7TH NATIONAL ASSEMBLY
FIRST SESSION
NO. 84

SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Wednesday, 28th March, 2012

1. The Senate met at 10:44 a.m. The Senate President read prayers.

2. **Votes and Proceedings:**
The Senate President announced that he had examined the Votes and Proceedings of Tuesday, 27th March, 2012 and approved same.

By unanimous consent, the Votes and Proceedings were approved.

3. **Messages from Mr President:**
The Senate President announced that he had received two letters from the President, Commander-in-Chief of the Armed Forces of the Federation, which he read as follows:

(a) Appointment of Full-Time Member of National Hajj Commission:

PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA

March 21, 2012

Distinguished Senator David Mark, GCON
President of the Senate,
Senate Chambers,
National Assembly Complex,
Abuja.

Your Excellency,

RE-APPOINTMENT OF DR. SALEH OKENWA AS A FULL-TIME MEMBER OF THE NATIONAL HAJJ COMMISSION OF NIGERIA (NAHCON)

The appointment of the Chairman and Members of the National Hajj Commission of Nigeria (NAHCON) is provided for in Section 3(1) and (2) of the National Hall Commission of Nigeria (Establishment) Act, 2006.

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By virtue of Section 3(2) of the NAHCON Act which confers upon the President the powers to appoint the Chairman and Members of the Commission, other than Ex-officio Members, subject to confirmation by the Senate of the Federal Republic of Nigeria, I hereby request the Senate to kindly consider and confirm the re-appointment of Dr. Saleh Okenwa as full-time Member of the Commission for a second and final term of four (4) years.

While I thank the Distinguished Senate of the Federal Republic for your steadfast cooperation and understanding, please accept, Distinguished Senate President, the assurances of my highest consideration.

Yours sincerely,
(Signed)
GOODLUCK EBELE JONATHAN

(b) Federal University of Petroleum Resources, Effurun Bill:

PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA

March 20, 2012

Distinguished Senator David Mark, GCON
President of the Senate,
Senate Chambers,
National Assembly Complex,
Abuja.

Your Excellency,

BILL FOR AN ACT TO ESTABLISH THE FEDERAL UNIVERSITY OF PETROLEUM RESOURCES, EFFURUN AND OTHER RELATED MATTERS

I forward herewith, for your kind consideration and passage into law, a Bill for an Act to establish the Federal University of Petroleum Resources, Effurun and other related matters.

It is my hope that the Bill will receive the usual prompt attention of the Distinguished Senators.

Please accept, Distinguished Senate President, the assurances of my highest consideration.

Yours sincerely,
(Signed)
GOODLUCK EBELE JONATHAN

4. Announcements:

(a) Invitation to a Dinner:

The Senate President read a letter from Senator Gbenga B. Ashafa (*Lagos East*) as follows:

SENATOR GBENGA B. ASHAFA

Vice Chairman,
Senate Committee on Housing, Lands & Urban Development

March 27th, 2012

His Excellency,
Senator A.B. David Mark,
The President of the Senate,
National Assembly Complex,
Three Arms Zone,
Abuja.

His Excellency Sir,

INVITATION FROM THE FRIENDS OF ASIWAJU (NASS) TO A DINNER IN HONOUR OF ASIWAJU BOLA AHMED TINUBU AT 60 (SIXTY)

This is to announce that all Distinguished Senators are cordially invited to a dinner in honour of Asiwaju Bola Ahmed Tinubu at 60 (Sixty).

This dinner,. being hosted by the Friends of Asiwaju (NASS), will take place on Monday, April 2nd 2012 at Thisday Dome, Abuja by 7.00pm.

Being fully aware of your tight schedules and forth coming Senate break, we would be extremely honoured if you could kindly make out time to grace this occasion.

Thank you and God bless.

For: Friends of Asiwaju (NASS) Dinner Organizing Committee
(Signed)
Senator Gbenga B. Ashafa
Chairman, Organising Committee National Assembly.

5. Presentation of Bills:

(*i*) Nigerian Apparel Industry Development Commission (Establishment, etc.) Bill 2012 (SB. 97)

Presentation of Bill deferred to another Legislative Day.

(*ii*) National Football Association Act (Repeal and Re-enactment) Bill 2012 (SB. 138) — *Read the First Time.*

(*iii*) Constitution of the Federal Republic of Nigeria 1999 (As Amended) (Further Alteration) Bill 2012 (SB. 139) — *Read the First Time.*

(*iv*) National Poverty Eradication Commission (Establishment, etc.) Bill 2012 (SB. 140) — *Read the First Time.*

(*v*) National Council of Traditional Rulers (Establishment, etc.) Bill 2012 (SB. 141) — *Read the First Time.*

(*vi*) Welding Standards Regulatory Council of Nigeria (Establishment, etc.) Bill 2012 (SB. 142) — *Read the First Time.*

(*vii*) Border Communities Development Agency Act 2003 (Amendment) Bill 2012 (SB. 143) — *Read the First Time.*

6. **Committee on Establishment and Public Service**
Report on the screening of nominees:
Motion made: That the Senate do receive the Report of the Committee on Establishment and Public Service on the screening of nominees for appointment as Chairman and Members of the Federal Civil Service Commission (FCSC) (*Senator Aloysius A. Etok — Akwa Ibom North West).*

Question put and agreed to.

