SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Tuesday, 31st May, 2016

1. The Senate met at 10:59 a.m. The Senate President read Prayers.

2. **Votes and Proceedings:**
The Senate examined the Votes and Proceedings of Thursday, 26th May, 2016.

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:

Niger Delta Development Commission (NNDC) Statutory Appropriation Bill, 2016:

PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA

22nd May, 2016

Distinguished Sen. Abubakar Bukola Saraki, CON,
President of the Senate,
Senate Chambers,
National Assembly Complex,
Three Arms Zone,
Abuja.

Dear Distinguished Senate President,

PRESENTATION OF THE 2016 BUDGET PROPOSAL OF THE NIGER DELTA DEVELOPMENT COMMISSION (NDDC)

Pursuant to section 18(1) of the Niger Delta Development Commission (Establishment, etc.) Act, I wish to submit the 2016 estimate of the expenditure and income of the Commission for the kind consideration and approval of the National Assembly.

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While hoping that the Budget proposal will receive the usual expeditious consideration and passage by the Distinguished Senate. Please accept, Mr. Senate President, the assurances of my highest regards.

Yours Sincerely,
(Signed)
Muhammadu Buhari

4. Announcements:

(a) Demise of His Majesty, King Pharm. Emmanuel Emenyonu Osuji Njemanze FPSN, KSC, OON:

The Senate President read a letter from Senator Samuel N. Anyanwu (*Imo East*) as follows:

THE SENATE * FEDERAL REPUBLIC OF NIGERIA *

Senator Samuel N. Anyanwu

REPRESENTING IMO EAST SENATORIAL ZONE (OWERRI)
CHAIRMAN, SENATE COMMITTEE ON ETHICS, PRIVILEGES, AND PUBLIC PETITIONS
DEPUTY CHAIRMAN, SENATE COMMITTEE ON CUSTOMS, EXCISE, & TARIFF

May 31,2016

The Senate President,
National Assembly,
Three Arms Zone, Abuja.

His Excellency,

ANNOUNCING THE DEMISE OF HIS MAJESTY, KING PHARM. EMMANUEL EMENYONU OSUJI NJEMANZE FPSN, KSC, OON, THE MONARCH OF THE OWERRI ROYAL DYNASTY

I regret to bring to your notice the death of a great and respected traditional ruler of Owerri Royal Dynasty, His Majesty, King Pharm. Emmanuel Emenyonu Osuji Njemanze who died after a brief illness at the age of 82.

The late traditional ruler was crowned King Njemanze the 8th, the 11th Monarch of the Owerri Royal Dynasty and Ozuruigbo the 5th of Owerri ancient kingdom on November 11, 1989 and reigned on the throne for 27 years. He was a first class traditional ruler in Nigeria who measured in the rank of the Obi of Onitsha, Ooni of Ife, Oba of Benin etc.

King Njemanze the 8th was a man of great intellect, a nationalist, forthright ruler, an astute administrator and an accomplished pharmacist, who contributed immeasurably to the development of Pharmacy in both Nigeria and the Commonwealth. He was also a great symbol of credible intellectual resource whose contributions and accomplishments in public service, academic and traditional circles have made profound impact on the society. He held many national and international honorary awards, including the Officer of the Order of the Niger (OON).

In honour of this great King I request that:
(i) A minute silence is observed; and

(ii) That a delegation be sent to the palace of the late King to commiserate with the family and people of Owerri Zone.

Thanks in anticipation of your esteemed response to this letter.

Accept assurances of my highest regards.

(Signed)
Senator Samuel N. Anyanwu

One minute silence accordingly observed in honour of the deceased.

(b) North East Senators Caucus Meeting:
The Senate President read a letter from Senator Isah H. Misau (*Bauchi Central*) as follows:

THE SENATE
FEDERAL REPUBLIC OF NIGERIA

Sen. Isah H. Misau
Bauchi Central Senatorial District

May 31, 2016

NOTICE OF MEETING

This is to notify Distinguished Senators from the North-East caucus of a meeting at the end of today's Plenary. The meeting holds at Hearing Room 1 (Main Building).

