FOURTH REPUBLIC
7TH NATIONAL ASSEMBLY
SECOND SESSION
NO. 73

HOUSE OF REPRESENTATIVES
FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Tuesday, 19 March, 2013

1. The House met at 11.57 a.m. Mr Speaker read the Prayers.

2. **Votes and Proceedings:**
Mr Speaker announced that he had examined and approved the *Votes and Proceedings* of Thursday, 14 March, 2013.

By unanimous consent, the Votes and Proceedings was adopted.

3. **Message:**
Mr Speaker read the following Message from the President of the Federal Republic of Nigeria:

PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA

14th March, 2013

Right Honourable Aminu Waziri Tambuwal, CFR
Speaker, House of Representatives,
National Assembly Complex,
Three Arms Zone,
Abuja.

Your Excellency,

SUBMISSION OF THE 2013 AMENDMENT BUDGET PROPOSAL AND THE SUBSIDY REINVESTMENT AND EMPOWERMENT PROGRAMME (SURE-P) AMENDMENT BUDGET PROPOSAL

I seize this opportunity to express my appreciation of the National Assembly for giving accelerated hearing to the 2013 Budget Proposal and passing it in record time. This indeed demonstrates the enduring partnership between the two arms of government in discharging our shared responsibility for nation-building.

2. *However, as noted in our various consultative meetings with the Leadership and various Committees of the National Assembly following the passage of the Budget, it became imperative that certain provisions including Guts to personnel cost across the service and provisions for some capital projects be changed through*

an amendment budget. Right Honourable Speaker, the overriding objective remains to help improve the lives of Nigerians.

3. *In this respect, I hereby forward a copy each, of the* 2013 *Amendment Budget Proposal and the* 2013 *Subsidy Reinvestment and Empowerment Programme (SURE-P) Amendment Budget Proposal. It is my hope that the It is my hope that the Honourable Members of the House of Representatives will consider and approve these revised proposals in your usual expeditious manner.*

4. *Furthermore, the* 2013 *Appropriation Act includes clauses which may be injurious to the spirit of separation of powers and which could hamper the work of the executive arm of government. I therefore request that these should be reviewed. The relevant clauses are*:

(*a*) *Clause* 6 (*ii*) *states that: "The Accountant-General of the Federation shall forward to the National Assembly full details of funds released to the Government Agencies immediately such funds are released"; while Clause* 9 *states that: "All Accounting Officers of Ministries, Parastatals and Departments of Government who control heads of expenditures shall upon the coming into effect of this Act furnish the National Assembly on quarterly basis with detailed information on the Internally Generated Revenue of the Agency in any form whatsoever". Both clauses run counter to the established chain of reporting*;

(*b*) *Clause* 7 *states that "The Minister of Finance shall ensure that funds appropriated under this Act are released to the appropriate agencies and/or organs of government as and when due, provided that no funds for any quarter of the fiscal year shall be deferred without prior waiver from the National Assembly. This requires the Minister of Finance to seek a waiver from the National Assembly each time the Ministry of Finance cannot make full funds releases to MDAs when due. As you are aware, the nation experiences a shortfall in revenue once in a while and if the Minister is to seek a waiver on each occasion, the practice would tie down Budget implementation, as this would involve the Minister writing a formal letter to the National Assembly, presented in plenary and sent to the relevant committees for discussion. These would create delays and constraints on the budget implementation; and*

(*c*) *Clause* 10 *states: "All revenue however described including all fees received, fines, grants, budgetary provisions and all internally and externally generated revenue shall not be spent by the Security and Exchange Commission for recurrent or Capital purposes or for any other matters, nor liabilities thereon incurred except with Prior Appropriation and Approval by the National Assembly. Considering the fact that the budget of the Securities and Exchange Commission does not form part of the core* 2013 *Federal Budget as presented to the National Assembly, I believe that this clause ought not to have been inserted in the* 2013 *Appropriation Act in the first place. Secondly, the import of the clause is tantamount to shutting down the business of the Commission with a potential negative impact on the capital market.*

5. *While continuing to count on the productive partnership of the House of Representatives in our national transformation efforts, please accept, Right Honourable Speaker, the assurances of my highest consideration.*

Yours Sincerely,

(*Signed*)

GOODLUCK EBELE JONATHAN

4. Announcement:

***Bereavement*:**

Mr Speaker read a communication from Hon. Victor Afam Ogene (*Ogbaru Federal Constituency*) announcing the demise of Hon. Celestine Olisa (Ogbaru Federal Constituency, 1991 - 1993), who died on Friday, 22 February, 2013.

