7TH NATIONAL ASSEMBLY
FIRST SESSION
NO. 101

SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Thursday, 24th May, 2012

1. The Senate met at 10:45 a.m. The Deputy Senate President read prayers.

2. **Votes and Proceedings:**
The Deputy Senate President announced that he had examined the Votes and Proceedings of Wednesday, 23rd May, 2012 and approved same.

By unanimous consent, the Votes and Proceedings were approved.

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

Confirmation of Appointment:

PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA

May 21, 2012

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

Your Excellency,

CONFIRMATION OF APPOINTMENT OF TWO (2) JUSTICES OF THE SUPREME COURT OF NIGERIA

In conformity with Section 231, Sub-section (2) of the 1999 Constitution of the Federal Republic of Nigeria which gives the President powers to appoint a Justice of the Supreme Court acting on the recommendation of the National Judicial Council and subject to confirmation by the Senate, I hereby present the nomination of the following for consideration by the Distinguished Senate of the Federal Republic of Nigeria:

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i) Hon. Justice Clara Bata Ogunbiyi (North-East).

ii) Hon. Justice Musa Dattijo Mohammad (North Central).

It is my hope that this request will receive the usual expeditious consideration and approval of the Distinguished Members of the Senate.

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

Yours sincerely
(Signed)
GOODLUCK EBELE JONATHAN

4. Announcements:

(a) Southern Senators' Forum:

The Deputy Senate President read a letter from Senator James E. Manager (*Delta South*) as follows:

SOUTHERN SENATORS FORUM

ANNOUNCEMENT

Your Excellency,
Most Distinguished President of the Senate;
NASS - Complex,
Abuja.

RT HON. SENATOR DAVID .B. MARK

Dear Sir, Kindly oblige us with the following announcement.

There will be a meeting of the Southern Senators Forum today Thursday 24th May, 2012 immediately after the Plenary Session.

Venue: *Hearing Room II*

Members should please endeavor to attend.

(Signed)
Senator James Manager
Chairman

(Signed)
Senator Hope Uzodimma
Secretary

(b) Acknowledgment:

The Deputy Senate President acknowledged the presence of the Members of the Students' Representative Council, Lead City University, Ibadan, Oyo State who were in the gallery to observe Senate Proceedings.

5. Presentation of Bill:

Constitution (Alteration) Bill 2012 (SB.168) — *Read the First Time.*

6. **Joint Committee on Establishment and Public Services; and States and Local Governments:**
Report on the Plight of pensioners in Nigeria:

Presentation of Report deferred till the next Legislative Day (30th May, 2012).

7. **Joint Committee on Petroleum Resources (Downstream); Appropriations; and Finance:**
Report on the Investigation into the Current Fuel Subsidy Management in Nigeria:

Presentation of Report deferred to another Legislative Day (Three weeks).

8. **Joint Committee on Judiciary, Human Rights and Legal Matters; Interior; and Police Affairs:**
Report on the Plight of Persons Awaiting Trials in Nigerian Prisons:
Motion made: That the Senate do receive the report of the Joint Committee on Judiciary, Human Rights and Legal Matters; Interior; and Police Affairs, in respect of the Plight of Persons Awaiting Trials in Nigerian Prisons (*Senator Umaru Dahiru — Sokoto South*).

Question put and agreed to.

Report Laid.

9. **Joint Committee on National Planning, Economic Affairs and Poverty Alleviation; Finance; Appropriations; and States and Local Governments:**
Report on the Looming Danger of Bankruptcy in States and Need for Fiscal Evaluation:

Presentation of Report deferred to another Legislative Day (One week).

10. **Joint Committee on Niger Delta; Environment and Ecology; and Petroleum Resources (Upstream):**
Report on the UN Recommended FGN-Shell Fund for Clean-up of Oil Spills in the Ogoni Land:

Presentation of Report deferred to another Legislative Day (One week).

11. **Joint Committee on Employment, Labour and Productivity; and Interior:**
Report on the Abuse of Expatriate Quota by Foreign Multinationals in Nigeria:

Presentation of Report deferred to another Legislative Day (One week).

12. **Committee on Aviation:**
Report on the Violation of Aviation Laws and Practice by Foreign Airlines in Nigeria:

Presentation of Report deferred to another Legislative Day (One week).

13. **Committee on Communications:**
Report on the Deteriorating services of Global System for Mobile Telecommunications:

Presentation of Report deferred to another Legislative Day (Two weeks).

14. **Committee on National Planning, Economic Affairs and Poverty Alleviation:**
Report on the Economic Growth and Worsening Inequality in Nigeria:

Presentation of Report deferred to another Legislative Day (Two weeks).

