SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Wednesday, 13th July, 2016

1. The Senate met at 10:55 a.m. The Senate President read Prayers.

2. **Votes and Proceedings:**
The Senate examined the Votes and Proceedings of Tuesday, 12th July, 2016.

Question was put and the Votes and Proceedings were approved.

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

THE SENATE
FEDERAL REPUBLIC OF NIGERIA
COMMITTEE ON ETHICS, PRIVILEGES & PUBLIC PETITIONS
NATIONAL ASSEMBLY COMPLEX

13th July, 2016

The Senate President,
Senate Chamber,
National Assembly,
Abuja.

ANNOUNCEMENT

The Senate Joint Committee on Ethics, Privileges & Public Petitions; Appropriations; and Finance in respect of the invitation of Mr. Babachir David Lawal, Secretary to the Government of the Federation (SGF) in connection with the 2016 Constituency Projects, will meet today, Wednesday, 13th July, 2016 at Meeting Room 120, First Floor, New Senate Wing at 2:00pm.

Members are requested to attend promptly, please.

(Signed)
Senator Samuel N. Anyanwu
For: The Joint Committee

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

(*i*) Members of Science Student's Association, Usmanu Danfodiyo University, Sokoto, Sokoto State;

(*ii*) Members of National Association of Burutu Local Government Students, Burutu, Delta State; and

(*iii*) Staff and Students of Abuja International Academy, Mararaba Gurku, Nasarawa State.

4. Petitions:

(*i*) Rising on Rule 41, Senator Foster Ogola *(Bayelsa West)* drew the attention of the Senate to two petitions from:

(a) Corporal Maxwell Bibakedom (Rtd), over non inclusion in the Military Pension by the Nigerian Army; and

(b) Capt. James Pere Femowei (Rtd) N/6110, over non inclusion in the Military Pension by the Nigerian Army

He urged the Senate to look into the matters.

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

(*ii*) Rising on Rule 41, Senator Donald O. Alasoadura *(Ondo Central)* drew the attention of the Senate to two petitions from:

(a) Mr. Oyedele Emmanuel O, over his wrongful and unlawful dismissal from Service of the Nigeria Police; and

(b) Engr. Olusoga J. Raymond and Seven (7) others, on non payment of pension arrears by Ondo State Government.

He urged the Senate to look into the matters.

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

5. Personal Explanation:

Rising on Rule 43, Senator Oluremi S. Tinubu (*Lagos Central*) drew the attention of the Senate to the murder of Deaconess Eunice Mojisola Olawale, a woman preacher, on Sunday, 9th July, 2016 at about 5:00 a.m. in Kubwa, Federal Capital Territory, Abuja, leaving behind her husband and seven children. She stated that such unwarranted killings were becoming too rampant in Nigeria, and therefore urged Governments at all levels to provide awareness and more security facilities so as to curtail the trend. She urged the Senate to observe a minute silence in honour of the deceased.

One minute silence accordingly observed in honour of the deceased.

6. Personal Explanation:

Rising on Rule 43, Senator Mao A. Ohuabunwa *(Abia North)* drew the attention of the Senate to the demise of Ambassador (Chief) Ojo Maduekwe, CFR on Wednesday, 29th June, 2016. He stated that the demise of Chief Ojo Maduekwe was a great loss not only to his family, Asaga Ohafia Community, Abia North Senatorial District, and Abia State, but to the entire people of Nigeria and those who cherished his ideals of excellence and integrity in public service, which he fought so hard to uphold in his life time. He urged the Senate to observe a minute silence in his honour and also send a delegation to commiserate with the family, people and Government of Abia State.

One minute silence accordingly observed in honour of the deceased.

Senate Delegation to Abia State:

The Senate President named the following Senators as delegates to condole the family, people and Government of Abia State over the demise of Chief Ojo Maduekwe, CFR:

(i)	Senator Ike Ekweremadu	—	Leader
(ii)	Senator Bala Ibn Na'Allah	—	Member
(iii)	Senator Godswill O. Akpabio	—	Member
(iv)	Senator Biodun C. Olujimi	—	Member
(v)	Senator Bayero U. Nafada	—	Member
(vi)	Senator David J. Jang	—	Member
(vii)	Senator Enyinnaya H. Abaribe	—	Member
(viii)	Senator Mao A. Ohuabunwa	—	Member
(ix)	Senator Theodore A. Orji	—	Member

7. Personal Explanation:

Rising on Rule 43, Senator Abubakar Kyari *(Borno North)* drew the attention of the Senate to the demise of Dr. Ali Shettima Monguno, CFR on Friday, 8th July, 2016 and was buried on Saturday, 9th July, 2016 in accordance with Islamic rites. He stated that late Dr. Ali Shettima Monguno was a man of honour, a great achiever, educationist, administrator, diplomat and a politician who was known for last three decades as a philanthropist who committed his time and resources to charity through his "Shettima Ali Monguno Foundation" that focused mainly on the education of poor children especially the girl child. He urged the Senate to observe a minute silence in his honour, send a delegation to commiserate with the family, people and Government of Borno State and urged the Federal and State Governments to immortalise him.

One minute silence accordingly observed in honour of the deceased.

Senate Delegation to Borno State:

The Senate President named the following Senators as delegates to condole the family, people and Government of Borno State over the demise of Dr. Ali Shettima Monguno, CFR:

(i)	Senator Abubakar O. Saraki	—	Leader
(ii)	Senator Rabiu M. Musa	—	Member
(iii)	Senator Enyinnaya H. Abaribe	—	Member
(iv)	Senator Adamu M. Aliero	—	Member
(v)	Senator Barnabas A. I. Gemade	—	Member
(vi)	Senator Mohammed A. Ndume	—	Member
(vii)	Senator Abubakar Kyari	—	Member
(ix)	Senator Baba Kaka B. Garbai	—	Member

8. Privileges:

Rising on Rules 14 and 15, Senator Isah H. Misau *(Bauchi Central)* drew the attention of the Senate to The Nation and Daily Trust Newspaper publications of 13th July, 2016 insinuating that the Senate on Tuesday, 12th July, 2016 in a Closed Session, threatened to impeach President Muhammadu Buhari. He informed the Senate that the reports by the media were incorrect, and their sources be investigated.

Newspapers Laid.

By the leave of the Senate, matter referred to the Committee on Ethics, Privileges and Public Petitions.

9. Presentation of Bills:

(*i*) Energy Commission Act, CAP E10 LFN 2004 (Amendment) Bill, 2016 (SB. 196) — *Read the First Time.*

(*ii*) Produce (Enforcement of Export Standards) Act, CAP P32 LFN 2004 (Amendment) Bill, 2016 (HB. 219) — *Read the First Time.*

(*iii*) Corrupt Practices and other Related Offences Act, CAP C31 LFN 2000 (Amendment) Bill, 2016 (HB. 232) — *Read the First Time.*

(*iv*) Federal Capital Territory Hospitals Management Board (Establishment, etc.) Bill, 2016 (HB. 441) — *Read the First Time.*

(*v*) Federal Capital Territory Civil Service Commission Bill, 2016 (HBs. 167 & 310) — *Read the First Time.*

10. Committee on Tertiary Institutions and TETFUND:

Report on the Federal University Wukari, (Establishment, etc.) Bill, 2016 (SB. 273):

Consideration of Report deferred to another Legislative Day.

11. Joint Committee on Sports and Youth Development; and Poverty Alleviation and Social Welfare:

Report on the Discrimination against Persons with Disabilities (Prohibition) Bill, 2016 (SB. 22):

Motion made: That the Senate do consider the Report of the Joint Committee on Sports and Youth Development; and Poverty Alleviation and Social Welfare on the Discrimination against Persons with Disabilities (Prohibition) Bill, 2016 (*Senator Obinna J. Ogba — Ebonyi 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 ENSURE FULL INTEGRATION OF THE PERSONS WITH DISABILITIES INTO THE SOCIETY AND TO ESTABLISH A NATIONAL COMMISSION FOR PERSONS WITH DISABILITIES AND VEST IT WITH RESPONSIBILITIES FOR THEIR EDUCATION, HEALTH CARE AND THE PROTECTION OF THEIR SOCIAL, ECONOMIC AND CIVIL RIGHTS, (ESTABLISHMENT, ETC) BILL, 2016.