***Announcer:** Senator Isah Hamma Misau (Secretary, N/E Legislators Caucus).*

(Signed)
Senator Isah H. Misau

(c) Acknowledgement:
The Senate President acknowledged the presence of the Staff and Students of Bishop James Yisa Memorial School, Kwamba, Suleja, Niger State who were in the gallery to observe Senate Proceedings.

5. Personal Explanation:
Rising on Rule 43, Senator Dino Melaye *(Kogi West)* drew the attention of the Senate to the demise of His Royal Majesty, Oba Michael Folorunsho Olobayo, the Obaro Ero II of Kabba, Chairman, Okun Traditional Council and Secretary, Kogi State Traditional Council. He died on the 15th of May, 2016, he reigned for 31 years. He urged the Senate to observe a minute silence in his honour and also send a delegation to commiserate with the family, people of Okun Land and Kogi State Government.

One minute silence accordingly observed in honour of the deceased.

6. Personal Explanation:
Rising on Rule 43, Senator Ike Ekweremadu *(Enugu West)* drew the attention of the Senate to clashes in South East on Monday, 30th May, 2016 between youths and Security Agencies. Both sides of the clashes recorded casualties. He urged the Senate to call on the Security Agencies to apply caution and avoid loss of lives of young men and women.

7. Presentation of Bills:

(*i*) National Drug Law Enforcement Agency Act CAP N30 LFN 2004 (Amendment) Bill, 2016 (SB. 290) — *Read the First Time.*

(*ii*) Nigeria Police Service Bill, 2016 (SB. 291) — *Read the First Time.*

8. Committee on Health:

Report on the National Institute for Cancer Research and Treatment (Establishment, etc.) Bill, 2016 (SB. 10):

Motion made: That the Senate do consider the Report of the Committee on Health on the National Institute for Cancer Research and Treatment (Establishment, etc.) Bill, 2016 (*Senator Olanrewaju A. Tejuoso — Ogun Central*).

Question put and agreed to.

Report presented.

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

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE NATIONAL CENTRE FOR CANCER RESEARCH AND TREATMENT AND FOR OTHER CONNECTED PURPOSES

Clause 1: Establishment of the National Institute for Cancer Research and Treatment:
There is hereby established the National Institute for Cancer Research and Treatment (in this Act referred to as "the Institute").

Committee's Recommendation:
That the provision in Clause 1 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — *Agreed to.*

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

Clause 2: Objectives and functions of the Institute:

(1) The Institute shall have the following as functions:

(a) to provide national leadership in cancer research, control and treatment;

(b) to guide scientific improvements to cancer prevention, treatment and care;

(c) to coordinate and liaise between the wide range of groups and health care providers with an interest in cancer;

(d) to make recommendations to the Government about cancer policy and priorities;

(e) to oversee a dedicated budget for research into cancer;

(f) to assist with the implementation of Government policies and programs in cancer control;

(g) to provide financial assistance, out of money appropriated by the National Assembly, for research and treatment as mentioned in paragraph (e) and for the implementation of policies and programs mentioned in paragraph (f).

(2) The Institute may carry out such other activities as are necessary or expedient for the full discharge of any of the functions of the Institute under this Act.

Committee's Recommendation:
That the provision in Clause 2 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — *Agreed to.*

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

Clause 3: **Establishment of the Advisory Board:**

(1) There is hereby established a Board to be known as The National Institute for Cancer Research and Treatment Advisory Board (in this Act referred to as the "Board")

(2) The Board shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name (*Senator Olanrewaju A. Tejuoso — Ogun Central*).

Amendment Proposed:
Leave out the word "Advisory" in Clause 3 and wherever it occurs (*Senator Joshua M. Lidani — Gombe South*).

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

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

Clause 4: **Membership of the Board:**
The Board shall consist of:

(a) a Chairman to be appointed by the President;

(b) A nominee of the Minister of Health preferably a Civil Servant with 10 years experience.

Amendment Proposed:
Leave out the words in Clause 4(b) and *insert* the words "Permanent Secretary, Ministry of Health" instead thereof (*Senator Ike Ekweremadu — Enugu West*).

