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HOUSE OF REPRESENTATIVES

FEDERAL REPUBLIC OF NIGERIA

Tuesday, 30th June, 2009

The House met at 10.45 a.m.

PRAYERS

(The Deputy Speaker in the Chair)

VOTES AND PROCEEDINGS

The Deputy Speaker: Hon. Members, the House is called to order. I have examined and approved the Votes and Proceedings of Thursday, 25th June, 2009.

ANNOUNCEMENTS

Visit of Staff and Pupils of Unimodel School, New Karu, Nasarawa State

The Deputy Speaker: We have in the Gallery today, pupils of Unimodel School, New Karu, Nasarawa State

Can you, please, stand for recognition?

(Staff and Pupils stood up for recognition)

Meeting of South-West Caucus

The Deputy Speaker: This announcement is from Hon. Ayo. There will be a meeting of the South-West Caucus today Hearing Room 1 immediately after sitting.

Meeting of the Committee on National Assembly Budget and Research Office

The Deputy Speaker: The Committee on National Assembly Budget and Research Office (NABRO) will be meeting tomorrow at 11:00 a.m. at the usual Meeting Room.

PRESENTATION OF PUBLIC PETITIONS

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

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Suspension without Cogent and Verifiable Reasons

Hon. Gozie Agbakoba (Onitsha North/Onitsha South): Mr. Speaker, I have a Petition from a constituent, Dr. Godwin Okonkwo. He was appointed a Dental Officer, Federal Medical Centre, Asaba on 14th September, 2006. A year later he was suspended without cogent and verifiable reasons. He prays that he be restored to his job through the intervention of this honourable House.

Mr. Speaker, with your permission, I will lay the Petition on the Table.

Petition laid.

Wrongful Removal from Office

Hon. Uche Ekwunife (Anaocha/Njikoka/Dunukofia): Mr. Speaker, I have a Petition here from one of my constituents. The Petition is a case of wrongful removal of the former Commissioner of Insurance from office before the expiration of his five-year tenure. The Petitioner was supposed to hold the office for five years but he was removed after three years of serving the Commission. The Petitioner is seeking the intervention of this House in getting justice done in this case.

With your kind permission, Mr. Speaker, may I lay the Petition on the Table?

Petition laid.

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

Petitions accordingly referred to the Committee on Public Petitions.

House in Executive Session

Hon. Shehu Baba Agaie (Agaie/Lapai): I move that this House do resolve into Executive Session.

Hon. Shehu Garba Matazu (Matazu/Musawa): I second the Motion moved by the Deputy House Leader.

Question put and agreed to.

Resolved: That this House do resolve into Executive Session.

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Sitting suspended: 10.50 a.m.

Sitting resumed: 11.55 a.m.

ORDERS OF THE DAY

MOTIONS

Oil Spillage in Warri South LGA, Warri Federal Constituency Delta State

The Deputy Speaker: The third Order of the Day is Motion on Oil Spillage in Warri Federal Constituency of Delta State standing in the name of Hon. Daniel Oritse Rayenieju.

Hon. Daniel Oritse Rayenieju is hereby invited to make his Motion.

Hon. Daniel Oritse Rayenieju (Warri): Mr. Speaker, my Motion is on oil spillage in Warri South Local Government, Warri Federal Constituency of Delta State. This House:

Notes the recent massive oil spillage in communities in Warri South Local Government Area of Delta which occurred on the 6th of June, 2009 as a result of capsized oil vessel MTJS AMAZING IMO 730443 at Nigerian National Petroleum Corporation (NNPC) private jetty at Ijalla Community belonging to Pipeline and Products Marketing Company (PPMC) Limited;

Worried that this oil spill poses a serious danger to the lives of the citizens living in the affected communities and aquatic lives;

Concerned that this oil spill brings about social and economic consequences with untold hardship rendering the affected communities without means of livelihood;

Resolves to:

- (i) Mandate the Joint Committee on Petroleum Resources (Downstream) and Environment to investigate the matter and assess the extent of damage and report to the House within four (4) weeks;
- (ii) Urge the National Emergency Management Agency (NEMA) to provide relief materials to the affected communities;

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- (iii) Further urge the National Oil Spill Detection and Response Agency (NOSDRA) to immediately commence clean-up exercise in the affected areas.

I so move.

Hon. Leonard Okuweh Ogor (Isoko North/Isoko South): Mr. Speaker, with due humility, I second the Motion moved by Hon. Daniel Oritse Rayenieju.

Question proposed.

Hon. Daniel Rayenieju: This Motion is predicated on the incident that happened in my Constituency on the 6th of June, 2009. This incident was very unfortunate. Although it occurred as a result of operational error which was not deliberate but the matter is that it actually occurred.

Amazing Grace is the vessel belonging to an indigenous liner that is most concerned with the movement of crude between refineries within the Niger Delta to other refineries for refining purposes. Each capacity is about 3,000 metric tons and on this faithful day, 6th June 2009 at about 1.00 a.m., Amazing Grace was being loaded at the NNPC jetty. Unfortunately, due to operational errors and equipment failure the vessel had an accident and about 3,000 metric tons of crude oil that was already loaded in the vessel was completely discharge in the waters of Warri River.

As we all know, the Warri River is a tidal river that flows every six hours and from the 6th till the 9th which was a weekend before the response to contain the fast spread of this product, it had already gone across to over fifty communities along the coastal area of Warri Local Government.

The effect of this spill is very enormous. The effect on the landscape, the swamp and the mangrove is something we can say is immeasurable. As we speak, quite unfortunately, the PPMC does not even have a single broom which is a containment equipment to actually contain this oil spill when it occurred and the people of this area depend on this river water for their means of livelihood which is farming and fishing. They also drink, bath and cook with this water. Since this incident happened, these people have been suffering a lot of untold hardship as a result of the spill; the waters are polluted, the mangroves are damaged and the entire environment has been terribly affected.

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As I said earlier, this Motion is very straightforward. What we are looking at is that government agencies most especially should lead by example. It is unfortunate that an arm of the agency such as PPMC which operates in a dangerous terrain and with dangerous chemicals will not have emergency response equipment. This is very sad and it is very apologetic.

For the records, it is strongly my belief that it is the responsibility and duty of Parliament for the sake of our health and our lives to protect our environment and also for the sake of the natural environment that we will definitely have to pass unto the upcoming generation.

I so plead and I believe that this honourable House will understand the plight in which the people of my constituency are going through as a result of this spill. I will not belabour this House to explain so much on this but I must say, lastly, that the effect of such spill sometimes can be cancerous; that is our fear. Something has to be done.

Hon. Colleagues, I appeal that my Motion be supported.

Hon. Sani Mohammed Aliyu (Rano/Bunkure/Kibiya): First of all, I commend the mover of this Motion for his concern regarding the incident that occurred in his area which caused a lot of difficulty in the livelihood of the people living in that area.

While commending him and supporting this Motion, I would like to propose an Amendment to Prayer (i). I want the Committee on Marine Transport to be included to join the Committee on Petroleum Resources and Environment to investigate the matter and report to the House within four (4) weeks.

Hon. Clever Marcus Ikisikpo (Ogbia): Mr. Speaker felt I am the sponsor of this Motion to the House. It is a very good Motion, a Motion to help his people. What happened was an accident. An accident does not ring bell. It is also good to note that the oil spill was not from a pipeline. If it was, the company might claim that it was the handiwork of some criminals or militants but this was an accident. We cannot blame them so much for what has happened because they did not really know that it will happen at that time. The company itself does not want to make loses. So we do not really want to blame them too much.

