SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Tuesday, 29th January, 2013

1. The Senate met at 10:32 a.m. The Senate President read prayers.

2. **Votes and Proceedings:**
The Senate examined the Votes and Proceedings of Wednesday, 23rd January, 2013.

Question was put and the Votes and Proceedings were approved by unanimous consent.

3. **Announcements:**

(a) Meeting:
The Senate President read a letter from Senator Ahmad I. Lawan (*Yobe North*) as follows:

NORTHERN SENATORS FORUM

ANNOUNCEMENT

There will be a meeting of the Northern Senators Forum (NSF):

Date: *Tuesday, 29th January 2013*

Time: *8:00 pm*

Venue: *Hearing Room 1, White House, NASS Building*

(Signed)
Senator Ahmad Lawan
Secretary

(b) Invitation:
The Senate President read a letter from Senator Philip T. Aduda (*FCT*) as follows:

SENATOR PHILIP TANIMU ADUDA MFR, JP
Federal Capital Territory

22nd January, 2013

Dist. Sen. David A. B. Mark, GCON
President of the Senate,
Federal Republic of Nigeria,
National Assembly - Abuja.

Dear Colleagues

INVITATION TO MAMA JUMMAI ADUDA'S ENDOWMENT FUND

Distinguished Senators, I write to invite you to the official launching of the Endowment Fund of my beloved mother, Late Chief Dr. (Mrs.) Jummai Aduda, MON, JP which has been established to further her passion in life.

The Endowment Fund is aimed at giving voice to the voiceless, promoting socio-economic rights, empowering widows, encouraging girl child education, among others.

The official launching of the Endowment Fund would hold as follows:

Date: *Saturday, 2nd February 2013*
Time: *4.00 pm*
Venue: *International Conference Centre, Abuja.*

Please accept the assurances of my highest esteem and best regard.

Sen. Philip Tanimu Aduda (MFR)
Chairman, Senate Committee on Power,
Steel Development and Metallurgy.

(c) ***Acknowledgment:***
The Senate President acknowledged the presence of Staff and Students of Fanabel Nursery and Primary School, New Karu, Nasarawa State who were in the gallery to observe Senate Proceedings.

4. Joint Committee on Aviation:
Report on the Crash of Dana and Allied Aircrafts:
Motion made: That the Senate do consider the Report of the Senate and House of Representatives Joint Committee on Aviation on the Crash of Dana and Allied Aircrafts (*Senator Hope Uzodinma — Imo West*).

Question put and agreed to.

Report presented.

Debate:

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 Senate and House of Representatives Joint Committee on Aviation on the Crash of Dana and Allied Aircrafts.

Proposed Resolution (i):
Question: Dana current AOC should be revoked because it was not issued in full compliance with Nigerian Civil Aviation Regulations 2009 — *Agreed to.*

Proposed Resolution (ii):
Question: NCAA Inspector, Engineer Suleiman Akwuh who did pre-arrival inspection on the ill-fated Dana Aircraft without the requisite professional qualification should be dismissed from service. The Director-General who approved and deployed the officer should be sanctioned for professional negligence.

Amendment Proposed:
Leave out the provision in Proposed Resolution (ii) and *insert* the following instead thereof: NCAA Inspector, Engineer Suleiman Akwuh who did pre-arrival inspection on the ill-fated Dana Aircraft without the requisite professional qualification should be terminated from service. The current Director General of NCAA, Dr. Harold Demuren should be removed from office for negligence and incompetence (*Senator Anthony A. Adeniyi — Ekiti South).*

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

Proposed Resolution (iii):
Question: Based on the following facts:

(*a*) NCAA under the leadership of the current Director-General, Dr. Harold Demuren brought in MD83 to operate in Nigeria even when there is no licensed engineer rated on the aircraft in their employ;

(*b*) for the period under review Dana operated 14 air returns caused by system failure which is a sufficient indication of imminent danger;

(*c*) up to the time of this report, NCAA is still without any licensed engineer type-rated on MD83 yet it is going ahead with technical audit on Dana operations with a view to restore its license. This constitutes negligence;

(*d*) the current Director-General, NCAA is not licensed or type-rated as an Aircraft Maintenance Engineer or Pilot and he is not with any professional license; and

(*e*) the tenure of the current Director General of NCAA has expired 3 months before Dana crash occurred on 3rd June, 2012 and yet he was still in office. So the current Director General of NCAA, Dr. Harold Demuren should be removed from office for negligence and incompetence — *Deleted.*

Proposed Resolution (iv):
Question: The staff strength of NCAA should be totally overhauled with a view to inject technically and professional qualified personnel to enhance its regulatory role in accordance with the international best practices — *Agreed to.*

Proposed Resolution (v):
Question: Henceforth, the management and operations of NCAA should remain autonomous — *Agreed to.*

Proposed Resolution (vi):
Question: The investigation report of Bellview Airlines and other accident investigation reports should be revisited.

