



SENATE OF THE FEDERAL REPUBLIC OF NIGERIA VOTES AND PROCEEDINGS

Tuesday, 17th March, 2009

1. The Senate met at 10.10 a.m. The Deputy Senate President read prayers.
2. **Votes and Proceedings:**
The Deputy Senate President announced that he had examined the Votes and Proceedings of Thursday, 12th March, 2009 and approved same.

By unanimous consent, the Votes and Proceedings were approved.

3. **Announcement:**
Acknowledgement:
The Deputy Senate President acknowledged the presence of Staff and Students of St. Benedict's Seminary, Pankshin, Plateau State who were in the gallery to observe Senate proceedings.
4. **Committees on Finance and Police Affairs:**
Report on the Nigerian Police Tax Fund Bill 2009 (SB 17):
Motion made: That the Senate do receive the Report of the Joint Committee on Finance and Police Affairs, on the Nigerian Police Tax Fund Bill 2009 (*Senator Ahmed Makarfi*).

Question put and agreed to.

Report Laid.

5. **Confirmation of nomination:**
Motion made: That the Senate do consider the request of Mr. President, Commander-in-Chief, for the Confirmation of the nomination of Dr. Casmir U. Anyanwu (Imo State), as a member of the Revenue Mobilization, Allocation and Fiscal Commission (RMAFC) (*Senate Leader*).

Question put and agreed to.

Request accordingly referred to Committee on National Planning, Economic Affairs and Poverty Alleviation to report within 2 weeks.

6. **Confirmation of nomination:**

Motion made: That the Senate do consider the request of Mr. President, Commander-in-Chief, for the Confirmation of the nomination of Mr. Peter Igbo as the Director-General of the National Lottery Commission (*Senate Leader*).

Question put and agreed to.

Request accordingly referred to Committee on Sports and Social Development to report within 2 weeks.

7. **Committee on Health:**

Report on the National Hospital Act (Amendment) Bill 2009 (SB. 37):

Motion made: That the Senate do consider the Report of the Committee on Health on the National Hospital Act (Amendment) Bill 2009 (*Senator Iyabo Obasanjo-Bello*).

Question put and agreed to.

Report presented.

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

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

THE BILL FOR AN ACT TO REPEAL THE NATIONAL HOSPITAL FOR WOMEN AND CHILDREN, ABUJA (ESTABLISHMENT, ETC.) ACT CAP. NO. 44, 2004, TO RE-ENACT THE NATIONAL HOSPITAL FOR WOMEN AND CHILDREN, ABUJA (ESTABLISHMENT, ETC) BILL 2009 IN ORDER TO REMOVE THE HOSPITAL FROM THE SUPERVISION OF THE PRESIDENCY AND PLACE IT UNDER THE FEDERAL MINISTRY OF HEALTH TO ENHANCE ITS EFFICIENCY AND EFFECTIVENESS AND FOR OTHER MATTERS.

PART 1

Establishment of the National Hospital for Women and Children,
Abuja and the Board of Management

Clause 1: **Establishment of the National Hospital for Women and Children, Abuja.**

Committee's Recommendation:

Leave out the heading in Clause 1, and *insert* a new heading as follows instead thereof:

"Establishment of the National Hospital and Centre For Women & Children, Abuja:" (*Senator Iyabo Obasanjo-Bello*) — *Agreed to.*

- (1) There is hereby established a National Hospital for Women and Children, Abuja (in this act referred to as "the hospital").

Committee's Recommendation:

Leave out the provision in sub-clause 1(1) (*Senator Iyabo Obasanjo-Bello*) — *Agreed to.*

(2) **The Hospital—**

- (a) shall be a body corporate;
- (b) may sue and be sued in its corporate name;

- (c) shall have perpetual succession and a common seal.

Committee's Recommendation:

- ~ Insert a new sub-clause 1(2)(d) as follows:
" (d) shall be under the supervision of the Federal Ministry of Health"
(Senator Iyabo Obasanjo-Bello) — Agreed to.

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

Clause 2:

Establishment of the Board of Management of the Hospital:

There is hereby establish for the management of the Hospital a Board of Management (in this Act referred to as "Board") which shall be constituted and have the functions and powers set out in this Act.

Committee's Recommendation:

Leave out the provision in Clause 2 and insert the following instead thereof:

"Establishment of the Hospital Management Board:

There shall be established for the Hospital a Management Board (in this Act referred to as "The Board") which shall have powers to perform the functions set out in this Act" (Senator Iyabo Obasanjo-Bello) — Agreed to.