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This Motion does not need a lot of debate because what happened was an accident and the prayers so given are very straightforward. Therefore, I will urge my Colleagues to pass the Motion and the prayers as it is.

Hon. Friday Itulah: Mr. Speaker, I have an Amendment to Prayer (i). The fact of this Motion is already laid very bare in the first stanza. We have been told the story of what had happened; a ship capsized and there was a spillage. I believe what we need to do and give consideration to is Prayer (ii) which is asking NEMA to provide relief materials to the affected communities and asking the agency in charge of oil spill detection to do the clean up.

Asking any Committee whether it is one or two to go and investigate what we already know is tantamount to wasting of time. Therefore, we should delete Prayer (i) and go straight to Prayers (ii) and (iii).

The Deputy Speaker: Hon Members, the question is that Prayer (i) be deleted

Hon. Solomon U. Agidani (Apa/Agatu): Mr. Speaker, I second the Amendment proposed by Hon. Itulah.

Amendment put and agreed to.

Hon. M. Aliyu Rano (Rano/Bunkure/Kibiya): Mr. Speaker, I have an amendment to Prayer (i). The Amendment is that we include the Committee on Marine Transport.

A hon. Member: Prayer (i) has been deleted.

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

Main question as amended put and agreed to.

The House:

Noted the recent massive oil spillage in communities in Warri South Local Government Area of Delta which occurred on the 6th of June, 2009 as a result of capsized oil vessel MTJS AMAZING IMO 730443 at Nigerian National Petroleum Corporation (NNPC) private jetty at Ijalla Community belonging to Pipeline and Products Marketing Company (PPMC) Limited;

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Worried that this oil spill poses a serious danger to the lives of the citizens living in the affected communities and aquatic lives;

Concerned that this oil spill brings about social and economic consequences with untold hardship rendering the affected communities without means of livelihood;

Resolved to:

- (i) Urge the National Emergency Management Agency (NEMA) to provide relief materials to the affected communities;
- (ii) Further urge the National Oil Spill Detection and Response Agency (NOSDRA) to immediately commence clean-up exercise in the affected areas.

CONSIDERATION OF BILLS

Public Service Commission for the Federal Capital Territory (Establishment) Bill, 2009

A Bill for an Act to establish a Public Service Commission for the Federal Capital Territory and for Matters Connected Therewith, 2009 (HB. 189) -

Order for Second Reading.

The Deputy Speaker: The second Order of the Day is commencement of debate on a Bill for an Act to Establish a Public Service Commission for the Federal Capital Territory and for Matters Connected Therewith, 2009 (HB. 189).

The sponsor of the Bill, Hon. Emmanuel Bello called me that he is out of the country and will not be able to take the Bill today. He requested that the Bill be stood down.

Bill with the leave of the House stood down.

Importation of Used and Substandard Tyres (Prohibition) Bill, 2009

A Bill for an Act to make it Mandatory for Tyres to bear Manufacturing and Expiry Dates and to Prohibit the Importation of Used and Substandard Tyres and for Related Matters, 2009 (HB. 227) -

Order for Second Reading.

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The Deputy Speaker: The third Order of the Day is commencement of debate on the general principles of a Bill for an Act to make it Mandatory for Tyres to bear Manufacturing and Expiry Dates and to Prohibit the Importation of Used and Substandard Tyres and for Related Matters, 2009. The Bill was read the First Time on Thursday, 14th May, 2009.

I now invite Hon. Ekperikpe Ekpo to move that the Bill be now read the Second Time.

Hon. Ekperikpe Ekpo (Abak/Etim Ekpo/Iko): I move that a Bill for an Act to make it Mandatory for Tyres to bear Manufacturing and Expiry Dates and to Prohibit the Importation of Used and Substandard Tyres and for Related Matters be read the Second Time.

Hon. Ifaluyi Isibor (Egor/Ikpoba/Okha): I second the Motion that the Bill be read the Second Time.

Question proposed.

Hon. Ekperikpe Ekpo: The Bill seeks to make it mandatory for all tyres manufactured in the country or imported into the country to carry expiry and manufacturing dates and that the expiry date should not exceed three years. It should also ensure that the quality of tyres so produced meet international standards. The Bill equally seeks to prohibit the importation of used tyres referred to as *tokunbo* into the country.

My study and analysis from the Federal Road Safety Commission reveals that 80 *per cent* of road accidents are caused by tyre burst and not less than 60 *per cent* of vehicles especially commercial vehicles use either substandard or used tyres. To this end, this Bill intends to put a stop to the danger in which motorists, pedestrians and passengers are exposed to. The rate at which *tokunbo* tyres are being imported into the country is worrisome. We have importation and smuggling of substandard tyres into Nigerian market. It is quite alarming and it is to the detriment of motorists, pedestrians and passengers. It should equally be noted that these used tyres fall under the import prohibition list. The fact is that Nigerians are unaware and uneducated on the issue of tyres expiring after a period of time and so continue to patronise them. They continue to use them at the detriment of their lives.

It should be noted that if you buy a new tyre today and store it for three years, it can cause serious danger to the user, pedestrians and passengers whether you use it or not. I included pedestrians because if accident

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happens at a high density area, it can affect innocent people who may be at the roadside, market place or wherever such accidents happen. Therefore, it would not be out of place to inform Nigerians that tyres expire after a period of time and, of course, you need not to run after tyre users so long as expiry date is printed on them. One would have said we should forget about this but the concomitant effect is that the person buying the tyre will use it in the car to carry other people such that innocent people may fall victim of used or expired tyres.

I plead with this House to give this Bill serious consideration for public safety. It should be noted that the thread of the tyre should be about 6.8 millimetres. In some countries like UK, if the tyre reduces to 1.6, it is illegal to use it. Here in Nigeria, we do not have mechanised workshop that will help us to understand the important aspect of the tyre, which is a life danger item. I plead with my hon. Colleagues that we are talking about public safety. Let us give consideration to this Bill by taking it to the Committee level where we can do justice to it. It is either you extend beyond it or limit it to the level of presentation. On that very note, I thank you very much and once again call on every one of us to be sympathetic about this Bill and allow it to go through.

Hon. Leo Ogor: Mr. Speaker, my point of support for this Bill is based on one particular angle and it borders on Section 14(2) of our Constitution that stipulates that the security and welfare of the people is the primary responsibility of the Government.

You will agree with me that today our markets are flooded with used tyres; tyres that have been dumped all over the place, looking for the possibility of dumping them somewhere. At the end of the day these tyres are condemned and confirmed unworthy for use on the roads but they end up in our markets.

I agree to the fact that the economic situation is bad but the truth at every given time must be said. The rate of accidents on our roads is quite alarming and about 80 to 90 *per cent* of them occur from these used tyres. I therefore, would like to appeal to Members and my highly respected Colleagues that we need to take a clinical analysis of this situation.

The Federal Government of Nigeria as a nation has invested so much money in human capital development. We end up losing this huge amount of investment on our roads due to accident. We need to

look at the particular angle and look at the possibility of saving this number of people that are dying on our roads.

Hon. Solomon U. Agidani (Apa/Agatu): Mr. Speaker, I completely give my support to this important Bill. I do so because by classification a tyre is a life danger item under the Standards Organisation of Nigeria classification. It is life danger in the sense that if you fix a defective tyre in your vehicle, you are endangering both the life of the occupants of the vehicle and other road users. Therefore, this issue of tyre should be taken seriously. As we speak, there are over one hundred and forty brands of tyres in Nigerian markets. Most of them come from all manners of entry points into the hinterland.

The Standards Organisation of Nigeria is having a serious problem trying to contend with all these entry points and what tyres are classified as usable in Nigeria and those that are illegally brought into the country.

