SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Wednesday, 11th December, 2013

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

2. **Votes and Proceedings:**
The Senate examined the Votes and Proceedings of Tuesday, 10th December, 2013.

Question was put and the Votes and Proceedings were approved.

3. **Announcements:**
(a) Appreciation:
The Senate President read a letter from Senator Babajide C. Omoworare (*Osun East*) as follows:

Senator Babajide Omoworare
Osun East Senatorial District
National Assembly Complex

December 9, 2013

Senator David B. Mark
The Senate President
National Assembly Complex,

Mr President, Sir

LETTER OF APPRECIATION

The entire Omoworare and Aderemi families of Ile-Ife wish to say a very big thank you to the leadership of Senate of the Federal Republic of Nigeria and my distinguished colleagues for their presence and support during the burial ceremonies of my dear mother Princess Teniade Areoye Omoworare (nee Aderemi).

Indeed, your prayers availed much and it is my fervent prayer that God in His infinite mercy will meet you all at your points of need.

On behalf of my family, political associates, the Catholic family of Oshogbo Diocese and the entire people of the State of Osun, I say thank you and offer you the assurance of my warm regards.

Yours Sincerely,
(Signed)
Senator Babajide Omoworare

(b) Acknowledgment:
The Senate President acknowledged the presence of the following who were in the gallery to observe Senate Proceedings:

(*i*) Members of the Students' Union Parliament, Benue State University, Makurdi, Benue State; and

(*ii*) Members of the National Association of Ondo State Students' Associaition, Akure, Ondo State.

4. Matter of Urgent Public Importance:
Rising on Rule 42, Senator Olubunmi A. Adetunmbi (*Ekiti North*) drew the attention of the Senate to a Newspaper Publication, the Leadership of 11th December, 2013 titled "Outrage Trails $49.8bn Unremitted Oil Revenue"; and Central Bank of Nigeria(CBN) Report to the Committee on Public Accounts. He sought the leave of the Senate to present the matter.

Newspaper and Central Bank of Nigeria(CBN) Report Laid.

Matter referred to the Committee on Finance to report within one (1) week.

5. Presentation of Bills:

(*i*) Federal Character Commission (Establishment, etc.) Act Cap F7 LFN 2011 (Repeal and Re-enactment) Bill 2013 — *Read the First Time.*

(*ii*) Corporate Social Responsibility Bill 2013 (SB. 403) — *Read the First Time.*

(*iii*) Federal Polytechnic Act Cap F17 LFN 2011 (Amendment) Bill 2013 (SB. 404) — *Read the First Time.*

(*iv*) Child's Right Act 2003 (Amendment) Bill 2013 (SB.405) — *Read the First Time.*

6. Committee on Establishment and Public Services:
Report on the National Assembly Service Commission Act Cap N7 2004 (Repeal and enactment) Bill 2013 (SB. 245):
Motion made: That the Senate do consider the Report of the Committee on Establishment and Public Services, on the National Assembly Service Commission Act Cap N7 2004 (Repeal and enactment) Bill 2013 (*Senator Aloysius A. Etok — Akwa Ibom North West*).

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 A BILL FOR AN ACT TO REPEAL THE NATIONAL ASSEMBLY SERVICE COMMISSION ACT, CAP. N7, LAWS OF THE FEDERATION OF NIGERIA, 2004 AND ENACT THE NATIONAL ASSEMBLY SERVICE ACT, 2013, TO REORGANIZE THE MANAGEMENT AND ADMINISTRATIVE STRUCTURE OF THE NATIONAL ASSEMBLY FOR IMPROVED SERVICE DELIVERY; AND FOR RELATED MATTERS.

Clause 1: **Repeal of Cap. 236 LFN, 1990.**
The National Assembly Service (Establishment, etc.) Bill, 2013.

Committee's Recommendation:
That the provision in Clause 1 be retained (*Senator Aloysius A. Etok — Akwa Ibom North-West*) *— Agreed to.*

Question that Clause 1 *do stand part of the Bill, put and agreed to.*

Clause 2: **Office of the Clerk to the National Assembly.**
There shall be a Clerk to the National Assembly who shall be —
(a) The head of the National Assembly Service;

(b) The accounting officer the National Assembly; and

(c) Responsible for the day-to-day administration of the affairs of the National Assembly.

