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**SENATE OF THE FEDERAL
REPUBLIC OF NIGERIA**

Tuesday 31st May, 2016

The Senate met at 10:59 a.m.

PRAYERS

(The President in the Chair)

VOTES AND PROCEEDINGS

The President: Distinguished Senators, we have before us the Votes and Proceedings of Thursday, 26th May, 2016 for approval. We will start consideration from Page 747 to 901.

Senator Muhammad Ubali Shittu (Jigawa North-East): Mr. President, I move that the Votes and Proceedings of Thursday, 26th May, 2016 be approved.

Senator Ben Murray-Bruce (Bayelsa East): Mr. President, I second the Motion that the Votes and Proceedings of Thursday, 26th May, 2016 be approved.

Question put and agreed to.

Resolved: That the Votes and Proceedings of Thursday, 26th May, 2016 be approved.

MESSAGE FROM MR. PRESIDENT

The President: I have a letter from Mr. President, Commander-in-Chief of the Armed Forces of the Federation and it reads:

27th May, 2016

*Distinguished Senator Abubakar Bukola Saraki
The President of the Senate,
Senate Chambers,
National Assembly Complex,
Abuja.*

Dear Distinguished Senate President,

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

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

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

Yours Sincerely,

(Signed)

Muhammadu Buhari

ANNOUNCEMENTS

31st May, 2016

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

His Excellency,

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

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

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

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

In honour of this great King, I request that:

- (i) A minute silence is observed;
- (ii) That delegation be sent to palace and family of the late king to commiserate with the family and people of Owerri Zone.

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Thanks in anticipation of your esteemed response to this letter. Accept the assurances of my highest regards.

(Signed)

Senator Samuel N. Anyanwu

The President: Distinguished Colleagues, we all commiserate with family and indeed, the people of Imo State of the demise of HRM King (Pharm) Emmanuel Njemanze the 8th, FPSN, HSC, OON, the 11th Monarch of the Owerri Royal Dynasty and the good people of Imo State on the passing away of this great man. We pray that the family and the good people of Imo State have the fortitude to bear this loss. Therefore we will rise and observe one minute silence in honour of this great man.

(One minute silence observed accordingly)

North East Caucus Meeting

This is to notify distinguished Senators from North East Caucus of their meeting at the end of Plenary today. The meeting holds in Hearing Room 1 in the main building.

(Announcer)

Senator Isa Hamman Nisa

Secretary North East Legislators Caucus

Visitors in the Gallery

I wish to acknowledge the presence of the members of the Staff and Students of Bishop James Yisa Memorial School, Kwamba, Suleja, Niger State who are in the Gallery to observe Senate Proceedings.

(Visitors stood for recognition)

I wish them fruitful observation of the Senate Proceedings. Please sit down.

PERSONAL EXPLANATION

Demise of HRM (Oba) Dr Folorunsho Michael Olobayo

Senator Dino Melaye (Kogi West): Point of Order!

The President: Senator Dino Melaye What is your Point of Order?

Senator Dino Melaye: Mr President, I come under Order 43 and if I have the permission of the Senate President, I want to read.

The President: Yes, go ahead.

Senator Dino Melaye: Order 43 reads:

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By the indulgence of the Senate and the leave of the President of the Senate, a Senator may make a Personal Explanation although there be no question before the Senate; but no controversial matter may be brought forward nor may debate arise upon the Explanation. The terms of the proposed statement shall be submitted in detail to the President of the Senate when his leave to make it is sought.

I rise this morning with a very heavy heart to announce the departure from this sinful world of ours of HRM (Oba) Dr Folorunsho Michael Olobayo the Oba Obaro Ero II of Kabba and Chairman, Okun Traditional Council and Secretary Kogi State Council of Chiefs.

This indomitable and indefatigable traditional ruler was a great asset to the people of Okun land and Kogi State. The late Oba Oru of Kabba was born on the 4th of March, 1945 to the family of Olobayo of the Ajinuhi Royal House in Owe Land. He was an accomplished Administrator; a seasoned civil servant in the old Kwara State and rose to become the personal Press Secretary to Governor Mike Gbamigboye.

Without belabouring us with unnecessary commentaries, he was appointed on the 17th October, 1985 by the then Kwara State Military Governor, Wing Commander Ndasu Umaru as a first class Paramount Ruler and he reigned for 31 years. The departure of this colossus and great peace maker, a man of style, a graduate of Ahmadu Bello University is a great loss to the people of Okun land and Kogi State in General.

I want to call on this respected Chamber to observe a minute silence over the unceremonious exit of our Paramount Ruler, the Oba Oru of Kabba and for the Senate to send a special delegation to commiserate with the people of Okun land and Kogi State. Mr President, we have lost an Iroko.

The President: Distinguished Colleagues, in line with our rules Senator Dino Melaye did mention this to me that they have lost the Oba Oru of Kabba land of Kabba. On behalf of this Senate, I express our deepest condolence on the loss of a great man who did not only serve Okun land, Kogi State and also Kwara State, we convey our condolences to the family and people of Kogi in general. We would like to request that we observe a one minute silence for this great man who contributed so much to his community and to Nigeria at large.

(A minute silence was observed accordingly)

Bloodbath in the South East

Senator Ike Ekweremadu (Enugu West): Point of Order!

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The President: Order what, deputy Senate President?

Senator Ike Ekweremadu: Order 43, with your permission I will read

The President: Please read.

Senator Ike Ekweremadu: Order 43 reads:

By the indulgence of the Senate and the leave of the President of the Senate, a Senator may make a Personal Explanation although there be no question before the Senate; but no controversial matter may be brought forward nor may debate arise upon the Explanation. The terms of the proposed statement shall be submitted in detail to the President of the Senate when his leave to make it is sought.

