

0253

0254

HOUSE OF REPRESENTATIVES

FEDERAL REPUBLIC OF NIGERIA

Tuesday, 17th March, 2009

The House met at 10.30a.m

PRAYERS

(The Speaker in the Chair)

VOTES AND PROCEEDINGS

The Speaker: Honourable Members, I have examined and approved the Votes and Proceedings of Thursday, 12th March, 2009.

ANNOUNCEMENTS

Copies of the 2009 Appropriation Act

The Speaker: This announcement is from the Chairman, House Committee on Appropriation.

Copies of the 2009 Appropriation Act is now available for collection in House Committee Room 16.

Signed:

Hon. Ademola Adeseun

Students of St. Benedict Seminary, Plateau State

The Speaker: Hon. Members, we have in the Gallery, students of St. Benedict Seminary, Plateau State.

Good morning to all of you.

(The students stood for recognition)

PRESENTATION OF PUBLIC PETITIONS

The Speaker: Any member who has a petition to present may please rise to do so. *(No response)*

PRESENTATION OF BILLS

The Speaker: Hon. Members, the first Business of the Day is presentation of seven Bill.

The Clerk is invited to read the short Titles of the Bills.

Land Use Act (amendment) Bill, 2009

Land Use Act (Amendment) Bill, 2009 – (Executive Bill) *read the First Time.*

Tertiary Education Trust Fund (Establishment, etc.) Bill, 2009

Tertiary Education Trust Fund (Establishment, etc.) Bill, 2009 – (Executive Bill); *read the First Time.*

National Bio-safety Bill, 2009

National Bio-safety Bill, 2009 – presented by Hon. Gbenga Makanjuola; *read the First Time.*

Trade Agreement (Reform and Miscellaneous Provisions) Bill, 2009

Trade Agreement (Reform and Miscellaneous Provisions) Bill, 2009 – presented by Hon. Ralph Okeke and 62 others, *read the First Time.*

Nigerian Expatriate Quota Administration Agency Bill, 2009

Nigerian Expatriate Quota Administration Agency Bill, 2009 – presented by Hon. Warman Ogoriba; *read the First Time.*

Institute of Certified Public Accountants of Nigeria, 2009

Institute of Certified Public Accountants of Nigeria, 2009 – presented by Hon. Bala Ibn Na’Allah; *read the First Time.*

National Legislative Service Institute, 2009

National Legislative Service Institute, 2009 – presented by Hon. Emmanuel N. Deeyah; *read the First Time.*

Hon. H. S. Dickson (Bayelsa): Point of Order, Mr. Speaker.

The Speaker: Let us take the House Minority Leader, first.

Complaints about Newspaper Publication on Power Probe

Hon. Muhammed Ali Ndume (Chibok/Damboa/Gwoza): My Point of Order is Order V, Rules 1 and 2 on page 12. I have here with me a

0255

copy of Thisday Newspaper and on page 56 of that paper it reads: *Power Probe Report – Setting the Records Straight*.

Yesterday, in the Leadership newspaper, again there was another report which was sponsored by some individuals on this power probe. Yet, this morning again one of the papers says: *Bankole Blames Yar'Adua* – same on the Power Probe.

What I am saying here is that we have before us a volume one of the Power Probe Report which is what Hon. Ita Enang has been able to circulate to members. I understand that the Power Probe Report is in eight volumes and we have only one volume circulated to some members. In the newspapers, we read that we are going to start considering the Report. Issues like this should not be things that we should read on pages of Newspapers. I think that it is very important for us, considering the importance of the Probe, to set the records straight in this chamber.

I so move.

The Speaker: Hon. Leader of the Minority, we announced on this Floor last week that the consideration would start tomorrow Wednesday. I believe you were not in the Chamber last week. Probably, that was why you are reading about those things in the Newspapers. Please, you should take note of the Votes and Proceedings and you would understand what is going on when you were not around.

However, I was not in Nigeria yesterday, so I was not quite sure where those newspapers got their report from. I could not have made such statement.

Thank you.

MATTER OF URGENT PUBLIC IMPORTANCE

Issues concerning the Nigerian Economy

Hon. H. S. Dickson (Sagbama/Ekeremor): Mr. Speaker, I rise to raise issues that I consider to be of Urgent Public and National Importance concerning the Nigeria Economy. We live in a very troubled economic times. All over the world, Parliaments and governments are rallying around, brainstorming on how to rescue their respective economy. I think that Nigeria should not be an exception in that regard.

We have a situation in this country where the capital market has completely collapsed. Last week, we took a vote and I also voted against a bailout, but that does not stop us from discussing the economic problems we are currently facing. That does not wipe

0256

away the reality of the fact which is that we have a severe economic meltdown for which urgent action must be taken. This action has to be initiated by Parliament. We read on the pages of Newspapers everyday that there are secret bailouts going on and so on, which should not be because it is the responsibility of this Parliament to appropriate.

I move that we consider a Motion directing the appropriate committees of this House to bring up necessary legislations for better control and regulation of the Capital Market and of the Banking industry, which to my mind, is grossly under-regulated.

Secondly, in my view, we also need to mandate the House Committees on Agriculture and Commerce and Industry to come up with a proposal for bailout of the agricultural and the manufacturing sectors of this country. This is because if urgent steps are not taken, we will have a complete collapse of the Nigeria economy which will do none of us any good.

I therefore move that Mr. Speaker and my Colleagues do consider this issue to be sufficiently urgent and of national interest so that we can take a discussion on it. If the votes are in the affirmative, I will further move that we take those debates now.

I so move.

The Speaker: Hon. Colleagues, the question is that we consider this as a Matter of Urgent Public Importance.

Question put and agreed to:

Resolved: That the House do consider issues concerning the Nigeria Economy as a Matter of Urgent Public Importance.

The Speaker: The other question is for us to consider it right now but my advice is that, because of the technical nature of this, you give members the opportunity to research on it so that we can consider it tomorrow.

