SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Tuesday, 3rd December, 2013

1. The Senate met at 10:18 a.m. The Senate President read prayers.

2. **Votes and Proceedings:**
The Senate examined the Votes and Proceedings of Thursday, 28th November, 2013.

Question was put and the Votes and Proceedings were approved.

3. **Message from Mr President:**
The Senate President announced that he had received a letter from Mr President, Commander-in-Chief of the Armed Forces of the Federation, which he read as follows:

Confirmation of Chairman and Members of National Population Commission:

PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA

November, 27, 2013

Distinguished Senator David Mark, GCON
Senate President,
National Assembly Complex,
Three Arms Zone,
Abuja.

Your Excellency,

REQUEST FOR CONFIRMATION OF CHAIRMAN AND MEMBERS OF THE NATIONAL POPULATION COMMISSION

The National Population Commission is one of the Federal Executive Bodies established under Section 153(1) of the 1999 Constitution of the Federal Republic of Nigeria. By the provision of Part I (J) of the Third Schedule of the Constitution, the Commission shall comprise a Chairman and one person from each State of the Federation and the Federal Capital Territory, Abuja.

In this connection, the slots for the Chairman, and members representing the Federal Capital Territory, Katsina and Ekiti States on the Commission are currently vacant.

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I have, therefore, in the exercise of the powers conferred on me by Section 154(1) of the 1999 Constitution of the Federal Republic of Nigeria decided to appoint Chief Eze Duruiheoma - Chairman, Aliyu Daniel Kwali - FCT, Alhaji Bala Almu Banye- Katsina, and Adebola Adetunmbi - Ekiti as Chairman, and Members of the National Population Commission.

Attached herewith are their Curriculum Vitae.

In accordance with the provisions of Section 154(1) of the 1999 Constitution which states that the appointment shall be subject to confirmation by the Senate, I hereby present the above mentioned nominees for the kind consideration of the Senate of the Federal Republic of Nigeria.

Please accept, Distinguished Senate President, the assurances of my highest regards.

Yours Sincerely,
(Signed)
GOODLUCK EBELE JONATHAN

4. Announcements:

(a) Special Invitation:

The Senate President read a letter from Senator Ayo P. Akinyelure (*Ondo Central*) as follows:

Senator (Dr.) Pat Ayo Akinyelure. (MMP (UI), FCA, FCTI, FPA)
Chairman, Senate Committee on Ethics, Privileges and Public Petitions

26th November, 2013

Distinguished Senator David Mark, GCON, fnim
The Senate President
Federal Republic of Nigeria
National Assembly Complex
Three Arms Zone
FCT, Abuja

Your Excellency,

RE: SPECIAL INVITATION OF ALL DISTINGUISHED SENATORS TO EKIMOGUN DAY 2013 CELEBRATION - REMINDER

Further to my letter of Special Invitation to All the Distinguished Colleagues dated 29th October, 2013 read at the plenary, I wish to REMIND all Distinguished Colleagues that the event will take place on Saturday 7th December, 2013.

Venue: *Oba Adesanoye Civic Centre, Ondo Town, Ondo State*

Time: *10:00am*

Secondly, to inform all my Distinguished Colleagues that there will be a scheduled flight to Akure on Friday 6th December, 2013 taking off from Nnamdi Azikiwe - International, Abuja direct to Akure Airport.

All interested Colleagues wishing to join me in the Celebration should please indicate their interest with the Coordinator - Distinguished Senator Gbenga Obadara of Ogun Central Senatorial District, "the Coordinator coordinating", Distinguished Senators of the Federal Republic of Nigeria.

It will be my honour and privilege to have you all in attendance.

Please accept, Distinguished Colleagues, the assurances of my esteem regards and consideration.

Yours faithfully,

(Signed)
Distinguished Senator (Dr.) Ayo Akinyelure, FCA, FCTI, FPA
Chairman, Senate Committee on Ethics, Privileges & Public Petitions

(b) Acknowledgment:
The Senate President acknowledged the presence of the Staff and Students of Daughters of Mary, Mother of Mercy Nursery and Primary School, Lafia, Nasarawa State who were in the gallery to observe Senate Proceedings.