Two Tyre manufacturing companies, Michelin and Dunlop, have closed shop because we have not been able to take a hold on what tyres should enter Nigeria and what tyres should not. The issue of unfair competition has driven these two companies to close shop.

For instance, Dunlop is now producing tyres in South Africa and bringing them back to Nigeria. Michelin is having a factory somewhere manufacturing tyres in the West African coast and bringing them back to Nigeria to sell because it has become uncompetitive for them to produce using their factories in Nigeria. These are very serious concerns for the employment situation in Nigeria because when we build a factory outside this country we are promoting employment in those places.

Therefore, this law that is being packaged is very important for our economy to pick up particularly with regard to the use of tyres and to save lives as statistics will show that 30 *per cent* of road accidents are as a result of defective tyres. It is only in this country that second-hand tyres are still being allowed in the market. For the avoidance of doubt, whether you use a tyre or not, once a tyre is produced, it begins to run a full life after five years. So, whether you keep it in your house or in the store, after five years that tyre is supposed to have expired. How will you convince somebody that the tyre that has probably been used elsewhere is still useful for another road user in Nigeria?

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The point here is that those tyres are life danger items and they should be banned. **Hon. Alex Ikor Ukam** (Akamkpa/Biase): Mr. Speaker, this Bill is a good one having listened to the mover of the Bill and my Colleagues who have spoken so far.

Instead of having a separate Bill, I would rather advice the initiator of this Bill to call for an Amendment of the Road Safety Act. I am coming from this background because the second part of this Bill that has to do with used and sub-standard tyres has already been covered by the Federal Road Safety Act. It is better that we call for an Amendment of the Road Safety Act to include the first aspect of this Bill instead of duplicating laws because I know that that law can adequately cover this aspect of it. It is a nice Bill, Sir.

Hon. Ahmed Idris (Wase): Mr. Speaker, with you kind permission, I am compelled to speak against this Bill. First, the economy globally is going down the drain. I believe that the factors that had compelled Nigerians to use second-hand tyres are well known to all of us.

I believe that there is a schedule given to the Nigerian Standard Organization to inspect all products coming into the country. By the time you go through their own functions under the Act establishing them, it says: *Provide the necessary measure for quality control of raw materials and products in conformity with the standard specifications.*

This is a very clear mandate. I believe that we do not need another Bill to enforce that. The initiator of the Bill should come through an Amendment of this law. By the time we start saying that our tyres should have an expiry period of three years, we are just trying to deceive ourselves because we know what is happening in Aba; very soon they will begin to produce another one there through threading and re-threading.

I urge this House to, please, put this Bill aside.

The Deputy Speaker: Who is representing Aba? Hon. C. I. D. Maduabum, are you representing Aba?

Hon. C. I. D. Maduabum (Nnewi North-South/Ekwusigo): Mr. Speaker, I am opposing this Bill for the following reasons:

One, Section 13 or so of the Customs and Excise Management Act already contain powers on issues of importation, exportation, banning of goods in the country. The power is clear and this House has also

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passed a Bill which says if the President wants to ban any item, import or export, they can go ahead but they must bring it to the National Assembly for approval. There is a law already passed by the National Assembly on that. So, this law in my view is not necessary for the simple reason that there are many items that may be banned in a particular fiscal year and there are some items that may be let off in a particular fiscal year and it is not something that you should come to the National Assembly to amend or to change.

Most importantly, let us even go to the facts. I am of the view that the Standards Organization of Nigeria is the organisation that should be strengthened to do its work. They are the people that should determine whether a particular tyre is sub-standard or not by virtue of their own rules.

Thirdly, let us also face it; 90 *per cent* of Nigerians cannot afford buying new tyres; that is the truth. I am not saying that they should buy death traps. I am saying that the Standards Organisation of Nigeria should be in a position to check if a particular used tyre is sub-standard or not. It is not all used tyres that are sub-standard. The elite in this Chamber can afford new tyres but how many of the ordinary people in the streets can afford new tyres? I am not saying that they should be death traps but we should strengthen the Standards Organisation of Nigeria to do its job.

I strongly urge my Colleagues that we should strengthen the capacity of Standards Organisation of Nigeria to check these things but we also have a duty to the people we represent pending when our economy becomes buoyant enough that every citizen can buy new tyres.

Hon. Stanley Ohajuruka (Umuahia North/South/Ikwuano): I am minded to oppose this Bill for the following reasons. Let me reiterate that a tyre is one of the components that make up a car. If by way of legislation we now engage in passing a Bill into law that will bring about expiry date on a component of a car, that also presupposes that subsequently we may now be minded to enacting other legislation that will also bring about expiry date on other components of a car because it is not only tyres that may require expiry date.

Secondly, as my other Colleagues have said, we all know that almost 90 *per cent* of vehicles that are being used in this country today are fairly used vehicles. Most of these vehicles are brought into this country sometimes in very good shape. Are we now saying that

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when you buy a fairly used car you will be required to remove all the tyres if they do not bear expiry date?

What I think that we need to do is to engage in other international best practices which has to do with the agencies that are vested with the responsibility of ensuring the quality of the state of vehicles as they are should be strengthened to ensure that any vehicle that is imported to this country has very good tyres on them. That is what Standards Organisation and Road Safety Commission are meant to do. That is what obtains in other countries. We are not the ones manufacturing these tyres and there is no way we can enforce this Bills as it were.

I asked around and what I was told was that the inscription instead of being written outside will be written inside the tyres. I do not know how somebody will now deflate the tyres and begin to search for expiry dates when a vehicle is stopped. Having said this, I urge my dear Colleagues to align with me to ensure that we only pass Bills that we can enforce into law.

Hon. Mohammed Umar Jega (Gwandu/Aliero/Jega): I want to throw my weight in support of this Bill for many reasons. The expiry date on a tyre will really indicate when the tyre is going to expire because the carnage on our roads is as a result of

substandard tyres. The materials used in producing these tyres have lifespan. In most advanced countries, the life span of these tyres is indicated. Therefore, it is important to ensure that our motorists use correct tyres with specific expiry date.

Secondly, most of the imported used tyres are expired in most cases but because our Standards Organisation does not do its job well, these tyres are still being used and are causing a lot of problems on our roads. Sticking to the provisions of this Bill will put an end to the importation of used tyres. It will give room for our local industries to be effective and be more productive so that more employment will be generated for our people and this will reduce the quantity of substandard tyres used on our roads. For these reasons, I am calling on my Colleagues to support this Bill so that lives and properties will be saved on our roads.

Hon. Bashir Omolaja Bolarinwa (Lagos Mainland): I thank the sponsor of this Bill. He has a good intention to have brought together this Bill. However, I want us to be practical. With due apology to my dear Colleagues, how many of us can afford to buy new tyres before we got here. The truth is that I do

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not know of anybody who does not want a new thing. It is the economic situation in the country that has forced Nigerians to go for *tokunbo* products, not only tyres this time around.

It is good that we need to protect the lives of Nigerian citizens but what is important at this point in time is to put everything in place to see that local industries are actually encouraged. In Nigeria these days, most of the companies that manufacture tyres have folded up. If these companies are encouraged to manufacture new tyres and if they are provided an environment that is conducive to operate, new tyres would be produced and they would be cheap so that Nigerians can afford them.

For that reason, I am of the opinion that this Bill be stood down for now.

Hon. Ita Enang: I want to assure my Colleagues, Hon. C. I. D. Maduabum and the Member representing Aba Federal Constituency, that this Bill is not dangerous to the interest of these people.

The principal purpose of this Bill, as explained in the Explanatory Memorandum, is to make it mandatory for tyres manufactured or imported into the country to bear manufacturing and expiry dates. That is the purpose of Sections 1 and 2 of this Bill.