Hon. H. S. Dickson: That is acceptable, Mr. Speaker.

Hon. Emeka Ihedioha (Aboh Mbaise/Ngor Okpala): Mr. Speaker, I rise under Order VIII, Rule 4 (1). As mentioned earlier this morning by the Minority Leader in reference to his observation, he pointed to an issue that affects me directly.

Yesterday, I had the privilege of representing you at the *Sixth Session of Round-Table of the Initiatives*

0257

Board. In reacting to a question in consideration of the Power probe that the House was responsible for the epileptic power situation in the country because of the delay, I did respond as it was captured clearly in the Newspaper, that we did our responsibility, and we took a decision as a House to probe the Power Sector by investigating the lapses in the power sector. I did state that in the course of our probe, we never asked the Executive not to carry on with its own responsibilities. Now, it is important that this is clarified because several times the House has been bashed over the question of Power probe. I did say also that the Speaker, in Plenary on Thursday, had announced and set aside Wednesday and Thursday for the consideration of this Report.

I guess that by giving this headline, *Blame Yar'Adua for Power failure*, it is an attempt to project the House in negative light and create a wedge between the Executive and the Legislature. What we tried to do yesterday was to clarify the position of the House and to say that we have supported the Executive in every way possible and that we indeed provided money in the appropriation budget of 2008. We also said that our job was simply to oversight while the Executive executes.

I was really quoted out of context and it is important that no embarrassment was either made or meant for Mr. President or indeed for your Honourable Self. So, I think that this clarification is important for my Colleagues who will read it and I am sure they would want to call me to put things very straight that this legislature is working with the Executive. We have been co-operating with them and we have facilitated everything we can to ensure that we have stable Power supply. Indeed I believe that by the time we are through in what we are doing; Nigerians can only commend the House further.

I think it is important that I state this clearly.

Hon. Mohammed Ali Ndume (Damboa/Gwoza/Chibok): In as much as I sympathise with the Chief Whip about this Report, the Report is true.

The Speaker: Please take your sit Leader of the Opposition not of the Minority. It is important that we note that we only have one Government. The Legislature is an Arm of Government, not a Parallel Government and we are working together with the Executive, to make sure that Nigerians benefit from Democracy.

PRESENTATION OF REPORTS

Mid-Sessional Report of the House Committee on Judiciary

0258

The Speaker: The Second Business of the Day is the Mid-Sessional Report of the Committee Report on Judiciary, standing in the name of Hon. Bala Ibn Na'Allah.

Hon. Bala Ibn Na'Allah (Zuru/Fakai/Sakaba/D/Wasagu): Mr. Speaker, I seek the indulgence of Mr. Speaker, and my colleagues to allow Hon. Lanre Agoro, to present the Report, based on the mandate of the Committee.

I so move.

Hon. Agoro Lanre Adeniran (Irepo/Orelope/Olorunsogo): I have the imprimatur of my Chairman as a Member of House Committee on Judiciary, to present the Report and I move that this House do receive the Mid-Sessional Report of the House Committee on Judiciary.

Hon. Chile W. Igbawua (Kwande/Ushongo): I rise to second the Motion that this House do consider the Mid-Sessional Report of the House Committee on Judiciary.

Question put and agreed to:

Resolved: That this House do receive the Mid-Sessional Report of the House Committee on Judiciary.

(Report laid on the Table)

Mid-Sessional Report of the Committee on HIV/AIDS, Tuberculosis and Malaria Control

The Speaker: The Third Business of the Day is Presentation of Report of the Mid-Sessional Report of the House Committee on HIV/AIDS, Tuberculosis and Malaria Control, standing in the name of Hon. Oluwale Olakunle.

He is invited to present the Report.

Hon. Oluwale Olakunle (Okitipupa Irele): Mr. Speaker, may I move that this House do receive the Mid-Sessional Report of the House Committee on HIV/AIDS, Tuberculosis and Malaria Control.

Hon. Iorwase Herman Hembe (Konshisha/Vandekiya): I rise to second the Motion as moved by my Chairman Hon. Olakunle

Question put and agreed to:

0259

0260

Resolved: That the House do receive the Mid-Sessional Report of the House Committee on HIV/AIDS, Tuberculosis and Malaria Control.

(Report laid on the Table)

ORDERS OF THE DAY

BILL

Regulation and Control of Private Hospitals (Establishment) Bill 2009

A Bill for an Act to provide for Regulation and Control of the Establishment of Private Hospitals and Matters Connected Therewith, 2009 (Hb.168)

Order for Second reading

The Speaker: Honourable Members, the 1st Order of the Day is commencement of Debate on a General Principles of a Bill for an Act to provide for Regulation and Control of the Establishment of Private Hospitals and Matters Connected Therewith, 2009 (Hb.168)

The Bill was read for the first time on Thursday the 5th of February, 2009. I now invite Hon. Meka'il Al-Amin Bmitosahi to move that the Bill be read second time.

Hon. Mika'il Al-Amin Bmitosahi (Chanchaga): Mr. Speaker, I rise to move that a Bill for an Act to provide for the Regulation and Control of the Establishment of Private Hospitals and Matters Connected therewith be read the second time.

Hon Muhammed Umar Jega (Gwandu/Aliero/Jega): I rise to second the Motion on a Bill for an Act to provide for the Regulation and control of the Establishment for Private Hospitals and Matters Connected Therewith, 2009 (HB. 168) be read the second time.

Question Proposed.

Hon. Mika'il Al'Amin Bmitosahi: Mr. Speaker, honourable Colleagues, I rise to ask for your support for this Bill which is to provide for the Regulation and control of Private Hospitals and Matters Connected Therewith to be read the second time.