Mr. President, I am sure those of us who had the opportunity of looking at the papers this morning will know that most of the newspapers had a front page news of bloodbath in the South East and yesterday I got a number of calls about the disturbing clash between the youths in different parts of South East and security agencies leading to the death of many people both the young men and security agencies. I will like to use this opportunity under Order 43 to say that the security agencies must apply caution in trying to quell disturbances.

We have had so much of blood bath in this country under different circumstances and we continue to lose our young men and women because the future of this country belongs to them. It is important that this Senate rise to condemn any act of killing.

In any part of this country especially the one that concerns the major part of our future, the young men and women of this country, we are now in democracy and people should be entitled to speak their minds, to assemble under responsible circumstances and the security agencies must also be responsible in dealing with those circumstances to ensure that lives are not lost unnecessarily.

I just wish to bring this to the notice of the Senate for us to take note and possibly, the States involved and set up enquiries to find out what led to these clashes, the number of people lost, to ensure that this does not happen in the future.

The President: Distinguished Colleagues, the Deputy Senate President brought this to my attention in line with our Rules under Order 43, of this unfortunate incidence that has happened. As regard to our Rules, there cannot be any debate on it but the points he has raised must be brought to our attention and see what necessary actions would be taken in order to address this matter that we will bring before the Plenary at the next appropriate time.

PRESENTATION OF BILLS

Senator Bala Ibn Na'allah (Kebbi South): Mr. President, the next Business of the Day is the Presentation of two (2) Bills. You may wish to invite the Clerk to read the Short Titles of the Bills.

National Drug Law Enforcement Agency Act CAP N30 LFN 2004 (Amendment) Bill, 2016

National Drug Law Enforcement Agency Act Cap N30 LFN 2004 (Amendment) Bill, 2016 (SB.290) – presented by Senator Olugbenga Ashafa (Lagos East); *read the First Time.*

Nigerian Police Service Bill, 2016

Nigerian Police Service Bill, 2016 (SB. 291) – presented by Senator Babajide Omoworare (Osun East); *read the First Time.*

ORDERS OF THE DAY

CONSIDERATION OF A REPORT

National Institute for Cancer Research and Treatment (Est. etc.) Bill, 2016

Senator Bala Ibn Na'allah: Mr. President, the first Order of the Day is the presentation and consideration of the Report of the Committee on Health on the National Institute for Cancer Research and Treatment (Est. etc.) Bill, 2016 (SB. 10).

Distinguished Senators will recall that the Report of the Committee was laid on Thursday the 17th day of May 2016. Mr. President, you may wish to invite Distinguished Senator Olanrewaju Tejuoso to move the Motion for the presentation and consideration of the Report.

Senator Olanrewaju Adeyemi Tejuoso (Ogun Central): Mr. President, I move that the Senate would consider the Report of the Committee on Health on the National Institute for Cancer Research and Treatment (Est. etc.) Bill, 2016 (SB.10).

Senator Ogola Foster (Bayelsa West): Mr. President, I second the Motion as moved by my distinguished Colleague.

Question put and agreed to.

Senator Olanrewaju Adeyemi Tejuoso: Your Excellency, The President of the Senate, My Distinguished Colleagues,

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Introduction:

The Senate may wish to recall that on Wednesday, 18th November, 2015, the National Centre for Cancer Research and Treatment (Establishment, Etc.) Bill, 2015 was read the Second Time and referred to the Committee on Health for further legislative action.

It is pertinent to draw the attention of my Colleagues to the fact that Cancer has been identified as one of the public health problems worldwide. The disease affects all categories of humanity. Cancer is known to be the second common cause of death in developed countries and third leading cause of death in developing countries of which Nigeria, with its population is highly affected.

According to World Health Organisation (WHO), about 24.6 million people live with cancer worldwide, whilst about 12.5 *per cent* of all death is attributed to cancer. Furthermore, the WHO has warned that if urgent steps are not taken mortality rate arising from Cancer would reach an alarming stage by 2020.

Mr. President, it may interest you to know that the control, treatment and research on cancer has tremendously improved in the developed economies and even in some developing nations like India, where efforts of science and improved national strategy against Cancer have been harnessed and deployed to fight cancer related deaths. Such achievements were only made possible through the establishment of advanced Cancer Research Infrastructures, new cancer centres and improved treatment procedures.

It is sad to note that Nigeria has not done enough to fight cancer as evident by lack of adoption of a national strategy that focus on research, improved awareness and provision of treatment centres. This certainly must be the reason the spread of the ailment is not abating in Nigeria.

All the above led to the sponsoring of this very important Bill.

Mr. President, you will recall that the National Centre for Cancer Research and Treatment Bill received your strong support at the Second Reading when general principles of the Bill was thoroughly debated.

Membership of the Committee:

(1)	Sen. Dr. Olanrewaju A. Tejuoso-	Chairman
(2)	Sen. Matthew Urhoghide -	Vice Chairman
(3)	Sen. Suleiman Nazif -	Member
(4)	Sen. Theodore A. Orji -	Member
(5)	Sen. Jonah Jang -	Member
(6)	Sen. Andy Uba -	Member

Objectives of the Bill:

The objectives of the Bill include among other things to:

- (a) Provide a national leadership in Cancer research, prevention, control and treatment;
- (b) Guide scientific improvements to Cancer research prevention, treatment and care;
- (c) Coordinate and liaise between wide range of groups and healthcare providers with an interest in Cancer; and
- (d) Assist with the implementation of government policies and programmes in Cancer research, prevention, control and care.

Methodology:

The Committee adopted the following methodology in carrying out its assignment:

- (a) Committee Meetings: The Committee held meetings to consider the proposed Bill and to also map out strategies on how to carry out the assigned task within the time given.
- (b) Convention of a One Day Public Hearing.
- (c) Collation and analysis of submissions from the Public Hearing and written memoranda from stakeholders, etcetera.

