



THE SENATE

FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Thursday, 29th March, 2018

1. The Senate met at 10:50 a.m. The Deputy Senate President read Prayers.
2. **Votes and Proceedings:**
The Senate examined the Votes and Proceedings of Wednesday, 28th March, 2018.

Question was put and the Votes and Proceedings were approved.

3. **Announcements:**

- (a) **Re: Submission of Report on 2018 Appropriation Bill, 2018:**

The Deputy Senate President read a letter from Senator Mohammed D. Goje (Gombe Central) as follows:



THE SENATE
FEDERAL REPUBLIC OF NIGERIA
COMMITTEE ON APPROPRIATIONS
NATIONAL ASSEMBLY COMPLEX
THREE ARMS ZONE,
P. M. B. 141, GARKI, ABUJA-NIGERIA

29th March, 2018

*His Excellency,
The President of the Senate,
Sen. Abubakar Bukola Saraki, CON,
Senate Chamber.*

Your Excellency,

ANNOUNCEMENT

Sub-Committees are hereby informed that submission and defence of 2018 budget reports have been extended by two days - Wednesday 4th and Thursday, 5th April, 2018.

Time: 12 - 4pm

Venue: Meeting Room 224, Senate Building.

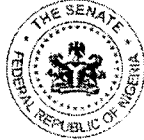
Please note that there will be no further extension of time.

(Signed)

Sen. Mohammed Danjuma Goje
Chairman

(b) Wedding Notification:

The Deputy Senate President read a letter from Senator Ibrahim A. Gobir (*Sokoto South*) as follows:

**SENATOR IBRAHIM ABDULLAHI GOBIR, MFR**

Ph.D, M. Eng, B. Eng, C. Eng, MBA, FIEE, FNSE, FNIM

Sardaunan Gobir I Sokoto East Senatorial District

CHAIRMAN SENATE SERVICES

Member, FCT, Aviation, Poverty Alleviation & Procurement Committees

29th March, 2018

His Excellency,

President of the Senate,

Dr. Abubakar Bukola Saraki,

WEDDING NOTIFICATION

This is to inform you and my distinguished colleagues that there will be a Wedding Fatihah of our Daughter Dr. Saratu Ibrahim Gobir, which will, Inshah-Allah, take place on Saturday the 21st of April, 2018.

This ceremony is scheduled to take place in my Guest House at No.6, Sir Kashim Ibrahim Road near Police Officers' Mess in Sokoto, Sokoto State at 12:00 Noon Prompt. Reception follows immediately at the same venue.

We will certainly appreciate your presence at this important and memorable occasion. In the event that you may not be opportuned to grace the occasion in person, please include the couple in your daily prayers so that they will have a happy and prosperous matrimonial life.

However, in the event that our formal invitation card does not reach you on time, please consider this letter as your formal invitation to the Ceremony.

We look forward to seeing you at the occasion.

(Signed)

Sen. Dr. Ibrahim A. Gobir, MFR

(c) Acknowledgment:

The Deputy Senate President acknowledged the presence of the following who were in the gallery to observe Senate Proceedings:

- (i) Members of Department of Political Science and Defence Studies, Nigerian Defence Academy, Kaduna, Kaduna State;
- (ii) Members of Student Representatives Assembly, Federal University of Agriculture, Abeokuta, Ogun State; and
- (iii) Staff and Students of First Class Kings and Queens School, Bwari, Abuja.

4. Personal Explanation:

Rising on Rule 43, Senator Emmanuel Bwacha (*Taraba South*) drew the attention of the Senate to the recent release of Dapchi school girls and made a passionate appeal to the negotiating team to facilitate the release of the remaining Dapchi girl and Chibok girls. He stated that this release would give Nigerians more hope.

By the leave of the Senate, Senator Bukar Abba Ibrahim was mandated to interface with the negotiating team to fast track their release.

5. Personal Explanation:

Rising on Rule 43, Senator Kabiru G. Marafa (*Zamfara Central*) drew the attention of the Senate to another unfortunate killings of about sixty (60) people in two (2) villages of Zamfara State as reported by the British Broadcasting Corporation (BBC) yesterday. He stressed that the armed bandits besieged the two (2) communities for about 24 hours. He urged for the stoppage of these wanton killings and a minute silence for the victims.

The Senate accordingly condoled Senator Kabiru G. Marafa and the people of Zamfara State, while urging the Federal Government to do the needful at protecting lives and properties of Nigerians.

One minute silence accordingly observed in honour of the victims

6. Matter of Urgent Public Importance:

Rising on Rule 42, Senator Suleiman Othman Hunkuyi (*Kaduna North*) drew the attention of the Senate to the recent demolition of All Progressives Congress (APC), State Secretariat building in Kaduna by the State Governor. He stated that the matter is already in Court, but based on pressure from his Constituency, there is urgent need to inform Nigerians of this development and the unfair role of the State Governor resulting in the unfortunate demolition.

Matter to stand over to the next Legislative Day [Rule 42(2)].

7. Motion:

Rescission of Senate Resolution (Res/029/03/17):

Rising on Rule 53(6), Senator Enyinnaya H. Abaribe (*Abia South*) drew the attention of the Senate to its Resolution on the 2016-2018 Medium Term External Borrowing (Rolling) Plan for States Government.

The Senate:

notes that the 2016-2018 Medium Term External Borrowing (Rolling) Plan for States Government was approved on Thursday, 27th July, 2017;

Notes that Abia was among the States that benefited from the approved loans;

observes that the Abia State Loan Facility was wrongly captioned as "Rural Access and Mobility Project" (RAMP) Abia USD 200 million instead of Abia State Integrated Infrastructure Development Project USD 200 million in the report approved by the Senate; and

aware that as a result of wrong caption of the Abia Loan Facility, African Development Bank has not acted on loan as there was no negotiation or approval of any such loan for Rural Access and Mobility Project (RAMP) but "Abia State Integrated Infrastructure Development Project".