Amendment Proposed:
Leave out the provision in Proposed Resolution (vi) and *insert* the following instead thereof: "That all Air accident investigation Reports be made public" (*Senator Abdul A. Ningi — Bauchi Central).*

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

Proposed Resolution (vii):
Question: NCAA should compel all airlines involved in accidents to settle all outstanding insurance obligations and ensure that current operating AOCs have reliable insurance cover as required by the Civil Aviation Regulations — *Agreed to.*

Proposed Resolution (viii):
Question: The Accident Investigation Bureau (AIB) should be properly equipped with modern laboratory facilities to enable it discharge its responsibilities — *Agreed to.*

Proposed Resolution (ix):
Question: MD83 aircraft should be phased out of Nigeria aviation industry as NCAA has no certified engineer on MD83 in its employ more so that the aircraft has been decommissioned by its manufacturers — *Stood down.*

Proposed Resolution (x):
Question: The Federal Airport Authority of Nigeria (FAAN) and indeed Nigerian Airspace Management Agency (NAMA) should be properly equipped with well trained staff and equipment for the purposes of responding promptly and adequately to air accident in the country — *Agreed to.*

Proposed Resolution (xi):
Question: The Federal Government through the Ministry of Aviation should create incentive for indigenous airlines by providing special intervention fund to encourage growth in the aviation industry — *Negatived.*

Proposed Resolution (xii):
Question: The Central Bank of Nigeria should recover the ₦35.5 billion Aviation intervention fund which was extended to Air Nigeria guaranteed and disbursed by UBA but was diverted to other uses — *Agreed to.*

Proposed Resolution (xiii):
Question: The Federal Government should for obvious safety reasons endeavour to put in place a hanger of international standard through Public Private Partnership (PPP) to reduce cost of aircraft maintenance by airline operators in Nigeria — *Agreed to.*

Proposed Resolution (xiv):
Question: The Air Field Lighting System should be returned to FAAN without further delay — *Agreed to.*

Proposed Resolution (xv):
Question: An age limit of not more than 15 years should be placed for new acquisition for passenger aircrafts and 20 years for cargo aircrafts — *Negatived.*

Proposed Resolution (xvi):
Question: NCAA should carry out post accident regulatory oversight on Allied Air immediately after the conclusion of investigation by Ghana Accident Investigation Department — *Stood Down.*

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 Senate and House of Representatives Joint Committee on Aviation on the Crash of Dana and Allied Aircrafts and approved as follows:

Recommendation 1	—	As Recommended
Recommendation 2	—	As Amended
Recommendation 3	—	Deleted
Recommendations 4-5	—	As Recommended
Recommendation 6	—	As Amended
Recommendations 7-8	—	As Recommended
Recommendation 9	—	Stood down
Recommendation 10	—	As Recommended
Recommendation 11	—	Negatived
Recommendations 12-14	—	As Recommended
Recommendation 15	—	Negatived
Recommendation 16	—	Stood down

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

Resolved:

(*i*) Dana current AOC should be revoked because it was not issued in full compliance with Nigerian Civil Aviation Regulations 2009;

(*ii*) NCAA Inspector, Engineer Suleiman Akwuh who did pre-arrival inspection on the ill-fated Dana Aircraft without the requisite professional qualification should be terminated from service. The current Director General of NCAA, Dr. Harold Demuren should be removed from office for negligence and incompetence;

(*iii*) The staff strength of NCAA should be totally overhauled with a view to inject technically and professional qualified personnel to enhance its regulatory role in accordance with the international best practices;

(*iv*) Henceforth, the management and operations of NCAA should remain autonomous;

(*v*) That all Air accident investigation Reports be made public;

(*vi*) NCAA should compel all airlines involved in accidents to settle all outstanding insurance obligations and ensure that current operating AOCs have reliable insurance cover as required by the Civil Aviation Regulations;

(*vii*) The Accident Investigation Bureau (AIB) should be properly equipped with modern laboratory facilities to enable it discharge its responsibilities;

(*viii*) The Federal Airport Authority of Nigeria (FAAN) and indeed Nigerian Airspace Management Agency (NAMA) should be properly equipped with well trained staff and equipment for the purposes of responding promptly and adequately to air accident in the country;

(*ix*) The Central Bank of Nigeria should recover the ₦35.5 billion Aviation intervention fund which was extended to Air Nigeria guaranteed and disbursed by UBA but was diverted to other uses;

(*x*) The Federal Government should for obvious safety reasons endeavour to put in place a hanger of international standard through public private partnership (PPP) to reduce cost of aircraft maintenance by airline operators in Nigeria;

(*xi*) The Air Field Lighting System should be returned to FAAN without further delay ***(S/Res/028/02/13)***.

5. Federal Capital Territory College of Education (Establishment, etc.) Bill 2013 (HB. 40):

Consideration of Bill deferred to another Legislative Day.

6. Federal University of Petroleum Resources, Effurun (Establishment, etc.) Bill 2013 (SB. 188):

Consideration of Bill deferred to another Legislative Day.

7. Equipment Leasing Bill 2013 (SB. 118):

Consideration of Bill deferred to another Legislative Day.

8. Chartered Institute of Logistics and Transport of Nigeria (Establishment, etc)Bill 2013 (SB. 152):

Consideration of Bill deferred to another Legislative Day.

9. National Health Insurance Scheme Act, Cap. N42 LFN 2004, (Repeal and Re-enactment) Bill 2013 (SB. 214):

Consideration of Bill deferred to another Legislative Day.

10. Adjournment:

Motion made: That the Senate do now adjourn till Wednesday, 30th January, 2013 at 10.00 a.m. (*Senate Leader*).

Adjourned accordingly at 1:25 *p.m.*

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