Many Members have also expressed their reservations that this Bill could not come as an originating Bill but as an amendment to the Standards Organisation of Nigeria Act. Nothing stops this Bill when it is being considered by the Committee to make it an amendment to the Standards Organisation of Nigeria Act because what comes here is like a raw material; it is what goes out of here that becomes a refined product.

I pray that this Bill seeking to make it mandatory to inscribe the manufacturing date, the expiring date and to check the thickness of tyres should pass the Second Reading. The other issues, if any, on reservation will be addressed when it gets to Committee for consideration.

Hon. Soli Sada Jibia (Jibia/Kaita): Mr. Speaker, before I came here I used to buy and I have always bought new tyres. The same applies to a number of my Colleagues in this House.

This Bill is actually measured with the respective standard control which one will expect Standards Organisation, Customs, Road Safety and VIO to have

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for its enforcement. We will be doing disservice to this country if we do not allow this Bill to go through. We cannot compromise the safety and security of our people for whatever reasons. Even though people cannot afford new tyres, that should not debar us from passing a law that will guarantee the safety and lives of our road users; commuters and anybody that uses a vehicle or motorcycle.

This country is giving in to very unscrupulous people that keep on bringing tyres that will massacre our good citizens innocently and yet we have a law making body that should stop that. It is our responsibility and we must do that. It is not a compromise; it is a duty for this House to get this legislation through in order to protect the lives and property of our citizens.

Hon. Terngu Tsegba: There is nothing wrong in having tyres with inscription of manufacturing and expiry date. It is common knowledge that if you buy a new car and park it for upwards of three years and you attempt to use the car with the same tyres, the tyres will not be strong enough to carry the car. That goes to confirm that these tyres have lifespan and the essence of putting the manufacturing and expiry dates on these tyres is to give the user the opportunity to have an option to change the tyres or risk his life.

As responsible citizens and as people who are responsible to our country, one of our primary

responsibilities here in this Chamber is the protection of lives and property of our citizens. We can only do this if we do what is right.

To show you the importance of expiry date, it is mandatory that any manufacturer of any medication or drug must inscribe the manufacture and expiry dates. If you want you can still go and buy the expired drugs but you have an option of knowing that these drugs are useless after this date.

The same applies to tyres. Most of the accidents we are having today are not because the engine of the vehicle had knocked or the windscreen had broken, it is because the tyres have gotten so old and have expired and there is always a burst when the vehicle is in motion. It is very difficult to see a new car having a tyre burst while in motion. This is always attributed to old tyres, re-treaded tyres and old imported tyres. I think there is nothing wrong if we sit in this Chamber and we prohibit the importation of used tyres from any place in the world. These tyres are exported to Nigeria

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because they are no longer useful to those countries. If they are, nobody would have exported them to Nigeria. These tyres are exported and dumped in Nigeria partly because they are unserviceable and cannot be recycled in those countries.

I think this Bill is timely and we should pass it for Second Reading. We should not just pass it for Second Reading we should support it so that it will come into effect as a law of the Federal Republic of Nigeria.

Hon. Umar Buba Jibrin (Lokoja/Kogi): I want to support this Bill for reasons that most of our Colleagues have put forward and for the fact we will be surprised to find out that some of the so-called new tyres that we so much talked about are substandard. What it means is that in addition to putting manufacturing and expiring dates on tyres, the Standards Organisation of Nigeria should also be encouraged to look into the quality of tyres that are being manufactured and imported into this country.

It might surprise you that you will buy a new tyre and within the next three months the tyres have gone bad. I believe that the tyre industry needs to be properly looked into.

I support this Bill because it will go a long way in checking the excesses of our manufacturers and even the importers who take the safety of Nigerians at very low ebb for the benefit they derive

Hon. Shehu Garba Matazu (Matazu/Musawa):

First of all, I commend the sponsor of this very important Bill. This Bill is intended to save lives and property. As some previous Speakers have rightly pointed out, one of our major constitutional responsibilities is to make good laws for the good governance of Nigeria and Nigerians especially to safeguard the interest of our electorates to ensure that their lives and properties are protected.

Therefore, if in drugs and in many food products that are manufactured and produced either in Nigeria or outside this country, we have a standard whereby the date of manufacture and expiry are inscribed on them, I see no reason why we cannot do the same with tyres because I believe in Nigeria, more people use vehicles than people use drugs. We will go a long way in saving a lot of lives if we allow this Bill to pass through because once the date of manufacture and the expire date are inscribed on these tyres, then automatically the law enforcement agent will be able to check and find

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out those tyres that have indeed expired so that not only will they stop the users from using them but at the same time punish the users for not complying with the law.

Therefore, I urge my Colleagues to kindly support this Bill so that it can successfully pass through Second Reading. I so support.

The Deputy Speaker: I will put the question that the Bill be read the Second Time.

Question put and agreed to.

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

**Petroleum Production and Distribution
(Anti-Sabotage) Act, Cap 353 LFN
(Amendment) Bill, 2008**

A Bill for an Act to Amend the Petroleum Production and Distribution (Anti-Sabotage) Act, Cap 353 LFN to Vest the Regular Courts with Jurisdiction to try Offenders and Offences under the Act and for Matters Connected Therewith, 2008 (HB.139) -

Order for Second Reading.

The Deputy Speaker: The fourth Order of the Day is the commencement of debate on a Bill for an Act to Amend the Petroleum Production and Distribution (Anti-Sabotage) Act, Cap 353 LFN to Vest the Regular Courts with Jurisdiction to try Offenders and Offences under the Act and for Matters Connected Therewith, 2008 (HB. 139).

The Bill was read the First Time on Wednesday 13th May, 2009. I now invite Hon. Nicholas Mutu to move that the Bill be now read the Second Time. *(No response)*

Hon. Ita Enang, Hon. Mutu is not here to move the Motion. Can we stand it down?

Hon. Ita Enang: Yes, Mr. Speaker.

The Deputy Speaker: The Bill is stood down.

Bill with the leave of the House stood down.

**Making or Answering of Telephone calls while
Driving (Prohibition) Bill, 2008**

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A Bill for an Act to Prohibit the Making or Answering of Telephone calls while driving a car, motorcycle or bicycle on a Public Road and for other Matters Connected Therewith, 2008 (HB.74)

Order for Second Reading.

The Deputy Speaker: Is Hon. Nkiruka here? *(No response)*

Hon. Ita Enang: Mr. Speaker, with respect, Sir, we request that the Bill be stood down; it has some challenges.

The Deputy Speaker: The Bill is stood down.

Bill with the leave of the House stood down

**Federal Mortgage Bank of Nigeria Act, 1993
(Amendment) Bill, 2008**

A Bill for an Act to Amend the Federal Mortgage Bank of Nigeria Act, 1993; and for Matters Connected Therewith, 2008 (HB. 68) -

Order for Second Reading.

The Deputy Speaker: Is Hon. Wole Oke here to take his Bill? *(No response)*

Hon. Ita Enang: Mr. Speaker, I want to draw the attention of the House that this Bills, HB. 68, like some other Bills, have been on the Floor of this House for too long. When we are talking about the number of Bills that the House has not considered, this is what stands against us.

This Bill is only seeking one Clause Amendment. It is just to insert *one person to represent the Armed Forces in the capacity of Director of Army Finance* in the Federal Mortgage Bank Act.

The Deputy Speaker: Talk to him once more and let it be the last time you will talk to him.

Hon. Ita Enang: Yes, Mr. Speaker.

Bill, with the leave of the House stood down.

The Deputy Speaker: Is Hon. Godfrey Gaya here? *(No response)*

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Hon. Ita Enang: He is not here.

