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**SENATE OF THE FEDERAL
REPUBLIC OF NIGERIA**

Wednesday, 16th March, 2016

The Senate met at 10.58 a.m.

PRAYERS

(The President in the Chair)

VOTES AND PROCEEDINGS

The President: Distinguished Senators, we have before us the Votes and Proceedings of Tuesday, 15th March, 2016 for approval. We will start consideration from page 569 to 574.

Senator Ibrahim Abdullahi (Sokoto South): Mr. President, I move that the Votes and Proceedings of Tuesday, 15th March, 2016 be approved.

Senator James Ebiowou Manager (Delta South): Mr. President, I second the Motion as moved.

Question put and agreed to.

Resolved: That the Votes and Proceedings of Tuesday, 15th March, 2016 be approved.

OATHS

OATH OF ALLEGIANCE

AND

OATH OF MEMBERSHIP

The President: Will any new Senator desirous of taking the Oaths please come to the Table?

(Thereupon, Senator Mao Oluabunwa (Abia North) took and subscribed the Oaths required by law).

ANNOUNCEMENTS

Visitors in the Gallery

I wish to announce the presence of the students and staff of the Wesley Nursery/Primary School, Bwari, Abuja; Staff and students of ECWA Seminary Staff School, Kagoro, Kaduna State; and Staff and students of Intelligence Quotient (IQ) Academy, Garki, Abuja, who are in the Gallery to observe Senate Proceedings. I wish them all a fruitful observation.

(The Visitors stood for recognition).

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Senate Delegation to Delta State

This is an announcement for the delegation for Late Senator Felix Ibru's funeral to be led by the Deputy Senate President.

The delegation includes:

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|------------------------------|---|--------|
| (1) Senator Ike Ekweremadu | - | Leader |
| (2) Senator Danjuma Goje | - | Member |
| (3) Senator Godswill Akpabio | - | Member |
| (4) Senator Bala Na'allah | - | Member |
| (5) Senator Shaba Lafiagi | - | Member |
| (6) Senator Gbenga Ashafa | - | Member |

PRESENTATION OF PUBLIC PETITIONS

Petition against the Nigerian Police Force

Senator Barau I. Jibrin (Kano North): Mr. President, I have a petition from one of my constituent whose name is Gali Mustapha from Gwarzo town. He was with the Nigerian Police Force but was dismissed via the allegation of refusal to report to his duty, whereas, he said he was sick at that time. He wants this hallowed Chamber to intervene so that he can be reinstated. May I lay the petition?

The President: Go and lay the petition.

(Petition laid)

**Petition against Nigerian Railway Corporation and
Nigeria Police Force**

Senator Shehu Sani (Kaduna Central): Mr. President, I have two petitions: one is from disengaged staff of the Nigerian Railway Corporation who were unjustly dismissed; another one is from a Police Officer by name Mr. Banga who was also unjustly relieved of his position.

The petitioners are not seeking any legal remedy. With your permission, may I lay the petitions on the Table?

(Petitions laid)

Petition against Nigerian Army

Senator Tijjani Yahaya Kaura (Zamfara North): Mr. President, I have a petition from one of my constituent, Usman Umar, an officer of the Nigerian Army who was dismissed wrongfully from service.

The petitioner had appealed to the Nigerian Army Legal Service Division against his dismissal as a means and ways of seeking redress and the Army Legal Service Department consequently reviewed his case and they recommended that he should be reinstated and all his entitlements paid, but this has not been done.

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The case has no any legal impediment. With your permission, I will lay the petition.

(Petition laid)

Petitions against NDLEA and Dana Steel Workers Union

Senator Umar Ibrahim Kurfi (Katsina Central): Mr. President, I have two petitions from my constituents: the first one was from Mallam Nurudeen Abubakar Baiye against NDLEA on a wrongful dismissal from service, and the second petition is against the Dana Steel Workers Union by Mallam Haruna Garba Kaita.

I seek the permission of Mr. President to lay the petitions

(Petitions laid)

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

PERSONAL EXPLANATION

Postponement of FCT Area Council Election

Senator Philip Tanimu Aduda (FCT): Point of Order Mr. President.

The President: What is your Point of Order Minority Whip?

Senator Philip Tanimu Aduda: Mr President, I come under Order 43 and it reads:

By the indulgence of the Senate and the leave of the President of the Senate, a Senator may make a Personal Explanation although there be no question before the Senate; but no controversial matter may be brought forward nor may debate arise upon the Explanation. The terms of the proposed statement shall be submitted in detail to the President of the Senate when his leave to make it is sought.

As you are all aware, INEC just postponed the FCT Area Council elections which were scheduled for the 19th March, 2016 to the 9th April, 2016. They had three years to prepare for this election but they have come up with some excuses.

I am aware that Section 104 of the Electoral Act provides for elections of the Chairmen, Vice- Chairmen and Councillors of the Federal Capital Territory. I am also aware that Section 299 of the 1999 Constitution vests the legislative powers of the FCT in the National Assembly.

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There is no ambiguity in the Electoral Act; it is quite clear on how elections should be conducted in FCT.

The President: Minority Whip, you have read Rules 43 and there is an important sentence there that says by *the indulgence of the Senate, but no controversial matter may be brought forward*. I have listened to you but since the matter is controversial, I have to rule you out of Order.

PRESENTATION OF BILLS

Senator Mohammed Ali Ndume (Borno South): Mr. President, the first Business of the Day is the Presentation of five Bills. You may wish to invite the Clerk of the Senate to read the short title of the Bills.

Climate Change and Green House Emissions Reduction Bill, 2016

Climate Change and Green House Emissions Reduction Bill, 2016 (SB. 108) – presented by Senator Isa H. Misau (Bauchi Central); *read the First Time*.

Institute of Fraud Examiners (Est. Etc.) Bill, 2016

Institute of Fraud Examiners (Est. Etc.) Bill, 2016 (SB. 167) – presented by Senator Foster Ogola (Bayelsa West); *read the First Time*.

Immigration Act (Amendment) Bill, 2016

Immigration Act (Amendment) Bill, 2016 (SB. 203) – presented by Senator Gbolahan J. Dada (Ogun West); *read the First Time*.

Federal Road Authority (Est. etc.) Bill, 2016

Federal Road Authority (Est. etc.) Bill, 2016 (SB. 219) – presented by Senator Kabiru Gaya (Kano South); *read the First Time*.

Public Procurement Act (Amendment) Bill, 2016

Public Procurement Act (Amendment) Bill, 2016 (SB. 238) – presented by Senator Abaribe Enyinnaya (Abia South); *read the First Time*

PRESENTATION OF A REPORT

Report on the High Court of the Federal Capital Territory Act No. 15 2003 (Amendment) Bill, 2016.

Senator Mohammed Ali Ndume: Mr. President, the sixth Business of the Day is the presentation of the Report of the Committee on Judiciary, Human Rights and Legal Matters on the High Court of the Federal Capital Territory Act No. 15 2003 (Amendment) Bill, 2016.

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You may wish to invite distinguished Senator David Umaru, Chairman of the Committee to move the Motion for the Senate to receive the Report.

