also think the family members of these people have paid for their bodies to be repatriated when they died in prison or elsewhere.

I urge this honourable House to reject this Motion so that we can consider other very important items on the Order Paper.

Hon. Aminu Shehu Shagari (Shagari/Yabo): Mr. Speaker, yesterday we received deportees from Libya and with them were other Nigerians who were supposed to have been executed but they were pardoned and deported to Nigeria. The stories we heard from them will sadden any well-meaning Nigerian who listens to them.

The crux of the matter was that there are many innocent Nigerians being held under false pretences for absolutely doing nothing and due to language barrier and the harsh laws in those countries which are repugnant to natural justice, equity and good conscience. For instance, in China, you are first presumed guilty until proven innocent. This is unacceptable.

This is repugnant to natural justice because fundamental human rights are universal in application. A citizen is entitled to fair hearing wherever he is in this world and fair hearing entails being presumed innocent until proven guilty; that is the law.

Hon. Emmanuel Yisa O. Jev. (Buruku): Point of Order!

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

Hon. Emmanuel Yisa O. Jev.: I am raising Order IX, Rule 5(1) of our Standing Orders dealing with Relevancy in Debate.

The Speaker: Are you referring to the relevance of what Hon. Shagari is saying to this?

Hon. Emmanuel Yisa Jev: Exactly, Sir. It says: *Debate upon any motion, Bill or amendment shall be relevant to such motion, Bill or amendment, except in the case of a substantive motion for the adjournment of the House.*

The Motion is not questioning why they were in prison and the circumstances of their death but the Motion is talking about cremation. I think we are derailing. If Hon. Shagari wants to support the Motion,

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he should consider the circumstances the Motion has raised. That is why the original Point of Order is apt.

The Speaker: The Motion is strictly about cremation not the circumstances leading to the death.

Hon. Aminu Shehu Shagari: Absolutely, Sir. I would like to amend the prayers after making my submissions.

The Speaker: Can you stick to the Motion?

Hon. Aminu Shehu Shagari: With due respect, I will do that. I was saying that many Nigerians are awaiting execution based on laws that are repugnant to natural justice, equity and good conscience. *(Interruptions)*

I wish you will allow the Chairman, Committee on Diaspora to speak on this Motion.

The President: That is my prerogative.

Hon. Aminu Shehu Shagari: It is about how we came about this Motion yesterday. The circumstances that led to our bringing this Matter of Urgent Public Importance yesterday was to save the lives of Nigerians that are about to be executed abroad and those that are about to be cremated. The way the prayer is framed is what I want to suggest that we amend.

The Speaker: When it comes to the Amendment, you will have the opportunity.

Hon. Aminu Shehu Shagari: Let me now speak for the Motion and then suggest an Amendment so that the prayer will now reflect the exigency of the situation that we have in China.

The Speaker: Correct. But you will have the opportunity when we are taking the Amendments.

Hon. Aminu Shehu Shagari: Yes but the Motion did not say it will not be amended.

The Speaker: No, the Amendment comes after the Motion has been taken as a whole.

Hon. Aminu Shehu Shagari: I will reserve my Amendment until we get there.

The Speaker: It is all right. Hon. Colleagues, I am going to call on a Member of the House who actually lived in China for close to five years to give us some insights on this matter.

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Hon. Sokonte H. Davies (Degema/Bonny): I lived in China for over four years. It is unfortunate that some of the things that were said here are very speculative. Even the last Motion we discussed and passed brought issues that were speculative.

First, it is not correct to say that in China you are guilty until proven innocent. There is no legal system that operates that way. Everywhere in the world, you are innocent until proven guilty.

Secondly, let us educate our brothers and ourselves. Yes, this is National Assembly; we represent the people but it will do this nation well if we inform ourselves and our people properly.

It is unfortunate to mention that many of our citizens in China are behaving in a very poor manner. We must tell ourselves the truth. It was reported that there are more than 700 Nigerians in Chinese Prisons. The fact is that there are more than seven hundred Nigerians in Chinese prison.

I went to China in August on account of this matter and I discussed with the Ambassador. The Ambassador, against Chinese law, was allowed access to the prisons to identify Nigerians. On identifying inmates in the prisons, it was discovered that there were only 48 Nigerians with valid Nigerian passports. This we did by examining their passports; not only that, we also told them to write their names and we know Nigerians names. It will amaze you to know that there are close to 2,000 Nigerians in Chinese Prison using fake passports; that is the truth.

Those who have at one time or the other applied for Chinese visa know that they are very liberal in giving Nigerians. Nigerians terribly overstay. I know of Nigerians who have been living in China for the past ten years without legal documents. We must understand certain things; the Chinese themselves control their own population. So we cannot say that we should go and live there anyhow. This is not to say that I support Nigerian migrants being killed or not but it is important for us to tell ourselves the truth.

If people die in China, it is Chinese tradition to cremate. It is not right for us to condemn that practice here on the basis that our people are involved. Apart from Nigerians and citizens of a few other countries, the Chinese do not allow anybody to take the dead bodies of migrants back home.

We have been talking about many of our citizens in prison here and there. It is incumbent on us to educate our people to respect the law irrespective of where they are residing. This is because we cannot

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apply Nigerian laws in other places. When you are in a place you must obey the laws of that land so that we will not have this problem again.

The Speaker: Is any Member speaking for this Motion? (*No response*) Chairman, Committee on Nigerians in Diaspora you have the Floor.

Hon Abike Dabiri Erewa (Ikorodu): Mr. Speaker, I will give a little background information to this issue. The problem really is not about China; it is about us as Nigerians. It is about what we do in China and how we treat ourselves as Nigerians.

In fact, China is just one of several countries Nigerians have problems. The Permanent Secretary of the Ministry of Foreign Affairs came back from China and addressed the Media and said it was very sad that 30 Nigerians had died in China and the Chinese authorities were taking permission to cremate their bodies.

Now the questions are, how did they die? We do not know the circumstances? Nobody is sure whether they all died in prison. The fact is that 30 of our citizens died. Maybe there was a mix-up somewhere.

The Speaker: Hon. Dabiri, we have to clarify this before we move on with the Motion and Hon. Nwachukwu had the option of sticking to what he was seeking yesterday but he has here today confirmed that his Motion will be on cremation, not on circumstances. Therefore we are on course and I will not allow that contributions to stand.

Hon. Abike Dabiri Erewa: It is all right.

The Speaker: I will now put the question in favour of the Motion.

Question put and negated.

CONSIDERATION OF BILL

Constitution of the Federal Republic of Nigeria 1999 (Amendment) Bill, 2009

A Bill for an Act to Amend the Provisions of the Constitution of the Federal Republic of Nigeria 1999 and for Other Matters Connected Therewith, 2009 (HB. 291) –

Order for Second Reading.

The Speaker: However, Hon. Nwachukwu, Hon. Shagari or any other Member who wishes to bring a Motion with reference to the circumstances is free to do so and we will discuss it.

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Hon. Ajatta, are we expecting Hon. Gbajabiamila soon?

Hon. Joseph Ajatta (Oshodi-Isolo II): Mr. Speaker I do not know exactly whether or not he will be here any minute.

The Speaker: He is the leader of your Party.

Hon Joseph Ajatta: He is the leader. He is in Abuja but I do not know exactly at what part of Abuja he is. Perhaps, he is at a meeting somewhere.

The Speaker: Chairman, Committee on Rules and Business, please?

Hon Ita Enang (Itu/Ibiono Ibom): Mr. Speaker, the Hon. Femi Gbajabiamila informed me that he would be here by 12.30 p.m. because he is on assignment at the Party Secretariat. He sent a text to me a short while ago.

May we stand it down for him and take other matters.

The Speaker: All right, we will stand it down.

Bill with the leave of the House stood down.

CONSIDERATION OF REPORTS

Report of the Joint Committee on Petroleum Resources (Up-Stream) and Gas Resources on the Nigerian Content Bill, 2009

The Speaker: My dear Colleagues, the next Order of the Day is the consideration of the Report of the Joint Committee on Petroleum Resources (Up-Stream) and Gas Resources on a Bill for an Act to provide for the Development of Nigeria Content in the Nigerian Oil and Gas Industry; for Nigerian Content Plan; for Supervision, Coordination, Monitoring and Implementation of Nigerian Content and for Matters Incidental Thereto. This Report was laid on 28th July, 2009.

I now invite the Chairman of the Committee, Hon. Bassey Edet Otu to move for the consideration of the Report.

Hon Bassey Edet Otu (Calabar Municipal/Odukpani): Rt. Hon. Speaker, I move that this House do consider the Report of the Joint Committee on Petroleum Resources (Up-Stream) and Gas Resources on a Bill for an Act to provide for the Development of Nigeria Content in the Nigerian Oil

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and Gas Industry for Nigerian Content Plan; for Supervision, Coordination, Monitoring and Implementation of Nigerian Content and for Matters Incidental Thereto and approve the Recommendations therein.

Hon. Tamarautare E. Brisibe (Burutu): Mr. Speaker, I hereby second the Motion as moved by Hon. Bassey Otu, Chairman Committee on Petroleum Resources, (Upstream).

Question put and agreed to.

Resolved: That the House do consider the Report of the Joint Committee on Petroleum Resources (Up-Stream) and Gas Resources on a Bill for an Act to Provide for the Development of Nigeria Content in the Nigerian Oil and Gas Industry for Nigerian Content Plan; for Supervision, Coordination, Monitoring and Implementation of Nigerian Content and for Matters Incidental Thereto and approve the Recommendations therein.

Hon. Ita Enang: Mr. Speaker, I want to plead that we take Motion on all the three Reports that are to be considered.

The Speaker: That is all right.

Report of the Joint Committee on Industry, Commerce, Agriculture and Water Resources on Revitalising the Textile Industry in Nigeria

The Speaker: Hon. Colleagues, the next Order is the consideration of the Report of the Joint Committee on Industry, Commerce, Agriculture and Water Resources on Revitalising the Textile Industry in Nigeria. Members would recall that the Report was laid on 23rd July, 2009.

Hon. Solomon Agidani, please move for the consideration of the Report.

Hon. Solomon U. Agidani (Apa/Agatu): Mr. Speaker, I move that this House do consider the Report of the Joint Committee on Industry, Commerce, Agriculture and Water Resources on Revitalising the Textile Industry in Nigeria.

Hon. Yusuf Maitama Tuggar (Gamawa): I rise to second the Motion as moved by Hon. Agidani.

Question put and agreed to.

Resolved: That this House do consider the Report

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of the Joint Committee on Industry, Commerce, Agriculture and Water Resources on Revitalising the Textile Industry in Nigeria.

Federal Capital Territory College of Education (Establishment) Bill, 2009

The Speaker: The next Order is the consideration of a Bill for an Act to Establish the Federal Capital Territory College of Education and Other Matters Connected Therewith, 2009. This Bill was committed to the Committee of the Whole on 23rd July, 2009.

Hon. Ita Enang, please proceed.

Hon. Ita Enang: I move that this House do consider the Report on a Bill for an Act to Establish the Federal Capital Territory College of Education and Other Matters Connected Therewith, 2009.

Hon. Abubakar Shehu Garba Matazu (Matazu/Musawa): Mr. Speaker, I second the Motion as ably moved by Hon. Ita Enang.

Question put and agreed to.

Resolved: That this House do consider the Report on a Bill for an Act to Establish the Federal Capital Territory College of Education and Other Matters Connected Therewith, 2009.

The Speaker: I understand Hon. Clement Ikisikpo is not with us.

Hon. Ita Enang: Yes, Sir.

Hon. Emeka Nkem Ihedioha (Aboh Mbaise/Ngor Okpala): Mr. Speaker, I move that the House do resolve into Committee of the Whole to consider these Reports.

Hon. Waziri Aminu Tambuwal: Mr. Speaker, I second the Motion as moved by the Chief Whip, Hon. Ihedioha.

Question put and agreed to.

Report of the Joint Committee on Petroleum Resources (Up-Stream) and Gas Resources on a Bill for an Act to Provide for the Development of Nigeria Content in the Nigerian Oil and Gas Industry for Nigerian Content Plan; for Supervision, Coordination, Monitoring and Implementation of Nigerian Content and for Matters Incidental Thereto - CONSIDERED IN THE COMMITTEE OF THE WHOLE.

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(The Deputy Speaker in the Chair)

The Chairman: Hon. Colleagues, the first Report we are considering is on a Bill for an Act to Provide for the Development of Nigeria Content in the Nigerian Oil and Gas Industry for Nigerian Content Plan; for Supervision, Coordination, Monitoring and Implementation of Nigerian Content and for Matters Incidental Thereto.

I call on the Chairman to brief the House on this Bill.

Hon. Bassey Edet Otu (Calabar Municipal/Odukpani): Mr. Chairman, this Bill is geared towards providing an integrated, coordinated and effective approach in the development of the Nigerian Content in the Nigerian Oil and Gas Industry.

The Bill also seeks to create the basis for promoting indigenous participation in the sector with the sole aim of enhancing the status of Nigerians and their income benefits. At the same time, it is aimed at ensuring international competitiveness of the products, equipments, goods and services provided by these Nigerian companies.

Hitherto, we had problems of Nigerians participating in this industry and almost the whole wealth created in this industry is exported outside. Therefore, I believe it would be one of the most important legislations that this Parliament is going to pass in this session. Let us do this to empower Nigerians, to reduce unemployment and to make sure that our country is in control of its own resources.

If a small country like Kuwait is producing everything, I see no reason a big country like Nigeria should be lacking behind. We have done our very best to make sure that this is the best for Nigeria. We would welcome ideas also where we want changes.

The Chairman: Hon. Colleagues, we will take the Report Clause by Clause.

Clause 1 – (APPLICATION OF THE ACT) – ordered to stand part of the Bill.

Clause 2 – (NIGERIAN CONTENT AS MANAGEMENT PHILOSOPHY FOR PROJECT EXECUTION) – ordered to stand part of the Bill.

Clause 3 – (FIRST CONSIDERATION IN ALL OPERATIONS AND CONTRACTS)

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The Chairman: The first Column of Clause 3 is the original Bill that the Senate sent to the House. On the right-hand side is the Committee's recommendation.

I will now put the question that Clause 3 stand part of the Bill.

Question put and agreed to.

The Chairman: Clause 3 (3) states: *Notwithstanding the provisions of any other section of the Nigerian Content Bill, Laws, Acts and Decrees, there shall be exclusive consideration to Nigerian indigenous service companies which demonstrate ownership of equipment, Nigerian personnel and capacity to execute such work to bid on land and swamp operating areas of the Nigerian Oil and Gas industry for contracts and services contained in the attached Schedule of Services.*

Hon. Solomon J. Ita Enang (Itu/Ibiono Ibom): Mr. Speaker, Clause 3(2) as amended says that *Notwithstanding the provisions of any other law, there shall be exclusive - (Interruptions)*

The Chairman: Is it an amended Clause?

Hon. Ita Enang: Yes, it is.

The Chairman: Did they amend anything there or is it an addition?

Hon. Ita Enang: It is an addition. My quarrel with Clause 3(2) is the Clause that says *notwithstanding any other law*. We should not have that in a law that we make. It is appropriate sometimes to say so but not ordinarily in a Bill of this nature except the Constitution. It is only the Constitution that can always say, *notwithstanding the provision of any other law*. It is not proper to say so here.

Hon. Terngu Tsegba (Gboko/Tarka): Mr. Chairman, in addition to what Hon. Ita Enang has said in Clause 3(2) which says that *there shall be an exclusive consideration to Nigerian indigenous services*.

The word *exclusive* there means, in the face of this current globalisation, we cannot consider any other company.

Mr. Speaker, let me take you back to the Cabotage Act. We passed the Cabotage Act in this Chamber restricting the coastal trade to ship owned by Nigerians.

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It is on record that so many Nigerian indigenous companies come out with claims to having ships but from the operation, none of them have been able to effectively operate that Cabotage Act.

When we begin to insert Exclusive Clause in our law, it means we cannot consider any other company in the provisions of these services. I think we should not make it very exclusive. Since we are talking about local content; a percentage of it is appropriate, not 100 per cent.