Accordingly resolves to:

- (i) rescind its earlier Resolution on the Abia State Loan facility captioned "Rural Access and Mobility Project" (RAMP) USD 200 million; and
- (ii) re-caption the loan facility as Abia State Integrated Infrastructure Development USD 200 million.

Debate:

Proposed Resolution (i):

Question: That the Senate do rescind its earlier Resolution on the Abia State Loan facility captioned "Rural Access and Mobility Project" (RAMP) USD 200 million — *Agreed to.*

Proposed Resolution (ii):

Question: That the Senate do re-caption the loan facility as Abia State Integrated Infrastructure Development USD 200 million — *Agreed to.*

Resolved:

That the Senate:

- (i) rescind its earlier Resolution on the Abia State Loan facility captioned "Rural Access and Mobility Project" (RAMP) USD 200 million; and
- (ii) re-caption the loan facility as Abia State Integrated Infrastructure Development USD 200 million (S/Res/215/03/18).

8. Presentation of Bills:

- (i) Budget Process Bill, 2018 (SB. 647) — *Read the First Time.*
- (ii) Federal High Court Act CAP F12 LFN 2004 Bill, 2018 (SB. 648) — *Read the First Time.*
- (iii) Terrorism (Prevention & Prohibition) Act 2011 (Repeal & Re-enactment) Bill, 2018 (SB.649) — *Read the First Time.*
- (iv) Police Act CAP P19 LFN 2004 (Amendment) Bill, 2018 (SB. 650) — *Read the First Time.*
- (v) Federal Polytechnic, Akpabuyo (Establishment, etc.) Bill, 2018 (SB. 652) — *Read the First Time.*

9. Committee on Trade and Investment:

Report on the Industrial Development (Income Tax Relief) Act CAP I 7 LFN 2004 Bill, 2018 (SB.638).

Motion made: That the Senate do receive the Report of the Committee on Industrial Development (Income Tax Relief) Act CAP I 7 LFN 2004 Bill, 2018 (*Senator Sabo Mohammed — Jigawa South-West*).

Question put and agreed to.

Report Laid.

10. Conference Committee:

Report on the Chartered Institute of Capital Market Registrars (Establishment, etc.) Bill, 2018 (SB.25)/(HB. 79) :

Motion made: That the Senate do receive the Conference Committee Report on the Chartered Institute of Capital Market Registrars (Establishment, etc.) Bill, 2018 (*Senator Mohammed S. Lafiagi — Kwara North*).

Question put and agreed to.

Report Laid.

11. Committee on Establishment and Public Service:

Report on the Facility Management Council of Nigeria(Establishment, etc.) Bill, 2018 (SB.340):

Motion made: That the Senate do receive the Report of the Committee on Establishment and Public Service on the Facility Management Council of Nigeria (Establishment, etc.) Bill, 2018 (*Senator Emmanuel I. Paulker — Bayelsa Central*).

Question put and agreed to.

Report Laid.

12. Committee on Local and Foreign Debts:***Report on the Kaduna State Development Policy Operation (DPO) Credit Facility of USD 350 Million:***

Motion made: That the Senate do receive and consider the Report of Committee on Local and Foreign Debts on the Kaduna State Development Policy Operation (DPO) Credit Facility of USD 350 million from the World Bank (*Senator Shehu Sani — Kaduna Central*).

Report Laid and presented.

Question put and agreed to.

Debate:

Proposed Resolution:

Question: That the Senate do reject Kaduna State Development Policy Operation (DPO) in the sum of USD350 million only as contained in the 2016 - 2018 External Borrowing (Rolling) Plan of Mr. President Commander-in-Chief of the Armed Forces — *Agreed to.*

Resolved:

That the Senate reject Kaduna State Development Policy Operation (DPO) in the sum of USD350 million only as contained in the 2016 - 2018 External Borrowing (Rolling) Plan of Mr. President Commander-in-Chief of the Armed Forces (S/Res/216/03/18).

13. Committee on Water Resources:***Report on the River Basin Development Act CAP R9 LFN 2004 (Amendment) Bill, 2018 (SB.358):***

Motion made: That the Senate do consider the Report of the Committee on Water Resources on the River Basin Development Act CAP R9 LFN 2004 (Amendment) Bill, 2018 (*Senator Ubali M. Shitu — Jigawa North-East*).

Question put and agreed to.

Report presented.

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

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO AMEND THE PROVISIONS OF THE RIVER BASINS DEVELOPMENT AUTHORITIES ACT, CAP, R9 LFN, 2004 FOR EQUITABLE DISTRIBUTION OF RIVER BASIN DEVELOPMENT AUTHORITIES IN NIGERIA AND OTHER MATTERS CONNECTED THEREWITH

Clause 1: Amendment of Section1:**Establishment , etc. of River Basin Development Authorities.**

- (1) There are hereby established Thirteen authorities to be known by the names specified in column 1 of the First Schedule to this Act which shall have powers and exercise such functions as are specified in this Act.

[First Schedule]

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senator Ubali M. Shitu — Jigawa North-East*) — *Agreed to.*

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

**Clause 2: Amendment of Section 2:
Membership of each Authority.**

- (b) The Managing Director of the Authority; and

Committee's Recommendation:

That the provision in Clause 2 be retained (*Senator Ubali M. Shitu — Jigawa North-East*) — Agreed to.

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

**Clause 3: Amendment of Section 3:
Tenure of office of members of each Authority**

- (1) A member shall hold office for a period of four years from the date of his appointment and shall be eligible for re-appointment for one further term of three years and thereafter he shall no longer be eligible for re-appointment.
- (2) A member not being a public officer may resign his appointment by a letter addressed to the Minister.

Committee's Recommendation:

That the provision in Clause 3 be retained (*Senator Ubali M. Shitu — Jigawa North-East*) — Agreed to.