The Deputy Speaker: Is Hon. Halims Agoda here? *(No response)* Hon. Ayo, are you ready for your Report? *(No response)* Where is Hon. John Enoh? *(No response)*

Hon. Leo Ogor, are you ready?

Hon. Leo Ogor: Yes.

The Deputy Speaker: Hon. John Enoh is not here. It is better to take it when Hon. John Enoh is here since he is an integral part of that work.

CONSIDERATION OF REPORTS

Report of the Joint Committee on Governmental Affairs and Labour, Employment and Productivity on the Amendment of the National Minimum Wage (Amendment) Act, 2000

The Deputy Speaker: The tenth Order of the Day is the consideration of the Report of the Joint Committee on Governmental Affairs and Employment, Labour and Productivity on a Bill for an Act to Amend the National Minimum Wage (Amendment) Act, 2000 and for other Matters Connected Therewith, 2008 (HB. 84).

Hon. Members will recall that the Bill was laid on Thursday, 7th May, 2009. Hon. Leo Ogor is now invited to move for the consideration of the Report.

Hon. Leo Ogor: With all humility, I move that this House do consider the Report of the Joint Committee on Governmental Affairs and Employment, Labour and Productivity on a Bill for an Act to Amend the National Minimum Wage (Amendment) Act, 2000

and for other Matters Connected Therewith.

Hon. Umaru Ibrahim Kurfi (Dutsin Ma/Kurfi): I rise to second the Motion.

Question put and agreed to.

Resolved: That the House do consider the Report of the Joint Committee on Governmental Affairs and Employment, Labour and Productivity on a Bill for an Act to Amend the National Minimum Wage (Amendment) Act, 2000 and for other Matters Connected Therewith.

0110

Report of the Committee on Public Petitions on the Petition by Mr. Sunny S. Moniedafe against the Nigerian Maritime Administration and Safety Agency (NIMASA)

The Deputy Speaker: The eleventh Order of the Day is the consideration of Report of the Committee on Public Petitions on the Petition by Mr. Sunny S. Moniedafe against the Nigerian Maritime Administration and Safety Agency (NIMASA).

Hon. Members will recall that the Report was laid on Tuesday, 2nd June, 2009. Hon. C.I.D. Maduabum will now move for the consideration of the Report.

Hon. C.I.D. Maduabum: Mr. Speaker, with your kind permission, I move that this House do consider the Report of the Committee on Public Petitions on the Petition by Mr. Sunny S. Moniedafe against the Nigerian Maritime Administration and Safety Agency (NIMASA) and approve the recommendations therein.

Hon. Igwe Paulinus Nwagu (Ezza North/Ishielu): I rise to second the Motion.

Question put and agreed to.

Resolved: That the House do consider the Report of the Committee on Public Petitions on the Petition by Mr. Sunny S. Moniedafe against the Nigerian Maritime Administration and Safety Agency (NIMASA) and approve the recommendations therein.

Report of the Committee on Public Petitions on the Petition by Port Harcourt Flour Mills against the Bureau of Public Enterprises (BPE)

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

on Public Petitions on the Petition by Port Harcourt Mills against the Bureau of Public Enterprises (BPE).

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

Hon. C.I.D. Maduabum: Mr. Speaker, I move that this House do consider the Report of the Committee on Public Petitions on the Petition by Port Harcourt Flour Mills against the Bureau of Public Enterprises and approve the recommendations therein.

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Hon. Shehu Garba Matazu: Mr. Speaker, I do second the Motion moved by the Chairman, Committee on Public Petitions.

Question put and agreed to.

Resolved: That the House do consider the Report of the Committee on Public Petitions on the Petition by Port Harcourt Flour Mills against the Bureau of Public Enterprises and approve the recommendations therein.

Report of the Committee on Public Petitions on the Petition by Mr. Silas Omubo against the Nigerian Postal Services (NIPOST)

The Deputy Speaker: The thirteenth Order of the Day is consideration of the Report of the Committee on Public Petitions on the Petition by Mr. Silas Omubo against the Nigerian Postal Service.

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

Hon. C. I. D. Maduabum: Mr. Speaker, I move that this House do consider the Report of the Committee on Public Petitions on the Petition by Mr. Silas Omubo against the Nigerian Postal Service (NIPOST) and approve the Recommendations therein.

Hon. Bassey Edet Otu (Calabar Municipal/Odukpani): I second the Motion moved.

Question put and agreed to.

Resolved: That the House do consider the Report of the Committee on Public Petitions on the Petition by Mr. Silas Omubo against the Nigerian Postal Service (NIPOST) and approve the Recommendations therein.

Report of the Committee on Public Petitions on the Petition by Adokson Engineering Company Limited against the Bureau of Public Procurement (BPP)

The Deputy Speaker: The fourteenth Order of the Day is the consideration of the Report of the Committee on Public Petitions on the Petition by Adokson Engineering Company Limited against the Bureau of Public Procurement (BPP).

Hon. Members will recall that the Report was laid on Tuesday, 3rd March, 2009. Hon. C. I. D. is invited to move for the consideration of the Report.

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Hon. C. I. D. Maduabum: Mr. Speaker, I move that this House do consider the Report of the Committee on Public Petitions on the Petition by Adokson Engineering Company Limited against the Bureau of Public Procurement (BPP) and approve the Recommendation therein.

Hon. Ndudi Godwin Elumelu (Aniocha North/South/Oshimili North/South): I second the Motion moved by Hon. C. I. D. Maduabum.

Question put and agreed to.

Resolved: That the House do consider the Report of the Committee on Public Petitions on the Petition by Adokson Engineering Company Limited against the Bureau of Public Procurement (BPP) and approve the Recommendation therein.

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

Hon. Austin Nwachukwu (Ehime Mbano/Ihite Uboma/Obowo): Mr. Speaker, I do second the Motion moved by the Deputy Leader of the House.

Question put and agreed to.

Report of the Joint Committee on Governmental Affairs and Labour, Employment and Productivity on a Bill for an Act to Amend the National Minimum Wage (Amendment) Act, 2000 and for other Matters Connected Therewith, 2008 – CONSIDERED IN COMMITTEE OF THE WHOLE.

The Chairman: The first Report is the Report of the Joint Committee on Governmental Affairs and Labour, Employment and Productivity on a Bill for an Act to Amend the national Minimum Wage (Amendment) Act, 2000 and for other Matters Connected Therewith, 2008 (HB. 84).

Hon. Leo Ogor, please just give us a brief on the Report.

Hon. Leo Ogor: Mr. Chairman, the Committee had a Public Hearing but it is important that we brief you over the operations of this Committee.

As we all know Labour and the Executive are at the moment discussing this issue of Minimum Wage. As lawmakers, I believe it would be very dangerous for

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us to just sit down and fix the Minimum Wage. I agree to the fact that the present Minimum Wage of ₦11,132.00 (Eleven thousand, One hundred and Thirty-two Naira) per month is actually below the expected standard in line with inflation and other statistics that have followed. We, as a Committee, felt that because of the fact that there are some statistics that the Government and Labour are providing, we indeed recommend that there is the need for Government, Labour and other Stakeholders to conclude deliberation on the request for a new National Minimum Wage before legislation shall be effected on the matter.

It therefore, mean that because of the urgency of submitting a Report, we decided to brief the House to make them understand that this issue is still before us but as soon as it is concluded, it would be our responsibility in line with Section 4(2) to enact the right law for the good governance and make sure that the Minimum Wage is actually pegged.

Hon. Ita Enang: Mr. Chairman, when we send a Bill to a Committee to conduct Public Hearing, it is to submit recommendation(s) saying *yes* or *no*. It is not to bring a Report seeking extension of time after all these.

