

**VOL. 1
No. 4**

FEDERAL REPUBLIC OF NIGERIA

**Tuesday
29th June, 2010**



NATIONAL ASSEMBLY DEBATES

FOURTH REPUBLIC THIRD ASSEMBLY (SIXTH SENATE)

THIRD SESSION

SENATE OFFICIAL REPORT

CONTENTS

**Votes and Proceedings
Announcements
Matter of Urgent Public Importance
Presentation of Bills
Consideration of Bills
Consideration of a Report
Adjournment**

0125

**SENATE OF THE FEDERAL
REPUBLIC OF NIGERIA**

Tuesday, 29th June, 2010

The Senate met at 10:30 a.m.

PRAYERS

(The President in the Chair)

VOTES AND PROCEEDINGS

The President: Distinguished Senators, let us consider the Votes and Proceedings of Thursday, 24th June, 2010: Pages 15, 16;

Senator Kuta Nuhu (Niger East): On Page 15, the second paragraph of number 4 where the Deputy Senate President is making a point, the third line should read: *He stressed that any confusion arising from the version of the Bill, and not over the version of the Bill.*

The President: All right that is grammatical error, Secretariat should correct that. Is there any amendment to Page 17?

Senator Dahiru Kuta (Niger East): On Page 17, SENATE IN PLENARY second line, *The Senate President reported that the Senate in the Committee of the Whole resumed consideration in an Open Session the request of Mr. President.* There is a word missing in that sentence and I think it should be *of the request of Mr. President.* The word *of* is missing.

The President: It is correct; you can just put a comma after Session. Shall we move to Page 18, 19.

Senator Sylvester Arise (Ekiti North): Mr. President, I rise to move that the Votes and Proceedings of Thursday, 24th June, 2010 be approved as amended.

Senator Isiaka Adeleke (Osun West): Mr. President, I rise to second the Motion that the

Votes and Proceedings of Thursday, 24th June, 2010 be approved as amended.

Question put and agreed to.

Resolved: That the Votes and Proceedings of Thursday, 24th June, 2010 be approved as amended.

0126

ANNOUCEMENTS

**Acknowledgement of the Presence of Staff and
Students of Dambo International School, Kaduna
and ECWA High School, Keffi**

I wish to acknowledge the presence of the Staff and Students of Dambo International School, Kaduna in Kaduna State, the Staff and Students of ECWA High School, Keffi in Nasarawa State who are in the Gallery to observe Senate proceedings.

We wish them fruitful observation of our proceedings this morning. *(The visitors stood for recognition)* Good morning and please sit down.

MATTER OF URGENT PUBLIC IMPORTANCE

Lead Poisoning in Zamfara State

Senator Sahabi Ya'u (Zamfara North): Point of Order!

The President: What is your Point of Order, Senator Sahabi Ya'u?

Senator Sahabi Ya'u: Mr. President, I rise under Order 42 of the Senate Standing Orders. If I have your permission Your Excellency, I will read.

The President: Please, read.

Senator Sahabi Ya'u: Order 42(1) reads:

The matter for discussion shall, if possible, be referred to the President of the Senate before commencement of the day's sitting and the President of the Senate shall refuse to allow the claim unless he is satisfied that the matter is definite and urgent.

(2) If the claim is allowed by the President of the Senate, and the Leave of the Senate is given, by at least one-fifth of all the Senators, the matter shall stand over till the next legislative day.

Mr. President, the issue that I want to raise here is about the lead poisoning that occurred in Zamfara State. Of recent, you must have read from the newspapers that there was lead poisonous contamination by unsuspected illegal miners in which about 160 people died and about 70 per cent of these people that lost their lives are

0127

innocent children. It is in view of this calamity that I want to bring this issue to the Floor of the Senate for us to debate and maybe find solution to the occurrence.

The President: Senator Ya'u mentioned it to me this morning and I told him that I have no objection but as required by our Standing Order which he has read now, I will have to get the consent of one fifth of all the Senators on the matter before we can take it. I will just put the Question.

Question put and agreed to.

Resolved: That the matter be brought up for discussion next legislative day.

So, you should bring it up tomorrow and your Prayers should be very clear also. You said unsuspected illegal miners? What is the meaning of that?

Senator Sahabi Ya'u: They are ignorant of the outcome of the illegal mining of lead otherwise, they would not have done it.