I suggest very strongly that we delete this Clause from this provision.

Hon. Mohammed Ali Ndume (Damboa/Gwoza/Chibok): Mr. Chairman, with all due respect, I appreciate the sentiment and enthusiasm expressed by those that are involved in this process. We can achieve what we want to really achieve by putting the Nigerian interest first but not to make it exclusive.

As Hon. Terngu Tsegba pointed out, we have to look at the law that we are about to make and it should be able to stand the test of time so that we do not have a law that will create bottlenecks in our operations such that we have to go through this long process of amendment again and thereby deprive us of the opportunities that otherwise we would have achieved.

So I am suggesting that instead of saying *notwithstanding any other law*, it should read *without prejudice*. That is better.

Hon. Aminu Waziri Tambuwal: Mr. Chairman, closely related to the contribution of the Minority Leader, may I suggest that we amend Clause 3(2) to read thus:

There shall be preferential consideration to the Nigerian indigenous service companies which demonstrate ownership of equipment, Nigerian personnel and capacity to execute such work to bid on land and swamp operating areas of the Nigerian Oil and Gas industry, for contracts and services contained in the attached Schedule of Services.

So the suggestion is that we delete the words *notwithstanding the provision of any other law*; so that the provision should start from *there shall be preferential, not exclusive*.

Hon. Igochukwu N. Aguma (Port Harcourt I): I rise to second the Amendment as moved by the Minority Whip. In seconding that Amendment, I wish

to say that that particular Clause is actually a foundation ingredient of the law we are making.

I thank you for the legal eye you have brought into this law and your name will be written among those who made this law.

The Chairman: Hon. Igochukwu, whoever is a Member of this House at this time is part of those who made the law or do you want every Member to contribute at the same time on the same subject matter?

I will now put the question that Clause 3(2) stand part of the Bill.

Amendment put and agreed to.

Clause 3 - (FIRST CONSIDERATION IN ALL OPERATIONS AND CONTRACTS) - as amended ordered to stand part of the Bill.

Clause 4 – (ROLE OF NIGERIAN CONTENT MONITORING BOARD) - ordered to stand part of the Bill.

Clause 5- (PROMOTION OF MEASURABLE GROWTH OF NIGERIAN CONTENT) -ordered to stand part of the Bill.

Clause 6 – (CONFORMITY OF PETROLEUM ARRANGEMENTS AND OTHER AGREEMENTS) – ordered to stand part of the Bill.

Clause 7 – (SUBMISSION OF NIGERIAN CONTENT PLAN FOR ALL PROJECTS) – ordered to stand part of the Bill.

Clause 8 - (CERTIFICATE OF AUTHORISATION) – ordered to stand part of the Bill.

Clause 9 – (PUBLIC REVIEW OF PLAN) – ordered to stand part of the Bill.

Clause 10 – (CONTENTS OF OPERATOR’S PLAN)

The Chairman: Clause 10(1) says: *A plan shall contain provisions intended to ensure that –*

(a) First consideration shall be given to services provided from within Nigeria and to goods manufactured in Nigeria.

(b) Nigerians shall be given first consideration for training and employment in the work programme for which the plan was submitted.

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Hon. Terngu Tsegba: Mr. Chairman, the original provision for Clause 10(b) makes provision for qualified Nigerians. I think one of the reasons for putting qualified Nigerians there is to remove nepotism in whoever may be doing the appointment. Now, the Committee has removed the words *qualified Nigerians* and inserted the word *Nigerians*. I think we should take the original provision. Inasmuch as we want to bring in the local content to a desirable level there are adequately qualified Nigerians to man any position in the Oil or Gas sector.

So I suggest strongly that we go with the original provision in the Bill which says that it should be *qualified Nigerians*.

The Chairman: I understand what you are saying Hon. Tsegba but at times, if you just put *qualified Nigerians*, they will find a way to disqualify Nigerians; that is the problem.

I believe in almost all these fields we have Nigerians that are qualified.

Some hon. Members: Yes.

The Chairman: But if you say *qualified Nigerians*, they may devise an internal mechanism to disqualify Nigerians.

Question put and agreed to.

Clause 10 – (CONTENTS OF OPERATOR'S NIGERIAN CONTENT PLAN) - *ordered to stand part of the Bill.*

Clause 11 – (MINIMUM AND SPECIFICATION OF NIGERIAN CONTENT)

The Chairman: Clause 11(1) says: *As from the commencement of this Bill, the minimum Nigerian content in any offshore project to be executed in the Nigerian oil and gas industry shall be consistent with the level set in schedule a to this Bill.*

Clause 11(2): *Where a project description is not specified in Schedule A to this Bill, the Board shall set the minimum content level for that project or project item pending the inclusion of the minimum content level for that project or project item through an Amendment of Schedule A by the National Assembly.*

Is there any Amendment?

Hon. Igochukwu Aguma: Mr. Chairman, the Schedule attached in Clause 11(2) here is actually a Schedule of percentages and different levels of Nigerian

content that must be done in the country. For instance, in a situation where we prescribed 30 *per cent*, in the next one or two years we would have had enough infrastructure to attain that 30 *per cent* level. Therefore, we do not think that we have to bring that Schedule back to the National Assembly for it to be amended that the same Nigerian content will move, for instance, from 30 *per cent* to 80 *per cent*.

When you check the items in the Schedule, there are so many of them and they will all be attained at different levels. What the Schedule had prescribed is the minimum. Therefore, the Minister cannot go below the minimum. He can go by regulation above the minimum.

That is the intendment of this.

Hon. Solomon Agidani (Apa/Agatu): I am at a loss as to how a Minister would be able to amend a law passed by the National Assembly.

The Chairman: It is a flexible one.

Hon. Solomon Agidani: A Schedule is an addendum to the law.

The Chairman: What do you suggest?

Hon. Solomon Agidani: I would suggest that the words *appropriate authority* be inserted instead thereof because I am not really satisfied with the use of the word *Minister* there.

The Chairman: The Minister is also an authority.

Hon. West Idahosa (Ovia North East/South-West): Mr Chairman, it is a phraseological problem. To start with, by the concrete use of separation of powers to which we have sworn to, the word *amendment* or *passage of law* is exclusive to the Parliament.

What they can do is to give him the liberty to make those regulations as he deems fit to reflect changes that occur in the Oil and Gas industry. If he uses regulations as powers, it would mean that drawing from this authority, he can make regulations to that effect but to say that he can amend a Schedule which we have passed here in Parliament is un-legislative.

The Chairman: I agree with you. The Minister cannot amend the Schedule because the Schedule forms part of the law; it can only be amended by the National Assembly.

Hon. Igochukwu Aguma: We need to put heads together and get a better expression for this because the

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aim here is not to put the ceiling Nigerians can attain at 30 *per cent*. If we attain 30 *per cent* we can go beyond.

Hon. Bassey Edet Otu (Calabar Municipal/Odukpani): We can just take that correction immediately.

The Chairman: Let us look at what the Senate said or are you proposing an Amendment or that we drop it?

Hon. Bassey Edet Otu: No, we can just change the word amendment there.

The Chairman: Change it to what?

Hon. Bassey Edet Otu: We can effect a change by amending Schedule A because that Schedule is going to be progressive and they cannot come to Parliament everyday because we want to change one line or the other.

The Chairman: What are you suggesting now?

Hon. Bassey Edet Otu: I am suggesting that we alter Schedule A.

The Chairman: It is the same thing with Amendment. If you cannot amend it, you cannot alter it.

Hon. Tamarautare E. Brisibe (Burutu): As the Chairman, Committee on Gas has just said, it is the intention of this Committee to ensure that we do not bring in a law that will be cumbersome for the industry and end up impeding the progress that we hope to achieve. Therefore, I feel that the suggestion that the Minister amends Schedule A can be a power that this House gives to the Minister because any law we make is as made by the National Assembly; it is the wordings that the National Assembly gives to the law.

Bearing in mind the fact that we would not make a law that would be cumbersome only because we want -
(Interruptions)

The Chairman: Hon. Brisibe, we are just looking for solution to this; we have understood the spirit of this inclusion but we are trying to see how we can change it so that it would not be against our laws.

Hon. Mohammed Ali Ndume: Let me draw the attention of my Colleagues to Section 1(3) of our Constitution which says: *If any other law is inconsistent with the provisions of this Constitution, this Constitution shall prevail and that other law shall to the extent of the inconsistency be void.*

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It is the exclusive responsibility of the National Assembly to make laws; a law is a law. You cannot delegate that responsibility.

The Chairman: How is this relevant to what we are discussing?

Hon. Mohammed Ali Ndume: This is because we want to give the Minister the power.

The Chairman: It is irrelevant to what we are discussing.

Hon. Mohammed Ali Ndume: It is.

The Chairman: No, you are referring to Section 1(3) of the Constitution which makes provision for the nullity of any law that is inconsistent with the Constitution.

Hon. Mohammed Ali Ndume: Yes.

The Chairman: That is only about the Constitution.

Hon. Mohammed Ali Ndume: The power to make laws is exclusive to the National Assembly. If you delegate that power to the Minister, you are contradicting the Constitution; that is what I am saying.

Hon. Ita Enang: It is proper that in making any law, the Legislature reserves power for subsidiary legislation or what we call Statutory Instrument. It is that Statutory Instrument that we have to create here. The power to make that instrument is what we will now vest in the Minister varying this, not amending properly so-called because it would be after the coming into effect of this Act that we now vest the power to make that instrument in the Minister so that, as the need arises, he makes the Statutory Instrument very useful.

The Chairman: Very well, Hon. Ita Enang; do you have a solution to that?

Hon. Ita Enang: Yes, Sir. The solution to that is for us to include this: *Upon the coming into force of this Act, the Minister is empowered to make statutory instrument adding to the provisions of Schedule A hereto.*

It is by way of subsidiary legislation.

The Chairman: Hon. Colleagues, I know in this House we have passed a law where we have empowered the Ministers to create departments. We neither gave the number of the departments nor mentioned them. They

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should go and create departments as they deem fit. We want the lawyers to assist us with the construction so that we would get out of this.

Hon. Olaka Nwogu (Eleme/Oyigbo/Tai): We have all agreed that it is necessary for the Minister to be given some latitude to update. So I want us to use the words *to update the Schedule* because we are dealing with things that are not there but which will necessarily crop up or performance level that as things get better we need to relax the restriction.

I am suggesting, therefore, that we allow the Minister to update the schedule. Ordinarily, it will not be a bad thing if the National Assembly retains those powers but the Minister can be given the latitude to update pending formalisation by the National Assembly.

The Chairman: Let us look at the original provision. The original provision of Clause 11(2) says:

Where a project description is not specified in Schedule A to this Act, the Board shall set the minimum content level for the project or projects item pending the inclusion of the minimum content level for that project or project item through an Amendment of Schedule A by the National Assembly.

I think this provision is all right. Hon. Bassey Otu, what is the problem with this one?

Hon. Bassey Edet Otu: The problem of this one is the fact that they have to be referring to the National Assembly every time they are seeking amendment to this Schedule.

The Chairman: They have the right to exercise the power but it will eventually come to the National Assembly.

Hon. Bassey Edet Otu: It is all right, Sir. We will settle for the original provision.

The Chairman: You have retained the Part B; have you not?

Hon. Igochukwu Aguma: If I may say something, Sir; Part B to this is where something is not contained in Schedule A, that is, where something is not part of the law, the Minister can make it part of the law.

The Chairman: That is incorrect.

Hon. Igochukwu Aguma: There is a number four to it.

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The Chairman: Hon. Igochukwu Aguma, if you say something is not part of the law but the Minister has the right to make it a law, that means it is illegal.

The Chairman: I will put the question that we retain the original provision in Clause 11(2).

Question put and agreed to.

The Chairman: We now go to Clause 11(4). It reads: *Notwithstanding the provisions of subsection (1) of this section, where there is inadequate capacity to any of the targets in Schedule A, the Minister may authorise the continued importation of the relevant items. However, such approval by the Minister shall not exceed three years from the commencement of this Bill.*

Hon. Shuaibu Hashimu Abdullahi (Awe/Doma/Keana): Mr. Chairman, I do not see the justification for allowing the Minister to continue the importation where targets are not met in sub-clause (4). My opinion is that even if the Minister is authorised to do so, it should not be up to three years; it should be subject to annual renewal unless the Committee can convince us as to why the Minister should be given the latitude of up to three years. Otherwise, we would be confronted with the same situation we had with the importation of barras which is used in petroleum mining. This has been banned for a period of years back but the petroleum companies have found their way out of it and they have to import this banned item.

The Chairman: Your quarrel is now with the three years.

Hon. Shuaibu Hashimu Abdullahi: Yes, I am opposed to the three years.

The Chairman: You want it to be one year?

Hon. Shuaibu Hashimu Abdullahi: Yes, one year and that it should be subject to annual renewal.

Hon. Bassey Edet Otu: Mr. Chairman, I think his fear has already been taken care of because it says here that it shall not exceed three years. It is done annually but it must not exceed three years. The annual has already been taken care of.

The Chairman: It shall not exceed three years.

Question put and agreed to.

Clause 11(4) - ordered to stand part of the Bill.

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Clause 11 – (MINIMUM AND SPECIFICATION OF NIGERIAN CONTENT) – as amended ordered to stand part of the Bill.

Clause 12 – (FIRST CONSIDERATION FOR NIGERIAN GOODS AND SERVICES) – ordered to stand part of the Bill.

Clause 13 – (CONTENTS OF OPERATOR'S NIGERIAN CONTENT PLAN) - ordered to stand part of the Bill.

Clause 14 – (NIGERIAN CONTENT IN BID EVALUATION) – ordered to stand part of the Bill.

Clause 15 – (FULL AND FAIR OPPORTUNITY FOR NIGERIANS) – ordered to stand part of the Bill.

Clause 16 – (PRINCIPLE OF BID EVALUATION)

Hon. Igochukwu Aguma: Mr. Chairman, there is a typographical error in Clause 16, Principle of Bid Evaluation. In line 1, the word *be* should come after the word *solely*. In line 3, the word *not* should be inserted between the words *is* and *the*. It will now read as follows:

*The award of contract shall not solely **be** based on the principle of the lowest bidder; where a Nigerian indigenous company has capacity to execute such job, the company shall not be disqualified exclusively on the basis that it is **not** the lowest financial bidder, provided the value does not exceed the lowest bid price by more than 10 per cent and the Nigerian Content value in the bid meets the minimum requirement set by the Board.*

Amendment put and agreed to.

Hon. Tsegba Terngu: Mr. Chairman when you translate 10 *per cent* into absolute figures, it is very high because we are talking of an industry where contracts are issued in billions. If we say 10 *per cent* then it should not be concentrated in the award of contracts. I will suggest something between 3 and 5 *per cent*.

Hon. Mohammed Ali Ndume: Mr. Chairman, I am suggesting that Clause 16 be amended to read as follows: *The award of contract shall not be solely based on the principle of the lowest bidder and therefore where a Nigerian indigenous company has capacity to execute such job, the company should not be disqualified exclusively on the basis of pricing and it should stop there.*

The Chairman: I tend to disagree with you on that. If you leave it that way foreign companies may

have a price that is 30 *per cent* or 40 *per cent* lower than that of Nigeria and we are saying we should not discriminate or take that of Nigerians only.

Hon. Mohammed Ali Ndume: That is why it is stated in the qualification. There are many variables that are there to determine the qualification.

What I am saying is that the pricing variables should not be the major determinant and no Nigerian should be disqualified on the basis of that. This is because there are other variables and the basis is the capacity. If a Nigerian has the capacity then the price is open to negotiation. That is what I am saying.

For example, if the foreign company is favoured based on price, the Nigerian company that has all the qualifications except that of price can then be invited to say I have an offer by a company outside on a particular price; if you are ready to take it because you are bidding, that leaves room for negotiation.

The Chairman: Is there any seconder to the Amendment proposed by Hon. Mohammed Ali Ndume?

Hon. Joseph Jaiyeola Ajatta (Oshodi-Isolo II): Mr. Speaker, I wish to second the Amendment just moved by the Leader of Opposition.

Question put and negatived.