This Report is conclusive that the Committee has rejected the Bill for now. We cannot take the recommendation as made because what they came out with is a little bit being diplomatic and economical.

In Recommendation (i) the Committee said *Amendment deferred*. When there is a matter you either say *yes* or *no*. Let it be that they have said *no* to Recommendations (i), (ii) and (iii)

I agree that Labour and the Government are talking. At the end of their discussions, they can bring a Bill. The mere fact that they are rejecting this Bill at this time as the Committee had recommended does not stop Mr. President from initiating a Bill when they have concluded.

Therefore, it is politically wrong. It is also legislatively wrong for us to allow this Bill to be counted as one of the Bills pending before the House. If we leave it like this it means the House has not treated this Bill.

I therefore pray that it be taken that the recommendation of the Committee as they have said is that they have not agreed to this Bill and that this Bill is negative.

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The Chairman: Hon. Colleagues, this House gave the Committee an assignment. The Committee accepted to do the assignment. It went ahead and conducted a Public Hearing and it has come out with the result of what they have done as per the Public Hearing and their other sittings and this is the recommendation of the Committee.

To the House, the Committee has done its job. That is exactly what Hon. Ita Enang is saying now. You have done your job; this is your Report. Let us take your Report Clause-by-Clause. It is better that way than to keep the Report. I will now go to the Recommendations.

Recommendation (i): *The National Minimum Wage Act (in this Act referred to as the Amended Act) as amended is hereby further amended as set out in this Act.*

Committee's Recommendation: *Amendment deferred*. That means it is rejected.

Hon. Ita Enang: I want us to delete the words *Amendment deferred* and insert the correct legislative word *rejected*.

Hon. C.I.D. Maduabum: There is no need trying to resuscitate something that the Committee had deferred; it is not dead. The Committee simply has not done its work on this Bill that is patent from their own recommendations.

The Chairman: What Hon. Ita Enang is saying is that they have done their job but the correct words were not used.

Hon. C.I.D. Maduabum: No. It is very clear that they have not taken a decision on the Clauses and they have asked that they be allowed more time to take a decision on the Clauses.

The Chairman: Hon. C.I.D. Maduabum, let us hear from the Chairman of the Committee whether they have done their job or not.

Hon. Leo Ogor: It is important for people to appreciate the foundation from which we are coming. The statistics of fixing the Minimum Wage is purely that of the Government. In fixing a Minimum Wage, we have to take into consideration the economic situation and the ability. Besides, there is negotiation going on.

0115

Our position as a Committee is not to put the cart before the horse. We believe that, first and foremost, since Labour and Government are sitting at the moment and discussing this issue, it will be very dangerous for us to just come and present a Minimum Wage of either ₦10.00 or ₦20.00 before the Committee.

We were already seeking an opinion that let us hold on as a Committee because our responsibility will be to take the price at which they are going to agree and fix into the Bill. That is going to be our job. We are not going to go into negotiation with Labour and the Executive. That is why we resolved to defer this issue till the Executive and Labour conclude negotiations.

The Chairman: In a nutshell you have rejected it for now? That is what it means.

Hon. Friday Itulah (Esan North East/South East): Mr. Chairman, with due respect to the authority of the House, I want us to take a second look at what we are about to do. We have given an assignment to a Committee and the Committee in its own recommendation has said that the House should delay action on the assignment that has been given to them until some things are done. That is their recommendation.

It is for us to decide whether we are accepting this recommendation or we are rejecting it. If we are accepting it, their recommendation is that we should hold action. It is only when we reject the recommendation they have given to us that we can proceed to start considering the Clause by Clause recommendation by the Committee. Based on the explanation that they have given, the Committee is not in a position to determine what the Minimum Wage should be because of the variables that will need to be considered.

I am of the view that we should step the recommendation of this Bill down for now and go to other areas until such time that we would be able to do justice to fixing the Minimum Wage by legislation.

Hon. Terngu Tsegba: As a Member of this Committee, one of the reasons that informed us to defer this Minimum Wage (Amendment) Bill was the fact that if we reject this Bill outright by our own Rules, the Bill will not come in to this Assembly until the next Assembly. What we said was that we are not averse to a review of the salary on the wage Bill because there are certain parameters that determine a Minimum Wage. A Minimum Wage is not just getting salary; housing,

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transport, meal subsidy are all a percentage of a Minimum Wage. We are, therefore, of the view that other aspects should be determined.

Recommendation (i) also flows from Recommendation (ii) which has specific minimum wage capture which we said at that material time was not visible to us to determine what is the minimum wage based on other factors like housing, transport and other allowances.

Therefore, we said the Bill should be deferred for now, not that the Bill should be rejected outright. If we reject it, then maybe by our Rules it will not come within this calendar year until the next calendar year. There may be reasons within this time to review the Minimum Wage based on the negotiation going on between Labour and the Federal Government.

Therefore, we strongly suggest that the House should adopt our recommendations as contained here so that if, within the shortest possible time, agreement is reached between the Federal Government and Labour we will still come to this House to bring it in conformity with the legislation.

The Chairman: The problem was from the Committee. Since you know that the Federal Government and Labour are discussing on this matter, you could not have been in a haste to bring the Report otherwise you should have just come and inform the House that you have not finished your Report because negotiation is still going on between the Government and Labour. Now that you have presented your Report, what you should do now in order to avoid all these things is to write officially to withdraw the Report and wait for sometime. That will be a better solution.

Hon Leo Ogor: Mr. Chairman, sitting and listening to your comments and presentation with the wisdom that I see in it, as the Chairman of the Committee on Governmental Affairs I would want to withdraw that Report till the Government and Labour conclude their negotiation.

The Chairman: Is there any seconder?

Hon Ita Enang: With respect, Sir, is Hon. Leo Ogor withdrawing this Report for it to be recommitted to the Committee or is he withdrawing for the purpose of it being said that there is no Report of the Committee on Governmental Affairs on the National Minimum Wage because it could give us problem in auditing our Bills.

0117

Hon Leo Ogor: My Colleague is speaking as if the interest of the House is not his interest; rather the interest of his Committee is the most important. We are talking about the interest of the Nigerian people here and you are now saying we should reject or not.

We would appreciate it if you understand where we are coming from. We are saying that the Government and Labour have not concluded; it becomes important for us to withdraw this issue because you are the one that was pushing all of us to present our Report. The pressure came from your Committee level.

Now, we are telling you that yes, this is the situation and you are now complaining. Do you want to throw the Bill out?

The Chairman: Hon. Ita Enang, what we are saying is that it was based on your advice that this Report is being withdrawn at the moment. You want us to consider this Report so that it will be part of the Bills that we have considered in this House. But they are saying that they do not want this Bill to be rejected; they want it to be considered. However, they have a constraint. The constraint is that negotiation is going on between the Federal Government and Labour on this matter and they want them to conclude.

To put your views and theirs together, let them withdraw the Report; the House can oblige them that opportunity. They can withdraw the Report and then take it back and when the Government and Labour conclude their discussion, they can come back with a well-informed Report to the House.

Hon Ita Enang: Maybe the Report need be re-committed so that we can have a correct position than this Bill still remaining on the Floor of the House.

The Chairman: The question now is that the Bill be re-committed to the Committee.

Question put and agreed to.

Bill accordingly re-committed to the Joint Committee on Governmental Affairs and Labour, Employment and Productivity.

Report of the Committee on Public Petitions on the Petition by Mr. Sunny S. Moniedafe against Nigerian Maritime Administration and Safety Agency (NIMASA) – CONSIDERED IN THE COMMITTEE OF THE WHOLE.