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

**Clause 4: Amendment of Section 4:
Remuneration**

- (1) Members of the Board shall be paid such remuneration and allowances as may be determined by the Salaries & Wages Commission
- (2) The Minister may make recommendations to the President which if approved shall empower the Minister to declare in writing the position of a member vacant, Where:-
- (a) It appears to the Minister that a member of the Board be removed from office on grounds of misconduct or inability to perform the functions of his/her office;
- (b) The Minister is satisfied that the continued presence on the Board of any member is not in the national interest or interest of the authority.

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senator Ubali M. Shitu — Jigawa North-East*) — Agreed to.

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

**Clause 5: Amendment of Section 6:
Appointment of Managing Director and other Staff of the Authority**

- (1) For each Authority there shall be a Managing Director who shall be the chief executive and who shall be appointed by the President

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senator Ubali M. Shitu — Jigawa North-East*) — Agreed to.

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

Clause 6: Amendment of Section 7:**Short Title**

This Act may be cited as the River Basins Development Authorities Act Cap R9 LFN, 2004 (Amendment) Bill 2018.

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senator Ubali M. Shitu — Jigawa North-East*) — Agreed to.

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

FIRST SCHEDULE

[Section 1 (1).]

List of River Basin Development Authorities

	Name of Authority	Area of Operation	Head-Quarters
1.	Anambra RBDA	The whole of Anambra, Enugu and Ebonyi States.	Enugu
2.	Benin-Owena RBDA.	The whole of Edo, Ekiti, Ondo states and area of Delta State drained by the Benin, Escravos, Forcados and Ramos Rivers creek systems	Benin
3.	Chad Basin RBDA.	The whole of Borno and Yobe States and area of Adamawa State drained by the Yedseram and Goma Rivers system.	Maiduguri
4.	Cross River RBDA	The whole of Akwa Ibom and Cross River States	Calabar
5.	Hadejia Jama'are RBDA.	The whole of Jigawa, and Kano States, and the area of Bauchi State drained by the Jama'are and Misau Rivers systems.	Kano
6.	Imo River RBDA	The whole of Abia and Imo States	Owerri
7.	Lower Benue RBDA	The whole of Benue, Nasarawa and Plateau State	Makurdi
8.	Lower Niger RBDA	The whole of Kwara and Kogi States.	Ilorin
9.	Niger Delta RBDA.	The whole of Rivers, Bayelsa and part of Delta States.	Port Harcourt
10.	Ogun-Osun RBDA.	The whole of Lagos, Ogun, Osun and Oyo States.	Abeokuta
11.	Sokoto-Rima RBDA	The whole of Katsina, Kebbi, Sokoto and Zamfara States.	Sokoto
12.	Upper Benue RBDA.	The whole of Gombe and Taraba States and the area of Bauchi State drained by the Gongola River system and the whole of Adamawa excluding the area drained by the Yedseram River system.	Yola
13.	Upper Niger RBDA	The whole of Niger and Kaduna states and the Federal Capital Territory.	Minna

Question that the provision of First Schedule stand part of this Bill — Agreed to.

SECOND SCHEDULE

[Section 2 (2).]

Proceedings of the Authorities

1. Subject to the provisions of the Interpretation Act (which provides for decisions of a statutory body to be taken by a majority of its members and for the person presiding to have a casting vote) each Authority may make standing orders regulating the proceedings of the Authority or any committee thereof. 1964 No. 1
2. The quorum for meeting of each Authority shall be the chairman and Four other members and the quorum for any meeting of a committee of the Authority shall be determined by the Authority.
3. Each Authority shall meet not less than four times in each year and on such other occasions as the Authority may consider necessary.

ADVISORY COMMITTEE AND COMMITTEES

7. (1) Each Authority shall establish an Advisory Committee which shall consist of -
 - (a) the Managing Director of the Authority who shall be chairman;
 - (b) the Zonal Officer of the Federal Ministry of Water Resources;
 - (c) the heads of the following Divisions of the Ministries of Water Resources, Agriculture and Natural Resources of each State in the area of operation of the Authority -
 - i. Agriculture;
 - ii. Irrigation;
 - iii. Fisheries;
 - iv. Veterinary Services and Livestock.
 - (d) the directors of research institute conducting research relevant to the work of the Authority, as may be determined by the Authority, or their representatives;
 - (e) The General Manager of the respective State Water Board or Corporations;
- (2) It shall be the function of the Advisory Committee to advise the Authority with respect to -
 - (a) The matters mentioned in Section 5 of this Act generally; and
 - (b) The co-ordination of the activities of the Authority and the Ministry of Water Resources, operation of the Authority;

Question that the provision of Second Schedule stand part of this Bill — Agreed to.

Chairman to report Bill.

(SENATE IN PLENARY)

The Deputy Senate President reported that the Senate in the Committee of the Whole considered the Report of the Committee on Water Resources on the River Basin Development Act CAP R9 LFN 2004 (Amendment) Bill, 2018 and approved as follows:

Clauses 1- 6 — As Recommended

Schedules 1 & 2 — As Recommended

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

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

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

**14. Committee on Primary Healthcare and Communicable Disease:
Report on the National Centre for Disease Control Prevention (Establishment, etc.) Bill, 2018 (SB.256):**

Motion made: That the Senate do consider the Report of the Committee on Primary Healthcare and Communicable Disease on the National Centre for Disease Control and Prevention (Establishment, etc.) Bill, 2018 (*Senator Mao A. Ohuabunwa — Abia North*).

Question put and agreed to.

Report presented.

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

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE NIGERIA CENTRE FOR DISEASE CONTROL AND PREVENTION; FOR THE PREVENTION, DETECTION, INVESTIGATION, MONITORING AND CONTROL OF COMMUNICABLE DISEASES IN NIGERIA AND FOR RELATED MATTERS, 2018.

PART I — OBJECTIVES AND ADMINISTRATION

Clause 1: Objective.