Public Hearing:

In view of the importance of the Bill, the Committee decided to conduct a One Day Public Hearing involving practitioners in the health sector, the Civil Society Organisations, Non-Governmental Organisations, Development Partners, various medical professional associations, to enable them air their views and contributions on the proposed legislation. Specifically the Committee sent invitations for input and appearance at the Public Hearing to the following key stakeholders/institutions:

- (i) Federal Ministry of Health
- (ii) Nigeria Medical Association
- (iii) Pharmacists Council of Nigeria
- (iv) Medical and Dental Council of Nigeria
- (v) Health Reform Foundation (HERFON)
- (vi) Nigeria Cancer Society
- (vii) Pharmaceutical Society of Nigeria
- (viii) Health Information Management Association of Nigeria/National Hospital Abuja
- (ix) Albino Foundation of Nigeria
- (x) World Health Organisation (WHO)
- (xi) Nigeria Nuclear Regulatory Agency
- (xii) Federal Teaching Hospitals

- (xiii) Medical Laboratory Scientists of Nigeria
- (xiv) Nigeria Association of Nigerian Nurses and Midwives
- (xv) Joint Health Sector Union (JOHESU)
- (xvi) Association of Hospital and Administrative Pharmacists of Nigeria
- (xvii) Society of Public Health Professionals of Nigeria
- (xviii) Prof. F. A Durosinmi Etiti, OFR
- (xix) Dr. Ibikunle L. Pegbe-Ote Molu, etc.

The Committee also requested for memoranda from the general public through paid publications in two Nigerian dailies and the internet. The Public Hearing was held in Senate Conference Room 022 on Monday, 11th April, 2016 by 10.00 a.m. and was declared opened by the Representative of the Senate President, Senator Biodun Olujimi, the Deputy Minority Whip of the Senate. The Public Hearing was well attended by stakeholders and members of the general public.

Some of the invited persons who could not attend the Public Hearing sent in memoranda. The Public Hearing examined every aspect of the proposed Bill with stakeholders making reasoned suggestions for certain amendments and inclusion to the proposed Bill.

The Committee at its last meeting on the Bill held on Wednesday, 4th May, 2016 deliberated on the draft Report on the Bill and arrived at the recommendations which are contained in this Report presented today for consideration by the Senate.

Analysis of the Bill/Highlights of some Provisions of the Bill:

The participants at the Public Hearing agreed with the intentions of the Bill. Its intent is to ensure that all forms of Cancer disease are prevented, controlled and treatment and care for cancer patients provided, with national strategy that focuses on Cancer research. The Bill contains seventeen (17) Clauses and One (1) Schedule, with amendments proposed following stakeholders input at the Public Hearing.

The Committee adopted some of the amendments proposed, while others which were seen not to have further enriching effects on the Bill were set aside. Because of these amendments, re-numbering of some sub-sections became imminent. By and large, majority of the Clauses were adopted or retained.

Clause 1: provides for the establishment of the National Centre for Cancer Research and Treatment. The Committee and indeed, Stakeholders in conformity with the acknowledged international best practices adopted the use of the word *Institute* instead of the word *Centre*. In this regard, the word *Centre* wherever it occurs was changed to *Institute* thereof.

Clause 4: deals with the Membership of the Board. The composition, as it is in the Principal Bill, Clause 4(b) recommends appointment of the *Permanent Secretary Ministry of Health* as a Board Member. The Committee and indeed, Stakeholders recommended an amendment to Clause 4(b) which reads: *A nominee of the Minister of Health preferably a Civil Servant with 10 years' experience.* This provision/amendment is preferred in order to give the Minister more options in the appointment.

Also in *Clause 4(c) (iv)* the Committee recommended Eight (8) persons instead of five (5) persons, one from each of the following groups; *Radiologists, Medical Laboratory Scientists, Physiotherapists, Nigeria Cancer Society, civil Society Organizations, A Cancer Survivor Living free of Cancer for a minimum of 5 years, National Complementary and Alternative medical Association (NACAMA) and National Association of Nigeria Traditional Medicine Practitioners (NANTMP).* This was specified in order to avoid ambiguity.

Clause 7: deals with the appointment of the Director and Staff of the Institute. The Committee recommended that the Director of the Institute should be an Oncologist with 10 years research and administrative experience and preferably a Professor. It also recommended additional sub-sections (*h-j*) in conformity with international best practices.

Clause 10: deals with the Financial Provisions. The Committee recommended an additional sub-section (3) to read: *The Board shall establish Public Private Partnership (PPP) wherever possible for providing clinical services, defray costs and maximize efficiency.* This is in tandem with best global practices.

Findings/Observations:

At the end of the Public Hearing, the Committee made the following findings and observations.

- (1) The consensus of opinion of stakeholders and the general public favoured the enactment of the legislation (i.e. National Institute for Cancer Research and Treatment Bill, 2016).
- (2) The absence of legal framework for the management of cancer has greatly affected the delivery of appropriate control, prevention, treatment and care of the disease in Nigeria.
- (3) From the stakeholders' meeting, it was evident that Nigeria was yet to do enough in the area of improved national strategy in the fight against cancer.

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- (4) All health Professional bodies agitated for their inclusion in the Membership of the Board. While the Committee agreed to the inclusion of some Professional Associations, it recommended that the Board Membership be limited to avoid a situation whereby the Board is over blotted.
- (5) There was a general consensus on the need to apply the Public Private Partnership (PPP) model in the management and care of cancer in Nigeria to be in line with global best practices.

Recommendation:

The Senate Committee on Health hereby recommends as follows:

That the Senate do consider and Pass the Bill for An Act to Provide for the Establishment of the National Institute for Cancer Research and Treatment and for Other Connected Purposes, 2016.

Conclusion:

The Committee wishes to thank the Senate President, the entire leadership of the Senate and all our distinguished Colleagues for this opportunity given to us to serve. It is our hope that this legislation will impact positively on the lives of Nigerians.

The President: Is there anybody who has comment before we can resolve into the Committee of Whole to take Clause by Clause consideration?

Question put and agreed to.

