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**SENATE OF THE FEDERAL
REPUBLIC OF NIGERIA**

Tuesday, 12th April, 2016

The Senate met at 11.12a.m.

PRAYERS

(The President in the Chair)

VOTES AND PROCEEDINGS

The President: Distinguished Senators, we have before us the Votes and Proceedings of Wednesday, 23rd March, 2016. We will start consideration from page 595 to 633.

Senator Bareehu Olugbenga Ashafa (Lagos East): Mr. President, I move that the Votes and Proceedings of Wednesday, 23rd March, 2016 be approved.

Senator Duro Samuel Faseyi (Ekiti North): Mr. President, I second the Motion that the Votes and Proceedings of Wednesday, 23rd March, 2016 be approved.

Question put and agreed to.

Resolved: That the Votes and Proceedings of Wednesday, 23rd March, 2016 be approved.

EXECUTIVE SESSION

Sitting Suspended: 11:20 a.m.

Sitting resumed: 12:20 p.m.

The President: The Senate in a Closed Session deliberated on the 2016 Appropriation Bill and issues affecting the smooth running of the Senate, in particular, and the National Assembly in general.

Is this a true reflection of what transpired in the Executive Session?

Several distinguish Senators: Yes.

ANNOUNCEMENT

Birthday Wishes

May I on behalf of all of us wish the following distinguished Senators a Happy Birthday:

- (1) Senator Bayero Usman Nafada - 1st April

- (2) Senator Nelson Asuquo Effiong - 7th April

- (3) Senator David A.B. Mark - 8th April

- (4) Senator Monsurat J.A. Sunmonu - 9th April

- (5) Senator Suleiman M. Nazif - 12th April

I congratulate you all and wish you many years ahead in good health and prosperity.

Visitors in the Gallery

I also wish to acknowledge the presence of members of the Nigeria Law School, Delta State Students at the Nigerian Law School, Bwari, Abuja who are in the Gallery to observe the Senate Proceedings, I wish them all fruitful observations of the Senate Proceedings.

(Visitors stood for recognition.)

Sit down. Good morning.

Delegation to Abia State for Condolence

The delegations to Abia State on behalf of the Senate are:

- (1) Senator Biodun Olujimi
- (2) Senator Danjuma La'ah
- (3) Senator Suleiman Mohammed Nazif
- (4) Senator Bashir Abubakar Kaka; and
- (5) Senator Barnabas A. I. Gemade.

PRESENTATION OF PUBLIC PETITIONS

Petition against the Department of Parks and Recreation (FCTA)

Senator Enyinnaya Harcourt Abaribe (Abia South): Point of Order

The President: Order what, Senator Abaribe?

Senator Enyinnaya Harcourt Abaribe: Mr. President, I come under Order 41; with your permission, I will read.

A petition may only be presented to the Senate by a Senator, who shall affix his name at the beginning thereof.

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This is a petition from Right Farm Investments, they are complaining that an area that was allocated to them as a Green Area in Abuja for Outdoor Event was re-allocated and has now been parcelled into Development for Housing Purposes by Abuja Investment Authority.

They are trying to call on the Senate to please look into the matter because this does not accord with the Master Plan of the Federal Capital Territory (FCT).

The President: Please, lay the petition.

(Petition laid)

Petition against INEC for Wrongful Dismissal of Appointment

Senator Yele Omogunwa (Ondo South): Point of Order!

The President: Senator Omogunwa, what is your Point of Order?

Senator Yele Omogunwa: I come under Order 41, with your permission I will read:

A petition may only be presented to the Senate by a Senator, who shall affix his name at the beginning thereof.

Mr. President, it is a petition from Mr. Emmanuel who was dismissed from INEC on questionable matters and he took them to Arbitration Court and the court adjudged that it was wrong. They appealed against it and it was upheld by the judgment of the Lower Court.

Since then, he has not been paid or reinstated, he wants this hallowed chamber to look into the matter and do the needful.

The President: Is he seeking any judicial remedy?

Senator Yele Omogunwa: No.

The President: All right, please lay the petition.

(Petition laid)

(Petitions accordingly referred to the Committee on Ethics, Privileges and Public Petitions to be brought back in two weeks.)

MATTER OF URGENT PUBLIC IMPORTANCE

Infernos across the Country

Senator Rabiun Muse M. Kwankwaso (Kano Central): Point of Order!

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The President: What is your Point of Order, Senator Rabiun Kwankwaso?

Senator Rabiun Muse M. Kwankwaso: Mr. President, I stand on Order 42, can I read Mr. President?

Mr. President: Please go ahead.

Senator Rabiun Muse M. Kwankwaso: I read Order 42(1):

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

Mr. President, my Motion is in respect of the infernos across the country especially in Kano, Sokoto, Birnin-Kebbi, Kaduna, Gashuá, Ibadan, Warri, Mina, Yola, Jos, Ado-Ekiti etcetera. I want, with your permission, that I move the Motion.

The President: Is it the fire incident?

Senator Rabiun Muse M. Kwankwaso: Yes.

The President: Distinguished Colleagues, Senator Kwankwaso did mention to me this morning regarding the fire incident in different States and by Rules, I need the leave of my Colleagues for us to reschedule it to the next legislative day.

Question put and agreed to.

PRESENTATION OF BILLS

Senator Bala Ibn Na'allah (Kebbi South): Mr. President, the first Business of the Day is the presentation of eight (8) Bills. You may wish to invite the Clerk of the Senate to read the Short Titles of the Bills.

