



# SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

## VOTES AND PROCEEDINGS

Tuesday, 16th April, 2013

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1. The Senate met at 10:05 a.m. The Senate President read prayers.
  2. **Votes and Proceedings:**  
The Senate examined the Votes and Proceedings of Wednesday, 27th March, 2013.  
*Question was put and the Votes and Proceedings were approved by unanimous consent.*
  3. **Announcement:**  
**Acknowledgment:**  
The Senate President acknowledged the presence of the Members of the Nigerian Economics Students' Association, University of Nigeria, Nsukka, Enugu State who were in the gallery to observe Senate Proceedings.
  4. **Petition:**  
Rising on Rule 41, Senator Clever Ikisikpo (*Bayelsa East*) drew the attention of the Senate to a petition by Inspector Nathaniel Itelimo alleging unlawful dismissal from service by the Nigerian Police. 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)].*
  5. **Presentation of Bills:**
    - (i) National Frontier Basin Exploration Agency (Establishment, etc.) Bill 2013 (SB.280)  
— *Read the First Time.*
    - (ii) Chartered Institute of Auctioneers of Nigeria (Establishment, etc.) Bill 2013 (SB. 281)  
— *Read the First Time.*
    - (iii) Legislative Houses (Powers and Privileges) Act Cap L12 LFN 2004 (Amendment) Bill 2013 (SB. 282)— *Read the First Time.*
    - (iv) Oil and Gas Export Free Zone Act Cap 05 LFN 2011 (Amendment) Bill 2013 (SB. 267)  
— *Read the First Time.*
    - (v) Asset Management Corporation of Nigeria (Establishment, etc.) Act 2010 (Amendment) Bill 2013 (SB. 283)— *Read the First Time.*

- (vi) Fly Nigeria Bill 2013 (SB. 284) — *Read the First Time.*
6. **Confirmation of Nomination:**  
*Motion made:* That the Senate do consider the request of Mr. President, Commander-in-Chief for the Armed Forces of the Federation, for the confirmation of the nomination of Captain Fola C. Akinkuotu, for appointment as Director General of the Nigerian Civil Aviation Authority (*Senate Leader*).
- Question put and agreed to.*
- Request accordingly referred to the Committee on Aviation to report within two (2) weeks.*
7. **Conference Committee:**  
***Report on the Proposed Pipeline Projects under the Medium Term (2012 - 2014) External Borrowing Plan:***
- Consideration of Report deferred to another Legislative Day.*
8. **Joint Committee on Local and Foreign Debts; and Finance:**  
***Report on the Proposed Pipeline Projects Under the Medium Term (2012 - 2014) External Borrowing Plan:***
- Consideration of Report deferred to another Legislative Day.*
9. **Committee on Health, Primary Health Care**  
***Report on the National Health Bill 2013 (SB.215):***  
*Motion made:* That the Senate do consider the Report of the Committee on Health, Primary Health Care, on the National Health Bill 2013 (*Senator Ifeanyi A. Okowa — Delta North*).
- 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 THE REPORT OF COMMITTEE ON HEALTH, PRIMARY HEALTH CARE ON A BILL FOR AN ACT TO PROVIDE A FRAMEWORK FOR THE REGULATION, DEVELOPMENT AND MANAGEMENT OF A NATIONAL HEALTH SYSTEM AND SET STANDARDS FOR RENDERING HEALTH SERVICES IN THE FEDERATION, AND OTHER MATTERS CONNECTED THEREWITH, 2013.

PART 1 — RESPONSIBILITY FOR HEALTH AND ELIGIBILITY FOR  
HEALTH SERVICES AND ESTABLISHMENT OF NATIONAL HEALTH SYSTEM

**Clause 1: Establishment of the National Health System:**

- (1) There is hereby established for the Federation the National Health System, which shall define and provide a framework for standards and regulation of health services, and which shall —
- (a) encompass public and private providers of health services;

- (b) promote a spirit of cooperation and shared responsibility among all providers of health services in the Federation and any part thereof;
  - (c) provide for persons living in Nigeria the best possible health services within the limits of available resources;
  - (d) Set out the rights and obligations of health care providers, health workers, health establishments and users
  - (e) protect, promote and fulfil the rights of the people of Nigeria to have access to health care services.
- (2) The National Health System shall include —
- (a) the Federal Ministry of Health;
  - (b) The Ministry of Health in every state and the Federal Capital Territory department responsible for Health
  - (c) parastatals under the federal and state ministries of health;
  - (d) all local government health authorities;
  - (e) the ward health committees;
  - (f) the village health committees;
  - (g) the private health care providers;
  - (h) traditional health care providers; and
  - (i) alternative health care providers

