FOURTH REPUBLIC
7TH NATIONAL ASSEMBLY
THIRD SESSION
NO. 31

HOUSE OF REPRESENTATIVES
FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Thursday, 7 November, 2013

1. The House met at 11:39 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 Wednesday, 6 November, 2013.

By unanimous consent, the Votes and Proceedings was adopted.

3. **Announcement:**
(*i*) ***Visitors in the Gallery*:**
Mr Speaker recognized the presence of the following visitors:

(*a*) Staff and Students of St Michael's Anglican Diocesan College, Kaduna, Kaduna State;

(*b*) Staff and Students of Queen Science Academy, Kano;

(*c*) Members of Youth Parliament, Kano State Chapter, Kano.

(*ii*) ***Budget Implementation Reports*:**
Mr Speaker read a Communication from Chairman, Committee on Legislative Compliance, disclosing that the following Standing Committees are yet to submit their oversight reports on the implementation of the 2013 Appropriations Act as it affects their respective Ministries, Departments and Agencies:

(1) Anti-Corruption, National Ethics and Values
(2) Army
(3) Aviation
(4) Banking and Currency
(5) Capital Market and Institution
(6) Civil Society and Donor Agencies
(7) Commerce
(8) Communications and ICT
(9) Cooperation and integration in Africa
(10) Defence
(11) Diaspora
(12) Education
(13) Electoral Matters
(14) Emergency and Disaster Preparedness
(15) Environment
(16) Federal Character
(17) F.C.T. Area Council
(18) Finance

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(19) FOI (Reform of Government Institutions)
(20) Foreign Affairs
(21) FERMA
(22) Gas Resources
(23) Governmental Affairs
(24) Health
(25) HIV/AIDS, Tuberculosis and Malaria Control
(26) Housing and Habitat
(27) Industries
(28) Interior
(29) Inter-Parliamentary Relations
(30) Inter/Intra Party Relations
(31) Judiciary
(32) Labour, Employment and Productivity
(33) Land Transport
(34) Lake Chard
(35) Local Content
(36) Millennium Development Goals
(37) National Planning and Economic Development
(38) Navy
(39) NDDC
(40) Petroleum Resources (Upstream)
(41) Population
(42) Poverty Alleviation
(43) Public Service Matter
(44) Public Procurement
(45) Rural Development
(46) Science and Technology
(47) Solid Minerals Development
(48) Special Duties
(49) Sports
(50) States and Local Government
(51) Women Affairs and Social Development
(52) Works
(53) Youths Development
(54) Urban Development
(55) Women In Parliament
(56) Marine Transport
(57) Petroleum Resources (Downstream)

Mr Speaker ordered the concerned Committees to ensure that their Reports are submitted on or before Tuesday, 12 *November*, 2013.

(*iii*) ***Bereavement*:**
Mr Speaker read a communication from Hon. Chris Azubogu (*Nnewi North/Nnewi South/Ekwusigo Federal Constituency*) informing the House of the death of Hon. Ben C. N. Okeke, a former Member, from Awka Constituency (1964), which occurred on Sunday, 22 September, 2013.

A minute silence was observed in honour of the deceased.

4. Petitions:
The following petitions were presented and laid by:

(*i*) Hon. Hassan Saleh (*Ado/Ogbadibo/Okpokwu Federal Constituency*) from Joseph Okpeh, praying the House to intervene and ensure the payment of his outstanding terminal benefits by the Nigerian Ports Authority;

(*ii*) Hon. Abdul M. Msheliza (*Askira-Uba/Hawul Federal Constituency*) from M.A. Jafiya & Co., on behalf of Aliyu Mahmood Jafiya, praying the House to redress his dismissal from the service of the Federal Housing Authority;

(*iii*) Hon. Rotimi Makinde (*Ife Central/Ife East/Ife North/Ife South Federal Constituency*) from Ogunleye & Ogunleye, on behalf of 7 former officers of the Nigerian Custom Service, praying the House to investigate their suspension from the Nigerian Custom Service, with a view to reinstating them and granting other reliefs sought;