15. **Committee on Education including Universal Basic Education (UBE):**
Report on the Denial of Funds to the National Institute for Nigerian Languages:

Presentation of Report deferred to another Legislative Day (Four weeks).

16. **Motions:**

(a) ***Senate's Pledge to the Children of Nigeria, Children of the World On the 2012 Children's Day Celebration:***

Motion made: That the Senate do note that the 27th of May each year is observed as Children's Day in Nigeria;

recognises the significant role that the Nigerian child plays in the process of Nigeria's development and the need to ensure that a good foundation is laid for the Nigerian child in the scheme of things;

recognises and appreciates the children of Nigeria through the passage of caring legislations such as:

- The Child Rights Act, 2003, which defines a new child protective system and allows opportunities for the participation of children in matters that concern their rights and welfare which had been adopted and is being implemented in about 28 States as at today, including application in the Federal Capital Territory;

- The Universal Basic Education Act, 2004 which makes the education of the Nigerian child compulsory and enforceable rights, with penalties for parents and guardians who fail or neglect in that behalf;

- The Sovereign Wealth Act which makes it mandatory for the Federal and State Governments to save part of today's earnings for today's and tomorrow's children of Nigeria and children of the world;

- Created the Ministries of Women Affairs, Youth Development and Sports which are responsible for the welfare and development of children and youths;

appreciates the partnership role of UNICEF and Nigerians in collaboration with Nigeria to propagate the ideals and intent of the Child Rights Act and monitor enforcement;

established the Nigerian Children's Parliament to give children orientation and a voice in the Legislative Affairs of their country, Nigeria;

acknowledges that a proper system of education and good health care are some of the major role players towards making the Nigerian child relevant in the global scheme of things;

commends UNICEF's advocacy and technical support for child friendly schooling in primary education which has resulted in over 1,000 schools in the country being designated child friendly schools;

also acknowledges that under the auspices of the Federal Ministry of Health, the Integrated Maternal, Newborn and Child Health (IMNCH) strategy was put together to fast-track a programme designed to revitalize primary health care in every Local Government and considerably extend coverage of key maternal and child health interventions, thereby reducing maternal, newborn and under-five mortality in line with the 4th and 5th Millennium Development Goals targets; and

further acknowledges other steps taken by States and Local Governments in the country to better the welfare of, and guarantee protection for children.

The Senate accordingly resolves to:

(i) congratulate the Nigerian Children on the celebration of the 2012 Children's Day;

(ii) mandate the Committee on Women Affairs and Youth Development to look into the enforcement of the Child Rights Act among States in the country and make recommendations to the Senate; and

(iii) continually support the development of the Nigerian child by making Laws that protect and better the welfare of the Nigerian child (*Senator Ita S. J. Enang — Akwa Ibom North East*).

Debate:

Proposed Resolution (i):
Question: That the Senate do congratulate the Nigerian Children on the celebration of the 2012 Children's Day — *Agreed to.*

Proposed Resolution (ii):
Question: That the Senate do mandate the Committee on Women Affairs and Youth Development to look into the enforcement of the Child Rights Act among States in the country and make recommendations to the Senate — *Agreed to.*

Proposed Resolution (iii):
Question: That the Senate do continually support the development of the Nigerian child by making Laws that protect and better the welfare of the Nigerian child — *Negatived*

Resolved:
That the Senate do:

(i) congratulate the Nigerian Children on the celebration of the 2012 Children's Day; and

(ii) mandate the Committee on Women Affairs and Youth Development to look into the enforcement of the Child Rights Act among States in the country and make recommendations to the Senate **(*S/Res/054/01/12*)**.

(b) Urgent Need to Improve Internally Generated Revenue of the Federal Government through Implementation of Back Duty Investigation:
Motion made: That the Senate do note that the Federal Inland Revenue Service (FIRS) has in recent times increased its efforts at investigating tax cases to nib tax dodgers or tax evaders; though the coverage is still insignificant to the population of all taxable Nigerians;

aware that Back Duty Investigation is an anti-tax evasion tool applied by the Tax Authority in Nigeria to recover unpaid taxes when there has been omission or error in the assessment or collection of taxes; there has been falsification or doubtful claims or allowances and/or relief; and a failure to disclose or include in full any income or earnings in tax returns made to the Tax Authority;

observes that recent preliminary findings have revealed various discrepancies and manipulations undertaken by some companies largely in almost all the sectors of the economy in the payment and remission of taxes to the Tax Authorities;

worried that corporate companies operating in Nigeria have undeclared income in terms of Company Income Tax, Withholding Taxes and VAT which forms the major bulk of tax revenue to the Government and have failed in their statutory responsibilities of full or significant compliance with relevant revenue laws of the Federal Government;