The President: It is all right. Do not worry; that will come in the Motion tomorrow.

PRESENTATION OF BILLS

Agricultural Credit Scheme Fund Act (Amendment) Bill, 2010

Senator Victor Ndoma-Egba (Cross River Central): Mr. President, the first business of the day is the presentation of a Bill standing in the name of Senator Andrew Babalola on the Agricultural Credit Scheme Fund Act (Amendment) Bill, 2010.

You may wish to invite the Clerk of the Senate to read the Short Title of the Bill.

Agricultural Credit Scheme Fund Act
(Amendment) Bill, 2010 (SB.406) - *read the First Time.*

Veterinary University Teaching Hospitals (Constitution of Boards, etc) Bill, 2010

Senator Victor Ndoma-Egba: The second business of the day is the presentation of a Bill standing in the name of Senator Andrew Babalola on the Veterinary University Teaching Hospitals (Constitution of Boards, etc) Bill 2010.

0128

You may wish to invite the Clerk of the Senate to read the Short Title of the Bill.

Veterinary University Teaching Hospitals
(Constitution of Boards, etc) Bill 2010 (SB.407) – *read the First Time.*

National University Commission Act (Amendment) Bill, 2010

Senator Victor Ndoma-Egba: The third business of the day is the presentation of a Bill standing in the name of Senator Andrew A. Babalola on National University Commission Act (Amendment) Bill 2010.

You may wish to invite the Clerk of the Senate to read the Short Title of the Bill.

National University Commission Act
(Amendment) Bill, 2010 (SB.408) – *read the First Time.*

Biosafety Bill, 2010

Senator Victor Ndoma-Egba: The fourth business of the day is the presentation of a Bill standing in the name of Senator Grace F. Bent on Biosafety Bill, 2010.

You may wish to invite the Clerk of the Senate to read the Short Title of the Bill.

Biosafety Bill, 2010 (SB.412) – *read the First Time.*

Institute of Economists of Nigeria Bill, 2010

Senator Victor Ndoma-Egba: The fifth business of the day is the presentation of a Bill standing in the name of Senator Festus Bode Ola on the Institute of Economists of Nigeria Bill, 2010.

You may wish to invite the Clerk of the Senate to read the Short Title of the Bill.

Institute of Economists of Nigeria Bill, 2010
(SB.413) – *read the First Time.*

0129

0130

ORDERS OF THE DAY
CONSIDERATION OF BILLS

Appropriation Act (Amendment) Bill, 2010

A Bill for an Act to Amend the 2010 Appropriation Act and Parts A, B, C and D of the Schedule Thereto.

Senator Victor Ndoma-Egba: The first Order of the day is the second reading of an Executive Bill on the 2010 Appropriation Act (Amendment) Bill, 2010.

You will recall that the Bill was read the First Time in this Chamber on Tuesday, 22nd June, 2010. Mr. President, I have discussed with you some concerns we are having on this Bill. I will, therefore, move that this Bill be stood down to the next legislative day.

Senator Maina Ma'aji Lawan (Borno North): Mr. President, I second the Motion that the first Order of the Day on the Order Paper in respect of the Bill for an Act to Amend the 2010 Appropriation Act be stood down to the another legislative day.

The President: The Deputy Senate Leader discussed some issues on the Amendment of the Appropriation Act with me and I agree with him that there is need to do a little more and that is the basis for standing it down to another legislative date. The 'another' could be next because we are not very definite, it is better left as another legislative day.

Question put and agreed to.

Resolved: That the first Order of the Day in respect of the Bill for an Act to amend the 2010 Appropriation Act be stood down till another legislative day.

Supplementary Appropriation Bill, 2010

A Bill for an Act to authorise the issue from the Consolidated Revenue Fund of the Federation that Total sum of N639,824,478,183 (Six Hundred and Thirty Nine Billion, Eight Hundred and Twenty Four Million, Four Hundred and Seventy Eight Thousand, One Hundred and Eighty Three Naira) only of which N507,125,967,248 (Five Hundred and Seven Billion, One Hundred and Twenty Five Million, Nine Hundred and Sixty Seven Thousand, Two Hundred and Forty Eight Naira) only, is for additional Recurrent (Non-Debt) Expenditure while the balance of N132,698,510,935 (One Hundred and Thirty Two Billion, Six Hundred and Ninety Eight Million, Five

Hundred and Ten Thousand, Nine Hundred and Thirty Five Naira) only, is for Contribution to the Development Fund for additional Capital Expenditure for the Year ending on the 31st day of December, 2010 (SB.415)

Senator Victor Ndoma-Egba: The second Order of the Day is the second reading of an Executive Bill on the Supplementary Appropriation Bill, 2010. Distinguished Senators will recall that the Bill was read for the First Time in this Chamber on Tuesday, 22nd June, 2010.