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

Clause 3:

Membership of the Board:

- (1) The Board shall consist of -
(a) a Chairman;
(b) the Chief Medical Director of the Hospital;
(c) the Director of Clinical Services;
(d) the Director of Administration;
(e) the Director of Finance;

Further Amendment Proposed:

Leave out the provisions in Clause 3(1)(c),(d) and (e) (Senator Mohammed K. Jibril).

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

- (f) the Director of Maintenance;

Committee's Recommendation:

Leave out the word "Maintenance" and insert the word "Works" instead thereof (Senator Iyabo Obasanjo-Bello).

Another Amendment Proposed:

Leave out the provision in Clause 3(1)(f) (Senator Mohammed K. Jibril). The Hospital

- (a) shall be a body corporate;
Question that the amendment be made, put and agreed to.

- (g) a representative each of the following, that is
(i) the President;

Committee's Recommendation:

Leave out the provision Sub-Clause 3(g)(i) (Senator Iyabo Obasanjo-Bello) — Agreed to.

- (ii) the Federal Ministry of Health;
(iii) the Federal Ministry of Women Affairs and Youth Development;

Amendment Proposed:

Leave out the provision in Clause 3(1)(g)(iii) (Senator Mohammed K. Jibril).

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

- (iv) the Federal Ministry of Works and housing;

Committee's Recommendation:

Leave out the provision in Sub-Clause 3(1)(g)(iv) (Senator Iyabo Obasanjo-Bello) — Agreed to.

- (h) the National Planning Commission-
(i) the Family Support Trust Fund;

Committee's Recommendation:

Leave out the provision in Sub-Clause 3(1)(h)(i) and insert the following instead thereof "Nigerian Medical Association" (Senator Iyabo Obasanjo-Bello) — Agreed to.

- (ii) the Society of Gynecology and Obstetrics of Nigeria;
(iii) the Pharmaceutical Society of Nigeria;
(iv) the Paediatric Association of Nigeria;
(v) the National Association of Nigeria Nurses and Midwives;
(i) one person to represent women interest;

Committee's Recommendation:

That the provision be retained (Senator Iyabo Obasanjo-Bello).

Amendment Proposed:

Leave out the provision in Sub-Clause 3(1)(i) (Senator Mohammed K. Jibril).

K. Jibril:

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

- (j) one person to represent public interest.

Committee's Recommendation:

Leave out the provision in Sub-Clause 3(1)(j) and insert the following instead thereof "FCT Indigene" (Senator Iyabo Obasanjo-Bello).

Amendment Proposed:

Leave out the provision in Sub-Clause 3(1)(j) (Senator Mohammed K. Jibril).

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

- (2) The Chairman and members of the Board, other than ex-officio members, shall be-
- (a) appointed by the President; and
- (b) persons of proven integrity and ability.

Committee's Recommendation:

Leave out the provision in sub-clause 3(2) and insert the following instead thereof:

- (a) The Chairman and Members shall be appointed by the President;

Amendment Proposed:

Immediately after the word "President" in line 2, insert the words "on the recommendation of the Minister" (Senator Mohammed K. Jibril).

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

- (b) The Chairman and members of the Board, shall be persons of proven integrity and ability.
- (3) The supplementary provisions set out in the Schedule to this Act shall have effect with respect to the proceedings of the Board and the other matters contained therein (Senator Iyabo Obasanjo-Bello).

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

Clause 4:

Tenure of office:

Subject to the provisions of section 5 of this Act, a members, shall each hold office-

- (a) for a term of three years in the first instance and may be re-appointed for a further term of three years and no more; and

Committee's Recommendation:

Leave out the word "three" in lines 1 and 2, and insert the word "four" instead thereof (Senator Iyabo Obasanjo-Bello) — Agreed to.

- (b) on such terms and conditions as may be specified in his letter of appointment (Senator Iyabo Obasanjo-Bello) — Agreed to.

Question that the amendment be made, put and agreed to.
Question that Clause 4 as recommended do stand part of the Bill, put and agreed to.