The objective of this Act is to create a Centre with the responsibility to —

- (a) protect Nigerians from the impact of public health diseases;
- (b) maintain the highest state of alertness to detect and respond to disease-outbreaks, public health disasters, mass morbidity and mortality due to pathogenic, chemical or biological agents;
- (c) develop and coordinate capabilities, measures and activities to control outbreaks and mitigate the health impact of public health disasters
- (d) develop and coordinate an information network for the reporting and notification of communicable diseases;
- (e) develop and make accessible guidelines and standards for relevant public health activities at all levels in the country;

- (f) communicate information to the public on the need to protect themselves from public health threats as well as health professionals the need to safely manage their patients and protect themselves;
- (g) lead Nigeria's implementation of International Health Regulations and coordinate its participation in international disease, prevention and control activities by establishing and maintaining close communication and collaboration with relevant international health organizations as well as other countries of the world.

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senator Mao A. Oluabunwa — Abia North*) — *Agreed to.*

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

PART II — ESTABLISHMENT AND FUNCTIONS OF THE CENTRE

Clause 2: Establishment of the Nigerian Centers for Disease Control and Prevention

- (1) There is hereby established a body known as the Nigeria Centre for Disease Control and Prevention (in this Act referred to as "the Centre").
- (2) The Centre —
 - (a) shall be a body corporate with perpetual succession and a common seal;
 - (b) may sue and be sued in its corporate name;
 - (c) may acquire, hold or dispose of property whether moveable or immovable; and
 - (d) may enter into contracts and incur obligations

Committee's Recommendation:

That the provision in Clause 2 be retained (*Senator Mao A. Oluabunwa — Abia North*) — *Agreed to.*

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

Clause 3: Functions of the Centre.

- (1) The functions of the Centre shall be to —
 - (a) prevent, detect, monitor and control diseases of national and international public health importance, including emerging and re-emerging diseases;
 - (b) develop, maintain and coordinate surveillance systems to collect, analyze and interpret data on diseases of public health importance, in order to detect public health threats, guide health interventions and set public health priorities;
 - (c) lead the response to disease outbreaks and public health emergencies and disasters in order to minimize the impact on health;

- (d) develop and maintain a network of reference and specialized laboratories for pathogen detection, disease surveillance and outbreak response, and develop and maintain guidelines and processes for specimen collection and transportation to reference laboratories including the World Health Organization ('WHO') standard reference laboratories in Nigeria;
- (e) conduct, collate, synthesize and disseminate public health research to inform policy and guidelines on diseases of public health importance and put in place a national public health research agenda and database;
- (f) strengthen national health information systems to support prevention and control measures of communicable and non-communicable diseases;
- (g) provide information to the public through multiple platforms on diseases and public health events;
- (h) coordinate the operationalization of, and ongoing international health regulations, including trans-border disease surveillance and control activities and lead the collaboration with global health agencies;
- (i) provide support and coordinate the control of national and trans-border responses to mass public health emergencies, such as mass casualties, floods, nuclear, biological and chemical terrorism, disease outbreaks, and heavy metals poisoning;
- (j) develop and maintain a communication network with all public health institutions with roles in mitigating the impact of diseases;
- (k) provide scientific guidance for local production of vaccines and other biological agents such as diagnostic kits, sera and anti-sera, food science and nutritional products, and other related substances useful for the health services, through locally developed technology or technology transfer;
- (l) provide support to the Federal Ministry of Health for the development of evidence-based guidelines and policies as well as the implementation of programmes relating to disease prevention and control, in line with international guidelines and recommendations;
- (m) provide guidance, technical and logistic support to the States and Local Governments for the planning, implementation and management of diseases of public health importance and on activities to reduce health risk and impact from public health events;
- (n) provide technical support to relevant government institutions on environmental health activities as it relates to disease prevention, control and emergency disaster response;
- (o) provide technical support for health disaster risk-reduction and management in collaboration with other major stakeholders in the country;

- (p) implement relevant decisions of National Council on Health as regards disease control, prevention and disaster management;
 - (q) serve as Secretariat to the National Health Emergency Preparedness and Response Committee; and
 - (r) carry out such activities as may be necessary or expedient for the performance of its functions under this Act.
 - (s) lead on the training of field Epidemiologist through the Nigeria Field Epidemiology Training Programme
- (2) The Centre shall submit annual costed work plans relating to its functions to the Minister for approval.

Committee's Recommendation:

That the provision in Clause 3 be retained (*Senator Mao A. Ohuabunwa — Abia North*) — *Agreed to.*

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

Clause 4: Powers of the Centre.

The Centre shall have power to —

- (a) demand and obtain relevant information, data, clinical samples and report on diseases on of public health relevance and control of public health events, including communicable and non-communicable diseases, emergencies and disasters occurring within the territory of Nigeria;
- (b) develop and enforce the use of standards, protocols and guidelines for disease prevention and control including diagnostics, disease detection and reporting in compliance with international best practices;
- (c) collaborate with Port-Health Services to operate quarantine services including inspection, isolation, detection and management of quarantine stations at point of entry into Nigeria.
- (d) implement and coordinate disease detection, prevention and control activities including but not limited to International Health Regulations, surveillance, disease preparedness and response, capacity building for health workers, research and ethical standards as it relates to diseases of public health importance;
- (e) coordinate relevant health sectors on the preparation and response to public health emergencies and disasters in the country including networking and liaising with relevant establishments within and outside Nigeria in pursuance of the functions of the Centre; and
- (f) do all such things as may be necessary for or incidental to the carrying out of its functions and duties under this Act.

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senator Mao A. Ohuabunwa — Abia North*) — *Agreed to.*

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

PART III — ESTABLISHMENT AND FUNCTIONS OF THE GOVERNING BOARD

Clause 5: Establishment of the Governing Board of the Centre.