Mr. President, the same issues that surround the Amendment of the 2010 Budget also surround this Supplementary Appropriation Bill. A little more work needs to be done. On that note, may I move that we stand down this Bill to another legislative day?

Senator Maina Ma'aji Lawan: Mr. President, I rise to second the Motion that the consideration of Supplementary Appropriation Bill be stepped down to another legislative day.

The President: In the same vein it is *mutatis mutandis* like the first one. Is it not so Senators James Manager, Abubakar Sodangi, Victor Ndoma-Egba, Bob-Effiong, Dahiru, John Obiora and Patrick Osakwe?

Question put and agreed to.

Resolved: That the second Order of the Day on the Order Paper be stood down till another legislative day.

CONSIDERATION OF A REPORT

Report of the Committee on Agriculture and Rural Development on the National Food Reserve Agency (Establishment, etc) Bill, 2010

Senator Victor Ndoma-Egba: Mr. President, before I go to the next Order of the day, may I move that Senator Effiong Bob be excused so that he can do better things with his time.

Several distinguished Senators: Supported!

Senator Victor Ndoma-Egba: The third Order of the day is the presentation and consideration of the Report of the Committee on Agriculture and Rural Development on the National Food Reserve Agency (Establishment, etc) Bill, 2010.

0131

You will recall that the Report of the Committee was laid on Tuesday, 25th May, 2010. You may wish to invite Senator Andrew A. Babalola to move the Motion for the presentation and consideration of the Report.

Senator Andrew Abidemi Babalola (Oyo North): Mr. President, the Leader asked me to move a Motion and I do not know whether I am to move a Motion or to present the Report.

The President: Do what the Leader asked you to do but if you want to do another thing then it would not be in this Chamber.

Senator Andrew Abidemi Babalola: Mr. President, I rise to move a Motion that the Senate do consider the Report of the Committee on Agriculture and Rural Development on the National Food Reserve Agency (Establishment, etc) Bill, 2010 (SB.179).

Senator Osita B. Izunaso (Imo West): Mr. President, I rise to second the Motion that the Senate do consider the Report of the Committee on Agriculture and Rural Development on the National Food Reserve Agency (Establishment, etc.) Bill, 2010.

Question put and agreed to.

Resolved: That the Senate do consider the Report of the Committee on Agriculture and Rural Development on the National Food Reserve Agency (Establishment, etc.) Bill, 2010.

Senator Andrew Abidemi Babalola: Mr. President, I will go through the introduction and the recommendations of the Committee in order not to waste our time.

You will recall that the Senate at its Plenary Session on Wednesday, 28th October, 2009 read for the Second Time, the Bill for an Act to establish National Food Reserve Agency and for Matters Connected Therewith, 2010 (SB.178) and referred same to the Committee on Agriculture and Rural Development for further legislative action. This Bill seeks to establish the National Food Reserve Agency for the purposes of facilitating food production, storing and marketing food grains and other food commodities for strategic purposes.

0132

Recommendations

The Committee's recommendations were as follows:

i. The Committee after due consideration has recommended to the Senate that the following Clauses should be retained as passed by the House of Representatives. These are Clauses 1; 2(2)(a), (4), (6); 3(a),(b),(c); 5(1)(a),(b),(d),(e),(f), (2), (3); 6(a) to (f),(i) to (k),(m); 7(a),(c), (2)(a), (b), (3); 9(1)(b) to (d); 10(1) to (3); 11(1) to (3); 12, 13, 14, 15(1), (2); 16, 17(2); 18, 20, 21, 22, 24, 26, 27(2), 28, 29, 31 and 33 and the Explanatory Memorandum.