Hon. Ike Chinwo (Obio/Akpor): Mr. Chairman, the original provision captures what we want to achieve. This is because pricing is among the last things you consider after the technical aspect and every other thing. The emphasis here is that a Nigerian company should not on the basis of pricing be excluded or be disqualified.

The other one captured this. So this addition that we are making here is not necessary in which case I opt that we go by the original provision.

The Chairman: Our problem is with the issue of 10 *per cent*.

Hon. Leonard Okuweh Ogor (Isoko North/Isoko South): Let us appreciate the fact that costing is a very important factor in every transaction. We are looking at transaction that runs into billions of Naira.

The most important thing is that we must appreciate that there is competition in this market. So, I believe that even if we are trying to give the local companies all the necessary protection, we must also be able to look at the value because somebody is paying for this monthly.

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The Chairman: What figure are you suggesting, please?

Hon. Leonard Okuweh Ogor: I am suggesting that we should target it at 5 *per cent* which is a very good standard.

Hon. Shuaibu Hashimu Abdullahi: I wish to second the Amendment proposed by Hon. Leo Ogor that the target should not be more than 5 *per cent*.

Amendment put and negatived.

Hon. Solomon U. Agidani (Apa/Agatu): I have a problem with this Clause as a whole.

The Speaker: Which one, is it the original one or the Committee's own.

Hon. Solomon U. Agidani: I have a problem with the Clause as a whole. I am saying so because I have not seen where we have shown in the Procurement Act that we passed in this House that the Oil industry is excluded from the application of the Public Procurement Act.

The Speaker: It is not the entire oil industry.

Hon. Solomon U. Agidani: The point here is why is this section of the oil industry excluded from the Public Procurement Act?

The Chairman: I will put the question that the original provision in Clause 16 be retained.

Question put and agreed to.

Clause 16 – (PRINCIPLE OF BID EVALUATION)
– ordered to stand part of the Bill.

Clause 17 - (LIST OF CONTRACTS TO BE SUBMITTED TO THE BOARD)

The Chairman: We go to Clause 17(1) which provides as follows: *For all proposed projects, contracts and subcontracts, the operator or Project promoter shall provide to the Board for approval, advertisements, pre-qualification criteria, technical bid documents, technical evaluation criteria and the proposed bidders lists.*

Is there any amendment?

Hon. Igochukwu N. Aguma: In Clause 17(1), we would desire that the original figure in the original provision of US\$1 million be retained with an

amendment in the first line. I would like to read it, with your permission.

The Chairman: Go ahead.

Hon. Igochukwu N. Aguma: We want to say that *for all proposed projects, contracts, sub-contracts, the operator or project promoter*; that is the only amendment that we want to introduce in that Clause 17(1)

The Chairman: Is it your own introduction or it is for the Committee?

Hon. Igochukwu N. Aguma: It is for the Committee.

The Chairman: Hon. Bassey Otu, Chairman, is it for the Committee?

Hon. Bassey Edet Otu: Yes, it is for the Committee and we will add there the words *or the Naira equivalent*. Naira is our official currency.

Hon. Ita Enang (Itu/Ibiono Ibom): It is unlawful for us in any law made by us in Nigerian to include any other currency.

Hon. Igochukwu Aguma: It is not true.

Hon. Ita Enang: No, Sir. Doing so will contravene the Central Bank of Nigeria Act, 2007.

Hon. Igochukwu Aguma: What about the Appropriation Act we make here, is it not benchmarked?

Hon. Ita Enang: You cannot, Sir. Let this be made in Naira.

Hon. Igochukwu Aguma: It is not true, Sir, with due respect.

The Chairman: Hon. Ita Enang, are you saying that we should delete the word *Dollars*?

Hon. Ita Enang: Yes Sir. The Appropriation Act is not made in dollars.

The Chairman: That is what they have said now; US\$1 million or its equivalent in Naira. It is the same thing.

Hon. Ita Enang: I will concede to them but not to recognise the dollar over Naira, the Nigerian currency.

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Hon. Sokonte H. Davies: I am sorry; I will take you back to 16. Let us see the words there. It says: *The award of contract shall not be solely based on the principle of lowest bidder. Where a Nigerian indigenous company has the capacity to execute such a job, the company shall not be disqualified exclusively on the basis that it is the lowest financial bidder.*

It is not the lowest financial bidder; that is the language there.

The Chairman: Is any Member seconding the Motion that we go back to Clause 16?

Question put and negatived.

Clause 17 - (LIST OF CONTRACTS TO BE SUBMITTED TO THE BOARD) – *ordered to stand part of the Bill.*

Clause 18 – (SUBMISSION OF JOB FORECASTS ETC, TO BOARD)

The Chairman: Hon. Igochukwu Aguma, you have not done your work well. Almost on every clause, you have amendment. We will give you back your paper; when you are ready you will bring it back.

Hon. Igochukwu N. Aguma: No, Sir. With all due respect, you have reached the end of what we have highlighted. It is just the inclusion of the controversial US\$1 million that Hon. Ita Enang does not like.

The Speaker: It is all right. Anywhere US\$1 million appears, it should read US\$1 million or Naira equivalent.

Clause 18 – (SUBMISSION OF JOB FORECASTS ETC. TO BOARD) - *ordered to stand part of the Bill.*

Clause 19 – (DESIGNATION OF CONTRACT FOR REVIEW) – *ordered to stand part of the Bill.*

Clause 20 – (DOCUMENTS TO BE SUBMITTED TO THE BOARD DURING PRE-QUALIFICATION STAGE) - *ordered to stand part of the Bill.*

Clause 21 – (DOCUMENT TO BE SUBMITTED TO BOARD DURING BIDDERS LIST STAGE) - *ordered to stand part of the Bill.*

Clause 22 – (DOCUMENT TO BE SUBMITTED TO THE BOARD DURING AWARD STAGE) - *ordered to stand part of the Bill.*

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Clause 23 - (DESIGNATION AND REVIEW OF CONTRACTS) - *ordered to stand part of the Bill.*

Clause 24 – (QUARTERLY PROCUREMENT REPORT) - *ordered to stand part of the Bill.*

Clause 25 - (ESTABLISHMENT OF OFFICE)

A hon. Member: The original provision should be retained. The catchment area should be removed because somebody somewhere can use that one to suppress the people.

The Chairman: You are saying that the catchment area should be removed?

A hon. Member: Yes. In addition, we should retain the original provision which deals with local government area and this one is catchments area.

The Chairman: Which local government are you going to situate it if it has to cover five local governments? *(No response)*

I will put the question that Clause 25 stand part of the Bill.

Clause 25 – (ESTABLISHMENT OF OFFICE) - *ordered to stand part of the Bill.*

Clause 26 – (PERSONNEL FOR LOCAL OFFICE) - *ordered to stand part of the Bill.*

Clause 27 – (OFFICE IN COMMUNITY OF OPERATION) - *ordered to stand part of the Bill.*

Clause 28 – (FIRST CONSIDERATION FOR EMPLOYMENT AND TRAINING)

The Chairman: Clause 28(1) says: *Subject to Section 10(b) of this Bill, Nigerians shall be given the first consideration for employment and training in any project executed by any operator, project promoter in the Nigerian oil and Gas industry.*

Clause 28(2) states: *The Board shall have powers to ensure that operator or project promoter maintains a reasonable number of personnel from areas it has significant operation.*

Is there any Amendment?

Hon. Aminu Waziri Tambuwal: Mr. Chairman, Clause 28(1) should be applicable to all and sundry in Nigerian.

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Clause 28(2) is against the spirit of Federal Character and the Constitution of the Federal Republic of Nigeria. Therefore, Clause 28(2) should be deleted. We would be promoting nepotism if we allow it to stand.

Hon. Olaka J. Nwogu (Eleme/Oyigbo/Tai): Mr. Chairman, the word there is *reasonable*; it did not say *all*.

The Chairman: Reasonable may be *all*?

Hon. Olaka J. Nwogu: This is to allow the work you want to do to even go on. If we do not have reasonable number of the people from that area participating, of course, they will not see it as theirs and as unusual, you would suffer those disruptions.

Further to that, if you are trying to entrench local content, the same spirit by which you think Nigerians should benefit from what is Nigerian it is sensible to expect that a reasonable percentage of the locals will also benefit from what you want to do in their area.

You will defeat the spirit of local content if you do not allow the locals to have reasonable participation. *(Interruptions)*

The Deputy Speaker: Nigeria is one. We have one Nigeria and it says *development of Nigeria Local Content*.

Hon. Betty A. Apiafi (Ahoada East/Abua/Odual): I rise to support what Hon. Olaka Nwogu has said. We are talking about the Nigeria Content.

The Deputy Speaker: This is not a Motion. However, thank you for supporting him.

Hon. David Onobi Idoko (Ado/Ogbadibo/Okpokwu): We must be careful also not to breach the Federal Character Commission Act. The Federal Character Commission Act makes provision for catchments area. If we are making this law, we should be conscious of the fact that there is a provision that caters for catchments area in the Federal Character Commission.

The Chairman: What are you saying now?

Hon. David Idoko: Let us make reference to the Federal Character law in line with the Federal Character Commission because if we take this, it would mean that my people probably may not be represented there and we are one Nigeria.

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The Chairman: Hon. Colleagues, Hon Aminu Waziri Tambuwal has suggested that Clause 28:2 be deleted.

Is there any seconder to that Amendment?

Hon. Shuaibu Hamisu Abdullahi: I humbly second the Amendment proposed by Hon. Aminu Tambuwal that we delete Clause 28(2)

Question put and negatived.

The Chairman: Do we leave it the way it is?

Hon. Gbenga Oduwaiye (Ijebu-Ode/Ijebu North East/Odogbolu): My own observation on Clause 28(2) is that it may be even dangerous to leave the word *reasonable*. It would be better if we put a percentage because if we say *reasonable* that is open to abuse.

The Chairman: Hon. Oduwaiye is suggesting that instead of deleting Clause 28(2) we should put a percentage. So what percentage are you suggesting?

Hon Gbenga Oduwaiye: I am suggesting 25 *per cent*.

The Chairman: That is too small because even if you are sharing it equally they will get almost up to that.

Hon. Emmanuel Jime (Makurdi/Guma): Mr. Chairman, I propose 50 *per cent*.

The Chairman: What about inserting the words *in conformity with the existing law of the Federal Character*.

Some hon. Members: Yes.

Some hon. Members: No.

Hon. Ralph U. Okeke: Mr. Chairman, to allow them some degree of credibility, I propose that Clause 28(2) be amended by adding the words *at least 50 per cent*.

Amendment put and negatived.

The Chairman: I will put the question that the Committee's recommendation do stand part of the Bill.

Clause 28 – (FIRST CONSIDERATION FOR EMPLOYMENT AND TRAINING) - *ordered to stand part of the Bill*.

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Clause 29- (SUBMISSION OF EMPLOYMENT AND TRAINING PLAN) - *ordered to stand part of the Bill.*

Clause 30 - (TRAINING OF NIGERIANS) – *ordered to stand part of the Bill.*

Clause 31 - (REQUIREMENT FOR SUCCESSION PLAN AND NIGERIANISATION) – *ordered to stand part of the Bill.*

Clause 32 – (ALLOWANCE FOR EXPATRIATE POSITIONS)

Hon. Solomon Agidani (Apa/Agatu): I want the Chairman of the Committee to explain to us how this falls in line with Expatriate Quota.

Hon. Bassey Edet Otu: Clause 32 – Allowance for Expatriate Positions says:

For each of its operations, an operator or project promoter may retain a maximum of 5 per cent of management positions as may be approved by the Board as expatriate positions to take care of investors interests.

There is nothing wrong with it because already we have almost achieved this level. It does not conflict with the law at all.

Clause 32 - (ALLOWANCE FOR EXPATRIATES POSITIONS) - *ordered to stand part of the Bill.*

Clause 33 - (APPROVAL OF BOARD FOR APPLICATION FOR EXPATRIATES QUOTA) – *ordered to stand part of the Bill.*

Clause 34 - (REQUIREMENT FOR LABOUR CLAUSE) – *ordered to stand part of the Bill.*

Clause 35 - (COMPLIANCE WITH NIGERIANISATION) – *ordered to stand part of the Bill.*

Clause 36 - (RESEARCH AND DEVELOPMENT REGULATIONS) – *ordered to stand part of the Bill.*

Clause 37 - (PROGRAMME FOR RESEARCH AND DEVELOPMENT) - *ordered to stand part of the Bill.*

Clause 38 - (SUBMISSION AND CONTENT OF R & D PLAN) - *ordered to stand part of the Bill.*

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Clause 39 - (REPORT ON R & D) - *ordered to stand part of the Bill.*

Clause 40 - (REGULATIONS FOR TRAINING AT PTI) - *ordered to stand part of the Bill.*

Clause 41 - (REGULATIONS TO FURTHER GROWTH OF INDIGENOUS CAPACITY)

Hon. Olaka J. Nwogu: Mr. Chairman, I want to clarify Clause 41(2) which says:

International/multinational companies working through their Nigerian subsidiaries must demonstrate that a minimum of 50 per cent of the equipment deployed for execution of work are owned by the Nigerian subsidiaries.

The Nigerian subsidiaries are different from Nigerians and I thought that the intendment is to get Nigerians to own the equipment and operate under them. Is it Nigerian subsidiaries or Nigerians?

The Chairman: Chairman, Committee on Gas, please respond.

Hon. Igochukwu Aguma: If you check the Schedule of the law itself, you have percentages in terms of Nigerian content that must be done in Nigeria. Assuming we have 30 *per cent*, that means we can do 70 *per cent* abroad and 30 *percent* in Nigeria.

We are saying that the equipment that are owned by those subsidiaries must be owned by Nigerians so that there will be proper technology transfer.

The Chairman: You are saying that 50 *per cent* must be Nigerian-owned equipment.

Hon. Igochukwu Aguma: Yes.

The Chairman: Once it comes to Nigeria a minimum of 50 *per cent* must be owned by Nigerian.

Hon. Igochukwu Aguma: Yes.

Hon. Sokonte Davies: The question Hon. Olaka is raising is very important. A subsidiary of a company is that company; it is not Nigerian owned. We are talking of Nigerian content.

I had thought that this place should have addressed Nigerian content and not Nigerian subsidiary of a company because Nigerian subsidiary of that company is still that company and at the end of the day whatever

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profit the Nigerian subsidiary makes still reflects in the profit of the parent company.

The issue to be addressed here is the Nigerian content of the equipment because as we are saying and as agreed, our intention is to ensure that Nigerians participate effectively and, of course, they should own these things,

Therefore, I had thought that the crafting of this place should have taken care of Nigerian ownership.

The Chairman: I did not quite understand what you were saying, Hon. Sokonte. Can you, please, repeat it and speak to your microphone.

Hon. Sokonte H. Davies: What I was saying is that the issue Hon. Olaka raised is very important because our intention is to ensure Nigerian ownership of these things.

A subsidiary of a company is just a branch of the parent company. Therefore, if a Nigerian subsidiary owns that equipment, it is still owned by the company. It does not matter whether it is in Nigeria or it is domicile outside.

The Chairman: What if the ownership of the subsidiary is 50 *per cent* or more owned by Nigerians.

Hon. Sokonte Davies: That is a different matter. They have not said so.

The Chairman: That is what they are referring to.

Hon. Sokonte Davies: No.

The Chairman: It is all right. Let us hear from them. Hon. Igochukwu, is that what you are saying that 50 *per cent* of the subsidiary should be owned by Nigerians?

Hon. Igochukwu Aguma: Let me reduce it to practical terms so that we will understand it. With all due respect, it is hypothetical. For instance, Shell International owns Shell SPDC, which is a subsidiary of Shell International. Therefore, if they bring in equipment here, for proper technology transfer, those equipment should remain here so that our own people will be trained to use and upgrade those equipment, not now that they are talking that they are not interested in PIV. All of them are running to Angola, they will now carry the same equipment and set up base in Angola which is what has been happening.

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In agriculture, it is called shifting. Wherever they are working, they will move here and there. They even take our own trained people away from Nigeria to go and train those other people abroad. That is what we are referring to here.