PART I - PROHIBITION OF DISCRIMINATION AND HARMFUL TREATMENT

Clause 1: **Prohibition and Discrimination and Penalty.**

(1) A person with disability shall not be discriminated against on the ground of his disability by any person or institution in any manner or circumstance whatsoever.

Penalty

(2) A person who contravenes subsection (1) of this section commits an offence and is liable on conviction to, if the person is-

(a) a body corporate, a fine of ₦1,000, 000; and

(b) an individual, a fine of ₦100, 000 or 6 months imprisonment or both.

(3) Notwithstanding the prosecution, conviction or otherwise of any person for any offence under this Bill the person against whom any such crime or wrong is committed may maintain a civil action against any such person committing the offence or causing the injury, without prejudice to any conviction or acquittal.

Committee's Recommendation:
That the provision in Clause 1 be retained (*Senator Obinna J. Ogba — Ebonyi Central*) — *Agreed to.*

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

PART II - AWARENESS

Clause 2: **Awareness programmes.**

The Federal Ministry of Information shall make provisions for promotion of awareness regarding-

(a) the rights, respect and dignity of persons with disabilities,

(b) the capabilities, achievements and contributions of persons with disabilities to the society.

Committee's Recommendation:
That the provision in Clause 2 be retained (*Senator Obinna J. Ogba — Ebonyi Central*) — *Agreed to.*

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

PART III - ACCESSIBILTY OF PHYSICAL STRUCTURE

Clause 3: **Right of Access to Public Premises, etc.**

A person with disabilities shall have the right to access the physical environment and buildings on an equal basis with others.

Committee's Recommendation:
That the provision in Clause 3 be retained (*Senator Obinna J. Ogba — Ebonyi Central*) — *Agreed to.*

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

Clause 4: **Accessibility Aids in Public Building.**
A public building shall be constructed with the necessary accessibility aids such as lifts (where necessary), ramps and any other facility that shall make them accessible and usable to persons with disability.

Committee's Recommendation:
That the provision in Clause 4 be retained (*Senator Obinna J. Ogba — Ebonyi Central*) — *Agreed to.*

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

Clause 5: **Accessibility To Roads And Side walk.**
Road side-walk, pedestrian crossing and all other facilities made for public use shall be made accessible to and useable by persons with disabilities including those on wheelchairs and the visually impaired.

Committee's Recommendation:
That the provision in Clause 5 be retained (*Senator Obinna J. Ogba — Ebonyi Central*) — *Agreed to.*

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

Clause 6: **Transitory Period.**
From the date of the commencement of this Bill, there shall be a transitory period of 5 years within which all public buildings and structures, whether immovable, movable or automobile, which were inaccessible to persons with disability shall be modified to be accessible to and usable by persons with disability including those on wheelchairs.

Committee's Recommendation:
That the provision in Clause 6 be retained (*Senator Obinna J. Ogba — Ebonyi Central*) — *Agreed to.*

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

Clause 7: **Building plan.**

(1) Before erecting any public structure, its plan shall be scrutinized by the relevant authority to ensure that the plan conforms with the building code

(2) No government or government agency, or body or individual responsible for the approval of building plans shall approve the plan of a public building if the plan does not make provision for accessibility facilities in line with building code.

Penalty

(3) Any officer or officers who approve(s) or direct(s) the approval of a building plan that contravenes the building code shall be liable to a fine of a minimum of ₦1, 000,000 or two years imprisonment or to both such fine and imprisonment.

Committee's Recommendation:
That the provision in Clause 7 be retained (*Senator Obinna J. Ogba — Ebonyi Central*) — *Agreed to.*

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

Clause 8: **Complaint of Inaccessibility.**

(1) Subject to section 7, in the event of existence of a state of inaccessibility or barrier to access of a person with disability to the environment that he or she has a right or duty to access, he may, without prejudice to his or her right to seek redress in court, notify the relevant authority in charge of the environment of the existence of the state of inaccessibility or barrier to accessibility of the environment, and it shall be the duty of the relevant authority in charge to take immediate and necessary steps to remove the barrier and make the environment accessible to the person with disability.

(2) If the relevant authority in charge receives the notice in subsection (1) of this section but fails to comply, he shall be liable to-

(a) if a corporate body, ₦10,000 damages payable to the affected person for each day of default; or

(b) if an individual, ₦5,000 damages payable to the affected person each day of default or 6 months imprisonment or both.

Committee's Recommendation:
That the provision in Clause 8 be retained (*Senator Obinna J. Ogba — Ebonyi Central*) — *Agreed to.*

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

PART IV - ROAD TRANSPORTATION

Clause 9: **Goods, Services And Facilities.**

(1) It is unlawful for a person (the provider) who (whether for payment or not) provides goods or services, or makes facilities available, to discriminate against another person with disability-

(a) by refusing to provide those goods or services or make those facilities available to him; or

(b) on such terms or conditions on which the provider provides those goods or services or makes those facilities available to him; or

(c) in a manner in which the provider provides those goods or services or makes those facilities available to him.

Committee's Recommendation:
That the provision in Clause 9 be retained (*Senator Obinna J. Ogba — Ebonyi Central*) — *Agreed to.*

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

Clause 10: **Accessibility Of Vehicles.**

(1) Government Transport services providers shall make provisions for lifts, ramps and other accessibility aids to enhance the accessibility of their vehicles, parks and bus-stop to persons with disabilities including those on wheel chairs.

(2) Every public vehicle should have functional audible and visual display of their destination within 5 years from the commencement of this Bill.

Committee's Recommendation:
That the provision in Clause 10 be retained (*Senator Obinna J. Ogba — Ebonyi Central*) — *Agreed to.*

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

Clause 11: **Waiver Of Charges On Assistive.**
Wheelchairs, crutches, guide canes (for blind), braces and any other mobility aid and appliance or assistive devices used by a person with disability shall not be subject to charges, provided they are not carried in commercial quantities and for commercial purposes.

Committee's Recommendation:
That the provision in Clause 11 be retained (*Senator Obinna J. Ogba — Ebonyi Central*) — *Agreed to.*

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

Clause 12: **Reserved Spaces.**

(1) At public parking lots, suitable spaces shall be properly marked and reserved for persons with disabilities.

(2) For a person with disability to be entitled to the use of the reserved space in subsection (1) of this section, his car shall have been properly identified with the necessary insignia.

(3) A person, organisation or corporate body in control of a public parking lot who fails to provide for the reserved spaces in subsection (1) of this section commits an offence and is liable on conviction to a fine of ₦1, 000 for each day of default.

(4) A person without disability who parks a vehicle in the reserved space in subsection (1) of this section commits and an offence and is liable on conviction to a fine of ₦5, 000.

(5) A person who unlawfully obstructs the reserved space in subsection (1) of this section commits an offence and is liable on conviction to a fine of ₦5,000.

(6) Subsection (4) of this section does not apply if a person with disability is a passenger in the vehicle.

Committee's Recommendation:
That the provision in Clause 12 be retained (*Senator Obinna J. Ogba — Ebonyi Central*) — *Agreed to.*

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

PART V - SEAPORTS AND RAILWAYS

Clause 13: **Seaports and Railways.**

(1) Seaports and facilities therein as well as vessel shall be made accessible to person with disabilities.

(2) Railway stations, trains and facilities therein shall be made accessible to persons with disabilities.

Committee's Recommendation:
That the provision in Clause 13 be retained (*Senator Obinna J. Ogba — Ebonyi Central*) — *Agreed to.*

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

Clause 14: **Transitory Period For Railways And Seaports.**
The provisions of section 14 shall be subjected to the transitory provision contained in section (6).

Committee's Recommendation:
That the provision in Clause 14 be retained (*Senator Obinna J. Ogba — Ebonyi Central*) — *Agreed to.*

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

PART VI - AIRPORT FACILITIES

Clause 15: **Assistive Service And Airline.**

(1) All airlines operating in Nigeria shall-

(a) ensure the accessibility of their aircraft to persons with disabilities;

(b) make available presentable and functional wheelchairs for the conveyance of persons with disabilities who need it to and from the aircraft;

(c) ensure that persons with disabilities are assisted to get on and off board in safety and reasonable comfort;

(d) ensure that persons with disabilities are accorded priority while boarding and disembarking from the aircraft.

(2) All airports shall make available for the conveyance of persons with disabilities who need it to and from the aircraft, a presentable and functional assistive and protective device.