Clause 5: Cessation of membership:

- (1) Notwithstanding the provisions of section 4 of this Act a person shall cease to hold office as a member of the Board if-
- (a) he becomes bankrupt, suspends payment of compounds with his creditors; or
 - (b) he is convicted of a felony or any offence involving dishonesty or fraud; or
 - (c) he becomes of unsound mind or is incapable of carrying out his duties; or
 - (d) he is guilty of a serious misconduct in relation to his duties; or
 - (e) in the case of a person possessed of professional qualification, he is disqualified or suspended, other than at his own request, from practicing his profession in any other part of the world by an order of a competent authority made in respect of that member; or
 - (f) he resigns his appointment by a letter addressed to the President.
- (2) If a member of the Board 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 Board for the unexpired term.
- (3) A member of the Board may be removed by the President if he is satisfied that it is not in the interest of the hospital or the interest of the public that the member continues in office.

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senator Iyabo Obasanjo-Bello*) —
Agreed to.

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

Clause 6: Allowances of members:

There shall be paid to every member of the Board such allowances and expenses as the Federal Government may, from time to time, direct.

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senator Iyabo Obasanjo-Bello*) —
Agreed to.

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

PART II

Appointment (Senator Iyabo Obasanjo-Bello) — Agreed to.

Function and Powers of the Board, etc.

Clause 7: Functions of the Board:

- (1) The Board shall-
- (a) equip, maintain and operate the hospital so as to provide facilities for diagnosis, curative, promotive and rehabilitative services in medical treatment;
 - (b) construct, equip, maintain, and operate such training schools and similar institutions as the Board considers necessary for providing the hospital at all times with a proper staff of hospital technicians and nurses;
 - (c) construct, equip, maintain, and operate such clinics, out-patient departments, laboratories, research or experimental stations and other like institutions as the Board considers necessary for the efficient functioning of the hospital.
- (2) The Board shall ensure that the standards of teaching provided at all establishments under its control and the standards of treatment and care provided for patients at those establishments do not fall below those usually provided by similar establishments of international repute.
- (3) Subject to this Act, the Board shall perform such other functions which in its opinion are calculated to facilitate the carrying out of its functions under this Act.

Committee's Recommendation:

That the provision in Clause 7 be retained (*Senator Iyabo Obasanjo-Bello*) — Agreed to.

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

Clause 8: Power of the Board:

The Board shall have power to -

- (a) provide the general policies and guidelines relating to major expansion programmes of the hospital;

Amendment Proposed:

Leave out the word "provide" in line 1, and insert the word "formulate" instead thereof (*Senator Tawar U. Wada*).

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

- (b) provide facilities for the training of medical students of associate universities;

Committee's Recommendation:

Leave out the provision in Sub-Clause 8(b) and insert the following instead thereof:

- "(b) provide facilities for the training of medical students, and Post-graduate Medical training of Associated Universities" (*Senator Iyabo Obasanjo-Bello*).

Function and Powers of the Board, etc.

Amendment Proposed:

That the provision of the Bill be retained (*Senator Ahmad I. Lawan*).

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

- (c) manage and superintend the affairs of the hospital;
- (d) subject to the provisions of this Act, make, alter and revoke rules and regulations for carrying on the functions of the hospital;
- (e) fix terms and conditions of service, including remuneration of the employees of the hospital; and
- (f) do such other things which in the opinion of the Board are necessary to ensure the efficient performance of the functions of the hospital.

Committee's Recommendation:

Leave out the provision of Sub-Clause 8(f) and *insert* the following instead thereof:

- "(f) develop and maintain affiliation with local and international health institutions to help promote health services, Research and training at the hospital."
- "(g) do such other things which in the opinion of the Board are necessary to ensure the efficient performance of the functions of the hospital" (*Senator Iyabo Obasanjo-Bello*) — *Agreed to.*

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

PART III**Staff of the Hospital****Clause 9: Medical Director of the Hospital:**

- (1) There shall be for the hospital a Chief Medical Director who shall be appointed by the President on the recommendation of the minister of health and on such terms and conditions as may be specified in his letter of appointment or as may be determined, from time to time, by the Government of the Federation.
- (2) The Chief Medical Director shall-
 - (a) be the chief executive and accounting officer of the hospital;
 - (b) be responsible to the Board for the day-to-day administration of the hospital;
 - (c) be appointed for a term of four years in the first instance and may be reappointed for a further term of four years subject to satisfactory performance;
 - (d) be a person who is a medical practitioner and shall have been so qualified for a period of not less than 15 years;
 - (e) have considerable administrative experience in matters of health;

- (f) hold a post-graduate specialist qualification obtained not less than ten years prior to the appointment as Chief Medical Director (Senator Iyabo Obasanjo-Bello) — Agreed to.