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

(c) a representative each of:

(i) Pharmaceutical Council of Nigeria;

(ii) Medical and Dental Council of Nigeria;

(iii) National Association of Nigerian Nurses and Midwives;

(iv) Eight persons with relevant and cognate experience who shall represent each of the following groups: Radiologists, Medical Laboratory Scientists, Physiotherapists, Nigerian Cancer Society, Civil Society Organizations, A Cancer Survivor living free of Cancer for a minimum of 5 years, National Complementary and Alternative Medical Association (NACAMA) and National Association of Nigeria Traditional Medicine Practitioners (NANTMP).

Amendment Proposed:
Leave out the words " and cognate" in Clause 4(c)(iv) and *insert* the words "qualification and" (*Senator Bala Ibn Na'Allah — Kebbi South*).

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

(d) the Director of the Institute (*Senator Olanrewaju A. Tejuoso — Ogun Central*).

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

Clause 5: Tenure of Office of members:

(1) Subject to the provision of this Section, a member of the Board shall hold office for four years and shall be eligible for re-appointment for a further period of four years.

Amendment Proposed:
Immediately after the word "years" in line 3, *insert* the words "and no more"(*Senator Ike Ekweremadu — Enugu West*).

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

(2) Notwithstanding the provisions of Subsection (1) of this section, the President may at anytime remove a member from the Board.

(3) Any member may, in writing under his hand addressed to the Minister at anytime.

(4) The office of a member of the Board shall become vacant if:

(a) the period of his appointment has expired;

(b) he absents himself without leave of the Board from three consecutive meetings of the Board and without reasonable excuse for so doing;

(c) he is guilty of misconduct in his office as a member and a resolution of the Board approves the termination of his membership;

(d) he dies, resigns or is removed from office.

(5) Soon after the office of a member of the Board becomes vacant, the authority by whom he was appointed shall appoint another person in his place in accordance with the provisions of this Act.

(6) Members of the Board, other than ex-officio members, shall be paid out of money at the disposal of the Board, such remunerations and allowances as the Minister may, with the approval of the President determine.

(7) The provisions contained in the schedule proceedings to this Act shall have effect with respect to the proceedings of the Board and other matters contained therein (*Senator Olanrewaju A. Tejuoso — Ogun Central*).

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

Clause 6: **Power of the Board:**

The Board shall have power to:

(a) erect, provide equip and maintain research, centre, training schools with state of the art facilities as are necessarily suitable for the or required for any of the objects of the Institute;

(b) encourage and provide for research at the Institute;

(c) accept gifts, legacies and donations which are consistent with the objects of this institute

(d) enter into contract;

(e) acquire and hold movable and Immovable property;

(f) with the approval of the Minister:

(i) subject to the land use Act sell, mortgage, transfer or otherwise deal with movable or immovable property;

(ii) borrow at interest on the security of land or movable property of the Board such moneys as the Board may, from time to time require for the purpose of this Act;

(iii) invest the funds of the Board as it thinks fits;

(g) do anything which in its opinion, may advance the objects of which the Institute was set up.

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — *Agreed to.*

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

Clause 7: **Director and other Staff of the Institute:**

(1) There shall be a director of the Institute who shall be appointed by the President, on the recommendations of the Minister.

(2) A person shall not be qualified to be appointed as a Director, unless he is an Oncologist with 10 years research experience and preferably a Professor with administrative experience.

(3) The Board shall not exercise any disciplinary control over the director, without the approval of the Minister.

(4) Subject to the provision of this Act and the control of the Board over the matters affecting finance of the Institute, the director shall be the chief executive of the centre and shall be charged with the general responsibility for the management and administration of the affairs of Institute and in particular:

(a) direct and regulate the programme of work at the Institute;

(b) promote research within and outside of the Institute;

(c) keep safe custody of all records of the Institute;

(d) demand and receive from any person attending training or courses at the Institute fees as the Board may, from time to time determine;

(e) prepare and present to the Board annual and other reports on the progress of work at the centre and on the expenditure or liabilities by the Institute;

(f) be responsible for the day to day running and management of the Institute;

(g) exercise such powers and performs such duties as may be determined from time to time by the President.

(h) create a Central Online data base for statistical analysis to create access by both public and private individuals with a view to attracting donor agencies.

(i) establish a department of telemedicine for collaboration with peers both within and outside the country.

