FOURTH REPUBLIC
7TH NATIONAL ASSEMBLY
FOURTH SESSION
No. 38

HOUSE OF REPRESENTATIVES
FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Wednesday, 25 February, 2015

1. The House met at 11.54 a.m. Mr Deputy Speaker read the Prayers.

2. **Votes and Proceedings:**
Mr Deputy Speaker announced that he had examined and approved the *Votes and Proceedings* of Tuesday, 24 February, 2015.

By unanimous consent, the Votes and Proceedings was adopted.

3. **Matter Requiring Attention of the House::**
***Birthday wishes for Ex-President, Alhaji Shehu Shagari*:**
Hon. Mulikat Akande-Adeola informed the House that an Elder Statesman, and former President of the Federal Republic of Nigeria, Alhaji Shehu Shagari, turned 90 years old today, Wednesday, 25 February, 2015. She enjoined the House to felicitate with him.

Mr Deputy Speaker noted the contribution of Alhaji Shehu Shagari to nation building in Nigeria and prayed for him. He also informed the House that a delegation of members led by the Speaker traveled to Sokoto to rejoice with the ex-President.

The House rose for a moment in honour of the Elder Statesman.

4. **Privileges (Standing Order VI, Rule 20):**

(*i*) Hon. Gerald Alphonsus Irona (*Ohaji/Egbema/Oguta/Oru West Federal Constituency*) called the attention of the House to publications in some national dailies of today, Wednesday, 25 February, 2015 which wrongly reported his discussion with the Leader of the House in the Chamber on Tuesday, 24 February, 2015 on his exclusion from Peoples Democratic Party (PDP) caucus meetings by the Leader. He took exception to the misleading newspaper reports that he was quarreling with the Leader over the distribution of some largesse and thus viewed this as a breach of his privilege and that of the House.

Matter referred to the Committee on Ethics and Privileges.

(*ii*) Hon. Femi Gbajabiamila (*Surulere I Federal Constituency*) recalled that on Thursday, 19 February, 2015 the House debated a motion on the forensic audit report on alleged missing money at the Nigeria National Petroleum Corporation (NNPC), and resolved that the executive branch should make the full report available to the Public Account Committee of

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the House for scrutiny. He noted that about one week after the resolution, the report was yet to be made available and considered it a breach of his privilege and that of the House. He therefore urged the House to prevail on the Auditor General of the Federation to comply with the House Resolution.

Mr Deputy Speaker noted the point of Order.

5. Matter of Urgent Public Importance (Standing Order VIII, Rule 46):
***Urgent need to compel the Office of Accountant General of the Federation to furnish the House with all documents relating to release of funds to Federal Ministry of Health and Agencies and Departments under the said Ministry from January - December*, 2014:**

Hon. Ndudi Godwin Elumelu (*Aniocha North/Aniocha South/Oshimili North/Oshimili South/ Federal Constituency*) introduced the subject matter and prayed the House to:

(*a*) consider and approve the matter as one of urgent public importance; and

(*b*) suspend Order VIII, Rule 46 (3) to enable it debate the matter forthwith.

Question that the matter be considered as one of urgent public importance, put and agreed to.

Question that the House do suspend Order VIII, Rule 46 (3) *to enable it debate the matter forthwith, put and agreed to.*

Urgent Need to Compel the Office of Accountant General of the Federation to Furnish the Committee on Health with all Documents Relating to Release of Funds to Federal Ministry of Health and Agencies and Departments under the said Ministry from January - December 2014:

The House:

Notes that the Committee on Health conducts oversights functions on Federal Ministry of Health and all Agencies and Departments under the said Ministry;

Further notes that the House of Representatives is considering Year 2015 Budget Proposals and has committed same to Committees on Finance, and Appropriation for further legislative actions;

Aware that the Office of Accountant General of the Federation was established under the provisions of Civil Services Re-Organisation Decree No. 43 of 1988 (now Act of National Assembly) and the mandate of the said Office includes *inter alia*: supervision of the accounts of Federal Ministries and Extra Ministerial Departments, maintenance and operation of Federation Account, etc.;

Further aware that the Office of Accountant General of the Federation is in possession of documents relating to release of funds to Federal Ministry of Health and all Agencies and Departments under the said Ministry from January - December 2014;