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

Clause 10: Appointment of Directors and other Staff of the Hospital:

- (1) The Board shall appoint for the hospital—
(a) a Director of Administration, who shall—

Committee's Recommendation:

Immediately after the word "shall" insert the words "be Secretary to the Board" (Senator Iyabo Obasanjo-Bello) — Agreed to.

- (i) be responsible to the Chief Medical Director for the effective functioning of all the administrative divisions of the hospital;
- (ii) conduct the correspondence of the Board and keep the records of the hospital; and
- (iii) perform such other functions as the Board or the Chief Medical Director, as the case may be, may, from time to time, assign to him;
- (b) Director of Clinical Services;
- (c) Director of Finance;
- (d) Director of Maintenance.

Committee's Recommendation:

Leave out the word "Maintenance" and insert the word "Works" instead thereof (Senator Iyabo Obasanjo-Bello) — Agreed to.

- (2) The Directors appointed under paragraphs (b), (c) and (d) of subsection (1) of this section shall each be responsible to the Chief Medical Director for the effective running of the clinical services, the finance and accounts and the co-ordination of the maintenance of the hospital, as the case may be.
- (3) The Board shall appoint for the hospital such number of employees as may in the opinion of the Board be expedient and necessary for the proper and efficient performance of the functions of the hospital.
- (4) Notwithstanding the provisions of subsections (1) and (2) of this section the Board shall have power to appoint for the hospital either directly or on secondment from any public service in the Federation, such number of employees as may in the opinion of the Board, be required to assist the hospital in the discharge of any of its functions under this Act.
- (5) Nothing in subsection (4) of this section preclude the Board from appointing persons from outside the public service of the Federation or of the State whenever it deems it necessary so to do.

- (6) The terms and conditions of service (including remunerations, allowances, benefits and pensions) of the employees of the hospital shall be as determined by the Board (*Senator Iyabo Obasanjo-Bello*) — Agreed to.

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

Clause 11: Services in the hospital to be pensionable:

- (1) Service in the hospital shall be approved service for the purposes of the Pensions Act.

Committee's Recommendation:

Services in the Hospital to be Pensionable [Pensions, Gratuity and Other Retirement Benefits]:

- (1) Service in the hospital shall be approved service for the purposes of the Pension Reform Act, 2004.
- (2) The officers and other persons employed in the hospital shall be entitled to pensions, gratuities and other retirement benefits as are enjoyed by persons holding equivalent grades in the civil service of the Federation.
- (3) Nothing in subsections (1) and (2) of this section shall prevent the appointment of a person to any office on terms which preclude the grant of pension and gratuity in respect to that office.
- (4) For the purposes of the application of the provisions of the Pensions Act, any power exercisable thereunder by the Minister or other authority of the Government of the Federation, other than the power to make regulations under section 23 thereof, is hereby vested in and shall be exercisable by the Board, and not by any other person or authority (*Senator Iyabo Obasanjo-Bello*) — Agreed to.

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

Clause 12: Establishment of the Medical Advisory Committee, etc:

- (1) There shall be for the hospital, a Medical Advisory Committee which shall-
- (a) consist of a Chairman who shall be the Director, Clinical Services and shall consist of all Heads of Clinical Departments;
- (b) be responsible to the Chief Medical Director for all the clinical and training activities of the hospital; and
- (c) be appointed by the Board.
- (2) Subject to this Act, the Board shall have power to appoint either directly or on secondment and discipline consultants holding or acting in any office in the hospital; and any such appointment shall be made having due regard to the approved personnel establishment of the hospital.
- (3) Notwithstanding anything to the contrary, the Board may, from time to time, appoint consultants outside the hospital to perform such medical duties as the Board or the Chief Medical Director may assign to such

consultants (*Senator Iyabo Obasanjo-Bello*) — *Agreed to.*

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

PART IV

Financial Provisions

Clause 13: Funds of the Hospital:

There shall be established and maintained for the hospital a fund into which shall be paid and credited-

- (a) all subventions and budgetary allocation from the Government of the Federation;
- (b) all fees and funds accruing from the sale of drugs and other services;
- (c) all sums accruing to the hospital by way of gifts endowments, bequests, grants or other contributions by persons and organizations;
- (d) foreign aid and assistance from bilateral agencies; and
- (e) all other sums which may, from time to time, accrue to the hospital (*Senator Iyabo Obasanjo-Bello*) — *Agreed to.*

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

Clause 14: Expenditure of the Hospital:

The hospital shall, from time to time, apply the funds at its disposal to-

- (a) the cost of administration and maintenance of the hospital;
- (b) publicize and promote the activities of the hospital;
- (c) pay allowances, expenses and other benefits of members of the Board and committees of the Board;
- (d) pay the salaries, allowances and benefits of employees of the hospital;
- (e) pay other overhead allowances, benefits and other administrative costs of the hospital; and
- (f) undertake such other activities as are connected with all or any of the functions of the hospital under this Act (*Senator Iyabo Obasanjo-Bello*) — *Agreed to.*

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

Clause 15: Power to accept Gifts:

- (1) The hospital may accept gifts of land, money or other property on such terms and conditions, if any, as may be specified by the person or organization making the gift.