Senator David Umaru (Niger East): Mr. President, I move the Motion that the Senate do receive the Report of the Committee on Judiciary, Human Rights and Legal Matters on High Court of the Federal Capital Territory Act No. 15 2003 (Amendment) Bill, 2016 (SB. 176).

Senator Ben Murray-Bruce (Bayelsa East): Mr. President, I second the Motion as moved.

Question put and agreed to.

(Report laid on the Table)

ORDERS OF THE DAY

MOTION

Demise of Senator Felix Ovuodoroye Ibru

Senator Mohammed Ali Ndume: Mr. President, the first Order of the Day is a Motion standing in the name of Senator Ovie A. Omo-Agege and two others on the demise of distinguished Senator Felix Ovuodoroye Ibru. You will recall that on Tuesday, 15th March, 2016 the Senate vide Order 42 (2) of our Standing Order approve that this Motion be moved on another Legislative Day which is today. Accordingly, you may wish to invite Senator Omo-Agege to move the Motion.

Senator Ovie Augustine Omo-Agege (Delta Central): Mr. President, this Motion is to formally notify this Senate of the demise of Senator Felix Ovuodoroye Ibru. This Motion is co-sponsored by my two Colleagues from Delta State, Senator James Manager (Delta South) and Senator Peter Nwaoboshi (Delta North).

The Senate;

Notes with grief the demise of Senator Felix Ovuodoroye Ibru, the first democratically elected Governor, Delta State, a revered illustrious leader and Olorogun of the Urhobo ethnic nationality of Delta State;

Notes also that Senator Felix Ovuodoroye Ibru represented Delta Central Senatorial District of Delta State in the 5th Senate from 2003 to 2007 and he served our Country with pride as a quintessential legislator, a bridge builder and a great force for national development, unity and peace. His service in this Chamber was remarkable as he was involved in Pension Reform.

Notes further that as the first Executive Governor of Delta State from 1991 to 1993, Senator Ibru laid the developmental foundations of the democratic Delta State we all know today;

Notes furthermore that between 2007 to 2010, Senator Ibru also served as the President-General of Urhobo Progressive Union (UPU) - the umbrella of social political body of the Urhobo People - and, in the capacity, nurtured intra and inter-ethnic harmony with public admiration;

Notes even furthermore, that Senator Ibru was a major architect of the Ibru business empire that contributes immensely to put our dear Nation Nigeria on the world of business and lifted the image of our Nation thereby;

Aware that it is the traditions of this distinguish Senate to honour our Colleagues, past and present, even in death.

Accordingly resolves to:

- (i) Observe a minute silence in honour of the Late distinguish Senator Felix Ovuodoroye Ibru and;*
- (ii) Send a delegation to condole with the family of the Late Senator Felix Ovuodoroye Ibru, the people and Government of Delta State and also participate in the late Senator's funeral.*

I so move.

Senator James Ebiowou Manager (Delta South): Mr. President, it is with a very heavy heart that I painfully rise to second this all important Motion but with gratitude to the Almighty God for a life well spent.

Senator Felix Ovuodoroye Ibru meant so many things to so many people. I feel a high degree of personal loss and you will understand why as I go on. I served under Senator Felix Ibru as a Commissioner for Social Development, Youth, Sports and Culture when he was Governor of Delta State. He was indeed a great statesman. Between 1991 and 1992 served as the first democratically elected Governor of the new Delta State and laid solid foundation for the Delta State of today. There are so many landmark projects standing in his name, principally the Delta State University, Abraka, a great centre of learning, was established by Senator Felix Ibru when he was Governor of Delta State.

Senator Ibru was a legitimate great businessman of the great Ibru family and brought fame not only to the Ibru family but also to Delta State and Nigeria. He was an astute administrator and a great believer of democratic values and principles. In 2003, I had the opportunity to be elected by the good people of Delta South Senatorial District and behold Senator Ibru was, at the same time, elected as a Senator together with Senator Osakwe. The three of us came into this National Assembly the same time in 2003. Senator Felix Ibru was great even in this Chambers.

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He was the Chairman of the Senate Committee on Establishment and Public Procurement and under his watch, so many Executive Bills were passed and in the valedictory service on the 30th May, 2007, the former Senate President, Senator Ken Nnamani, had cause to single out Senator Ibru and everything that was referred to Ibru was done within the given period of time that was assigned to that particular Committee. Senator Ibru was already above 70 years old and he worked harder than even young men like us inside this Senate. The records are there.

So, today we mourn the demise of this great man, in fact, only few days ago, he celebrated his 80th birthday and I had cause to call him on the phone and congratulated him, little did I know that that was the last time we are going to talk.

Inside this Senate, I had to consult with him from time to time and I was very loyal to him because he was my *oga* and he remained my *oga* until he died. Just like between Senator Godswill Akpabio and Senator Albert Akpan, consulting him from time to time. (*Laughter*).

The fact that we came into this Senate the same time and we were colleagues here did not remove that fact that I was once his boy, and I remained his boy until he died. Senator Ibru was a great man and I thank God that I am here to pay this tribute to God Almighty.

Senator Bareehu Olugbenga Ashafa (Lagos East): Mr. President, I joined my brother, Senator James Manager to mourn with the people of Delta State and indeed, Nigeria.

However, we are mourning in Lagos as well because deservedly, the Late Olorogun Felix Ibru contributed in so many ways to the development of Lagos State. He was a statesman of very high intellect. I remember a situation that came up in Lagos when I was the Executive Secretary Lands which involved the Ibru family; it was a legal tussle on a particular parcel of land on the Island. The issue was dragged up to the Supreme Court but mid-way, a situation presented itself for an out of court settlement. For those of you who are very conversant with issues relating to land, when it got to a particular level, the then Governor Felix Ibru had to lead the team of the organisation together with his siblings to a meeting and the terms of settlement were presented. Of course, from their own end, it will mean that Lagos will have to go beyond whatever they had planned.

I want to let you know that it was the personal intervention and the final decision taken by Senator Felix Ibru that put the matter to rest. He said: *whatever we contribute to the progress of Lagos, I want to be part of it. Whatever settlement the Lagos State Government wanted, it is to be taken* and it was taken and that rested the case.

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On behalf the people of Lagos State, I want to commiserate with the Governor and the people of Delta State and indeed the entire Nigeria and wish the family the fortitude to bear the loss.

Senator Ike Ekweremadu (Enugu West): Mr. President, it is with heavy heart that I join the rest of us in mourning our friend and our colleague, Olorogun Felix Ibru. I met Felix Ibru in this Senate during the 5th Senate in 2003 and we had remained friends since then. He left the Senate in 2007 but the Senator in him never left him. He always call when we have issues here and shows concern and as a Senator, he brought in a lot of experience and wisdom in the conduct of his work.

I recalled that he was the Chairman of the Committee on Establishment, he always turn in his Report timeously; his Report will be clear, straight forward and enrich debate of this Senate but most importantly, he was such a calming influence on the Senate and Senators of the time.

During the 5th Senate, we had a number of Senators with very short temper. We had people like Senators Idris Kuta, Philip Okoro, Gandi from Sokoto, Nuhu Aliyu and Lee Maeba; Senator Ibru will go round whenever tempers arise, he will say calm down. We used to call him calm down but it was a huge influence on all of us. So, he helped not only to moderate the 5th Senate but also brought a lot of friendship amongst us.