- (1) There shall be a Governing Board for the Centre (in this act referred to as "the Board") which shall consist of —
 - (a) a Chairman, who shall be appointed by the President, on the recommendation of the Minister; and shall be a renowned Health Professional of not less than 15 years cognate experience;
 - (b) the Director- General and Chief Executive Officer of the Centre who shall also be the Secretary to the Board;
 - (c) the Permanent Secretary for the Federal Ministry responsible for Health;
 - (d) one representative from the following Federal Ministries and institutions who shall not be below the rank of a Director and with relevant experience —
 - (i) Health,
 - (ii) National Primary Health Care Development Agency, and
 - (iii) Finance;
 - (iv) Ministry of Science and Technology;
 - (v) Ministry of Agriculture and Rural Development;
 - (vi) Ministry of Environment; and
 - (vii) Arm Forces Medical Services
 - (e) one person from the private sector with at least 10 years cognitive experience and knowledge in the field of public health; and
 - (f) one representative of the Civil Societies Organization.
- (2) The members of the Board other than the ex-officio members shall be appointed by the President on the recommendation of the Minister and shall be persons of proven integrity and ability with cognate experience in disciplines relevant to the objectives of this Bill.
- (3) The supplementary provisions set out in the Schedule to this Act shall have effect with respect to the proceedings of the Board and other matters contained therein.

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senator Mao A. Oluwabunwa — Abia North*) — *Agreed to.*

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

Clause 6: Tenure of Office.

- (1) The Chairman and the members of the Board who are not ex-officio members shall hold office —
 - (a) for a single term of four years and no more; and

- (b) on such terms and conditions as may be specified in their letters of appointment.
- (2) Notwithstanding the provisions of sub-section (1)(a) of this section, the Chairman or any member of the Board may at any time be removed from office by the President for inability to discharge the functions of his office, whether arising from infirmity of mind or body or any other cause or misconduct, or in public interest.

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senator Mao A. Oluabunwa — Abia North*) — *Agreed to.*

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

Clause 7: Remunerations.

A member of the Board shall be paid such emoluments, allowances and benefits in line with what obtains in other Boards as the President may, from time to time, approve.

Committee's Recommendation:

That the provision in Clause 7 be retained (*Senator Mao A. Oluabunwa — Abia North*) — *Agreed to.*

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

Clause 8: Cessation of Membership.

- (1) The office of the Chairman, the Director - General or a member of the Board shall become vacant where —
 - (a) his term of office expires;
 - (b) he resigns from his office by a notice in writing under his hand addressed to the President;
 - (c) he dies;
 - (d) he has been absent from the Board meetings for four consecutive times without the permission of the Board;
 - (e) he becomes of unsound mind or incapable of carrying out his duties due to physical or mental illness;
 - (f) he has been declared bankrupt or he makes compromise with his creditors;
 - (g) he has been convicted of a felony or any offence involving dishonesty;
 - (h) he is guilty of gross misconduct relating to his duties;
 - (i) the President directs the removal of the member upon being satisfied that it is not in the interest of the Centre or of the public for the person to continue in office as a member of the Board; or
 - (j) in the case of an ex-officio member, he ceases to hold the office on the basis of which he became a member of the Board.

- (2) Where a vacancy occurs in the membership of the Board, it shall be filled by an appointment by the President of a successor to hold office for the remainder of the term of office of his predecessor and the successor shall represent the same interest as that member whose exit created the vacancy.

Committee's Recommendation:

That the provision in Clause 8 be retained (*Senator Mao A. Ohuabunwa — Abia North*) — *Agreed to.*

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

Clause 9: Functions and Powers of the Board.

The Board shall —

- (a) provide oversight functions on the affairs of the Centre;
- (b) formulate the overall policy of the Centre and act in the name of the Centre;
- (c) create partnerships and fund raising capabilities for successful project implementation;
- (d) provide support for engaging the States of the Federation, and other relevant partners for effective surveillance and disease prevention and control;
- (e) supervise the strategic repositioning of the public health system to enable it respond to and put in place an emergency and pandemic preparedness system, and to efficiently and effectively respond to disease outbreaks and other public health events;
- (f) ensure that adequate technical systems are in place for the Centre to carry out its functions;
- (g) establish committees as may be expedient which shall be charged with specific functions delegated by the Board;
- (h) set the terms and conditions of service including appointment, remuneration, promotion and discipline of employees of the Centre after consultation with the Ministry and other relevant authorities; and
- (i) do such other things of a policy nature as may be necessary for successful performance of its functions under this Act.

Committee's Recommendation:

That the provision in Clause 9 be retained (*Senator Mao A. Ohuabunwa — Abia North*) — *Agreed to.*

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

Clause 10: Operational Structure of the Centre.

(1) The Centre shall —

- (a) have its corporate office situate at the Federal Capital Territory, Abuja;
- (b) have Zonal Centres in all the six geo political zones of the Federation and Offices in all the States of the Federation; and

- (c) be designated as the International Health Regulations National Focal Point.
- (2) The operational structure of the Centre shall comprise —
 - (a) office of the Director General;
 - (b) seven departments to be headed by Directors as follows —
 - (i) Outbreak Preparedness and Response,
 - (ii) Health Emergencies Preparedness and Response,
 - (iii) Epidemiology and Surveillance,
 - (iv) Planning, Research and Statistics,
 - (v) Laboratory and Diagnostic Services,
 - (vi) Finance and Accounts, and
 - (vii) Human Resources and Administration; and
 - (c) such other Departments as may be required for the proper performance of the functions of the Centre.

Committee's Recommendation:

That the provision in Clause 10 be retained (*Senator Mao A. Oluabunwa — Abia North*) — *Agreed to.*

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

PART IV — MANAGEMENT AND STAFF OF THE CENTRE

Clause 11: Appointment of the Director-General.

