FOURTH REPUBLIC
7TH NATIONAL ASSEMBLY
THIRD SESSION
NO. 54

HOUSE OF REPRESENTATIVES
FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Wednesday, 29 January, 2014

1. The House met at 11.32 a.m. Mr Speaker read the Prayers.

2. **Votes and Proceedings:**
Mr Speaker announced that he had examined and approved the *Votes and Proceedings* of Tuesday, 28 January, 2014.

By unanimous consent, the Votes and Proceedings was adopted.

3. Presentation of Report:
***Committee on Justice*:**
Motion made and Question proposed, "That this House do receive the Report of the Committee on Justice on the Consolidated Bill for an Act to Amend the Legislative Houses (Powers and Privileges) Act, Cap. L12 LFN, 2004 by extending Legislative Powers and Privileges to members of the Local Government Legislative Assemblies and for Related Matters (HB. 367), a Bill for an Act to Repeal the Legislative Houses (Powers and Privileges) Act, Cap. L12 LFN, 2004, and Enact the Legislative Powers and Privileges Act, 2012 in order to give the Legislature the desired Powers and Immunity to be able to carry-out its Legislative Responsibility and for Related Matters (HB. 429) and a Bill for an Act to Amend the Legislative Houses (Powers and Privileges) Act, Cap. L12, LFN 2004 (HB. 436)" (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

Question put and agreed to.

Report laid.

4. **Reconsideration of Outstanding Bills from the Preceding Assembly (Compulsory Treatment and Care for Victims of Gunshots Bill):**
Motion made and Question proposed:

The House:

Notes that pursuant to Order XII, Rule 94 of the Standing Orders of the House of Representatives, Bills passed by the preceding Assembly and forwarded to the Senate for concurrence for which no concurrence were made or negatived, or passed by the Senate and forwarded to the House for which no concurrence were made or negatived or which were passed by the National Assembly and forwarded to the President for assent but for which assent or withholding thereof was not communicated before the end of the tenure of the Assembly, the House may resolve that such Bills upon being regazetted or clean copy circulated be reconsidered in Committee of the Whole without being commenced *de novo*;

Further notes that the Compulsory Treatment and Care for Victims of Gunshots Bill was passed by the preceding House and forwarded to the Senate for concurrence but no concurrence was communicated before the end of the tenure of the last Assembly;

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Aware that the Bill was read the first time on Tuesday, 22 May, 2012 as HB. 265;

Resolves to:

Commit the Bill to the Committee of the Whole for consideration (*Hon. Nkeiruka C. Onyejeocha — Isuikwuato/Umunneochi Federal Constituency*).

Question put and agreed to.

Bill committed to the Committee of the Whole pursuant to Order XII, Rule 94.

5. **A Bill for an Act to Amend Section 293 (3) of the Investment and Securities Act, and for Other Matters Connected Therewith (HB. 602) — *Second Reading*:**

Order deferred by leave of the House.

6. **A Bill for an Act to Amend the Nigerian Defence Academy Act, Cap. 101 Laws of the Federation of Nigeria, 2004 by providing for ways of Inculcating Civil Ideas in Military Officers and for Other Related Matters (HB. 315) — *Second Reading*:**

Order deferred by leave of the House.

7. **A Bill for an Act to Provide for the Prohibition of Illegal Use and Sale of Uniforms of the Armed Forces, Police, Paramilitary and Other Government Security Services and for Other Related Matters (HB. 203) — *Second Reading*:**
Motion made and Question proposed, "That a Bill for an Act to Provide for the Prohibition of Illegal Use and Sale of Uniforms of the Armed Forces, Police, Paramilitary and Other Government Security Services and for Other Related Matters (HB. 203) be now read a Second Time" (*Hon. James Abiodun Faleke — Ikeja South Federal Constituency*).

Debate:

Question that the Bill be read a Second Time, put and agreed to.

Bill read the Second Time and referred to a Special Committee (to be constituted later).

8. **A Bill for an Act to Amend the National Lottery Act, 2005 and for Other Matters Connected Therewith (HB. 659) — *Second Reading*:**

Order deferred by leave of the House.

9. **A Bill for an Act to Amend the Robbery and Firearms (Special Provisions) Act. Cap. R II LFN, 2004 (HB. 656) — *Second Reading*:**

Order deferred by leave of the House.