Hon. Olaka J. Nwogu (Eleme/Oyigbo/Tai): Mr. Chairman, I have heard Hon. Igo Aguma's response but it does not really cure my concern here. This is because if your solution to it is the subsidiary company not moving things around, this law does not stop it. It only says it will own it but owning it does not mean that your equipment owned by SPDC here cannot move to Angola. This law does not stop SPDC equipment owned by SPDC Nigeria moving to Angola.

The Chairman: That is what they are saying.

Hon. Sokonte Davies: No. What Hon. Igo Aguma has explained is that they do not do the shifting cultivation thing; they do not move equipment around. Our law has not said you cannot move your equipment; what our law simply say is that the subsidiary should own it. I thought that by law we expect the subsidiary to be owned by Nigerians to a certain extent. That is the law.

The Chairman: At least 50 *per cent* of the subsidiary should be owned by Nigerians; that is what the law says.

Hon. Sokonte, it is just a simple matter. Let us use another example again. This Chamber is owned by the National Assembly but when there is a Clause saying that 50 *per cent* of it is owned by the Members, it means 50 *per cent* of whatever is in the Chamber is owned by Members and you cannot move it out of the Chamber if the Members do not agree to that.

Yes Chairman, Petroleum Upstream?

Hon Bassey Otu: I believe the Members will see why we made this recommendation. At the moment, even though we want to increase the local content in terms of most of our people who work in the Industry we also want to increase the assets because the content value in the country now is about 10 *per cent*. The only way to make sure that we increase it over a period of time is to make sure that those assets are retained here and when we say 50 *per cent* it is 50 *per cent*. We have taken care of domiciliation of other assets within the Bill itself. I believe as we go ahead, we will see them one by one.

Clause 41 - (REGULATIONS TO FURTHER GROWTH OF INDIGENOUS CAPACITY) - ordered to stand part of the Bill.

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Clause 42 - (REGULATIONS FOR REGISTRATION WITH NIGERIAN PROFESSIONAL BODIES) - *ordered to stand part of the Bill.*

Clause 43 - (PROGRAMME FOR TECHNOLOGY TRANSFER PLAN) - *ordered to stand part of the Bill.*

Clause 44 - (SUBMISSION OF TECHNOLOGY TRANSFER PLAN) - *ordered to stand part of the Bill.*

Clause 45 - (SUPPORT OF TECHNOLOGY TRANSFER) - *ordered to stand part of the Bill.*

Clause 46 - (TECHNOLOGY TRANSFER REPORT) - *ordered to stand part of the Bill*

Clause 47 - (REGULATIONS TO ESTABLISH OPERATIONS IN NIGERIA) *ordered to stand part of the Bill.*

Clause 48 - (FISCAL INCENTIVES) - *ordered to stand part of the Bill.*

Clause 49 - (INSURANCE AND REINSURANCE BUSINESS) - *ordered to stand part of the Bill.*

Clause 50 - (NATIONAL INSURANCE COMMISSION APPROVAL FOR OFFSHORE INSURANCE) - *ordered to stand part of the Bill.*

Clause 51 - (LEGAL SERVICES)

The Chairman: Clause 51(1) says: *All operators, contractors and other entities engaged in any operation, business or transaction in the Nigerian Oil and Gas industry requiring legal services shall retain only the services of a Nigerian legal practitioner or a firm(s) of Nigerian legal practitioners whose office is located in any part of Nigeria except where to the satisfaction of the Board this is impracticable.*

Is there any Amendment?

Hon. Ike Chinwo (Obio/Akpor): Mr. Chairman, for a Nigerian practising lawyer, I do not know how impracticable it will be for the firm not to have office in any part of Nigeria. Therefore, that addition in italics should be expunged, please.

Amendment put and agreed to.

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The Chairman: Clause 51(2) says: *All operators shall submit to the Board every six months, its Legal Services Plan (LSP) -*

Clause 51(3) says: *The LSP shall include –*

(a) comprehensive report on legal services utilised in the past six months by expenditure and a forecast of legal service required during the next six months and the projected expenditure for the services;

(b) a list of external solicitors utilised for legal services in the past six months, the nature of work done and the expenditure made by the operator;

(c) the annual legal services budget for the past one year in Naira and foreign currencies.

I will put the question that Clause 51(2) and (3)(a)(b)(c) be retained.

Question put and agreed to.

Clause 51 - (LEGAL SERVICES) - *as amended ordered to stand part of the Bill.*

Clause 52 - (FINANCIAL SERVICES) – *ordered to stand part of the Bill*

Clause 53 - (PROHIBITION OF IMPORTATION OF WELDED PRODUCTS)

The Chairman: Clause 53 provides:

As from the commencement of this Bill, all operators, project promoters, contractors and any other entity engaged in the Nigerian oil and gas industry shall carry out all fabrication and welding activities in-country. Also all welding activities, (NDT, Mechanical Tests, PWHT of welded components) Certification of welding personnel, procedure qualification and specifications, must be carried out in Nigeria by Nigerian Institute of Welding (NIW). Nigerian Institute of Welding is to work in collaboration with an Authorised National Body of the International Authorisation Board (IAB) to provide these services until it attains full ANB status in Nigeria from IAB.

Is there any Amendment?

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Hon. Igochukwu Aguma: Mr. Chairman, I would like to propose an Amendment to Clause 53. In line 3, immediately after the word *in-country*, we should leave out all other words.

Also in line 1 of the original Bill, immediately after the word *operators*, the words *project promoters* should be inserted.

Hon. Olaka Nwogu: I second the Motion as moved by Hon. Igochukwu Aguma.

Amendment put and agreed to.

Clause 53 - (PROHIBITION OF IMPORTATION OF WELDED PRODUCTS) – *as amended ordered to stand part of the Bill.*

Clause 54 – (PETROLEUM E-MARKETPLACE)

Hon. Igochukwu Aguma: Mr. Chairman, NipeX is the on-line bidding system being used by NAPIMS in conjunction with oil companies. In fact, the meaning is Nigerian Petroleum Exchange. We can amend it.

Hon. Rufus Omeire (Ideato North/Ideato South): I think you should delete that NipeX (Nigerian Petroleum Exchange) for future development of companies; we would not like to use just one company or whatever it is.

The Chairman: That is, the original provision is retained.

Question put and agreed to.

Clause 54 - (PETROLEUM E-MARKETPLACE) – *ordered to stand part of the Bill.*

Clause 55 - (ESTABLISHMENT OF JQS) - *ordered to stand part of the Bill.*

Clause 56 - (FUNCTIONS OF THE JQS) - *ordered to stand part of the Bill.*

Clause 57- (SETTING UP OF NCCF) - *ordered to stand part of the Bill.*

Clause 58 - (COMPOSITION OF NCCF) - *ordered to stand part of the Bill.*

Clause 59 - (POWERS OF NCMB TO MONITOR IMPLEMENTATION OF ACT) - *ordered to stand part of the Bill.*

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Clause 60 - (REQUIREMENTS OF SUBMISSION OF NIGERIA CONTENT PERFORMANCE REPORT) - *ordered to stand part of the Bill.*

Clause 61 - (CONTENT OF NIGERIA CONTENT PERFORMANCE REPORT) - *ordered to stand part of the Bill.*

Clause 62 - (ASSESSMENT AND VERIFICATION OF NIGERIA CONTENT PERFORMANCE REPORT) - *ordered to stand part of the Bill.*

Clause 63 - (DIRECTIVES TO FACILITATE REPORTING) - *ordered to stand part of the Bill.*

Clause 64 – (ACCESS TO FACILITIES FOR ASSESSMENT AND VERIFICATION PURPOSES) - *ordered to stand part of the Bill.*

Clause 65 – (REQUIREMENTS FOR THIRD PARTY ACCESS AND REPORTING) - *ordered to stand part of the Bill.*

Clause 66 - (RESPONSIBILITY TO COMMUNICATE NIGERIAN CONTENT POLICIES TO CONTRACTORS) - *ordered to stand part of the Bill.*

Clause 67 - (RESPONSIBILITY OF BOARD FOR ENLIGHTENMENT ON NIGERIAN CONTENT) - *ordered to stand part of the Bill.*

Clause 68 - (OFFENCES AND PENALTIES) - *ordered to stand part of the Bill.*

Clause 69 - (ESTABLISHMENT OF THE NIGERIAN CONTENT MONITORING BOARD) - *ordered to stand part of the Bill.*

Clause 70 - (FUNCTIONS OF THE BOARD)

Hon. David Idoko: Mr. Chairman, you are aware that some Amendments were made to the NipeX. So, we may have to go back to the original provision.

Question put and agreed to.

Clause 70 - (FUNCTIONS OF THE BOARD) – *ordered to stand part of the Bill.*

Clause 71 - (ESTABLISHMENT OF THE GOVERNING COUNCIL OF THE BOARD) – *ordered to stand part of the Bill.*

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Clause 72 - (COMPOSITION OF THE COUNCIL) – ordered to stand part of the Bill.

Clause 73 - (APPOINTMENT) - ordered to stand part of the Bill.

Clause 74 - (MEMBERSHIP OF THE COUNCIL) – ordered to stand part of the Bill.

Clause 75 - (STATUS OF APPOINTMENT OF EXECUTIVE SECRETARY) - ordered to stand part of the Bill.

Clause 76 - (POWERS OF THE COUNCIL) – ordered to stand part of the Bill.

Clause 77 - (TENURE OF OFFICE) – ordered to stand part of the Bill.

Clause 78 - (CESSATION OF MEMBERSHIP OF COUNCIL) - ordered to stand part of the Bill.

Clause 79 - (REPLACEMENT OF MEMBERSHIP) - ordered to stand part of the Bill.

Hon. Daemi Kunaiyi Akpanaha (Akuku-Toru/Asari-Toru): I wanted to make an Amendment to page 73 in terms of appointment by the President. I believe under normal circumstances this kind of appointment is subject to confirmation by the Senate. I do not know whether or not this is relevant to this Bill. It is something that we do for purposes of checks and balances. It says: *The Chairman and Members of the Council shall be appointed by the President and shall be persons of proven integrity and ability.*

The Chairman: There are certain categories of Boards that are supposed to be confirmed by the Senate; it is not every appointment.

Hon. Daemi Akpanaha: That is all right.

The Chairman: These are part-time appointments. All the Boards that we have appointed were not confirmed by the Senate.

Clause 80 - (REMOVAL OF MEMBER) – ordered to stand part of the Bill.

Clause 81 - (REMUNERATION OF THE MEMBERS)

The Chairman: Clause 81 says: *A member of the Council shall be paid such allowances and expenses as may be determined by Revenue Mobilisation, Allocation*

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and Fiscal Commission using the scale applicable in Nigerian Oil and Gas industry.

What brought about the use of Revenue Mobilisation, Allocation and Fiscal Commission?

Hon. Betty O. Apiafi (Ahoada East/Abua/Odual): Mr. Chairman, the Revenue Mobilization, Allocation and Fiscal Commission cannot use the scale of the Oil and Gas Industry. It is better we delete the words *using the scale applicable in Nigerian Oil and Gas industry* but leave the Revenue Mobilisation, Allocation and Fiscal Commission to determine the salary.

The Chairman: We have a number of Boards that their allowances are not determined by the Revenue Mobilisation, Allocation and Fiscal Commission. It is only the statutory ones, that is, those that are in the Constitution that their allowances are determined by the Revenue Mobilisation, Allocation and Fiscal Commission.

Therefore, the entire Clause is not required.

Hon. Waziri A. Tambuwal: If we delete the entire Clause 81, then we are leaving the Board without remuneration.

The Chairman: No, they have the normal Board sittings.

Hon. Waziri A. Tambuwal: Does that hinder us from making provisions for that?

The Chairman: We have Boards for Federal Medical Centres.

Hon. Waziri A. Tambuwal: That is true.

The Chairman: There is no remuneration given to them; it is only when they sit. It is the institution that will determine how much they would be given as sitting allowance.

Hon. Waziri A. Tambuwal: That is all right; I am guided.

Amendment put and agreed to.

Clause 81 – (REMUNERATION OF THE MEMBERS) – *deleted.*

Clause 82 – (EXECUTIVE SECRETARY) – ordered to stand part of the Bill.

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Clause 83 – (FUNCTIONS OF THE EXECUTIVE SECRETARY) –

Hon. Rufus Omeire: With respect to Clause 83(c), I am suggesting that we amend the years of cognate experience in the Nigerian Oil and Gas industry to ten years.

The Chairman: Hon. Omeire, what are your reasons?

Hon. Rufus Omeire: Mr. Chairman, ten years is enough to acquire experience. Besides, the young and energetic men and women will also have the opportunity to serve on the Board.

The Chairman: But if you are looking for nominees with reasonable experience, 15 years is all right.

Hon. Rufus Omeire: That is acceptable.

The Chairman: We are still on the ten or fifteen years cognate experience. Do you want to speak on that?

Hon. Saudatu A. Sani (Lere): Mr. Chairman, with respect to Clause 83, I am in support of ten years.

Hon. Betty O. Apiafi: Ten years is all right and we should not be specific by saying that he must be an Engineer.

The Chairman: What we should note is that the position of Executive Secretary is a managerial job. A managerial job is such that once you have reached a level whatever field you specialise in, you can administer it.

Therefore, the question of putting an Engineer does not even arise; even a Banker can carry out a managerial work, could he not?

Hon. Waziri A. Tambuwal: In line with this thinking, I propose that we amend this particular conjunction to read thus: *a graduate of at least ten years cognate experience in the Nigeria Oil and Gas industry.*

The Chairman: I will put the question on the amendment of Clause 83(c) that the Executive Secretary shall be *a graduate of at least fifteen years cognate experience in the Nigeria Oil and Gas industry.*

Amendment put and agreed to.

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Clause 83 – (FUNCTIONS OF THE EXECUTIVE SECRETARY) – *as amended ordered to stand part of the Bill.*

Clause 84 – (TENURE OF OFFICE) – *ordered to stand part of the Bill.*

Hon. Solomon U. Agidani: Mr. Chairman, I am not comfortable with the provision of fifteen years in Clause 83. I am talking about the semantics of it. I believe that there should be an adjective before the word *graduate*. Is it a university graduate or a secondary school graduate?

The Chairman: A secondary school leaver is not a graduate.

Hon. Solomon Agidani: Graduates means somebody who has graduated from a school, Sir.

The Chairman: The fact that you have graduated from the school does not make you a graduate. We have undergraduates in the universities. We do not have undergraduates in secondary schools.

After all, we have passed that clause.

Clause 85 – (REMUNERATION OF THE EXECUTIVE SECRETARY)

Hon. Halims O. Agoda: Mr. Chairman, I have an amendment to Clause 85 which provides as follows: *The Executive Secretary shall be paid such remuneration as may be contained in his letter of appointment or as will be determined by the Revenue Mobilisation, Allocation and Fiscal Commission using the scale applicable in the Nigeria oil and gas industry.*

My amendment is that in line 3, immediately after the word *Appointment*, we should leave out all the other words: *or as will be determined by the Revenue Mobilisation, Allocation and Fiscal Commission using the scale applicable in the Nigeria oil and gas industry.* It will now read thus: *The Executive Secretary shall be paid such remuneration as may be contained in his letter of appointment.*

Hon. Ita Enang: I heard that it is to read that it shall be paid such remuneration as may be contained in his letter of appointment. Letters of Appointment do not confer salary; it simply can place you on a certain grade level.

The Chairman: That is the salary.

Hon. Ita Enang: No, Sir. As an Executive

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Secretary, they are on a standard grade in the Public Service. It is like being a Director General; there is a standard scale where all Directors- General are placed.

Again, this is a quasi-political appointment and it ought to be regulated by Certain Public and Political Office Holders' Salaries and Remuneration Act. We should just state so.

The Chairman: Hon. Ita Enang, we have passed something like that before you came in; you are just coming. What you are saying now is that we should reconsider all those we have passed and reflect your opinion.

Hon. Ita Enang: Is it on the Executive Secretary?

The Chairman: On all the Board Members. Even you, Hon. Ita Enang, agreed that they have their own scale.