We all know that there is a proliferation of Private Hospitals in the nooks and crannies of this great country. The Federal Government of Nigerian has been allowed under Second Schedule Section 4, Part I, items 32 and 43 of the Constitution of Nigeria to give

regulation on only Public Hospitals. Our private hospitals have not been regulated thus far. So, this Bill has come before this Parliament so that the continuous killing and maiming of our constituents will stop. I will like to read the General Principles of the Bill.

This Bill seeks to make it mandatory for any person or persons, corporation or company, wishing to establish a Private Hospital in Nigeria, to apply for an operating license. It also provides the stipulated regulation of operating License, that is, the hospital standard, transmission of license in the event of the death of one Joint Holder, transfer of license on application of Parties, Corporations and Companies operating a Private Hospital, the death of a Sole surviving licensee and duplication of a license.

The Bill also primarily deals with regulating fees imposed on private hospital licensees particularly in the areas of repairs, alteration and addition to a hospital. It seeks to mandate the appointment of Chief Inspector of every State of the Federation by the Minister of Health. The Chief Inspector is expected to serve as the Chief Supervisor of Private Hospitals in his State of designation primarily to ensure compliance with the Act when passed.

It also provides that the hospital should keep a register of patients with all the necessary details, the procedure for removal of dead persons from private hospitals and conditions applicable to hospitals receiving finances from the Federal Government.

The Bill provides for the designation of community health care. This Clause is aimed at advancing the quality of primary health especially in areas with special needs like the Niger Delta region, the harsh desert in areas like North West, North East and areas adjoining the Federal Capital Territory and Lagos.

Why the justification of this Bill? The Bill if passed will allow for speedy development of health care delivery sector. It will also allow specialisation in different fields of medicine and proper foundation of medical care will be laid in Nigeria. It will reduce the pains of those located in difficult areas of Nigeria with the introduction of Community Care Facility, thereby leading to Improved Health Care Delivery.

The Bill will eliminate quackery in private hospitals and it will be easier for government to dispense health care and welfare packages to our people. I crave your indulgence to see reasons with this Bill and please pass it for Second Reading.

Hon. Jega Mohammed Umar (Gwandu/Aliero/Jega): Mr. Speaker, this is a very straightforward Bill. Its aim is to regulate the practice

0261

of the medical profession by private practitioners. It intends strict control and regulation to make sure that lives of innocent Nigerians are protected. It is also intended to improve quality of service so that quacks will be eliminated. The conditions in our hospitals can be improved and Nigerians can receive better services. I call on my Colleagues to support this Bill so that private hospitals can be improved.

Hon. Davies Sokonte (Degema/Bonny): Mr. Speaker, I want to really congratulate the sponsor of this Bill and urge all Members to support it. Though there are already some laid down guidelines through which medical practice or practitioners have to register before they set up clinics and hospitals, this Bill is trying to regulate certain aspects and ensure that certain basic requirements are met.

Ordinarily they are registered but the building standard, regulation and evacuation processes are not explicitly explained and written down in those regulations that will guide them to register. Again, it is also observed that when a licensee dies, the licence automatically passes on as it were to some other persons. This Bill now seeks to define how such licences could be transferred.

I feel that this Bill is proper and Members should support it so that it will go through the Second Reading.

Hon. Uche Ekwunife (Anaocha/Njikoka/Dunukofia): Mr. Speaker, let me first of all commend the sponsor of this Bill. This is very simple but important Bill considering the fact that part of government's contract with the people is to provide functional and affordable health care needs of the people. I think that this Bill is also very important to improve the standard in the system.

If you look at the hospitals we have in the country today, there are some that do not have qualified doctors and medical equipment. Some of the hospitals use their office assistants and cleaners as nurses. If we have this Bill in place, it will help to regulate the issuance of licences to hospitals. Before licences are given to any hospital, it must be ready to come up with the best equipment, standard and qualified doctors, nurses and other medical staff that will make the hospital to be functional and able to meet with modern realities.

I call my Colleagues to please support this Bill in order to give our people, not just affordable medical health care but quality health care in the system.

Hon. Samson Osagie (Orhionmwon Uhumwode): Mr. Speaker, I want to start by commending the efforts of the proponent of this Bill. I commend him for the need to ensure a regulated health

0262

practice in our nation, Nigeria. I am emboldened to say that health is a social service that is encapsulated under the Concurrent Legislative List under the Constitution.

To that extent, it therefore means that the Constitution presupposes that health matters should be decentralised and that is where I would think that when the Bill goes to the Committee, a lot of surgical operation should be done on it. The over centralisation of power to register health institutions that are to be established by private persons would be removed in such a manner as to make the process of licensing easier. In the same vein, States that are also empowered by the law to carry out health policies can have the opportunity of playing their roles as far as the regulation of private hospitals is concerned.

Hon. Peace Uzoamaka Nnaji (Nkanu East/Nkanu West): Mr. Speaker, the essence of establishing hospitals is to save life. Whether it is a government owned or private owned hospital the most important thing is that life is safe. Everything that can be done to make sure that life is safe must be put in place.

We need to have minimum standards for establishing private hospitals which include personnel, equipment and space. A situation where you have medical students establishing private hospitals is unacceptable. You will find them toying with thyroid operations and other forms of operations and when they run into problem they start running helter-skelter.

Private hospitals should not be slaughter houses. In London, precisely in Halley Street, you have a section of it set aside for private hospitals. The hospitals have all facilities and are equipped to the teeth to make sure that patients are properly treated. In addition, they have private medical practitioners who screen patients that have paediatric cases and some other cases. When they cannot handle those cases, they refer them to the authorities.

In Nigeria, we start fumbling and gambling with people's lives and when it runs out of hand, they start running helter-skelter. I support this Bill and I feel the Nigerian Medical Council, the Nursing Council, the Laboratory Technologists have to put their feet down to make sure that any hospital that is set up meets the required international standard.