Committee's Recommendation:
That the provision in Clause 2 be retained (*Senator Aloysius A. Etok — Akwa Ibom North-West*) *— Agreed to.*

Question that Clause 2 do stand part of the Bill, put and agreed to.

Clause 3: **Establishment of the National Assembly Service Commission.**
(1) There is established the National Assembly Service Commission in this Act referred to as "the Commission".

(2) The Commission shall be a body corporate with perpetual succession and shall have power to sue and be sued.

Committee's Recommendation:
That the provision in Clause 3 be retained (*Senator Aloysius A. Etok — Akwa Ibom North-West*) *— Agreed to.*

Question that Clause 3 do stand part of the Bill, put and agreed to.

Clause 4: **Membership of the Commission.**
(1) The Commission shall comprise a chairman and 12 other members.

(2) The Chairman shall be the Chief Executive of the Commission.

(3) The President of the Senate shall, upon consultation with the Speaker of the House of Representatives, submit to the President of the Federal Republic of Nigeria a proposed list out of which the President of the Federal Republic of Nigeria shall nominate for appointment a chairman and members of the Commission.

(4) The President of the Federal Republic of Nigeria shall appoint the Chairman and members of the Commission from the list submitted to him in accordance with the provision of subsection (3) of this section subject to the confirmation of the Senate.

(5) At least 2 members of the Commission shall be drawn from each of the six geopolitical zones of Nigeria.

(6) A member of the Commission shall hold office for a period of 5 years from the date of his appointment and he may be reappointed for another term of 5 years and no more.

Committee's Recommendation:
That the provision in Clause 4 be retained (*Senator Aloysius A. Etok — Akwa Ibom North-West*) *— Agreed to.*

Question that Clause 4 *do stand part of the Bill, put and agreed to.*

Clause 5: Qualification for Membership.

(1) No person shall be considered for appointment as a member of the Commission, if —

(a) he is not qualified to be elected as a member of the House of Representatives;

(b) within the preceding 10 years, he has been removed as a member of any of the bodies established by section 153 of the Constitution of the Federal Republic of Nigeria, or as the holder of any other office on the ground of misconduct; and

(c) he has no requisite experience in Public Service matters.

(2) Any person employed in the Public Service of the Federation or of a State shall not be disqualified for appointment as a chairman or member of the Commission.

(3) Where such person has been duly appointed on full time basis, he shall, on his appointment, be deemed to have resigned or retired from his former office as from the date of his appointment.

Committee's Recommendation:
That the provision in Clause 5 be retained (*Senator Aloysius A. Etok — Akwa Ibom North-West*) *— Agreed to.*

Question that Clause 5 *do stand part of the Bill, put and agreed to.*

Clause 6: Removal from office.

(1) The Chairman or any member of the Commission shall be removed from that office by the President acting upon an address supported by a resolution of each House of the National Assembly praying that he be so removed for inability to discharge the functions of the office (whether arising from infirmity of mind or body or any other cause) or for misconduct.

(2) Notwithstanding the provision of subsection (1) of this section, the Chairman or any member of the Commission shall be removed from office by the National Assembly upon a resolution by simple majority of the members of each House for inability to discharge the function of the office or for misconduct.

(3) Upon the coming into force of this Act, or upon the expiration of the life of the Commission at any time or upon a vacancy occurring in the membership of the Commission, the President shall send the appropriate nominations to the National Assembly within thirty days of being requested to do so.

Committee's Recommendation:
That the provision in Clause 6 be retained (*Senator Aloysius A. Etok — Akwa Ibom North-West*) *— Agreed to.*

Question that Clause 6 do stand part of the Bill, put and agreed to.

Clause 7: Appointment of a Secretary to the Commission.

(1) There shall be a Secretary to the Commission who shall be appointed by the Commission and shall —

(a) be a career officer not below the rank of a Clerk of the Senate or House of Representative in the National Assembly Service.

(b) be the accounting officer of the Commission; and

(c) hold office on such terms and conditions of service as approved by the Commission.