Hon. Ita Enang: Yes.

The Chairman: Then it can be mentioned in their appointment letters as follows: *Your remuneration would be in accordance with the laws that we have on Executive Secretary's appointment.*

It will take care of everything; you do not have to mention the figure.

Hon. Ita Enang: Mr. Chairman, I will still make my submission but I submit to the will of the House.

Amendment put and agreed to.

Clause 85 – (REMUNERATION OF THE EXECUTIVE SECRETARY) – as amended ordered to stand part of the Bill.

Clause 86 - (CESSATION OF OFFICE) - ordered to stand part of the Bill.

Clause 87 - (RESIGNATION OF APPOINTMENT) - ordered to stand part of the Bill.

Clause 88 – (OTHER STAFF) - ordered to stand part of the Bill.

Clause 89 - (DIRECT APPOINTMENT) - ordered to stand part of the Bill.

Clause 90 - (TRANSFER OF SERVICE) - ordered to stand part of the Bill.

Clause 91 - (DIRECTORATES)

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Question proposed.

Hon. Ita Enang: Mr. Chairman, I want to propose that we delete this Clause particularly, (a) to (e). As you said, we normally do not allow them to establish directorates. The experience we had in the NDDC Act was such that we should be guided because it was one of the first three laws we made on the Floor of this House. We should delete all these departments and just say that *there shall be established by the Board such directorates as the Board shall, in its opinion, deem appropriate.*

Amendment put and agreed to.

Clause 91 - (DIRECTORATES) - as amended ordered to stand part of the Bill.

Clause 92 - (SERVICE IN THE BOARD) - ordered to stand part of the Bill.

Clause 93 – (FUNDS OF THE BOARD)

Question proposed.

The Chairman: Yes, Hon. Ita Enang?

Hon. Ita Enang: Mr. Chairman, I have an Amendment to make on Clause 93(d). It says: *loans, which may be required from time to time for the objects of the Board, provided that the Board shall not, without the prior approval of the President, borrow money in excess of ₦1 million or as may be determined from time to time.*

The threshold of ₦1 million is too low. This is because they can have a cheque, an allocation or an AIE and then they may have cause to raise money to do a project as against an AIE but it will be said that the Act does not authorise them to do so. We should allow it to be by the resolution of the Board.

The Chairman: Borrowing money is different from overdraft.

Hon. Ita Enang: Let us give them a latitude that is wider and reasonable.

The Chairman: If they are to borrow, my argument is that it is not the President that should give them the power to borrow; it is the National Assembly.

Hon. Igochukwu Aguma: Mr. Chairman, if you look at Clause 94 in tandem with that, I agree with your suggestion that we should totally delete the issue of conferring power to borrow because they will be

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presenting a budget before us and their budget will indicate their sources of expected income and expenditure. Therefore, I believe we should be silent on this.

The Chairman: The amendment proposed by Hon. Igochukwu Aguma is that Clause 93(d) be deleted.

Amendment put and agreed to.

Clause 93(d) – deleted.

Clause 93 – (FUNDS OF THE BOARD) – as amended ordered to stand part of the Bill.

Clause 94 – (BUDGETARY ESTIMATES)

Hon. Ita Enang: Mr. Chairman, we have been taking the provision in Clause 94 vis-à-vis other Bills that we have made for granted. This is because these bodies do not ordinarily submit their budget to us; they submit to the President who incorporates it in his own budget as a parastatal under the particular ministry and then submit to us. The way it appear in the Act is as if they will have to bring the budget directly to us.

The Chairman: That is not what they said. They said; *The Council shall, not later than 30th September of each year, submit to the National Assembly through the Minister, an estimate of the projected expenditure of the Board during the next succeeding year and shall include a copy of the audited accounts of that year and a copy of the Auditor's report.*

Hon. Ita Enang: Yes Sir, that is, *I submit to the National Assembly through the Minister.* The Minister does not even submit budget to us; it is the President.

The Chairman: The law is very clear; they cannot just submit their budget to the President; they submit to the Minister and you know that Ministers do not submit budget to the National Assembly. The Council does not have direct access to the President; it is through the Minister who normally takes it to the Ministry of Finance; he does not take it to the President.

Hon. Ita Enang: I want to suggest this as it could develop a further jurisprudence on this matter. My argument is that we delete this section and that the Council would respond to Call Circular for budget from the Ministry of Finance.

The Chairman: Hon. Ita Enang, I understand what you are saying; you do not want them to be given the powers to even do. You want it as a Convention that they should submit their budget to the Minister but it is like saying; just do not mention in the Constitution

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that the President should lay the Budget before the National Assembly which can also be a Convention but it is clear in the Constitution that the President must lay the Budget before the National Assembly. Even without having that in the Constitution you can make it as a Convention but it is now a law.

So why are you saying that we should not make this one a law that they submit their Budget to the Minister and the Minister submits this to the National Assembly?

Hon. Ita Enang: Mr. Chairman may it be amended to read thus: *The Council shall, not later than 30th September of each year, submit to the Minister an estimate for projected expenditure for inclusion in the Ministry's budget to the President or to the Minister of Finance.* We should delete the words: *submit to the National Assembly?*

It is like saying that that is what it used to be. You submit to the Minister who will take it to the President. This is the Section that the Nigerian Ports Authority (NPA) has been relying on till today in saying that they are self-accounting; it is a thing like this.

The Chairman: They generate a lot of money there; how much do you think they will generate? This one is very insignificant.

Hon. Hashimu Shuaibu Abdullahi (Awe/Doma/Keana): I second the Amendment proposed by Hon. Ita Enang.

Amendment put and negatived.

Clause 94 – (BUDGETARY ESTIMATES) – ordered to stand part of the Bill.

Clause 95 – (GIFT TO THE BOARD)

The Chairman: We now go to Clause 95.

Hon. Solomon U Agidani: Point of Order, Mr. Chairman!

The Chairman: Yes, which Order?

Hon. Solomon Agidani: Order IV, Rule 1(4) of our Standing Orders on page 8. Let me make this comment before I read the Order.

The Chairman: No, read the Order before you make your comment; not the comment before the Order.

Hon. Solomon Agidani: The Order says:

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On Mondays, Tuesdays, Wednesdays and Thursdays, the House shall meet at 10 a.m. and unless previously adjourned shall sit until 6 p.m. provided that at 1.30 p.m. the Speaker shall suspend the sitting until 2.00 p.m. On Fridays, the House shall meet at 9.00 a.m. and if not previously adjourned shall sit until noon.

There are two reasons I moved this Point of Order. This is completely different from the Rules that some of us are used to and at the point that these Amendments were made, I am not sure that due diligence was taken in attempting to take this Bill Clause by Clause - (Interruptions)

The Chairman: What is the problem with the law?

Hon. Solomon Agidani: What the Order is saying is that on Mondays to Thursdays we sit from 10.00 a.m. to 6.00 pm but that the House will suspend sitting by 1.30 pm and resume by 2.00 pm and sit till 6 pm; this is not what we are doing.

Hon. Ita Enang: Mr. Chairman, with respect to my Colleague, I want to say I take absolute exception with respect to the words that *there was no due diligence* because the submission and all these were published on notice and we debated that Section on the Floor. The Votes and Proceedings carry the arguments of several Members on this particular Section before it was amended on the Floor of this House. I know that my Colleague was here on the Floor but might not have paid attention.

Coming to that, I want to say that the intent of this when the House amended this Section was to ensure that we do not just take that we have to sit from 10 am to 1.30 pm but that we can sit up till 6 pm because of the volume of work but it is intended that if need be, we can suspend sitting for 30 minutes and it was intended that our brothers may go to pray and perhaps for lunch.

The Chairman: Hon. Ita Enang, I agree with you to some extent. You said: *At 1.30 pm the Speaker shall suspend the Sitting.*

Hon. Ita Enang: But now you are in the Committee of Whole. So we had left the Plenary. Therefore, you are not bound by this 1.30 pm in the Committee of Whole.

The Chairman: So, this is Committee work?

Hon. Ita Enang: Yes, it is.

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The Chairman: Hon Ita Enang, your interpretation is retained. We are still on Clause 95, Gift to the Board.

Hon. Betty Apiafi (Ahoada East/Abua/Odual): Mr. Chairman, there is a repetition in Clause 95. What we should have is: *The Board may accept gifts of money or land or other property if the conditions attached are consistent with the functions of the Board under the Act.* That should be all right. Parts I and II appear to be repeating the same thing.

Hon. Rufus Omeire (Ideato North/Ideato South): Mr. Chairman, I rise to second the Amendment as moved by Hon. Betty Apiafi.

Amendment put and negatived.

Clause 95 – (GIFT TO THE BOARD) – ordered to stand part of the Bill.

Clause 96 – (EXPENDITURE AND ACCOUNT) – ordered to stand part of the Bill.

Clause 97 – (AUDIT AND ACCOUNT)

The Chairman: Hon. Ita Enang, we are on Clause 97.

Hon. Ita Enang: Yes, Sir. Clause 97 states thus: *The Auditor-General for the Federation shall –*

(a) *inspect and audit the accounts of the financial transactions of the Board;*

(b) *inspect records relating to assets of the Board;*

(c) *draw the attention of the Ministry to any irregularity discerned by the inspector and auditors.*

Mr. Chairman, I refer this honourable House to Section 85 of the Constitution. It provides thus:

(1) *There shall be an Auditor General for the Federation who shall be appointed in accordance with the provisions of Section 86 of this Constitution;*

(2) *The public accounts of the Federation and of all offices and courts of the Federation shall be audited and reported on by the Auditor-General who shall*

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submit his reports to the National Assembly; and for that purpose, the Auditor-General or any person authorised by him in that behalf shall have access to all the books, records, returns and other documents relating to those accounts;

I will now read the proviso.

(1) Nothing in sub-section (2) of this section shall be construed as authorising the Auditor-General to audit the accounts of or appoint auditors for government statutory Corporation, Commissions, Authorities, Agencies, including all persons and bodies established by an Act of the National Assembly, but the Auditor-General shall –

(a) provide such bodies with –

(i) a list of auditors qualified to be appointed by them as external auditors and from which the bodies shall appoint their external auditors, and

(ii) guidelines on the level of fees to be paid to external auditors; and

(b) comment on their Annual Accounts and Auditor's Reports thereon.

Mr. Chairman, we cannot by this Act authorise the Auditor-General to audit this account.

The Chairman: Hon. Ita Enang, in my opinion, Section 85(2) of the Constitution is talking about Internal Auditors anyway.

Hon. Ita Enang: No, Sir, with utmost respect.

The Chairman: While Section 85(3)(a) is saying that *a list of auditors qualified to be appointed by them as external auditors and from which the bodies shall appoint their external auditors.*

That means the Auditor General cannot appoint; he can only give you a list to choose from.

Hon. Ita Enang: Yes.

The Chairman: That is for the External Auditors. The Auditor-General cannot appoint External Auditors for anybody. With respect to Internal Auditors, there is no other person that would appoint the Auditors apart from the Auditor-General as it is contained in Section

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85(2); the Internal Auditor is appointed by the Auditor-General but when it comes to External Auditor, the Auditor-General has no right to appoint for any organisation but what he can only do is provide a list for you to appoint External Auditors.

Hon. Ita Enang: Mr. Chairman, I want to read Section 85(3) once again.

The Chairman: Go ahead.

Hon. Ita Enang: *Nothing in sub-section (2) of this section shall be construed as authorising the Auditor-General to audit the accounts of or appoint auditors for government statutory Corporation, Commissions, Authorities, Agencies, including all persons and bodies established by an Act of the National Assembly, but the Auditor-General shall –*

(a) provide such bodies with –

(i) a list of auditors qualified to be appointed by them as external auditors and from which the bodies shall appoint their external auditors, and

(ii) guidelines on the level of fees to be paid to external auditors; and

(b) comment on their annual accounts and auditor's Reports thereon.

Having read this Section, Mr. Chairman, I submit with the greatest sense of responsibility that this Section, interpreted in the most liberal manner, cannot allow the Auditor-General to audit the account as it is stated in this Act. I refer you to the Bill.

The Chairman: No. Hon. Ita Enang, normally who audits the account?

Hon. Ita Enang: It is an External Auditor that audits. The Internal Auditor is for the purpose of our internal audit. Mr. Chairman, you are experienced than me in that matter.

The Chairman: No, I am not. The Auditor-General himself is an Internal Auditor; he is an Internal Auditor because he is a Government Auditor.

For example, if we want an External Auditor; the list of External Auditors should be given to us by the Auditor-General. He cannot say go and pick this one but he will provide the list of External Auditors to us; we will choose one from among those he has listed for us.

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Hon. Ita Enang: Mr. Chairman, let me remind you of a case in court.

The Chairman: That is not my field. You can talk to Hon. Waziri Tambuwal who is a lawyer.

Hon. Ita Enang: There was a case in this House where there was an impeachment matter against the leadership and part of the issues had to do with auditing. The Auditor-General was invited to audit the account and part of the matter we claimed in the Court, and it was agreed, was that the Auditor-General of the Federation cannot audit such account.

The Chairman: Do you know that at the end of every year the Auditor-General comes to the National Assembly?

Hon. Ita Enang: He submits it to the Public Accounts Committee – (*Interruptions*)

The Chairman: No, not that one. Are you aware that he audits our own accounts?

Hon. Ita Enang: Mr. Speaker, I am not aware.

The Chairman: If he is not allowed to come, how can he get the report?

Hon. Ita Enang: No, he is allowed to inspect and he is empowered under Section 85(4) on periodic checks.

Hon. Igochukwu Aguma: Point of Order?

The Chairman: What is the Point of Order?

Hon. Igochukwu Aguma (Port-Harcourt I): Mr. Chairman, it is Order IX, Rule 5(1) of our Standing Orders. What Hon. Ita Enang is saying is not relevant in this context.

We are referring to the internal audit of the organisation. In the case of NNPC, for example, I am sure the Auditor-General does not feel that part of his functions is to audit the accounts of NNPC because it is the oil and gas industry and that is the way it has developed. We have to state it here that these people are subject to the Auditor-General because they are part of the Civil Service and the bureaucracy. That is the intendment of the Committee.

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

The Chairman: What Point of Order, Hon. Ita Enang?

Hon. Enang: My Point of Order is Section 85(4) of our Constitution. I read:

The Auditor-General shall have power to conduct periodic checks of all government Statutory Corporations, Commissions, Authorities, Agencies, including all persons and bodies established by an Act of the National Assembly.

The Auditor-General comes to the National Assembly in exercise of the power conferred by Section 85 (4) of the Constitution which authorises him to conduct periodic checks on all government corporations, commissions and authorities and the National Assembly is one of the authorities. He does not come to audit as my hon. Colleague has implied.

Hon. Igochukwu Aguma: What is the definition of Audit?

Hon. Ita Enang: Periodic check is different from audit.

Hon. Aminu Waziri Tambuwal: Mr. Chairman, I wanted Hon. Ita Enang to get to where he has actually gotten to, that is, Section 85(4), which allows the Auditor-General to conduct periodic checks. I want him to appreciate the fact that it means that the Auditor-General can have access to all the financial records of government agencies and conduct periodic checks. So, it is more of semantics than the actual auditing that you are suggesting.

I would suggest that we amend this particular provision to bring it in consonance with Section 85(4) of our Constitution. Instead of saying that Auditor-General should audit we should now say *conduct periodic checks*.

Hon. Shuaibu Hashimu Abdullahi (Awe/Doma/Keana): Mr. Chairman, for me there is no confusion in this section of the law. By law and by the Constitution, it is the Auditor-General that should be held responsible for the audit of the accounts of the Federation, that is, all government Ministries, corporations, and agencies. There is no law that would say that the account should be audited by External Auditors.

It is the Auditor-General who will give the names of External Auditors in any event but the Auditor General has a primary responsibility for the accounts of those Corporations and Ministries. The Auditor-General and his staff are the ones that are charged with carrying out internal audits, pre-payment audit and all kinds of audits. What the External Auditor does is to do

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his professional work of auditing and giving an opinion on the accounts prepared by Internal Auditors. Therefore, there is nothing wrong in the way this section is couched. We should adopt it as it is.