- (1) There shall be appointed for the Centre by the President on the recommendation of the Minister, a Director - General, who shall be a health professional with a minimum of fifteen years postgraduate qualification experience in relevant fields of medicine or public health.
- (2) The Director-General shall be —
 - (a) the Chief Executive Officer to the Centre and be responsible for the day to day administration of the Centre; and
 - (b) subject to the supervision of the Board and the Minister.
- (3) The Director-General shall hold office for a term of four years on such terms and conditions as may be specified in his letter of appointment and be eligible for reappointment for another term of 4 years and no more on such terms and conditions as may be determined, from time to time, by the President on the recommendation of the Minister.

Committee's Recommendation:

That the provision in Clause 11 be retained (*Senator Mao A. Oluabunwa — Abia North*) — *Agreed to.*

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

Clause 12: Other Staff of the Centre.

- (1) The Board shall have power to appoint such other persons as it may deem necessary as staff of the Centre and may engage experts to render consultancy services to the Centre, subject to extant Public Service rules.
- (2) The Staff of the Centre shall be public servants as defined in the Constitution of the Federal Republic of Nigeria, 1999 (as amended);
- (3) The employment of the staff of the Centre shall be subject to such terms and conditions as may from time to time be stipulated by the Board and contained in the respective staff's employment contracts.

Committee's Recommendation:

That the provision in Clause 12 be retained (*Senator Mao A. Oluwabunwa — Abia North*) — Agreed to.

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

Clause 13: Conditions of Service.

- (1) The Centre shall develop and implement appropriate staff conditions of Service for its staff with particular regard to the issues of remuneration, pension scheme and other fringe service benefits, sufficient for the Centre to attract and retain quality and high caliber manpower.
- (2) Services in the Centre shall be approved service for the purpose of the Pensions Reform Act and accordingly employees of the Centre shall in respect of their services be entitled to pensions, gratuities and other retirement benefits as are prescribed therein.
- (3) Notwithstanding subsection (2) of this section, nothing in this Act shall prevent the appointment of a person to any office on terms which precludes the grant of a pension, gratuity or other retirement benefits.
- (4) For the purpose of the application of the Pensions Reform Act, any power exercisable therein by the Minister or other authority of the Government of the Federation, other than the power to make Regulations under section 2 or 3 thereof is hereby vested and shall be exercisable by the Board.

Committee's Recommendation:

That the provision in Clause 13 be retained (*Senator Mao A. Oluwabunwa — Abia North*) — Agreed to.

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

PART V — FINANCIAL PROVISIONS**Clause 14: Fund of the Centre.**

- (1) The Centre shall establish and maintain a Fund (in this Act referred to as "the Fund") from which shall be defrayed all expenditure incurred by the Centre for the purpose of this Act.
- (2) There shall be credited to the Fund established under subsection (1) of this section —
 - (a) such sums as may be appropriated to the Centre by the Federal government;

- (b) fees and charges for services rendered by the Centre;
- (c) fees from publications made by the Centre;
- (d) such sums accruing to the Centre by way of gifts, grants, endowments, bequests, donations or voluntary contributions by persons or organizations;
- (e) foreign aid and assistance from multilateral and bilateral organizations or agencies; and
- (f) subventions and extra budgetary allocations accruable from the Federal Government or any other Institution.
- (g) 2.5% percent of the 5 percent Basic Health Care Provision Fund of the National Health Act, emergency medical treatment.

Committee's Recommendation:

That the provision in Clause 14 be retained (*Senator Mao A. Ohuabunwa — Abia North*) — *Agreed to.*

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

Clause 15: Expenditure of the Centre.

The Centre shall, from time to time, apply the proceeds of the funds at its disposal to —

- (a) the cost of administration of the Centre;
- (b) carry out the functions of the Centre under this Act;
- (c) pay members of the Board or any committee set up by the Board for such expenses as may be expressly authorized by the Board in accordance with the approved rates;
- (d) the payment of salaries, fees or other remuneration, allowances, pensions and benefits payable to employees of the Centre;
- (e) publicize and promote the activities of the Centre;
- (f) build the capacity of staff of the Centre;
- (g) conduct and support research activities;
- (h) publish scientific findings, health education material protocols, guidelines and public health rules and regulations;
- (i) support membership of national, international scientific and professional organizations, working on Disease Control and Prevention and pay annual dues and other contributions to such organization;
- (j) support and encourage national non-governmental organization, nationwide in the effort to mitigate the impact of communicable and non-communicable diseases;
- (k) build, acquire and maintain any property vested in the Centre;

- (1) ... implement rapid response to public health emergencies and disasters; and
- (m) conduct any other activities relevant to the performance of its functions under this Act.

Committee's Recommendation:

That the provision in Clause 15 be retained (*Senator Mao A. Ohuabunwa — Abia North*) — *Agreed to.*

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

Clause 16: Acceptance of Gifts.

- (1) The Centre may accept gifts of and, money or other property on such terms and conditions, if any, as may be specified by the persons or organization making the gift.
- (2) The Centre shall not accept any gift if the conditions attached by the persons or organization offering the gift are inconsistent with the functions of the Centre under His Act.

Committee's Recommendation:

That the provision in Clause 16 be retained (*Senator Mao A. Ohuabunwa — Abia North*) — *Agreed to.*

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

Clause 17: Annual Estimates.

The Board shall cause to be prepared and submitted to the Minister, not later than 30th September of each year, an estimate of the expenditure and income of the Centre for the following year.

Committee's Recommendation:

That the provision in Clause 17 be retained (*Senator Mao A. Ohuabunwa — Abia North*) — *Agreed to.*

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

Clause 18: Audit of Accounts.

The Board shall keep proper accounts of the Centre in respect of each year and proper records in relation thereto and shall cause the account to be audited not later than six months after the end of each year by auditors appointed in accordance with the guidelines provided by the Auditor General for the Federation.

Committee's Recommendation:

That the provision in Clause 18 be retained (*Senator Mao A. Ohuabunwa — Abia North*) — *Agreed to.*

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

Clause 19: Annual Reports.

