SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Thursday, 28th January, 2016

1. The Senate met at 11:01 a.m. The Senate President read prayers.

2. **Oaths:**
Senator-Elect, Senator Ovie Augustine Omo-Agege (*Delta Central*) took and subscribed to Oaths of Allegiance and Membership as required by law.

3. **Votes and Proceedings:**
The Senate examined the Votes and Proceedings of Wednesday, 27th January, 2016.

Question was put and the Votes and Proceedings were approved.

4. **Announcements:**

(a) ***Invitation:***
The Senate President read a letter from Senator Aliyu S. Abdullahi (*Niger North*) as follows:

THE SENATE
COMMITTEE ON MEDIA AND PUBLIC AFFAIRS
FEDERAL REPUBLIC OF NIGERIA
NATIONAL ASSEMBLY COMPLEX

28th January, 2016

The President

ANNOUNCEMENT: INVITATION

This is to invite Distinguished Senators to the formal commissioning of the new-improved Senate Press Centre scheduled to be performed by the President of the Senate, His Excellency, Senator Abubakar Bukola Saraki, CON.

Date: *Tuesday, 2nd February, 2016*
Time: *12:00 noon*
Venue: *Senate Press Centre*

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2. Thank you as you join us in rebranding the image of the Senate of the Federal Republic of Nigeria.

(Signed)
Senator (Dr.) Aliyu Sabi Abdullahi
Chairman
Senate Committee on Media & Public Affairs

(b) Meeting of the Northern Senators:
The Senate President read a letter from Senator Isah H. Misau (*Bauchi Central*) as follows:

SENATOR ISA HAMMA MISAU

January 28, 2016

ANNOUNCEMENT

The meeting of Northern Senators is scheduled as follows:

Venue: Conference Room 022, New Building

Time: Immediately after Sitting

Please endeavour to attend.

(Signed)
Senator Isah Hamma Misau

(c) Transport Arrangement:
The Senate President read a letter from Senator Enyinnaya H. Abaribe (*Abia South*) as follows:

His Excellency
Senator H. Enyinnaya Abaribe
ABIA SOUTH SENATORIAL DISTRICT, ABIA STATE

28th January, 2016

His Excellency,
Distinguished Senator Olubukola Saraki
The Senate President,
National Assembly,
Abuja.

Your Excellency,

TRANSPORT ARRANGEMENT

RE: GOVERNOR OKEZIE IKPEAZU MOTHER'S BURIAL

Sequel to earlier invitation to Distinguished Senators, I announce that flight arrangement to and fro has been scheduled for those travelling to Abia State for the burial.

Date: *Friday, 29th January, 2016*

Time: *10.00 a.m.*

Venue: *Nnamdi Azikiwe International Airport*

Airline: *Air Peace*

Flight will return back to Abuja same day by 5:30 p.m. through Sam Mbakwe Airport, Owerri, Imo State.

Please, accept the assurances of my highest regards.

(Signed)
Senator Enyinnaya Abaribe

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

(*i*) Members of the National Association of Kwara State Students, University of Abuja, Gwagwalada, Abuja;

(*ii*) Staff and Students of J.K People's Comprehensive Academy, Mararaba, Nasarawa State; and

(*iii*) Staff and Students of Grand Regal International School, Garki, Abuja.

5. **Petition:**
Rising on Rule 41, Senator Francis A. Alimikhena *(Edo North)* drew the attention of the Senate to a petition from his constituent, Umoru Abdul Miminu Odafe, on malicious transfer by Technology Incubation Centre, National Board for Technology Incubation. He urged the Senate to look into the matter.

Petition laid and accordingly referred to the Committee on Ethics, Privileges and Public Petitions [Rule 41(3)] to report within two (2) weeks.

6. **Committee on Tertiary Institutions and TETFUND:**
Report on the motion on the new JAMB Policy on Admission:
Motion made: That the Senate do receive the Report of the Committee on Tertiary Institutions and TETFUND in respect of a motion on the new JAMB Policy on Admission (*Senator Tijjani Y. Kaura — Zamfara North*).

Question put and agreed to.

Report Laid.

7. **Committee on Ethics, Privileges and Public Petitions:**
Report on the Petition from Maritime Professionals against the Ministry of Transport:
Motion made: That the Senate do consider the Report of the Committee on Ethics, Privileges and Public Petitions on a petition from Maritime Professionals against the Ministry of Transport for an alleged plan to downgrade them and other employees of Nigerian Maritime Administration and Safety Agency (NIMASA)(*Senator Samuel N. Anyanwu — Imo East*).

Question put and agreed to.

Report Presented.