A minute silence was observed in honour of the deceased.

5. **Matters of Urgent Public Importance:**

(*i*) Citing Standing Order VIII, Rule 46, Hon. Ndudi Godwin Elumelu (*Aniocha North/Aniocha South/Oshimili North/Oshimili South Federal Constituency*) drew the attention of the House to the threat of a nation-wide industrial action by the Joint Health Sector Unions (JOHESU) over the non-implementation of a collective agreement entered into in 2012 between the Federal Government and the Unions. He noted that the previous strike actions by the Unions recorded high casualty figures of patients. He stressed the need for urgent action to avert the impending crisis and thus urged the House to consider the matter as one of urgent public importance and to suspend Order VIII, Rule 46 (3) to enable it debate the matter immediately.

Question that the matter be considered as one of urgent public importance, put and agreed to.

Question that the House do suspend Order VIII, Rule 46 (3) to enable it debate the matter forthwith, put and agreed to.

Urgent Need for the Federal Government to enter into discussion with the Joint Health Sector Unions (JOHESU) and Implement Year 2012 Collective Agreement Executed with JOHESU in Order to Avert Industrial Unrest in Federal Government Hospitals and to Constitute the Governing Boards of Federal Teaching Hospitals and Health Related Establishments as a Matter of Urgency:

The House:

Notes that the Health Sector is one of the important sectors of the economy and any issue affecting the sector must be addressed with high degree of urgency in order to avert associated unpleasant consequences;

Further notes that according to a Publication on page 8 of the Vanguard Newspaper of Monday, March 18, 2013, workers in Federal Government Hospitals and other Health Institutions across the country have issued a 15 Day Ultimatum, effective from 18 March, 2013 to the Federal Government to address five pending industrial disputes, including non-implementation of 2012 Collective Agreement between the Federal Government and the Health Sector Unions;

Aware that the Workers comprising Medical and Health Workers Union of Nigeria (MHWUN), National Association of Nigerian Nurses and Midwives (NANNM), Nigerian Union of Pharmacists, Medical Laboratory Scientists and Professionals Allied to Medicine (NUPMTPAM), Senior Staff Association of Universities Teaching Hospitals, Research Institutes and Allied Institutions (SSAUTHRIAI) and Non Academic Staff Union of Educational and Associated Institutions (NASU) acting under the aegis of Joint Health Sector Unions (JOHESU) have threatened to embark on a nationwide strike in the next fifteen days if the Federal Government fails to implement the Year 2012 Collective Agreement between JOHESU and the Federal Government;

Further aware that in the past, previous strikes in the Health Sector recorded huge causalities whereby innocent lives were lost, health condition of some patients became aggravated due to lack of medical attention by striking Doctors and many Nigerians incurred huge expenses by having to secure medical attention in private hospitals;

Worried that if urgent steps are not taken by the House to avert the looming industrial unrest, the health service delivery system in the country would be terribly affected and the concomitant consequences in terms of loss of innocent lives of patients in various hospitals nationwide including economic loss are better imagined than experienced;

Further worried that as at today, the Federal Government has not constituted the Governing Boards of Federal Teaching Hospitals and Health Related Establishments and the non constitution of the Boards is affecting dispute resolution mechanisms in the aforementioned Hospitals and Establishments as conflicts and industrial disharmony between workers and the Chief Medical Directors (CMDs) and Heads of Health Related Establishments could not be resolved due to the absence of the Boards, thereby fueling unnecessary agitations and threats of industrial unrest among workers which would have been resolved by the Boards, if they were in existence.