Hon. Samaila A. Mohammed (Bassa/ Jos North): Mr. Speaker, I oppose very emphatically this Bill and the reason is simple. The Bill is working on two assumptions and the two assumptions are not valid. The first assumption is that there is an underlying assumption that we must centralise all activities in this country, and this is faulty because this country is a federation and we ought to allow things to be

0263

decentralised. Already as it is, we have centralised so many things.

Secondly, unlike what Hon. Osagie said that health is in the Concurrent List, it is not even in the Concurrent List, it is in the Residual List. Therefore, health matters should be left for States and Local Governments to handle.

The second unstated assumption is that Federal Government can do the job better than States Governments. This as we know is not true because you can take for example, the Pfizer test that happened and killed so many children in Kano. The approval for the test was done by the Federal Ministry of Health; they could not regulate it and today we are left with the problems.

So, I urge this National Assembly not to approve this Bill because it will lead to over centralisation and abuse of the principle of Separation of Powers.

Hon. Mohammed Sani Abdul (Alkaleri/Kirfi): Mr. Speaker, I am also trying to challenge this Bill because of a very important weight which it gave to certain laws which are very much at the local level.

If you look at the first, second and almost the third pages of the Bill, it is giving so much weight on zoning regulations, on building bye laws, on health and sanitation which are local issues. As it is, the Federal Government with its centre in Abuja cannot go to Kirfi village and supervise the room, the ventilation, the block and all that are required in a hospital.

Therefore this has given so much weight on zoning ordinances, planning, regulations, and local bye-laws. Centralising it is totally turning upside down the whole body of Nigerian laws that have been passed. Some of these laws date back to pre-independence and some are even pre-Nigeria because some of the Health Ordinances were made in the 1840s which we borrowed in 1946 and brought back into this country.

If there is any merit in this Bill, it is for it to be taken back and be looked at carefully. Those things that could be performed at the Federal level can be properly articulated. But these practical things that can be done at the local level should be done at the local level, that is, at the Local and State Government levels.

The Speaker: Before I call on Hon. Patrick Asadu, I congratulate all PDP Members from Oyo State. (Applause)

Hon. Patrick Asadu: (Nsukka/Igbo-Eze South): Mr. Speaker, I support that this Bill should go to

0264

Second Reading and to the Committee level. Actually, there are big issues in this Bill; issues of moving power from top to bottom, designing laws for local issues at the centre, which had been canvassed. It should be something that the Committee that will treat this Bill would look into.

What I find very encouraging in this Bill is that, we as a country should set a minimum standard for our health care practice below which nobody should be allowed to run anything about health institution. Recently I was reading about somebody who barely had elementary school education, who was doing series of abortions in Lagos and killing many innocent people.

The local authorities may, as much as they can, try to enact laws. The supervision of private hospitals as it is now in Nigeria lies with the Director of Medical Services and States Ministries of Health. But this country has come to a stage where we can agree and set a minimum standard for every State to adopt. Each State will now go as a republic to vary them to suit their local content.

It will be too early for us to dump this Bill and I urge my Colleagues to let us look at this Bill more in details at the Committee level and remove those things that needed to be removed and come up with the minimum or basic requirements.

Hon. Emmanuel Jime (Makurdi/Guma): Mr. Speaker, I also would like to lend my voice in supporting this Bill. In doing so it is only proper that we should quickly address what I believe is the fear that has been expressed by few of our Colleagues regarding the ability of this Parliament to perhaps legislate on this particular instrument.

The first question that has arisen which I believe the sponsor of this particular Bill has taken time to address is indeed as to whether or not the establishment of private hospitals is a matter that can come within the jurisdiction and confines of our legislative ability.

Now, if you ask the question whether private hospitals are required to be registered with the Companies and Allied Matters Act and if the answer is in the positive then it stands to reason that this is a matter that comes squarely within the competence and capacity of this Parliament to be able to legislate on.

If indeed, hospitals are required as I said to register with Companies and Allied Matters Act (CAMA); CAMA itself is an Act of this Parliament. Therefore it goes without question that we have the capacity to legislate in this area.

0265

So, the argument that has been addressed or the fears that have been expressed by some of our Colleagues can be answered directly by the fact that we have the jurisdictions, the competence and the capacity to legislate on this particular major.

I would therefore suggest, with the greatest respect, that whatever fears which exist as to the elegance of drafting, that it is the beauty of language that needs to be expressed in an instrument. I think is the job of this Parliament when we go into the Committee of Whole to look at all the smaller details that we need to look at.

Like Hon. Samson Osagie suggested, we can do all the panel beating that needed to be done so that this Bill comes out in the proper shape that we required it to come. At this stage I do not think it would be proper to argue that we cannot legislate and therefore we should not proceed to the next stage.

I therefore suggest and urge my Colleagues, with the greatest humility, to allow the Bill go for Second Reading so that we can do what we needed to do.

Hon. Abdullahi Umar Faruk (B/Kebbi/Kalgo/Bunza): Mr. Speaker, I also want to support this Bill and I whole heartedly subscribe to the explanation given by Hon. Jime. We should discuss the Bill and commit it for consideration at the Committee of the Whole.

I am supporting the Bill because of the realities of life; and what is happening with us in the area of health service provider. There are a lot of quack services that are provided by private hospitals. For that reason, we need to have those that control such services.

There is one other aspect that has been a problem to us. We believe that this is a hundred per cent commercialized service given by the private hospitals but our Constitution stipulates that *the right to live is given to every citizen of this country*; and as Parliamentarians, we should ensure that we uphold it at all times. Attention should be given to the areas where there are problems.

Some of the practices going on in the private hospitals are such that no matter how critical the ailment is or the state of emergency involving a patient, if you do not have money, the patient cannot be attended to. This is the only avenue of providing succor to Nigerians so that even if one gets well, there would be a way of prosecuting him to pay in a situation where he was unable to pay. I wish to add that we pay particular attention to that during the consideration of the Bill.