In-Vitro Fertilisation Bill, 2016

In-Vitro Fertilisation Bill, 2016 – presented by Senator Jibrin Barau (Kano North); *read the First Time.*

Criminal Injuries Compensation Bill, 2016

Criminal Injuries Compensation Bill, 2016 – presented by Senator Andy Uba (Anambra South); *read the First Time.*

National Sports Commission (Establishment etc.) Bill, 2016

National Sports Commission (Establishment etc.) Bill, 2016 – presented by Senator Ben Bruce-Murray (Bayelsa East); *read the First Time.*

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**Nigeria Football Federation (Establishment etc.) Bill,
2016**

Nigeria Football Federation (Establishment etc.) Bill, 2016 – presented by Senator Obinna Ogba (Ebonyi Central); *read the First Time.*

**National Sports Commission (Establishment etc.) Bill,
2016**

National Sports Commission (Establishment etc.) Bill, 2016 – presented by Senator Obinna Ogba (Ebonyi Central) – *read the First Time.*

**Environmental Health Officers (Registration, etc.) Act
2002 (Amendment) Bill, 2016**

Environmental Health Officers (Registration, etc.) Act 2002 (Amendment) Bill, 2016 – presented by Senator Mohammed Ali Ndume (Senate Leader); *read the First Time.*

**Code of Conduct Act CAP C15 LFN 2004
(Amendment) Bill, 2016**

Code of Conduct Act CAP C15 LFN 2004 (Amendment) Bill, 2016 (SB. 248) – presented by Senator Peter Nwaboshi (Delta North); *read the First Time.*

**Administration of Criminal Justice Act 2015
(Amendment) Bill 2016**

Administration of Criminal Justice Act 2015 (Amendment) Bill 2016 – presented by Senator Isah Misau (Bauchi Central); *read the First Time.*

ORDERS OF THE DAY

CONSIDERATION OF BILLS

Labour Institute Bill 2016

Senator Bala Ibn Na'allah: The first Order of the Day is the Second Reading of the Labour Institute Bill 2016. Distinguished Senators would recall that the Bill was read the first time in this Chamber on Thursday, 17th March, 2016.

Mr. President, you may wish to invite Distinguished Senator Suleiman Nazif to move the Motion for the Bill to be read the Second Time.

Question proposed.

Senator Suleiman Mohammed Nazif (Bauchi North): Mr. President, permit me to lead the debate on this important Bill before us today.

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This Bill was read for the first time on Thursday, 17th March, 2016. The Bill seeks to provide for the establishment of the National Commission for Conciliation and Arbitration, National Labour Council and Office of the Register of Trade Union to administer the provisions of Labour Laws in Nigeria.

The Bill before us today is of paramount importance in our country. It will critically address poor relationship that exists between employers and employees in the country. Currently, a trade dispute in the country is governed by the provisions of the Trade Disputes Act Cap T8 Laws of the Federation of Nigeria 2004. Thus, the greatest challenge of the present dispute settlement is that the entire process from negotiation, conciliation up to arbitration is domiciled in, activated by and operated by the Federal Ministry of Labour and Productivity. Under Section 9 of the Trade Disputes Act, the Minister appoints the Chairman, Vice Chairman and all members of the Industrial Arbitration Panel. This scenario is totally at variance with best practices in dispute settlement as it is difficult to see how such a body can be impartial where government is a party.

Therefore, the objective of this Bill is to create Labour institutions:

- That is independent, impartial, flexible, simple and functional.
- To administer the provisions of all Labour laws in Nigeria as it affects freedom of association, industrial relations, working conditions, health and occupational safety.
- To promote the prevention, containment and speedy resolution of Labour disputes.

Mr. President, most developed jurisdictions have Commissions outside the traditional court system to regulate and administer dispute settlement mechanisms in all facets of their economy, be it commercial, industrial or Labour relations. For instance, there is the Australian Industrial Relations Commissions, and in Africa, South Africa established the Commission for Conciliation, Mediation and Arbitration (CCMA) in 1995 to resolve problems of inequality and unfair labour practices that characterised the apartheid era. The National Commission for Conciliation and Arbitration proposed under this Bill will provide a unique opportunity for Nigeria to join the rest of the world in inculcating international best practices in labour disputes resolutions.

This Bill before us today, will tremendously position the country's work environment for maximum productivity. It will also end decades of workers' oppression and abuse. By extension, this legislation will compel employers of labour to conform to the provisions of International Labour Organisation (ILO).

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The substance behind this unbiased piece of legislation is to guide labour activities in all ramifications, in addition, boost service and productivity and also reposition the country as a nation that values its workforce. The Bill will also ensure that there is timely review of all labour legislations and advice on any amendment which it may consider desirable.

There is no doubt that the Commission established under this Bill will provide speedy, cost effective, efficient and accessible dispute resolution forum in Nigeria's labour market.

Mr. President, this Bill has no consequential financial implication on government as the Commission is designed to take over the structures of the industrial arbitration panel. I am convinced and confident that the enactment of this Bill will bestow workers in the country with unqualifiable leverage to excel and live well. I therefore, urge you my Distinguished Colleagues to lend your maximum support for the accelerated hearing and passage of this Bill into Law.

This Bill is an important, simple and straight forward Bill, which is very critical to the development of our dear country Nigeria. This Bill is essentially a Bill that deals with labour and industrial relation by resolving labour problems both within the employer and the employee. It will remedy and satisfy both parties; it will strengthen the labour organisation as well as reduce disputes that lead to epileptic strike actions in Nigeria.

As you are all aware, the Industrial Arbitration Panel was established in 1976 to protect the then Military regime. Those laws are obsolete and not in consonance with realities of our time. As we are aware today, we have a government of the people, for the people and by the people; therefore, we need to do everything possible to ensure it reflects that.

Furthermore the implementation and enforcement of those laws are at variance with the realities of labour as well as international best practices. It is important for this distinguished Senate to give all the necessary support that this Bill so deserve so that we can move Nigeria forward and ensure we stop these consistent strike actions that have bedevilled Nigeria, bearing in mind that both Labour as well as Government must live and abide by international best practices.

Senator James Manager (Delta South): Mr President, the Chairman of Committee on Labour has done a good job, the only salient thing here is the present arrangement. The Hon. Minister, who is the government man, appoints the Chairman, the Vice Chairman and all the Members. Therefore, when there is an issue before that panel and it is an issue involving government and workers, it becomes difficult for the appointees of government to have an impartial view of the issue that is at stake.

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I lend my support to this Bill, and I want to believe that everybody supports this Bill, and if there is any dissenting voice, I want to say please, support this Bill, it is in the interest of all of us.

Senator Bala Ibn Na'allah: Mr President, the only reason for this Bill to get the support of the entire Senate is that there is no way any country will be conducive enough for flow of investment without a stable labour organisation. In a situation where certain instrumentalities that have to do with determining the civil right and obligations of citizens of this country, which have clearly been protected under Section 39 of our Constitution will be left in the hands of Ministers or Agencies of Government; that will not augur well for the current state of our development.