***Committee's Recommendation:***

That the provision in Clause 1 be retained (*Senator Ifeanyi A. Okowa — Delta North*) — *Agreed to.*

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

**Clause 2: Functions of the Federal Ministry of Health:**

- (1) The Federal Ministry of Health shall—
  - (a) ensure the development of national health policy and issue guidelines for its implementation;
  - (b) collaborate with the states and local governments to ensure that appropriate mechanisms are set up for the implementation of national health policy;
  - (c) collaborate with national health departments in other countries and international agencies;
  - (d) promote adherence to norms and standards for the training of human resources for health;

- (e) ensure the continuous monitoring, evaluation and analysis of health status and performance of the functions of all aspects of the National Health System;
  - (f) co-ordinate health and medical services delivery during national disasters;
  - (g) participate in inter-sectoral and inter-ministerial collaboration;
  - (h) conduct and facilitate health systems research in the planning, evaluation and management of health services;
  - (i) ensure the provision of tertiary and specialized hospital services;
  - (j) ensure and promote the provision of Quarantine and Port Health Services;
  - (k) determine the minimum data required to monitor the status and use of resources;
  - (l) promote availability of good quality, safe and affordable essential drugs, medical commodities, hygienic food and water; and
  - (m) issue guidelines and ensure the continuous monitoring, analysis and good use of drugs and poisons including medicines and medical devices.
- (2) Without prejudice to the foregoing functions, the Federal Ministry of Health shall—
- (a) prepare strategic, medium term health and human resources plans annually for the exercise of its powers and the performance of its duties under this Act;
  - (b) ensure that the national health plans referred to in paragraph (a) of this subsection shall form the basis of—
    - (i) the annual budget proposal as required by the Federal Ministry of Finance
    - (ii) other governmental planning exercises as may be required by any other law; and
  - (c) ensure that the national health plans shall comply with national health policy.
  - (d) ensure the preparation and presentation of an annual report of the State of health of Nigerians and the National Health System to the President and the National Assembly.
- (3) The Federal Ministry of Health shall where necessary provide to State Ministries of Health—
- (a) technical assistance in the development of state health policies and plans;

- (b) commodities and technical materials, including methodologies, policies and standards for use in programme implementation including monitoring and evaluation; and
  - (c) other technical assistance as may be necessary.
- (4) The Minister shall supervise the departments and parastatals of the Ministry to enable him carry out the functions assigned to the Ministry by this or any other Act.

***Committee's Recommendation:***

That the provision in Clause 2 be retained (*Senator Ifeanyi A. Okowa — Delta North*) — *Agreed to.*

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

**Clause 3: Eligibility for exemption from payment for health services in public health establishments:**

- (1) The Minister, in consultation with the National Council on Health may prescribe conditions subject to which categories of persons may be eligible for exemption from payment for health care services at public health establishments.
- (2) In prescribing any condition under subsection (1), the Minister shall have regard to—
  - (a) the range of exempt health services currently available;
  - (b) the categories of persons already receiving exemption from payment for health services;
  - (c) the impact of any such condition on access to health services; and
  - (d) the needs of vulnerable groups such as women, children, older persons and persons with disabilities.
- (3) Without prejudice to the prescription by the Minister in subsection 3(1), all Nigerians shall be entitled to basic minimum package of health services.

***Committee's Recommendation:***

That the provision in Clause 3 be retained (*Senator Ifeanyi A. Okowa — Delta North*) — *Agreed to.*

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

**Clause 4: Establishment and Composition of the National Council on Health:**

- (1) There is hereby established the National Council on Health (in this Act referred to as "the National Council" or "Council") which shall consist of—
  - (a) the Minister, who shall be the Chairman;
  - (b) the Minister of State for Health, if any

- (c) the Commissioners responsible for matters relating to Health in the States of the Federation;
  - (d) the Secretary responsible for health in the Federal Capital Territory, Abuja.
- (2) The Permanent Secretary of the Federal Ministry of Health shall be the Secretary to the National Council.
  - (3) The National Council shall meet at least once a year
  - (4) The National Council shall have powers to regulate its proceedings.

**Committee's Recommendation:**

That the provision in Clause 4 be retained (*Senator Ifeanyi A. Okowa — Delta North*) — Agreed to.