ii. The Committee also recommended that the following Clauses should be retained but renumbered. These are Clauses 2(c), (d) and (6) and 15(b), (c), (d).

iii. The Committee also went forward to recommend that the following Clauses be amended. Clauses 2(1), (2)(b), (3); 3(1); 4(1)(a); 5(c); 6(g), (h) (i); 7(b),(d); 8, 9(2)(a) and (3), 10(4) and (5); 11(4); 15(d); 17(1); 19, 23, 25, 27(1), 30, and 32.

iv. The Committee also recommended new Clauses to the Bill as follows 2(c), (d), (g) and 15(b).

v. The Committee also recommended that Clauses 2(5) and 4(b) be deleted from the Bill.

vi. Lastly, the Committee strongly recommends that the passage of this Bill will provide necessary legal backings to our customised best practice methods, strengthen the institutional framework and re-align the National Food Reserve Agency (NFRA) in conformity with democratic tenets, adapt to international response on food security and provide the needed basics for the attainment of our food security programme, control and maintain price stability.

Conclusion

I wish to use this opportunity to, on behalf of the Committee, thank the Senate President, the Deputy Senate President, the Senate Leader and all my distinguished Colleagues for the opportunity given to us to serve our fatherland in this capacity.

Thank you and God bless you.

0133

The President: Senator Andrew Babalola, correct this so that it will be properly reflected in our Votes and Proceedings. Your Recommendation No. 3.1.5 which is on page 3 says: The Committee strongly *recommend*, it should be *the Committee recommends*. The whole of that passage, if you will redo it properly, the Committee strongly recommends that the passage of this Bill will provide necessary legal backings to our customised best practice methods, strengthen the institutional frameworks and re-align the National Food Reserve Agency in conformity with democratic tenets, adapt to international response on food security and provide the needed basics for the attainment of our food security programme, control and maintain the price stability.

Just redo it properly so that it can come out better. You understand the point I am making?

Senator Andrew Abidemi Babalola: Yes, Sir.

Senator Victor Ndoma-Egba: Mr. President, I move that this Senate do resolve into the Committee of the Whole to consider this Report.

Senator Maina Ma'aji Lawan: Mr. President, I second the Motion that the Senate do resolve into the Committee of the Whole to consider the Report.

Question put and agreed to.

Report of the Committee on Agriculture and Rural Development – CONSIDERED IN THE COMMITTEE OF THE WHOLE

The Chairman: Clause by Clause Consideration.

Clause 1 - (ESTABLISHMENT OF THE NATIONAL FOOD RESERVE AGENCY AND THE GOVERNING BOARD):

Question put and agreed to:

Clause 1 – (ESTABLISHMENT OF THE NATIONAL FOOD RESERVE AGENCY) - ordered to stand part of the Bill

Clause 2 – (ESTABLISHMENT AND MEMBERSHIP OF THE GOVERNING BOARD)

Question proposed.

0134

I will take Clause 2 one by one because it contains many sub-Clauses. I will now put the Question on Clause 2(1)

Senator Umaru Dahiru (Sokoto South): Clause 2(b), there is a missing word there where it says: *one representative from each of the following Federal Ministries who shall not below the rank of a Director* the word *be* is missing in their own version.

The Chairman: Is there any more correction on Clause 2(1)? Senator Babalola, where is Clause 2(1)(a)? There is no Clause 2(1)(a) even in the original version or do I have a different copy?

Senator Bassey Ewa-Henshaw (Cross River South): Mr. Chairman, the numbering of Clause 2 is in complete disarray because if you go through the Report, it says; *Retained but Renumbered Sections and Clauses 2(c),(d), (6). First all, there is no 2(a).*

Secondly, if you go down, you will find that it ends in (g) and then it goes to Clause 2. There is something wrong with the numbering of Clause 2 completely.

Senator Ibrahim Ida (Katsina Central): Mr. Chairman, there is also another problem. The reason for dividing Agriculture and Water Resources is because they are now two Ministries. But they would say: *Commerce and Industry*; these are also two Ministries. Really, there is confusion. How many Members would there be? This is because, if you separate Agriculture from Water Resources, you should also separate Commerce from Industry because they are two Ministries. But, they are lumped together both in the original Bill and in the Recommendation.

So there should be sub-Clauses (1), (2), (3), and (4) which should be Commerce, then (5) should then be Industry.