The Board shall, not later than 30th June in each year, prepare and submit to the Minister a report on the activities and administration of the Centre during the preceding year and shall include in the report a copy of the audited accounts of the Centre for the year and the auditor's report there-on,

Committee's Recommendation:

That the provision in Clause 19 be retained (*Senator Mao A. Ohuabunwa — Abia North*) — *Agreed to.*

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

Clause 20: Investments.

- (1) The Centre may, subject to the provisions of this Act and the conditions of any trust created in respect of any property, invest any of its funds in any securities as may, from time to time, be recommended by the Board and approved by the Minister.
- (2) The Centre shall be exempted from the payment of income tax on any incomes derived by it under this Act or accruing to it from any investments;
- (3) The Centre shall be exempted from payment of custom excise and duties for health commodities (medicines, equipment, vehicles etc.) for the purpose of public health events and disasters.

Committee's Recommendation:

That the provision in Clause 20 be retained (*Senator Mao A. Ohuabunwa — Abia North*) — *Agreed to.*

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

PART VI — NATIONAL ADVISORY COUNCIL**Clause 21: Constitution of the National Advisory Council.**

- (1) There shall be constituted for the Centre, a National Advisory Council.
- (2) The Council shall consist of nine members with requisite expertise in public health and Social Science and shall be appointed by the Minister.
- (3) The Council shall be chaired by a renowned public health professional.

Committee's Recommendation:

That the provision in Clause 21 be retained (*Senator Mao A. Ohuabunwa — Abia North*) — *Agreed to.*

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

Clause 22: Functions of the Advisory Council.

The National Advisory Council established pursuant to section 21 of this act shall —

- (a) provide high quality scientific and technical advice and guidance to the Centre and assist in its mentoring;
- (b) advise on community engagement as it relates to the activities of the Centre;
- (c) advise on how to mobilize international technical and scientific support; or
- (d) support resource mobilization activities of the Centre.

Committee's Recommendation:

That the provision in Clause 22 be retained (*Senator Mao A. Ohuabunwa — Abia North*) — Agreed to.

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

PART VII — MISCELLANEOUS

Clause 23: Premises and Offices.

For the purpose of providing office premises necessary for the performance of its functions, the Centre may, subject to the Land Use act —

- (a) purchase or take on lease land, building or property;
- (b) build, equip and maintain offices and premises; or
- (c) let, sell or lease out any office or premises held by it, which is no longer required for the performance of its functions under this Act.

Committee's Recommendation:

That the provision in Clause 23 be retained (*Senator Mao A. Ohuabunwa — Abia North*) — Agreed to.

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

Clause 24: Power of the Minister to Give Directives.

Subject to the provisions of this Act, the Minister may give the Board such directives of a general or special nature relating to the performance by the Centre of any or all of its functions under this Act, and it shall be the duty of the Board to comply with such directives.

Committee's Recommendation:

That the provision in Clause 24 be retained (*Senator Mao A. Ohuabunwa — Abia North*) — Agreed to.

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

Clause 25: Regulations.

The Centre may, with the approval of the Minister, make Regulations and issue guidelines, generally for the purpose of giving effect to the provisions of this Act.

Committee's Recommendation:

That the provision in Clause 25 be retained (*Senator Mao A. Ohuabunwa — Abia North*) — Agreed to.

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

Clause 26: Legal Proceedings.

- (1) No suit shall be commenced against the Centre before the expiration of a period of one month after written notice of intention to commence the suit shall have been served upon the Centre by the intending plaintiff or his agent and the notice shall clearly and explicitly state the —

- (a) cause of action;
- (b) particulars of the claim;
- (c) name and place of abode of the intending plaintiff; and

- (d) relief which he claims.
- (2) The notice referred to in subsection (1) of this section and any summons, notice or other document required or authorized to be served upon the Centre under this Act or any other enactment or law, may be served by—
 - (a) Delivering same to the Director General; and
 - (b) Sending it by registered post addressed to the Director-General at the Head Office of the Centre.
- (3) In any actions or suit of the Centre, no execution or attachment or process in the nature thereof shall be issued against the Centre without the consent of the Attorney General of the Federation.
- (4) Notwithstanding the provision of subsection (3) of this section, any sums of money which may by the judgment of the court be awarded against the Centre, shall subject to any direction given by the Centre be paid from the general reserve of the Centre.

Committee's Recommendation:

That the provision in Clause 26 be retained (*Senator Mao A. Oluwabunwa — Abia North*) — Agreed to.

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

Clause 27: Interpretation.

In this Act, unless the context otherwise requires —
"ACDC" means African Centre for Disease Control;

"Board" means the Governing Board of the Centre;

"Centre" means the Nigeria Centre for Disease Control and Prevention established under section 2 of this Act;

"ECOWAS RCDC" means Economic Community of West African State Regional Centre for Disease Control;

"Function" includes the duties and powers;

"Member" means a member of the Governing Board and includes the Chairman;

"Minister" means the Minister charged with the responsibility for health;

"Ministry" means the Ministry charged with the responsibility for health matters;

"President" means the President of the Federal Republic of Nigeria;

"WHO" means World Health Organization.

Committee's Recommendation:

That the provision in Clause 27 be retained (*Senator Mao A. Oluwabunwa — Abia North*) — Agreed to.

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

Clause 28: Short Title.

This Bill may be cited as the Nigeria Centre for Disease Control and Prevention (Establishment, Etc.) Bill, 2018.

Committee's Recommendation:

That the provision in Clause 28 be retained (*Senator Mao A. Ohuabunwa — Abia North*) — Agreed to.