If my memory will not fail me, Section 39 is very clear on this matter and it confers rights on citizens of this country wherein it says:

In the determination of their civil rights and obligations, it shall be done by a court or tribunal that is constituted in such a manner as to secure its independence and impartiality.

Labour rights are individual and collective rights therefore, where the appointing authority can equally be a subject of jurisdiction of the same issue is a clear violation of the provision of Section 39 of our Constitution.

Ordinarily, Section 341 of our Constitution has enjoined the Senate to bring all existing laws in this country to be in conformity with the Constitution. In view of the fact that this one is clearly not in conformity with the provision of section 39, it is obvious that it is the responsibility of this Senate to ensure that it is being brought into conformity and that is what Senator Nazif ably and succinctly presented today in this Bill. I therefore urge members that it does not need any debate and it is a very straight forward matter.

The President: This is a straight forward Bill as you just said and no ambiguity. Therefore, if there is no further comment or position on the Bill, I will now put the question for the Second Reading.

Question put and agreed to.

(Bill read the Second Time, referred to Committee on Employment, Labour and Productivity to be brought back within four week)

The President: I want to join others to congratulate Senator Nazif for this Bill, it is appropriate. As we all said, these laws are obsolete and they are not in consonance with today's economy and environment and as such, we need to amend this Bill appropriately, especially the focus in creating the right business environment and we must also have the right labour relationship.

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Senator Nazif, good enough, that is your Committee, I am sure you do need four weeks. This kind of Bill is a Bill that we will try and see that we pass before the end of this Session. So, the sooner you bring it back, the quicker we pass it into law.

Defence Space Agency (Establishment, etc.) Bill, 2016

A Bill for an Act to Provide for the Establishment of Defence Space Agency, and for other matters connected therewith –

Order for Second Reading.

Senator Bala Ibn Na'allah: Mr President, the second Order of the Day is the Second Reading of the Defence Space Agency, Establishment Bill, 2016.

You will recall that the Bill was read the First Time in this Chambers on Tuesday, 8th March, 2016. You may wish to invite Senator Ajayi Boroffice to move the Motion for the Bill to be read the Second Time.

Question proposed.

Senator Robert Ajayi Boroffice (Ondo North): Mr President, I have the honour to lead the debate on the General Principles on a Bill for an Act to Establish the Defence Space Agency 2016.

This Bill seeks to provide a legal framework for the Defence of Space Agency. It is globally accepted that the space assets of a nation constitute a critical part of its strategic national infrastructure. Additionally, it is a known fact that space assets form a vital technological element of a country's comprehensive state power. Thus, the importance of acquisition of space capabilities to the overall development of Nigeria was aptly captured in the National Space Policy and Programme (NSPP) which was approved in 2001.

The NSPP recognised four main space activity sectors namely; Civil, Commercial, Military and Intelligence, and made provision for institutions to actualize the vision of the policy in these various sectors. While the National Space Research and Development Agency (NASRDA) was mandated to midwife the civil and commercial sectors, the Ministry of Defence was authorised to establish a Defence Space Command to coordinate the exploitation of Military space mission areas. Therefore the establishment of the Defence Space Agency under the Ministry of Defence has become imperative to realise the objective of NSPP, especially in the light of the ongoing security challenges in the country.

It is pertinent to note that the Armed Forces in collaboration with NASRDA have trained over 100 officers in various aspects of Space Technology. Some officers were seconded to NASRDA and NigComSat as precursor to the establishment of the Defence Space Agency.

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Also the Defence Headquarters (DHQ) has already laid a foundation for the Agency by formulating an establishment order for the Agency in 2014. The Bill is seeking the required legal backing for the Agency.

The main objective of the Defence Space Agency, when established, will be to enable the military use of space to facilitate early warning, instantaneous communication and permit navigation around hostile or conflict areas. It also facilitates the use of satellites to gain access to hostile and denied areas for the purpose of acquiring intelligence.

Additionally, the Defence Space Agency will enable Nigeria Security Forces identify and carry out activities such as photoreconnaissance, intelligence and collection of mapping, charting, geodetic, scientific and environmental data for military uses. Ultimately, the Agency will be mandated to carryout activities that will ensure the overall protection and defence of the nation's territory and Cyber Space.

Mr. President, this Bill, when passed, will strengthen the overall Nigeria security mechanism using the Nation's space assets. It will also ensure that the gains on investment so far made by Nigeria on the space sector are optimally harnessed. It will further place the Nigeria military on a sound footing to attain the leading edge among military of other African countries.

The Bill for an Act to establish the Defence Space Agency 2016 is divided into seven parts. These include:

PART 1: ESTABLISHMENT OF THE AGENCY

1. Establishment of the Defence Space Agency
2. Objects of the Agency

PART II: ESTABLISHMENT AND COMPOSITION OF THE GOVERNING COUNCIL

3. Establishment of the Governing Council of the Agency
4. Composition of the Governing Council
5. Emoluments, etc. of the members
6. Functions and Powers of the Council
7. Meetings of Council
8. Tenure of members of Council

PART III: STRUCTURE OF THE AGENCY

9. Headquarters, Offices and Departments of the Agency

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10. Maintenance of register of Space Object
11. Development of Centres of the Agency
12. Boards and Committees
13. Implementation of Policy

PART IV: PRINCIPAL OFFICERS AND OTHER STAFF OF THE AGENCY.

14. Appointment and functions of the Chief
15. Appointment and functions of the Deputy Chief
16. Functions of the Secretary to Council
17. Appointment of other staff
18. Power to create offices and other departments
19. Posting of staff to the Agency
20. Service in the Agency to be pensionable
21. Union Activities

PART V: FINANCIAL PROVISIONS

22. Fund for the Agency
23. Establishment etc., of the Defence Space Fund
24. Expenditure of the Agency
25. Exempted from payment of Income Tax
26. Submission of Programme, Income and Expenditure Estimate to the Board
27. Audit and Accounts of the Fund
28. Annual Report of the Fund
29. Power to Borrow
30. Power to Accept Gifts

PART VI: TRANSFER OF PROPERTY TO THE AGENCY

31. Transfer of Property to the Agency
32. Restriction on the disposal of landed property
33. Compulsory acquisition of land
34. Supremacy of the Armed Forces Act

35. Implementation of Policies

PART VII: MISCELLANEOUS

36. Establishment of Committees
37. The Seal of the Agency
38. Power to make regulations
39. Limitation of suit against the Agency
40. Interpretation
41. Short Title
42. Schedules

I am happy to notify you that the Ministry of Defence has sourced funds for the agency within its 2016 Appropriation Proposal.