(2) The Secretary shall, subject to the general direction of the Commission, be responsible for—

(a) the day-to-day administration of the Commission; and

(b) keeping the books and proper records of proceedings of the Commission.

Committee's Recommendation:
That the provision in Clause 7 be retained (*Senator Aloysius A. Etok — Akwa Ibom North-West*) *— Agreed to.*

Question that Clause 7 do stand part of the Bill, put and agreed to.

Clause 8: Functions of the Commission.

(1) The Commission shall —

(a) formulate and implement guidelines for its functions; and

(b) appoint persons to hold or act in the offices of —

(i) the Clerk to the National Assembly,

(ii) the Deputy Clerk to the National Assembly,

(iii) the Clerk of the Senate,

(iv) the Clerk of the House of Representatives,

(v) the Deputy Clerk of Senate,

(vi) the Deputy Clerk of the House of Representatives,

(vii) Secretaries to the Directorates, and

(viii) holders of other offices that shall be created by the Commission on the recommendation of the Clerk to the National Assembly.

(2) The Commission may —

(a) make appointments on promotion and transfer and confirm such appointments; and

(b) dismiss and exercise disciplinary control over persons holding or acting in such offices.

(3) Where the Commission considers it expedient that any vacancy in the staff of the National Assembly should be filled, the Commission shall cause to be advertised internally and externally in accordance with the laws and regulations governing appointments into Public Service of the Federation.

(4) Where the Commission thinks it expedient that any vacancy in the staff of the National Assembly should be filled by a person holding office in the Civil Service of the Federation or of a State, it shall notify the appropriate Civil Service Commission to that effect and the Commission may, after consultation with the Civil Service Commission concerned, cause such vacancy to be filled by way of secondment or transfer.

(5) here any member of a civil service is seconded under subsection (4) of this section, he shall be notified of the terms and conditions of the secondment and the secondment shall be without prejudice to any pension rights which, but for the secondment, would still accrue to him.

(6) A person seconded pursuant to subsection (4) of this section, may elect subject to the approval of the Commission to be transferred to the service of the National Assembly, in which case any previous service in the Civil Service concerned shall count as service for the purposes of the pension subsequently payable by the Commission.

(7) Any member of staff of the National Assembly may elect to transfer or be seconded to any other Public Service of the Federation and such right of transfer or secondment shall not operate to the disadvantage of the officer concerned.

(8) In exercising its powers to make appointments or exercise disciplinary control over persons, the Commission shall not be subject to the direction or control of any authority or person.

(9) The Commission shall have power to pay its staff such remunerations as are approved by the National Assembly.

Committee's Recommendation:
That the provision in Clause 8 be retained (*Senator Aloysius A. Etok — Akwa Ibom North-West*) *— Agreed to.*

Question that Clause 8 *do stand part of the Bill, put and agreed to.*

Clause 9: Power of delegation and certain restriction thereon.

(1) The Commission may, subject to such conditions as it may think fit, delegate any of its powers under section 11 of this Act to —

Amendment Proposed:
(i) Leave out the word "think" in line 1, and *insert* the word "deem" instead thereof (*Senator Benedict B. Ayade — Cross River North).*

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

(ii) Leave out the figure "11" in line 2, and *insert* the figure "8" instead thereof (*Senator Babajide C. Omoworare — Osun East).*

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

(a) any of its members; and

Amendment Proposed:
Leave out the word "and" in subclause 9(1)(a) (*Senator Benedict B. Ayade — Cross River North).*

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

(b) a committee consisting of such persons (one of whom shall be named as Chairman) as may be prescribed by the Commission; or

Amendment Proposed:
Leave out the word "or"in subclause 9(1)(b) and *insert* the word "and" instead thereof (*Senator Benedict B. Ayade — Cross River North).*

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

(c) the Clerk to the National Assembly or to any other officer in the service of the National Assembly; but no such delegation shall prevent the exercise by the Commission of any power vested in it by this Act.