National Centre for Cancer Research and Treatment and for other connected Purposes – CONSIDERED IN THE COMMITTEE OF THE WHOLE.

(The Chairman in the Chair)

Clause 1 – (ESTABLISHMENT OF THE NATIONAL CENTRE FOR CANCER RESEARCH AND TREATMENT) – ordered to stand part of the Bill.

Clause 2 – (OBJECTIVES AND FUNCTIONS OF THE CENTRE) – ordered to stand part of the Bill.

Clause 3 – (ESTABLISHMENT OF THE ADVISORY BOARD) –

Amendment proposed.

Senator Joshua Moltobok Lidani (Gombe South): Mr. Chairman, I did not know why they decided to call this as an Advisory Board because if you look at the functions of the Board and a Board that is set up to initiate policies and carry out functions, it is not advisable, I do not know it should be referred to as advisory board but as a board because it is carrying out a specific action.

The Chairman: Senator Olanrewaju Tejuoso, do you want to give us an explanation on this?

Senator Olanrewaju Tejuoso (Ogun Central): Mr. Chairman, the advisory narrative is exactly what we are to do as a board, and that was what was proposed initially, so we do not even think it was supposed to be removed.

Senator Ibrahim Abdullahi Gobir (Sokoto East): Mr. Chairman, I support Senator Lidani because this is not supposed to be advisory, it is supposed to be a board, it must be there. Therefore, we should remove advisory and then make it establishment of the board, because if you look at the right hand side : *There is hereby established a Board to be known as the National Institute for Cancer Research and Treatment Board*, it must be Board we should remove advisory.

Clause 3 – (ESTABLISHMENT OF THE ADVISORY BOARD) – as amended ordered to stand part of the Bill.

Clause 4 – (MEMBERSHIP OF THE BOARD) –

Amendment Proposed

Senator Ike Ekweremadu (Enugu West): Mr. Chairman, I just want to find out why they introduce the (b) part of it. *A nominee of the Minister of Health preferably a Civil Servant with 10 years' experience*, because it is not in the Extant Act, I believe the board should be reporting to the Minister, I do not know why the Minister will require somebody to represent him there as well, because it is not in the original Bill, so why are they introducing that aspect?

The Chairman: Can you guide us?

Senator Olanrewaju Adeyemi Tejuoso (Ogun Central): I do not hear what he said.

The Chairman: He was wandering why there was amendment, that the Minister of Health should have a nominee since that was not in the initial existing laws itself, and since it is a board anyway it is reporting to the Minister. Why does the Minister still want to have a nominee on the board?

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Senator Olanrewaju Adeyemi Tejuoso: It was the view of members that if the Minister has a nominee, it will make sure that things that are proposed may go strictly and we do not have to be going back and front, since it is just a matter of making sure that we achieve success in what we are doing.

Senator Olusola Adeyeye (Osun Central): Ordinarily, the Minister will have input into who serve in the board of any Parastatals under his Ministry, so that is not necessary.

Senator Ibrahim Abdullahi Gobir: Mr. Chairman, we have a Permanent Secretary there in the Ministry of Health, is there any better civil servant than that person?

The Chairman: The DSP has come with an amendment. The amendment is that Section (b) a nominee of the Minister of Health preferably a Civil Servant with 10 years' experience should be deleted and we should revert back to a Permanent Secretary in the Ministry of Health.

Senator Bala Ibn Na'allah: Mr. Chairman, I still have observation on Clause 4 (c) (v) because it says.

The Chairman: Let us take Clause 4 (b), I see the point you are making, it is still the same clause.

Senator Bala Ibn Na'allah: It does not appear that there is a problem but all laws are meant to be workable, if you look at Clause 4 (c) (iv) it says: *Five Persons with relevant qualification and cognate experience who shall represent public interest.* And then if you look at the retain part it says: *eight persons with relevant and cognate experience who shall represent each of the following groups: Radiologist, Medical Laboratory Scientist, Physiotherapist, Nigerian Cancer Society, Civil Society Organization, a Cancer Survivor living free of cancer for a minimum of five years, and then the National Complementary and Alternative Medical Association.*

This is where we might run into some problem, when you prescribe cognate experience, it is expected that we give at least what constitute cognate experience.

The Chairman: What are you proposing? Senator Tejuoso, do you want to comment on that?

Senator Olanrewaju Adeyemi Tejuoso: What my distinguished Colleague is asking is whether we have 8, 3 or 5, because we have already mentioned the members from the Pharmaceutical Council of Nigeria as 1 and number 2 Nigerian Medical and Dental Council, 3 National Association of Nigerian Nurses and Midwives and then the other 5 are listed on the other side as Radiologist etcetera we believe each person has a role to play in contribution to that research institute and treatment.

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The Chairman: What the Leader is saying is whether we should put the number of years of experience

Senator Bala Ibn Na'allah: To make it clearer for the Chairman to understand, when you say relevant experience we now know that when you talk of radiology, that person must have relevant experience in radiology, but when you talk of cognate experience, it is expected that there should be a bar to which when somebody crosses that bar he becomes cognate. I do not know whether you understand, the fact that you are a Medical Doctor and you specialize in Physiotherapy for example, does that make you a cognate person but an insertion of like two years' experience or something can now say that once you have two years' experience you have now cross the bar to become cognate.

Senator Mathew A. Urhoghide (Edo South): Mr. Chairman, I will suggest that the word cognate be removed because public interest most times when appointments are made is widespread across the spectrum, of identification of individuals that will represent public interest. If we say 5 persons with relevant qualifications and experience who shall represent public interest, that will be appropriate. It can be in management, it can be in anything. In fact, that was what we have in the act for the establishment of Teaching Hospital that is decree No. 10 of 1985. Anybody who has experience can be in the management. What the Committee suggested is even a survivor, somebody who has experience of the disease, is important that the person too be considered to be a member of the board; at least that one has a whole lot of contribution to make in advising the board.