Committee's Recommendation:
That the provision in Clause 15 be retained (*Senator Obinna J. Ogba — Ebonyi Central*) — *Agreed to.*

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

Clause 16: **Special Safety Briefing Of Person With Disabilities.**
Any general information shall be translated into the accessible format appropriate to the person with disability present.

Committee's Recommendation:
That the provision in Clause 16 be retained (*Senator Obinna J. Ogba — Ebonyi Central*) — *Agreed to.*

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

PART VII - RIGHT TO FIRST CONSIDERATION IN QUEUES AND IN EMERGENCIES

Clause 17: Situation Of Risk And Humanitarian Emergencies.

(1) In all situations of risk, including situations of violence, emergencies and the occurrences of natural disasters-

(a) government shall take all necessary steps to ensure the safety and protection of persons with disabilities taking cognizance of their peculiar vulnerability.

Committee's Recommendation:
That the provision in Clause 17 be retained (*Senator Obinna J. Ogba — Ebonyi Central*) — *Agreed to.*

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

Clause 18: Service at Queues.

(1) In queues, person with disabilities shall be given first consideration, and as much as possible should be attended to outside the queue.

(2) Any person in breach of this section shall be liable on conviction to 6 months imprisonment or fine of ₦50,000.00 or both.

Committee's Recommendation:
That the provision in Clause 18 be retained (*Senator Obinna J. Ogba — Ebonyi Central*) — *Agreed to.*

Question that Clause 18 *do stand part of the Bill, put and agreed to.*

PART VIII - LIBERTY

Clause 19: Prohibition Of Use Of Person With Disabilities In Soliciting For Alms And Penalty:

(1) No person shall-

(a) employ, use or involve a person with disability in begging;

(b) parade persons with disabilities in public with intention of soliciting for alms;

(c) use condition of disability as a guise for the purpose of begging in public.

(2) A person who contravenes subsection (1) of this section commits an offence and is liable on conviction to 6 months imprisonment or a fine of ₦100, 000 or both.

Committee's Recommendation:
That the provision in Clause 19 be retained (*Senator Obinna J. Ogba — Ebonyi Central*) — *Agreed to.*

Question that Clause 19 *do stand part of the Bill, put and agreed to.*

PART IX - COMMUNAL LIFE

Clause 20: **Freedom of Movement.**
Person with disabilities shall have the liberty of movement within or out of the Country and freedom to choose their residence on an equal basis with others (*Senator Obinna J. Ogba — Ebonyi Central*).

Amendment Proposed:
Leave out the provision in Clause 20 (*Senator Ike Ekweremadu — Enugu West).*

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

Question that Clause 20 *as amended do stand part of the Bill, put and agreed to.*

Clause 21: **Prohibition of Segregation.**
Except on medical grounds or in accordance with the provisions of the Constitution of the Federal Republic of Nigeria, 1999 (as amended)a person with disability shall not be isolated or segregated from the community or compelled to live in a particular area (*Senator Obinna J. Ogba — Ebonyi Central*).

Amendment Proposed:
Leave out the provision in Clause 21 (*Senator Bala Ibn Na'Allah — Kebbi South).*

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

Question that Clause 21 *as amended do stand part of the Bill, put and agreed to.*

Clause 22: **Right To Free Education.**
(1) Every person with disability shall have an unfettered right to education without discrimination or segregation in any form.

(2) Persons with disability shall be entitled to free education to secondary school level. The Commission shall provide educational assistive devices.

Committee's Recommendation:
That the provision in Clause 22 be retained (*Senator Obinna J. Ogba — Ebonyi Central*) *— Agreed to.*

Question that Clause 22 *do stand part of the Bill, put and agreed to.*

Clause 23: **Inclusiveness Of Education.**
(1) All public schools, whether primary, secondary or tertiary shall be run to be inclusive of and accessible to persons with disabilities, accordingly every school shall have-
(a) at least a trained personnel to cater for the educational development of persons with disabilities;

(b) special facilities for the effective education of persons with disabilities.

(2) Braille, sign language and other skills for communicating with person with disabilities shall form part of the curricula of primary, secondary and tertiary institutions.

Committee's Recommendation:
That the provision in Clause 23 be retained (*Senator Obinna J. Ogba — Ebonyi Central*) — *Agreed to.*

Question that Clause 23 *do stand part of the Bill, put and agreed to.*

Clause 24: **Free Education For Special Education Personnel.**
The education of special education personnel shall be highly subsidized.

Committee's Recommendation:
That the provision in Clause 24 be retained (*Senator Obinna J. Ogba — Ebonyi Central*) — *Agreed to.*

Question that Clause 24 *do stand part of the Bill, put and agreed to.*

Clause 25: **Appropriate Mode Of Education For Persons With Disabilities.**
Government shall ensure that the education of persons with disabilities, particularly children, who are blind, deaf or with multiple disabilities, is delivered in the most appropriate languages and modes and means of communication for the individual, and in environments which maximizes academic and social development.

Committee's Recommendation:
That the provision in Clause 25 be retained (*Senator Obinna J. Ogba — Ebonyi Central*) — *Agreed to.*

Question that Clause 25 *do stand part of the Bill, put and agreed to.*

Clause 26: **Free Healthcare.**
(1) Government shall guarantee that persons with disabilities have unfettered access to adequate health care without discrimination on the basis of disability.

(2) A person with mental disability shall obtain a permanent Certificate of disability from the Commission.

Committee's Recommendation:
That the provision in Clause 26 be retained (*Senator Obinna J. Ogba — Ebonyi Central*) — *Agreed to.*

Question that Clause 26 *do stand part of the Bill, put and agreed to.*

Clause 27: **Certificate Of Disability.**
(1) Every person with mental disability shall be entitled to free medical and health service in all public institutions.

(2) Where a doctor suspects disability in the course of treatment of a person who hitherto was not a person with disability, the Doctor may with the approval of the Commission issue a Temporary Certificate of Disability which shall last for not longer than 180 days.

(3) If the state of disability persists beyond 180 days, the Commission on the recommendation of a doctor shall issue the person a Permanent Certificate of Disability, which shall last as long as the state of the disability persists.

(4) Any person issued with a Permanent Certificate of Disability, shall be entitled to all rights and privileges in this Bill.

Unlawful procurement of certificate of disability

(5) Any person who unlawfully issues or unlawfully obtains certificate of disability shall be liable to a fine of ₦200, 000.00 or 1 year imprisonment or both.

Committee's Recommendation:
That the provision in Clause 27 be retained (*Senator Obinna J. Ogba — Ebonyi Central*) — *Agreed to.*

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

Clause 28: **Provision Of Special Communication At Hospitals.**
Any public hospital where a person with communicational disabilities is medically attended to shall ensure provision for special communication

Committee's Recommendation:
That the provision in Clause 28 be retained (*Senator Obinna J. Ogba — Ebonyi Central*) — *Agreed to.*

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

Clause 29: **Equal Right To Work.**

(1) Persons with disabilities shall have the right to work, on an equal basis with others; this includes the right to opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open.

(2) A person in breach of this section shall be liable on conviction to nominal damages of a minimum of ₦250,000.00 payable to the affected person with disability.

(3) Where a company is in breach of this section-

(a) the company shall be liable to nominal damages of a minimum of ₦500,000 payable to the affected person with disability; and

(b) any principal officer of the company involved in the violation shall be liable to ₦50,000 damages payable to the affected person with disability.

Committee's Recommendation:
That the provision in Clause 29 be retained (*Senator Obinna J. Ogba — Ebonyi Central*) — *Agreed to.*

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

Clause 30: **Job Security.**
All employers of labour in public organisation shall as much as possible have person with disabilities constituting at least 5% of their employment.

Committee's Recommendation:
That the provision in Clause 30 be retained (*Senator Obinna J. Ogba — Ebonyi Central*) — *Agreed to.*

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

PART X - ADEQUATE STANDARD OF LIVING AND SOCIAL PROTECTION

Clause 31: **Accommodation.**
Where accommodation is being provided by schools for their students, employers for their employees, service providers for their customers, organisations for their members, government for the people and in any other circumstance whatsoever, persons with disabilities shall be given first consideration.

Committee's Recommendation:
That the provision in Clause 31 be retained (*Senator Obinna J. Ogba — Ebonyi Central*) — *Agreed to.*

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

PART XI - PARTICIPATION IN POLITICS AND PUBLIC LIFE

Clause 32: **Participation in Politics.**
(1) Persons with disabilities shall be encouraged to fully participate in politics and public life.