0118

The Chairman: The next Report is the Report of the Committee on Public Petitions on the Petition by Mr. Sunny S. Moniedafe against Nigerian Maritime Administration and Safety Agency (NIMASA) alleging wrongful termination of appointment.

I call on Hon. C.I.D. Maduabum to brief the House before we take the recommendation.

Hon C.I.D. Maduabum (Nnewi North/South/Ekwusigo): This is a Petition alleging wrongful disengagement from NIMASA. The Committee conducted an Investigative Hearing where all the parties were present and we came to the following findings. With your kind permission, I read:

That the National Maritime Authority as it then was did not comply with Due Process in the procedure leading to the termination of the petitioner's appointment as it did not refer the findings and recommendation of its Disciplinary Committee to the Board for action as the Management did not have the authority to discipline a level 12 officer on its own.

Those were the findings of the Committee on this Petition.

The Chairman: They have only one recommendation. They are recommending the reinstatement of the Petitioner, Mr. Sunny S. Moniedafe to the services of Nigerian Maritime Administration and Safety Agency as Due Process was not followed in the procedure leading to the termination of his appointment.

Question put and agreed to.

Report of the Committee on Public Petitions on the Petition by Port Harcourt Flour Mills against the Bureau of Public Enterprises (BPE) – CONSIDERED IN THE COMMITTEE OF THE WHOLE.

The Chairman: The next Report is the Report of the Committee on Public Petitions on the Petition by Port Harcourt Flour Mills Limited on the Laws of Priority Berthing Right at the Port Harcourt Ports.

I now call on Hon. C.I.D. Maduabum to brief the House on this Report.

Hon C.I.D. Maduabum: The Committee conducted Investigative Hearings and made the following findings:

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That as a result of the intervention of Rivers State Government four Port Harcourt Ports were allocated to the Port Harcourt Flour Mills in 1977 by the Nigerian Ports Authority.

With the privatisation of the ports, the Port Harcourt Port was leased to a consortium of companies registered as Ports and Terminal Operators (Nigeria) Limited in 2006.

Thirdly, the Ports and Terminal Operators Limited replaced the Nigerian Ports Authority as operators of the Port Harcourt Ports. The understanding of the NPA was that Port Harcourt Flour Mills will have priority berthing despite the concessioning of the Port Harcourt Ports.

That was their submission before the Public Hearing.

However, in our view, there is no formal recommendation of any such agreement between Port Harcourt Flour Mills and the concessionaire - Ports and Terminal Operators Nigeria Limited. In spite of the foregoing, the concessionaire has indicated willingness in their testimony before the Committee to grant priority berthing rights to Port Harcourt Flour Mills.

All the stakeholders accepted that the Port Harcourt Flour Mills be given priority berthing right at the Port Harcourt Ports within a framework that will be commercially efficient to the concessionaire - Ports and Terminal Nigeria Limited.

These were our findings.

The Chairman: Recommendation (i) says:

The restoration of the priority berthing rights at Berth 4 of the Port Harcourt Ports to Port Harcourt Flour Mills on economic and political grounds.

Hon. Leo Ogor: Mr. Chairman, I am a bit worried here because when you talk about priority berthing right, it is something different entirely. There are general economic interests in respect of every ship coming into the country but the Chairman of the Committee mentioned an issue of political grounds. Let me say here that the concessionary arrangement is purely the right of the terminal operator, which is Terminal Operator (Nigeria) limited. We must be very careful in coming out with this kind of recommendation by asking for that kind of priority berthing right to be

0120

given to a specific company.

The clarification I would like to seek from my Colleague is what is this political ground that will raise the issue of giving Port Harcourt Flour Mills the priority berthing rights?

Hon. Terngu Tsegba: Mr. Chairman, on page 5 of the Report, the priority berthing rights granted the Port Harcourt Flour Mills has some qualifications; there is a Clause attached to it.

The Chairman: Which number are you reading on page 5?

Hon. Terngu Tsegba: The second paragraph on page 5. The Clause *on arrival* is a condition precedent to the priority granted to the Port Harcourt Flour Mills. We are just doing a blanket recommendation here without taking into cognisance the clause that is contained in that agreement.

The Chairman should have taken that recommendation alongside that Clause so that if there is a ship already berthing and discharging and the wheat ship comes, it must wait for that ship to discharge its cargo. It should not take precedent over the ship that is already berthing and that was contained in that agreement, that is, priority status granted in 1977. So if any recommendation is being made here it must take this into cognisance that priority status that was granted in 1977.

The Chairman: Is that an additional recommendation?

Hon. C.I.D Maduabum: Let me clarify it, Mr. Chairman.

The Chairman: Go ahead.

Hon. C.I.D. Maduabum: If you go to Recommendation (ii), that is actually what is sought to be captured there which is that it must be commercially efficient for the concessionaire.

The Chairman: But it is not explicit.

Hon. C.I.D Maduabum: It does not have to be that explicit.

The Chairman: My fear is that they can hide behind it since it is not explicit.

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Hon. C.I.D. Maduabum: We are saying that the priority berthing rights granted should be commercially efficient for the concessionaire.

The Chairman: Who determines that efficiency?

Hon. C.I.D. Maduabum: Actually, when you are making a recommendation, we are taking it that the whole Report is a whole and a lot of things had happened; all the testimonies and the background information are there. All the parties agreed to what these berthing rights actually mean.

The Chairman: I agree with what you are saying so long as the person operating it is like you. But you know the style of people that operate this type of organisation. If they are asked to determine what *commercially efficient* is they may go and define it in a way that will suit them.

Hon. C.I.D. Maduabum: If you want to insert it in the recommendation, I have no problem with that. It is just that there are so many things involved in this type of Report that you do not need to insert a Clause in that manner.

Hon. Leo Ogor: I am a bit confused here because there must be an essence for this Petition. I believe the essence of this Petition is because this company was not getting these priority berthing rights. When you look at the Report itself it says: *On arrival, wheat vessel should take berth immediately after completion of the ships at berth.* Indirectly they were already having a kind of priority berthing rights.

So, my question is what was actually the essence of this Petition? This is because the whole essence borders on these priority berthing rights and if they have all agreed that these priority berthing rights should be given to the Flour Mill then to me, there was simply no Petition.

Hon. C.I.D. Maduabum: What the petitioners want is that if any ship is already anchored and about to discharge but because of the berthing right they think they have they could take precedence over the ship that has already anchored but the Terminal Operators pointed out that even the priority berthing rights granted to them in 1977 contain this clause that they can come in immediately after completion of those that are berthing already; that is the practice. That is, *on arrival, wheat vessel should take berth immediately after completion of the ships at berth.* What this means

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is that if a ship is already discharging, whenever it finishes, they can come in. That is what the priority rights means even in 1977 but they are looking for rights that even if a ship is berthing it could be removed and they would come in and nobody regarded that as the rights that accrue to them.

The Chairman: Are you still sticking to your recommendation that *on arrival wheat vessel should take berth immediately after completion of ships at berth.* Is that exactly what you are recommending?

Hon. C.I.D. Maduabum: Of course, the 1977 agreement subsists; that is, after the ship at berth has finished discharging, they can come in immediately; that is clearly the priority given to them at that time.

The Chairman: Do you still want to maintain that?

Hon. C.I.D. Maduabum: Yes.

The Chairman: If you are maintaining the same position, why do you not make it explicit in your recommendation?

Hon. C.I.D. Maduabum: We can redraft by saying that *the restoration of the priority berthing rights at Berth 4 of the Port Harcourt Port to Port Harcourt Flour Mills on economic and political grounds, that is to say that on arrival of a ship, this vessel should take berth immediately after completion of the ship at berth.*

The Chairman: That should form part of Recommendation (i).