Of course, we need to thank him and the rest of his family for their contribution to Private Sector Development in Nigeria from the Guardian Newspapers, to Sharaton, to Ibru Fish and to so many other things that they developed to employ thousands of Nigerians.

I believe that should be the example he is leaving behind for fellow Nigerians that the only way we can drive our economy and make Nigeria better is for the private sector to thrive and for Nigerians to be employed under private sector arrangement.

There is certainly no way the public sector can employ all the army of unemployed youths in Nigeria but with people like Ibru and his brothers and the rest of his family, with the example they have set in public, private and private service sector, there is a lot to be learnt that will help to ensure that we have a society where everybody will have a gainful employment.

I would like to thank people like Dangote that followed the same footstep. When we have enough people like Dangote in Nigeria, I am sure that a lot of things will improve; most importantly, in the issue of job creation which in effect also translate to security because a man without employment is a man that is angry and someone that is angry can do anything. So, we need to develop our private sector just like the Ibru family has done.

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On this note, I would like to send my condolences to the Ibru family and I want to thank God that his life was not in vain. It was a huge success and he is leaving behind a rich history of development and integrity in public service. May his soul rest in perfect peace. Amen.

Senator Abdullahi Abubakar Gumel (Jigawa North-West): Mr. President, I met Senator Felix Ibru during the Constitutional Assembly in 1988 - 1989. He impressed me very well because at that Assembly, we had a problem of Sharia and that controversy was about to divide the Assembly. Fortunately enough, Senator Ibru, Hon. Justice Aniagolu, and a lot of other Nigerians, about ten of them met the then President Babangida; the following week, Sharia discussions were taken away from the Assembly and became a *no go area*.

By the time the tempers were high, he came to us the Muslims and we were the young men then in the Assembly, he doused all the tensions that were there at that time and the Assembly was quiet and we continued with the work that we were elected to do.

For that reason, I mourn the death of this great, detribalise Nigerian, and may his soul rest in perfect peace.

Senator Barnabas Gemade (Benue North-East): Mr. President, I move this tribute for a great man, Governor, Senator Felix Ibru. I met Governor Ibru in 1992 when I was the Minister of Works under the Military Government of General Babangida. It was at the time when the States were recently created and we had matching orders to provide basic infrastructure for the new States and Delta State happened to be one of them. Three projects were signed: the State House of Assembly, the State High Court and the State Secretariat building.

When we set out on this business, I noticed that Governor Felix Ibru being a corporate man by his upbringing was extremely enthusiastic in ensuring that results were obtained in the shortest possible time. Almost every week, he put phone calls through to my office in Lagos trying to ensure that we accelerated work on these projects and he also had a wonderful team working with him. I do not remember the Commissioner of Works now but I remember Senator James Manager as one of the most vibrant Commissioners at the time.

Because of his incessant pressure to ensure that Delta State received the best from the Government, and working at that time as an elected Governor under a military administration, it was not so easy because the military was used to command and everything that went out was almost as a command. But he in particular was able to navigate this very maturely and at the end of the day, in 1993, that project ended up being the first out of the six States to be completed.

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Governor Ibru also literally pester the life of our Ministry to deal with the section of East/West road that pass through his State: Sapele, Ughelli, Warri, *et cetera*. I do recall today that at certain times, he almost was offering an opportunity for partnership with the Ibru Group in order to help the contractors at the time to achieve better result. Today, he went on to serve in different capacities including been in this hallowed Chambers and is being remembered for all the good works.

I just add my voice to this tribute and say that may the great soul of Senator Felix Ibru rest in perfect peace. Amen.

The President: We will now go to prayers:

- (1) *Observe a minute silence in honour of the late distinguish Senator Felix Ovuodoroye Ibru –*

Question put and agreed to.

- (2) *Send a delegation to condole with the family of the late Senator Felix Ovuodoroye Ibru, the people and government of Delta State and, participate in the late Senator's funeral –*

Question put and agreed to

Resolved: That the Senate do:

- (1) Observe a minute silence in honour of the late distinguish Senator Felix Ovuodoroye Ibru.
- (2) Send a delegation to condole with the family of the late Senator Felix Ovuodoroye Ibru, the people and government of Delta State and, participate in the late Senator's funeral.

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

The President: May his soul rest in perfect peace.

Several distinguished Senators: Amen.

CONSIDERATION OF BILLS

Chartered Institute of Capital Market Registrar Bill, 2016

A Bill for an Act to Establish the Chartered Institute of Capital Market Registrars to regulate and control the practice of Registration, and for related matters –

Order for Second Reading.

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Senator Mohammed Ali Ndume: Mr. President, the second Order of the Day is the Second Reading of the Chartered Institute of Capital Market (Est. etc.) Bill, 2016.

You will recall that the Bill was read the First Time in this Chambers on Tuesday, 6th October, 2015.

You may wish to invite distinguish Senator Francis Alimikhena, the Deputy Whip of the Senate to move the Motion for the Bill to be read the Second Time.

Senator Francis Alimikhena (Edo North): Mr. President, permit me to lead the debate on the General Principles of this important Bill which seeks to establish the Chartered Institute of Capital Market Registrars to regulate and control the practice of share registration and other connected matters.

The Bill was read the First Time on the Floor of the Senate on Tuesday, 6th October, 2015.

It is obvious that the impact created by the consolidation exercise in the Banking and Insurance sectors and the privatisation policy of the government created a new vista in the Capital Market that demand institution of structural capacity and modification of existing ones. The Reform attracted and is still attracting both local and foreign investments. Medium and long-term investible funds are pooled and purveyed from the surplus economic units to the deficit but productive (real) economic units, hence the need for adequate structure in terms of trained and disciplined professionals charged with maintenance of records, documents and details of such transactions on investments in a transparent manner.

It is important to highlight that over ₦1.921 Trillion has been invested in various securities in the Nigeria Capital Market by individuals and corporate investors. On daily basis, billions of naira change hands in connection with buying and selling of shares (trading transactions) on the floor of the Exchange. The records, documents and details of transactions on such investment are created, maintained and kept by the Capital Market Registrars. Provisions were equally made for discipline measures and penalties for unprofessional conducts.

A Capital Market Registrar is someone who:

- (a) Engages himself in the practice of share registration or holds himself out to the public as a capital market registrar; or
- (b) Renders professional services or assistance in, or about matters of principles or details, relating to the practice of share registration; or

- (c) Renders any other services which may, by regulations made by the council, be designated as service constituting practice as a capital market registrar.

The role of Registrars in Capital Market and indeed the economy is crucial. The Registrar is expected to be a manager of resources, an accountant, a computer specialist, stock broker and an industrial relation expert. That means that the practice of share registration is demanding and needs specialised skills and tools that cut across so many other professions.

At the level of the primary market, which is a market for fresh securities, Registrars ensure the effective dispatch of offer documents and handle returns of all offer document/application forms. After the rigorous exercise of collation and vetting, the Registrar produces the basis for allotment of shares and goes ahead to issue share certificates to successful investors after creating a register for shareholders. At the secondary market, all documents relating to volumes of transactions are verified and facilitated by Registrars.