So the word cognate, because that one will be more definitive about qualification but if we remove it then of course we will now know somebody who is educated and have some experience.

The Chairman: But the word with relevant qualification and experience that is what you are saying now? Is there any other comments?

Senator Yahaya A. Abdullahi (Kebbi North): Mr. Chairman, while I support the removal of the word cognate because that is what is causing a lot of the trouble; I will also suggest, for the implementation purposes, the removal of Civil Society Organisation from the representation because once you have these societies and professional bodies inside and you try to have a representative of the civil society inside the Board, the question of selection of the representative is going to be a big problem because the Civil Society Organisations are a very wide spectrum covering almost the entire social and political spectrum of this country. For you to assemble them and make a selection of an individual of that kind of experience to serve in this body is going to be a very difficult thing for the Minister to handle.

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I suggest that for this Bill, all the relevant institutions and societies and relevant bodies have actually been included, to now include a more forced body like civil society representation in the Bill is going to create a lot of problems for the implementations and so I suggest that if my distinguished Colleague will consider this problem, the civil society representation in this Bill be removed.

The Deputy President: For flexibility, it is better to leave it as it is in the extant Act thus (Five persons with relevant qualifications) if you want to remove cognate, no problem because if you begin to name them, the problem here is that some organisations will come up tomorrow and say they were excluded and then that becomes a big fight. But if you leave it at the discretion of the appointing authority; you can appoint five persons with relevant qualification and experience. They will now decide which one to appoint and if they appoint for instance the one that is excluding civil society this time maybe in the next one they bring some other people.

It makes for flexibility. But if you begin to name them it constraints the flexibility issue here in the appointment and it may cause a lot of problem and other people will begin to agitate that they are supposed to be there because you cannot remember right here all those who are supposed to be in this Board if you begin to name them in the Act.

The President: Chairman of the Committee do you agree with that last one?

Senator Olanrewaju Adeyemi Tejuoso: Thank you Mr. President. The Civil Society Organisations, actually, have made most of the contributions on the day of the Public Hearing. Their population was overwhelming; if they are part of this Board it will be good for the processes that will ensure that this cancer is well attended to because they will be part of the decision making body. I believe we made the right decision in including the Civil Society Organisation.

Senator Bala Ibn Na'allah: In law making, when you confer power to an authority you can make provision for flexibility but when you confer power to an individual occupying an office, you must restrict it by definition. Otherwise you are opening the door for abuse of power. For example, if we leave these five persons with relevant qualifications and experience and then, the Minister decides that his in law, his brother and friend are the ones to be appointed, the public are left with no options to challenge; they are left with no basis or nothing to rely upon to challenge the appointment. But where the necessary intendment of the law is to ensure that the correct people are being put in the position then, those things must be clearly spelt out so that when somebody exercises that power, it must be done within the provision of the law and the public will have the opportunity to say, yes, substantial compliance has been done with the law or not.

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Otherwise, if you just say, the Deputy President can appoint any Senator with relevant experience for example, and he decides that it is only Senator Utazi and other Senators from Enugu that will do the job, that is all, you cannot challenge him. That is absolute power.

The President: Distinguished Colleagues, let us make progress then; let me put the Question now.

Clause 4(d) – (MEMBERSHIP OF THE BOARD) – as amended ordered to stand part of the Bill.

Clause 5(1) – (TENURE OF OFFICE OF MEMBERS) –

Amendment Proposed

Senator Ike Ekweremadu: Mr President, Clause 5(1) reads thus: *subject to the provision of this section, a member of the board shall hold office for four years and shall be eligible for re-appointment for a further period of four years.*

In this Senate we have always added and no more to avoid ambiguity because if you leave it as it is and somebody after the first four years and second four years and is appointed again becomes a matter of controversy. But if you add for re-appointment for a further period of four years and no more, it makes it certain that the person can only do two terms and that is what we have done in this Senate.

Clause 5 – (TENURE OF OFFICE OF MEMBERS) – as amended ordered to stand part of the Bill.

Clause 6 – (POWER OF THE BOARD) – ordered to stand part of the Bill.

Clause 7 – (DIRECTOR AND OTHER STAFF OF THE INSTITUTE) – ordered to stand part of the Bill.

Clause 8 – (APPOINTMENT OF THE SECRETARY AND OTHER STAFF) – ordered to stand part of the Bill.

Clause 9 – (PENSION REFORM ACT 2004) – ordered to stand part of the Bill.

Clause 10 – (FINANCIAL PROVISION) – ordered to stand part of the Bill.

Clause 11 – (ACCOUNT AND AUDIT) – ordered to stand part of the Bill.

Clause 12 – (ANNUAL ESTIMATE) – ordered to stand part of the Bill.

Clause 13 – (ANNUAL REPORT) – ordered to stand part of the Bill.

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Clause 14 – (POWER TO GIVE DIRECTIVES) –

Amendment Proposed

Senator Joshua Lidani (Gombe South): Mr President, there is a mistake here, the *Minute* referred to means *Minister*. *The Minister may give directive of a general power to* – I do not know what the original intendment is.

The Chairman: Senator Tejuoso, could you just comment on that whether that is the spirit of what should have been there. He is saying that it should read: *The Minister may give directives of a general power*.

Senator Olanrewaju Adeyemi Tejuoso: Definitely, the Minister is what should be there but that power should be cancelled. It should be: *to give directives of a general nature with regards to the carrying out of the objectives of the Institute under this Act and it shall be the duty to comply with such directives*.

The Chairman: Let me read, *the minister may have power to give directives of a general nature to the carrying out of the objectives of the Institute under this Act and it shall be the duty to comply with such directives*.

Senator Bala Ibn Na'allah: Mr. President, it is not legislatively expedient to say, *the minister may have power*, the necessary intendment of this provision is to say: *the Minister may give directives of a general nature with regards to the carrying out of the objectives of the Institute under this Act and it shall be the duty of (may be the director or whatever) to comply with that directive*.