0266

Hon. Matthew M. Omegara (Onuimo/Okigwe/Isiala Mbano): Mr. Speaker, I want to oppose this Bill on the following grounds.

Though the Bill is well intended but it is more complicated than it looks. I want to also disagree with the suggestion that because hospitals register with Corporate Affairs Commission, therefore we should have absolute authority to legislate over it.

Registration with Corporate Affairs Commission is merely for making annual returns and taxation; it does not stop the State Governments and the local authorities where these businesses exist from controlling the businesses.

I want to also say that health matters, just as Hon. Osagie said, is more than what we think. If you look at the issue of monitoring, for instance, it is not going to be easy if you should make a central law and you want the Federal Government to monitor all the health institutions in the Local Governments, States and rural areas. I think it is better as it is at the moment.

Hon. Friday Itulah (Esan North East/South East): Mr. Speaker, I want to commend the initiators of this Bill for there foresight because health is worth regulating as far as this country is concerned. If you look at the index of what we have been able to achieve as far as the Millennium Development Goal is concerned in the area of health, Nigeria is not doing well.

I therefore suggest that this area which has to do with improvement of health should be centralized. As the practice is today, we do not need to go to the Minister of Health to apply to establish a private clinic. All that you need to do is to get in touch with the State Ministry of Health. They already have the regulations which capture all that is intended in this Bill. If that is followed strictly, we would be able to attain the same goal as it is being encapsulated by this Bill.

If what is proposed, like we have in the very first item, that we should go to the Minister for Health to apply to establish a private clinic, we would not be doing the Health Sector any good as far as this country is concerned. The best we can do at the centre is mere advocacy, whereby we can draw the attention of the State Government to make regulations and strictly follow in that direction. As we are aware, once we succeed in making a law, that law supersedes whatever law that exists in the States. If that is the case, it becomes very difficult for us to be able to make meaningful attainment in the health sector.

It is better liberalized as it is so that we can get something meaningful out of our health sector.

0267

0268

Hon. Yakubu Umaru Barde (Kajuru/Chikun): Mr. Speaker, I want to support this Bill because of the misgiving I know a lot of us have. In Nigeria today, we have three sections of the health care system. We have the primary, secondary and tertiary, but private hospitals are established at the Local and State Government levels. The question is: what services do they provide and who licensed them? If they are licensed, what are the services that they are supposed to provide?

Local Governments give people license to operate clinics but you will see surgery going on in clinics where there is no light or generator to sustain people's life. Let us ask ourselves, even if the Local and State Governments have the right to regulate but they do not know the limit of such regulation, there is a problem somewhere.

I want us to support this Bill so that when it goes to the Committee level, we should be able to set the standard. The Standard that we want would depend on who should give you the authority to establish the hospital and the quality of services to be rendered to the people.

Talking about tertiary health care today, it is controlled by the Federal Government. Why are they called tertiary healthcare? They are so called because they provide specialized services which cannot be found in neither secondary nor primary health sector. There is need to regulate the type of services to be rendered. If an individual wants to register a hospital or establish a private hospital depending on the type of service he wants to offer, it will therefore depend whether he wants to go to the Local Government, State or Federal Government.

At the Local Government level, some people call it specialist hospital and they are licensed by the Local Government. What specialist services do they offer? People die in such hospitals. For the mere fact that they say it is a Specialist Hospital irrespective of whether or not there is an expert there, is not proper.

The Speaker: Local Government gives licenses for Specialist Hospitals.

Hon. Yakubu Umaru Barde: No. People just register whether they are Specialist or not. The name is there as a Specialist Hospital. What we should ask ourselves is, are they specialized in the services that they are offering?

Hon. Alex Ikor Ukam (Akamkpa/Biase): Mr. Speaker, I rise to support this Bill on the ground of one or two other previous speakers who also gave their support to this Bill. It is a simple thing that we can do

at the Committee level, areas of controversy with regard to existing laws as established or made by Local Governments or State Governments.

Bearing in mind that this House has powers to make laws for the running of any hospital within the FCT, Abuja, this will even solve that problem of coming back again with another law to regulate the operations of private hospitals here in the FCT.

I am looking at a situation where it will save two things. Firstly, it will save us the problem of instituting or bringing up another Bill for the regulation and operation of another law within the FCT. It will also go a long way to assist us by making sure that there must be a clause because the Constitution also gives us the power to make certain laws that would give a way whereby other laws of the States would follow.

Right now, the ways that some of the laws are made in the States are made in a loose manner that any person can wake up anytime and establish a hospital without following the national principle and policy of government. There must be a standard. Just as Hon. Osagie and others have said, at the Committee level, they can now panel bit whatever areas we think probably are not in line.

Hon. Yacoob E. A. Alebiosu (Kosofe): Mr. Speaker, I would like to speak in total support of this Bill. We have Pharmacists in Nigeria. Whether you have been established for 20 or 30 years, for you to start production of drugs, you must get the NAFDAC number. Before you get the NAFDAC number, you must have been able to satisfy or meet up to certain criteria.

What this Bill seeks here is to help. It says: *a Bill for an Act to Provide for Regulation and Control of the Establishment of Private Hospitals*. We know we have a problem in the health sector. The question is, are we happy with the situation at hand?

There are cases where you see private hospitals with the same doctor administering anesthesia, the same doctor is said to be a specialist, the same doctor is the one carrying out surgery on patients and what this Bill is saying is that you must satisfy certain criteria before you can establish your private hospital. It is not here to conflict with the Nigerian Medical Practice. It is here to help them. Health they say is wealth.

About four or five months ago in Lagos, I watched on Channels Television when the Lagos State Ministry of Health went around and it was amazing to see people without even O/Levels Certificates parading themselves as doctors; they established private hospitals with people going there for treatment. It is simple. Let us

0269

0270

not turn our backs on this Bill. Let us help by supporting it. When it gets to the Committee on Health where we have Doctors, they know what the problem is and they can help there.