It is therefore the thinking of the Committee that records of investors and their investments must be handled by qualified and tested professionals so as to ensure adequate protection, transparency, and guide against fraud and enhance the standard of service delivery in the market in line with international best practices. For other professionals to handle this task that cut across Accounting, Company Secretarial Practice, Law, Computing and other professions is therefore not possible.

The Bill seeks to establish the Institute of Capital Market Registrars (ICMR) with the following objectives:

- (1) To regulate and control the practice of share Registration;
- (2) To organise and conduct professional examination in share registration leading to the award of Associate of the Institute of Chartered Capital Market Registrars;
- (3) To facilitate rapport among practicing Registrars;
- (4) To take desirable measures to further the interest of share registration in the country;
- (5) Organise lectures, seminars and conferences on share registration and related fields;
- (6) Uphold and ensure observances of professional ethics and tradition in the industry,
- (7) Publish in-house journal and professional share registration textbook;

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- (8) Promote general advancement of share registration practice in the country;
- (9) Conduct research into the theory and practice of share registration in Nigeria; and finally
- (10) Disseminate research information relating to share registration to the public and to liaise with the Government and regulatory bodies toward promoting and regulating the practice of share registration in the country.

The twenty-four Clauses and six Parts that are contained in this Bill deal with the requirement for establishment and legislation of the Institute including the qualification for membership, the Council of the Institute, Power of the Council, the Objectives, Funding arrangements and other issues like the supervision of instructions and examinations leading to approved qualification, establishment of disciplinary and investigating panel and penalties for unprofessional conduct.

Mr. President, your support for the passage of this Bill is very crucial. The Bill, if passed, will further consolidate on the contributions of the Institute in securing investors and investments in the capital market against fraud. Assist in reforming the practice of share registration and motivate practitioners to put in their best. Moreover, it will ensure high level performance and as well impact on the efficiency and effectiveness of the Nigeria Capital Market.

This is an already existing Institute and has been regulating the Capital Market. What is needed is a legal framework to back its operations in that regard. It has no financial implication on government as the Institute relies solely on member's subscription fees for its operation.

I therefore, urge my distinguish Colleagues to give this Bill support and pass it into law.

Senator Sani Shehu (Kaduna Central): Mr. President, I support this Bill. The Chartered Institute of Capital Market Registrar is an idea which time has come. If we can recall back before 2008, million of Nigerians bought shares and the market crashed and since then, not many people have been refunded or informed on what happened to their investment.

If this Institute is established, there are lots of things it can do in terms of public enlightenment of what shares are all about and also in terms of checking the intrigues and the fraud associated with the Capital Market. Capital Market is an indispensable Institution in developed and developing economy. We cannot talk about diversifying our economy without adequately addressing the issue of Capital Market.

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When we have a Registrar, and Chartered Institute, there would be some form of monitoring, regulation and inspection on the activities of people involved in the Capital Market.

Senator James Ebiowou Manager: Mr. President, I was just wondering and I tried to ask the question secretly but the answers I have gotten, I am not very satisfied. Maybe it is important for the Sponsor, the Author of this Bill to maybe answer the question in the open. Is it an amendment or fresh Bill? If it is amendment Bill, what part of the Act is being amended and if it is a fresh Bill, then of course, definitely we need a financial compendium.

Senator Mohammed Ali Ndume: Mr. President, just as a form or clarification to what the last speaker said. This Bill is a fresh Bill and it is as the name says; Chartered Institute of Capital Market Registrars. The Institute exist but there is no legal legislative framework to back it and for this to be effective in terms of achieving the original objectives for which the Institute was set up, there is a need for the National Assembly to provide the legislative backup.

Therefore, I urge my Colleagues to really support this very important Bill. As he said, there is no financial implications, the Institute exists basically on subscription of its members and what we need to do is to give it legal support that it so deserves.

Senator I. Barau (Kano North): Mr. President, as a business person and indeed as an industrialist, I stand to support this Bill because any economy that does not have a strong Capital Market is doomed. So, the importance of a Capital Market is to be strong and well grinded. Capital market in any economy cannot be over-emphasised and you cannot have a grinded and sound Capital Market without those who operate in that system as Registrars. You need to have educated, well informed and very effective Registrars that would drive such a Capital Market and this is what this Bill wants to achieve.

It is therefore necessary that we support this Bill because as I have said earlier, we all saw what happened when our Capital Market crashed and people lost their investments and up till now, some are not well informed about what happened. This is due to the fact that we lacked and we still lack a body that really look at the affairs of those who are enshrined with the duties of making sure that investors are well informed, that the records are well kept, and everything that has to do with an investment is put in a proper place and that they can assess any information they want at any point in time.

Without saying much, this Bill is desirable and I urge all Senators of this Hallowed Chamber to support this Bill so that we can put in place a strong Capital Market in this country.

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The President: Is there anybody against the Bill?

Distinguished Senators: No!

Question put and agreed to.

(The Bill read the Second Time and referred to the Committee on Capital Markets to report within four weeks)

The President: I want to thank the Deputy Chief Whip, Senator Francis Asekhome Alimikhena for this Bill. There is no doubt that the Capital Market is key in our development and as such it is important that we scrutinise and regulate the activities of the Registrars.

Therefore, this is a very important Bill; it is part of our agenda of creating a conducive business environment. Please, the Committee on Capital Market should kindly ensure that we keep within the four weeks because we need to fast track Bills like this. Thank you.

Establishment of the Nigerian Air force Institute of Technology Bill 2016

A Bill for an Act to establish the Nigerian Air Force Institute of Technology to provide technical training to personnel of the Nigeria Air Force and other Services of the Nigerian Armed Forces and for other connected purposes 2016 –

Order for Second Reading.

Senator Ali Ndume: Mr. President, the third Order of the Day is the Second Reading of a Bill for an Act to Establish the Nigerian Air force Institute of Technology Bill 2016. You will recall that the Bill was read the first time in this Chamber on Thursday, 25th February, 2016.

You may wish to invite distinguish Senator Duro Faseyi to move the Motion for the Bill to be read a Second Time.

Senator Duro Faseyi (Ekiti North): A Bill for an Act to establish the Nigerian Air force Institute of Technology to provide technical training to personnel of the Nigeria Air force and Matters connected therein, 2016.

Mr. President, it is my pleasure to lead the debate on the general principles of the Bill explicitly seeking the enactment of a law for the establishment of the Air force Institute of Technology. The establishment of the institute is particularly essential to ensure the provision of technical training for personnel of the Nigerian Air force and other Armed Forces (Army, Navy) in Nigeria. It is designed to serve other Nigerians and African nations.

In specific and more insightful terms, the Bill is seeking for the establishment of an institute that will create a world class centre for technological research and development and train students in various engineering fields. These includes; Aerospace and Aeronautical Engineering; Automobile, Automotive and Marine Engineering and so on which will contribute immensely to the much desired technological advancement of the country.

Over the years, the Nigerian Air force and other Armed Forces and the Aviation sectors have been relying on foreign countries for the maintenance of the aviation aerospace. Consequently, each year, the nation contends with huge budget to meet the cost of maintaining the operating infrastructure of the Air force and the aviation sector which runs into Millions of US Dollars given its highly technical nature. This results in huge expenditure incurred outside the country.