The Chairman: Why do we not retain it as it exists?

Senator Bala Ibn Na'allah: Mr. President, even if we comply with that it is still wrong. *What we say is that, the Minister may give directives of a general nature with regards to the carrying out the objects of the institute under this Act and it shall be the duty of the institute to comply with such directive*.

Senator Bareehu Olugbenga Ashafa (Lagos East): Mr. President, just a simple addition, *power to give directive* should be *power to give directives*; just to add s to directive.

The Chairman: Alright, distinguished Colleagues, let me put the question on Clause 14 as amended by Senator Bala Ibn Na' Allah that, *Minister may give directives of a general nature with regards to the objectives of the centre under this Act and it shall be the duty of the Board to comply with such directives*.

Senator Babajide Christopher Omoworare (Osun East): Mr. President, the Centre is no longer the centre, it is now the Institute.

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The Leader was reading the original script and not the amended part; *under this Act it shall be the duty of the Institute and not the Board to comply with such directives*.

The Chairman: Just to make another attempt, the *Minister may give directives of a general nature with regards to the carrying out objects of the Institute under this Act and it shall be the duty of the Institute to comply with such directives*.

Clause 14 – (POWER TO GIVE DIRECTIVES) - as amended ordered to stand part of the Bill.

Clause 15 – (REGULATION) –

Amendment Proposed

Senator Ike Ekweremadu (Enugu West): Mr. President, Clause 15 says:

The Board may, with the approval of the Minister, make regulations generally for carrying into effect the provisions of this Act and due administration of the centre. The first word, may, should go; it should be:

The Board, with the approval of the Minister, may make regulations generally for carrying into effect the provisions of this Act and due administration of the centre; or the second may. One of the may should go, that is the important thing.

Clause 15 – (REGULATIONS) – as amended, ordered to stand part of the Bill.

Clause 16 – (INTERPRETATION) –

Amendment Proposed

Senator Ogola Foster (Bayelsa West): Mr. President, in Clause 16 in the second line, *advisory* should go because we had amended it.

The Chairman: So, in Clause 16 we will also take note of the word *advisory* to be deleted there. The *Board* means the National Centre for Cancer Research and Treatment Board Established under Section 3 (1) of this Act.

Clause 16 – (INTERPRETATION) – as amended, ordered to stand part of the Bill.

SCHEDULE – (PARAGRAPHS 1) – agreed to.

SCHEDULE – (PARAGRAPH 2) –

Amendment Proposed.

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Senator Ogola Foster: Mr. President, amendment to paragraph 2. It should be *quarterly* if we are to make meaningful development because health issues are dynamic, world knowledge is also dynamic. So they should be meeting at least four times a year, not less than four times and not two times.

The Chairman: Meeting not less two times a year is not saying it must be two times, it is in order.

SCHEDULES – *agreed to.*

The Chairman: Distinguished Senators, we would take the Schedules.

Schedule 6 – *agreed to.*

Schedule 7 – *agreed to.*

Schedule 8 – *agreed to.*

Clause 9 – (Explanatory Memorandum)

Question proposed.

Senator Ogola Foster: Mr. Chairman, page 10 Paragraph 2 then you have sub-paragraph 1(1), 2(1), 2(2), 2(3) and 2(4), and then below if you have the same numbers as I have just mentioned, the numbering in sequence is wrong.

Some Distinguished Senators: No, it is not.

The Chairman: Senator Ogola Foster, thank you.

Clause 10 – (SHORT TITLE) – *ordered to stand part of the Bill.*

Clause 11 – (LONG TITLE) – *ordered to stand part of the Bill.*

Senator Bala Ibn Na'allah: Mr. Chairman, I move that the Chair report progress.

Senator Biodun Olujimi (Ekiti South): Mr. Chairman, I second the Motion that the Chair report progress.

Question put and agreed to.

(The President resumed the Chair)

The President: The Senate in the Committee of the Whole considered the Report of the Committee on Health, National Institute for Cancer Research and Treatment (Est. etc.) Bill, 2016 and approved as follows:

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Clauses 1 - 2 - as recommended

Clauses 3 – 5 as amended

Clauses 6 – 13 as recommended

Clauses 14 – 16 as amended

Schedule – as amended

Short Title - as recommended

Long Title - as recommended

Is this a true reflection of what transpired in the Committee of the Whole?

Several Distinguished Senators: Yes.

Senator Bala Ibn Na'allah: Mr. President, I move the Motion that the National Centre for Cancer Research and Treatment for Establishment Act Bill, 2016 be read the Third time.

Senator Biodun Olujimi: Mr. President, I second the Motion that the Bill be now read the Third Time.

Question put and agreed to.

Bill read the Third Time and passed.

The President: Distinguished Colleagues, I want to thank those who have contributed to this important Bill, it is evidenced that we can use Law as an instrument of social reengineering to improve our people's lives and expectations. It is true, that over 2 Million Nigerians are suffering from cancer and there is no doubt that cancer is becoming major global health issue and the challenge continues to grow. This Bill which is now passed would play a long way in trying to ensure that we fight this cancer and be able to reduce the mortality in our country. I take this advantage that out of the position of this Bill this important legislation will go a long way in promoting the welfare of the health of our people.

I want to thank all those who have contributed to this land mark which we have achieved this afternoon.

Establishment of the Chartered Institute of Management Accountants Bill, 2016

A Bill for an Act to establish the Chartered Institute of Management Accountants of Nigeria to provide for the control of its Membership and to Promote and foster the Practice of the Arts and Science of the Management Accountancy in the Federation and for other Purpose Connected Therewith, 2016 –

Order for Second Reading.

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Senator Bala Na'allah: Mr. President, the second Order of the day is the second Reading of a Bill which is the establishment on the Chartered Institute of Management Accountants Bill, 2016. Distinguished Senators, you will recall that the Bill was read the first time in this Chamber on Thursday, 17th March, 2016. You may wish to invite Senator Barnabas Gemade to move the Motion for the Bill to be read the Second time.