10. **Consideration of Reports:**
(*i*) ***Committee on Justice*:**
Motion made and Question proposed, "That this House do consider the Report of the Committee on Justice on a Bill for an Act to Provide for the manner in which Individuals may, in the Public Interest, disclose Information that relates to Unlawful or Other Illegal Conduct or Corrupt Practices of Others, to Provide for Protection against Victimization of Persons who make these Disclosures, to Provide for a Fund to Reward Individuals who make the Disclosures and to Provide for Other Related Matters (HB. 82) and approve the Recommendations therein" (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

Question put and agreed to.

Question that the House do resolve into the Committee of the Whole to consider the Report, put and agreed to.

(HOUSE IN COMMITTEE)

(*Mr Deputy Speaker in the Chair*)

A BILL FOR AN ACT TO PROVIDE FOR THE MANNER IN WHICH INDIVIDUALS MAY IN THE PUBLIC INTEREST DISCLOSE INFORMATION THAT RELATES TO UNLAWFUL OR OTHER ILLEGAL CONDUCT OR CORRUPT PRACTICES OF OTHERS; TO PROVIDE FOR PROTECTION AGAINST VICTIMIZATION OF PERSONS WHO MAKE THESE DISCLOSURES, TO PROVIDE FOR A FUND TO REWARD INDIVIDUALS WHO MAKE THE DISCLOSURES AND TO PROVIDE FOR OTHER RELATED MATTERS

Committee Recommendation:

Clause 1: **Disclosure of Impropriety.**

(1) A person may make a disclosure of information where that person has reasonable cause to believe that the information tends to show —

(*a*) an economic and financial crime has been committed, is about to be committed or is likely to be committed;

(*b*) another person has not complied with a law or is in the process of breaking a law or is likely to break a law which imposes an obligation on that person;

(*c*) a miscarriage of justice has occurred, is occurring or is likely to occur;

(*d*) in a public institution there has been, there is or there is likely to be waste, misappropriation or mismanagement of public resources;

(*e*) the environment has been degraded, is being degraded or is likely to be degraded; or

(*f*) the health or safety of an individual or a community is endangered or is likely to be endangered.

(2) A conduct which falls within any of the matters specified in subsection (1) is in this Bill referred to as an "impropriety".

(3) Notwithstanding any other law to the contrary, a person is protected if —

(*a*) the disclosure is made in good faith,

(*b*) the person making a disclosure has reasonable cause to believe that the information disclosed and an allegation of impropriety contained in it are substantially true, and

(*c*) the disclosure is made to one or more of the persons or institutions specified in section 3 (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

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

Committee Recommendation:

Clause 2: **Person who qualifies to make disclosure of impropriety.**

Disclosure of impropriety may be made —

(*a*) by an employee in respect of an employer,

(*b*) by an employee in respect of another employee, or

(*c*) by a person in respect of another person, or an institution (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

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

Committee Recommendation:

Clause 3: **Person to whom or institution to which disclosure of impropriety may be made.**

(1) Disclosure of impropriety may be made to any one or more of the following —

(*a*) the Head of a Labour Union or any professional body established by Law in Nigeria to which the person is a member;

(*b*) a police officer not below the rank of an Inspector;

(*c*) the Attorney-General of the Federation or of a State;

(*d*) the Auditor-General of the Federation or of a State;

(*e*) the Accountant-General of the Federation or of a State;

(*f*) a staff of any Intelligence Agency established by law;

(*g*) a member of the National Assembly;

(*h*) an anti-fraud enforcement agency;

(*i*) the National Human Rights Commission;

(*j*) the Public Complaints Commission;

(*k*) the Nigerian Broadcasting Commission;

(*l*) the National Drug Law Enforcement Agency;

(*m*) a member of the State House of Assembly

(*n*) the head of the community to which the person belongs;

(*o*) a head of a recognized religious body to which the person belongs;

(*p*) a Federal Minister or Commissioner of a State;

(*q*) the President of the Federal Republic;

(*r*) the Federal Inland Revenue Services;

(*s*) a State Governor;

(*t*) the Director-General Legal Aid Council of Nigeria;

(*u*) a Chairman of a Local Government Area.

(2) A person who makes a disclosure may take into account —

(*a*) a reasonable belief of fear on the part of the person that the person may be subjected to dismissal, suspension, harassment, discrimination or intimidation;

(*b*) a reasonable belief or fear that evidence relevant to the impropriety may be concealed or destroyed;

(*c*) that the person to whom the disclosure is made will not frustrate the objective;

(*d*) that the impropriety is of an exceptionally serious nature and that expeditious action must be taken to deal with it;

(*e*) the place where and the prevailing circumstances under which the person lives;

in determining to whom the disclosure may be made (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

Amendments Proposed:

(*i*) In subclause (1) (*b*) retained the provision of the original Bill (*Hon. Francis Enekorogha — Burutu Federal Constituency*).