(*iv*) Hon. Princess Stella Ngwu (*Igbo-Etiti/Uzo-Uwani Federal Constituency*) from Sgt Christopher Okoro (*rtd*), seeking the intervention of the House in the termination of his appointment by the Nigeria Police, with a view to reinstating him;

(*v*) Hon. Jagaba Adams Jagaba (*Kachia/Kagarko Federal Constituency*) from Dokun Ayan Banji & Co., on behalf of Mr Peter Ibrahim, praying the House to prevail on the office of the Head of the Civil Service of the Federation to deploy him to any Ministry or Department of the Federal Civil Service where he can work, having been rejected by the Economic and Financial Crime Commission (EFCC) where he was initially deployed in 2003, with a view to ensuring that his salary is paid with effect from the date of his initial posting to the EFCC;

(*vi*) Hon. Raphael Igbokwe (*Ahiazu Mbaise/Ezinihitte Federal Constituency*) from:

(*a*) Capt. Samuel Adejobi Akinade, praying the House to redress in his retirement by the Nigerian Army in February, 2008;

(*b*) Chief Johnny Olisakwe Maduafokwa, praying the House to investigate his brutalization and assault on June 2, 2013 by men of the Nigerian Army on the orders of the Commanding Officer, 145 Battalion, 14 Brigade, Ohafia, Lt Col. Tamunotonye Tobiah Minimah;

(*vii*) Hon. Irona A. Gerald (*Ohaji/Egbema/Oguta/Oru West Federal Constituency*) from Alondu Trinity Chambers on behalf of Silva Bros and Company Limited, requesting the House to investigate the refusal by the Federal Medical Centre, Owerri, to pay the outstanding sum of ₦13,681,100.00 for jobs done for the Centre since 1994, with a view to ensuring payment;

(*viii*) Hon. Jones Onyereri (*Nkwerre/Isu/Nwangele/Njaba Federal Constituency*) from Nwamadu Roseline Onyemachi (Mrs), praying the House to redress the non-payment of her retirement benefits by Nigerian Army;

(*ix*) Hon. Sadiq Asema Mohammed (*Ajaokuta Federal Constituency*) from Capt. Samuel Adejobi Akinade, praying the House to intervene in his retirement by the Nigerian Army since 23 February, 2008, with a view to reinstating him and granting other relief sought;

(*x*) Hon. Jerry Alagbaoso (*Orlu/Orsu/Oru East Federal Constituency*) from Insp. Emmanuel Akpan (*rtd*), praying the House to investigate discriminatory actions against him by the Nigeria Police authorities, with a view to redressing the trend;

Petitions referred to the Committee on Public Petitions.

5. Matters of Urgent Public Importance:

(*i*) Citing Standing Order VIII, Rule 46, Hon. Yakubu Dogara (*Bogoro/Dass/Tafawa Balewa Federal Constituency*) drew the attention of Members to about 36 Bills passed by both houses of the National Assembly which the President, Federal Republic of Nigeria failed to assent to in accordance with the provision of the Constitution. He stated that section 58 (4) of the Constitution of the Federal Republic of Nigeria, 1999 requires the President to either signify that he assents or withholds assent on any Bill passed by the national Assembly and presented to him within 30 days of presentation. He noted that the outstanding Bills were promptly transmitted to the President but he neither assented nor signified the withholding of assent within the time frame allowed by the Constitution. Hon. Dogara stressed the need for National Assembly to apply the provision of section 58 (5) of the Constitution as a way of solving the problem, and therefore urged the House to consider the matter as one of urgent public importance and suspend Order VIII, Rule 46 (3) to enable it be debated 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.*

Urgent Need for Both Houses of the National Assembly to Activate their Constitutional Powers under Section 58 (5) of the 1999 Constitution in Relation to Bills over which the President has Failed to Exercise his Constitutional Responsibilities and Powers under Section 58 (4) of the Constitution:

The House

Notes the pedestrian fact that the Constitution is supreme and it's provisions have binding force on all authorities and persons throughout the Federal Republic of Nigeria;

Further notes that Section 58 (4) of the 1999 Constitution (as amended) requires that all Bills passed by the two Houses of the National Assembly be transmitted to the President for assent;

Aware that pursuant to the said Section 58 (4) of the Constitution, a total of 36 Bills have been transmitted to the President for assent which are still pending or left to stagnate in his office without exercising his Constitutional powers;

Concerned that allowing the Bills to stagnate without any indication from the President as to whether he assents or withholds assent is a manifest violation of the provision of Section 58 (4) of the Constitution which makes it mandatory for the President to within thirty days of the presentation of such Bills to him, signify that he assents or that he withholds assent;

Alarmed that the refusal by the President to perform his constitutional responsibilities and powers under Section 58 (4) of the Constitution have denied the public the benefits of new legislations as they continue to struggle with obsolete laws;

Resolves to:

(*i*) Activate its powers under Section 58 (5) of the Constitution in view of the failure and/or refusal by the President to exercise his constitutional responsibilities and powers under Section 58 (4) of the Constitution;

(*ii*) Transmit this motion to the Senate for concurrence (*Hon. Yakubu Dogara — Bogoro/Dass/Tafawa Balewa Federal Constituency*).

Debate:

Mr Speaker noted that most of the Bills read by Hon. Yakubu Dogara were passed during the 6th National Assembly, even though some of them have been re-introduced in the current 7th National Assembly. He viewed the motion as a wake up call on both the Executive and the Legislature. He therefore ordered the Committee on Rules and Business to ascertain the status of such outstanding Bills and report back to the House soonest.

(*ii*) Also citing Standing Order VIII, Rule 46, Hon. Adeyinka Ajayi (*Odo-Orin/Ifelodun/Boripe Federal Constituency*) drew the attention of the House to the statement recently credited to the Hon. Minister of Finance with respect to the Federal Government subsidy on kerosene. He noted that the Hon. Minister debunked the online media report that over ₦600 billion was expended as subsidy on kerosene. He urged the House to consider the matter as one of urgent public importance in view of the huge public fund involved in the controversy.

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

Matter to stand over till the next Legislative Day.

(*iii*) Further citing Standing Order VIII, Rule 46, Hon. Abiodun Balogun (*Ijebu North/Ijebu East/Ogun Waterside Federal Constituency*) drew the attention of the House to the report in on-line media on the alleged connivance of Nigerian National Petroleum Corporation (NNPC) and Swiss Company to rub the nation of billions of dollars in oil sale deal. He noted that it was indicated in the report that NNPC was selling the nation's oil to Swiss oil firms below market value. He thus urged the House to consider the matter as one of urgent public importance.

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

Matter to stand over till the next Legislative Day.

6. **Presentation of Bills:**
The following Bills were presented and read the *First Time*:

(*i*) Nigerian Financial Intelligence Centre (Establishment) Bill, 2013 (HB.574).

(*ii*) Nigerian Electricity Regulatory Commission's Meter Reading, Billing, Cash Collection and Credit Management for Electricity Supplies Regulations (Amendment) Bill, 2013 (HB. 560).

7. **Presentation of Reports:**
***Committee on Aviation*:**
Motion made and Question proposed, "That this House do receive the Report of the Committee on Aviation on the Purchase of Two Armoured Vehicles by the Nigerian Civil Aviation Authority (NCAA) (**HR. 51/2013**)" (*Hon. Nkeiruka Onyejeocha — Isuikwuato/Umunneochi Federal Constituency*).

Question put and agreed to.

Report laid.