Resolves to:

(*i*) urge the Federal Government to implement, as a matter of urgency, the Year 2012 Collective Agreement executed with Joint Health Sector Unions (JOHESU);

(*ii*) urge the Joint Health Sector Unions (JOHESU) to suspend the proposed nationwide strike in the greater interest of the country;

(*iii*) direct the Committee on Health to engage all the stakeholders in the proposed nationwide strike for discussions and ensure that the proposed strike does not take place;

(*iv*) urge the Federal Government to constitute, as a matter of urgency, the Governing Boards of all Federal Teaching Hospitals and Health Related Establishments in the country in order to promote industrial harmony and revive dispute resolution mechanisms therein (*Hon. Ndudi Godwin Elumelu — Aniocha North/Aniocha South/Oshimili North/Oshimili South Federal Constituency*).

Debate:

Question put and agreed to.

The House:

Noted that the Health Sector is one of the important sectors of the economy and any issue affecting the sector must be addressed with high degree of urgency in order to avert associated unpleasant consequences;

Further noted that according to a Publication on page 8 of the Vanguard Newspaper of Monday, March 18, 2013, workers in Federal Government Hospitals and other Health Institutions across the country have issued a 15 Day Ultimatum, effective from 18 March, 2013 to the Federal Government to address five pending industrial disputes, including non-implementation of 2012 Collective Agreement between the Federal Government and the Health Sector Unions;

Aware that the Workers comprising Medical and Health Workers Union of Nigeria (MHWUN), National Association of Nigerian Nurses and Midwives (NANNM), Nigerian Union of Pharmacists, Medical Laboratory Scientists and Professionals Allied to Medicine (NUPMTPAM), Senior Staff Association of Universities Teaching Hospitals, Research Institutes and Allied Institutions (SSAUTHRIAI) and Non Academic Staff Union of Educational and Associated Institutions (NASU) acting under the aegis of Joint Health Sector Unions (JOHESU) have threatened to embark on a nationwide strike in the next fifteen days if the Federal Government fails to implement the Year 2012 Collective Agreement between JOHESU and the Federal Government;

Further aware that in the past, previous strikes in the Health Sector recorded huge causalities whereby innocent lives were lost, health condition of some patients became aggravated due to lack of medical attention by striking Doctors and many Nigerians incurred huge expenses by having to secure medical attention in private hospitals;

Worried that if urgent steps are not taken by the House to avert the looming industrial unrest, the health service delivery system in the country would be terribly affected and the concomitant consequences in terms of loss of innocent lives of patients in various hospitals nationwide including economic loss are better imagined than experienced;

Further worried that as at today, the Federal Government has not constituted the Governing Boards of Federal Teaching Hospitals and Health Related Establishments and the non constitution of the Boards is affecting dispute resolution mechanisms in the aforementioned Hospitals and Establishments as conflicts and industrial disharmony between workers and the Chief Medical Directors (CMDs) and Heads of Health Related Establishments could not be resolved due to the absence of the Boards, thereby fueling unnecessary agitations and threats of industrial unrest among workers which would have been resolved by the Boards, if they were in existence.

Resolved to:

(*i*) urge the Federal Government to implement, as a matter of urgency, the Year 2012 Collective Agreement executed with Joint Health Sector Unions (JOHESU);

(*ii*) urge the Joint Health Sector Unions (JOHESU) to suspend the proposed nationwide strike in the greater interest of the country;

(*iii*) direct the Committee on Health to engage all the stakeholders in the proposed nationwide strike for discussions and ensure that the proposed strike does not take place;

(*iv*) urge the Federal Government to constitute, as a matter of urgency, the Governing Boards of all Federal Teaching Hospitals and Health Related Establishments in the country in order to promote industrial harmony and revive dispute resolution mechanisms therein (**HR. 70/2013**).

(*ii*) Also citing Standing Order VIII, Rule 46, Hon. Ibrahim Olaifa (*Oluyole Federal Constituency*) invited the attention of the House to the bomb blast that occurred on Monday, 18 March, 2013 in Kano State in which several persons were either killed or injured. He observed that the violent activities of the Boko Haram Sect has crippled the economy of some parts of Northern Nigeria and consequently worsened the standard of living of the residents. He emphasized the need for all Stakeholders to deploy better strategies to curtail the terrorist's activities. He therefore urged the House to consider the matter as one of urgent public importance, and suspend Order VIII, Rule 46 (3) to enable it debate the matter forthwith.