Mr. President, with very high sense of humility, I solicit your support for the passage of this all important Bill. Once more, I thank you for given me the opportunity to lead this debate.

Senator Abdullahi Aliyu Sabi (Niger North): Mr. President, I want to commend Senator Boroffice, for this well thought out and timely Bill. The issue of insecurity today is surely assuming a new dimension and as it is said, you cannot use tools that created a problem to solve that same problem. You must rise up above the conditions that created the problems you want to tackle.

In this Bill, I see Senate empowering our Armed Forces to be able to move up to the next level of the global defence system. We read in the other Media from the Western World and other crisis areas how space technology is being deployed to systematically take care of State enemies and terrorists. It is a good point that this particular agency, when established, will surely enable the Armed Forces to begin to move up to that level of sophistication and deployment of relevant technology as it is today.

Let us not make a mistake, it is very obvious that the level of sophistication will continuously increase; it is not going to go down. We have no option but to begin to empower the armed forces so that they are not just defending us on the land, air and sea but even in space because with technology, other people can just come in and do those damages that you will be wondering what had happened. This Bill is very straightforward, explicit and I lend my support to it. I want to second that we approve it for Second Reading.

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Senator Olujimi Biodun (Ekiti South): Mr. President, I want to add my voice to this laudable Bill and to thank the mover of the Bill, Senator Robert Boroffice for bringing it at an auspicious time. If this agency had been in place, we would not have had to battle so much to dislodge Boko Haram and those kidnappers that are now ravaging this nation.

However, as soon as this is done, we need to ensure that the right people are put in this agency to manage. We should put the right people with correct equipment and right training. That has always been the problem with most of the agencies that are set up in the country. It is always a square peg in a round hole but this agency must be manned by the right person and the National Assembly must deem it fit to appropriate funds to ensure that this agency runs appropriately. Once more, I thank the mover of the Motion and I say this is a very straightforward Bill.

Senator Gemade Barnabas A. I (Benue North East): I support this Bill being a very important Bill for national development. A lot of things that have been developed in technology for the use of mankind originated from their being developed and experimented for warfare. In other words, defence technology has always gone faster than technology meant for civil benefits. Most of the things that we today see like aeroplanes and things of this nature had their origin from being developed for the purpose of warfare. The development of space defence, facilities in space is very important indeed in accelerating what we can do to have a more robust technological development in space management. A lot of what happens on earth had its own origin from space and that is why even in agricultural development and management, most of what we do in predicting what we can do successfully in agriculture on earth starts from certain gadgets that have been put in space to monitor space atmosphere, rainfall and a lot of so-called natural appearances interpreted into what their effects will be on the environment and therefore, you begin to implement those things carefully.

Up to this moment, Nigeria has National Space Agency which is trying to launch Satellite for communication, to do some of those things for purposes of metrological information and things of that nature. The budget normally for this sort of service is always very restricted, and most of the time, if you make a large budget for this aspect, a lot of people begin to complain. But when it is Defence budget, you will find out that there is a lot more acceptability in allowing reasonable amount of appropriation to go into Defence.

That is therefore going to help when we develop Defence Space Agency; a lot of the things that will take place in technological development in this agency will be of a great benefit to our national life.

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For this purpose, Mr. President I support this Bill whole heartedly, and I urge my Colleagues to support it so that we can have this Agency to develop space technology that will be useful to us. Thank you.

The President: Distinguished Colleagues, this is a straightforward Bill, if there is no opposition to it, I would like to put the question.

Question put and agreed to.

(Bill Read the Second Time and referred to the Joint Committees on Science, Technology and Defence to be reported back within four (4) weeks.)

I join other Senators in commending Senator Boroffice for this Bill, it is timely and the importance of it cannot be underestimated.

CONSIDERATION OF REPORTS

Petition against NNPC

Senator Bala Ibn Na'allah: Mr. President, the third Order of the Day is the consideration of the Report of the Committee on Ethics, Privileges and Public Petitions on a petition from Mr. Stephen G. Balabacho and others against the Nigerian National Petroleum Corporation (NNPC) for unlawful disengagement from the service.

Mr. President would recall that the Report of the Committee was laid on Wednesday the 9th December, 2015. You may wish to invite Senator Samuel Anyanwu to move the Motion for the Senate to consider the Report of the Committee.

Senator Samuel Nnaemeka Anyanwu (Imo East): Mr. President, I move that the Senate do consider the Report of the Committee on Ethics, Privileges and Public Petitions on a petition from Mr. Stephen G. Balabacho and others against the Nigerian National Petroleum Corporation (NNPC) for unlawful disengagement from the services of the Corporation.

Senator Yusuf Abubakar Yusuf (Taraba Central): Mr. President, I second the Motion that the Senate do consider the Report of the Committee on Ethics, Privileges and Public Petitions.

Question put and agreed to.

Resolved: That the Senate do consider the Report on a petition from Mr. Stephen G. Balabacho and others against the Nigerian National Petroleum Corporation (NNPC) for unlawful disengagement from the services of the Corporation.

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Senator Samuel Nnaemeka Anyanwu: Mr. President, the Senate would recall that on Wednesday, 7th October, 2015, rising on Order 41, Senator Shehu Sani (Kaduna Central) drew the attention of the Senate to a petition from his constituents, Mr. Stephen G. Balabacho and Others, against the Nigerian National Petroleum Corporation (NNPC) for alleged unlawful disengagement from the service of the Corporation, and urged the Senate to look into the matter.

In line with Order 41(3), the Senate referred the matter to the Senate Committee on Ethics, Privileges and Public Petitions for detailed legislative investigation.