Report Laid.

7. **Committee on Education**:
Report on the Federal University of Uyo (Establishment, etc.) Bill 2012 (SB. 58):
Motion made: That the Senate do receive the Report of the Committee on Education, on the Federal University of Uyo (Establishment, etc.) Bill 2012 (*Senator Uche Chukwumerije — Abia North).*

Question put and agreed to.

Report Laid.

8. **Committee on Education:**
Report on the Federal Universities of (Dutsin-ma, Kashere, Lafia, Lokoja, Ndufu-Alike Ikwo, Otuoke, Oye-Ekiti, Dutse, Wukari) (Establishment, etc.) Bills 2012
Motion made: That the Senate do receive the Report of the Committee on Education, on the Federal Universities of (Dutsin-ma, Kashere, Lafia, Lokoja, Ndufu-Alike Ikwo, Otuoke, Oye-Ekiti, Dutse, Wukari) (Establishment, etc.) Bills 2012 (*Senator Uche Chukwumerije — Abia North).*

Question put and agreed to.

Report Laid.

9. **Joint Committee on Federal Capital Territory and Appropriations:**
Report on the Federal Capital Territory Appropriation Bill 2012 (SB. 134):
Motion made: That the Senate do receive the Report of the Joint Committee on Federal Capital Territory and Appropriations, on the Federal Capital Territory Appropriation Bill 2012(*Senator Smart Adeyemi — Kogi West).*

Question put and agreed to.

Report Laid.

10. **Motion:**
Violation of Aviation Laws and Practice by Foreign Airlines in Nigeria:
Motion made: That the Senate notes with concern that the Nigerian Civil Aviation Authority recently investigated and indicted British Airways and Virgin Atlantic Airways for collusion, unfair and deceptive anti-competitive practices within the Nigerian Aviation airspace;

notes with even greater concern that the investigation established that the two airlines colluded and cooperated in fixing, raising and maintaining the Passenger Fuel Surcharge (PFS) for travellers to and from Nigeria;

aware that following the indictment by Nigerian Civil Aviation Authority, British Airways and Virgin Atlantic Airways appealed against same to an administrative panel, which on February 9th, 2012 upheld the indictment and pronounced both airlines liable of illegality and violation of the Nation's Civil Aviation laws;

concerned that the alleged conduct of British Airways and Virgin Atlantic Airways actually translates to colossal loss of revenue to the Federal Government accruable from the statutory 5% Ticket Sales Charge (TSC), to the magnitude of $235 Million (Two Hundred and Thirty Five Million Dollars) or about ₦3.7 Billion (Three Billion and Seven Hundred Million Naira) only, excluding heavy financial losses to travel agencies and Nigerian travellers;

worried that foreign airlines charge arbitrary fees on Nigerian travellers over and above rates charged by them on routes of same or equal distance from other distances outside Nigeria to different parts of the world;

observes that the First Class Lagos-London return fare is $10,816, Abuja-London return flight is $10,144 whereas the same booking for a passenger on the Accra-London route is $4,798. While business class Lagos-London return fare is $7,370. On Accra-London route it is $4,098;

observes also that return Economy tickets from London - New York is $625, London-Dallas is $787, London - Florida is $730, London - Atlanta is $772. These routes are 9hours flight minimum while the cheapest Economy return ticket from Abuja - London which is 6hours amounts to $1200;

worried that most Nigerian Passengers now travel to London through Accra-Ghana thereby denying Nigeria the chances of becoming the regional hub and the consequential colossal economic losses to the Country;

aware that under existing Civil Aviation Act 2006, NCAA has statutory limitations with respect to penalizing foreign airlines that violate our Civil Aviation rules or exploit the government and people of Nigeria therein;

worried that arising from the NCAA report, other foreign airlines are neck deep in similar sharp practices that have continued to deny the nation of substantial revenue, even while exploiting Nigerians and Aviation related companies; and

satisfied of the need to thoroughly investigate the activities of all foreign airlines to determine the extent of their compliance with, or breach of relevant Aviation laws, with a view also to amending the Aviation Act 2006 to plug necessary loopholes against future conspiracy and exploitation by foreign Airlines.