Debate:

Proposed Resolution (i):
Question: That since the Ministry of Transportation meant well, and was only trying to address germane issues of irregularities within the Maritime Industry, the Senate cannot but support this action — *Agreed to.*

Proposed Resolution (ii):
Question: That though the fears of the Maritime Professionals appear unfounded, yet the fear was normal for someone who wants to defend his job. For that reason, the Ministry of Transportation should understand it as such and not penalize the staff for this action — *Agreed to.*

Resolved:
(*i*) That since the Ministry of Transportation meant well, and was only trying to address germane issues of irregularities within the Maritime Industry, the Senate cannot but support this action; and

(*ii*) That though the fears of the Maritime Professionals appear unfounded, yet the fear was normal for someone who wants to defend his job. For that reason, the Ministry of Transportation should understand it as such and not penalize the staff for this action ***(S/Res/083/01/16)***.

8. Committee on Ethics, Privileges and Public Petitions:
Report on the Petition from Engr. Adamu Suleiman Yakubu against the National Universities Commission (NUC):
Motion made: That the Senate do consider the Report of the Committee on Ethics, Privileges and Public Petitions on a petition from Engr. Adamu Suleiman Yakubu against the National Universities Commission (NUC) for alleged unlawful dismissal from Service (*Senator Samuel N. Anyanwu — Imo East*).

Question put and agreed to.

Report Presented.

Debate:

Proposed Resolution (i):
Question: That the petitioner deserves his dismissal from Service — *Agreed to.*

Proposed Resolution (ii):
Question: That the position of NUC on the matter be upheld — *Agreed to.*

Resolved:
(*i*) That the petitioner deserves his dismissal from Service; and

(*ii*) That the position of NUC on the matter be upheld ***(S/Res/084/01/16)***.

9. Committee on Ethics, Privileges and Public Petitions:
Report on the Petition from Mr. Salahudeen Balarabe Yakubu against the Nigeria Export Processing Zones Authority (NEPZA):
Motion made: That the Senate do consider the Report of the Committee on Ethics, Privileges and Public Petitions on a petition from Mr. Salahudeen Balarabe Yakubu against the Nigeria Export Processing Zones Authority (NEPZA) for alleged wrongful disengagement from the Service of the Authority (*Senator Samuel N. Anyanwu — Imo East*).

Question put and agreed to.

Report Presented.

Debate:

Proposed Resolution (i):
Question: That Mr. Salahudeen's disengagement cannot be reversed because he was affected, like many other Nigerians, by a policy of government of that time, 2007 — *Agreed to.*

Proposed Resolution (ii):
Question: That the remaining 50% of his entitlement be immediately paid to him — *Agreed to.*

Resolved:
(*i*) That Mr. Salahudeen's disengagement cannot be reversed because he was affected, like many other Nigerians, by a policy of government of that time, 2007; and

(*ii*) That the remaining 50% of his entitlement be immediately paid to him ***(S/Res/085/01/16)***.

10. Committee on Aviation:
Report on the need to Publish Accident Investigation Reports:
Motion made: That the Senate do consider the Report of the Committee on Aviation in respect of the motion on the Need to Publish Accident Investigation Reports (*Senator Bala Ibn Na'Allah — Kebbi South*).

Question put and agreed to.

Report Presented.

Debate:

Proposed Resolution (i):
Question: That Accident Investigation Bureau (AIB) should be encouraged with adequate budgetary provisions in the 2016 budget in order to perform its statutory role effectively and efficiently — *Agreed to.*

Proposed Resolution (ii):
Question: That the Senate do urge Accident Investigation Bureau (AIB) to complete the remaining investigations and publish the Reports on time — *Agreed to.*

Resolved:
(*i*) That Accident Investigation Bureau (AIB) should be encouraged with adequate budgetary provisions in the 2016 budget in order to perform its statutory role effectively and efficiently; and

(*ii*) That the Senate do urge Accident Investigation Bureau (AIB) to complete the remaining investigations and publish the Reports on time ***(S/Res/086/01/16)***.

11. Motions:

(a) Unwholesome Practices by Manitoba Hydro International Nigeria Ltd. under the direction and control of the Bureau of Public Enterprises:

Motion made: That the Senate notes that Transmission Company of Nigeria (TCN) is saddled with the vital responsibility of providing the critical power transmission services for the power industry and the entire nation;

notes that TCN is a company owned by the Federal Government of Nigeria (FGN) supervised by Bureau of Public Enterprises (BPE) of the Federal Government of Nigeria;

further notes that BPE, in the reform of the power sector in Nigeria, transferred the management of TCN to Hydro International Nigeria Ltd. (Manitoba) under a management services contract prepared by BPE;

further notes that Manitoba is a company incorporated under and subject to the laws of the Federal Republic of Nigeria and carrying on business in Nigeria with FGN and paid in millions of Dollars of scarce public funds;

observes that it is a criminal offence as stipulated in Section 20(5) of the Central Bank of Nigeria Act, 2007 for any person or body corporate to refuse the acceptance of the Naira as the legal tender currency for payments for goods and services in Nigeria;