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

SCHEDULE**SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD**

[Section 5(3)]

Proceedings of the Board

1. Subject to this Act and section 27 of the Interpretation Act, the Board shall have power to regulate its proceedings and may make standing orders with respect to the holding of its meetings, and those of its committees, notices to be given, the keeping of minutes of its proceedings, the custody and production for inspection of such minutes and such other matters as the Board may, from time to time determine.
2. There shall be at least four meetings of the Board in every calendar year and subject thereto, the Board shall meet whenever it is convened by the Chairman, and if the Chairman is requested to do so by notice given to him by not less than six other members, he shall convene a meeting of the Board to be held within 30 days from the date on which the notice was given.
3. Every meeting of the Board shall be presided over by the Chairman and if the Chairman is unable to attend a particular meeting, the members present at the meeting shall elect one of them to preside at the meeting.
4. The quorum of any meeting of the Board shall consist of the Chairman (or in an appropriate case, the person presiding at the meeting pursuant to paragraph 2 of this Schedule) and six other members.
5. A question put before the Board at a meeting shall be decided by consensus and where this is not possible, by a majority of the votes of the members present and voting.
6. The Chairman shall, in the case of an equality of votes, have a casting vote in addition to his deliberate vote.
7. Where the Board seeks the advice of any person on a particular matter, the Board may invite that person to attend, for such period as it deems fit, but a person who is invited by virtue of this paragraph shall not be entitled to vote at any meeting of the Board and shall not count towards the quorum.
8. The Board shall meet for the conduct of its business at such places and on such days as the Chairman may appoint.

Committees.

9. The Board may appoint one or more committees to carry out on behalf of the Board such of its functions as the Board may determine and report on any matter with which the Board is concerned.

10. A committee appointed under paragraph 9 of this Schedule shall be presided over by a member of the Board and shall consist of such number of persons (not necessarily all members of the Board) as, may be determined by the Board and a person other than a member of the Board shall hold office on the committee in accordance with the terms of his appointment.
11. A decision of a committee of the Board shall be of no effect until the Board confirms it.

Miscellaneous.

12. The signature of the Chairman and the Secretary to the Board shall authenticate the fixing of the seal of the Centre.
13. A contract or an instrument, which, if made or executed by any person not being a body corporate, would not be required to be under seal, may be made or executed on behalf of the Centre by the Director-General or by any person generally or specifically authorized to act for that purpose by the Board.
14. A document purporting to be a contract, an instrument or other document signed or sealed on behalf of the Centre shall be received in evidence and until the contrary is proved, be presumed without further proof, to have been properly signed or sealed.
15. The validity of any proceeding of the Board or its committees shall not be affected by—
 - (a) any vacancy in the membership of the Board or its committees;
 - (b) reason that a person not entitled to do so took part in the proceedings;
 - (c) any defect in the appointment of a member
16. Any member of the Board or committee who has a personal interest in any arrangement entered into or proposed to be considered by the Board or any committee shall—
 - (a) disclose his interest to the Board or committee; and
 - (b) not vote on any question relating to the arrangement.

Question that the provision of this Schedule stand part of this Bill — Agreed to.

Chairman to report Bill.

(SENATE IN PLENARY)

The Deputy Senate President reported that the Senate in the Committee of the Whole considered the Report of the Committee on Primary Healthcare and Communicable Disease on the National Centre for Disease Control and Prevention (Establishment, etc.) Bill, 2018 and approved as follows:

Clauses 1- 28 — As Recommended

Schedule — As Recommended

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

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

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

15. Committee on Judiciary, Human Rights and Legal Matters:***Report on the Alleged Resumption of Executive Secretary of National Human Rights Commission to Office without Confirmation of the Senate:***

Motion made: That the Senate do consider the Report of the Committee on Judiciary, Human Rights and Legal Matters on the Alleged Resumption of Executive Secretary of National Human Rights Commission to Office without Confirmation of the Senate (*Senator David Umaru — Niger East*).

Report presented

Question put and agreed to.

Debate:

Proposed Resolution (i):

Question: That the Senate do disregard the THISDAY Newspaper publication of Monday 27th February, 2018, as it was done without proper investigation and is responsible for the misconception and controversy surrounding the alleged resumption of office of the nominee of Mr. President as the Executive Secretary of the Commission, without the confirmation of the Senate — *Agreed to.*

Proposed Resolution (ii):

Question: That without prejudice to the Senate position on confirmation of nominations for appointment, the Senate may wish to urgently consider and confirm the nominee for the position of the Executive Secretary, National Human Rights Commission in the interest of Nigeria's integrity and image in the comity of nations — *Agreed to.*

Proposed Resolution (iii):

Question: That the Senate do urge Mr. President, Commander -in- Chief of Armed Forces of the Federation to immediately constitute the Membership of the Governing Council of the Commission so as to avoid Nigeria being downgraded from it's current "A" Accreditation Status to "B" and the unpleasant consequences related thereto — *Agreed to.*

Resolved:

- (i) That the Senate do disregard the THISDAY Newspaper publication of Monday 27th February, 2018, as it was done without proper investigation and is responsible for the misconception and controversy surrounding the alleged resumption of office of the nominee of Mr. President as the Executive Secretary of the Commission, without the confirmation of the Senate;
- (ii) That without prejudice to the Senate position on confirmation of nominations for appointment, the Senate may wish to urgently consider and confirm the nominee for the position of the Executive Secretary, National Human Rights Commission in the interest of Nigeria's integrity and image in the comity of nations; and
- (iii) That the Senate do urge Mr. President, Commander -in- Chief of Armed Forces of the Federation to immediately constitute the Membership of the Governing Council of the Commission so as to avoid Nigeria being downgraded from it's current "A" Accreditation Status to "B" and the unpleasant consequences related thereto (*S/Res/217/03/18*).

The Senate accordingly mandated the Committee on Judiciary, Human Rights and Legal Matters to screen the nominee of Mr. President, Commander-in-Chief of the Armed Forces of the Federation, Mr. Anthony O. Ojukwu as the Executive Secretary, National Human Rights Commission, and report to the Senate on Tuesday, 10th April, 2018.

16. Adjournment:

Motion made: That the Senate do now adjourn till Tuesday, 10th April, 2018 at 10:00 a.m. (*Deputy Senate Leader*).

Adjourned accordingly at 12:55 p.m.

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