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

(*ii*) *Insert* a new subclause (1) (*d*) as follows:
"Attorney-General of the State" and re-number accordingly (*Hon. Francis Enekorogha — Burutu Federal Constituency*).

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

(*iii*) *Insert* a new subclause (1) (*v*) as follows:
"an elected Councilor representing a ward" (*Hon. Francis Enekorogha — Burutu Federal Constituency*).

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

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

Procedures for disclosure of impropriety and related action

***Committee Recommendation*:**

Clause 4: Procedures for making a disclosure.

(1) A disclosure may be made in writing or orally.

(2) The disclosure shall contain as far as practicable —

(*a*) the full name, address and occupation of the person who makes a disclosure;

(*b*) the nature of the impropriety in respect of which the disclosure is made;

(*c*) the person alleged to have committed, who is committing or is about to commit the impropriety;

(*d*) the time and place where the alleged impropriety is taking place, took place or is likely to take place;

(*e*) the full name, address and description of a person who witnessed the commission of the impropriety if there is such a person;

(*f*) whether the person who makes a disclosure has made a disclosure of the same or of some other impropriety on a previous occasion and if so, about whom and to whom the disclosure was made; and

(*g*) if the person who makes a disclosure is an employee making a disclosure about the person's employer or a fellow employee, whether the person remains in the same employment (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

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

***Committee Recommendation*:**

Clause 5: Reduction of disclosure into writing.

(1) Where a person makes a disclosure orally, the person to whom the disclosure is made shall cause the disclosure to be reduced into writing containing the same particulars as are specified in subsection (2) of section 4.

(2) Where the person who makes a disclosure is illiterate, the writing required to be made under subsection (1) shall be read over, interpreted and explained to the person in a language the person understands and the person shall approve of it before making a mark to it and an attestation to this effect shall be reflected on the document.

(3) In the case of a person who is blind or with some other physical disability, but literate, an attestation as required in subsection (2) shall be made with necessary modification (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

Amendment Proposed:
Insert a new subclause (4) as follows:
"Where a person to whom this disclosure is made, is illiterate, blind or any disability, the written document made under subsection (1) of this section shall be read and interpreted to him" (*Hon. Francis Enekorogha — Burutu Federal Constituency*).

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

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

***Committee Recommendation*:**
Clause 6: Action by person who receives disclosure of impropriety.

(1) When a disclosure of impropriety is made to a person specified in section 3, the person shall —

(*a*) make a record of the time and place where the disclosure is made;

(*b*) give to the person who makes a disclosure an acknowledgment in writing of receipt of the disclosure, and

(*c*) keep the writing in which the disclosure is made confidential and in safe custody pending investigation of the impropriety.

(2) Where the disclosure is made to the head of the community to which the person who makes a disclosure belongs or head of a recognized religious body, they may instead of recording the disclosure as required under subsection (1), assist the person to make the disclosure to the police or to some other authority specified in section 3

(3) Where a person to whom the disclosure is made fails to keep confidential the disclosure, the person commits an offence and is liable to summary conviction to a fine of not less than 100,000 Naira and not more than 1,000,000 Naira or to a term of imprisonment of not less than two years and not more than four years or to both (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

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

***Committee Recommendation*:**
Clause 7 Submission of copy of written disclosure to the Attorney-General.

(1) Where a disclosure is made to a person specified under section 3, other than the Attorney-General of the Federation or of a State, the person shall submit a copy of the written disclosure to the Attorney-General of the Federation or of a State within seven working days after receipt of the disclosure.

(2) Where such a person fails to submit the written disclosure or take further action in respect of the disclosure, the person commits an offence and is liable to summary conviction to a fine of not less than 100,000 Naira or imprisonment of not less than 1 year or both (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

Amendment Proposed:
Leave out all the words in subclause (2) (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

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

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

Committee Recommendation:

Clause 8: Investigation.

(1) Where a disclosure is made to a person specified under section 3, the person shall investigate the matter except that where the person to whom the disclosure is made does not have the capability to undertake the investigation, the person shall refer the disclosure as recorded to the Attorney-General of the Federation or of a State or another body as directed by the Attorney-General of the Federation or of a State for investigation within seven working days after receipt of the disclosure.

(2) Notwithstanding subsection (1), the Attorney-General of the Federation or of a State may on receipt of a copy of a written disclosure under section 7, cause investigation to be conducted into the disclosure.