Hon. Ubale Jakada Kiru (Bebeji/Kiru): Mr. Speaker, thank you for giving me the opportunity to support this very important Bill. Let me start by saying that I support that the Bill be read the second time on the Floor of this House. I have various reasons for this.

Firstly, there is no doubt that it is a very important Bill because it touches on the lives of Nigerians and this House is a responsible House.

The second reason is that for those of us who know what is happening in our rural areas, this Bill could not have come at a better time. Current research in the health sector has shown two fundamental issues in the last few years. The first one is that it has been discovered that statistically more and more people are patronizing hospitals in the last one decade in Nigeria compared to years before the last ten years.

Thirdly, more and more people are also patronizing private hospitals in Nigeria. There are numbers of issues responsible for this. Obviously because people get sick, they have to look for a way out. Before now, there are numerous options at the local level. Traditional medicine is one of them. However, with the discoveries by our people that they are better attended to and they stand less risk, they now tend to shift towards going to formal hospitals than the traditional clinics.

Nevertheless, this has its own problems. Public hospitals in this country are bugged down by a number of deficiencies such as the issue of inadequate infrastructures, the question of improper funding and consequent upon this, less and less confidence in the system.

Because of these problems, people tend to go to private hospitals in large numbers now and unfortunately, too, those who can afford, tend to not even go to private hospitals but go to foreign hospitals to look for what they want.

Unfortunately for us, the private hospital sub-sector has its own problems, which are consequent upon this question of regulation and control and some of the problems have been eloquently presented by our Colleagues here. The last speaker has just told us how quack doctors parade themselves, open clinics, treat people, in some cases, kill, and murder innocent Nigerians.

I thank you very much on behalf of my constituency for allowing me to tell this Honourable House this. In the last five years only God knows how many innocent Nigerian women were killed by quack doctors in the name of caesarean operation. Only God knows how many innocent babies were killed in their wombs by those quack doctors in the name of caesarean operation at delivery. This House should not allow this to continue.

The other issue, if you would permit me Mr. Speaker, is that most of these doctors operating in these hospitals are also workers in public hospitals. Sometimes you go to the public hospitals and you will see them sitting down and doing nothing. They would advise you to go through their own private hospitals. You would go there and you would see them again. These are because there are no established control mechanisms.

In order for this House to save the lives of innocent Nigerians, it is for us to come up with a mechanism to regulate and control this kind of situation. I believe that Nigerians will be grateful to this House if this is done.

Hon. Bala Ibn Na'Allah
(Zuru/Fakai/Sakaba/D/Wasagu): We will quickly put this issue straight. First, is whether the House of Representative has power to make this law and on this, I shall rely on item 17 of the Concurrent List of the Constitution of the Federal Republic of Nigeria, 1999.

Item 17 says:

The National Assembly may make laws for the Federation or any part thereof with respect to –

- (a) the health, safety and welfare of persons employed to work in factories, offices or other premises or in inter-State transportation and commerce including the training, supervision and qualification of such persons;*
- (b) the regulation of ownership and control of business enterprises throughout the Federation for the purpose of promoting, encouraging or facilitating such ownership and control by citizens of Nigeria;*
- (c) the establishment of research centres for agricultural studies; and*
- (d) the establishment of institutions and bodies for the promotion or financing of*

0271

industrial, commercial or agricultural projects.

Private hospitals are businesses; they need to be controlled by Nigerians where it is opened.

Mr. Speaker, procedurally in Parliament, when a Bill is introduced, the Rules provide that we listen to its general principles. The General Principles of this Bill is to say that as at today, the Federal Republic of Nigeria can not boast of an established standard for the operation of private hospitals in this country. That is a fact. The issue is, do we want to continue in this situation? I am sure, the answer will be No. If the answer is No, that further necessitates that a Bill of this nature should be given support by the Parliament to establish standard based on item 17 of the Concurrent List.

I have visited countries where clinics meant for treating ear, nose and throat are put on one street; those for children are put on another street and they are all clearly marked so that whoever comes in, depending on the type of sickness you have, you will just punch and then you get there. I will give you about five examples. South Africa is one in Africa, New Zealand is another; Australia is another country.

That is the kind of system we are saying that we should have in this country. Let us have minimum standard where there would be established a hospital that can meet the standard that is required by the people using it. *(Interruptions)*

Hon. Friday Itulah (Esan North East/South East): Mr. Speaker, Point of Order!

The Speaker: Which Order?

Hon. Friday Itulah: Constitutional Order. On Item 17 in the Concurrent Legislative List, the area we have just cited, if you look at the side note it talks about *Industrial, commercial or agricultural development*. It has nothing to do with health rather it is saying that:

The National Assembly may make law for the Federation or any part thereof with respect to (a) the health, safety and welfare of persons employed to work in factories.

It has nothing to do with the establishment of hospitals. So, somebody or lawyer should not cite the Constitution that will mislead Parliament. *(Interruptions)*

The Speaker: Honourable Member please, you mentioned the word *health* now *(Interruptions)*

0272

Hon. Friday Itulah: Yes, health of people working in factories; that is what written there as the side note.

The Speaker: All right, fine. Please, do not be upset about this; it is still about *health* whether you work in a factory or not.

Hon. Bala Ibn Na'Allah: Let me say that based on my limited understanding of Rules of the interpretation of the Constitution, I had the privilege of studying for six years and practicing for twenty-one years; there is the Rule that the Constitution provides the framework of governance. Where a provision is made, the Rules of interpretation as released to status are abandoned.

When health is mentioned and you want to restrict it to the health of those working in the factories, are you saying that the health of those people who do not work in the factories does not matter to you as a Parliamentarian? Therefore, let me say *(Interruptions)*

Hon. Chinyere Emmanuel Igwe (Port Harcourt II): Point of Order! Point of Order!!