Amendment Proposed:
Immediately after the word"or"in line 1, *leave out* the word "to" (*Senator Nurudeen Abatemi-Usman — Kogi Central).*

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

(2) Notwithstanding subsection (1) of this section, or any other provision of this Act, the Commission shall not delegate any of its powers in respect of offices of the Clerk to the National Assembly, Deputy Clerk to the National Assembly, the Clerk of the Senate, the Clerk of the House of Representatives, Deputy Clerk Senate, Deputy Clerk House of Representatives, Secretaries to the Directorates and such other staff not below Grade Level 07 (*Senator Aloysius A. Etok — Akwa Ibom North-West*).

Question that Clause 9 *as amended do stand part of the Bill, put and agreed to.*

Clause 10: Staff of the National Assembly.

(1) The staff of the National Assembly shall comprise —

(a) the Clerk to the National Assembly:

(b) the Deputy Clerk to the National Assembly;

(c) the Clerk of the Senate:

(d) the Clerk of the House of Representatives:

(e) the Deputy Clerk of the Senate;

(f) the Deputy Clerk of the House of Representatives;

(g) Secretaries to the Directorates;

(h) the Directors; and

(i) holders of other offices that shall be created by the Commission on the recommendation of the Clerk to the National Assembly.

Powers, Privileges and Immunities of Staff of the National Assembly.

(2). (a) The Staff of the National Assembly Service in the performance of their duties under Section 88 and 89 of the Constitution of the Federal Republic of Nigeria, 1999 (as Amended) shall be vested with all the powers, privileges and immunities of a police\law enforcement officer in investigative duties.

Amendment Proposed:

Leave out the provision in subsection 2(a) (*Senator Ita S. J. Enang — Akwa Ibom North-East)*.

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

(b) The Sergeant-At-Arms and other Security Personnel of the National Assembly Service shall be vested with all the powers, privileges and immunities of police/law enforcement agencies in the performance of their duties within the National Assembly Complex and other National Assembly Premises (*Senator Aloysius A. Etok — Akwa Ibom North-West*).

Question that Clause 10 *as amended do stand part of the Bill, put and agreed to.*

Clause 11: **Appointment of Acting Clerk to the National Assembly.**
Except by resolution of each House of the National Assembly, no person shall act in the office of the Clerk to the National Assembly for a period exceeding 6 months (*Senator Aloysius A. Etok — Akwa Ibom North-West*).

Amendment Proposed:
Immediately after the word"exceeding"in line 2, *insert* the word "six" (*Senator Ayogu Eze — Enugu North).*

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

Question that Clause 11 *as amended do stand part of the Bill, put and agreed to.*

Clause 12: **Removal from office of the Clerk to the National Assembly.**
Notwithstanding the provisions of section 11 (2) of this Act, a person holding the office of the Clerk to the National Assembly shall only be removed by the Commission acting on an address supported by a simple majority of each House of the National Assembly praying that he be removed for inability to discharge his functions due to infirmity of the mind or body or any other cause or for misconduct (*Senator Aloysius A. Etok — Akwa Ibom North-West*).

Amendment Proposed:
Leave out the words "Notwithstanding the provisions of section 11 (2) of this Act" (*Senator Olufemi A. Lanlehin — Oyo South).*

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

Question that Clause 12 *as amended do stand part of the Bill, put and agreed to.*

Further consideration of the Bill deferred to another Legislative Day.

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 Establishment and Public Services, on the National Assembly Service Commission Act Cap N7 2004 (Repeal and enactment) Bill 2013 and approved as follows:

Clauses 1-8	—	As Recommended
Clauses 9-12	—	As Amended

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

Further consideration of the Bill deferred to another Legislative Day.

7. **Committee on National Planning, Economic Affairs and Poverty Alleviation:**
Report on the Review of Planning and Budgeting Process in Nigeria:

Consideration of Report deferred to another Legislative Day.

10. **Nigerian Railway Corporation Act Cap R129 LFN 2011 (Repeal and Re-enactment) Bill 2013 (SB.329):**

Consideration of Bill deferred to another Legislative Day.

11. **Adjournment:**
Motion made: That the Senate do now adjourn till Thursday, 12th December, 2013 at 10.00 a.m. (*Senate Leader*).

Adjourned accordingly at 1:02 *p.m.*

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