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

**Clause 5: Functions of the National Council:**

- (1) The National Council which shall be the highest policy making body in Nigeria on matters relating to health, shall—
  - (a) have responsibility for the protection, promotion, improvement and maintenance of the health of the citizens of Nigeria, and the formulation of policies and prescription of measures necessary for achieving the responsibilities specified under this paragraph;
  - (b) offer advise to the Government of the Federation, through the Minister, on matters relating to the development of national guidelines on health and the implementation and administration of the National Health Policy;
  - (c) ensure the delivery of basic health services to the people of Nigeria and prioritize other health services that may be provided within available resources;
  - (d) advise the Government of the Federation on technical matters relating to the organization, delivery and distribution of health services;
  - (e) issue, and promote adherence to, norms and standards, and provide guidelines on health matters, and any other matter that affects the health status of people;
  - (f) identify health goals and priorities for the nation as a whole and monitor the progress of their implementation;
  - (g) promote health and healthy lifestyles;
  - (h) facilitate and promote the provision of health services for the management, prevention and control of communicable and non-communicable diseases;

- (i) ensure that children between the ages of zero and five years and pregnant women are immunized with vaccines against infectious diseases;
  - (j) coordinate health services rendered by the Federal Ministry with health services rendered by the States, Local Government, Wards, and private health care providers and provide such additional health services as may be necessary to establish a comprehensive national health system;
  - (k) integrate the health plan of the Federal Ministry of Health and State Ministries of Health annually; and
  - (l) perform such other duties as may be assigned to the Council by the Minister.
- (2) The National Council shall determine the time frames, guidelines and format for the formulation of the National and State Health Plans.
- (3) The National Council shall be advised by the Technical Committee established in terms of this Bill.

***Committee's Recommendation:***

That the provision in Clause 5 be retained (*Senator Ifeanyi A. Okowa — Delta North*) — *Agreed to.*

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

**Clause 6: Establishment and Composition of the Technical Committee of the National Council:**

- (1) There is hereby established a Technical Committee of the National Council on Health (in this Bill referred to as "the Technical Committee").
- (2) The Technical Committee shall comprise—
  - (a) the Permanent Secretary of the Federal Ministry of Health who shall be the Chairman;
  - (b) all Directors of the Federal Ministry of Health;
  - (c) the Legal Adviser of the Federal Ministry of Health;
  - (d) the Permanent secretaries and two Directors (one of whom shall be responsible for health services) of all State Ministries of Health and FCT Department responsible for Health
  - (e) one representative each of the Armed Forces Medical Corps; that is, Army, Air Force and Navy;
  - (f) one representative of the Prisons Medical Services;
  - (g) one representative of the Police Medical Services;



- (h) one representative each of the parastatals of the Federal Ministry of Health;
  - (i) one representative each of all statutory health regulatory agencies or councils;
  - (j) the Chairman of the Committee of Chief Executives of Teaching and Specialist Hospitals and Federal Medical Centres;
  - (k) one representative each of the registered health professional associations including traditional medicine practitioners and alternative health care providers.
  - (l) one representative of the private health care providers.
- (3) The Federal Ministry of Health shall provide the Secretariat for the administrative activities of the Technical Committee.

***Committee's Recommendation:***

That the provision in Clause 6 be retained (*Senator Ifeanyi A. Okowa — Delta North*) — *Agreed to.*

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

**Clause 7:      **Functions of the Technical Committee:****

The Technical Committee shall advise the National Council on its functions as contained in section 5(1) of this Act and any other matters that the council may refer to it.

***Committee's Recommendation:***

That the provision in Clause 7 be retained (*Senator Ifeanyi A. Okowa — Delta North*) — *Agreed to.*

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

**Clause 8:      **Conduct of the Proceedings of the Technical Committee:****

- (1) The Technical Committee shall strive to reach its decisions by consensus but where a decision cannot be reached by consensus; the decision of the majority of the members shall prevail and be regarded as the decision of the Technical Committee.
- (2) The Technical Committee may create one or more ad hoc committees of experts in health matters to advise it on any matter with which it is concerned.
- (3) The Technical Committee shall determine the proceedings for its meetings and the quorum for its meetings shall be not less than one third of its membership, including the person presiding at any such meeting.

***Committee's Recommendation:***

That the provision in Clause 8 be retained (*Senator Ifeanyi A. Okowa — Delta North*) — *Agreed to.*