(2) Government shall actively promote an environment in which persons with disabilities can effectively and fully participate in-
(a) the conduct of public affairs without discrimination;

(b) Non-governmental organizations and associations concerned with the public and political life of the country; and

(c) Activities and administration of political parties.

Committee's Recommendation:
That the provision in Clause 32 be retained (*Senator Obinna J. Ogba — Ebonyi Central*) — *Agreed to.*

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

PART XII - ESTABLISHMENT OF THE COMMISSION

Clause 33: **National Commission.**
(1) There is e hereby established a body to be known as the National Commission for persons with disability (in this Bill referred to as "the Commission") to be placed under the Presidency.

(2) The Head Office of the Commission shall be situated in the federal Capital Territory, Abuja.

Committee's Recommendation:
That the provision in Clause 33 be retained (*Senator Obinna J. Ogba — Ebonyi Central*) — *Agreed to.*

Question that Clause 33 *do stand part of the Bill, put and agreed to.*

Clause 34: Membership Of The Governing Council.

(1) There is established a Governing Council for the Commission (in this Bill referred to as the "the Council") which shall conduct the affairs of the Commission.

(2) The Council shall consist of-

(a) a full time Chairman;

Amendment Proposed:
Leave out the word "full" and *insert* the word "part" instead thereof (*Senator Ike Ekweremadu — Enugu West).*

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

(b) representatives from the Nigeria geopolitical zones who shall be persons with disability;

Amendment Proposed:
Leave out the provision in sub clause 2(b) and *insert* the following instead thereof:
"One representative from each geo political zones who shall be persons with disability" (*Senator Ike Ekweremadu — Enugu West).*

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

(c) a representative each from-

(i) Federal Ministry of Education;

(ii) Federal Ministry of Health;

(iii) Federal Ministry of Sports;

(iv) Federal Ministry of Women Affairs;

(v) Federal Ministry of Housing;

(vi) Federal Ministry of Transport;

(vii) Federal Ministry of Environment;

(viii) Federal Ministry of Labour and Productivity;

(ix) Federal Ministry of Justice;

(x) National Human Rights Commission and the National Planning Commission; and

(xi) 1 person from each Geo-political Zone.

(xii) Federal Ministry of finance.

(3) The Chairman of the Council andone representative each from the 6 geo-political zones ofNigeria, shall be appointed by the President subject to the confirmation of the Senate.

(4) The Chairman and other members of the Council shall be persons of proven integrity, honour and ability with genuine concern for an interest in the protection and integration of persons with disability (*Senator Obinna J. Ogba — Ebonyi Central*).

Amendment Proposed:
Leave out the provision in subclause (4) (*Senator Bala Ibn Na'Allah — Kebbi South*).

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

Question that Clause 34 *as amended do stand part of the Bill, put and agreed to.*

Clause 35: Proceeding Of Council.
The supplementary provisions set out in the schedule to this bill shall have effect with respect to the proceeding of the Council and the other matter contained therein.

Committee's Recommendation:
That the provision in Clause 35 be retained (*Senator Obinna J. Ogba — Ebonyi Central*) — *Agreed to.*

Question that Clause 35 *do stand part of the Bill, put and agreed to.*

Clause 36: Tenure Of Office.
(1) Subject to section 67 of this Act, the Chairman and members of the Council shall each hold office-
(a) for a term of 4 years and may be re-appointed for a further term of 4 years and no more; and

(b) on such terms and conditions as may be specified in his letter of appointment.

Committee's Recommendation:
That the provision in Clause 36 be retained (*Senator Obinna J. Ogba — Ebonyi Central*) — *Agreed to.*

Question that Clause 36 *do stand part of the Bill, put and agreed to.*

Clause 37: Cessation Of Office.
(1) A person shall cease to hold office as a member of the Council on the occurrences of any of the following-
(a) if he becomes bankrupt; or compounds with his creditors; or

(b) he is convicted of a felony or any offence involving dishonesty or fraud; or

(c) he is disqualified of his professional qualification;

(d) he is guilty of a serious misconduct in relation to his duties;

(e) he resigns his appointment by a letter addressed to the President.

(2) Where a member of the Council ceases to hold office for any reason whatsoever before the expiration of the term for which he is appointed, another person representing the same interest as that member shall be appointed to the Council for the unexpired term.

(3) A member of the council may be removed by the president on the recommendation of council if he is satisfied that it is not in the interest of the commission or the interest of the public that the member continue in office.

Committee's Recommendation:
That the provision in Clause 37 be retained (*Senator Obinna J. Ogba — Ebonyi Central*) — *Agreed to.*

Question that Clause 37 *do stand part of the Bill, put and agreed to.*

Clause 38: **Allowances Of Members.**
Members of the Council shall be paid allowances and expenses as the Government may direct from time to time.

Committee's Recommendation:
That the provision in Clause 38 be retained (*Senator Obinna J. Ogba — Ebonyi Central*) — *Agreed to.*

Question that Clause 38 *do stand part of the Bill, put and agreed to.*

Clause 39: **Power Of The Council.**
The Council shall have power to-

(a) manage and superintend over the affairs of the Commission;

(b) make rules and regulations for the effective running of the Commission;

(c) employ the staff of the Commission on such remuneration or allowance as payable to persons in similar organisation in the Country;

(d) enter into such contract as may be necessary or expedient for the discharge of its function and ensure efficient performance of the functions of the Commission; and

(e) receive, disburse and account for funds of the Commission.

Committee's Recommendation:
That the provision in Clause 39 be retained (*Senator Obinna J. Ogba — Ebonyi Central*) — *Agreed to.*

Question that Clause 39 *do stand part of the Bill, put and agreed to.*

Clause 40: **Functions Of The Commission.**

(1) The functions of the Commission shall be-

(a) to formulate and implement policies and guidelines as appropriate for the education and social development of persons with disability;

(b) to prepare schemes designed to promote social welfare of person with disability and the estimate of cost of implementing such schemes;

(c) to promote and uplift the general social well-being of persons with disability by encouraging the public to change their attitude toward person with disability;

(d) to make available not less than 5% of the work force to qualified persons with disability;

(e) to enlighten the public and encourage persons with disability;

(f) to collect data and records on special education of persons with disabilities, which shall be a regular exercise so that the persons with disability are identified, and enumerated for planning and treatment;

(g) to ensure that all facilities in each community all over the federation shall be built or modified (where and when feasible) to accommodate the special need of persons with disabilities;

(h) to ensure the monitoring, evaluation and realisation of government policy objectives on persons with disabilities;

(i) to facilitate the procurement of scholarship awards for persons with disabilities up to university level;

(j) establishing and promoting inclusive schools, vocational and rehabilitation centres for the development of persons with disabilities;

(k) liaising with the public and private sectors as well as other bodies to ensure that the peculiar interests of person with disabilities are taken into consideration in every government policy, programme and activity;

(l) issue insignia of identification of persons with disabilities;

(m) enforcement of compliance of public buildings codes and imposing necessary sanctions and make appropriate orders;

(n) receiving of complaints of persons with disabilities on the violation of their rights;

(o) support an individual's right to seek redress in court, investigation, prosecution or sanctioning (in appropriate cases) the violation of the provision of this Bill;

(p) ensuring research development and education on disability issues and disable persons;

(q) to collaborate with the media to make information available in accessible format for person with disabilities;

(r) procuring of assistive devices for all disability types.

Committee's Recommendation:
That the provision in Clause 40 be retained (*Senator Obinna J. Ogba — Ebonyi Central*) — *Agreed to.*

Question that Clause 40 *do stand part of the Bill, put and agreed to.*

Clause 41: Powers Of The Commission.

(1) The Commission has power to do any lawful thing, which will facilitate carrying out of its functions and in particular may-

(a) sue and be sued in its corporate names;

(b) acquire, hold and manage movable and immovable property;

(c) enter into contract for the education and welfare of persons with disability;

(d) purchase or acquire any assets, business or property considered necessary for the proper conduct of its functions;

(e) sell, let, lease or dispose of any of its property;

(f) undertake or sponsor research where necessary for the performance of its functions; and

(g) train managerial, technical or other category of staff for the purpose of running the affairs of the Commission.

(2) The power conferred on the Commission may be exercised by it or through any of its employees or agent authorised in that behalf by the Commission.