- (2) The hospital shall not accept any gift if the conditions attached by the person or organization making the gift are inconsistent with the functions of the hospital under this Act (*Senator Iyabo Obasanjo-Bello*) — Agreed to.

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

Clause 16: Annual Estimates and Expenditure:

- (1) The Board shall, not later than 30 September, in each year, submit to the Minister through the Secretary to the Government of the Federation an estimate of the expenditure and income of the hospital during the next succeeding year.

Amendment Proposed:

Leave out the words "Secretary to the Government of the Federation" in line 2, and *insert* the word "Minister" instead thereof (*Senator Umaru Dahiru*).

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

- (2) The Board shall cause to be kept proper accounts of the hospital in respect of each year and proper records in relation thereto and shall cause the accounts to be audited not later than six months after the end of each year by auditors appointed from the list and in accordance with the guidelines supplied by the Auditor-General for the Federation (*Senator Iyabo Obasanjo-Bello*).

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

Clause 17: Annual Report:

The Board shall prepare and submit to the President, not later than 30 June in each year, a report in such form as the President may direct of the activities of the hospital during the immediately preceding year, and shall include in the report a copy of the audited accounts of the hospital for that year and the auditor's report thereon.

Committee's Recommendation:

Leave out the word "President" in lines 1 and 2, and *insert* the word "Minister" instead thereof (*Senator Iyabo Obasanjo-Bello*) — Agreed to.

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

Clause 18: Power to Borrow:

- (1) The hospital may, from time to time, borrow by overdraft or otherwise such sums as it may require for the performance of its functions under this Act.
- (2) The hospital shall not, without the approval of the President, borrow money which exceeds, at any time, the limit set by the President.
- (3) Notwithstanding subsection (1) of this section, where the sum to be borrowed is in foreign currency, the hospital shall not borrow the sum without the prior approval of the President (*Senator Iyabo Obasanjo-Bello*) — Agreed to.

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

Clause 19: Exemption from Tax:

- (1) The hospital shall not pay income tax on any income derived by the hospital under this Act or accruing to it from any of its investments.
- (2) Accordingly, the provisions of any enactment relating to the taxation of companies or trust funds shall not apply to the Board of the hospital
(*Senator Iyabo Obasanjo-Bello*) — *Agreed to.*

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

Clause 20: Exemption from Customs Duties, etc:

The hospital shall not pay customs duty nor be restricted or prohibited from importing any equipment, material, supply and any other thing required by the hospital for the purposes of this Act (*Senator Iyabo Obasanjo-Bello*) — *Agreed to.*

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

Further consideration of Bill deferred to another legislative day.

Chairman to report progress.

(SENATE IN PLENARY)

The Deputy Senate President reported that the Senate in the Committee of the Whole considered the Report of the Committee on Health on the National Hospital for Women and Children, Abuja (Establishment, etc) Act (Amendment) Bill 2009 and approved as follows;

Clauses 1 - 2	—	As Recommended
Clause 3	—	As Amended
Clauses 4- 7	—	As Recommended
Clause 8	—	As Amended
Clauses 9 - 15	—	As Recommended
Clause 16	—	As Amended
Clauses 17 - 20	—	As Recommended

Further consideration of the Bill deferred to the next legislative day.

Question: That the Report of the Committee of the Whole be approved — Resolved in the Affirmative.

8. **Arbitration and Conciliation Act (Amendment) Bill 2009 (SB.196);** (1) of this section, where the sum borrowed is in foreign currency, the hospital shall not borrow the
- Consideration of Bill deferred to another legislative day.*

9. Adjournment:

Motion made: That the Senate do adjourn till Wednesday, 18th March, 2009 at 10.00 a.m. (*Senate Leader*).

Adjourned accordingly at 1.00 p.m.

Ike Ekweremadu, CFR
Deputy President,
Senate of the Federal Republic of Nigeria.