(3) Investigation undertaken in respect of impropriety shall be carried out as expeditiously as possible and shall in any event be completed within ninety days on receipt of the disclosure or directives to undertake the investigation.

(4) A person who undertakes an investigation in respect of an impropriety and in course of that investigation conceals or suppresses evidence, commits an offence and is liable on summary conviction to a term of imprisonment of not less than two years and not more than five years (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

Amendments Proposed:

(*i*) *Leave out* all the words in subclause (1) and *insert* the following instead thereof:
"Where a disclosure is made to a person specified under Section 3, the person shall refer the disclosure to the police, EFCC, ICPC or any such investigative authorities for appropriate investigation" (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

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

(*ii*) *Leave out* all the words in subclause (2) (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

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

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

***Committee Recommendation*:**

Clause 9: Application to court for assistance.

Where in the course of an investigation under section 8, it appears to the investigator —

(*a*) that evidence or documents relevant to the investigation are likely to be destroyed, concealed, tampered with or,

(*b*) that a person willing to provide information relevant to the investigation is being subjected to pressure, inducement or intimidation to withhold the information,

the investigator may apply to the court for an order to preserve the evidence or documents or to restrain the intimidation of the person willing to provide the information (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

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

Committee Recommendation:

Clause 10: Submission of report of investigation to the Attorney-General.

(1) A report on investigation conducted under section 8 shall be submitted to the Attorney-General of the Federation or of a State for directives immediately the investigation is completed.

(2) Where the completion of the investigation is delayed beyond the ninety day period specified in subsection (3) of section 8, a report shall be submitted to the Attorney-General of the Federation or of a State stating —

(*a*) the reasons for the delay,

(*b*) measures that are proposed to expedite the investigation, and

(*c*) any further assistance required to complete the investigation.

(3) A report of an investigation which is submitted to the Attorney-General of the Federation or of a State shall contain particulars of —

(*a*) the manner in which the investigation was conducted,

(*b*) the names and particulars of persons who provided information in the course of the investigation,

(*c*) facts obtained which either confirm or dispute the truth or accuracy of the information contained in the disclosure and the person who provided the facts,

(*d*) an obstacle encountered in the course of the investigation and the nature of the obstacle, and

(*e*) the recommendations o f the investigator (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

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

***Committee Recommendation*:**

Clause 11: Action by the Attorney-General.

The Attorney-General of the Federation or of a State may on receipt of a report under subsection (3) of section 10, take the following steps:

(*a*) accept the recommendations contained in the report and act on it;

(*b*) ask for further investigations by the same person or institution that conducted the investigations or by some other person or institution; or

(*c*) reject the report and the recommendations for stated reasons which shall be communicated to the investigator (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

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

Protection for making disclosure of impropriety

***Committee Recommendation*:**

Clause 12: Protection of Whistleblower.

(1) A person who makes a disclosure shall not be subjected to victimization by the employer of the person or by a fellow employee or by another person because a disclosure has been made.

(2) A person who makes a disclosure shall be considered as having been subjected to victimization if because of making the disclosure:

(*a*) the person, being an employee, is —

(*i*) dismissed,

(*ii*) suspended,

(*iii*) declared redundant,

(*iv*) denied promotion,

(*v*) transferred against the person's will,

(*vi*) harassed,

(*vii*) intimidated,

(*viii*) threatened with any of the matters set out in paragraph (*i*) to (*vii*), or

(*ix*) subjected to a discriminatory or other adverse measure by the employer or a fellow employee; or

(*b*) not being an employee, the person is subjected to discrimination, intimidation or harassment by a person or an institution.

(3) A person who makes a disclosure shall not be considered as having been subjected to victimization if the person against whom the compliant is directed has the right in law to take the action complained of and the action taken is shown to be unrelated to the disclosure made,

PROVIDED that the onus of proof shall be on the person against whom the complaint is directed to prove that the action complained of was not based on or is a consequence of the disclosure (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

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

***Committee Recommendation*:**

Clause 13: Report to National Human Rights Commission.

(1) Subject to the provisions of the Public Complaint Commission Act, a person who makes a disclosure, who honestly and reasonably believes that he has been subjected to victimization or learns of a likely subjection to victimization because a disclosure has been made, may in the first instance make a complaint to the National Human Rights Commission.