(3) The Commission shall not be subjected to direction, control or suspension by any other authority or person in the performance of its function under this bill other than the President.

Committee's Recommendation:
That the provision in Clause 41 be retained (*Senator Obinna J. Ogba — Ebonyi Central*) — *Agreed to.*

Question that Clause 41 *do stand part of the Bill, put and agreed to.*

PART XIII - APPOINTMENT AND DUTIES OF THE EXECUTIVE SECRETARY AND OTHER STAFF

Clause 42: Appointment And Duties Of The Executive Secretary Of The Commission.

(1) There shall be an Executive Secretary.

(2) The Executive Secretary shall:

(a) have such qualification and experience as appropriate for a person required to perform the functions of that; office;

(b) be a person with disability.

(c) be responsible to the council for the execution of the policies and the administration of the daily affairs of the Commission.

Committee's Recommendation:
That the provision in Clause 42 be retained (*Senator Obinna J. Ogba — Ebonyi Central*) — *Agreed to.*

Question that Clause 42 *do stand part of the Bill, put and agreed to.*

Clause 43: **Resignation of Executive Secretary** (*Senator Obinna J. Ogba — Ebonyi Central*).

Amendment Proposed:
Leave out the provision in Clause 43 (*Senator Bala Ibn Na'Allah — Kebbi South*).

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

Question that Clause 43 *as amended do stand part of the Bill, put and agreed to.*

Clause 44: **Staff Of The Commission And Their Remuneration.**
The Council shall appoint for the Commission such member of employees as may in the opinion of the Council be expedient and necessary for the proper and efficient performance of the function of the Commission.

Committee's Recommendation:
That the provision in Clause 44 be retained (*Senator Obinna J. Ogba — Ebonyi Central*) — *Agreed to.*

Question that Clause 44 *do stand part of the Bill, put and agreed to.*

Clause 45: **Appointment, Secondment From Public Service.**
(1) The Council shall have power to appoint for the Commission either directly or by secondment from any public service in the federation, such number of employees as may, in the opinion of the Council be required to assist the Commission in the discharge of any of its function under this Bill.

(2) The person seconded under this section may elect to be transferred to the service of the commission, and any previous service he may have rendered in the public service shall count as service to the Commission for the purpose of any pension subsequently payable by the Commission.

Committee's Recommendation:
That the provision in Clause 45 be retained (*Senator Obinna J. Ogba — Ebonyi Central*) — *Agreed to.*

Question that Clause 45 *do stand part of the Bill, put and agreed to.*

Clause 46: **The Structure Of The Commission.**
There shall be established in the head office of the Commission, such departments as may be deemed necessary for the effective and efficient functioning of the Commission.

Committee's Recommendation:
That the provision in Clause 46 be retained (*Senator Obinna J. Ogba — Ebonyi Central*) — *Agreed to.*

Question that Clause 46 *do stand part of the Bill, put and agreed to.*

Clause 47: **Pension And Gratuity.**
The staff of the Commission shall be entitled to pension, gratuity, and any other retirement benefit in accordance with the National Pension Reform Act, CAP.P4. Laws of the Federation of Nigeria, 2004.

Committee's Recommendation:
That the provision in Clause 47 be retained (*Senator Obinna J. Ogba — Ebonyi Central*) — *Agreed to.*

Question that Clause 47 *do stand part of the Bill, put and agreed to.*

Clause 48: Funds Of The Commission.

(1) The Commission shall establish and maintain a fund herein referred to as a Fund into which money accruable to the Commission shall be paid and from which all the activities of the Commission shall be funded.

(2) The funds of the Commission shall be disbursed according to the approved formula.

(3) The Council shall cause the account of the Commission to be audited quarterly and shall be externally audited once every year.

Committee's Recommendation:
That the provision in Clause 48 be retained (*Senator Obinna J. Ogba — Ebonyi Central*) — *Agreed to.*

Question that Clause 48 *do stand part of the Bill, put and agreed to.*

Clause 49: Power To Accept Gifts.

(1) The Commission may accept gift of land, money or other property on such terms and conditions, if any, as may be specified by the person or organisation making the gift, provided such terms and conditions are not inconsistence with any prevailing law.

(2) The Commission shall not accept any gift if the conditions attached are inconsistent with the functions of the Commission under this Bill.

Committee's Recommendation:
That the provision in Clause 49 be retained (*Senator Obinna J. Ogba — Ebonyi Central*) — *Agreed to.*

Question that Clause 49 *do stand part of the Bill, put and agreed to.*

Clause 50: Power To Borrow.

The Commission may, from time to time borrow such sums as it may require to execute or complete some special projects of the Commission.

Committee's Recommendation:
That the provision in Clause 50 be retained (*Senator Obinna J. Ogba — Ebonyi Central*) — *Agreed to.*

Question that Clause 50 *do stand part of the Bill, put and agreed to.*

Clause 51: Annual Estimate and Expenditure.

(1) Cause to be kept accounts and records of transaction and affairs of the Commission and ensure that all payments out of its moneys are currently made and properly authorised.

(2) Ensure that adequate control is maintained over the assets of, or in the custody of, the Commission and over its incurring of liabilities.

Committee's Recommendation:
That the provision in Clause 51 be retained (*Senator Obinna J. Ogba — Ebonyi Central*) — *Agreed to.*

Question that Clause 51 *do stand part of the Bill, put and agreed to.*

Clause 52: Audit.

(1) The Auditor - General of the Federation shall-

(a) inspect and audit the account and records of financial transactions of the Commission.

(b) inspect records relating to assets of the Commission; and

(c) draw the attention of the Secretary to the Government of the Federation to any irregularities disclosed by the inspection and audit.

(2) The Auditor-General may dispense with all or any part of detailed inspection and audit of any account or record referred to in subsection (1).

(3) The Auditor or an officer authorised by him is entitled at all reasonable time to a full and free access to all account records, documents and papers of the Commission relating directly or indirectly to the receipt or payment of money by the Commission or to the acquisition received, custody or disposal of assets by the Commission.

Committee's Recommendation:
That the provision in Clause 52 be retained (*Senator Obinna J. Ogba — Ebonyi Central*) — *Agreed to.*

Question that Clause 52 *do stand part of the Bill, put and agreed to.*

Clause 53: Annual Report.
The Commission shall submit an annual report of its activities to the Office of the Secretary to the Government of the Federation not later than 30th June of each financial year and it shall include a copy of its audited accounts and a copy of same report be submitted to the National Assembly

Committee's Recommendation:
That the provision in Clause 53 be retained (*Senator Obinna J. Ogba — Ebonyi Central*) — *Agreed to.*

Question that Clause 53 *do stand part of the Bill, put and agreed to.*

Clause 54: Power to Acquire Land, Cap. 202 LFN, 2004.
The Commission may subject to the Land Use Act acquire any land for the purpose of discharging its functions.

Committee's Recommendation:
That the provision in Clause 54 be retained (*Senator Obinna J. Ogba — Ebonyi Central*) — *Agreed to.*

Question that Clause 54 *do stand part of the Bill, put and agreed to.*

PART XIV - MISCELLANEOUS PROVISIONS

Clause 55: **Service of Documents.**
A notice, summons or other documents required or authorised to be served upon the Commission under the provisions of this bill or any other law or enactment may be served by delivering it to the Executive Secretary or by sending it by registered post and address it to the Executive Secretary at the principal office of the Commission.

Committee's Recommendation:
That the provision in Clause 55 be retained (*Senator Obinna J. Ogba — Ebonyi Central*) — *Agreed to.*

Question that Clause 55 *do stand part of the Bill, put and agreed to.*

Clause 56: **Payment of Judgment.**
Any such money which may be the judgment of any court awarded against the Commission shall be paid from the general reserved fund of the Commission.

Committee's Recommendation:
That the provision in Clause 56 be retained (*Senator Obinna J. Ogba — Ebonyi Central*) — *Agreed to.*

Question that Clause 56 *do stand part of the Bill, put and agreed to.*

Clause 57: **Indemnity of Officers.**
A member of the Council, the Executive Secretary, any officer or employee of the Commission shall be indemnified against any proceeding, whether civil or criminal, in which judgement is given in his favour or in which is acquitted, if any such proceeding is brought against him in his capacity as a member of the Council, the Executive, officer or the employee of the Commission.