5. Petition:
Rising on Rule 41, Senator Olufemi A. Lanlehin *(Oyo South)* drew the attention of the Senate to a petition from his constituent, Mr Adekunle Olugbenga on wrongful termination of his appointment by the Federal University of Technology, Akure. 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)].

6. Briefing by Service Chiefs and Minister of Foreign Affairs:
Motion made: That the Senate do further defer the earlier scheduled briefing by Service Chiefs and Minister of Foreign Affairs to Thursday, 5th December, 2013 at 12 noon (*Senate Leader*).

Question put and agreed to.

7. Committee on Niger Delta:
Report on the screening of nominees:
Motion made: That the Senate do receive the Report of the Committee on Niger Delta on the screening of nominees for appointment as Chairman and Members of the Niger Delta Development Commission (*Senator James E. Manager — Delta South*).

Question put and agreed to.

Report Laid.

8. Confirmation of Nomination:
Motion made: That the Senate do consider the request of Mr. President, Commander-in-Chief of the Armed Forces of the Federation, for the confirmation of Barr. Amuwa Benson Adegbenro (*Ondo State*) for appointment as a Member of the Niger Delta Development Commission (*Senate Leader*).

Question put and agreed to.

Request accordingly referred to the Committee on Niger Delta to report within two (2) weeks.

9. **Committee on Establishment and Public Services:**
Report on the National Assembly Service Commission Act Cap N7 2004 (Repeal and enactment) Bill 2013 (SB. 245):

Consideration of Report deferred to another Legislative Day.

10. **Committee on Local and Foreign Debts:**
Report on the Inclusion of Lagos State Development Policy Operation II (DPO) into the Proposed Pipeline Projects under the 2012 -2014 External Borrowing Plan:

Consideration of Report deferred to another Legislative Day.

11. **Committee on Health, Primary Healthcare:**
Report on the National Health Bill 2013 (SB. 215):
Motion made: That the Senate do resume consideration of the Report of the Committee on Health, Primary Healthcare on the National Health Bill 2013 (*Adjourned Debates - Thursday, 7th November, 2013*)(*Senate Leader*).

Question put and agreed to.

Motion made: That the Senate do resolve into the Committee of the Whole to resume consideration of the Report *(Senate Leader)*.

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

RESUMED CONSIDERATION OF THE REPORT OF THE COMMITTEE ON HEALTH, PRIMARY HEALTHCARE 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.

Clause 27: **Access to Health Records.**
A health worker or any health care provider that has access to the health records of a user may disclose such personal information to any other person, health care provider or health establishment as is necessary for any legitimate purpose within the ordinary course and scope of his or her duties where such access or disclosure is in the interest of the user.

Committee's Recommendation:
That the provision in Clause 27 be retained (*Senator Ifeanyi A. Okowa — Delta North*) — *Agreed to.*

Question that Clause 27 do stand part of the Bill, put and agreed to.

Clause 28: **Access to Health Records by Health Care Provider.**
(1) A health care provider may examine a user's health records for the purposes of—
(*a*) treatment with the authorization of the user; and

(*b*) study, teaching or research with the authorization of the user, head of the health establishment concerned and the relevant health research ethics committee.

(2) If the study, teaching or research under subsection (1)(b) of this section reflects or obtains no information as to the identity of the user concerned, it is not necessary to obtain the authorizations contemplated in that subsection.

Committee's Recommendation:

That the provision in Clause 28 be retained (*Senator Ifeanyi A. Okowa — Delta North*) — *Agreed to.*

Question that Clause 28 *do stand part of the Bill, put and agreed to.*

Clause 29: Protection of Health Records.

(1) The person in charge of a health establishment who is in possession of a user's health records shall set up control measures to prevent unauthorised access to those records and to the storage facility in which, or system by which, records are kept.