Membership of the Committee:

(1)	Senator Samuel Anyanwu	-	Chairman
(2)	Senator Bala Ibn Na'allah	-	Vice Chairman
(3)	Senator Jeremiah Useni	-	Member
(4)	Senator Obinna Ogha	-	Member
(5)	Senator Peter Nwaoboshi	-	Member
(6)	Senator Binta Garba	-	Member
(7)	Senator Mohammed Shitu	-	Member
(8)	Senator Omogunwa Yele	-	Member
(9)	Senator Omotayo D. Alasoadura	-	Member
(10)	Senator Dino Melaye	-	Member
(11)	Senator Olaka Nwogu	-	Member

Secretariat:

Freedom Osolo - Clerk to the Committee

Committee Action:

Following the Senate Resolution and referral, the Committee met and agreed that the following benchmarks should guide it in addressing the matter:

- (a) The Constitution of the Federal Republic of Nigeria, 1999 (as amended);
- (b) Senate Standing Orders 2015 (as amended);
- (c) The principle of equity, fairness and justice; and
- (d) The Public Service Rules.

The Committee also resolved that the following parties be invited:

- (1) The petitioners, Mr. Stephen G. Balabacho and Others
- (2) The respondent, The Nigerian National Petroleum Corporation (NNPC).

Testimonies/Submissions:

The Committee received written submissions and listened to oral testimonies from the following:

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Petitioner, Mr. Stephen G. Balabacho and Others

Presenting their case, the petitioners said that:

- (1) They were casual/temporary staff employed by the MKR Trading Company Limited, and deployed to work with Kaduna Refining and Petrochemicals Company Limited (KRPC), a subsidiary of NNPC and had served between ten (10) and fifteen (15) years with the Corporation until 2004;
- (2) They were each given the sum of ₦100,000.00 as a parting gift on their disengagement; a treatment they consider debasing;
- (3) They claimed that they were disengaged without a cogent reason since they had no query or any disciplinary case against them;
- (4) They had written letters of appeal to NNPC without any response;
- (5) They pray that:
 - (a) Death benefits be paid to families of deceased members among them;
 - (b) Those still alive with relevant qualifications, skills and experience, and those that have acquired new qualifications and experience be re-instated and paid full benefits from 2004 to date in accordance with extant NNPC's Conditions of Service.

The Respondent, Nigerian National Petroleum Corporation (NNPC):

Responding, the NNPC, represented by the Human Resource Management Director, Mr. B.M. Isa, stated that:

- (1) The petitioners were casual/temporary staff recruited by M.K.R. Trading Co. Limited, (a third party contractor to NNPC) on behalf of NNPC to meet certain needs of the Corporation;
- (2) The implication of this is that they were not actually staff of NNPC, but staff of M.K.R. Trading Co. Limited that employed them;
- (3) NNPC gave them a chance in a bid to comply with the Federal Government directive on casualization by carrying out a conversion exercise for casual staff throughout the Corporation, and called them for an aptitude test/interview in Abuja, but they failed;

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- (4) Out of the 2,519 casual staff including Balabacho and others that took part in the aptitude test/interview, 565 candidates met the NNPC requirement and were offered pensionable employment;
- (5) On 30th June, 2004, Mr. Stephen G. Balabacho and others who failed the aptitude test/interview, were paid ₦100,000.00 (One Hundred Thousand Naira) as their severance entitlements by NNPC Corporate Headquarters;
- (6) 51 (Fifty-one) casual workers who passed the aptitude test/interview from the Kaduna Zone were offered pensionable employment by the Corporation.

Observations/Findings:

By sheer strength and determination of members of the Committee through rigorous probing and deep digging, the Committee was able to establish the following truths:

- (1) That these workers were actually casual workers employed by M.K.R. Trading Co. Limited to meet certain needs of NNPC;
- (2) That they had no direct relationship with NNPC.
- (3) That the ₦100,000.00 each, given to them as parting sum was intended to comfort and help them settle down to future search for jobs in the labour market. It was based on compassionate considerations;
- (4) They were given a chance to become permanent staff of the Corporation in line with the Federal Government policy on casualization, but they failed the aptitude test/interview;
- (5) The petition should not have come to the Committee because it was frivolous and unworthy of the time, man-hour and cost upon the Committee.

Recommendations:

After going through the avoidable rigour of extracting truth from the petitioners and the respondent, the Committee wishes to recommend as follows:

- (1) That Mr. Stephen G. Balabacho and others have no formal relationship with NNPC and as such cannot be helped by the Senate to be re-instated;

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- (2) That the petitioners be advised to desist from attempting to harvest where they had not sown: casual staff anywhere have no entitlements;
- (3) That Senators should endeavour to read through petitions brought to them by their constituents and ask questions to avoid wasting the time and efforts of the Committee including the obvious cost upon the Committee;
- (4) That in view of facts from the foregoing, the Senate do consider and adopt the recommendations of the Committee as proposed.

Conclusion:

Mr. President, on behalf of the Committee, we once again thank you for this opportunity to serve.

The President: Distinguished Colleagues, we should go straight to the recommendations.

Recommendations:

- (1) *That Mr. Stephen G. Balabacho and others have no formal relationship with NNPC and as such cannot be helped by the Senate to be re-instated –*

Question put and agreed to.

- (2) *That the petitioners be advised to desist from attempting to harvest where they had not sown: casual staff anywhere have no entitlements –*

Question put and agreed to.

- (3) *That Senators should endeavour to read through petitions brought to them by their constituents and ask questions to avoid wasting the time and efforts of the Committee including the obvious cost upon the Committee –*

Question put and agreed to.

- (4) *That in view of facts from the foregoing, the Senate do consider and adopt the recommendations of the Committee as proposed –*

Question put and agreed to.

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The President: I want to thank the Committee for their Report, particularly I want to urge Distinguished Colleagues to please take note of recommendation 3 that we must go the extra mile to review some of these petitions before we bring them and lay them. Thank you.

Petition against the NHIS

Senator Bala Ibn Na'allah: Mr. President, the fourth Order of the day is the consideration of the Report of the Committee on Ethics, Privileges and Public Petitions on a petition from Mr. Adamu Abdullahi and others against the Disengaged Staff of the National Health Insurance Scheme (NHIS) for wrongful disengagement from the service.