Hon. Terngu Tsegba: Mr. Chairman, if you go further on that same page 5, it is not that the terminal operators had rejected to accord priority to the Port Harcourt Flour Mills. The fact is that Port Harcourt Flour Mill had never written to the terminal operators to seek for status of priority being accorded to them. I think we should not be sitting here entertaining this kind of Petition because there are clear procedures in the operation of the concessionaire management of the Ports. For example, it takes about 23 days for a ship loaded with rice to discharge its cargo while it takes about five days for flour mill ship to discharge its cargo and I think that they feel that the time queuing behind for twenty-three days was too much but there is explicit provision in the 1977 Agreement which we could have simply advised them to go and negotiate with the terminal operators before coming back to the House.

0123

Since they have not done that and the Chairman had agreed to stick to the 1977 agreement I think we can just pass it.

The Chairman: I will now put the question on Recommendation (i) as amended:

That the restoration of the priority berthing rights at Berth 4 of the Port Harcourt Ports to Port Harcourt Flour Mills on economic and political grounds on arrival, wheat vessel should take berth immediately after completion of ship at berth.

Amendment put and agreed to.

The Chairman: Recommendation (ii) states: *That the priority berthing rights so granted must be within a framework that will be commercially efficient for the concessionaire, Ports and Terminal Operators Nigeria Limited.*

Is there any Amendment?

Hon. Friday Itulah: Mr. Chairman, if you take a holistic look at Finding No. number 5 and it is established that there is no documentation between both parties and that the concessionaire had indicated willingness to grant priority berthing right to the Port Harcourt Flour Mills, I do not see where the recommendation made by the Committee – *(Interruptions)*

The Chairman: Which recommendation?

Hon. Friday Itulah: Since we are through with Recommendation (i) we are now talking about Recommendation (ii) because this process is already being carried out. There is already an understanding between the Flour Mill and those private companies that now owe the Ports.

The Chairman: I agree that there is an understanding but let us leave it like that.

Hon. Friday Itulah: If there is understanding why do we need to make further recommendations to them on what they are to do or how ongoing discussions between both parties be allowed to be concluded? By this recommendation we are now taking away the discussion that is already going on and we are saying; this is what you have to do.

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I do not think that there is any place for that.

Hon. C.I.D. Maduabum: With due respect, I do not really understand the point Hon. Itulah is making. Our business as a Committee is not to make recommendations that discussions are going on. Our business as a Committee is to evaluate testimonies by both parties and come to a decision.

That was why the matter was referred to us. If not, why was the Committee set up? Was the Committee set up to be waiting for people? We called them, hear them and we came to a decision. If the House wants to uphold the decision so be it. If the House does not want to uphold the decision, so be it. But our duty as a Committee is to make its findings and recommendations and the Committee has done so and the House may or may not adopt it.

This phrase is put there as a safeguard to guide the interests of all the parties. The concessionaires have also paid a lot of money to take over the Port operations; they also have to be protected.

The Chairman: Let us take Recommendation (ii): *That the priority berthing rights so granted must be within a framework that will be commercially efficient for the concessionaire, Ports and Terminal Operators Nigeria Limited.*

I think that is good because even with the first recommendation, if there is anything that is commercially inefficient it can stop the first recommendation. That is what it means.

Question put and agreed to.

Report of the Committee on Public Petitions on the Petition by Mr. Silas Omubo against the Nigerian Postal Service (NIPOST) – CONSIDERED IN THE COMMITTEE OF THE WHOLE.

The Chairman: The next Report is the Report of the Committee on Public Petitions on the Petition by Mr. Silas Omubo against the Nigerian Postal Service (NIPOST) and approve the Recommendations therein.

I will put the question on the Recommendations.

- i. *That Mr. Silas Omubo be reinstated to his duty post and all outstanding entitlements paid to him.*

0125

Question put and agreed to.

- ii. *That the Committee gave the Petitioner the benefit of doubt as NIPOST could not conclusively prove the allegations levelled against him.*

Hon. Aminu Shehu Shagari (Yabo/Shagari): Mr. Chairman, I just want to say that Recommendation (ii) is actually an observation or the reason Recommendation (i) was reached. Therefore, Recommendation (ii) is of no consequence and should be deleted.

The Chairman: What you are saying is that it is not necessary to take Recommendation (ii)?

Hon. Aminu Shehu Shagari: Absolutely.

The Chairman: Can we hear from the Chairman, Committee on Public Petitions?

Hon. C.I.D Maduabum: Mr. Chairman, perhaps Recommendation (ii) could have come before Recommendation (i). I realised that when the House writes the concerned parties it is actually the recommendations only that they put and sometimes the organisations are really at a loss as to why the House took that decision. We are now trying to put a few justifications to House recommendations.

The Chairman: Do you want them renumbered?

Hon. C.I.D Maduabum: Yes; Recommendation (i) as Recommendation (ii) and Recommendation (ii) as Recommendation (i).

Amendment put and agreed to.

The Chairman: I will now put the question on new Recommendation (i):

That the Committee gave the Petitioner the benefit of doubt as NIPOST could not conclusively prove the allegations levelled against him.

Question put and agreed to.

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Report of the Committee on Public Petitions on the Petition by Adokson Engineering Company Limited against the Bureau of Public Procurement (BPP) CONSIDERED IN THE COMMITTEE OF THE WHOLE

The Chairman: The next Report is the Report of the Committee on Public Petitions on the Petition by Adokson Engineering Company Limited against the Bureau of Public Procurement (BPP) and approve the Recommendation therein.

I will now put the question on the Recommendations:

The Committee recommends that the Petition by Adokson Engineering Company Limited be dismissed for lack of merit as the Bureau of Public Procurement

followed the law and due process in the award of the contract to Churchgate Products Limited.

Question put and agreed to.

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

Hon. Shehu Garba Matazu: I second the Motion.

(The Deputy Speaker resumed the Chair)

The Deputy Speaker: The House, in the Committee of the Whole, considered the Report of the Committee on Governmental Affairs and Labour, Employment and Productivity on the Minimum Wage (Amendment) Bill and recommended that the Bill be recommitted.

The House also considered, in the Committee of the Whole, the Report of the Committee on Public Petitions on the Petition by Mr. Sunny S. Moniedafe against the Nigerian Maritime Administration and Safety Agency (NIMASA). The House approved the recommendations.

The House considered the Report of the Committee on Public Petitions on the Petition by Port Harcourt Flour Mills against the Bureau of Public Enterprises (BPE). The House approved the

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Recommendations (i) and as amended approved Recommendation (ii).

The House considered the Report of the Committee on Public Petitions on the Petition by Mr. Silas Omuba against the Nigerian Postal Service (NIPOST) and the House approved Recommendations (i) and (ii).

The House also considered the Report of the Committee on Public Petitions on the Petition by Adokson Engineering Company Limited against the Bureau of Public Procurement (BPP) and the House approved the recommendation.

Adoption of Reports

Hon. Baba Shehu Agaie: I move that this House do adopt the five Reports as approved.

Hon. Ita Enang: I second the Motion.

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Question put and agreed to.

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

ADJOURNMENT

Hon. Baba Shehu Agaie: I move that this House do adjourn till tomorrow Wednesday, 1st July 2009 at 2.00 p.m.

Hon. Shehu Garba Matazu: I do second the Motion moved by the Acting Leader.

Question put and agreed to.

Resolved: That the House do stand adjourned till tomorrow Wednesday, 1st July 2009 at 2.00 p.m.

The House adjourned accordingly at 1.45 p.m.