(2) A complaint made under subsection (1) shall contain the following particulars —

(*a*) the name, description and address of the person;

(*b*) the name, description and address of the person's employer or of any other person who the person claims has subjected the person to victimization or might subject the person to victimization, and

(*c*) the specific acts complained of as constituting victimization (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

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

***Committee Recommendation*:**

Clause 14: **Action by the National Human Rights Commission and enforcement of its orders.**

(1) The Commission shall, on receipt of a complaint, conduct an enquiry into the complaint at which the person who makes a disclosure and the person against whom the complaint is made shall be heard.

(2) The Commission in the course of conducting an enquiry under subsection (1) may take an interim awards or recommendations that it considers fit.

(3) After hearing the parties and other persons considered necessary by the Commission, the Commission shall make awards or recommendations considered just in the circumstances including awards or recommendations for —

(*a*) reinstatement,

(*b*) reversal of a transfer, or

(*c*) transfer of the person who makes a disclosure to another establishment where applicable.

(4) The Commission may, where it considers it just in the circumstances of the case, make an order for payment of reward from the Fund established under section 20.

(5) An award or recommendation made by Commission shall be recognized as binding and on application in writing to the Court be enforced by the Court.

(6) The powers conferred on the Commission under this Bill are in addition to the powers exercisable by the Commission under the National Human Rights Commission Act or any other Law (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

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

***Committee Recommendation*:**

Clause 15: Right of action for victimization.

A person who makes a disclosure and who has been subjected to victimization as a result of the disclosure may bring an action in the Federal High Court to claim damages for breach of contract or for another relief or remedy to which the person may be entitled, except that an action shall not be commenced in a court unless the complaint has first been submitted to the Commission under section 13 (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

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

***Committee Recommendation*:**

Clause 16: Legal assistance.

Where the Commission in the course of an inquiry or hearing before it under section 14, is of the opinion that the person who makes a disclosure is in need of legal assistance, the Commission shall issue a certificate to the person to obtain legal aid from the Legal Aid Council of Nigeria or another institution that the Commission may specify in the certificate (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

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

***Committee Recommendation*:**

Clause 17: Police protection.

(1) A person who makes a disclosure and who has reasonable cause to believe that —

(*a*) the person's life or property,

(*b*) the life or property of a member of the person's family is endangered or likely to be endangered as a result of the disclosure, may request police protection and the police shall provide the protection considered adequate.

(2) Notwithstanding subsection (1), the Commission or the Attorney-General of the Federation or of a State as appropriate may in relation to a disclosure of impropriety made or about to be made direct that the person who has made or is about to make the disclosure and the person's family be given police protection.

(3) "Family" for the purposes of this section means spouse, father, mother, child, grandchild, brother, sister and dependant (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

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

Committee Recommendation:

Clause 18: **Protection against civil and criminal action.**

A person who makes a disclosure is not liable to civil or criminal proceedings in respect of the disclosure unless it is proved that the person knew 'or should have known through exercise of due care' that the information contained in the disclosure is false and the disclosure was made with malicious intent (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

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

Committee Recommendation:

Clause 19: **Void employment contracts.**

(1) A provision in a contract of employment or other agreement between an employer and an employee is void if it —

(*a*) seeks to prevent the employee from making a disclosure of impropriety,

(*b*) has the effect of discouraging an employee from making a disclosure of impropriety,

(*c*) precludes the employee from making a compliant in respect of victimization, or

(*d*) prevents an employee from bringing an action in court or before an institution to claim relief or remedy in respect of victimization.

(2) Subsection (1) also applies to a contract of employment or agreement in existence on the commencement of this Bill (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

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

Public Interest Disclosure Reward Fund

Committee Recommendation:

Clause 20: **Establishment of Public Interest Disclosure Reward Fund.**

There is established by this Bill a Public Interest Disclosure Reward Fund (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

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

Committee Recommendation:

Clause 21: **Sources of money for the Fund.**

The moneys for the Fund consists of —

(*a*) voluntary contributions to the Fund, and

(*b*) other moneys that may be appropriated by the National Assembly to the Fund (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

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

Committee Recommendation:

Clause 22: **Object of the Fund.**

The object of the Fund is to provide funds for payment of monetary rewards to persons who make the disclosure in the interest of the public (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

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

Committee Recommendation:

Clause 23: **Reward on conviction.**

A person who makes a disclosure that leads to the arrest and conviction of an accused person shall be rewarded with money from the fund:

PROVIDED that if there is no arrest or conviction and money, property is recovered or life is saved as a result of the disclosure, the person may be rewarded from the fund (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

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

***Committee Recommendation*:**

Clause 24: Reward on recovery of money or property.