The Chairman: I am still not clear about the 2(1)(a). I do not know whether anybody can explain it to me? Which one are we dealing with now? Are we dealing with the Committee's recommendations or the original provisions?

Clause 2(1) says: *There is established for the management of the Agency a Governing Board (in this Act referred to as the Board).* If you cancel (1) and go further down on page 3, you get (2) and (3). It continues, so, you cannot cancel the (1).

0135

Senator Umaru Dahiru: As he is trying to do his own version, 2(1) stands as amended by the Committee and that is why we have 2(1). Then in 2(2)(a), *the Chairman* is retained by the Committee. Then he went on to break 2(b) which goes up to sub-Clauses (i), (ii), (iii), (iv) and (v). Then Clause 2(2) is broken up to (a) to (g) then you have 2(3). That is the position of the Committee. I think that the numbering is all right.

The Chairman: I am sorry, go through that for me again.

Senator Umaru Dahiru: I said that Section 2 has so many branches, 2(1) is retained by the Committee. Then we have sub-Clause 2(2) which is broken up to (a) to (g).

The Chairman: The original version which is retained is now Section 2(a). Section 2(1) says: *There is established for the management of the Agency a Governing Board in this Act referred to as the Board.*

Then in 2(2); *The Board shall consist of.*

- a. *One representative from each of the following Federal Ministries who shall not be below the rank of a Director; Agriculture, Water Resources, Finance, Commerce and Industries.*

Then 2(c) 2(d), 2(e). The (d) in the original Bill is the Director-General while (d) here is a representative of the National Agricultural Seeds; who is also there under 2(5).

I think that it will be better for me to put the Question one by one because this is a bit confusing. I will now put the Question on Section 2(ii)(a).

Senator Bassey Ewa-Henshaw: Mr. Chairman, I apologise, it should be 2(1) and it says: *There is established for the management of the Agency a Governing Board.* The Governing Board cannot be established for the management. Is the Governing Board not also established for the junior staff? What he is trying to say is: *There is hereby established for the Agency a Governing Board.*

The Chairman: Senator Babalola, the way this thing is going and with the mood, I am getting a bit worried. The correction that Senator Bassey Ewa-Henshaw has made is correct. You said: *There is established for the management of the Agency a Governing Board* is not correct. *There is establishment for the Agency a Governing Board.* You said that you

0136

took this to a legal draftsman. What is wrong with the original which says: *There shall be for the management of the Agency a Governing Board* which is not correct. The correct thing should be: *There shall be established for the Agency a Governing Board (in this Act referred to as the Board).* And you said you took this to a legal draftsman. I will now put Question on Clause 2(1) as amended.

Amendment put and agreed to.

I will also put the Question on Clause 2(2)(a).

Question put and agreed to.

I will also put the Question on Clause 2(2)(b) as amended.

Senator Bode Olajumoke (Ondo North): Mr. Chairman, *one representative from each of the following Federal Ministries who shall not be below.*

The Chairman: Senator Umaru Dahiru made that correction.

Senator Umaru Dahiru: Mr. Chairman, I have an observation. It should be *a representative of Agricultural Research Council of Nigeria* and not *a representative of Agriculture.*

Amendment put and agreed to.

The Chairman: I will now put Question on Clause 2(2)(c) as amended.

Amendment put and agreed to.

I will put the Question on Clause 2(2)(d).

Question put and agreed to.

I will also put the Question on Clause 2(2)(e).

Question put and agreed to.

Senator Bassey Ewa-Henshaw: Mr. Chairman, I think that there are some important Agencies that have not been included in this Governing Council. For example, I think International Institute for Tropical Agriculture (IITA) should be included. I believe also that we should try and get someone from one of the Universities of Agriculture because these are experts on agriculture.

0137

Senator Ibrahim Ida: Mr. Chairman, I think the Institution is an International Organisation and it is not usual for you to include on a Local Governing Board an International Organisation because it is not guided by the internal laws of the country. So, I do not think it is right to include them. It is international institute owned by the United Nations.

The Chairman: He talked of the University of Agriculture. What does IITA stands for?

Senator Ibrahim Ida: It is International Institute for Tropical Agriculture.

The Chairman: Is it an international body?

Several distinguished Senators: Yes.