Hon. Emmanuel Jime (Makurdi/Tarka): Mr. Chairman, I would, first of all, align myself with the proposition that was made by Hon. Aminu Tambuwal that we should amend this particular provision to include the words *period checks* instead of *audit*. The reason is that whereas in this same provision of this Constitution that Hon. Ita Enang had referred us to, two of these words have been used interchangeably.

The Chairman: Which one is that?

Hon. Emmanuel Jime: Section 85(2) of the Constitution that Hon. Ita Enang referred us to specifically gives the Auditor-General of the Federation the powers to audit account. If I may read:

The Public Accounts of the Federation and all offices and Courts of the Federation shall be audited and that is the operating word in that particular section.

If you go further down the line, sub-section 4 of the same Section 85 now says, *the Auditor-General shall have power to conduct periodic checks* and when it comes to periodic checks, it is referring to corporate bodies such as the National Assembly and indeed this sort of corporation that we are about to enact into law.

So, I do not find any contradiction; if we can bring in the proposition that was made by Hon. Aminu Tambuwal, we would have aligned this particular provision with the section of the Constitution.

I do not agree that periodic checks and audit would mean the same thing because the Constitution has specifically provided for these. I urge this honourable House to align itself with the proposition that has been made by Hon. Aminu Tambuwal because that would be the proper thing to do.

Hon. Yusuf Tuggar Maitama (Gamawa): The issue of periodic checks has been taken care of in Clause 98 where there is reference to the Auditor-General. That section provides that *the Auditor-general for the Federation or any officer who is authorised by him is entitled at all reasonable times to a full and free access to all accounts, records, documents and papers of the Board relating directly or indirectly to the receipt or payment of money by the Board or to the acquisition, receipt, custody or disposal of assets of the Board*. That is the same thing as periodic checks at all times.

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Hon. Aminu W. Tambuwal: I am not confused. As it is today, if you go to the National Assembly's Finance and Supplies, you have staff of the Auditor General stationed permanently there doing the work of the Auditor General. These are officers of Auditor General's Office sent to the National Assembly by the Auditor General.

You have other auditors that were employed by the National Assembly and they are internal auditors. These auditors of the National Assembly try to see that whatever we are doing must be in conformity with the Financial Rules and Regulations of the Federation so that we do not go astray and do something contrary to the law before these vouchers are given to the Office of the Auditor General here in the National Assembly.

So the Auditor General is here present in the National Assembly because he has auditors here that are working for him in the National Assembly. I want to say that it is not only in the National Assembly that he has his men working for him but everywhere. So if the Auditor General can have his staff working for him, it means he has appointed some people to be here and be auditing what we are doing.

The Chairman: When you are talking of checks, check and auditing are not the same thing.

Hon. Aminu W. Tambuwal: I understand it this way. The Auditor-General has auditors in agencies of government so that they can guide and ensure compliance with extant rules and regulations - *(Interruptions)*

The Chairman: They do not guide; they want you to even make mistakes.

Hon. Waziri Tambuwal: Mr. Chairman, assuming this is the position then it is wrong. It does not mean that we must continue with what is clearly against the provision of the Constitution.

The Chairman: Which one are you referring to?

Hon. Waziri Tambuwal: The position that you have advanced now which is that Auditor General's staff are here to audit. This is against the spirit of the provisions of this Constitution; that is the truth. Section 85, Subsection (4) of the Constitution is talking about power to conduct periodic checks.

The Chairman: What about subsection (2)?

Hon. Waziri Tambuwal: Section 85(2) is saying

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that the Auditor General can audit. Subsection (3) is saying notwithstanding subsection (2); that is the problem.

The Chairman: That is what I am saying, Hon. Waziri.

Hon. Waziri Tambuwal: So, subsection (3) has discounted the provisions of subsection (2).

The Chairman: If you go further to subsection (3), it talks about external auditors.

Hon. Waziri Tambuwal: What subsection (3) is saying is that nothing that is provided for under subsection (2) should be construed to mean that that has authorised the Auditor General to audit.

The Chairman: That is the external audit?

Hon. Aminu Waziri Tambuwal: No, Sir.

The Chairman: That is your understanding?

Hon. Aminu Waziri Tambuwal: No, not external auditor, Sir. Let us read it.

Section 85(1) says:

- (1) *There shall be an Auditor General for the Federation who shall be appointed in accordance with the provisions of Section 86 of this Constitution;*
- (2) *The public accounts of the Federation and of all offices and courts of the Federation shall be audited and reported on by the Auditor-General who shall submit his reports to the National Assembly; and for that purpose, the Auditor-General or any person authorised by him in that behalf shall have access to all the books, records, returns and other documents relating to those accounts.*
- (3) *Nothing in sub-section (2) of this section shall be construed as authorising the Auditor-General to audit the accounts of or appoint auditors for government statutory Corporations, Commissions, Authorities, Agencies, including all persons and bodies established by an Act of the National Assembly, but the Auditor-General shall*

- (a) *provide such bodies with –*

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- (i) *a list of auditors qualified to be appointed by them as external auditors and from which the bodies shall appoint their external auditors,*

The Chairman: Yes. This is talking about external auditors.

Hon. Aminu Waziri Tambuwal: No. Mr. Chairman, I want us to possibly take advantage of what we have in our legal department at least on this issue. This is because subsection (3) is obviously in conflict with sub-section (2).

The Chairman: At least, you have agreed with some of our arguments to some extent that there is a conflict.

Hon. Waziri Tambuwal: There is a conflict from this provision.

Hon. Tamarautare Brisibe: Mr. Chairman, I will proffer a suggestion that may sort this issue out for us. Clause 97 gives the Auditor General the functions that he shall –

(a) *inspect and audit the accounts of the financial transactions of the Board;*

(b) *inspect records relating to assets of the board;*

(c) *draw the attention of the Ministry to any irregularity discerned by the inspector and auditors.*

We should amend Clause 97 and put it that *the Board shall within one month of the end of each financial year ask the Auditor General to submit a list of names of audit firms to be appointed to audit the accounts of the Board for the previous financial year.*

That takes care of who audits the accounts.

The Chairman: You cannot appoint the external auditor without doing the internal auditing.

Hon. Tamarautare Brisibe: Clause 98 says: *The Auditor General for the Federation or any officer who is authorised by him, is entitled at all reasonable times, to a full and free access to all accounts, records, documents and papers of the Board relating directly or indirectly to the receipt or payment of money by the Board or to the acquisition, receipt, custody or disposal of assets of the Board.*

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The Chairman: Moreover, Clause 97 that you are trying to amend which authorises the Auditor General to submit list is already in the Constitution; you do not need to mention it. What is the point of mentioning it?

Hon. Tamarautare Brisibe: In that case, let us delete Clause 97.

The Chairman: Clause 97 is not talking about the list; you are now introducing a different thing; you are talking about external auditing.

Hon. Tamarautare Brisibe: Yes.

The Chairman: It has been taken care of by the Constitution. Our problem is the internal auditing.

Hon. Tamarautare Brisibe: In that case, Clause 98 dealing with the Auditor General should then end by saying that after taking all of those documents, he should conduct an internal audit of the accounts of the Board.

Hon. Sokonte H. Davies: I think that Clause 97 is trying to give the Auditor General the powers the Constitution did not give to him. We should be careful. If the Chairman, Committee on Rules and Business would recall, about two or three months ago we discussed this issue extensively during the consideration of another Bill and we came to the constitutional position. We should not give to the Auditor General Powers that the Constitution did not give to him as Hon. Tambuwal has said.

If the Auditor General's officers are auditing the account of the National Assembly, it is unconstitutional and we should not continue with it.

The Chairman: It is all right. How will the Auditor General obtain the report of their account?

Hon. Sokonte H. Davies: That is the Internal Auditor's job; it is not Auditor General's job. Every firm has internal auditor. It is not the position of the Auditor General to appoint internal auditors.

The Chairman: The list is about External Auditors.

Hon. Sokonte H. Davies: Mr. Chairman, Clause 85 has given the Auditor General a role with external as well as internal audit. If you read subsections (2) and (3) together, it is saying that the Auditor General is empowered to audit the accounts of the Federation.

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How does he do that? It is defined in subsection (3) where it is stated that he provides a list of External Auditors to be used. He gives guidelines on the level of fees to be paid. He comments on the Annual Accounts and Auditors' Report thereon.

When we go down to sub-section (4) that is where the internal audit comes. This is where Hon. Tambuwal was talking about. In addition, he does internal audit by saying that he shall have power to conduct periodic checks on all government agencies and corporations - *(Interruptions)*

The Chairman: That is not auditing; that is investigation.

Hon. Sokonte H. Davies: What I am saying is that it provides clearly the role of the Auditor-General regarding external audit of the Federation and that Section we have in this Act is not in conflict and, therefore, we should carry it and move forward.

Hon. Ita Enang (Itu/Ibiono/Ibom): Mr. Chairman, I want the whole of Clauses 97 and 98 to be amended to read like this:

The audit of the account of the Board shall be in accordance with the provisions of the Constitution.

That is just the amendment I am proposing.

Amendment put and agreed to.

Clause 97 – (AUDIT AND ACCOUNT) - as amended ordered to stand part of the Bill.

Clause 98 – (AUDITOR-GENERAL)

The Chairman: The recommendation in Clause 98 reads:

The Auditor-General for the Federation or any officer who is authorized by him, is entitled at all reasonable times, to a full and free access to all accounts, records, documents and papers of the Board relating directly or indirectly to the receipt or payment of money by the Board or to the acquisition, receipt, custody or disposal of assets of the Board.

Hon. Ita Enang: Mr. Chairman I propose that we leave out all the words in that clause.

Amendment put and agreed to.

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Clause 98 – (AUDITOR-GENERAL) - as amended ordered to stand part of the Bill.

Hon. Sokonte Davies: Point of Order, Mr. Chairman!

The Chairman: What is the Point of Order, Hon. Sokonte Davies?

Hon. Sokonte Davies: It is Order XIV, Rule 3(1)(a)(i) of our Standing Orders at page 63. It reads:

The Rules of the House are the rules of its Committees and Sub-Committees so far as applicable, except in connection with a motion of high privileges in Committees and Sub-Committees.

For Hon. Ita Enang to tell us that because you are in the Committee and the rules of the House do not hold again as raised by Hon. Agidani is not correct; that is misleading the proceedings of this House.

Secondly, why I raised this point of order is that I had pointed out this very issue with Hon. Ita Enang privately and he promised that he would look into it and instead of looking into it and explaining in that direction he has tried to mislead this House. This House should not take it.

The Chairman: The Rules of the House are the Rules of its Committees and sub-Committees.

Order XIV, Rule 3 you have cited did not talk about the Committee of the Whole. Hon. Sokonte, you know it is a law and you can interpret it the way you understand it. I agree with you but the law here is silent about Committee of the Whole.

Is there anything in that rule that made reference to Committee of the Whole?

Hon. Ita Enang: With all due respect, Sir, I want to plead that I am demanding an apology from my brother, Hon. Sokonte for the words he has used on me. The fact that I sit here does not entitle him to use such words that I am misleading this House.

I have integrity and I have a name. I have a background in both the Public Service and in private service and I have a background in a name. Mr. Chairman, I take serious exception to it. Hon. Sokonte Davies for saying that I am misleading this House is an insult on me.

The Chairman: Hon. Sokonte Davies?

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Hon. Sokonte H. Davies: Mr. Chairman, I agree with Hon. Ita Enang that I used the word *misleading*. That was a wrong choice of words and I apologise to him.

Hon. Ita Enang: I accept it and I apologise for the hard words I used on the House.

Clause 99 - (ACQUISITION OF LAND OR INTEREST IN LAND FOR OFFICE USE) - ordered to stand part of Bill.

Clause 100 – (LEGAL PROCEEDINGS AGAINST THE BOARD)

Hon. Ita Enang: Mr. Chairman, I propose that we retain sub-section (i) of Section 100 and delete sub-sections (ii), (iii) and (iv).

Sub-section (i) says:

The provision of the Public Officers' Protection Act shall apply in relation to any suit instituted against any officer or employee of the Board in his capacity as such.

That covers subsections (ii) (iii) and (iv) because the provisions of subsections (ii), (iii) and (iv) are in the Public Officers' Protection Act. They are there; we are simply repeating it.

Hon. Igochukwu Aguma: I do not agree with Hon. Ita Enang because this provision especially that of giving notice is not sacrosanct to this law. Virtually all laws you have made including the Public Procurement Act has it there that you will give 30 days notice.

The Chairman: What he is saying is already in that Act.

Hon. Igochukwu Aguma: If it has been re-emphasised in other Act which has been our norm to do so, I do not think there is any reason this one should be completely different.

Hon. Emmanuel Jime: I most humbly rise to second the Amendment as proposed by Hon. Ita Enang.

Amendment put and agreed to.

Clause 100(2)(3) and (4) - deleted

Clause 100 – (LEGAL PROCEEDINGS AGAINST THE BOARD) - as amended, ordered to stand Part of the Bill.

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Clause 101 – (RESTRICTION ON EXECUTION AGAINST PROPERTY OF THE BOARD)

Hon. Ita Enang: Mr. Speaker, we cannot deprive any person who has obtained judgment of the fruit of his judgment. This Section says: *No execution or attachment process shall be issued against the Board in any action or suit without the consent of the Attorney-General of the Federation.*

This is improper and unconstitutional because the Attorney-General sometimes is the defendant in a matter and you do not ask the defendant to give consent to the execution of judgment against him. I want this Section to be deleted entirely.

The Chairman: The Whole Section?

Hon. Ita Enang: Yes, Sir, that is, Clause 101(1) and (2). This is because it will be covered by the Sheriffs and Civil Process Act.

Hon. Aminu Tambuwal (Kebbe/Tambuwal): I do second the Amendment as moved by Hon. Ita Enang.

Amendment put and agreed to.

Clause 101 – (RESTRICTION ON EXECUTION AGAINST PROPERTY OF THE BOARD) – deleted.

Clause 102 – (INDEMNITY OF THE OFFICERS) – ordered to stand part of the Bill.

Clause 103 – (SERVICE OF DOCUMENTS) – ordered to stand part of the Bill.

Clause 104 – (ENGAGEMENTS OF PROFESSIONALS AND OTHER STAFF) – ordered to stand part of the Bill.

Clause 105 – (POWER OF THE MINISTER TO GIVE DIRECTIVE TO THE BOARD) – ordered to stand part of the Bill.

Clause 106 – (REGULATION) – ordered to stand part of the Bill.

Clause 107 – (REVIEW OF SCHEDULE) – ordered to stand part of the Bill.

Clause 108 – (TRANSFER OF IMPLEMENTATION OF NIGERIA CONTENT TO NIGERIAN CONTENT MONITORING BOARD) – ordered to stand part of the Bill.

Clause 109 – (ESTABLISHMENT OF NIGERIAN CONTENT DEVELOPMENT FUND)

Committee's Recommendation:

(1) *A Fund to be known as the Nigerian Content Development Fund (the "Fund") is hereby established for purposes of funding the implementation of Nigerian Content Development in the Nigeria oil and gas industry.*

(2) *The sum of 0.5 per cent of every contract awarded to any operator, contractor, subcontractor, alliance partner or any other entity involved in any project, operation, activity or transaction in the upstream sector of the Nigeria oil and gas industry shall be deducted at source and paid into the Fund.*

(3) *The Fund shall be managed by the Nigerian Content Development Board and employed for projects, programmes and activities directed at increasing Nigerian content in the oil and gas industry.*

Question proposed.

Hon. Shuaibu Abdullahi: Mr. Chairman, even though the Committee has done well to reduce the percentage from 1 per cent to 0.5 per cent, I still feel that 0.5 per cent is on the high side more so when it is not clear what kind of expenditure of a capital nature would be undertaken by the Board to warrant 0.5 per cent on all contracts to be paid into a Fund.

Hon. Betty O. Apiafi: I rise to support Hon. Abdullahi's argument. When you are looking at the volume of contracts we are talking about here since the Board is not really executing any Capital project, 0.5 per cent is quite high; we should be looking at 0.1 per cent.