Senator Barnabas A. I. Gemade (Benue North-East): Mr. President, I do not know but I believe this must be for your tactics approval, my seat has been elevated to this particular position by the Sargent -At-Arms, and I believe this must have happened by your instructions.

The President: I am not aware of this; the only seat I am aware of is the seat that looks directly in front of me.

Senator Barnabas A. I. Gemade: If this was unauthorized then the Sergeant-at-Arms should have to remove the name back to where it was.

Senator Olusola Adeyeye (Osun Central): Mr. President, you are aware that you asked me last week to represent the Senate at the burial of Senator Alasoadura, so I was away last week because I was in Akure with a few of my colleagues. As far as I know it is my duty to be in charge of when seats are assigned but if this was done by the man who acted for me in my absence, I will plead that we allow him to retain that seat.

The Chairman: Alright, definitely clearly it is not the fault of Senator Gemade, so we will sought out the housekeeping later. Senator Gemade, you can proceed.

Senator Barnabas A. I. Gemade: Thank you Mr. President, for correcting this matter very speedily.

I rise to lead the debate on the Bill for Chartered Institute and Management Accounting of Nigeria 2016.

Mr. President, it is my honour and privilege to lead the debate on this all important Bill. It is necessary to state that this Bill was earlier considered and passed by both Chambers in the 6th and the 7th National Assembly but was not assented to as a result of the busy end of that administration at the time they were committed for assent.

This same Bill was again presented to this 8th Senate and was read for the first time in this Chamber on the 17th March, 2016. Having been passed in the 6th and 7th Senate, it is my view that we do the needful to ensure that the Bill suffers no further delay.

At one time or the other, we have heard or witnessed serious financial scandals well-established corporations across the world both in the public and private sector of the economy. Some of such organisations have even gone under.

We cannot also forget the crises in the banking industry in Nigeria in the recent past especially recent corruption cases in major government establishments. Most of these crises could have been prevented had there been effective internal control mechanism and good corporate governance, a service effectively provided by Management Accountants.

Management Accounting, as a professional accounting body originated in England as the Chartered Institute of Costs and Works Accountants (ICWA) in 1919. However, in response to increase sophistication and complexity in the management of private and public organisations resulting from rapid scientific and technological advancement of the 21st century, the Institute of Cost and Management Accountants in 1966 and in 1987 became Chartered Institute of Management Accountants (CIMA).

Currently, the Chartered Institute of Management Accountants of England and Wales registers more than 85,000 students annually from about 156 countries around the world, including Nigeria. Today, the CIMA professional qualification stands apart and practitioners are highly regarded and sought after around the world. In 2008, the Institute was incorporated in Nigeria with its registration at the Corporate Affairs Commission (CAC).

The functions and objectives of the Chartered Institute of Management Accountants of Nigeria are captured in clause 2 of the Bill under consideration and include, among others to:

- (a) Impart specialised knowledge and expertise in its members in the collection, collation, interpretation and communication of wide range of information and the furnishing of advice regarding cost, costs trends, measurement of performance against standards, budgets, pricing and the effect of changes in volume of sales and production and other matters necessary for facilitating sound day-to-day control and prudent application and management of available resources;
- (b) Determine the standards of knowledge and skills to be acquired and attained by persons seeking to become registered members of the Institute;
- (c) Promotion and development of the Arts and Science of Management Accountancy, including promotion of continuous education and training of members admitted to the practice thereof;
- (d) Maintain discipline in the profession and amongst members.

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The Bill consists of 23 clauses divided into parts dealing with establishment of the institute, financial provisions, registration of members, professional discipline and miscellaneous provisions respectively.

The relevance of this Bill are –

- There is an increasing desire for transparency and accountability in the management of organisations and this can only be achieved by training of professional accountants whose specialisation is based on costs, cost estimates, budgeting and their relationships to the operations and strategic visions of our organization;
- The curricula and course contents of the Institute in the UK obviously reflects the needs and circumstances of that jurisdiction resulting in Nigeria's who qualify from UK Institutes to do a lot of re-orientation and retraining in order for them to function effectively and efficiently in the Nigerian environment. This Bill will further enhance the capacity of the Institute to effectively tailor its curricula and training to meet the challenges of the country's business environment;
- Nigerians wishing to acquire CIMA qualifications abroad spent a lot of foreign exchange registering for the examinations as well as paying to sustain their membership.

Mr. President, several Institutes offering training and regulation of specialized professional like Chartered Institute of Management Accountants of Nigeria (ICAN), Chartered Institute of Marketing of Nigeria (CIMN), Chartered Institute of Purchasing and Supply of Nigeria (CIPS), etcetera have all been enacted into law and this Bill deserves no less consideration.

For the avoidance of doubt, the Bill is no way in conflicts with other accounting bodies like ICAN and ANAN. Existing legal framework under CAMA restricts the application of ICAN and ANAN Acts to investigation and audit while its members in full-time employment either in the public or private sectors of the economy are further restricted from auditing functions to preserve the independence and integrity of audits. This creates internal control problems for the organisation and this is where CIMA comes in to fill the lacuna. It may also interest you to know that members of ICAN and ANAN are enrolled into CIMA for courses of Investigation and Audit.

The focus of this Bill is to train members on internal auditing methods, with emphasis on financial management information to ensure an independent appraisal system with the organisation to detect at the early stage of anomalies in the organization.

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The Bill if passed into law will ensure specialization and greater efficiency in management accounting profession and reduce reasonably the alarming incidence of corporate maladministration.

This Bill has no consequential financial implication on Government as the Institute is already in existence, we will rely mostly on membership subscriptions and grants from donors.

I therefore urge you to support this Bill for the Second Reading and passage into law.

Thank you.