The Chairman: Is it the one at Ibadan?

Several distinguished Senators: Yes.

Senator Ahmed Ibrahim Lawan (Yobe North): Mr. Chairman, I think the point raised by Senator Ida is very valid. The IITA is an international Institute and it has a working mechanisms that may be totally different from what we do here. There is logic in including one of the Federal Universities of Agriculture on the Board and that represents the academia in this matter because I believe that the issue of agriculture is not only for the Ministries.

The Chairman: Let us include this universities first. Word it in the same way that we have done for the geo-political zones because they are about four or five universities, so that it is done in rotation.

Senator Andrew A. Babalola: Mr. Chairman, that is noted.

The Chairman: No, not noted, you have to do it for us to approve it here.

Senator Ahmed Mohammed Makarfi (Kaduna North): Mr. Chairman, Clause 2(2)(e) I think there is something wrong with the wordings. Where it states that *one representative each from*, it should be *one representative from each of the six geo-political zones*. The construction is not correct. It should read thus: *one representative from each of the six geo-political zone*.

Amendment put and agreed to.

0138

Clause 2(2)(f) put and agreed to.

Senator Bassey Ewa-Henshaw: Mr. Chairman, if we accept to include representative of the universities then that should come as Section 2(2)(f) and the Director-General should now become 2(2)(g).

The Chairman: It does not really matter. You can have Director General because there is still representative of Government Organised Farmers; then the university will be the last one. Senator Babalola, please amend your (f) to be in front.

Senator James Manager: Mr. Chairman, on Clause 2(2)(g) like I was saying, it should be *a representative of Government Recognised Farmer's Association* except we want to make it more than one; otherwise, it should be one representative or a representative. That is what we corrected in the former one.

Amendment put and agreed to.

The Chairman: Senator Babalola, please read 2(2)(h).

Senator Andrew A. Babalola: Mr. Chairman, it reads thus: *one representative from the University of Agriculture to be appointed in rotation among the universities*.

The Chairman: Let me help you because this is why Senator James Manager insisted that we should not go on. One representative of the Universities of Agriculture to be appointed in rotation among them.

Senator Geore Anthony Manzo (Taraba North): One of the representative of the Universities of Agriculture to be appointed in rotation among them.

The Chairman: We have to get it right so that I can write it and put the Question?

Senator Ahmad Ibrahim Lawal (Yobe North): *One representative from the Universities of Agriculture appointed in rotation.*

Question put and agreed to.

The Chairman: We are not on sub-Clause 2(3).

0139

Senator Umaru Dahiru: Mr. Chairman, I do not see anything wrong with the original context of the Bill. We are talking of ex-officio Members here coming from outside because when you say members it includes even government representatives. So, we should be specific of who we are talking about. Therefore, we should retain 2(3) the way it is in the original Bill but not as recommended by the Committee. It should read Members other than ex-officio shall be appointed by the President because ex-officio members are representatives of the Ministries of Agriculture and Water Resources, Commerce and Industry. We know those Directors in those Ministries already.

Senator Ahmad Rufa'i Sani (Zamfara North): I think the Amendment is all right because submissions are made to Mr. President and he gives approval. We should retain the Amendment because if we leave it the Minister can put anybody he likes but normally all members of the Board are compiled and submissions made to the President for approval.

The Chairman: Senator Dahiru's suggestion is saying the same thing. He is saying that the original Bill emphasises. The ex-officio is the representative of the Ministry of Agriculture that is going to be appointed by the Minister and it added not below the rank of a Director. The President will not appoint that one but the Ministry will send somebody. I think that is the way it would be done. Are you supporting the new version or the old version?

Senator Rufa'i Sani: I am supporting the new version because Minister nominates and make submissions to the President.

The Chairman: Is there any other view on this?

Senator Anyimchukwu Ude (Ebonyi South): I agree that the amended version by the Committee should stand. All these people referred to as ex-officio are those that have already been accommodated from the Ministries. Where are these ex-ones coming from again? The Agency is already looking too unwieldy. There is no room for ex-officios again because they have been accommodated. Therefore, I agree that their amendment should stand.

Senator Mohammed A. Mohammed (Bauchi Central): Mr. Chairman, all Members whether they are representatives of Ministries, Departments or those

0140

coming from outside are normally compiled and appointed at the sametime by Mr. President so the Amendment should stand.