The Senate accordingly resolves to:
mandate the Senate Committee on Aviation to investigate all issues relating to compliance or non-compliance with relevant aviation laws and all unwholesome activities by foreign airlines which undermine the growth of the Aviation industry in Nigeria (*Senator Hope Uzodinma — Imo West*)

Debate:

Proposed Resolution:
Question: That the Senate do mandate the Senate Committee on Aviation to investigate all issues relating to compliance or non-compliance with relevant aviation laws and all unwholesome activities by foreign airlines which undermine the growth of the Aviation industry in Nigeria.

Amendment Proposed:
Immediately after the word "airlines" in line 3 *insert* the words "and Regulatory Authorities" (*Senator Ahmed M. Makarfi — Kaduna North*).

Question that the amendment be made, put and agreed to.

Resolved:
That the Senate do mandate the Senate Committee on Aviation to investigate all issues relating to compliance or non-compliance with relevant aviation laws and all unwholesome activities by foreign airlines and Regulatory Authorities which undermine the growth of the Aviation industry in Nigeria and report to the Senate within three weeks **(*S/Res/046/01/12*)**.

11. Conference Committee:
Report of the Conference Committee on the Retirement Age of Staff of Polytechnics and Colleges of Education Bill, 2012 (SB. 74):
Motion made: That the Senate do consider and adopt the Report of the Conference Committee, on the Retirement Age of Staff of Polytechnics and Colleges of Education Bill, 2012 (*Senator Pius A. Ewherido — Delta Central)*.

Question put and agreed to.

Report accordingly adopted.

12. Conference Committee:
Report of the Conference Committee on the Universities (Miscellaneous Provisions) Act 1993 (Amendment) Bill 2012 (SB. 94):
Motion made: That the Senate do consider and adopt the Report of the Conference Committee on the Universities (Miscellaneous Provisions) Act 1993 (Amendment) Bill 2012 (*Senator Pius A. Ewherido — Delta Central)*.

Question put and agreed to.

Report accordingly adopted.

13. Committee on National Planning, Economic Affairs and Poverty Alleviation:
Report on the screening of nominees:
Motion made: That the Senate do consider the Report of the Committee on National Planning, Economic Affairs and Poverty Alleviation, on the screening of Rev. Ajibola E. Fagboyegun (*Ondo Sate*), Dr. Rafiq Olayiwola Ogunbambi, OON, Mni (*Lagos State*) and Alhaji Bello Usman Maitambari, CON (*Kebbi State*) for appointment as Members of the Revenue Mobilization, Allocation and Fiscal Commission (RMAFC)(*Senator Barnabas A. I. Gemade — Benue North-East)*.

Question put and agreed to.

Report presented.

Motion made: That the Senate do resolve into the Committee of the Whole to consider the Report *(Senate Leader)*.

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

Consideration of the Report of the Committee on National Planning, Economic Affairs and Poverty Alleviation, on the screening of Rev. Ajibola E. Fagboyegun (*Ondo State*), Dr. Rafiq Olayiwola Ogunbambi, OON, Mni (*Lagos State*) and Alhaji Bello Usman Maitambari, CON (*Kebbi State*) for appointment as Members of the Revenue Mobilization, Allocation and Fiscal Commission (RMAFC).

Nominees recommended for confirmation:

(*i*)	Rev. Ajibola E. Fagboyegun (*Ondo State*)	—	*Agreed to.*
(*ii*)	Dr. Rafiq Olayiwola Ogunbambi, OON, Mni (*Lagos State*)	—	*Agreed to.*
(iii)	Alhaji Bello Usman Maitambari, CON (*Kebbi State*)	—	*Agreed to.*

Chairman to report progress.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered the Report of the Committee on National Planning, Economic Affairs and Poverty Alleviation, on the screening of Rev. Ajibola E. Fagboyegun (*Ondo State*), Dr. Rafiq Olayiwola Ogunbambi, OON, Mni (*Lagos State*) and Alhaji Bello Usman Maitambari, CON (*Kebbi State*) for appointment as Members of the Revenue Mobilization, Allocation and Fiscal Commission (RMAFC) and approved the nominations.

Question: That the Senate do approve the Report of the Committee of the Whole — *Resolved in the Affirmative.*

Confirmation of nominations:

Question:
"Will the Senate confirm the nomination of Rev. Ajibola E. Fagboyegun (*Ondo State*) for appointment as Member of the Revenue Mobilization, Allocation and Fiscal Commission?" — *Resolved in the Affirmative.*

Nomination of Rev. Ajibola E. Fagboyegun (Ondo State) for appointment as Member of the Revenue Mobilization, Allocation and Fiscal Commission accordingly confirmed.

Question:
"Will the Senate confirm the nomination of Dr. Rafiq Olayiwola Ogunbambi, OON, Mni (*Lagos State*) for appointment as Member of the Revenue Mobilization, Allocation and Fiscal Commission?" — *Resolved in the Affirmative.*

Nomination of Dr. Rafiq Olayiwola Ogunbambi, OON, Mni (Lagos State) for appointment as Member of the Revenue Mobilization, Allocation and Fiscal Commission accordingly confirmed.