(1) A person whose disclosure results in the recovery of an amount of money or property shall be rewarded from the Fund with —

(*a*) ten percent of the amount of money recovered as determined by the Attorney-General of the Federation or of a State in consultation with the Board, or

(*b*) ten percent of the monetary value of the property recovered as determined by the Attorney-General of the Federation or of a State in consultation with the Board.

(2) Notwithstanding the provisions of subsection (1) of this section, a person whose disclosure of impropriety does not result in the recovery of money or property, or saving of life but in the prevention of or conviction for an act of impropriety may be rewarded as may be determined by the Attorney-General of the Federation or of a State (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

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

***Committee Recommendation*:**

Clause 25: Management of the Fund.

(1) There shall be established a board known as the Public Interest Disclosure Reward Fund Board (hereinafter referred to as 'the Board') which shall comprise of —

(*a*) a person who shall be a Legal practitioner of at least 15 years post call experience appointed by the President as Chairperson

(*b*) a person not below the rank of a director or its equivalent to represent the Federal Ministry of Justice

(*c*) a person not below the rank of a director or its equivalent to represent the public complaint Commission

(*d*) a person not below the rank of a director or its equivalent to represent the National Human Rights Commission

(*e*) a person not below the rank of a director or its equivalent to represent the Inspector-General of Police

(*f*) a person not below the rank of a director or its equivalent to represent the State Security Service

(*g*) a person not below the rank of a director or its equivalent to represent the Ministry of Labour

(*h*) a person not below the rank of a director or its equivalent to represent the Ministry of Finance

(*i*) a person not below the rank of a director or its equivalent to represent the Legal Aid Council of Nigeria

(*j*) 6 persons each appointed to represent each of the 6 geopolitical zones of the Federation to be appointed by the President on the recommendation of the Attorney-General of the Federation or of a State, and

(*k*) a person appointed by the Board on condition determined by the Board as Secretary to the Board.

(2) For purposes of subsection (1), the Board shall —

(*a*) pursue and ensure the achievement of the object of the Fund,

(*b*) ensure accountability for the Fund by defining appropriate procedures for its management,

(*c*) initiate activities to generate money for the Fund,

(*d*) publish in the media the criteria for the disbursement of moneys from the Fund, and

(*e*) perform other functions as are incidental to the achievement of the object of the Fund.

(3) Except for the ex-officio members, the tenure of members of the Board shall be 4years subject to renewal for another 4 years and no more.

(4) Section 27 of the Interpretation Act shall apply to the proceedings of the Board (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

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

***Committee Recommendation*:**

Clause 26: Bank account of the Fund.

Moneys for the Fund shall, on the directions of the Board, be paid into a bank account opened for the purpose by the Board with the approval of the Accountant-General of the Federation (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

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

***Committee Recommendation*:**

Clause 27: Disbursement of Fund.

(1) The disbursement of moneys from the Fund shall be determined by the Board.

(2) The Board shall within thirty days on receipt of the submission of a claim for payment out of the Fund, approve —

(*a*) payment of a reward from the Fund,

(*b*) the reimbursement of expenses incurred by a person whose disclosure resulted in an investigation, arrest, prevention or conviction for which that person incurred those expenses, and

(*c*) the payment of other relevant expenses that the Board may determine

(3) An amount payable under paragraph (*a*) and (*b*) of subsection (2) shall be paid within a period of not more than fourteen days from the date the payment of the money is approved.

(4) Each payment issued from the Fund shall be signed for by the Chairperson and the Secretary to the Board (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

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

Miscellaneous Provisions

***Committee Recommendation*:**
Clause 28: Accounts and audit.

(1) The Board shall keep in respect of the Fund, books of accounts and proper records in relation to them in the form approved by the Auditor-General of the Federation or of a State.

(2) The Board shall submit the accounts of the Fund to the Auditor-General of the Federation or of a State for audit within three months after the end of the financial year.

(3) The Auditor-General of the Federation or of a State shall not later than three months after the receipt of the accounts, audit the accounts and submit the audit report to the National Assembly.

(4) In addition to the annual audit, technical audits shall be conducted on selective basis by the Auditor-General of the Federation or of a State on recommendations of the Board.

(5) The financial year of the Fund shall be the same as the financial year of the Federal Government (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

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

***Committee Recommendation*:**
Clause 29: Annual Report.

(1) The Board shall within one month after receipt of the audit report to the Minister covering activities and the operations of the Board in relation to the Fund for the year to which the report relates.