Committee's Recommendation:
That the provision in Clause 57 be retained (*Senator Obinna J. Ogba — Ebonyi Central*) — *Agreed to.*

Question that Clause 57 *do stand part of the Bill, put and agreed to.*

Clause 58: **Engagement of Professional other than Staff.**
The Executive Secretary may with the approval of the Governing Council engage persons with relevant knowledge to the function of the Commission to assist otherwise than on the basis of full time employment (*Senator Obinna J. Ogba — Ebonyi Central*).

Amendment Proposed:
Leave out the provision in Clause 58 (*Senator Ike Ekweremadu — Enugu West).*

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

Question that Clause 58 *as amended do stand part of the Bill, put and agreed to.*

Clause 59: **Regulations.**
The governing council may make regulations for the purpose of carrying out or giving full effect to the provisions of the Bill.

Committee's Recommendation:
That the provision in Clause 59 be retained (*Senator Obinna J. Ogba — Ebonyi Central*) — *Agreed to.*

Question that Clause 59 *do stand part of the Bill, put and agreed to.*

Clause 60: **Waivers of Proof of Special Damages.**
(1) To be entitled to the damages specifically provided in this Bill, it shall be sufficient for a plaintiff claimant as the case may be, in a court proceeding, to prove the violation of the relevant section of this Bill without specific proof of damages.

(2) Nothing in this Bill shall prevent a court from accessing and awarding general and special damages in addition to the normal damages provided for in this Bill.

Committee's Recommendation:
That the provision in Clause 60 be retained (*Senator Obinna J. Ogba — Ebonyi Central*) — *Agreed to.*

Question that Clause 60 *do stand part of the Bill, put and agreed to.*

PART XV - INTERPRETATION

Clause 61: **Interpretation.**
In this Act-
"Accessibility aid" includes any fixture and device that aids accessibility;

Question: That the words "Accessibility aid" in the Interpretation to this Act, put and agreed to.

"Accommodation" (in the context of housing) include residential or business accommodation;

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

"Assistive Device" means any device that assist, increases or improves the functional capabilities of person with disabilities;

Question: That the words "Assistive Device" in the Interpretation to this Act, put and agreed to.

"Closed Captioning" is a term describing several systems developed to display text on a television or video screen to provide additional or interpretive information to viewers who which to access it;

Question: That the words "Closed Captioning" in the Interpretation to this Act, put and agreed to.

"Commission Agent" means the person who does work for another person as the agent of that other person and who is remunerated, whether in whole or in part by the Commission;

Question: That the words "Commission Agent" in the Interpretation to this Act, put and agreed to.

"Commission" means National Commission for people with Disability;

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

"Disable" means having a disability;

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

"Disability" includes long term physical, mental, intellectual or sensory impairment which in interaction with various barriers may hinder full and effective participation in society on equal basis with others;

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

"Discrimination" means differential treatment and its verbs and infinite form (discriminate, to discriminate) have the corresponding signification;

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

"Document" includes any book register or other record of information, however compiled, record or stored;

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

"Educational Authority" means a body of person(s) administering an education institution;

Question: That the words "Educational Authority" in the Interpretation to this Act, put and agreed to.

"Educational Institution" means a school college, University or other institution at which education or training is provided;

Question: That the words "Educational Institution" in the Interpretation to this Act, put and agreed to.

"Employee" includes applicant or prospective employee, Commission agent, contract worker, independent contractor, or person applying to the commission agent, contract worker or independent contractor;

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

"Employer" includes prospective employer, principal and a person who engages or proposes to engage a commission agent, contract worker or independent contractor;

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

"Employer of Labour" means "Employer" as interpreted by the workmen's Compensation Act;

Question: That the words "Employer of Labour" in the Interpretation to this Act, put and agreed to.

"Function" includes duty;

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

"Government employee" means a person who is appointed, employed or engaged in the public service of, or by a public authority of the Federation, a State, the Federal Capital Territory or a Local government, or holds an administrative office;

Question: That the words "Government Employee" in the Interpretation to this Act, put and agreed to.

"Person" includes natural, artificial, juristic or judicial persons, companies, enterprises firms, organisations, association, government departments, ministries, parastatals;

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

"Person with Disabilities" means-

(a) a person who has received preliminary or permanent certificate of disability to have condition which is expected to continue permanently or for a considerable length of time which can reasonably be expected to limit the person's functional ability substantially, but not limited to seeing, hearing, thinking, ambulating, climbing, descending, lifting, grasping, rising, and includes any related function or any limitation due to weakness or significantly decreased endurance so that he cannot perform his everyday routine, living and working without significantly increased hardship and vulnerability to everyday obstacles and hazards;

(b) a person with long term physical, mental, intellectual or sensory impairment which in interaction with various barriers may hinder their full and effective participation in society on equal basis with others;

Question: That the words "Persons with Disability" in the Interpretation to this Act, put and agreed to.

"President" means President and Commander in Chief of the Armed Forces of the federal Republic of Nigeria;

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

"Premises" include a structure, building, aircraft, vehicle, train or vessel; a place (whether enclosed or built on or not); and a part of any premises;

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

"Principal" means-

(a) in relation to Commission agent - a person for whom the Commission agent does work as a Commission agent;

(b) in relation to contract worker - a person for whom the contract worker does work under a contract between the employer of the contract worker and the person;

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

"Public Building" means a building owned or used by government or government agency or a building available for the use of members of the public;

Question: That the words "Public Building" in the Interpretation to this Act, put and agreed to.

"Relative" in relation to a person, means a person who is related to the first mentioned person by blood, marriage affinity or adoption;

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

"Subtitles Caption" means caption displayed at the bottom of a movie or television screen that translate or transcribe the dialogue or narrative;

Question: That the words "Subtitles Caption" in the Interpretation to this Act, put and agreed to.

"Special Communication" means special means (including sign language augmentative and alternative communication) of communicating with person with speech or hearing disability;

Question: That the words "Special Communication" in the Interpretation to this Act, put and agreed to.

"Special Facilities" means any provision whether movable or immovable that will enhance easy access and enjoyment in public buildings by persons with disability; significantly decreased endurance so that he cannot perform his everyday routine, living and working without significantly increased hardship and vulnerability to everyday obstacles and hazards;

Question: That the words "Special Facilities" in the Interpretation to this Act, put and agreed to.

"State" means each of the State of the Federation, and includes the Federal Capital Territory;

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

"Student" in relation to an education institution, includes a candidate or applicant for admission into that education institution;

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

"Undue hardship" means significant difficulty or expense, when considered in light of such factor as-

(a) the nature and cost of the accommodation needed to take care of a disabled person's special needs;

(b) the overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation; the number of persons employed at such facility;

(c) the effect on expenses and resources or the impact otherwise of such accommodation upon the operation of the facility;

(d) the overall finances of the person or organisationhaving to deal with person with disability, with the overall size of his or its business with respect to the number of its employees; the number, type, and location of its facilities; and

(e) the type of operation or operations of such person or organisation, including the composition, structure and function of his or its workforce; the geographic, separateness, administrative, or fiscal relationship of the facility or facilities in question to such person or organisation.

Question: That the words "Undue hardship" in the Interpretation to this Act, put and agreed to.

Committee's Recommendation:
That the provision in Clause 61 be retained (*Senator Obinna J. Ogba — Ebonyi Central*) — *Agreed to.*

Question that Clause 61 *do stand part of the Bill, put and agreed to.*

Clause 62: Citation.
This Bill may be cited as Discrimination Against Persons with Disabilities (Prohibition) Bill, 2016.

Committee's Recommendation:
That the provision in Clause 62 be retained (*Senator Obinna J. Ogba — Ebonyi Central*) — *Agreed to.*

Question that Clause 62 *do stand part of the Bill, put and agreed to.*

FIRST SCHEDULE

Section 18(2)

Special Facilities

1. Wheel Chairs: Clear floors or ground space on wheel chairs, Wheel chair passage and turning space
2. Crutches, guide canes etc
3. Hearing Aid
4. Curb ramps
5. Ramps
6. Handrails, grab bars
7. Stain-shopping stairs
8. Elevators / Lifts

9. Windows

10. Entrance Doors

11. Drinking fountains and water cookers

12. Toilet facilities

13. Door protective and Re-opening Devices manoeuvring entrances at Doors

14. Parking spaces and passenger loading zones

15. Accessible routes including walk ways, halls, windows, aisles and spaces

16. Alarm:-
Audible Alarms

Visual Alarms

Auxiliary Alarms

Question that Paragraphs 1,2,3,4,5,6,7,8,9,10,11,12,13,14,15 and 16 do stand part of First Schedule to this Bill, put and agreed to.