The Chairman: The original percentage is 1 per cent.

Hon. Tamarautare E. Brisibe: The Nigerian Content Development Fund is not meant for only the administration of the Nigerian Content Board. Part of what the Fund is supposed to do is to have a fund that Nigerians who might not have access to funds to meet their portion of local content objectives can have the Fund.

Currently, the Nigerian Government has actually instituted the Nigerian Content Fund which is managed

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by the NNPC. They started the Fund with the sum of \$300 million. The essence of all of that is to ensure that Nigerians do not suffer because they lack the financial capacity to meet the objectives of the Nigerian Content. We should not look at the Fund in terms of the management of the Nigerian Content Board. I am not too sure that if we reduce it to 0.1 *per cent* or even 0.25 *per cent*, we would be putting the Board in a position to achieve the objectives for which the Nigerian Content is being developed.

I am suggesting the retention of 0.5 *per cent* recommended by the Committee because of the Fund that should be available for Nigerian companies to participate in Nigerian Content.

The Chairman: Who owns the Fund?

Tamarautare E. Brisibe: The Board owns the Fund. It is like the \$300 million Nigerian Content Fund that the Federal Government set up.

The Chairman: That one is owned by the Federal Government? Is it not?

Hon. Tamarautare Brisibe: The body is owned by the Federal Government.

The Chairman: Supposing it grows to ₦1 trillion, what do we do with it? There would be a point when the Fund may have a very high amount.

Hon. Tamarautare Brisibe: Take the Cabotage Act that we passed in this House. Part of the problem of Nigerians taking full advantage of the Cabotage Act is paucity of funds to buy the ships and other vessels to actually participate. It is in anticipation of such things that we are setting up this Fund to be managed by the Board.

The Chairman: I will put the question that .05 *per cent* stand part of Clause 109.

Amendment put and agreed to.

Clause 109 - (ESTABLISHMENT OF NIGERIAN CONTENT DEVELOPMENT FUND) – as amended, ordered to stand part of the Bill.

The Chairman: Hon. Sokonte, what were you saying about the powers given to the Minister under Clause 107?

Hon. Sokonte H. Davies: We have passed Clause 11(2).

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The Chairman: Read Clause 107, please.

Hon. Sokonte H. Davies: Clause 107 says: *Subject to the approval of the Minister, the Board shall conduct a review of the Schedule of this Bill at such intervals as it may determine but not later than every two years with a view to ensuring a measurable and continuous growth in Nigerian content in all projects, operations, activities and transactions in the Nigerian oil and gas industry.*

If you look at what we discussed in Clause 11(2) we denied him small power but now we are ceding a bigger power to him. I want to say that we maintain the same spirit as we approved in Clause 11(2) and in Clause 107.

Hon. Tamarautare Brisibe: Clause 11(2) that we are talking about is an Amendment to the Schedule and we have agreed that the National Assembly shall have and retain the power to amend the Schedule. This Section is talking about the review and those things that would be brought by the Board to the National Assembly. That is the work that the Minister will approve before it is brought to the National Assembly.

Hon. Igo Aguma: To complete what Hon. Brisibe has said, we should add the following words: *with a view to presenting to the National Assembly such amendment.* The reason is that if we do not compel them every two years to look at the level of the Nigerian Content with a view to increasing it, they will not do it.

Hon. Aminu Waziri Tambuwal (Kebbe/Tambuwal): Let me possibly say: *for onward presentation to the National Assembly.*

Amendment put and agreed to.

Clause 11(2) – as amended ordered to stand part of the Bill.

Clause 110 – (COASTAL AND INLAND SHIPPING CABOTAGE ACT NO. 5, 2003)

Hon. Okechukwu Udeh (Orumba North/South/Ekwusigo): Mr. Chairman, I do not really understand why they want to make the monitoring powers of the Board to be a bit restrictive. There are other provisions in other sections of the Act that actually seek to enhance the capacity and capabilities of local entrepreneurs.

I would rather suggest that this particular Section be amended as follows: *that they shall have powers to enforce compliance with the relevant sections of the*

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Act, instead of just restricting them to Section 5.

Amendment put and agreed to.

Clause 110 – (COASTAL AND INLAND SHIPPING CABOTAGE ACT NO. 5 2003) – as amended, ordered to stand part of the Bill.

Clause 111 – (LOCUS STANDI AND SPECIAL JURISDICTION OF THE FEDERAL HIGH COURT)

Question proposed.

Hon. Sama'ila Mohammed (Bassa/Jos North): This section suffers from two major problems. Let me begin with the issue of Special Jurisdiction of the Federal High Court. Jurisdiction of Courts is normally granted by the Constitution and no Act can grant any other jurisdiction outside what the Constitution has given. On the account of that, this cannot stand.

The first aspect is the issue of *locus standi*. It essentially means *standing in law*. Where you are giving certain persons, whether natural or artificial, the powers to sue, the issue of jurisdiction is the province of Court to decide and when litigants go to Court, it is provided by either their Statement of Claims or Pleadings they file. So you cannot *ab initio* here grant power of *locus* to individuals. This is the first time I am seeing a Bill or an Act containing this provision.

On account of that, I suggest that it be expunged completely.

Hon. Tuggar Yusuf: (Gamawa): Mr. Chairman, I would like to second the Amendment as proposed.

Amendment put and agreed to.

Clause 111 – (LOCUS STANDI AND SPECIAL JURISDICTION OF THE FEDERAL HIGH COURT) - deleted.

Clause 112 – (INTERPRETATION)

Hon. Shuaibu Abdullahi (Awe/Keana): Mr. Chairman, the way the Committee defined or wanted to change the definition of Nigerian company is not right.

The Chairman: Which page is that?

Hon. Shuaibu Abdullahi: It is on page 37. It should be left as it is defined in the original Bill.

Hon. Igochukwu N. Aguma (Port Harcourt 1):

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The interpretation of Nigerian Company as stated by the Committee should be totally expunged and replaced with the following: *Nigerian Company means a company or contractor whose ownership of the company by a Nigerian citizen must not be less than 51 per cent.*

Clause 112 – (INTERPRETATION) - as amended ordered to stand part of the Bill.

Clause 113 (CITATION) - This Bill may be cited as The Nigerian Oil and Gas Industry Content Development Bill, 2009) – agreed to.

The Chairman: We now go to the Schedule.

Hon. Ita Enang: I am saying that we delete the word: *a Bill for* in this Section on that page because it is not supposed to be there.

The Chairman: I did not even mention it. What I mentioned was the Schedule.

Hon. Ita Enang: Yes, we are in the Schedule; I saying that we delete that so that immediately after Citation, we have Schedule. That is how it is done. We do not repeat the Title of an Act in the middle of the Act itself.

The Chairman: That is what I am saying; I did not mention it.

Schedule – agreed to.

Long Title – (A BILL FOR AN ACT TO PROVIDE FOR THE DEVELOPMENT OF NIGERIA CONTENT IN THE NIGERIAN OIL AND GAS INDUSTRY; FOR NIGERIAN CONTENT PLAN; FOR SUPERVISION, COORDINATION, MONITORING AND IMPLEMENTATION OF NIGERIAN CONTENT AND FOR MATTERS INCIDENTAL THERETO, 2009) - agreed to.

Report of the Joint Committee on Industry, Commerce, Agriculture and Water Resources on Revitalising the Textile Industry in Nigeria CONSIDERED IN THE COMMITTEE OF THE WHOLE

The Chairman: The Second Report is the Report of the Joint Committee on Industry, Commerce, Agriculture and Water Resources on Revitalizing the Textile Industry in Nigeria.

I called on the Chairman of Committee on Industry to brief the House.

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Hon. Solomon Agidani: Mr. Chairman, this Report is pursuant to a Motion and Resolution on the need to revitalise the textile industry in view of the fact that the Federal Government granted a bail out fund of ₦70 billion to the textile industries.

The Committee met with the Joint Committee on Industry, Commerce, Agriculture and Water Resources. In carrying out the assignment, the Joint Committee set up a Sub-Committee consisting of four Members from each of the four Committees. The Sub-Committee rendered its Report to the Committee unfortunately within the period, the House was unable to raise funds for the Public Hearing. After waiting for about six to seven months, it became unnecessary because we had attended Workshops organised by UNIDO on the same Textile Fund and the UBA that was supposed to raise the ₦70 billion.

The conclusion was that there was no money that was raised. Rather than waiting endlessly to conduct a Public Hearing on the ₦70 billion that did not exist, the Committee decided to write a Report back to the House.

The position now is that the Federal Government had decided to move the mandate of raising the money from UBA through NEXIM Bank to the Bank of Industry through the Office of the DMO and so what we have done here was to put our findings together and then do our recommendations.

Findings

Looking at the findings, if you check page 5 of the Report, you will see that some of the issues confronting the Textile Industries in Nigeria are not too different from what is affecting the manufacturing sector as a whole. They include but not limited to inadequate electric power supply by the Power Holding Company of Nigeria (PHCN); inadequate supply and high cost of LPFO, AGO and natural gas; poor state of roads in the country; dumping and counterfeiting of Nigerian products, smuggling of goods into the country; cumbersome Port congestion leading to congestion, pilferage, demurrage, adulteration and substandard products, multiplicity of taxes.

We have Federal taxes, State taxes, Local Government taxes and other levies that are imposed on companies; difficulty in obtaining title deeds and consent to mortgage; limited access to bank facilities and high cost of borrowing, repayment periods are also short; no direct credit for manufacturing as a dedicated fund; obsolete technology; low degree of backward integration in manufacturing; high import dependency; instability in exchange rate of naira against major currencies at the international level, unfavourable fiscal policy for industrial production, including tariffs; lack

of functional and strategic industries such as Steel and Petrochemicals, among others.

So in looking at all these problems we have attempted to proffer solutions and suggestions and these suggestions are as follows:

- (i) That the Ministry is looking at the possibility of industrialists being granted licences to import LPFO and AGO directly; this is ongoing because all the factories listed in this country are complaining of high cost of running generators;
- (ii) The Ministry is also submitting a Bill on Dumping and Counterfeiting to the National Assembly. We have not received that Bill in the Committee but I am sure it is still coming;
- (iii) Plans are underway to establish a credit guaranteed scheme for the SMEs;
- (iv) The Ministry is collaborating with other relevant government agencies to intensify the campaign for promotion of increased utilisation of local raw materials and drastic reduction in imported inputs through backward integration policy;
- (v) The Ministry has also identified that levies are charged in the industrial sector and this is being addressed by the Harmonised Tariff Bill that is before the National Assembly. This is a step in the direct direction because all manners of taxes are coming from all over the place and so harmonised tariff regime is going to help our industry;
- (vi) The Ministry has developed a blueprint for presentation to the Federal Executive Council on the need to reduce corporate tax for manufacturing industries from 30 *per cent* to not less than 20 *per cent* to cushion the effects of the high cost of production and increase competitiveness;
- (vii) Since Nigeria has been able to secure a fixed tariff band of 35 *per cent* Import Duty for goods it considers strategic and for which it has comparative advantage, the Ministry

is compiling a list of products that would be able to make 35 per cent Import Duty List to be presented for negotiation under the ECOWAS Common Tariff.

- (viii) The Ministry is also intensifying its cluster based programmes like the Free Trade Zones, Industrial parks, industrial clusters, enterprise zones and incubators to facilitate the provision of essential infrastructures and common facilities for manufacturing industries to accelerate industrial growth in line with the 20/2020 Vision;
- (ix) The Ministry is also at the moment reviewing Nigerian industrial incentives so as to harmonise them. Thereafter, a sensitisation campaign will be done to create awareness on these issues. In fact, *The Made in Nigeria Campaign* was launched recently at the Eagle Square and we were there to grace the occasion and the official launching was performed by the Vice President of Nigeria, Dr. Goodluck Jonathan;
- (x) The Ministry is also collaborating with VOI in utilising low interest rates existing in the banks to enable industries with obsolete technologies to the retool;
- (xi) The Ministry is also expanding and renewing contacts with multilateral agencies for increased support to industrial sector like UNIDO and UNIDO, apart from this, has also identified some spots in Nigeria where we have potential for small hydropower generation where we can localise the use of power rather than putting them into transmission and distribution.

These are some of the things and I think the rest are also there. For want of time, I will urge the Chairman to go into the recommendations. Thank you.

The Chairman: My problem with these recommendations is that arising from the above concern - the Ministry and the House - we gave the House the mandate to go and proffer solutions to this problem and what we have now is the solution of the Ministry and the solution of the Committee.

Hon. Solomon Agidani: I have the solutions from the Ministry. I am backing it up with things that were also done in this House. I am reminding this House that we have also done something, for example, the passage of the bill.

The Chairman: Your recommendations are supposed to be the ones for the Committee, not for the Ministry.

Hon. Solomon Agidani: You have not looked at the recommendations; go to the recommendations at the last page where we have signatures.

The Chairman: It is all right. I thought these are the recommendations. Before reading the first one, I said earlier that if you go to 3.2, it is the Finding of the Ministry and the Committee.

If you come to 1.0 of the recommendations, all the above findings and suggested solutions listed in 3.2, for the Ministry and the Committee are combined; it is the one of the Committees that we want.

Hon. Solomon Agidani: We are looking for a way forward.

The Chairman: You have to be silent about the Ministry. This is your job; do not mention anything about Ministry. This is what you have found out; this is your recommendations; do not even refer anything to the Ministry. Whenever they are doing their thing, they would not refer to you.

Hon. Solomon Agidani: It is all right. We can amend that aspect, Sir.

Hon. Yussuf Maitama Tuggar: My problem is on Recommendation (i). It says: *all the above findings are suggested solutions listed in 3.20.*

If you look at No. 2, it says: *The Ministry is looking at the possibility of industrialists being granted licences to import low pour fuel.* The Chairman, Committee on Petroleum (Upstream) and the Chairman, Committee on Gas, will bear me witness that we have serious problems on this matter of pour fuel.

Our refineries are not producing petrol; they are producing this same LPFO in excess, which is exported. Therefore, if you go into the business of granting licence to companies to import the same products that we are producing in excess, you are likely to open avenues for round tripping.

Hon. Solomon U. Agidani: You can see why I made reference to the Ministry.

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The Chairman: It is not about the Ministry now; it is about the recommendation.

Hon. Solomon U. Agidani: The point is that this was submitted to the Committee by the Minister that because of the numerous complaints they had received from manufacturers across the country on the high cost of LPFO in running generators and AGO, this is the negotiation that is ongoing.

The Chairman: Do they run generators with LPFO?

Hon. Solomon U. Agidani: Yes.

The Chairman: They are heating with LPFO.

Hon. Solomon Agidani: They heat their boilers with LPFO or AGO. Some are adaptable to both LPFO and AGO.

Hon. Igochukwu N. Aguma: This is the problem with the approval of an omnibus finding; bad money chasing good money. It is not everything here that we can even go to the economics of it; we have an ongoing investigation and we have contending issues especially on this LPFO and AGO. By saying we should give omnibus report, we would be jeopardising findings that may run contrary to this by other Committees. Again, we would be saying here that the era of import licence regime should come back.

As I speak to you now anybody who has the money and capacity to import AGO into Nigeria is free. Anybody that has the capacity and money to import LPFO into Nigeria is free to do so. We cannot say that licence means that there would be some waivers of import duty and so on. Those things have to do with economics and we cannot by one line of all the above findings suggested and listed in 3.20; say *approved*. No, there is economics attached to it.

The Chairman: My problem with this issue of LPFO is that almost all the companies that are operating in the South-South, and some in the South-East and South-West have access to gas, so they do not even require too much of LPFO. It is only those at the interior that require LPFO and the problem we have today is that the present refineries that we have if they produce this LPFO as bye-product, it is the same one that they will carry out and re-import to Nigeria. That is our problem. I know that the LPFO that our refineries are producing is enough for the companies that have no access to gas.

Hon. Solomon Agidani: Mr. Chairman, apart from the fact of the LPFO being produced by our

refineries, how many refineries are producing now apart from Warri?

We have a problem; where do they get the LPFO from when the local refineries are not producing?

The Chairman: We are not producing now but they are still selling LPFO locally.