(2) The annual report shall include the report of the Auditor-General of the Federation or of a State (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

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

***Committee Recommendation*:**
Clause 30: Regulations.

The Attorney-General of the Federation or of a State may by legislative instrument make Regulations prescribing —

(*a*) further disclosure procedures,

(*b*) other persons to whom disclosures may be made, and

(*c*) measures generally for the effective implementation of this Bill (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

Amendment Proposed:

In line 1, immediately after the word "may" *leave out* all other words and *insert* the following instead thereof: "subject to the provisions of this Bill make regulations prescribing —" (*Hon. Samson Osagie — Orhionmwon Uhunmwode Federal Constituency*).

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

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

***Committee Recommendation*:**
Clause 31: Modification of existing laws.

If any of the provisions of this Bill is contrary to the provisions of any Law, the provisions of this Bill shall apply (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

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

Committee Recommendation:
Clause 32: **Penalty.**

(1) Notwithstanding any contrary provision in this Bill, where a person:

(*a*) to whom a disclosure is made fails to keep confidential the disclosure, the person commits an offence and is liable on summary conviction to a fine of not less than ₦100,000 and not more than ₦200,000 or to a term of imprisonment of not less than four years or to both

(*b*) who undertakes an investigation in respect of an impropriety and in the cause of that investigation conceals or suppresses evidence, commits an offence and is liable on summary conviction to a term of imprisonment of not less than two years and not more than five years

(2) A person who makes a disclosure which he knows to be false, commits an offence and is liable on summary conviction to a term of imprisonment not less than 1 year with no option of fine (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

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

***Committee Recommendation*:**
Clause 33: **Interpretation.**
In this Bill unless the context otherwise requires:

"Board" means the Board established under section 25 of this Bill (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

Question that the meaning of the word "Board" be as defined in the interpretation to this Bill, put and agreed to.

"head of community" means a person, who, hailing from the appropriate family and lineage, has validly nominated, elected or selected or installed as a chief in accordance with the relevant customary law and usage (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

Amendment Proposed:
In line 1, immediately after the word "appropriate" *leave out* the words "family and lineage has" and *insert* the words instead thereof "community is" (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

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

Question that the meaning of the words "head of community" be as defined in the interpretation to this Bill, put and agreed to.

"Commission" means the National Human Rights Commission (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

Question that the meaning of the word "Commission" be as defined in the interpretation to this Bill, put and agreed to.

"disclosure" means disclosure of impropriety under this Bill (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

Question that the meaning of the word "disclosure" be as defined in the interpretation to this Bill, put and agreed to.

"economic and financial crime" means the non-violent criminal and illicit activity committed with the objectives of earning wealth illegally either individually or in a group or organized manner thereby violating existing legislation governing the economic activities of government and its administration and includes any form of fraud, narcotic drug trafficking, money laundering, embezzlement, bribery, and any form of corrupt malpractices, illegal arms deal, smuggling, human trafficking and child labour, illegal oil bunkering and illegal mining, tax evasion, foreign exchange malpractices including counterfeiting of currency, theft of intellectual property and piracy, open market abuse, dumping of toxic wastes and prohibited goods, etc. (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

Question that the meaning of the words "economic and financial crime" be as defined in the interpretation to this Bill, put and agreed to.

"employee" means a person who works for another person, company or organization or for the Federation and who is paid or entitled to be paid for organization services rendered but does not include an independent contractor (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

Question that the meaning of the word "employee" be as defined in the interpretation to this Bill, put and agreed to.

"employer" includes an individual, a body corporate or unincorporated of the Federation who or which engages the services of or provides work for any other person and pays for the services, and a person acting on behalf of or on the authority of the employer (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

Question that the meaning of the word "employer" be as defined in the interpretation to this Bill, put and agreed to.

"Federation" means the Federal Republic of Nigeria (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

Question that the meaning of the word "Federation" be as defined in the interpretation to this Bill, put and agreed to.

"Fund" means the Public Interest Disclosure Reward Fund established under section 20 (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

Question that the meaning of the word "Fund" be as defined in the interpretation to this Bill, put and agreed to.

"person" includes an individual, a body of persons, an institution or a corporation (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

Question that the meaning of the word "person" be as defined in the interpretation to this Bill, put and agreed to.

"religious body" means an association, a body or organization which professes adherence to a belief in a system of faith or worship or which is established in pursuance of a religious objective (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

Question that the meaning of the words "religious body" be as defined in the interpretation to this Bill, put and agreed to.

"reward" includes a sum of money payable from the fund to a person who makes a disclosure in accordance with this Bill; and (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

Question that the meaning of the word "reward" be as defined in the interpretation to this Bill, put and agreed to.