Informed that the Committee on Health wrote a letter dated 5 January, 2015 to the Office of Accountant General of the Federation requesting for documents relating to release of funds to Federal Ministry of Health and all Agencies and Departments under the said Ministry from January - December 2014 to enable the Committee concludes its deliberations on Year 2015 Budget proposals for Federal Ministry of Health;

Further informed that the Committee on Health wrote a reminder letter dated 17 January, 2015 to the Office of Accountant General of the Federation on the same subject matter;

Concerned that up till date, the Office of Accountant General of the Federation has failed, refused and or neglected to respond to the request of Committee on Health in its letters dated 5 January, 2015 and 17 January, 2015 respectively;

Worried that lack of co-operation shown by the attitude of the Office of Accountant General of the Federation is terribly affecting the work of the Committee towards the consideration of Year 2015 Budget proposal for Federal Ministry of Health;

Disturbed that if nothing is done by this House to ensure the production of the documents requested from the Office of Accountant General of the Federation, the Committee on Health will not be able to conduct its oversight functions on Federal Ministry of Health and the said Ministry may not receive any appropriation under Year 2015 Budget;

Resolves to:

(*i*) urge the FGN to direct the Office of Accountant General of the Federation to urgently provide or furnish the Committee on Health with all documents relating to release of funds to Federal Ministry of Health and Agencies and Departments under the said Ministry from January - December 2014;

(*ii*) direct the Committee on Legislative Compliance to monitor the issues raised in this Resolution and report compliance to the House in two (2) weeks for further legislative actions (*Hon. Ndudi Godwin Elumelu — Aniocha North/Aniocha South/Oshimili North/Oshimili South Federal Constituency*).

Debate:

Question put and agreed to.

The House:

Noted that the Committee on Health conducts oversights functions on Federal Ministry of Health and all Agencies and Departments under the said Ministry;

Further noted that the House of Representatives is considering Year 2015 Budget Proposals and has committed same to Committees on Finance, and Appropriation for further legislative actions;

Aware that the Office of Accountant General of the Federation was established under the provisions of Civil Services Re-Organisation Decree No. 43 of 1988 (now Act of National Assembly) and the mandate of the said Office includes *inter alia*: supervision of the accounts of Federal Ministries and Extra Ministerial Departments, maintenance and operation of Federation Account, etc.;

Further aware that the Office of Accountant General of the Federation is in possession of documents relating to release of funds to Federal Ministry of Health and all Agencies and Departments under the said Ministry from January - December 2014;

Informed that the Committee on Health wrote a letter dated 5 January, 2015 to the Office of Accountant General of the Federation requesting for documents relating to release of funds to Federal Ministry of Health and all Agencies and Departments under the said Ministry from January - December 2014 to enable the Committee concludes its deliberations on Year 2015 Budget proposals for Federal Ministry of Health;

Further informed that the Committee on Health wrote a reminder letter dated 17 January, 2015 to the Office of Accountant General of the Federation on the same subject matter;

Concerned that up till date, the Office of Accountant General of the Federation has failed, refused and or neglected to respond to the request of Committee on Health in its letters dated 5 January, 2015 and 17 January, 2015 respectively;

Worried that lack of co-operation shown by the attitude of the Office of Accountant General of the Federation is terribly affecting the work of the Committee towards the consideration of Year 2015 Budget proposal for Federal Ministry of Health;

Disturbed that if nothing is done by this House to ensure the production of the documents requested from the Office of Accountant General of the Federation, the Committee on Health will not be able to conduct its oversight functions on Federal Ministry of Health and the said Ministry may not receive any appropriation under Year 2015 Budget;

Resolved to:

(*i*) urge the FGN to direct the Office of Accountant General of the Federation to urgently provide or furnish the Committee on Health with all documents relating to release of funds to Federal Ministry of Health and Agencies and Departments under the said Ministry from January - December 2014;

(*ii*) direct the Committee on Legislative Compliance to monitor the issues raised in this Resolution and report compliance to the House in two (2) weeks for further legislative actions (**HR. 16/2015**).

6. Presentation of Bill:

Electoral Act, 2010 (Further Amendment) Bill, 2015 (HB. 769) was presented and read the *First Time*.

7. Presentation of Reports:

(*i*) ***Committee on Commerce*:**

Motion made and Question proposed, "That the House do receive the Report of the Committee on Commerce on a Bill for an Act to Establish the Chartered Institute of Human Capital Development of Nigeria charged, among other things, with the responsibility of entrenching Professional excellence, enhancing competence and setting the Standards for best practices in Learning and Performance among other Human Capital Development Practitioners in Nigeria; and for Other Matters Connected Therewith (HB. 542)" (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

Question put and agreed to.