8. **Personal Explanation:**
Citing Standing Order VIII, Rule 47, Hon. Ali Madaki (*Dala Federal Constituency*) called the attention of the House to the poor implementation of successive Appropriation Acts passed by the National Assembly. He noted that when an Appropriation Bill is assented to, it becomes a law and that non-implementation of the law is a violation of the Constitution. He therefore urged the House to postpone the presentation of the 2014 Budget estimates by Mr President until it receives the report of the implementation of the 2013 Appropriation Act.

Mr Speaker noted the concern raised by Hon. Ali Madaki.

9. **Admittance into the Chamber:**
Motion made and Question proposed, "That this House do admit into the Chamber the President and his entourage in a Joint Sitting with the Senate on Tuesday, 12 November, 2013 at 12.00 noon to receive an address of the President of the Federal Republic of Nigeria on the 2014 Budget Estimates, pursuant to Standing Order XIX, Rule 217 of the House" (*Hon. Leo Ogor — Deputy House Leader*).

Question put and agreed to.

10. **Need to Immortalize the Late Dr Olusegun Kokumo Agagu:**
Motion made and Question proposed:

The House:

Notes that on Friday, September 13, 2013, former Governor of Ondo State (May 2003-February 2009), Dr Olusegun Agagu died at the age of 65 years;

Further notes that before his death, Agagu established countless projects which include the Nigerian Television Authority (NTA) stations in Akure, Ikare and Okitipupa, electrification of several communities in Ondo State, initiated the construction of Owena multi-purpose Dam, construction of 813 modern blocks of six classrooms in each of the Local Government Areas of Ondo State, among others;

Aware that Dr Agagu, as the Minister of Power, was the initiator of the National Integrated Power Project (NIPP), and established the recently commissioned 500 Megawatts power plant in Omotosho;

Further aware that as the first Minister of Aviation in 1999, Dr Agagu contributed immensely in moving the Aviation sector to enviable heights;

Observes that considering his numerous achievements and contributions to the development of Ondo State and Nigeria, the late Dr Olusegun Agagu deserves to be memorialized.

Resolves to:

(*i*) observe a one-minute silence in memory of the late Dr Agagu;

(*ii*) sympathize with the family of the deceased;

(*iii*) urge the Federal Government to name the Omotosho Power Plant after the late Dr Olusegun Agagu in remembrance of his immense contributions to the Power sector and Nigeria at large (*Hon. Muraino Ajibola — Ibarapa Central/Ibarapa North Federal Constituency and* 4 *Others*).

Debate:

Motion made and Question proposed, "That the House do suspend Order VIII, Rule 50, to enable it take amendments on the motion" (*Hon. Kamil Akinlabi — Afijio/Atiba East/Oyo West Federal Constituency*).

Question put and agreed to.

Amendment Proposed:

(*i*) *Leave out* Prayers (*i*) and (*ii*) (*Hon. Kamil Akinlabi — Afijio/Atiba East/Oyo West Federal Constituency*).

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

(*ii*) *Leave out* all the Prayers and *insert* as follows instead thereof:
"Urge the Federal Government to immortalize the name of Dr Olusegun Agagu by naming an important edifice after him" (*Hon. Abubakar Momoh — Estako East/West/Central Federal Constituency*).

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

Main Question as amended, put and agreed to.

The House:

Notes that on Friday, September 13, 2013, former Governor of Ondo State (May 2003-February 2009), Dr Olusegun Agagu died at the age of 65 years;

Further notes that before his death, Agagu established countless projects which include the Nigerian Television Authority (NTA) stations in Akure, Ikare and Okitipupa, electrification of several communities in Ondo State, initiated the construction of Owena multi-purpose Dam, construction of 813 modern blocks of six classrooms in each of the Local Government Areas of Ondo State, among others;

Aware that Dr Agagu, as the Minister of Power, was the initiator of the National Integrated Power Project (NIPP), and established the recently commissioned 500 Megawatts power plant in Omotosho;

Further aware that as the first Minister of Aviation in 1999, Dr Agagu contributed immensely in moving the Aviation sector to enviable heights;

Observes that considering his numerous achievements and contributions to the development of Ondo State and Nigeria, the late Dr Olusegun Agagu deserves to be memorialized.