worried that TCN is imposed with this burden, under the management service contract, of paying all taxes for the management contractors, while Manitoba does not pay taxes on the monies it is paid under the Management Services Contract;

observes that Section 9(2) of the Companies Income Tax Act (CITA) Cap 21 LFN 2004, provides that tax shall be assessed and payable upon the profits of any company accruing in, derived from, brought into, or received in Nigeria for services rendered;

convinced that the management services contract prepared by BPE for the management of TCN is fraught with apparent illegalities and total violations of the laws of Nigeria;

further convinced that these apparent illegalities would inevitably result in corruption, inefficiencies, waste of public resources, lack of transparency and accountability in the management of TCN;

aware that the Bureau for Public Enterprises (BPE) is a member of the Board of Directors of all the Distribution Companies (DISCOS) in Nigeria with the Director-General as a signatory of the tripartite agreement between BPE, TCN and Manitoba signing on behalf of BPE and TCN and thereby abdicating the supervisory role it ought to play in the whole process; and

persuaded that there is now an urgent need to investigate these grievous matters in the overriding public interest and in accordance with the Constitution of the Federal Republic of Nigeria.

Accordingly resolves to:

(*i*) mandate the Senate Committee on Power to:

(a) investigate the entire circumstances surrounding the preparation, execution and implementation of the management services for TCN and all other related matters;

(b) investigate the roles of all persons involved in these matters, and where appropriate, determine the culpability of any person who, whether by commission or omission, has acted against the public interest; and

(*c*) ascertain the relevance of BPE on the Board of Directors of Distribution Companies in Nigeria.

(*ii*) further mandate the Committee on Power to make appropriate recommendations concerning its findings in its report to the Senate (*Senator Mohammed Hassan — Yobe South*).

Debate:

Proposed Resolution (i):

Question: That the Senate do mandate the Senate Committee on Power to:

(a) investigate the entire circumstances surrounding the preparation, execution and implementation of the management services for TCN and all other related matters;

(b) investigate the roles of all persons involved in these matters, and where appropriate, determine the culpability of any person who, whether by commission or omission, has acted against the public interest; and

(*c*) ascertain the relevance of BPE on the Board of Directors of Distribution Companies in Nigeria — *Agreed to.*

Proposed Resolution (ii):

Question: That the Senate do further mandate the Committee on Power to make appropriate recommendations concerning its findings in its report to the Senate — *Agreed to.*

Additional Proposed Resolution:

Insert Additional Proposed Resolution as follows:

" mandate the Committee on Privatization to join in the investigation and report within four (4) weeks" (*Senator Dino Melaye — Kogi West).*

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

Resolved:

That the Senate do:

(*i*) mandate the Senate Committee on Power to:

(a) investigate the entire circumstances surrounding the preparation, execution and implementation of the management services for TCN and all other related matters;

(b) investigate the roles of all persons involved in these matters, and where appropriate, determine the culpability of any person who, whether by commission or omission, has acted against the public interest; and

(*c*) ascertain the relevance of BPE on the Board of Directors of Distribution Companies in Nigeria.

(*ii*) further mandate the Committee on Power to make appropriate recommendations concerning its findings in its report to the Senate; and

(*iii*) mandate the Committee on Privatization to join in the investigation and report within four (4) weeks ***(S/Res/087/01/16)***.

(b) Demise of Olubadan of Ibadan, Oba Samuel Odulana Odugade:

Motion made: That the Senate notes with sadness and great sense of loss, the demise of OLUBADAN of IBADAN (Oba Samuel Odulana Odugade I) at the age of 101;

notes also that HRH Oba Samuel Odulana Odugade I was born on April 14, 1914 into Ladunni family Compound, at Oja-Igbo Ibadan, Oyo State, attended St. Andrew's School, Bamigbola in the present Lagelu Local Government and obtained a transfer to St. Peter's School, Aremo in January 1929 and completed his Middle School Education at Mapo Central School in December 1936 before proceeding to various institutions to strengthen his education via correspondence college, a trend that was common at that time;

further notes that HRH had a brief stint with the United Africa Company as a produce Clerk before taking up teaching at the Church Missionary Society Elementary School, Jago in the present Ana Ara Local Government in 1938;

aware that HRH Oba Samuel Odulana's journey to the throne started with his appointment as the Mogaji (Head) of his Ladunni family compound, at Oja-Igbo in 1972 and became the Jagun-Olubadan Land in 1976;

further aware that HRH earned an exemplary character award as a result of his hardwork and patriotism. He was put in charge of demobilization of returning soldiers in Lagos who fought 1945 World War and this climaxed into an immediate appointment with the Colonial Office Education Department in 1946;