Question that the matter be considered as one of urgent public importance, put and agreed to.

Question that the House do suspend Order VIII, Rule 46 (3) *to enable it debate the matter forthwith, put and agreed to.*

The Need to bring Terrorist Activities to an end in Nigeria:

The House:

Notes that several innocent Nigerians have been killed in the last three years due to the activities of the Boko Haram Sect, including the recent bomb explosions in a Motor Park in Kano on Monday, 18 March, 2013, in which over 20 people were killed;

Aware that several conflicting details have been given as the reasons why the group decided to unleash terror on the Nigerian establishment and innocent Nigerians;

Worried that the economy of the northern part of Nigeria, its education and other social welfare programmes have nosedived significantly, further worsening the standard of living of the residents;

Further worried that the pattern of operations of this group has remained mostly unpredictable despite huge investments in the nation's security apparatus;

Concerned that stakeholders are finding it difficult to agree on how to engage the group in order to arrest the situation;

Convinced that all efforts must be made to bring the group to the negotiation table for a final resolution of thee crisis.

Resolves to:

Mandate the Committees on Public Safety and National Security, Army, Police Affairs, and Defence to engage the Executive Arm of Government towards finding means of ending the crisis and report back to the House within 4 weeks (*Hon. Ibrahim Olaifa —Oluyole Federal Constituency*).

Debate:

Question put and agreed to.

The House:

Noted that several innocent Nigerians have been killed in the last three years due to the activities of the Boko Haram Sect, including the recent bomb explosions in a Motor Park in Kano on Monday, 18 March, 2013, in which over 20 people were killed;

Aware that several conflicting details have been given as the reasons why the group decided to unleash terror on the Nigerian establishment and innocent Nigerians;

Worried that the economy of the northern part of Nigeria, its education and other social welfare programmes have nosedived significantly, further worsening the standard of living of the residents;

Further worried that the pattern of operations of this group has remained mostly unpredictable despite huge investments in the nation's security apparatus;

Concerned that stakeholders are finding it difficult to agree on how to engage the group in order to arrest the situation;

Convinced that all efforts must be made to bring the group to the negotiation table for a final resolution of thee crisis.

Resolved to:

Mandate the Committees on Public Safety and National Security, Army, Police Affairs, and Defence to engage the Executive Arm of Government towards finding means of ending the crisis and report back to the House within 4 weeks (**HR. 71/2013**).

(iii) Also citing Standing Order VIII, Rule 46, Hon. Babangida Ibrahim (*Kafur/Malumfashi Federal Constituency*) called the attention of the House to the illegal remittance of over ₦100 billion Pay As You Earn (PAYE) fund to the Ministry of Federal Capital Territory from 2008 - 2012 b y the Federal Inland Revenue Service. He stated that the action was not only a violation of the constitutional provisions relating to fiscal issues but also negatively affected the effort of the Federal Government to effectively finance the annual budgets. He therefore urged the House to consider the matter as one of urgent public importance and suspend Order VIII, Rule 46 (3) to enable it debate the matter forthwith.

Question that the matter be considered as one of urgent public importance, put and agreed to.

Question that the House do suspend Order VIII, Rule 46 (3) *to enable it debate the matter forthwith, put and agreed to.*

Illegal Remittance of over ₦100 billion Pay As You Earn (PAYE) to the Federal Capital Territory by Federal Inland Revenue Service (FIRS):

The House:

Notes that Section 80 (1) of the Constitution of the Federal Republic of Nigeria, 1999, states that "all revenues or other moneys raised or received by the Federation (not being revenues or other moneys payable under this Constitution or any act of the National Assembly into any other Public Fund of the Federation established for a specific purpose) shall be paid into and form one Consolidated Revenue Fund of the Federation";

Also notes that Section 80 (4) states that "no moneys shall be withdrawn from the Consolidated Revenue Fund or any other Public Fund of the Federation, except in the manner prescribed by the National Assembly";

Further notes that the Relevant Tax Authority responsible for the collection of PAYE within the FCT is the FIRS, as provided by the Personal Income Tax Act (PITA), 1993 (as amended);

Worried that from 2009 - 2012, the Federal Inland Revenue Service (FIRS) had illegally remitted over ₦100 billion PAYE fund to the Ministry of Federal Capital Territory (FCT), even though FCT is on first line charge;

Disturbed that the action has seriously affected the effort of the Federal Government to effectively finance the annual budgets, thereby reducing the recurrent deficit;

Further disturbed that continuous violation of constitutional provisions and relevant Acts of the National Assembly by the Executive Arm of Government, especially on fiscal issues, is seriously affecting the growth of the economy and the ability of government to provide basic infrastructure.