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



**Clause 9: Establishment of the National Tertiary Health Institutions Standards Committee:**

- (1) There is hereby established, a Committee to be known as the National Tertiary Health Institutions Standards Committee.
- (2) The Committee shall consist of:
  - (a) the Chairman who shall be a person in the health profession with vast knowledge and experience in health service delivery, planning and organization to be appointed by the Minister.
  - (b) Representative of the following Federal Ministries—
    - (i) Finance;
    - (ii) Office of the Head of Service of the Federation; and
    - (iii) Education.
  - (c) the Chairman of the Committee of Chief Executives of Tertiary Hospitals;
  - (d) The Registrars of all regulatory agencies or councils in Nigeria;
  - (e) six persons appointed on merit by the Minister, one from each geographical zone to represent the public interest at least two of whom shall be women;
  - (f) one person to represent the organized private sector; and
  - (g) the Director, Department of Hospital Services, Federal Ministry of Health who shall be a member and Secretary of the Committee.
- (3) A member of the Committee other than an ex-officio member shall:
  - (a) hold office for a term of four (4) years and no more, on such terms and conditions as may be specified in his letter of appointment;
  - (b) vacate his office if he resigns through a letter written under his hand or is requested by the Minister to do so in the public interest;
- (4) The Federal Ministry of Health shall provide the secretariat for the administrative activities of the Committee.
- (5) The National Tertiary Health Institutions Standards Committee shall meet not less than four times in a year.
- (6) The National Tertiary Health Institutions Standards Committee shall regulate its own procedure and the quorum shall be 2/3 majority

**Committee's Recommendation:**

That the provision in Clause 9 be retained (*Senator Ifeanyi A. Okowa — Delta North*) — *Agreed to.*

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

**Clause 10: Functions of the Committee:**

- (1) The functions of the Committee shall be to —
  - (a) advise the Minister on matters affecting the establishment of Tertiary Hospitals in Nigeria;
  - (b) Prepare periodic master plans for the balanced and coordinated development of tertiary hospitals in Nigeria;
  - (c) establish minimum standards to be attained by the various tertiary health facilities in the nation and also to inspect and accredit such facilities;
  - (d) make relevant investigations and recommendations to the Federal and State Governments on tertiary health care services in the national interest;
  - (e) advise the Federal Government on the financial needs, both recurrent and capital, of tertiary health services and in particular investigate and study the financial needs for training, research and services and make appropriate recommendations for these;
  - (f) set standards and criteria for allocation of funds from the Federal Government to Tertiary Health Institutions and monitor their utilization, source for grants as laid down by the committee;
  - (g) collate, analyse and publish information in relation to tertiary health care services annually;
  - (h) lay down broad operational guidelines in all areas of management for use by the tertiary hospitals Management Board;
  - (i) monitor and evaluate all activities and receive annual reports from the tertiary hospitals and supervise annual peer reviews; and
  - (j) carry out such other activities as are conducive for the discharge of its functions under this Bill.
- (2) The Minister may give the Committee directives of a general nature not relating to the particular matters with regard to the exercise by the Committee of its functions under this Bill.

**Committee's Recommendation:**

That the provision in Clause 10 be retained (*Senator Ifeanyi A. Okowa — Delta North*) — Agreed to.

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

**Clause 11: Establishment of Primary Healthcare Development Fund and National Primary Healthcare Development Agency:**

(1) (a) There shall be established a National Primary Healthcare Development Agency (NPHCDA) which shall exercise its functions as provided in the enabling Act, Cap. N69, LFN 2004;

(b) There is hereby established a Fund to be known as the National Primary Health Care Development Fund (in this Act referred to as "the Fund") (*Senator Ifeanyi A. Okowa — Delta North*).

**Amendment Proposed:**

*Leave out* the provision sub-clause 11(1)(a) and (b) and *insert* the following instead thereof: "Subject to the National Primary Healthcare Development Agency (NPHCDA) Act, Cap. N69, LFN 2004, there is hereby created a fund known as the National Healthcare Development Fund (in this Act referred to as "the Fund")" (*Senator Victor Ndoma-Egba — Cross River Central*).

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

*Question that Clause 11(1)(a) and (b) as amended do stand part of the Bill, put and agreed to.*

Report committed back to the Committee on Health, Primary Health Care for further Legislative Action.

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 Health, Primary Health Care, on the National Health Bill 2013 and approved as follows:

Clauses 1-10 — As Recommended

Clause 11(1)(a) and (b) — As Amended

*Report committed back to the Committee on Health, Primary Health Care for further Legislative Action.*

**10. Nigerian Merchant Navy Security and Safety Corps (Establishment, etc.) Bill 2013 (SB.10):**

*Consideration of Bill deferred to another Legislative Day.*

**11. Quarantine Act CAP Q2 LFN 2011 (Repeal and Re-enactment) Bill 2013 (SB. 210):**

*Consideration of Bill deferred to another Legislative Day.*

12. **Federal Capital Territory Satellite Town Development Agency (Establishment, etc.) Bill 2013 (SB. 270):**

*Consideration of Bill deferred to another Legislative Day.*

13. **Adjournment:**

*Motion made:* That the Senate do now adjourn till Wednesday, 17th April, 2013 at 10.00 a.m.  
(*Senate Leader*).

*Adjourned accordingly at 12:00 noon.*

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