(j) responsible for establishing a Cancer preventive protocol according to age and family history of every Nigerian with a view to carrying out a public awareness campaigns for screening right from the primary health centre to the secondary and tertiary hospitals with the ultimate referral centre for everything cancer being the Institute; this is aimed at eradicating medical tourism by the theme " Operation know your health Centre and Referral Point".

Committee's Recommendation:

That the provision in Clause 7 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — *Agreed to.*

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

Clause 8: Appointment of the Secretary and other Staff:

(1) There shall be for the Institute an administrative secretary who shall be appointed by the Board to perform such duties as may be assigned to him by the Board

(2) Subject to Section 7 of this Act, the Board may appoint such other staff for the Institute as it may determine and pay to its staff such remunerations and allowances as payable to persons on equivalent in the civil service of the federation.

(1) Service in the Institute shall be approved service for the purposes of the Pension Reform Act 2004.

(2) Officers and employees in the Institute shall be entitled to pensions, gratuities and other retirement benefits as prescribed in the Pension Reform Act 2004, so however that nothing in this Act shall prevent the appointment of a person to any office on terms which or other retirement benefit in respect of that office.

Committee's Recommendation:
That the provision in Clause 9 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — *Agreed to.*

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

Clause 10: Financial Provision:

(1) The Board shall establish and maintain a fund from which shall be defrayed with the general or specified approval of the Minister in any case, all expenditure incurred by the Board.

(2) There shall be paid and credited to the fund established in pursuance of subsection (1) of this section:
(a) such sums as may be provided by the Federal Government or a State Government for payment into the fund;

(b) all moneys raised for the general purposes of the Institute;

(c) all moneys accruing to the Board on behalf of the Institute by any means, including grants -in- aid, endowments and donations.

(d) all charges, dues, fees for services rendered by the fund.

(3) the Board shall establish Public Private Partnership (PPP) wherever possible for providing clinical services using (PPP) model to defray costs and maximize efficiency.

Committee's Recommendation:
That the provision in Clause 10 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — *Agreed to.*

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

Clause 11: Account and Audit:

(1) The Board shall keep proper accounts in respect of each year and proper records in relation to those accounts and shall cause to be prepared in each year:
(a) a statement showing the income and expenditure of the Institute for immediately preceding year; and

(b) a statement of the assets and liabilities of the Institute as at the last day of the immediately preceding year.

(2) The Board shall cause every statement prepared under this section to be audited within six months after the end of the year to which the statement relates by auditors appointed from the list and in accordance with the guidelines supplied by the Auditor General for the Federation.

Committee's Recommendation:
That the provision in Clause 11 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — *Agreed to.*

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

Clause 12: **Annual estimate :**
The Board shall cause to be prepared not later than 1st June in each year an estimate of the expenditure necessary to carry out the programme approved by the Board during the immediately preceding year, and shall not later than 31st October in each year, submit to the Minister the estimate of expenditure and that of its income during the next succeeding year.

Committee's Recommendation:
That the provision in Clause 12 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — *Agreed to.*

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

Clause 13: **Annual Report:**
(1) The Board shall prepare and submit to the Minister once every year a report, in such form as the Minister may direct, on the activities of the Board during the immediately preceding year, and shall include in the report a copy of the credited accounts of the center for that year and the auditor's report thereon.

Committee's Recommendation:
That the provision in Clause 13 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — *Agreed to.*

Question that Clause 13 *do stand part of the Bill, put and agreed to.*

Clause 14: **Power to Give Directives:**
The minutes may give directives of a general power to nature with regard to the carrying out the objects of the Institute under this Act and it shall be the duty of comply with such directives (*Senator Olanrewaju A. Tejuoso — Ogun Central*).

Amendments Proposed:
(i) *Leave out* the words in Clause 14, and *insert* the words "The Minister may have the power to give directives of a general nature with regards to carrying out the objects of the Institute under this Act and it shall be the duty of the Institute to comply with such directives" instead thereof (*Senator Joshua M. Lidani — Gombe South*).

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

Question that Clause 14 *as amended do stand part of the Bill, put and agreed to.*

immediately after the word "Minister" in line 1, *leave out* the word "may" (*Senator Ike Ekweremadu — Enugu West*).