Essentially, when this institute comes on stream, most of the maintenance work of the aviation sector will be undertaken locally, given the fact that the institute is well structured to impart high level of maintenance skill in its students. The implication is that this would enable the nation to save more money and conserve its foreign currency. It is an obvious fact that the revenue base of the country is in bad shape, occasioned by the steady decline of oil price at the international market. The nation no longer meets the genuine demands of its citizens for international currency towards embarking on business, medical, education and other related trips abroad. In the face of these unfortunate realities, our pre-occupation at this point should be to find ways of reducing the running cost of governance. One of the key ways of achieving this is to establish this institute which will train highly skilled manpower who will cater for the maintenance of aviation and aerospace locally, which until now is being undertaken outside the country.

Besides, the fundamental idea is to establish an Air Force Institute of Technology that is of international standard and the first of its kind in Africa, especially, in Sub-Sahara Africa. In this realisation, the Institute will equally cater for the needs of other African nations in the areas of manpower training and maintenance of their own aviation aerospace. This will inherently constitute a huge source of foreign currency for the nation.

In this era of global terrorism which has been heightened and intensified in Nigeria by Boko Haram insurgents given their condemnable wicked activities in the North Eastern part of Nigeria. We need highly skilled, combat ready operationally prepared and well-motivated Armed Forces to take up the battle efficiently against the insurgents. The institute when established will be a significant add-on to the process desirable for the effective preparation of the Armed Forces to win the war against insurgents.

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As a matter of priority, many other countries of the world particularly the advanced nations have put in place a similar institute to meet the professional and aeronautic needs of their Armed Forces. For instance, the United States Air Force Institute of technology was established as far back as 1909 in Ohio and even runs a graduate school that provide professional and continue education for the US Armed Forces. India founded its own in 1949, only two years after its independence in 1947.

Consequently, the establishment of the Institute will have far-reaching impacts towards opening doors for us to enlist the support, co-operation and collaboration of similar institutions in advanced countries and other parts of the world; through joint activities, exchange of programmes, shared experience, exchange of research and knowledge transfer by attracting international researchers and stakeholders to the country. Nigeria would be better placed to expanding the horizon for indigenous research and development in aviation, aerospace, aeronautic and allied areas. In line with Order 77 (3), I attached a compendium of the financial implication of the Bill.

Senator Bala Ibn Na'allah: Mr. President, one of the primary functions of the Parliament is to ensure prudent use of the resources of the country. It therefore means that a Bill of this nature ought to be supported by every Member of Parliament, because what it seeks to do in essence is to save for this country the ridiculous amount of money that we waste and lose in taking most of the maintenance of our aircrafts outside the shores of this country. It is as ridiculous as the fact that issues like boroscope, air blow down, engine fire bottle overhaul, FOD, ben-checking of avionics and propeller overhauls are done in a neighbouring country in Africa when we have the capacity, even as at now with little investment to put that in place in this country.

In addition to that, if you have to maintain something that will cost you about \$9,000 and you have to use \$20,000 to apply for landing permits, over flight permits, pay for pilots' accommodation just for the purpose of going to London, Germany or South-Africa to do this maintenance; that money could have been used to further improve on the fleet in the industry. As it relates to the Air force, I will give you one practical example. This country invested heavily and bought an ATR 72 for the surveillance of our borders, mere bird strike has kept that aircraft in Yola for almost up to one and half years. What it means is that, those parts that are tagged X would have expired by now and by the time you go to bring back this propeller to fix, the aircraft has to remain on ground again, because the term experts again have to be created, send out, come back, customs will waste so much time before you will even clear them to put them in the aircraft. By the time you put it again, another term expert has expired.

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This has continued to weigh down the industry and the operations of the Nigerian Air force. It will be a very nice idea if we take the bold steps of ensuring the fact that we improve upon the capacity of what we purchase so that we can make savings for the country and the country will be better for it.

It is a very straightforward Bill, it goes straight to the fundamental function of the Parliament and I urge my colleagues to support the Second Reading of this Bill.

Question put and agreed to

(Bill read the Second Time and referred to the Committee on Air Force to report within four (4) weeks)

The President: I want to join others to thank Senator Duro Faseyi for this important Bill and the key issue here as we have all said is that there is need for us as a country to be able to provide technical training to our personnel. This is a very important Bill and the kind of concurrency it has got by our Colleagues, by the time we refer it to the Committees, please let the Committees also give it the sense of dispatch that it has received this morning so that we can bring this Bill back and hopefully pass it as quick as possible.

Nigeria Social Insurance Trust Fund Act CAP N88, LFN, 2004 (Amendment) Bill, 2016

A Bill for an Act to amend the Nigeria Social Insurance Trust Fund (NSITF) Act, CAP N88, LFN, 2004 to provide Social Security/Protection to serve as a cushion to all working class citizens both in Private and Public Sector, unemployed and aged without discrimination and other related matters 2016 –

Order for Second Reading.

Senator Mohammed Ali Ndume: Mr. President, the fourth Order of the Day is another straightforward Bill that requires amendment and Second Reading of the Nigerian Social Insurance Trust Fund Act CAP N88, LFN, 2004 (Amendment) Bill 2016. You would recall that the Bill was read the First Time in this Chamber on Wednesday, 9th December, 2015.

You may wish to invite Senator Suleiman Nazif to move the Motion for the Bill to be read the Second Time.

Senator Suleiman Nazif (Bauchi North): Mr. President, it is with much pleasure and immense delight that I commence this debate on the General Principles and nature of the Amendment Bill which was read for the first time in this Chamber on the 9th December, 2015.

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It seeks to amend the Nigeria Social Insurance Trust Fund (NSITF) Act, cap N88, LFN, 2004 to bring it in tandem with the mandate to provide Social Security/Protection to all eligible citizens of Nigeria who are ordinarily resident in Nigeria be they employed in the private sector or public sector, unemployed and aged without discrimination; and to reflect the changes in the NSITF Act, Cap N88, LFN, 2004 that has been occasioned by the coming into force of both the Pensions Reform Act, 2004 and the Employees Compensation Act, 2010.

The NSITF Act, Cap N88, LFN 2004 was enacted in 1993 to establish a contributory pension scheme for the nation and set up a statutory body known as Nigeria Social Insurance Trust Fund (NSITF) to operate the scheme. However, in the year 2004, the Pensions Reform Act, 2004 was enacted for the administration of all pension matters in Nigeria thereby divesting NSITF of the earlier mandate for contributory pension. I refer to Subsection 2 of Section 71 of the Pensions Reform Act, 2004 which provides *inter alia* NSITF to provide social security insurance services other than pension. This new mandate given to the NSITF by the PRA to provide social security insurance services got a boost by the enactment of the Employees 'Compensation Act, 2010 which established an Employees Compensation Scheme to be administered by NSITF. This new scheme is a contingent social security programme which NSITF has been operating since 2011. I refer you to Section 2, 56, 57 and 58 of the Employees Compensation Act, 2010 for your information.