Resolves to:

Urge the Federal Government to immortalize the name of Dr Olusegun Agagu by naming an important edifice after him (**HR. 70/2013**).

11. **Need to Investigate the Operational Activities of the Concessionaires of Nigerian Seaports:**
Motion made and Question proposed:

The House:

Notes the Concessioning of Nigerian seaports through the Bureau for Public Enterprises and handing over of the certificates of operations to these concessionaires by the Federal Government in 2006;

Further notes that these concessionaires operates mainly in Apapa, Tincan, Port Harcourt, Onne, Calabar and Warri ports;

Aware that the concessioning agreement between the Nigerian government and the concessionaires, empowered the concessionaires to efficiently handle cargoes in the various seaports and maintain the infrastructure of these concessionaires' areas of operations;

Further aware that the major aim of the concessioning programme was to ensure trade facilitation and greater efficiency in cargo handling and service delivery in all the Nigerian seaports;

Cognizant of the fact that, the Nigeria Customs Service saddled presently with a huge responsibility of trade facilitation and of course collection of duties on imported goods, is today faced with operational and infastructural challenges, arising from the "unsatisfactory" performance of these concessionaires;

Worried by the incessant reports of infastructural decay, lack of new cargoes' examination bays, poor service delivery, arbitrary charges in the names of demurrages and illegal movements or stacking of empty and laden containers by some of these concessionaires to undesignated areas without the consent of the importers or consignees and their clearing agents in various seaports;

Further worried that the apparent unsatisfactory performance of concessionaires or terminal operators in the above Nigerian seaports unnecessarily increase the cost of clearing of goods or doing business in Nigeria thereby negating trade facilitation;

Desirous of the need for check mating infrastructural decays, encouraging infrastructural maintenance culture, ensuring efficient cargo handling in the seaports, sustaining trade facilitation and compliance with International best practices in service delivery.

Resolves to:

Mandate the Committees on Marine Transport, Commerce, Customs and Excise to conduct a public hearing on the matter and report to the House within two weeks (*Hon. Jerry Alagbaoso — Orlu/Orsu/Oru East Federal Constituency*).

Debate:

Motion made and Question proposed, "That the House do suspend Order VIII, Rule 50, to enable it take amendments on the motion" (*Hon. Jerry Alagbaoso — Orlu/Orsu/Oru East Federal Constituency*).

Question put and agreed to.

Amendment Proposed:
In the Prayer, line 1, immediately after the word "Committees" *insert* the words "Privatization and Commercialization" (*Hon. Jerry Alagbaoso — Orlu/Orsu/Oru East Federal Constituency*).

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

Main Question as amended, put and agreed to.

The House:

Noted the Concessioning of Nigerian seaports through the Bureau for Public Enterprises and handing over of the certificates of operations to these concessionaires by the Federal Government in 2006;

Further noted that these concessionaires operates mainly in Apapa, Tincan, Port Harcourt, Onne, Calabar and Warri ports;

Aware that the concessioning agreement between the Nigerian government and the concessionaires, empowered the concessionaires to efficiently handle cargoes in the various seaports and maintain the infrastructure of these concessionaires' areas of operations;

Further aware that the major aim of the concessioning programme was to ensure trade facilitation and greater efficiency in cargo handling and service delivery in all the Nigerian seaports;

Cognizant of the fact that, the Nigeria Customs Service saddled presently with a huge responsibility of trade facilitation and of course collection of duties on imported goods, is today faced with operational and infastructural challenges, arising from the "unsatisfactory" performance of these concessionaires;

Worried by the incessant reports of infastructural decay, lack of new cargoes' examination bays, poor service delivery, arbitrary charges in the names of demurrages and illegal movements or stacking of empty and laden containers by some of these concessionaires to undesignated areas without the consent of the importers or consignees and their clearing agents in various seaports;

Further worried that the apparent unsatisfactory performance of concessionaires or terminal operators in the above Nigerian seaports unnecessarily increase the cost of clearing of goods or doing business in Nigeria thereby negating trade facilitation;

Desirous of the need for check mating infrastructural decays, encouraging infrastructural maintenance culture, ensuring efficient cargo handling in the seaports, sustaining trade facilitation and compliance with International best practices in service delivery.