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

Question that Clause 15 *as amended do stand part of the Bill, put and agreed to.*

Clause 16: **Interpretation:**
In this Act unless the context otherwise requires:

"Board" means the National Institute for Cancer Research and Treatment Board established under Section 3 (1) of this Act;

Question: That the word " Board" defined in the Interpretation to this Act, put and agreed to.

"Cancer" means the uncontrolled growth of the cells in the human body and the ability of these cells to migrate from the original site and spread to distant sites and includes but is not limited to skin cancer, lung cancer, colon cancer, breast cancer (in women), and prostate cancer (in men), cancer of the kidneys, ovaries, uterus, pancreas, bladder, rectum, and blood and lymph node cancer (leukemias and lymphomas);

Question: That the word " Cancer" defined in the Interpretation to this Act, put and agreed to.

"Institute" means the National Institute for Cancer Research and Treatment established by Section 1 of this Act;

Question: That the word " Institute" defined in the Interpretation to this Act, put and agreed to.

"Director" means the Director of the centre appointed under Section 7(1) of this Act;

Question: That the word " Director" defined in the Interpretation to this Act, put and agreed to.

"Minister" means the Minister charged with the responsibility for matters relating to Health;

Question: That the word " Minister" defined in the Interpretation to this Act, put and agreed to.

"Power" includes duties and functions.

Question: That the word " Power" defined in the Interpretation to this Act, put and agreed to.

Question that Clause 16 *as amended do stand part of the Bill, put and agreed to.*

Clause 17: **Citation:**
This bill may be cited as the National Institute for Cancer Research and Treatment (Establishment, etc.) Bill, 2016.

Committee's Recommendation:
That the provision in Clause 17 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — *Agreed to.*

Question that Clause 17 *do stand part of the Bill, put and agreed to.*

SCHEDULE

Section

Proceedings of the Board, etc

1. Subject to this Act and Section 27 of the Interpretation Act, the Board may make standing orders to regulate the proceedings of the Board or any committee thereof.

2. (1) The Board shall meet not less than two times in every year for the exercise of its functions under this Act and at such times and places as the chairman may, from time to time appoint.

(2) The chairman shall, if required to be so by notice in writing by not less than five other members, call a special meeting of the Board to be held within 28 days from the date on which the notice is given.

(3) Any notice given under sub-paragraph (2) of this paragraph shall state the matters to be discussed at the special meeting and any matter not so stated shall not be discussed at the meeting.

(4) At every meeting of the Board, the chairman shall preside and in his absence the members present shall appoint one of their numbers to preside at that meeting.

3. The quorum of the Board shall be four and the quorum of any committee of the Board shall be determined by the Board.

4. Minutes of every meeting of the Board shall be regularly entered in a book to be kept for the purpose and shall, after approval by members, be signed by the chairman at the next ensuing meeting.

5. The Board may act notwithstanding any vacancy in its membership or any defect in the appointment of a member or the fact that any person not entitled to do so took part in the proceedings.

6. (1) The seal of the Board shall not be used or affixed to any document, except in pursuance of a resolution duly passed at a properly constituted meeting of the Board.

(2) The fixing of the seal of the Board shall be authenticated by the signature of chairman or the director or of some other member authorized generally or specifically to act for that purpose by the Board.

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

Debate.

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committee on Establishment and Public Services to report within Four (4) weeks.

10. National Lottery Act 2005 (Amendment) Bill, 2016 (SB.227):

Consideration of Bill deferred to another Legislative Day.

11. National Research and Innovation Council (Establishment, etc.) Bill, 2016 (SB. 239):

Consideration of Bill deferred to another Legislative Day.

12. Motions:

(a) Fire Incident involving victims of insurgency from Nigeria in Gagamari Refugee Camp, Diffa State, Niger Republic:

Consideration of Motion deferred to another Legislative Day.

(b) Need for the establishment of Inland Ports at Onitsha, Enugu and other Landlocked States:

Consideration of Motion deferred to another Legislative Day.

13. Adjournment:

Motion made: That the Senate do now adjourn till Wednesday, 1st June, 2016 at 10:00 a.m. (*Deputy Senate Leader*).

Adjourned accordingly at 12:51 *p.m.*

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