These developments have made most of the provisions of the NSITF Act CAP 88 2004 – LFN irrelevant, inappropriate, unenforceable and inapplicable to the mandate of the statutory body called NSITF hence it has become imperative to amend this Act to reflect all these changes and give the requisite statutory backing to the mandate of NSITF to social security services in Nigeria.

Mr. President, the Bill has the following objectives:

- (1) To expunge the relevant sections of the NSITF Act as it applies to contributory pensions which has become the exclusive jurisdiction of the Pensions Reforms Act, 2004.
- (2) To give relevance to the mandate of NSITF pursuant to section 71 (2) of the Pensions Reform Act, 2004 which provides (*inter alia* NSITF to provide (social security insurance services other than pension.
- (3) To reflect the role of NSITF in the administration of the Employees' Compensation Fund created by the Employee's Compensation Act, 2010 particularly Sections 2, 56, 57, and 58 (amongst others) of the ECA.

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The passage of this amendment Bill will see to the provision of at least minimal social security for the unemployed, aged, disabled and disadvantaged persons in our society.

More so, the government would be seen as progressing in performing part of its duties as enshrined under Chapter II of the Constitution with regard to the Fundamental Objectives and Directive Principles of State Policy, more particularly, the Social Section 14(2) (b, 16 (2) (d) and 17 (3) (f) of the 1999 Constitution more particularly, the Social Security (Minimum Standards) Convention, 1952 (No. 102) by empowering NSITF Security (Minimum Standards) Convention, 1952 (No. 102) by empowering NSITF to provide social security and protection to all citizens of Nigeria who are ordinarily resident therein by way of legislation on the other hand.

Social security or social protection nets as its also called is to make available a level of income security to individuals in certain circumstances such as disability, unemployment, maternity, aged, widowed and more excluding those covered by special schemes. This is in recognition of social security as a basic human right by the 1948 Universal declaration of Human Rights and ILO Social security Conventions and Recommendations more particularly, the Social Security (Minimum Standards) Convention, 1952 (No. 102). An adequate social security policy will bring about a long term social and economic development in Nigeria.

It is quite axiomatic that a country that cannot provide for the unemployed, aged and disable can never know peace, for the rich will never sleep when the poor are awake. It is equally imperative to note that what will secure us as a nation is not high fences, but ensuring that the unemployed, the aged and indeed the disabled have something reasonable to live on.

This Bill is quite vital because every nation must prove to the citizens that it has the capacity to respond to the challenges of governance by providing basic needs to make life meaningful.

This Bill will also pave way for the recognition of social security as a basic human right by the 1948 universal declaration of human rights.

I am confident beyond doubt that this Bill will enhance the living condition of the unemployed, aged and disabled people in Nigeria and also serve as a unique antidote to crimes in Nigeria.

I therefore solicit for the maximum support of my distinguish Colleagues for accelerated hearing and passage of this Bill into law.

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This Bill is so crucial, fundamental and essentially, it will further strengthen, ensure and provide a structure that will reduce social vices in this country. This Bill is so essential and fundamental that it will smoothen the relationship between citizenry and government. A lot of questions have been asked about a Bill like this, it is also fundamental to note that we must as a matter of urgency try to ensure the welfare of Nigerians, if we go under Section 14 (2) (b) of 1999 Constitution, it is very clear. Section 14 (2) says: *The Federal Republic of Nigeria shall be a state based on the principle of democracy and social justice.*

- (b) *It is hereby accordingly declared that the Security and Welfare of the people shall be the primary purpose of government.*

Section 16 (2) (d) of the 1999 Constitution says: *the State shall within the context of ideals and objectives for which provisions are made in this Constitution.*

The state shall direct its policy towards ensuring (d) suitable and adequate shelter, suitable and adequate food, reasonable national minimum living wage, old age care and pension with unemployed, sick benefits and welfare for disabled and provided for all citizens.

Section 17 (3)

- (f) *A state social order is funded on ideals of freedom, equality and justice. A state shall direct its policy towards ensuring that children, young person, aged are protected against the exploitation whatsoever and against moral and material negligent.*

This is a very fundamental Bill and a lot of Nigerians have not paid attention to the welfare of Nigerians. Welfare is important according to Encyclopaedia. What is Welfare? It is the provision of minimum level of wellbeing and social support for all citizens, sometime referred to as public aid. Welfare help given especially by the state or an Organisation to the people who need it because they did not have enough money. It is from English Dictionary a simple definition, a government programme for poor or unemployed people that will help to pay for their food, housing, medical cost, a state of being happy, healthy or successful.

Full definition of Welfare: it is a state of doing well, especially, in respect to good fortunes, happiness, wellbeing and prosperity. It is an aid in form of money, necessity for the need and agency of programme through which such aid is being distributed.

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Lack of ensuring the need for us to empower NSITF has made the Legislators of Nigeria the other NSITF because I believe that we are the one compensating for the NSITF. We give money to our constituents, beggars, disabled and elders, we are the ones doing the job and we should stop doing this job to ensure that government does this job. People should allow us to do the job that we are voted in to do, that is, making good laws for the good people of this country.

Furthermore, where are we going to get the money? It is very fundamental and essential. We heard that there was ₦500 Billion kept in some offices. We should use these moneys essentially for promoting the welfare of Nigerians. We have seen from 1914 the amalgamation of Nigeria; from 1960's, we have talked about Budget year in and year out. Everything is on Road, Water Supply and Rural Electrification and there is nothing on welfare.

Apart from the fact that the National Assembly insisted by ensuring that we have Constituency Projects that touches the lives of people, we have suffered and we will continue to suffer and that is why so many Legislators lose elections because these people cannot do anything rather than to give them money. Therefore, it is imperative for all of us to ensure the speedy passing of this Bill so that we can empower NSITF to cater for the needs of Nigerians especially those who are the less privileged in the society. We have internally displaced persons all over the place, this Bill is very serious that we need to consider and for whatever reason during the Committee level; we will put all the necessary things to ensure that all the monies required should be put in place.

Senator Dino Melaye (Kogi West): Mr. President, I want to appreciate my Colleague, Senator Nazif for introducing such a wonderful Bill that will cater for the *have nots, mekunas* and the *talakawas*. This Bill cannot come at a more auspicious time in our national history than now.

It is sad enough that in the 24th Century precisely, in 2016, Nigeria is yet to key absolutely into the fundamental provisions of 1948 Universal Declaration on Human Rights. While we have taken seriously infrastructural developments and projections in this country, it is important in compliance with the provision of 1999 Constitution as amended that the Security and the Welfare of the people shall be the primary occupation of government. This Senate will make history if we decide to take this Bill seriously and amend the existing Act to provide for the under-privileged, aged, widows, unemployed and indigents in our society. We must be seen to make sure that the social security of the people becomes our watchword.

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Without belabouring us with unnecessary comments, I want to call on our Colleagues that while we have supported other provisions in our budgets and budgetary provisions in the past, we must in the interest of our tomorrow because when the poor have nothing to eat, they will start eating the rich. It is better for us to provide for them today so that we can safely drive our Jeeps and automobiles freely on the road.

Mr. President, you are a made-in-Nigeria Senate President and the time to support the lowly and the poor is now.

Senator Ben Murray-Bruce: Mr. President, Senator Nazif has found himself a soul-mate; thank you very much for this Bill.