Resolves to:

(*i*) Urge the Federal Inland Revenue Service (FIRS) to stop further remittance of PAYE fund to the Ministry of Federal Capital Territory (FCT);

(*ii*) mandate the Committee on Finance to establish the actual amount that had been remitted to date and who authorized the remittance and report back to the House within one week;

(*iii*) suspend further discussion on the FCT 2013 budget, since the revenue estimate of the budget include the illegal PAYE fund, until the Committee submits its report (*Hon. Babangida Ibrahim — Kafur/Malumfashi Federal Constituency*).

Debate:

Amendment Proposed:
Leave out all the prayers and *insert* a new Prayer as follows:
"Mandate the Committees on Finance and Federal Capital Territory Administration (FCTA) to investigate the PAYE remittances of the FCTA and the applicable legislation and report back to the House within 1 week" (*Hon. Toby Okechukwu — Aninri/Awgu/Oji-River Federal Constituency*).

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

Main Question as amended, put and agreed to.

The House:

Noted that Section 80 (1) of the Constitution of the Federal Republic of Nigeria, 1999, states that "all revenues or other moneys raised or received by the Federation (not being revenues or other moneys payable under this Constitution or any act of the National Assembly into any other Public Fund of the Federation established for a specific purpose) shall be paid into and form one Consolidated Revenue Fund of the Federation";

Also noted that Section 80 (4) states that "no moneys shall be withdrawn from the Consolidated Revenue Fund or any other Public Fund of the Federation, except in the manner prescribed by the National Assembly";

Further noted that the Relevant Tax Authority responsible for the collection of PAYE within the FCT is the FIRS, as provided by the Personal Income Tax Act (PITA), 1993 (as amended);

Worried that from 2009 - 2012, the Federal Inland Revenue Service (FIRS) had illegally remitted over ₦100 billion PAYE fund to the Ministry of Federal Capital Territory (FCT), even though FCT is on first line charge;

Disturbed that the action has seriously affected the effort of the Federal Government to effectively finance the annual budgets, thereby reducing the recurrent deficit;

Further disturbed that continuous violation of constitutional provisions and relevant Acts of the National Assembly by the Executive Arm of Government, especially on fiscal issues, is seriously affecting the growth of the economy and the ability of government to provide basic infrastructure.

Resolved to:

Mandate the Committees on Finance and Federal Capital Territory Administration (FCTA) to investigate the PAYE remittances of the FCTA and the applicable legislation and report back to the House within 1 week (**HR. 72/2013**).

6. **Dangerous trend in Handling Railway Transport System in Nigeria:**
Motion made and Question proposed:

The House:

Notes with dismay the alleged deplorable state of the revamped Nigerian Railway system; especially the Lagos-Ogun route operating with shoddy coaches;

Further notes that the Federal Government is working towards resuscitating Rail Transportation in Nigeria with a view to providing efficient, reliable and affordable rail transport services to the public;

Aware that overhauling of the rail system in Nigeria especially the Lagos - Ibadan route is now taking a dangerous trend owing to disorderliness and recklessness of passengers and operators;

Concerned that adequate operational guidelines, safety and security measures have not been put in place to make the rail transport comfortable and safe for Nigerian commuters;

Worried by the dangerous acts of passengers sitting on top of the wagons, smoking hemp and other hard drugs, thereby posing grave danger to other commuters and users of the rail service, which has already caused the death of a passenger who fell off the train and was crushed;

Conscious that this dangerous trend will negatively affect the use of rail transportation and possibly, if not checked, lead to accidents with disastrous consequences.