You will recall that the Report of the Committee was laid on Wednesday, the 9th day of December, 2015. Mr. President, you may wish to invite Distinguished Samuel Anyanwu to present the Report.

Senator Samuel Nnaemeka Anyanwu: Mr. President, I move that the Senate do consider the Report of the Committee on Ethics, Privileges and Public Petitions on a Petition from Mr. Adamu Abdullahi and Other Disengaged Staff of the National Health Insurance Scheme (NHIS) for wrongful disengagement from the service of the Scheme.

Senator Babakaka Bashir Garbai (Borno Central): Mr. President, I second the Motion that the Senate do receive and consider the Report.

Question put and agreed to.

Resolved: That the Senate do consider the Report on a Petition from Mr. Adamu Abdullahi and Other Disengaged Staff of the National Health Insurance Scheme (NHIS) for wrongful disengagement from the service of the Scheme.

Senator Samuel Nnaemeka Anyanwu: Mr. President, the Senate would recall that on Wednesday, 7th October, 2015, rising on Order 41, Senator Shehu Sani (Kaduna Central) drew the attention of the Senate to a petition from his constituents, Mr. Adamu Abdullahi and Others, against the National Health Insurance Scheme (NHIS) for alleged unlawful disengagement from the service of the Scheme, and urged the Senate to look into the matter.

In line with Order 41(3), the Senate referred the matter to the Senate Committee on Ethics, Privileges and Public Petitions for detailed legislative investigation.

Membership of the Committee:

- | | | |
|-----|--------------------------|----------|
| (1) | Senator Samuel Anyanwu - | Chairman |
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- | | | |
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| (2) | Senator Bala Ibn Na'allah - | Vice-Chairman |
| (3) | Senator Jeremiah Useni - | Member |
| (4) | Senator Obinna Ogba - | Member |
| (5) | Senator Peter Nwaoboshi - | Member |
| (6) | Senator Binta Garba - | Member |
| (7) | Senator Mohammed Shitu - | Member |
| (8) | Senator Omogunwa Yele - | Member |
| (9) | Senator Omotayo D. Alasoadura - | Member |
| (10) | Senator Dino Melaye - | Member |
| (11) | Senator Olaka Nwogu - | Member |

Secretariat:

Freedom Osolo - Clerk to the Committee

Committee Action:

Following the Senate resolution and referral, the Committee met and agreed that the following benchmarks should guide it in addressing the matter:

- (a) The Constitution of the Federal Republic of Nigeria, 1999 (as amended);
- (b) Senate Standing Orders 2015 (as amended);
- (c) The principle of equity, fairness and justice; and
- (d) The Public Service Rules.

The Committee also resolved that the following parties be invited:

- (1) The petitioners, Mr. Adamu Abdullahi and Others;
- (2) The respondent, National Health Insurance Scheme (NHIS)

Testimonies/Submissions:

The Committee received written submissions and listened to oral testimonies from the following:

The Petitioner, Mr. Adamu Abdullahi and Others

Presenting their case, Mr. Adamu Abdullahi who spoke on behalf of others, said that:

- (1) They were disengaged from service of NHIS in 2008, and after trying all known conventional means of redressing their wrong without success, resorted to approaching the House Committee on Public Petitions of the National Assembly;
- (2) On 26th February, 2015, the House Committee looked into the matter and recommended their re-instatement;

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- (3) Based on the resolution of the House, the Clerk to the National Assembly, Alhaji Salisu Maikasuwa, wrote NHIS for necessary action;
- (4) Unfortunately, NHIS refused to take any action; neither the re-instatement recommended nor even to write back the National Assembly;
- (5) Consequently, the petitioners brought their predicament to the Senate in the hope that at least, a solution would be found to the problem.
- (6) They pray that they be re-instated and paid all entitlements till date.

The Respondent, National Health Insurance Scheme (NHIS):

Responding, the National Health Insurance Scheme, represented by its Acting Executive Secretary, Mr. Oluremi A. Akingbade said:

NHIS could not execute the resolution of the National Assembly because:

The decision to disengage the staff was a Federal Government directive issued in 2006 with specific categories of staff in mind: the categories are:

- (i) Outsourced cadres;
- (ii) Contract staff; and
- (iii) Those who lacked recognised certificates for Government employment;
 - (a) All the 135 staff of NHIS disengaged fell into these categories;
 - (b) To identify staff that belonged to these three categories, an empirical approach was adopted. Contract staff was identified through staff audit. Those whose duties were outsourced were from Grade level 1-5. Those whose certificates lacked recognition for Government Employment were identified by writing to the National Board for Technical Education (NBTE), Kaduna for confirmation as to whether or not the course/certificates obtained were accredited by NBTE, and response from NBTE informed the list compiled by the Scheme;

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- (c) The Scheme followed due process in disengaging these staff as it ensured that the list of those recommended for disengagement was forwarded to the Federal Ministry of Health and the Bureau for Public Service Reforms (BPSR) and approval granted from them before letters of severance/disengagement were issued to affected staff.

In reacting to the Resolution of the National Assembly to re-instate the disengaged officers, the Scheme consulted the BPSR which coordinated the Reforms, and was directed to write the National Assembly (House of Representatives) explaining that the Resolution for the re-instatement of the said officers would mean the reversal of the severance exercise service-wide since their cadres were abolished, outsourced, or without requisite qualification for the position they occupied at the time of severance.

NHIS concluded that the National Assembly would only be upholding the reign of good governance if she held on to the position of previous governments, especially by insisting that what the BPSR and the Ministry of Health recommended according to policy of that time was the best, and maintain status quo.

Observations/Findings:

In the course of investigating this matter, the Committee noted as follows:

- (1) That the disengagement of the 135 staff of NHIS was occasioned by a Federal Government directive with clear categories of staff in mind (see bullet point 4.2 (1a));
- (2) That due process was followed in disengaging the 135 staff;
- (3) That the staffs disengaged were clearly empirically identified and the listing of names was informed by the truth surrounding the staff;
- (4) But NHIS did not write the National Assembly to abreast it with the outcome of findings over the resolution; and this was why the petitioners came to the Senate to lay their complaint.