However, in dealing with this Bill, it talks about the social security programme which we need in a country that is almost bankrupt. While I support the Bill, we should look a bit further by talking about the funding of the Bill; the details of the funding of the Bill. Seventy five *per cent* of Nigerians are already of the age of 35, we are like a pyramid; majority of us are unemployed and they need to be looked after. To do that, only a small percentage of Nigerians actually have jobs and that small percentage need to fund over a hundred million people; so we need to agree on the mechanics.

I support it wholeheartedly but we should go to the next step; how do we fund this Bill? How do we deal with the millions of non-Nigerians that are in the country? During the last election, I met drivers of my friends, non-Nigerians, voting, getting a card and participating in the election; they were non-Nigerians. A lot of non-Nigerians participate in the process of Nigeria, we do not have borders. We may end up feeding 20 million people who have nothing to do with this country. So, there are fundamental issues; it is a fantastic Bill and I urge all our colleagues to support this socialist agenda but in dealing with this, we need to deal with the details of the Bill. So, if you earn a hundred thousand naira, would you pay a ten thousand naira tax to help those that need this the most, as an example? How much tax would Corporate Nigerians pay to fund social security? In dealing with this, it is very important to deal with an issue that nobody wants to talk about; population explosion in Nigeria.

In solving this problem, you could create bankruptcy for a class of people. We are growing too fast and we do not have the resources to look after *babies*; 90 year old man making babies, it is a serious problem. There was a big myth that the population explosion was in the North but that is wrong; when I campaigned in Bayelsa, for every hut I see, I see 10 to 15 children outside that hut. What is about to happen in the next 10 years is mind-blowing and could destroy this democracy unless we deal with it. There are babies everywhere (*laughter*).

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A lot of things I say may sound funny but it is a very serious issue; the babies cannot be fed, the parents have no jobs but babies are being created. Now, we are creating a social security system looking after these homes, I agree with the system, I support it but population policy must be part of the solution and a detailed programme to fund this should be looked into, otherwise, we are going to solve a problem and bankrupt the upper class.

Senator Muhammad Ubali Shitu (Jigawa North East): Mr. President, I support the argument raised by Senator Nazif. There is no better time than today to present this Bill. I am sure that we are all aware that the less privileged have taken over all our houses; it is difficult to even move around because of the condition of the country. It is very pathetic. Now, people cannot afford daily meals and yet we are moving around in luxury vehicles. We should be aware that they can arrest anybody anywhere.

So, the right thing to do is to encourage the passage of this Bill so that the less privileged can be taken care of. I am very sure everybody knows that there is no employment in the country and a lot of money is spent on infrastructure; what we should consider is that if we have people demonstrating all over, unless we do something, there is no way we can move around the country. There is no better time than today to encourage the passage of this Bill so that the less privileged people can be taken care of.

Senator Biodun Olujimi (Ekiti South): Mr. President, I commend Senator Nazif for bringing this important Bill now. Like my colleagues, this Bill cannot go except certain things are taken care of.

It is good to have social safety, they augur well for a good society and a government that means well for the people and that is the reason we are all here as Senator; we are here to protect the interest of the ordinary Nigerian.

However, we have problems with this Bill; one of them is that it is easy to even get money allocated to this but how do you implement it without a data bank? We do not even have data in this country. There is no data. We need to first start with the issue of data, before data, it is the ethical re-orientation of Nigerians; if we do not do it, we would have a major problem with this Bill because we will create Nigerians who are not just willing to work. They just want to take stipends and still be within the system.

While I thank the mover of this motion, when it gets to the Committee level, there is plenty of tinkering and work on how we will implement such a project.

Question put and agreed to.

(Bill read the Second Time and referred to the Committee on Employment, Labour, and Productivity to report within four weeks)

The President: I thank Senator Suleiman Nazif for this Bill. As everybody has spoken, the time we are now as a progressive government, we must provide for the vulnerable ones and a safety net for the widowed, aged and unemployed. The challenge is about the funding but every society has its challenge. Whatever it is, we must come up with the best way of providing funds. There is no society that is secured unless we provide for the vulnerable and this is another example of the collaboration between the Legislative and the Executive Arm of Government.

The President's agenda, particularly, on the issue of social programmes needs to be backed by the right law. Senator Nazif, it is good enough that this is coming to your Committee, please ensure that within four weeks, this comes back to us.

Counterfeit Goods Bill, 2016

A Bill for an Act to introduce measures aimed against the trade in counterfeit goods so as to further protect owners of trademarks and copyright against the unlawful application, to goods, of the subject matter of their respective intellectual property rights and against the release of goods of that nature (called *counterfeit goods*) into the channels of commerce and for other matters connected therewith, 2016 –

Order for Second Reading.

Senator Mohammed Ali Ndume: Mr. President, the fifth Order of the Day is a Second Reading on a Bill for an Act to Introduce Measures aimed against the Trade in Counterfeit Goods so as to further protect owners of trademarks and copyright against the unlawful application, to goods, of the subject Matter of their respective intellectual property rights and against the release of goods of that nature (called *counterfeit goods*) into the channels of commerce and for other matters connected therewith, 2016, (SB.117)

Members will recall that the Bill was read for the First Time in this Chamber on Wednesday, 28th October, 2015. You may wish to invite Senator Isah Hama Misau to move that the Bill be read a Second Time.

Senator Isah Hama Misau (Bauchi Central): Mr. President, I have a Bill to Introduce Measures aimed against the Trade in Counterfeit Goods so as to further protect owners of trademarks and copyright against the unlawful application, to goods, of the subject Matter of their respective intellectual property rights and against the release of goods of that nature (called *counterfeit goods*).

Preamble:

The Counterfeit Goods Bill seeks to Introduce Measures aimed at checking Trade in Counterfeit Goods so as to further protect owners of trademarks, copyright and setting marks under the Patent Act. The Bill will also prohibit certain acts in relation to counterfeit goods, as well as the possession of counterfeit goods in certain circumstances. It also creates and prescribes penalties in relation to counterfeiting.

The Bill was read for the First Time in this Chamber on the 28th October, 2015.

Nigeria has become a major destination for counterfeit and pirated goods. According to reports, products often counterfeited and pirated include currencies, apparel, consumer electronics, automotive parts, pharmaceuticals, foods and drinks, and chemicals.

Whereas the National Agency for Foods and Drug Administration, NAFDAC was set up to check the potential danger posed by counterfeited food, drink and pharmaceuticals, other products are largely left unprotected. Counterfeit goods are unauthorised or illegally manufactured, reproduced, altered or distributed goods. It is also associated with abuse of recognised intellectual property right, such as trademark, patents, design or copyright in goods. Counterfeit goods are on the increase globally.

It is reported that the largest suppliers of counterfeit goods in Africa is China, Korea and Taiwan. Nigeria has not only become a major consumer of cheap counterfeit goods but also has become both a target destination and significant transit route to other West African countries.