The Speaker: Honourable Chinyere, you have got to be very careful this morning. You have not been recognised and you are standing up. Secondly, we are still treating a Point of Order, please.

Hon. Bala Ibn Na'Allah: Hon. Chinyere Emmanuel Igwe is my bosom Friend and my Brother; I do not need to be protected against him. I am sure he is trying to come to my aid that the position I am taking is the right position and I urge my Colleagues to please allow this Bill to get to the Committee level so that it can be taken care of by this House.

The Speaker: All right, Hon. Chinyere, proceed with your Point of Order now please.

Hon. Chinyere Emmanuel Igwe: By the leave of the Rt. Hon. Speaker, I want to call Hon. Bala Ibn Na'Allah to Order. I want to continue from where Hon. Friday Itulah stopped.

Constitutional Order 17 with respect to Residual List clearly stated that: *The National Assembly may make laws for the Federation or any part thereof with respect to the health, safety and welfare of persons employed to work in factory.*

Mr. Speaker, there is no where in this Constitution, that that particular provision has talked about establishment of hospital but the health and the safety of personnel working in a given place. That is

0273

the Order I want to call so that we should not be deceived or our attention deviated.

Hon. Ita Enang (Itu/Ibiono Ibom): The point raised in the course of argument is drawing attention to a constitutional provision and that constitutional provision is intended to guide us as to whether or not to take a decision in the positive or in the negative.

I want to submit first that the issue of regulating hospitals is not a matter that is prohibited against the Federal Government or against the Federal Legislature. We can make that law to regulate the establishment of hospitals but the particular provision cited does not apply, with respect. I have had the privilege of practicing this Constitution for the past 25 years as a Lawyer and I want to read again Sir. It says:

What we call the side note is intended to enable you know what the main provision is about and the side note says:

(i) *Industrial, commercial or agricultural development; this is giving us the summary of what this section is about. It says:*

The National Assembly may make laws for the Federation or any part thereof with respect to –

(a) *the health, safety and welfare of persons employed to work in factories, offices or other premises or in inter State transportation and commerce including the training, supervision and qualification of such persons;*

(b) *the regulation of ownership and control of business enterprises throughout the Federation for the purpose of promoting, encouraging or facilitating such ownership and control by citizens of Nigeria;*

The Bill we are talking about is not about the regulation of business; it is about the capacity and ability of the National Assembly to make law on health. We are the Legislature for the Federal Capital Territory (Interruptions)

The Speaker: All right, honourable Learned Members, please hold on. I am going to allow Hon. Osagie now and he will be the last person to contribute.

Hon. Samson Osagie (Orhionmwon Uhumwode): The bone of contention is whether the Constitution recognises health at all as a matter upon which any legislature can make law.

0274

I want to leave the contentious item 17 on the Concurrent List and refer us to the provision of Chapter 2, specifically, Section 17. Mr. Speaker, if I have your permission, I want to read.

The Speaker: Please, proceed.

Hon. Samson Osagie: Section 17 says:

The State Social order is founded on ideals of Freedom, Equality and Justice.

Subsection 3 says: *The State shall direct its policy towards ensuring that ... (d) – there are adequate medical and health facilities for all persons;*

It is the same Constitution that says that: *The National Assembly shall have powers to make laws in respect of any part or the entirety of this country.*

So if the Constitution recognises that our states shall have powers to make laws and direct its policy with respect to the provisions of medical facilities and health for all persons; I do not see why the National Assembly should be stopped to make law just the way we are deciding this morning.

The Speaker: I am going to allow Hon. Ibn Na'Allah's position to stand. I am now going to put the question.

Question put and agreed to:

Bill read a Second Time and referred to the House Committee on Health.

The Speaker: Where is Hon. Herman Hembe? Does anyone know where Hon. Hembe is?

Several Hon. Members: He is coming.

The Speaker: He can not keep the House waiting.

Hon. Ita Enang: Mr. Speaker, may I kindly request that we stand down this Bill for the last time *sine die*, until he is ready.

The Speaker: Before we stand it down, I am going to allow the Chairman, House Committee on Education to raise a Matter of Urgent Public Importance, but Chairman of Rules and Business, what is your advice?

Hon. Ita Enang: Mr. Speaker, my advice is that we stand down the Bill.

0275

The Speaker: You want us to stand down the Bill *sine die*?

Hon. Ita Enang: Yes.

The Speaker: Yes, Hon. Sada Soli, what is your comment?

Hon. Sada Soli (Jibia/Kaita): Mr. Speaker, in fairness to this House, this Bill was published on the Notice Paper. Members did their homework and did brief on this Bill. If there is anywhere in our Standing Orders that says that if there is nobody to move a Bill for Second Reading in the Chamber that Bill should be stood down after we have done our homework, then we can obey the provisions of the Standing Orders. But if there is none like that, then let us continue with it because the legislation is for Nigerians. Let us take it up. We are ready for it.

Hon. Bala Ibn Na’Allah: First, by parliamentary practice, you ordered that a Bill be registered and brought before the House. Exclusively, that is your power.

The Sponsor of the Bill has the prerogative to either present the Bill or withdraw it and no other person can do that. But if a Bill is listed for hearing and notice has been given and Members are prepared and the Sponsor of the Bill is not there, it is your prerogative to strike it out from the list of items for discussion. When the Sponsor of the Bill wants it, he can go and reappear; that is how it is done.

The Speaker: It is all right, we are going to stand it down *sine die*.

(A Bill for an Act to Prohibit Profiteering During Emergency Situations and Provide for Penalties for Violating its Provision; and Related matters 2009 – stood down sine die)

CONSIDERATION OF REPORTS

The Speaker: Hon. Colleagues, we move to Consideration of Reports. Hon. C.I. D. Maduabum, are we ready for the consideration of any of these Reports?

Hon. Ita Enang: Mr. Speaker, in view of the fact that we have one very serious Bill, I pray that we stand down every other matter and take the Bill on the Prison.