Recommendations:

Having fully heard both petitioners and respondents in their oral and written presentations, the Committee wishes to recommend as follows:

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- (1) That the disengagement of the 135 former staff of NHIS followed due process and the result should be upheld by the Senate;
- (2) That since their disengagement was not as a result of query or any disciplinary action, but because of a government policy which set out to improve the public service, the affected staff should accept the verdict and seek employment elsewhere;
- (3) That the Senate do consider and adopt all the recommendations of the Committee as proposed.

Conclusion:

Finally, we want to thank Mr. President and my Distinguished Colleagues for this opportunity to serve. Thank you very much.

The President: Distinguished Colleagues, again this is a straightforward Report so I will go straight to the recommendations.

- (1) *That the disengagement of the 135 former staff of NHIS followed due process and the result should be upheld by the Senate –*

Question put and agreed to.

- (1) *That since their disengagement was not as a result of query or any disciplinary action, but because of a government policy which set out to improve the public service, the affected staff should accept the verdict and seek employment elsewhere –*

Question put and agreed to.

- (2) *That the Senate do consider and adopt all the recommendations of the Committee as proposed.*

Question put and agreed to.

The President: I thank the Chairman Ethics, Privileges and Public Petitions for their Report.

MOTIONS

Demise of Senator Lawrence Adekunle Agunbiade

Senator Bala Ibn Na'allah: Mr. President, I have read the mood of the Senate but there are two very important Motions that are very short and straightforward; I crave the indulgence of my Colleagues that we take them please.

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The fifth Order of the Day is a Motion standing in the name of Distinguished Biodun Olujimi on the demise of Senator Lawrence Adekunle Agunbiade. Mr. President, you will recall that on Thursday, 10th March, 2016 the Senate vide Order 42(2) of our Standing Order approved that this Motion be moved on the next legislative day which is today. Accordingly, you may wish to invite Senator Biodun Olujimi to move the Motion.

Senator Biodun Olujimi (Ekiti South): Thank you Mr. President, my Motion is on the demise of Senator Lawrence Adekunle Agunbiade.

The Senate

Notes with sadness the death of Distinguished Senator Lawrence Adekunle Agunbiade on the 9th February 2016 at a ripe age of 78;

Aware that as a young man, he worked with PWD HQ Lagos, and then at NEPA as a Clerical Officer, he travelled for studies in the United Kingdom and became the first black man to be employed by Lloyds Groups Incorporated;

Further aware that on his return to Nigeria he set up his Insurance brokerage firm in Ibadan and became quite successful. He was the first Nigerian to obtain a Chellerams Franchise which led to the establishment of LACO Group and then LACO Departmental Store, the biggest supermarket chain in the Southwest at that time;

Recalls that Senator Agunbiade was a member of the 2nd Republic Senate and represented Ekiti South Senatorial District in the then Ondo State. He was the only opposition Senator from the South West of Nigeria and served as the Chairman of the Senate Committee on Police Affairs;

Recalls further that he was a Councilor in Ekiti South LGA of then Ondo State and was a National Leader of the Defunct NRC where he contested for the position of National Chairman. He was a Former National Financial Secretary of the Defunct UNCP and the Former Director General of President Olusegun Obasanjo Campaign Organisation in 1999. Senator Agunbiade was a pioneer Ekiti State PDP Chairman and in his later years a leader in the ACN and APC;

Aware that he was a member of the IOD (Institute of Directors) and later appointed as the Chairman of Wema Bank PLC by the UPN government, Senator Agunbiade was always consulted on National and State matters and remained a symbol of unity until his last day in the PDP;

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Convinced that Senator Agunbiade was a towering community figure, a distinguished member of the Nigerian Business Community, an astute politician but most importantly a selfless, compassionate philanthropist and a humanitarian par excellence who will be greatly missed for his contribution to humanity.

Accordingly resolves to:

- (1) Observe a minute silence in honour of Senator Lawrence Adekunle Agunbiade; and
- (2) Condole with the family, people and government of Ekiti State.

Mr. President, I believe this is very straightforward and I thank you for listening.

The President: Distinguished Colleagues, we will move straight to the Prayers.

- (1) Observe a minute silence in honour of Senator Lawrence Adekunle Agunbiade.

Question put and agreed to.

- (2) Condole with the family, people and government of Ekiti State.

Question put and agreed to.

Resolved: That the Senate do:

- (1) Observe a minute silence in honour of Senator Lawrence Adekunle Agunbiade.
- (2) Condole with the family, people and government of Ekiti State.

(A minute silence observed accordingly in honour of late Senator Lawrence Adekunle Agunbiade.)

The President: Senator Lawrence Adekunle Agunbiade's demise is unfortunate and disheartening. On behalf of the Senate of the Federal Republic of Nigeria, we send our deepest condolences to the family, Ekiti South Senatorial District, the Government and good people of Ekiti State. May his gentle soul rest in perfect peace. Amen.

Demise of Distinguished Senator Onyekachi Amadi Okoroafor (1944 - 2016).

Senator Bala Ibn Na'allah: Mr. President, the sixth Order of the Day is a Motion standing in the name of Distinguished Senator Mao Oluabunwa and three others on the demise of Distinguished Senator Onyekachi Amadi Okoroafor (1944 - 2016).

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You may wish to invite Distinguished Senator Mao Oluabunwa to move the Motion.

Senator Mao A. Oluabunwa (Abia North): Mr. President, may I crave your indulgence before moving this Motion to say that Prayer 3 should be deleted, it is not supposed to be there.

The President: Go ahead.