(2) Any person who—

(*a*) fails to perform a duty imposed on them under subsection (1);

(*b*) falsifies any record by adding to or deleting or changing any information contained in that record;

(*c*) creates, changes or destroys a record without authority to do so;

(*d*) fails to create or change a record when properly required to do so;

(*e*) provides false information with the intent that it be included in a record;

(*f*) without authority, copies any part of a record;

(*g*) without authority, connects the personal identification elements of a user's record with any element of that record that concerns the user's condition, treatment or history;

(*h*) gains unauthorized access to a record or record-keeping system, including intercepting information being transmitted from one person, or one part of a record-keeping system, to another;

(*i*) without authority, connects any part of a computer or other electronic system on which records are kept to—

(*i*) any other computer or other electronic system; or

(*ii*) any terminal or other installation connected to or forming part of any other computer or other electronic system; or

(*j*) without authority, modifies or impairs the operation of—

(*i*) any part of the operating system of a computer or other electronic system on which a user's records are kept; or

(*ii*) any part of the programme used to record, store, retrieve or display information on a computer or other electronic system on which a user's records are kept; commits an offence and is liable on conviction to imprisonment for a period not exceeding two years or to a fine of ₦250,000.00 or both a fine and such imprisonment (*Senator Ifeanyi A. Okowa — Delta North*).

Amendment Proposed:
Leave out the words immediately after the word "both" in line 6 (*Senator Olufemi A. Lanlehin — Oyo South*).

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

Question that Clause 29 as amended do stand part of the Bill, put and agreed to.

Clause 30: Laying of Complaints.

(1) Any person may lay a complaint about the manner in which he or she was treated at a health establishment and have the complaint investigated.

(2) The Minister, Commissioner or any other appropriate authority shall establish a procedure for the laying of complaints within the areas of the national health system for which the Federal or State Ministry is responsible.

(3) The procedures for laying complaints shall—

(*a*) be displayed by all health establishments in a manner that is visible for any person entering the establishment and the procedure shall be communicated to users on a regular basis;

(*b*) in the case of a private health establishment, allow for the laying of complaints with the head of the relevant establishment;

(*c*) include provisions for the acceptance and acknowledgment of every complaint directed to a health establishment, whether or not it falls within the jurisdiction or authority of that establishment; and

(*d*) allow for the referral of any complaint that is not within the jurisdiction or authority of the health establishment to the appropriate body or authority.

(4) In laying a complaint, the person stated in subsection (1) shall follow the procedure established by the Minister or a Commissioner, as the case may be.

Committee's Recommendation:
That the provision in Clause 30 be retained (*Senator Ifeanyi A. Okowa — Delta North*) — *Agreed to.*

Question that Clause 30 *do stand part of the Bill, put and agreed to.*

PART IV –- NATIONAL HEALTH RESEARCH AND INFORMATION SYSTEM

Clause 31: Establishment, Composition and Tenure of National Health Research Committee.

(1) There shall be established by the Minister, a National Health Research Committee (in this Bill referred to as "the Research Committee").

(2) (*a*) The membership of the Research Committee shall consist of not more than 15 members appointed by the Minister on the recommendation of the various research institutions and other related bodies in the Federation.

Amendments Proposed:
(i) *Leave out* the figure "15" in line 2 and *insert* the figure "13" instead thereof (*Senator Ahmad I. Lawan — Yobe North*).

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

(ii) *Leave out* the word "various" in line 3 and *insert* the word "health" instead thereof (*Senator Solomon S. A. Ewuga — Nasarawa North*).

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

(*b*) the membership of this research committee established in terms of this section shall as much as possible reflect the federal character of Nigeria.

Amendments Proposed:
Leave out the words "as much as possible" in line 2 (*Senator Ahmad I. Lawan — Yobe North*).

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

(3) There shall be for the committee—
(*a*) a Chairman who shall be an acknowledged health researcher and be accomplished and renowned in a health discipline.

(*b*) a secretary who shall be the Director of Health Planning and Research in the Federal Ministry of Health.

(4) A person appointed pursuant to subsection (2)(a) of this section shall—
(*a*) hold office for a term of three years in the first instance and may be re-appointed for another term of three years and no more, under such terms and conditions as may be specified in his letter of appointment; and

(*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 or in case of permanent incapacitation or death

Amendment Proposed:
Leave out the words "or is requested by the Minister to do so in the public interest " in lines 2 and 3 (*Senator Abubakar A. Bagudu — Kebbi Central*).