Resolves to:

Mandate the Committee on Land Transport to investigate the security and safety standards on the Lagos - Ibadan route and recommend to the House ways to avoid a possible disaster within 4 weeks (*Hon. Chris Azubogu — Nnewi North/Nnewi South/Ekwusigo Federal Constituency*).

Question put and agreed to.

Resolution referred to the Committees on Committee on Land Transport pursuant to Standing Order VIII, Rule 51 (5) (**HR. 73/2013**).

7. **Abuse of Recruitment Process in Nigerian Airspace Management Agency (NAMA):**
Motion made and Question proposed:

The House:

Notes that the recent recruitment exercise by the Nigerian Airspace Management Agency (NAMA), which took place between September 2012 and February 2013 as reported by Blueprint Newspaper of 5th March, 2013 was wrought with irregularities and manipulation in favour of certain states whereby out of the 292 persons employed by the Agency, Abia and Anambra (home States of the Managing Director and the Minister of Aviation/Supervising Minister of the Agency respectively) got 32 slots each, while some States of the Federation did not get a single slot;

Further notes that Section 1 of the Guiding Principles and Formulae for the Distribution of Posts as stipulated in the Federal Character Commission (Establishment, etc.) Act states that: *Each State of the Federation and the Federal Capital Territory shall be equitably represented in all national institutions and in Public enterprises and organizations*;

Disturbed that the appalling state of affairs in the Nigerian Civil Service is a source of worry and concern for Nigerians particularly given the rate of abuse in the recruitment/disengagement process and massive corruption as witnessed in the recent pension scam;

Further disturbed that irregularities and violation of due process in recruitment exercise by heads of institutions and the conduct of affairs in the Civil Service have become a recurring decimal, appearing on the pages of national dailies and other media organizations on a daily basis;

Worried that this violation of due process in recruitment exercise in the Civil Service has negatively affected the chances of employable citizens in the country and has undermined the performance and credibility of the Service;

Further worried that these fraudulent exercises, which portray nepotism are capable of further disorganizing the already overheated polity;

Aware that the conduct of some heads of government institutions is unethical and a complete violation of extant laws as it relates to the Federal Character Commission (Establishment, etc.) Act and the true spirit of Nigeria's federal system;

Regrets that the Air Service Unions had recently threatened to shut down the airlines operations as a result of the failure to implement a new salary structure approved by the Salaries and Wages Commission since August 2012 and same organization was reported to have conducted this recruitment exercise with utmost disregard to existing Federal Character principles;

Further regrets that if no urgent step is taken, the issue will defeat the purpose of the Federal Character Commission (Establishment, etc.) Act especially with regard to equal distribution of job opportunities among the States of the Federation, and the supposed transparency and due process in the activities of the Civil Service of the Federation.

Resolves to:

Direct the Committee on Federal Character to investigate the issue and make appropriate recommendations to the House within (2) two weeks (*Hon. Sulaiman Abdurrahman Kawu — Sumaila/Takai Federal Constituency*).

Debate:

Motion withdrawn by leave of the House.

Ordered: That the Committee on Federal Character should continue with the work earlier initiated on the matter and report back to the House as soon as possible.

8. **A Bill for an Act to Promote Voluntary Blood Donation, Providing for an Adequate Supply of Safe Blood, Regulating Blood Banks and for Other Matters Connected Therewith (HB. 159) — *Second Reading*:** *Motion made and Question proposed*, "That a Bill for an Act to Promote Voluntary Blood Donation, Providing for an Adequate Supply of Safe Blood, Regulating Blood Banks and for Other Matters Connected Therewith (HB. 159) be now read a Second Time" (*Hon. Ajibola Famurewa — Atakunmosa East/Atakunmosa West/Ilesa East/Ilesa West Federal Constituency*).

Debate:

Question that the Bill be now read a Second Time, put and agreed to.

Bill read the Second Time and referred to the Committee on Health.

9. **Adjournment:**
That the House do now adjourn till Wednesday, 20 *March*, 2013 *at* 11.00 *a.m.* (*Hon. Mulikat Akande-Adeola — House Leader*).

The House adjourned accordingly at 1.41 *p.m.*

Aminu Waziri Tambuwal
Speaker