Senator Mao A. Oluabunwa: This is a Motion on the demise of Senator Onyekachi Amadi Okoroafor, and the co-sponsors of this Motion are:

- (1) Senator Theodore Orji
- (2) Senator Enyinnaya Abaribe
- (3) Senator Abu Ibrahim
- (4) Senator Shitu Obala

The Senate:

Notes with regret the sudden demise of Senator Onyekachi Amadi Okoroafor who passed unto glory in the early hours of Saturday, 27th February, 2016 after a brief illness;

Recalls that the late Senator attended Church of Scotland Mission School Ekoi, Edda Ejikewu, Hope Waddell Training Institute Calabar and later bagged a B.sc degree in Mechanical Engineering from George Washington University (Washington D.C) and M.SC Energy System and Material from the same University;

Recalls further that the late Senator was a Member of several professional groups such as Council of Registered Engineers of Nigeria (COREN), Nigeria Society of Engineers, (NSE), Associate Member American Society of Mechanical Engineers (ASME) and Nigeria Institute of Management (NIM);

Notes that the late Senator started his working experience between 1962-1970 with Eastern Nigeria Ministry of Agriculture, 1967-1977 as Mechanical Engineering Consultant in charge of piping, flow controls, material selections and Energy Systems with Stanley Consultant Inc. Muscatine, Iowa (USA) between 1984-1996 and Key Stone Valve (NIG) Ltd as the Managing Director/Chief Executive - Leader in Flow Control Technology in Nigeria involved in Distribution, Installation and Maintenance of flow control equipment and accessories in Nigeria;

Recall that as an astute business man he later established Oktec Nigeria Ltd as Chief Executive involved in the maintenance, installation, specification of control equipment in Nigeria from 1996 till his demise;

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Aware that between 1992-1993 he was elected into the Senate under the platform of National Republican Convention (NRC) representing Abia Central;

Aware further that Senator Onyekachi Amadi Okoroafor was a founding member of Liberal Convention of Nigeria and also served as the State Chairman between 1985/1987; he was also a founding member and held various positions at the State and national level between 1988 and 1994. He was a frontline member of NADECO, founding member of Alliance for Democracy (AD) as the State Chairman between 1998 -1999. Between November, 1999-2015 he was a Chieftain of PDP and he was a National Delegate of PDP at its National Conventions.

Aware that between 2001/2006, he served as a Pioneer Commissioner of the National Assembly Service Commission (NASC) which was the first members' Bill that became an Act. He was the first Commissioner that represented South East in National Assembly Service Commission. I believe most members of Staff here enjoyed his patronage and assistance where he distinguished himself as a true representative of his zone;

Notes that he also served as Chairman and member of various boards of Governmental parastatals such as Member Board of Directors, International Glass Industry (IGI) Aba 1987/89, Member of the Board of Directors, Mechanical, Agricultural Research, Kwara State (2006/2007). Chairman Governing Council of Federal Polytechnic Offa Kwara State, where he brought his tenacity to bear as an astute administrator transforming the Hitherto Moribund Institution into an enviable height;

Observes that the late Senator was a detribalised Nigerian whose political leaning cuts across ethnic, religious and parochial interest; as an activist, he was a selfless and courageous statesman;

Recalls that his relentless demand for the revalidation of June 12th election which was adjudged as the freest and fairest election won by M.K.O. Abiola led to his incarceration in a prison with the likes of Asiwaju Ahmed Bola Tinubu, Ameh Ebitu, Polycap Nwite and Rev. Nwaulu to mention but a few.

Aware that the late Senator was a kind hearted philanthropist who offered scholarships and job opportunities to many;

Observe that his demise is a monumental loss not only to his family, the Igbo land but to the entire country, Nigeria.

Senator Onyekachi Amadi Okoroafor is survived by his wife (Flora) and children. Until his death, he was a devoted Christian and a good family man.

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Resolve to:

- (i) Observe a minute silence in honour of late Senator Onyekachi Amadi Okoroafor;
- (ii) Send a delegation to commiserate with his family, the people of Abiriba and indeed the people of Abia State and attend his burial.

Senator Theodore A. Orji (Abia Central): Mr. President, I support my brother Senator Mao Ohuabunwa, he has written a lot about Senator Okoroafor. I could not have stood up to speak if I did not know this man. I know him very well and whatever he said is correct but I want to add one thing first, he came from Abiriba and Abiriba is a mercantile community and people expected him when he was growing up to be a trader in either second hand clothing, stock fish or hot drinks; that is where money is but he veered away and went to US to study engineering and came back.

When he came back, he wanted to touch people's lives politically, he did not go into a comfort zone like a political party that has already been established, he went into NADECO, and all of you know what NADECO saw that time.

One other thing I want to say about this man is that his politics is different; he supported you because of what you could do, not because you belong to his political party.

During the last election, he supported Senator Mao Ohuabunwa wholeheartedly even though he was of APGA and my brother Senator Mao Ohuabunwa is for PDP. He said this man was a good man; this is one quality that I want to point out that this man possessed.

The President: Distinguished Colleagues, this is a very straightforward Motion, we will go straight to the prayers.

- (i) Observe a minute' silence in honour of Late Senator Onyekachi Amadi Okoroafor –

Question put and agreed to.

- (ii) Send a delegation to commiserate with his family, the people of Abiriba and Government of Abia State and attend the burial –

Question put and agreed to.

Resolved: That the Senate do:

- (i) Observe a minute' silence in honour of Late Senator Onyekachi Amadi Okoroafor.

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- (ii) Send a delegation to commiserate with his family, the people of Abiriba and Government of Abia State and attend the burial.

(A minute silence was accordingly observed in honour of the deceased)

The President: On behalf of the Senate of the Federal Republic of Nigeria, I convey our deep condolences to the Okoroafor family, National Assembly Service Commission and the Abia North Senatorial District on the demise of Senator Onyekachi Amadi Okoroafor. As we have all heard today, what he was fondly remembered for was his forthrightness and an amiable nature. His passing away is a great loss to the family and to the nation as a whole. Once again, may the Almighty God grant his soul eternal rest, Amen.

Suspension of all other items on the Order Paper

Senator Bala Ibn Na'allah: Mr President, I move that the remaining items on the Order Paper be stood down to the next Legislative Day.

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Senator Godswill Obot Akpabio: Mr President, I second the Motion moved by the Leader.

Question put and agreed to.

ADJOURNMENT

Senator Bala Ibn Na'allah: Mr. President, having concluded the business of the day, I move that the Senate do adjourn till tomorrow Wednesday, 13th April, 2016 at 10:00 a.m. prompt.

Senator Godswill Obot Akpabio: Mr. President, I second the Motion moved by the Leader.

Question put and agreed to.

Resolved: That the Senate do stand adjourned till Wednesday, 13th April, 2016 at 10:00 a.m. prompt.

The Senate adjourned accordingly at 1:35 p.m.