"victimization" means acts which fall within the matters specified in subsection (2) of section 12 (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

Question that the meaning of the word "victimization" be as defined in the interpretation to this Bill, put and agreed to.

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

***Committee Recommendation*:**
Clause 34: Short Title.
This Bill shall be cited as the Public Interest Disclosure (Protection) Bill, 2014 (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

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

Long Title:
A Bill for an Act to Provide for the manner in which Individuals may in the Public Interest disclose Information that relates to Unlawful or Other Illegal Conduct or Corrupt Practices of Others; to Provide for Protection against Victimization of Persons who make these Disclosures, to Provide for a Fund to Reward Individuals who make the Disclosures and to Provide for Other Related Matters (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

Question put and agreed to.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair reported that the House in Committee of the Whole considered the Report of the Committee on Justice on a Bill for an Act to Provide for the manner in which individuals may in the public interest disclose information that relates to unlawful or other illegal conduct or corrupt practices of others; to Provide for protection against victimization of persons who make these disclosures, to provide for a fund to reward individuals who make the disclosures and to provide for other related Matters (HB. 82) and approved Clauses 1 and 2, approved Clause 3 as amended, approved Clause 4, approved Clause 5 as amended, approved Clause 6, approved Clauses 7 and 8 as amended, approved Clauses 9 - 29, approved Clause 30 as amended, approved Clauses 31 and 32, approved Clause 33 as amended, approved Clause 34 and the Long Title of the Bill.

Question that the House do adopt the Report of the Committee of the Whole, put and agreed to.

(*ii*) ***Committee on Housing and Habitat*:**
"That this House do consider the Report of the Committee on Housing and Habitat on a Bill for an Act to Provide for the Enforcement of the National Building Code within the Federal Capital Territory; Provide for Punishment for Non-Compliance with the Code and for Related Matters (HB. 96) and approve the Recommendations therein".

Order deferred by leave of the House.

(*iii*) ***Committee on Public Petitions*:**
Report of the Petition by Julius AkinwumiAkomolafe:
Motion made and Question proposed, "That this House do consider Report of the Committee on Public Petitions on the Petition by Julius Akinwumi Akomolafe on the unjust and illegal termination of his appointment by the Federal Civil Service Commission (FCSC) and the Federal Inland Revenue Service (FIRS) and approve the Recommendation therein" (*Hon. Uzo Azubuike — Abia North/Abia South Federal Constituency*).

Question put and agreed to.

Question that the House do resolve into the Committee of the Whole to consider the Report, put and agreed to.

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

Debate:

Consideration of the report deferred to allow for more time for Members to study the Report.

Chairman to report proceedings.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair, reported that the House in Committee of the Whole deferred the consideration of the Report of the Committee on Public Petitions on the Petition by Julius Akinwumi Akomolafe on the termination of his appointment by the Federal Civil Service Commission (FCSC) and the Federal Inland Revenue Service (FIRS) to allow for more time for Members to study the Report.

Question that the House do adopt the Report of the Committee of the Whole, put and agreed to.

(*iv*) ***Committee on Public Petitions*:**
Report of the Petition by Aliyu Alhassan:
"That this House do consider the Report of the Committee on Public Petitions on the Petition by AliyuAlhassan against the National Cereals Research Institute on Alleged Termination of his Appointment by the National Cereals Research Institute and approve the Recommendations therein".

Order read; consideration deferred to allow for more time for Members to study the Report.

(*v*) ***Committee on Public Petitions*:**
Report of the Petition by Ijeoma Jonathan:
"That this House do consider the Report of the Committee on Public Petitions on the Petition by Ijeoma Jonathan against the Nigeria Army on unfair Treatment and unjust Retirement from Service and approve the Recommendations therein".

Order read; consideration deferred to allow for more time for Members to study the Report.

(*vi*) ***Committee on Public Petitions*:**
Report of the Petition by Civil Society Organizations (CSOs):
"That this House do consider the Report of the Committee on Public Petitions on the Petition by Civil Society Organisation (CSOs) in Edo State on the murder of Comrade Olaitan Oyerinde and the Alleged Complicity of Police in the Shoddy Investigation and approve the Recommendations therein".

Order read; consideration deferred to allow for more time for Members to study the Report.

15. Adjournment:
That the House do adjourn till Thursday, 30 *January*, 2014 *at* 11.00 *a.m.* (*Hon. Leo Ogor — Deputy House Leader*).

The House adjourned accordingly at 2.31 *p.m.*

Aminu Waziri Tambuwal
Speaker