SECOND SCHEDULE

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

Proceeding of the Council

1. (1) Subject to this bill and section 27 of the interpretation Act, the Council may make standing orders regulating its proceeding or those of any of its Committees.

(2) The quorum of the Council shall be the Chairman or the person presiding at the meeting and five other members of the Council, one of whom shall be ex-officio member, and the quorum of any committee of the Council shall be as determined by the Council.

2. (1) The Council shall meet whenever it is summoned by the Chairman and if the Chairman is required to do so by notice given to him by not less than 8 other members, he shall summon a meeting of the Council to be held within 14 days from the date on which the notice was given.

(2) Where the Council was desires to obtain the advice of any person on a particular matter, the Council may co-opt him to the Council for such period as it deems fit, but a person who is in attendance by virtue of this paragraph shall not be entitled to vote at any meeting of the Council and shall not count towards a quorum.

3. (1) the council may appoint one or more Committees to carry out, on behalf of the Council such functions as the Council may determine.

(2) A Committee appointed under this paragraph shall consider such number of persons as may be determined by the Council and a person shall hold office in the Committee in accordance with the terms of his appointment.

(3) A decision of a Committee of the Council shall be of no effect until it is confirmed by the Council.

4. (1) The fixing of the seal of the Commission shall be authenticated by the signatures of the Chairman or any other member of the Council generally or specifically authorised by the Council to act for that purpose and the Executive Secretary.

(2) Any contract or instrument, which, if made or executed by any person not being a body corporate, would not be required to be under seal may be executed on behalf of the Commission by the Executive Secretary or any person generally authorised by the Council to act for that purpose.

(3) A document purporting to be a document duly executed under the seal of the Commission shall be received in evidence and shall, unless and until the contrary is proved be presumed to be so executed.

5. The validity of any proceedings of the Council or Committee shall not be adversely affected by-

(a) a vacancy in the membership of the Council or Committee; or

(b) a defect in the appointment of a member of the Council or Committee;

(c) reason that a person not entitled to do so took part in the proceedings of the Council or Committee.

Question that Paragraphs 1,2,3,4 and 5 do stand part of Second Schedule to this Bill, put and agreed to.

FORM 1

Section 5

Compliance Order

Notice has been taken of the fact that your Programme is not inclusive of Disabilities Issues.

In particular: .....

This contravenes section 5 of persons with Disabilities Act, you are by ordered to Immediately comply with the said law.

Take note that if after 3 months from receipt of this order, you still remain in default; your operational licence shall be withdrawn.

Signed

Question that Form 1 do stand part of the Schedule to this Bill, put and agreed to.

FORM 2A

PART I - CERTIFICATE OF TEMPORARY DISABILITY

This is to certify that .....of .....Was examined by me .....on this day of ..... and found to be temporarily incapacitated.

Signed.

FORM 2B

PART II - CERTIFICATE OF PERMANENT DISABILITY

This is to certify that .....of .....was examined by me .....on this day of .....and Found to be permanently incapacitated.

Signed.

Question that Form 2 do stand part of the Schedule to this Bill, put and agreed to.

Chairman to report Bill.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered the Report of the Joint Committee on Sports and Youth Development; and Poverty Alleviation and Social Welfare on the Discrimination against Persons with Disabilities (Prohibition) Bill, 2016 and approved as follows:

Clauses 1- 19	—	As Recommended
Clauses 20- 21	—	As Amended
Clauses 22 - 33	—	As Recommended
Clause 34	—	As Amended
Clauses 35 - 42	—	As Recommended
Clause 43	—	As Amended
Clauses 44 - 57	—	As Recommended
Clause 58	—	As Amended
Clauses 59 - 62	—	As Recommended
Schedules 1 - 2	—	As Recommended

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

Motion made: That the Bill be now Read the Third Time *(Deputy Senate Leader).*

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

12. Committee on Environment:
Report on the Forestry Research Institute of Nigeria Bill, 2016 (SB.14):
Motion made: That the Senate do consider the Report of the Committee on Environment on the Forestry Research Institute of Nigeria Bill, 2016 (*Senator Oluremi S. Tinubu — Lagos 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 REPEAL THE FORESTRY RESEARCH INSTITUTE OF NIGERIA ACT, 1973, AND RE-ENACT THE FORESTRY RESEARCH INSTITUTE OF NIGERIA BILL, 2016; AND FOR OTHER RELATED MATTERS CONNECTED THEREWITH

Debate:

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 considered the Report of the Committee on Environment on the Forestry Research Institute of Nigeria Bill, 2016 and deferred consideration to another Legislative Day.

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.

13. Motions:

(a) The urgent need to investigate the Mismanagement of Grants from Global Fund Financial Institution:

Motion made: That the Senate notes the recent decision of the Global Fund to suspend its financial support to Nigeria citing lack of transparency in the disbursement of such fund by Nigerian officials;

aware that the Global Fund, despite the disbursement of huge sums of money to Nigeria for the fight against HIV/AIDS, tuberculosis and malaria, the situation continues to present challenges of the grants not achieving impact targets, poor quality of health services, treatment disruptions and fraud, corruption and misuse of funds;

aware also that funding remains critical to success in the war against such formidable diseases as HIV/AIDS, tuberculosis and malaria, which is exactly what the Global Fund, a Geneva-based financial institution that renders support to countries in response to the three diseases, has been trying to provide over the years;

worried that Nigeria's bid to contain and eventually eradicate some killer diseases in the country will certainly feel the impact of this decision. Also, the last thing the country's weak and under-funded health sector needs at this point in time is the sudden cessation of funding from the biggest contributor to such a noble vision;

worried also that the Fund, which has reportedly disbursed more than $1.4 billion in Nigeria since 2003, is now withholding its cash, alleging irregularities such as the payment of $20 million to suppliers without confirming delivery and the failure to account for $3.7 million supposedly spent on anti-retroviral drugs;

saddened that the efforts made by the Fund, and with over $800 million disbursed to Nigeria in the last four years, major deficiencies in the internal control environment still persist as Nigeria has failed totally to achieve any of the target set for the three deadly diseases claiming millions of lives globally every year despite the massive funding from international donors;

saddened also that the Global Fund's claim that its grants were not achieving impact targets can be seen in the battle to contain malaria, which has emerged as a major killer of children. Many of the mosquito-treated nets sent to Nigeria for distribution free of charge have found their ways into the markets for sale to those who can afford the price. It is not surprising that an indicting verdict from the World Health Organization has emerged, saying, "Two countries, Nigeria and Democratic Republic of Congo, accounted for more than 35 per cent of global malaria deaths in 2015";

concerned that while countries, like the United Arab Emirates, Morocco, Turkmenistan, Armenia and Maldives, have successfully eliminated malaria, Argentina, Kyrgyzstan and Sri Lanka are in the process of being certified malaria-free by the WHO but our country still struggles;

concerned that the situation is even worse in the case of HIV/AIDS, where less than 750,000 patients of the 3.5 million people, said to be living with HIV in the country, have access to treatment, which is considered vital in keeping such patients healthy and reducing the spread of infection;

concerned further in the case of tuberculosis, there has been a noticeable increase in the rate of infection and death. From being mentioned among the 22 most endemic nations in the world, the country is now adjudged to have the third highest TB burden globally, next only to India and Indonesia;

worried that the suspension of foreign donor funds is coming at a very critical time, when the price of oil, Nigeria's main source of income, is currently depressed. This makes alternative funding for the sector very difficult in a country that over the years, has been under funding the health sector; and

agreed that these are indeed cases that should be considered as crimes against humanity since the effect of this decision will result in more deaths. They should not only be punished, the government should ensure that all the money that has been misappropriated or outrightly stolen is refunded. It should also devise checks to ensure that such practices do not occur in the future. This is important as WHO says sustenance of robust financial investment, political will and innovations are the only strategies that will defeat these killer diseases and bring an end to its negative impact in the society.

Accordingly resolves to:
mandate the Committee on Health to carry out a holistic investigation on these weighty allegations to ensure that those who are bringing the name of the country into disrepute and hampering progress in the health sector do not get away with their crime and report back to Senate within two (2) weeks (*Senator Andy E. Uba — Anambra South*).