Senator Umaru Dahiru: I wish to mention that ex-officio Members are not normally mentioned by names. They are called Directors of this or that and they can be reposted. So, if we mention them by names, suppose they are posted out, do we bring them back while the intention is to retain the Director of Agriculture? So, we do not mention them by names rather we address them as Director of Commerce or Director of whatever it is.

The Chairman: That notwithstanding, the Amendment is that Members shall be appointed by Mr. President on the recommendation of the Minister. The Committee is not saying that they should be called by their names as Members and ex-officio. Whoever is the Director of Dams, if that is the one they have taken, then he is there. Then I will put the Question.

Question put and agreed to.

What is the numbering on the Bill now?

Senator Andrew Babalola: It is Clause 2(2)(4).

The Chairman: If it is Clause 2(2)(4), Clause 2(2)(5) is deleted.

Senator James E. Manager: Mr. Chairman, on this sub-Clause 2(2)(4), *the appointment of a Member shall not invalidate any decision by reason of a defect or irregularity in his appointment*. What does it mean because it is not clear and it is retained? There is recommendation for it to be retained by the Committee. Maybe the Chairman may explain.

The Chairman: *The appointment of a Member shall not invalidate any decision by reason of a defect or irregularity in his appointment*. We have a case in court on NDDC saying that somebody that we cleared for it ought not to have been cleared. Therefore, any decision taken by NDDC is not valid. I think that is what it means. So, he is saying that by this, assuming but not conceding that the man who is put there, his appointment is irregular is not correct, it will not invalidate the decisions made by the Board. That is the way I understand it.

Senator Andrew Babalola: That is correct, Sir.

0141

Senator Ahmed M. Makarfi: Mr. Chairman, we need to reconstruct it and I suggest it comes in this way: *Defect or irregularity in the appointment of a member shall not invalidate any decision of the Board.*

The Chairman: Senator Babalola, have you got the correction?

Senator Andrew Babalola: Yes, I have got the correction.

Amendment put and agreed to.

The Chairman: Sub-Clause 2(5) is deleted. I will put the Question on the new Clause 2(5)

Question put and agreed to.

So, Clause 2(5) now reads: *The supplementary provisions set out in the Schedule to this Act shall have effect with respect to the proceedings of the Board and other matters contained therein.*

Clause 2 – (ESTABLISHMENT AND MEMBERSHIP OF THE GOVERNING BOARD) – as amended ordered to stand part of the Bill.

Clause 3 – (QUALIFICATIONS OF MEMBERS)

Question proposed.

We are now on Clause 3 which reads: *The Chairman and members shall hold any of the following qualifications.* What is that one?

Move the Motion Senator Victor.

Senator Victor Ndoma-Egba: Mr. Chairman, in view of the very important things you have to do after, I move that you do report progress.

Senator Maina Ma'aji Lawan: I second the Motion that the Chair do now report progress.

The Chairman: I think an important Bill like this should not come in the way it has come. Senator Babalola you need to tidy up a lot of things. We are devoting too much time on making small corrections but please read through it. We have taken pains to go this far.

0142

Question put and agreed to.

(The President resumed the Chair)

The President: The Senate in the Committee of the Whole considered the Report of the Committee on Agriculture and Rural Development on the National Food Reserve Agency (Establishment, etc) Bill, 2010 and approved as follows -

Clause 1 - as recommended

Clause 2 - as amended

The Senate then adjourned further consideration to another legislative day.

Is this a true reflection of what transpired in the Committee of the Whole?

Several distinguished Senators: Yes.

The President: Thank you very much. Senator Babalola, please work on the remaining Clauses before you bring them again.

ADJOURNMENT

Senator Victor Ndoma-Egba: Mr. President, having exhausted our Order Paper for today, I move that this Senate do now adjourn till Wednesday, the 30th day of June, 2010 at 10.00 a.m. prompt.

Senator Maina Ma'aji Lawan: Mr. President, I second the Motion that the Senate do now adjourn till Wednesday, 30th June, 2010 at 10.00 a. m. prompt.

Question put and agreed to.

Resolved: That the Senate do now adjourn till Wednesday, 30th June, 2010 at 10.00 a. m prompt.

The Senate adjourned accordingly at 12:10 p. m.