further worried that over 50% of collectable revenue are lost yearly amounting to billions of naira and have robbed the country of the required resources commensurate with its responsibilities to provide infrastructure like roads, hospitals, schools etc;

informed that some States Government and some Federal Ministries, Departments and Agencies(MDAs) have failed in their statutory obligations to remit Withholding Taxes and VAT deducted on contracts to the Federal Inland Revenue Service (FIRS), this has led to a heavy loss in the Internally Generated Revenue (IGR) of the Federal Government of Nigeria;

disturbed on the various complaints on some companies' refusal to operate according to Nigerian laws on taxation and even international best practices especially in the oil industry and financial sectors; and

cognizant of the need for Back Duty Investigation in order to recover unpaid taxes, and devise ways of catching tax dodgers or tax evaders in the last six years with a view to increasing tax revenue generation for the Federal Government;

The Senate accordingly resolves to:
mandate the Committee on Finance to investigate all issues relating to unpaid taxes; tax evaders and recommend appropriate modalities to be adopted to effectively block the loopholes created in the system and submit its finding to the Senate (*Senator Edet B. Otu — Cross River South*).

Debate:

Proposed Resolution:
Question: That the Senate do mandate the Committee on Finance to investigate all issues relating to unpaid taxes; tax evaders and recommend appropriate modalities to be adopted to effectively block the loopholes created in the system and submit its finding to the Senate.

Amendment Proposed:
Immediately after the word "adopted" in line 3, *insert* the words "by Federal Inland Revenue Services(FIRS)". Also after the word "system" in line 3, *insert* the words "with Back Duty Investigation" (*Senator Ayo P. Akinyelure — Ondo Central*).

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

Resolved:
That the Senate do mandate the Committee on Finance to investigate all issues relating to unpaid taxes; tax evaders and recommend appropriate modalities to be adopted by Federal Inland Revenue Services(FIRS) to effectively block the loopholes created in the system with Back Duty Investigation and submit its finding to the Senate (***S/Res/055/01/12***).

(c) ***Deplorable State of the National Stadium, Abuja:***
Motion made: That the Senate is aware that in a little over three weeks time the Super Eagles of Nigeria will kick off their dream of taking part in the World Cup 2014 at the U. J. Esuene Stadium in Calabar;

further aware that until last week, the nation was in dark as to where the Eagles will execute these important football matches primarily because of the deplorable state of the National Stadium, Abuja;

notes that the Stadium and Sports complex built at a cost of about $360 Million less than 10 years ago for the 8th All African Games which Abuja hosted, like virtually everything owned by government in Nigeria, has gone to waste and is in decay due to lack of maintenance;

notes further that on completion, Julius Berger PLC was awarded the maintenance contract for the complex for the sum of 1.2 Billion naira yearly but the contract has been terminated without adequate provision for maintenance;

worried that the stadium once the pride of the nation with its state of the art facilities and its strategic location at the entrance to the Federal Capital has played host to a number of high profile tournaments like the World Youth Championship Finals in 1999 and teams including Brazil, Argentina and Manchester United, and over the summer expected to play host to Arsenal Football Club of London;

alarmed that right now it has lost its beauty and has become a weather - beaten, decrepit site, which is an evidence of an edifice that suffers total neglect and lack of maintenance; and

convinced that though the cost of its maintenance is high and unsustainable, the stadium would require an urgent and adequate attention to regain its beauty.

The Senate accordingly resolves to:
mandate the Committee on Sports and Social Development to undertake a comprehensive review of the state of the National Stadium Abuja and all other Federal Government owned stadia with a view to determining the best strategies for their maintenance and report back to the Senate in Four (4) weeks (*Senator Oyetunde M. Husain — Osun West*).

Debate:

Proposed Resolution:
Question: That the Senate do mandate the Committee on Sports and Social Development to undertake a comprehensive review of the state of the National Stadium Abuja and all other Federal Government owned stadia with a view to determining the best strategies for their maintenance and report back to the Senate in Four (4) weeks.

Resolved:
That the Senate do mandate the Committee on Sports and Social Development to undertake a comprehensive review of the state of the National Stadium Abuja and all other Federal Government owned stadia with a view to determining the best strategies for their maintenance and report back to the Senate in Four(4) weeks (***S/Res/056/01/12***).

17. Committee on Interior:
Report on the Prisons Act (Repeal and Re-enactment) Bill 2012 (SB. 42):

Consideration of Report deferred to another Legislative Day.

18. Adjournment:
Motion made: That the Senate do now adjourn till Wednesday, 30th May, 2012 at 10.00 a.m. (*Deputy Senate Leader*).

Adjourned accordingly at 1:10 *p.m.*

Ike Ekweremadu, CFR
Deputy Senate President,
Senate of the Federal Republic of Nigeria.