Question:
"Will the Senate confirm the nomination of Alhaji Bello Usman Maitambari, CON (Kebbi State) for appointment as Member of the Revenue Mobilization, Allocation and Fiscal Commission?" — *Resolved in the Affirmative.*

Nomination of Alhaji Bello Usman Maitambari, CON (Kebbi State) for appointment as Member of the Revenue Mobilization, Allocation and Fiscal Commission accordingly confirmed.

14. Committee on Niger Delta:
Report on the screening of nominee:
Motion made: That the Senate do consider the Report of the Committee on Niger Delta, on the screening of Barrister Peter C. Ezeobi (*Imo State*) for appointment as a Member of the Niger Delta Development Commission(*Senator James E. Manager — Delta South)*.

Question put and agreed to.

Report presented.

Motion made: That the Senate do resolve into the Committee of the Whole to consider the Report *(Senate Leader)*.

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

Consideration of the Report of the Committee on Niger Delta, on the screening of Barrister Peter C. Ezeobi (*Imo State*) for appointment as a Member of the Niger Delta Development Commission.

Nominee recommended for confirmation:
Barrister Peter C. Ezeobi (*Imo State*) — *Agreed to.*

Chairman to report progress.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered the Report of the Committee on Niger Delta, on the screening of Barrister Peter C. Ezeobi (*Imo State*) for appointment as a Member of the Niger Delta Development Commission and approved the nomination.

Question: That the Senate do approve the Report of the Committee of the Whole — *Resolved in the Affirmative.*

Confirmation of nomination:

Question:
"Will the Senate confirm the nomination of Barrister Peter C. Ezeobi (*Imo State*) for appointment as a Member of the Niger Delta Development Commission?" — *Resolved in the Affirmative.*

Nomination of Barrister Peter C. Ezeobi (Imo State) for appointment as a Member of the Niger Delta Development Commission accordingly confirmed.

15. Committee on Judiciary, Human Rights and Legal Matters:
Report on the screening of nominees:
Motion made: That the Senate do consider the Report of the Committee on Judiciary, Human Rights and Legal Matters on the screening of Alhaji Ayinla Olomoda, OON and Lt. Col. Daudu Suleiman (Rtd) for appointment as Members of the Federal Judicial Service Commission (*Senator Umaru Dahiru — Sokoto South)*.

Motion made: That the Senate do resolve into the Committee of the Whole to consider the Report *(Senate Leader)*.

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

Consideration of the Report of the Committee on Judiciary, Human Rights and Legal Matters on the screening of Alhaji Ayinla Olomoda, OON and Lt. Col. Daudu Suleiman (Rtd) for appointment as Members of the Federal Judicial Service Commission.

Nominees recommended for confirmation:

(*i*) Alhaji Ayinla Olomoda, OON (*Kwara Sate*) — *Agreed to.*

(*ii*) Lt. Col. Daudu Suleiman (Rtd) *(Kano State)* — *Agreed to.*

Chairman to report progress.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered the Report of the Committee on Judiciary, Human Rights and Legal Matters on the screening of Alhaji Ayinla Olomoda, OON and Lt. Col. Daudu Suleiman (Rtd) for appointment as Members of the Federal Judicial Service Commission and approved the nominations.

Question: That the Senate do approve the Report of the Committee of the Whole — *Resolved in the Affirmative.*

Confirmation of nominations:

Question:
"Will the Senate confirm the nomination of Alhaji Ayinla Olomoda, OON (*Kwara Sate*) for appointment as Member of the Federal Judicial Service Commission?" — *Resolved in the Affirmative.*

Nomination of Alhaji Ayinla Olomoda, OON (Kwara Sate) for appointment as Member of the Federal Judicial Service Commission accordingly confirmed.

Question:
"Will the Senate confirm the nomination of Lt. Col. Daudu Suleiman (Rtd) *(Kano State)* for appointment as Member of the Federal Judicial Service Commission?" — *Resolved in the Affirmative.*

Nomination of Lt. Col. Daudu Suleiman (Rtd) (Kano State) for appointment as Member of the Federal Judicial Service Commission accordingly confirmed.

16. **Joint Committee on Employment, Labour and Productivity; Health; and Establishment and Public Service**
Report on Institute of Safety Professionals; and Occupational Safety and Health Bills 2012 (SB. 02 and 04)

Consideration of Report deferred to another Legislative Day.

17. **Adjournment:**
Motion made: That the Senate do now adjourn till Thursday, 29th March, 2012 at 10.00 a.m. (*Senate Leader*).

Adjourned accordingly at 1:37 *p.m.*

Dr. David A. B. Mark, GCON, fnim
President,
Senate of the Federal Republic of Nigeria.