observes that HRH was a soldier who fought in the World War II, Oba Odulana Odugade was a seasoned civil servant and a thoroughbred politician who later became a Minister in the First Republic;

recalls that HRH Oba Samuel Odulana Odugade I was a former Minister of State for Labour and also former Parliamentary Secretary to the late Prime Minister, Alhaji Abubakar Tafawa Balewa in the country's first independent cabinet and actively assisted in the establishment of both primary and secondary schools in various parts of the old Western Region of Nigeria in 1959;

aware that the late Monarch led the Nigerian Parliamentary delegation to the London Constitutional Conference to restructure the then British Colonies of Rhodesia and Nyasaland now known as Malawi, Zimbabwe and Zambia; and

convinced that the Late Olubadan left a strong stable, cohesive, united and prosperous Ibadan land, which were the culmination of his selfless-service and exemplary leadership qualities. His loss at this critical time in the life of the nation is no doubt a huge one, but trust that his legacies will continue to serve as reference point for peace and unity.

Accordingly resolves to:

(*i*) observe a minute silence in honour of the departed former Minister of Labour, the OLUBADAN of IBADAN LAND;

(*ii*) send a delegation to condole with the family, people and Government of Oyo State; and

(*iii*) urge the Federal Government or Oyo State to immortalize HRH Oba Samuel Odulana by naming a National or State monument after him as a mark of honour (*Senator Adesoji R. Akanbi — Oyo South*).

Debate:

Proposed Resolution (i):
Question: That the Senate do observe a minute silence in honour of the departed former Minister of Labour, the OLUBADAN of IBADAN LAND — *Agreed to.*

Proposed Resolution (ii):
Question: That the Senate do send a delegation to condole with the family, people and Government of Oyo State — *Agreed to.*

Proposed Resolution (iii):
Question: That the Senate do urge the Federal Government or Oyo State to immortalize HRH Oba Samuel Odulana by naming a National or State monument after him as a mark of honour — *Agreed to.*

Resolved:
That the Senate do:

(*i*) observe a minute silence in honour of the departed former Minister of Labour, the OLUBADAN of IBADAN LAND;

(*ii*) send a delegation to condole with the family, people and Government of Oyo State; and

(*iii*) urge the Federal Government or Oyo State to immortalize HRH Oba Samuel Odulana by naming a National or State monument after him as a mark of honour ***(S/Res/088/01/16)***.

One minute silence accordingly observed in honour of the deceased.

Senate Delegation to Oyo State:
The Senate President named the following Senators to condole with the family, people and Government of Oyo State:

(*i*)	Senator Bala Ibn Na'Allah	—	Leader
(*ii*)	Senator Ovie A. Omo-Agege	—	Member
(*iii*)	Senator Samuel O. Egwu	—	Member
(*iv*)	Senator Aliyu S. Abdullahi	—	Member
(*v*)	Senator Isah H. Misau	—	Member
(*vi*)	Senator Mohammed S. Lafiagi	—	Member

(c) The Need to Urgently Seek the Resuscitation of Collapsed and Ailing Industries as well as the Establishment of New ones to Rejuvenate the Economy:

Consideration of Motion deferred to another Legislative Day.

(d) Nigerians involvement in Global Drugs Trade:

Consideration of Motion deferred to another Legislative Day.

(e) Concern on Unwholesome Practices by Multichoice Nigeria (DSTV):

Consideration of Motion deferred to another Legislative Day.

(f) Need to Revive and Resuscitate River Basin Development Authorities (RBDAs):

Consideration of Motion deferred to another Legislative Day.

(g) Recent weather condition and its adverse effects and challenges on the Nigerian airspace:

Consideration of Motion deferred to another Legislative Day.

12. Nigeria Sovereign Investment Authority (Establishment, etc.) Act 2011 (Amendment) Bill 2016 (SB. 038):

Consideration of Bill deferred to another Legislative Day.

13. High Court of the Federal Capital Territory, Abuja (Number of Judges) Act No. 15, 2003 (Amendment) Bill 2016 (SB. 176):

Consideration of Bill deferred to another Legislative Day.

14. Deep Off-Shore and Inland Basin Sharing Contract Cap D3 LFN 2004 (Amendment) Bill 2016 (SB.119):

Consideration of Bill deferred to another Legislative Day.

15. Agricultural Credit Guarantee Scheme Fund (Amendment) Bill 2016 (SB. 017):

Consideration of Bill deferred to another Legislative Day.

16. Adjournment:

Motion made: That the Senate do suspend Plenary Sitting to allow the Sub-Committees of Appropriations to further consider the 2016 Appropriation Bill; to resume on Tuesday, 16th February, 2016 at 10.00 a.m. (*Senate Leader*).

Adjourned accordingly at 12:57 *p.m.*

Abubakar Olubukola Saraki, CON
President,
Senate of the Federal Republic of Nigeria.