The Speaker: But the Chairman claims that he is ready.

0276

Hon Ita Enang: That is true; the Reports are many but there is a Bill which is very important, please. We need to take the Bill.

(All other Reports for consideration stood down).

Report of the House Committee on Interior on Repeal Prison Act, Cap. 366, Laws of the Federation of Nigeria, 2004

The Speaker: Hon. Members, the next Order of the Day is consideration of the Report of the House Committee on Interior on a Bill for an Act to Repeal the Prison Act, Cap. 366, Page 29 Laws of the Federation of Nigeria, 2004 (HB 40) and to make Comprehensive Provision for the Administration of Prisons in Nigeria and for Related Purpose, 2008.

This was laid for the First Time on Tuesday, 18th November, 2008. Hon. Jerry Manwe will now move for the Consideration of the Report.

Hon. Jerry Manwe (Lau/K-Lamido/Ardo-Kola): Mr. Speaker, I rise to move that this House do consider the Report of the House Committee on Interior on a Bill for an Act to Repeal the Prison Act, Cap. 366, Page 29 Laws of the Federation of Nigeria, 2004 and to make Comprehensive Provision for the Administration of Prison in Nigeria; and for Related Purpose, 2008 (HB.40) and approve the Recommendations therein.

Hon. Austin Nwachukwu (Ehime Mbano/Ihite Uboma/Obowo): Mr. Speaker I rise to second the Motion ably moved by the Chairman on Interior Committee for the House to consider the Report of the House Committee on Interior on a Bill for an Act to Repeal the Prisons Act.

Question put and agreed to:

Resolved: That the House do consider the Report of the House Committee on Interior on a Bill for an Act to Repeal the Prisons Act. Cap.366 P29 Laws of the Federation of Nigeria, 2004.

Hon. Tunde Akogun (Akoko Edo): Mr. Speaker, I rise to move that the House do resolve into Committee of the Whole to consider the Report.

Hon Baba Shehu Agaie (Agaie/Lapai): Mr. Speaker, I rise to second the Motion that this House do resolve into Committee of the Whole to consider the Report.

0277

Question put and agreed to:

Resolved: That the House resolve into the Committee of the Whole to consider the Report of the House Committee on Interior on a Bill for an Act to Repeal the Prison Act. Cap 366 P29 of the Federation of Nigeria 2004.

(The Chairman in the Chair)

Hon Jega Muhammed Umar (Gwandu/Aliero/Jega): Mr. Chairman, we are just receiving this Report and it is bulky for us to go through. It is a very important Bill. We should not be in a hurry by just scanning through it and pass it like that.

Hon. Ali Ndume (Damboa/Gwoza/Chibok): Mr. Chairman that is the objection that I have been raising *ab initio*. This 50-page Report was just circulated to us now. We cannot just get it and sit down to consider a voluminous Report of this magnitude that is very important. Members should at least be given 24 hours to read through so that it could be considered at the next legislative day.

Hon. Andrew Uchendu (Ikwerre/Emohua): Mr. Chairman, I want to align myself with the views expressed by the Minority Leader. This is a very important issue in Nigeria; and we have had quite a lot of information on how bad the Prison situation is. It would be fair to give Members the opportunity to go home and study the Report. I therefore, support that it should be considered at the next legislative day.

Hon John Halims Agoda (Ethiope East/Ethiope West): Mr. Chairman, I do not know whether a Motion has moved to that effect.

The Chairman: A Motion has been moved by the Minority Leader and seconded by Hon. Uchendu.

Hon. Halims Agoda: I have not known of urging the House not to go into such an important assignment, but suffice it to say that I support the Motion very sincerely because this is an important sector of our national life. This bulky Bill has just been given to us. I trust and respect the competence and integrity of the Committee, but I still need to do my own personnel reading so that in the course of its consideration I would be able to agree or disagree with what they have done. In that respect, I urge you and indeed this House to give us some days to look into it.

Hon. Jerimon S. Manwe (Lau/K/Lamido/Ardo-Kola): Mr. Chairman, I do not want to insist on the

0278

consideration of the Report. The Report has long been ready. I thought the secretariat must have circulated it. So I would go by the decision of the House.

The Chairman: I will put the question that we stand down the consideration of the Report on the Bill to another convenient date.

Question put and agreed to.

(Report with leave of the House stood down till another convenient date)

Hon Tunde Akogun: Mr. Chairman, I move that the House do revert to Plenary.

The Chairman: The House reverts to Plenary.

(The Speaker in the Chair)

The Speaker: Hon. Colleagues, the House in the Committee of the Whole was to consider the Report of the Committee on Interior on a Bill for an Act to Repeal Cap. 366 P29 Laws of the Federation of Nigeria, 2004 and to make Comprehensive Provision for the Administration of Prisons in Nigeria and for Related Purpose, 2008 (HB.40) and approve the Recommendations therein. The consideration of this Report was stood down till another date.

ADOPTION OF REPORT

Hon Tunde Akogun: Mr. Speaker, I move that the House do adopt the Report of the Committee on Whole.

Hon. Baba Shehu Agaie: Mr. Speaker, I rise to second the Motion as moved by the Leader of the House.

Question put and agreed to:

Resolve: That the House do adopt the Report of the Committee on Whole.

ADJOURNMENT

Hon Tunde Akogun: Mr. Speaker, I move that the House do adjourn till tomorrow, Wednesday, 18th of March, 2009 at 2.00 p.m.

Hon Baba Shehu Agaie: Mr. Speaker, I rise to second the Motion that the House do adjourn till tomorrow, Wednesday, 18th March, 2009 at 2.00 p.m.

0279

0280

Question put and agreed to:

tomorrow, Wednesday, 18th March, 2009 at 2.00 p.m.

Resolved: That the House do adjourn till

The House adjourned accordingly at 12.40 p.m.