Resolved to:

Mandate the Committees on Privatization and Commercialization, Marine Transport, Commerce, Customs and Excise to conduct a public hearing on the matter and report to the House within two weeks (**HR. 71/2013**).

12. **Urgent Need to Investigate, Arrest and Prosecute Persons Engaged in the Illegal Sale, and Hawking of Naira Notes:**

Order deferred by leave of the House.

13. **A Bill for an Act Repeal and Re-Enact the Standards Organization of Nigeria Act, Cap. S9 Law of the Federation of Nigeria, 2004 for the Purpose of providing Additional Functions for the Organization, increasing Penalty for Violations; and for Other Matters Incidental Thereto, 2013 (HBs. 153 and 180) — *Third Reading*:**
Motion made and Question proposed, "That a Bill for an Act Repeal and Re-Enact the Standards Organization of Nigeria Act, Cap. S9 Law of the Federation of Nigeria, 2004 for the Purpose of providing Additional Functions for the Organization, increasing Penalty for Violations; and for Other Matters Incidental Thereto, 2013 (HBs. 153 and 180) be now read the Third Time" (*Hon. Leo Ogor — Deputy House Leader*).

Question put and agreed to.

Bill read the Third Time and passed.

14. **A Bill for an Act to Establish the Chartered Institute of Local Government and Public Administration of Nigeria in order to ensure Professionalism in the system and to provide for Matters Related Therewith, 2013 (HB. 17) — *Third Reading*:**
Motion made and Question proposed, "That a Bill for an Act to Establish the Chartered Institute of Local Government and Public Administration of Nigeria in order to ensure Professionalism in the system and to provide for Matters Related Therewith, 2013 (HB. 17) be now read the Third Time" (*Hon. Leo Ogor — Deputy House Leader*).

Question put and agreed to.

Bill read the Third Time and passed.

15. **A Bill for an Act to Establish the Federal College of Medical Laboratory Science, Jos and to Provide for Courses leading to the Award of Degrees, Fellowship, Diploma and Certificate in Medical Laboratory Science, Biometrical Science, Other Related Courses and for Other Matters Connected Therewith (HB. 489) — *Second Reading*:**
Motion made and Question proposed, "That a Bill for an Act to Establish the Federal College of Medical Laboratory Science, Jos and to Provide for Courses leading to the Award of Degrees, Fellowship, Diploma and Certificate in Medical Laboratory Science, Biometrical Science, Other Related Courses and for Other Matters Connected Therewith (HB. 489) be now read a Second Time" (*Hon. Bitrus Kaze — Jos South/Jos East Federal Constituency*).

Debate:

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

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

16. **A Bill for an Act to amend the compulsory, Free Universal Basic Education Act to Introduce Peace Studies as part of the Basic National Curricula in both the Junior and Senior Secondary Schools in Nigeria (HB. 549) — *Second Reading*:**
Motion made and Question proposed, "That a Bill for an Act to Amend the Compulsory, Free Universal Basic Education Act to Introduce Peace Studies as part of the Basic National Curricula in both the Junior and Senior Secondary Schools in Nigeria (HB. 549) be now read a Second Time" (*Hon. Goni Bukar Haruna — Bursari/Geidam/Yunusari Federal Constituency*).

Debate:

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

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

17. **Adjournment:**
That the House do adjourn till Tuesday, 12 *November*, 2013 *at* 11.00 *a.m.* (*Hon. Leo Ogor — Deputy House Leader*).

The House adjourned accordingly at 2.52 *p.m.*

Aminu Waziri Tambuwal
Speaker