Senator Bala Ibn Na'allah: Mr. President, I am exceedingly delighted to have this Bill finally listed for debate today. I therefore want to say that I second the Second Reading of this straight forward and well-thought Bill as presented by distinguished Senator Barnabas Gemade.

There are three key elements that made this Bill straight forward.

The first one is whether it is the desire of this country for example to continue to absent itself as a nation from what is globally accepted as the standard in accounting principle. You can see from the lead debate that United Kingdom as far back as 1919 came about this Bill and maybe what has not been mentioned today is that, it has even gone beyond that that today we have in the United Kingdom Society of Compliance Officers, who ensure that all the relevant provisions of the law as regards to doing business are complied with by corporate bodies. In doing so, you can with some degree of reasonableness predict what is going to happen to your business at any given time and whether you are running afoul of the law or whatever.

The second key element is that to maintain this registration and membership Nigerians are required to pay certain amount of money; first if they are first timers to write the exams, secondly, to continue to maintain their membership and whether with the lean resources of the country this Senate will allow that to continue to happen.

Most importantly, is the fact that it is not in any way in conflict with the two organizations that have been recognised by law in this country, and that is, ANAN and ICAN. ICAN and ANAN members still register with Management Accountant for the purpose of consolidating the gains of the professional status they have attained in the various professions. It is my humble opinion that the Bill is so straight forward that it does not require much debate and that members will assist in allowing it to pass Second Reading without much ado so that we can fast track and join the comity of nations as far as management accounting is concerned.

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Again, I second that the Bill be read the Second Time as moved by distinguished Senator Barnabas Gemade.

Senator Theodore A. Orji (Abia Central): Mr. President, this is a very straightforward Bill and I lend my support to it. But what has struck my mind is this, that we are all here, different professions angling for professions to be registered, but our minds have not gone to our thinking of registering Institute of Chartered Politicians. There are some people here who are chartered politicians starting from Mr. President himself, those who have not failed elections before and those who have been in this politics successfully.

Therefore, I want to draw the attention of my Colleagues that we should think towards this angle and if no person is coming forward I will present a Bill for the recognition of the Institute of Chartered Politicians.

Senator Shehu Sani (Kaduna Central): Mr President, I stand to identify myself with the spirit of this Bill. There are three key areas that raised issues which will certainly mobilize the support of every one as far as this Bill is concerned. The very fact that the Institute will not pose a threat or conflict between ANAN and ICAN it will satisfy everybody here.

Secondly, the absence of this Institute has led to a situation whereby thousands of Nigerians travel to United Kingdom to study and that put pressure on our foreign exchange and the specialised training this Institute will give certainly will save cost in terms of the resultant effect of corruption in this country.

I would say in clear terms that this Bill is an idea whose time has come and the support for it will certainly save government the financial burden of investigation each time we detect any form of fraud. And for the very fact that it has been stated very clearly that it has no financial implications, that has always been the fear of most Bills whenever they are presented before us and so in that very spirit I identify myself with this Bill.

Senator Ahmad Lawan (Yobe North): Mr. President, I want to support this Bill and in doing so, I really do not think it matters even if costs will be involved because we know that governments across the country particularly States and Federal Government have been suffering from over pricing and so many other things when it comes to government purchases and this is one Institute that will give some powers, enhancement and capacity to our accountants in various Ministries, not only restricted to the corporate world so that when they discharge their responsibilities, they will do so with full knowledge of what they are supposed to do. Corruption as we know it is not, as some people will like to believe, restricted to politicians.

2752

Accountants particularly in the Ministries, Departments and Agencies have been causing havoc over the years, some deliberately and some due to lack of capacity. I believe that this institute will arm such accountants so that when they do government business they will do that – especially in the area of cost – because I have taken special note of measurement of performance against standards and this is one area that the Auditor-General who has so many auditors under his control will come into action and play.

I also want to add that we need to look at the corporate world when it comes to corruption because there are so many things that are happening there that the government needs to take particular interest because corruption anywhere is corruption everywhere; it does not matter whether it is in the corporate world. Once the laws are not followed it means that the government needs to show some interest. I believe that if we have armed, trained and capacitated accountants, this time trained by the institute, we have a better chance of dealing with corruption across the two divides of the corporate world as well as the government.

This Bill has been in this National Assembly for about 16 years or so and it has become an indigene. If there is anything we need to do, it is to fast-track the passage of this Bill so it does not get to the next session of the National Assembly from 2019. With this, I urge all my colleagues to support the passage of this Bill.

The President: Distinguished Colleagues, in line with the contribution of the last speaker, I do not think there is any Senator who is against this Bill.

Question put and agreed to.

(Bill Read the Second Time and referred to the Committee on Establishment and Public Service Matter to be brought back to Senate within four weeks)

The President: I thank Senator Gemade for that and all those who have contributed. This Bill as we said has unfortunately not been able to pass the point of being passed into law. It is a straightforward Bill, we hope that the Committee will work on it quickly and come back so that we finally pass this Bill into law.

I thank all those that have contributed.

Suspension of all other Items on the Order Paper

Senator Bala Ibn Na'allah: Mr. President, I move that we stand down the other items on the Order Paper till the next Legislative Day.

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Senator Biodun Olujimi (Ekiti South): Mr. President, I second the Motion that all other items on the Order Paper be stood down till the next Legislative Day.

Question put and agreed to.

(With the leave of the Senate, all other items on the Order Paper stood down till the next Legislative Day)

ADJOURNMENT

Senator Bala Ibn Na'allah: Mr. President, having concluded the items on the Order Paper, I move that this Senate do adjourn till tomorrow Wednesday 1st June, 2016 at 10.00 a.m. prompt.

2754

Senator Biodun Olujimi (Ekiti South): Mr. President, I second the Motion moved by the Leader.

Question put and agreed to.

Resolved: That the Senate do stand adjourned till Wednesday, 1st June, 2016 at 10.00 a.m.

The Senate adjourned accordingly at 12:21 p.m.