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

(5) The Research Committee shall have the responsibility to—
(*a*) determine the extent of health research to be carried out by public and private health authorities;

Amendment Proposed:
Leave out the words "determine the extent" in line 1 and *insert* the word "promote" instead thereof (*Senator Abubakar A. Bagudu — Kebbi Central*).

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

(*b*) ensure that health research agenda and research resources focus on priority health problems;

(*c*) develop and advise the Minister on the application and implementation of an integrated national strategy for health research; and

(*d*) collate and document information on the research activities of public and private health establishments

(6) The Minister may prescribe the manner in which the Research Committee shall conduct its affairs and the procedure to be followed at its meeting, including the manner in which decisions are to be made and implemented.

Amendment Proposed:
Leave out the provision in subclause 31(6) (*Senator Benedict A. Ayade — Cross River North*).

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

(7) A member of the Research Committee who is not employed on full-time basis in the public service shall in respect of his service as member be paid such remuneration as may be determined by the Minister (*Senator Ifeanyi A. Okowa — Delta North*).

Question that Clause 31 *as amended do stand part of the Bill, put and agreed to.*

Clause 32: Research or Experimentation with Human subject.
(1) Notwithstanding anything to the contrary in any other law, every research or experimentation on a living person shall only be conducted—
(*a*) in the manner prescribed by the relevant authority; and

(*b*) with the written consent of the person after he shall have been informed of the objects of the research or experimentation and any possible effect on his health.

(2) Where research or experimentation is to be conducted on a minor for a therapeutic purpose, the research or experimentation may only be conducted—

(*a*) if it is in the best interest of the minor;

(*b*) in such manner and on such conditions as may be prescribed by the National Health Research Ethics Committee

(*c*) with the informed written consent of the parent or guardian of the minor.

(3) Where research or experimentation is to be conducted on a minor for a non-therapeutic purpose, the research or experimentation may only be conducted—

(*a*) in such manner and on such conditions as may be prescribed by the National Health Research Ethics Committee

(*b*) with the informed written consent of the parent or guardian of the minor.

Committee's Recommendation:
That the provision in Clause 32 be retained (*Senator Ifeanyi A. Okowa — Delta North*) — *Agreed to.*

Question that Clause 32 do stand part of the Bill, put and agreed to.

Further consideration of 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 resumed consideration of the Report of the Committee on Health, Primary Healthcare on the National Health Bill 2013 and approved as follows:

Clauses 27-28	—	As Recommended
Clause 29	—	As Amended
Clause 30	—	As Recommended
Clause 31	—	As Amended
Clause 32	—	As Recommended

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

Further consideration of Bill deferred to another Legislative Day.

12. Committee on Banking, Insurance and Other Financial Institutions:
Report on the Nigerian International Financial Centre Bill 2013 (HB. 15):

Consideration of Report deferred to another Legislative Day.

13. Committee on Investment:
Report on the National Sugar Development Council Act N78 LFN 2004 (Amendment) Bill 2013 (SB. 198):

Consideration of Report deferred to another Legislative Day.

14. Committee on Agriculture and Rural Development:
Report on the Animal Health and Husbandry Technologists (Registration, etc) Bill 2013 (SB.161):

Consideration of Report deferred to another Legislative Day.

15. Committee on Ethics, Privileges and Public Petitions:
Report on the Unlawful Dismissal of Lt. Yahaya Tafida Yakubu (Rtd) from Nigerian Navy:

Consideration of Report deferred to another Legislative Day.

16. Conciliation and Arbitration Commission (Establishment, etc.) Bill 2013 (HB. 99):

Consideration of Bill deferred to another Legislative Day.

17. Protection in Relation to Certain Inquiries/Investigations or Prosecutions Bill 2013 (HB.119):

Consideration of Bill deferred to another Legislative Day.

18. Chemical Weapons Authority Bill 2013 (SB. 287):

Consideration of Bill deferred to another Legislative Day.

19. National Centre for Management Act. No 2 of 2011 (Amendment) Bill 2013 (SB. 105):

Consideration of Bill deferred to another Legislative Day.

20. Adjournment:
Motion made: That the Senate do now adjourn till Wednesday, 4th December, 2013 at 10.00 a.m. (*Senate Leader*).

Adjourned accordingly at 1:09 *p.m.*

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