Debate:

Proposed Resolution:
Question: That the Senate do mandate the Committee on Health to carry out a holistic investigation on these weighty allegations to ensure that those who are bringing the name of the country into disrepute and hampering progress in the health sector do not get away with their crime and report back to Senate within two (2) weeks.

Amendments Proposed:

(i) *Leave out* the words "Committee on Health" *insert* the words "Committee on Primary Healthcare and Communicable Diseases" (*Senator Dino Melaye -- Kogi West).*

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

(ii) Immediately after the word "allegations" in line 2, *leave out* all the words (*Senator Ike Ekweremadu — Enugu West).*

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

Resolved:
That the Senate do mandate the Committee on Primary Healthcare and Communicable Diseases to carry out a holistic investigation on these weighty allegations to report within four (4) weeks ***(S/Res/010/02/16).***

(b) ***State of National Preparedness against Possible Zika Virus Outbreak in Nigeria:***
Motion made: That the Senate notes with concern, the severity of current changes in global climatic conditions, resulting in the outbreak of new, and sometimes more virulent strains of known diseases, across the world;

aware that this incidence is further compounded by high cost of public health services, particularly for many developing countries like Nigeria;

calls attention to the recent reported case of outbreak of the dreaded Zika virus in Brazil, early in 2015, and now spreading to Cape Verde, with chances of possible spill over to neighbouring countries like Sao Tome and Principe; Guinea (Conakry), Guinea Bissau, all within the Ebola and Lassa fever-ravaged, socio-political and economically volatile axis of West Africa;

observes that as recently as 29th May, 2016, Cable News Network (CNN) reported that more than one hundred and fifty public health experts from around the world, advised that the 2016 Rio Olympic Games be postponed, or moved away from Brazil to avoid global spread of the Zika virus;

observes further that Nigeria, being a well-known environment where many types of mosquitoes thrive, is a source of worry, and especially knowing that the Zika virus itself is mosquito-borne; particularly the *aedes aegypti* species, commonly found in the country;

recalls that because of the rampant incidence of outbreak of viral infections in the country, the President of the Nigeria Academy of Science, and notable virologist, Prof. Oyewale Tomori had, in 2015, warned that the country *"must resuscitate our moribund and comatose national disease surveillance system at the Department of Virology, University of Ibadan, as well as the Arbovirus Research Institute, Enugu"*;

worried by the fact that the virus is largely transmitted by pregnant women to the foetus, and that with Nigeria's estimated birth rate of 5.19% and 15-24% of active reproductive population, any Zika outbreak would present the country with huge public health crisis; and

recalls also that the Health Minister, Prof. Isaac Adewole, had earlier in the year, assured that studies conducted between 1975 and 1979 did indicate that only 40% of adult Nigerians and 25% of Nigerian children had antibodies that could fight the Zika virus. And that the Minister had directed the Nigeria Centre for Disease Control, NCDC, to include Zika virus monitoring as part of the efforts to check possible outbreak.

Accordingly resolves to:

(*i*) invite the Health Minister, Prof. Isaac Adewole to come and explain to the Senate Committee on Primary Healthcare and Communicable Diseases, the state of the country's preparedness against the eventuality of any Zika virus outbreak;

(*ii*) direct the Committee on Primary Healthcare and Communicable Diseases, to closely interface with all the agencies concerned with disease monitoring, detection and early warning activities, and to report back, accordingly; and

(*iii*) urge the Federal Ministry of Health, to step up nation-wide anti-mosquito fumigation and distribution of treated mosquito nets (*Senator Yahaya A. Abdullahi — Kebbi North*).

Debate:

Proposed Resolution (i):
Question: That the Senate do invite the Health Minister, Prof. Isaac Adewole to come and explain to the Senate Committee on Primary Healthcare and Communicable Diseases, the state of the country's preparedness against the eventuality of any Zika virus outbreak — *Agreed to.*

Proposed Resolution (ii):
Question: That the Senate do direct the Committee on Primary Healthcare and Communicable Diseases, to closely interface with all the agencies concerned with disease monitoring, detection and early warning activities, and to report back, accordingly — *Agreed to.*

Proposed Resolution (iii):
Question: That the Senate do urge the Federal Ministry of Health, to step up nation-wide anti-mosquito fumigation and distribution of treated mosquito nets — *Agreed to.*

Resolved:
That the Senate do:

(*i*) invite the Health Minister, Prof. Isaac Adewole to come and explain to the Senate Committee on Primary Healthcare and Communicable Diseases, the state of the country's preparedness against the eventuality of any Zika virus outbreak;

(*ii*) direct the Committee on Primary Healthcare and Communicable Diseases, to closely interface with all the agencies concerned with disease monitoring, detection and early warning activities, and to report back, accordingly; and

(*iii*) urge the Federal Ministry of Health, to step up nation-wide anti-mosquito fumigation and distribution of treated mosquito nets ***(S/Res/011/02/16)***.

(*c*) ***Urgent need to investigate the Amnesty Programme in the Niger Delta Region:***
Motion made: That the Senate notes with concern the recent restiveness in the Niger Delta Region of our Country;

aware that such restiveness has resulted in the disruption of oil production in the region;

aware further that the main source of our revenue is oil production from the Niger Delta region of Nigeria;

worried that the disruption of oil production is not the only adverse effect of the restiveness but also environmental degradation from the oil spillage due to blown pipes;

notes that in the past, the Federal Government of Nigeria under the leadership of President Umar Yar'Adua of blessed memory, addressed the youths restiveness by instituting the Amnesty Programme;

notes further that the Amnesty Programme which was well funded gave educational scholarship to youths that are indigenes of the Niger Delta;

aware that most of the youths were sent to different countries where they acquired educational skills in various fields, including but not limited to Aviation, Engineering, Medical Sciences, Agricultural Sciences, etc.;

notes that of about 30 thousand youths that were enlisted in the programme, about fifteen thousand have been sent for training overseas and within Nigeria;

further informed that of the number sent for training, their fees and allowances have not been paid due to the shortage of funds from the Amnesty Programme;

notes that since the institution of the Amnesty Programme and the training of the youths, some of these youths have returned to Nigeria without gainful employment;

worried that the non-engagement of these youths who the Federal Government spent huge sums of money to train might lead to another social crisis and the taking up of arms in the Niger Delta;

disturbed that the initial purpose of the Amnesty Programme which is to reduce youth restiveness in the region thereby substantially reducing the consequences of oil pipeline vandalism might not be achieved, if these youths are not availed the full benefits of the Amnesty Programme; and

worried that the sudden uprising of youth restiveness through Niger Delta Avengers activities might not be unconnected with the frustration of youths in the region as the Amnesty Programme has not been followed through as envisaged.

Accordingly resolves to:
mandate the Committee on Niger Delta to carry out a holistic investigation on the Amnesty Programme to ascertain the progress recorded so far, identify the challenges, and make recommendations on the way forward (*Senator Samuel N. Anyanwu — Imo East*).

Debate:

Proposed Resolution:
Question: That the Senate do mandate the Committee on Niger Delta to carry out a holistic investigation on the Amnesty Programme to ascertain the progress recorded so far, identify the challenges, and make recommendations on the way forward — *Agreed to.*

Resolved:
That the Senate do mandate the Committee on Niger Delta to carry out a holistic investigation on the Amnesty Programme to ascertain the progress recorded so far, identify the challenges, and make recommendations on the way forward, to report within two (2) weeks ***(S/Res/012/02/16)***.

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

Consideration of Bill deferred to another Legislative Day.

15. National Open University Act, No. 6 1983 (Amendment) Bill, 2016 (SB. 066):

Consideration of Bill deferred to another Legislative Day.

16. Employee's Compensation Act, 2010 (Amendment) Bill, 2016 (SB. 170):

Consideration of Bill deferred to another Legislative Day.

17. Foreign Exchange (Monitoring and Miscellaneous Provisions) Act, Chapter F34, LFN 2004 (Repeal and Re-enactment) Bill, 2016 (SB.181):

Consideration of Bill deferred to another Legislative Day.

18. Adjournment:
Motion made: That the Senate do now adjourn till Thursday, 14th July, 2016 at 10:00 a.m. (*Deputy Senate Leader*).

Adjourned accordingly at 1:23 *p.m.*

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