Hon. Solomon Agidani: What is the NNPC price of LPFO? How much is it sold to manufacturers?

Hon. Igochukwu Aguma: If I may inform, as I speak to you now, Kaduna Refinery is in tip-top condition. With respect to Warri refinery, they are concluding repairs on the pipelines that were vandalised and you know that the Warri refinery must work for Kaduna refinery to work. The moment Kaduna refinery works, there will be excess LPFO especially with what this House has done in terms of the fraud being perpetrated by the system in buying LPFO at domestic price and exporting it to sell at international price. In fact, there was a time they were trucking LPFO from Kaduna Refinery to the Wharf in Warri for export.

I read recently that there had been a compromise for industries to import LPFO but we cannot sit down here and approve this Ministry's proposition if we do not know the content of it so that tomorrow Customs Committee will not get up and say that they are doing investigation on waivers.

Invariably, I believe that enough work is being done as regards LPFO being accessed by the industry but for us to give legislative approval, they will cite it tomorrow that they are acting on the approval of the National Assembly to grant waivers; this is because we will be communicating this resolution to them.

The Chairman: Do you know that if Kaduna and Warri refineries are producing, their LPFO even more than enough for the entire country.

Hon. Solomon U. Agidani: The data I have shows that the government-approved price for the NNPC for LPFO is in the neighbourhood ₦25 per litre but the industrialists are getting it for ₦65 per litre.

The Chairman: That price you are citing is an old price because I know the official price of LPFO; ₦24 was the price. It is no longer the price.

Hon. Aminu Waziri Tambuwal (Tambuwal/Kebbe): Mr. Chairman, honestly it is clear that the Committee has not exhausted what ordinarily the Committee should have done in this particular work. It is very clear even from your explanation. The Rules

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and Business Committee did not help us because we were only expecting to see the recommendations on the Order Paper, not the findings.

Mr. Chairman, we may as well ask the Committee to have a second look at this.

Hon. Igochukwu Aguma: The Ministry is submitting a Bill to the National Assembly.

The Chairman: When a Report of this nature is to be presented to the House, the recommendations of that Report should be on the Order Paper. Do we have the recommendations there?

Hon. Igochukwu Aguma: Yes.

Hon. Emeka Nkem Ihedioha (Aboh Mbaise/Ngor Okpala): In furtherance of the Motion moved by the Deputy Whip of this House and in keeping with the noble intentions of this House as expressed by the satisfaction of Nigerians with the work we are doing, I guess that we would be doing this great country a great disservice if we should go ahead and conclude with this consideration given the fact that three of the co-Chairmen were sighted here earlier today.

Apparently, they may not have given reasonable thought to the consideration. Maybe they are worried that their job is not very satisfactory; that was why they left. This may indeed mean that only one man is taking responsibility for the job of four Committees.

Arising from this, I do second the Motion as moved by the Deputy Whip that we refer this job back to the Committee to take a second look at it and indeed make further consultations with experts and our technical people in the petroleum sector because it is very obvious that a lot of information is getting across to us.

The Chairman: To my knowledge there was no Motion that was moved by the Deputy Whip; he was only making an observation.

Hon. Agidani, do you want us to continue?

Hon. Solomon Agidani: Yes, please.

The Chairman: How?

Hon. Solomon Agidani: By asking me question where you are not satisfied.

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The Chairman: All right. Like in No. 1: *All the above findings and suggested solutions listed in 3.2 should be aggressively followed for implementation.*

Now, it is as part of this one that one item has been identified - the issue of LPFO for example. We have to go back again to the entire findings; we need to take them one by one, look at them to know whether or not they are all right before we can amend or approve.

Hon. Solomon Agidani: Mr. Chairman with due respect, I am not a new comer in this House. I did not bring a Report that should be wholly adopted by this House. Adoption of Reports is as presented or with amendments.

The Chairman: All right. The issue here is that the first one is for us to adopt the findings; that is the recommendations.

Hon. Solomon Agidani: Mr. Chairman if you have any problem with any of the findings please point it out.

The Chairman: One of it has been pointed out; the issue of LPFO.

Hon. Solomon Agidani: Do you want to suggest an amendment to that?

The Chairman: If we can go back to the findings, you know you did not read everything out. Even some of the findings may not also be in consonant with what (*interruption*)

Hon. Igochukwu N. Aguma: Please let us follow the process here. If you permit me I will read it again.

The Chairman: Go ahead.

Hon. Igochukwu N. Aguma: Recommendations are what we are dealing with. By the time you take an omnibus Clause in recommendation to convert findings to recommendations, it becomes a problem. That is why we are having this problem because you are seeing some actions of the Ministry; you are saying that we should approve the actions of those Ministries whereas we are not part and parcel of the Ministry.

The Chairman: Which Ministry is that?

Hon. Solomon Agidani: The Ministry of Commerce and Industry.

Hon. Igochukwu Aguma: There are many of

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them. I will give you an example. *The ministry is interceding on behalf of the industrial sector and NIPP to ensure that the sector is adequately covered under the NIPP Scheme. The honourable Minister has met with the counterpart of Ministry of Power and a 1-day Forum of Manufacturers CEOs will soon hold. Should we approve such a thing? This is unbecoming of the National Assembly because by Recommendation (i), he is telling us to approve that. Let me give you more examples.*

Hon. Solomon Agidani: Let me explain that.

Hon. Igochukwu N. Aguma: We cannot approve an Executive meeting; we are not bound by that. I will give you another one. *The ministry in collaboration with other relevant government agencies has intensified the campaign for promotion of increased utilisation of local raw materials and drastic reduction in imported inputs through the backward integration policy. Is that a recommendation?*

Hon. Solomon Agidani: No it is not a recommendation; that is a finding.

Hon. Igochukwu Aguma: By recommendation (i) you have said that we should approve it.

Hon. Solomon Agidani: Remove Recommendation (i) if you want. If that is the problem, these are our findings.

The Chairman: Hon. Solomon Agidani, you are only receiving this heat for nothing; you are four or five in number.

Hon. Solomon Agidani: Yes.

The Chairman: Let us leave this issue until when the remaining three Chairmen are here. Let them go back and reconsider the recommendations and suggest better recommendations for the House.

Hon. Solomon Agidani: There is no problem; I can defend it.

Question put and agreed to.

By leave of the House, Bill deferred for further consideration.

**Federal Capital Territory College of Education
(Establishment) Bill, 2009**

A Bill for an Act to Establish the Federal Capital Territory College of Education, and other

**Matters connected therewith 2009 - CONSIDERED
IN THE COMMITTEE OF THE WHOLE.**

The Chairman: The next Report is on a Bill for an Act to Establish the Federal Capital Territory College of Education and other Matters Connected Therewith. It is committed to the Committee of the Whole.

**Part I – ESTABLISHMENT OF FEDERAL CAPITAL
TERRITORY COLLEGE OF EDUCATION**

Clause 1 - (ESTABLISHMENT OF FEDERAL CAPITAL TERRITORY COLLEGE OF EDUCATION) – ordered to stand part of the Bill.

Clause 2 – (GOVERNING COUNCIL OF THE COLLEGE) - ordered to stand part of the Bill.

Clause 3 – (MEMBERSHIP OF THE COUNCIL OF THE COLLEGE) - ordered to stand part of the Bill.

Clause 4 – (TENURE OF OFFICE OF MEMBERS OF THE COUNCIL)

The Chairman: It is put at 3 years here.

Hon. Solomon Agidani: I propose that it be amended to 4 years.

Amendment put and agreed to.

Clause 4 – (TENURE OF OFFICE OF MEMBERS OF THE COUNCIL) – as amended ordered to stand part of the Bill.

Clause 5 – (FUNCTIONS OF THE COLLEGE) - ordered to stand part of the Bill.

Clause 6 – (POWERS OF THE COUNCIL) - ordered to stand part of the Bill.

Clause 7 – (VISITATION) - ordered to stand part of the Bill.

Clause 8 – (THE ACADEMIC BOARD AND ITS FUNCTIONS) - ordered to stand part of the Bill.

Clause 9 – (POWER OF MINISTER TO GIVE DIRECTIONS TO THE COUNCIL)

Question proposed.

Hon. David Onobi Idoko
(Ado/Ogbadibo/Okpokwu): I think we should make

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provisions that will stand the test of time. I believe that we would not always have the Minister of FCT; we may probably have something different. We may have a Mayoral for example. As the Chairman of the Constitution Amendment Committee, I am sure you are looking at that, Sir.

The Chairman: There is no request from anybody yet.

Hon. David Idoko: I was looking at the possibility of putting up something that would be able to save them. This is because the Minister or whoever is in charge of the FCT has the oversight function of the FCT.

Hon. Ita Enang: A Minister will always be a Minister and if by any means in the course of amending the Constitution we create a Mayoralty out of Abuja, the instrument creating it will be done by this House and in such instrument the way a general provision is normally done in that instrument is wherever this appears substitute for this in every law of a general nature. That can be taken account of at that time.

Hon. David Idoko: Let it be noted that the Constitution does not recognise the Minister of FCT. It recognises the President as overlooking FCT. In that regard, how are you going to do that amendment?

The Chairman: When the time comes such things would be taken care of.

Question put and agreed to.

Clause 9 – (POWER OF MINISTER TO GIVE DIRECTIONS TO THE COUNCIL) - ordered to stand part of the Bill.

Clause 10 – (THE PROVOST OF THE COLLEGE) – ordered to stand part of the Bill.

Clause 11 – (DEPUTY PROVOST) - ordered to stand part of the Bill.

Clause 12 – (THE REGISTRAR AND OTHER STAFF OF THE COLLEGE) - ordered to stand part of the Bill.

Clause 13 – (OTHER PRINCIPAL OFFICERS OF THE COLLEGE) – ordered to stand part of the Bill.

Clause 14 – (RESIGNATION OF APPOINTMENT OF PRINCIPAL OFFICERS) – ordered to stand part of the Bill.

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Clause 15 – (OTHER EMPLOYEES OF THE COLLEGE) - ordered to stand part of the Bill.

Clause 16 – (SELECTION BOARD FOR OTHER PRINCIPAL OFFICERS) - ordered to stand part of the Bill.

Clause 17 – (PENSIONS) – ordered to stand part of the Bill.

PART II - FINANCIAL PROVISIONS

Clause 18 – (FINANCIAL PROVISIONS)

Hon. Shuaibu Hashimu Abdullahi: Clause 18 (2)(a) says:

There shall be paid and credited to the fund established under subsection (1) of this section –

(a) Such funds as may from time to time be granted to the Council by the Minister in charge of the Federal Capital Territory.

Is it the Minister that is supposed to provide the funds to run the Council of the College or the appropriation we pass in this Assembly?

The Chairman: He is saying that it may be granted by the National Assembly instead of the Minister.

Hon. Ita Enang: I want to propose an amendment to Clause 18(2)(a) as follows: *Such sums as may be appropriated by the National Assembly.*

Hon. Igochukwu Aguma: Mr. Chairman, Clause 18(3): *The Council shall submit to the Minister not later than three months before the end of each financial year or at such other time as he may direct, an estimate of its revenue and expenditure for the next succeeding financial year* is an incomplete statement.

The Chairman: That one is talking about estimate while this one is talking about fund. I will now put the Amendment on Clause 18(2) as proposed by Hon. Ita Enang as follows: *Such sums as may be appropriated by the National Assembly.*

Amendment put and agreed to.

Clause 18 – (ESTABLISHMENT OF FUND FOR THE COLLEGE) – as amended ordered to stand part of the Bill.

Clause 19 – (POWER TO ACCEPT GIFTS)

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Hon. Ita Enang: Clause 19: *The Council may accept gifts of land, money or other property upon such terms and conditions if any, as may be specified by the person making the gift.*

This is wrong, Sir. It should read thus: *on such terms and conditions as are not unconscionable.*

Amendment put and agreed to.

Clause 19 – (POWER TO ACCEPT GIFTS) - *as amended ordered to stand part of the Bill.*

Clause 20 – (ACCOUNTS AND AUDIT) - *ordered to stand part of the Bill.*

Clause 21 – (ANNUAL REPORTS) – *ordered to stand part of the Bill.*

PART III – MISCELLANEOUS AND SUPPLEMENTARY

Clause 22 – (OFFICES AND PREMISES) – *ordered to stand part of the Bill.*

Clause 23 – (DISCIPLINE OF STUDENTS) – *ordered to stand part of the Bill.*

Clause 24 – (INTERPRETATION) – *ordered to stand part of the Bill.*

Clause 25 - (SHORT TITLE) – *ordered to stand part of the Bill.*

Schedule, agreed to.

Proceedings, agreed to.

Miscellaneous, agreed to.

Long Title – (A BILL FOR AN ACT TO ESTABLISH THE FEDERAL CAPITAL TERRITORY COLLEGE OF EDUCATION AND OTHER MATTERS CONNECTED THEREWITH) - ordered to stand part of the Bill.

Hon. Solomon Agidani: Mr. Chairman, please help me let us revisit the Bill on Revitalising the Textile Industry in Nigeria. What is worth doing is worth doing well.

The Chairman: I will put a question on his request.

Question put and negatived.

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Hon. Emeka Ihedioha: Mr. Chairman, I move that the House do revert to Plenary.

Hon. Ita Enang: I second the Motion that the House reverts to Plenary.

Question put and agreed to.

House in Plenary

(The Deputy Speaker resumed the Chair)

The Deputy Speaker: Hon. Colleagues, the House, in the Committee of the Whole, considered the Report of the Joint Committee on Petroleum Resources (Upstream) and Gas Resources on a Bill for an Act to Provide for the Development of Nigeria Content in the Nigerian Oil and Gas Industry; for Nigerian Content plan; for Supervision, Coordination, Monitoring and Implementation of Nigerian Content and for Matters Incidental Thereto;

Approved Clauses 1 and 2;
Amended Clause 3;
Approved Clauses 4 to 10;
Retained the original provision of Clause 11(2);
Approved Clauses 12 to 15;
Retained the original provision in Clause 16;
Approved Clauses 17 to 50;
Amended Clause 51;
Approved Clause 52;
Amended Clause 53;
Retained the original provision in Clause 54;
Approved Clauses 55 to 80;
Deleted Clause 81;
Approved Clause 82;
Amended Clause 83(c);
Approved Clause 84;
Amended Clause 85;
Approved Clauses 86 to 92;
Deleted Clause 93(d);
Approved Clauses 94 to 96;
Amended Clauses 97 and 98;
Deleted Clauses 100(2)(3) and (4) and Clause 101;
Approved Clauses 102 to 106;
Amended Clause 107;
Approved Clause 108;
Amended Clause 109;
Approved Clause 110;
Deleted Clause 111;
Amended Interpretation Clause;
Approved the Citation;
Approved the Schedule; and
Approved the Long Title.

The House also in the Committee of the Whole considered the Report of the Joint Committee on Industry, Commerce, Agriculture and Water Resources

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on Revitalization of the Textile Industry in Nigeria and deferred consideration.

The House also in the Committee of the Whole considered the Report of the Committee on FCT on a Bill for an Act to Establish the Federal Capital Territory College of Education and Other Matters Connected Therewith and –

Approved Clauses 1 to 17;
Amended Clauses 18 and 19;
Approved Clauses 20 to 25;
Approved the Schedule; and
Approved the Long Title.

Adoption of Reports

Hon. Emeka Ihedioha: Mr. Speaker, I move that the House do adopt the recommendations of the Committee of the Whole.

Hon. Aminu Waziri Tambuwal: I second the Motion as moved by the Chief Whip.

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Question put and agreed to.

Resolved: That the House do adopt the recommendations of the Committee of the Whole.

ADJOURNMENT

Hon. Ita Enang: Mr. Speaker, I move that the House do adjourn till Tuesday, 27th October, 2009 at 10:00 a.m.

Hon. Rufus Omeire (Ideato North/Ideato South): I rise to second the Motion as moved by Hon. Ita Enang.

Question put and agreed to.

Resolved: That the House do stand adjourned till Tuesday, 27th October, 2009 at 10:00 a.m.

The House adjourned accordingly at 3:34 p.m.