Existing Legal Framework:

The Trademark Act provides a legal proprietary right to owners of registered trademark. The Act provides for procedure of registration of trademark, powers and duties of the Registrar, regulation and legal proceedings and appeals. The only offences provided under the Act are the offences of falsification or register of trademark, falsely representing trademark as registered and restraint on use of Arms of Nigeria. In a nutshell, the Trademark Act provides only a civil enforceable right to trademark infringement and this has not helped in checking the criminal proliferation of pirated or counterfeit goods.

The Criminal Code Act provides for an offence of making or dealing in infringing copies of copyright works with a ridiculous punishment of a fine not exceeding four naira or two months imprisonment. Beyond the right to civil action against infringement of copyright, there is also a criminal element. However, the Criminal Code Act and even the Copyright Act are essentially concerned with literary or artistic works only.

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Just as the above mentioned laws are limited in their scope of application, the Counterfeit Fake Drugs and Unwholesome Processed Foods (Miscellaneous Provision) Act and the NAFDAC Act are equally restricted to the administration and prohibition of sale and distribution of counterfeit, adulterated, banned or fake, substandard or expired drugs or unwholesome processed foods.

Another related law is the Standards Organisation Act. While this Act prohibits the manufacture and sales of items that does not comply with mandatory industrial standards, counterfeited goods are not captured within its strict definition. Moreover, for criminal liability to be grounded the person selling the substandard good must know that the goods does not comply with standard.

It is clear that previous regulatory response to counterfeit goods has largely been limited, restrictive and weak in enforcement mechanism. It is at best uncoordinated. Currently, the rapid growth of piracy of goods has triggered a flurry of initiatives and legislation globally to improve the weak legal and regulatory framework and strengthen enforcement capacity.

The growing number of counterfeit goods in the country is a major threat and challenge for business and consumer alike. The Havoc scope's Global Index of Illicit Market put the market value of pirated and counterfeited copies of three products in the country (books, software and music) at \$160 million. Books alone account for \$8 million. This figure scarcely captures the depth of counterfeiting.

In fact, there cannot be an exact value or loss occasioned by counterfeit as there are no exact figure available on the number of counterfeited goods, type of goods or the volume of its sales. Indeed, it has been said that as long as there is a demand for a product and consumers are willing to buy it there will always be counterfeiters selling the product.

Aside from the NAFDAC Act that seeks to protect public health, other counterfeit and pirated products may not necessarily cause any personal harm; nonetheless their proliferation may severely damage companies' profitability, innovation and creativity, and brand value. For government, it may cause loss of tax revenue.

Recently, the Standards Organisation of Nigeria, (SON) seeks to force importers and manufacturers to create a database of every product in the market, which would be helped by the Electronic Products Registration, EPR that has been embarked upon by the Agency.

The idea is to enable the effective prosecution of offenders of manufacturing and sale of substandard and counterfeit goods. This is resulting from treating counterfeiting as economic crime as it sabotages the economy. This Bill would facilitate such prosecution.

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The Bill:

This Bill is a 26-Clause legislative proposal. It is clearly and directly provides for the prohibition of manufacturing production, possession and distribution of counterfeit goods. It simplifies the process of laying complaint by persons interested in protected goods that are counterfeited and provides an enhanced enforcement capacity.

The Bill also provides for administration of criminal investigation; and seeks to make prosecution a lot less cumbersome so as to provide effective control of counterfeit goods in the country. While the Customs Service is further empowered to check and control imported counterfeit goods; the police is given the power to demand information for efficient crime prevention and prosecution.

Conclusion:

Most road accidents in the country had been traceable to counterfeit automobile parts. The death of the erstwhile bubbling textile industry in Kaduna could be traceable to counterfeit of textile materials from China. This Bill seeks to introduce measure to further protect owners of trademark against counterfeit of their goods; protect consumers from dangerous counterfeit goods; and ensure that appropriate revenue accrues to government from trademark owners of goods.

I therefore, urge my distinguished Colleagues to support the Second Reading of the Bill on behalf of my constituency.

Senator Philip Aruwa Gyunka (Nasarawa North): I want to support this Bill with the following points:

We understand what danger this counterfeit goods have been posing in our society and our nation. Let us take the issue of automobile for instance; in most cases, you will understand that we have fake spare parts that are being brought into this country. The abuse of these items always causes a lot of accidents on our roads. When you talk about pharmaceutical counterfeits products, when you see some of our youths who walk on the streets today, their mental thinking, physical appearance and movements have been affected as a result of these counterfeit pharmaceutical products.

Also, when you talk about food, you will discover that in most of our eateries, because the owners want much profit, they brought in counterfeits and expired foods and other things that have not been tested for us to consume. These are also causing a lot of damages to lives of people in our society. This Bill is very timely and we need to support it to enable us have a way forward.

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Most especially, the rising and falling of the naira is as a result of this counterfeits because they have found Nigeria to be a dumping ground. Everything is being brought into this country thereby forcing our currency to be so low and then promoting the hard currencies.

Senator Mallam Ali Wakili (Bauchi South): I am rising to lend my voice and to commend my younger brother. The content and the letter of the Bill is very encouraging, good and straightforward. I will recommend that the Senate just pass it for Second Reading even with this little advice.

I will appreciate it if we send it to the Committees that have oversight functions on the Police, Customs, NAFDAC, SON, Property and Copy Rights to be constituted with special Committee to have a look on the Bill. I support the content of the Bill and commend the sponsor of the Bill.

Senator Aliyu Sabi Abdullahi (Niger North): I want to join my Colleagues in commending and congratulating my very good friend, Senator Isa Hama for this very timely and apt Bill. Indeed, the issue of counterfeiting is of very serious concern to a lot of people in this country; from consumers to manufacturers. In his debate, he has clearly stated how it will impact on existing Bill with respect to bringing down the level of counterfeiting in this country, and for example, the aspect of counterfeit electrical products or appliances that leads to fire outbreaks in markets and in some other places, then, you can begin to see the very huge economic cost of counterfeiting to this country. Like Senator Aliyu Wakili has said, the Bill is straight forward, it is going to help to consolidate the business environment of this country and it is just in order that we should just give this Bill a pass.

Question put and agreed to:

(Bill read the Second Time and referred to the Committee on Trade to report back in four weeks.)

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The President: I want to join other Senators in commending Senator Isa Hama for this very good Bill that addresses the real issues. We keep on talking about creating a very good conducive business environment because where you have a society and an environment where trademarks are not protected and counterfeit goods are thriving, you cannot support the real business people.

Suspension of an Item on the Order Paper

Senator Bala Ibn Na'allah: Mr President, I move that we stand down the last item on the Order Paper to the next Legislative Day.

Senator Emmanuel Bwacha: Mr President I second the Motion moved by the Senate Leader.

Question put and agreed to.

(With the leave of the Senate, the last item on the Order Paper stood down to the next Legislative Day)

ADJOURNMENT

Senator Bala Ibn Na'allah: Mr. President, having exhausted the items on the Order Paper for the day, I move that the Senate do now adjourn till Thursday, 17th March, 2016 at 10:00 a.m. Prompt.

Senator Emmanuel Bwacha: Mr. President, I second the Motion moved by the Leader.

Question put and agreed to.

Resolved: That the Senate do stand adjourned till Thursday, 17th March, 2016 at 10.00 a.m. prompt.

The Senate adjourned accordingly at 1:14 p.m.