Report laid.

(*ii*) ***Committee on Commerce*:**

Motion made and Question proposed, "That the House do receive the Report of the Committee on Commerce on a Bill for an Act to Establish the Chartered Institute of Public Management of Nigeria, to Provide for the Control of its Membership and to Promote the Practice of Public Management in Nigeria; and for Other Connected Purposes (HB. 422)" (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

Question put and agreed to.

Report laid.

(*iii*) ***Committee on Public Petitions*:**
Report on the Petition by Muhammed K. Idris:
Motion made and Question proposed, "That the House do receive the Report of the Committee on Public Petitions on the petition by Muhammed K. Idris against the Federal Capital Territory Administration (FCTA) on alleged non-release of land and title deeds of Plot No. 247, Cadastral Zone B07, Katampe" (*Hon. Uzo Azubuike — Aba North/Aba South Federal Constituency*).

Question put and agreed to.

Report laid.

(*iv*) ***Committee on Public Petitions*:**
Report on the Petition by Nnamdi Chijioke Steve Aralu:
Motion made and Question proposed, "That the House do receive the Report of the Committee on Public Petitions on the petition by Nnamdi Chijioke Steve Aralu against Total E & P Nigeria Limited on alleged refusal of the Company to pay medical bills for injury sustained in the course of duty" (*Hon. Uzo Azubuike — Aba North/Aba South Federal Constituency*).

Question put and agreed to.

Report laid.

(*v*) ***Committee on Public Petitions*:**
Report on the Petition by Tasoluk-Oakland Limited:
Motion made and Question proposed, "That the House do receive the Report of the Committee on Public Petitions on the petition by Tasoluk-Oakland Limited against the Federal Capital Territory Administration (FCTA) on alleged double allocation of Plot 657, Cadastral Zone B02, Durumi District" (*Hon. Uzo Azubuike — Aba North/Aba South Federal Constituency*).

Question put and agreed to.

Report laid.

(*vi*) ***Committee on Public Petitions*:**
Report on the Petition by Olawale & Associates on behalf of Wasiu Aromashodu and Family:
Motion made and Question proposed, "That the House do receive the Report of the Committee on Public Petitions on the petition by Olawale & Associates on behalf of Wasiu Aromashodu and Family, the entire residents of Aminatu Ilo Street and the Community Development Association of Ejigbo (LCDA) against the Nigeria Security and Civil Defence Corps (NSCDC) on alleged unconstitutional acts" (*Hon. Uzo Azubuike — Aba North/Aba South Federal Constituency*).

Question put and agreed to.

Report laid.

(*vii*) ***Committee on Public Petitions*:**
Report on the Petition by Samuel Umeadi Mogekwu:
Motion made and Question proposed, "That the House do receive the Report of the Committee on Public Petitions on the petition by Samuel Umeadi Mogekwu against the Central Bank of Nigeria (CBN) on alleged wrongful dismissal from service" (*Hon. Uzo Azubuike — Aba North/Aba South Federal Constituency*).

Question put and agreed to.

Report laid.

8. Unconstitutional Deployment of Military Personnel for Election Purposes:
Motion made and Question proposed:

The House:

Notes with dissatisfaction the deployment of military personnel to polling units for election purposes contrary to section 217 of the Constitution of the Federal Republic of Nigeria, 1999, as amended;

Also notes that the maintenance of public safety and public order anywhere in Nigeria, including all polling units and wards during elections, is a constitutional function of the Nigerian Police Force under sections 214 and 215 of the Constitution;

Aware of a secretly-recorded audio tape, now in the public domain, involving some personnel of the Nigerian Military revealing how the gubernatorial election held in Ekiti State in June 2014 was allegedly rigged;

Also aware of the recent judgment of the Federal High Court, Sokoto stating that other than for the purposes of protecting the territorial integrity of Nigeria, there is no constitutional provision that allows for the deployment of military personnel for election purposes;

Concerned that the general elections being just 5 (five) weeks away, and considering the role played by military personnel in the recent postponement of the elections, the Federal Government may once more deploy military personnel to election centres to intimidate innocent Nigerians, if the matter is not addressed;

Disturbed that the presence of military personnel in polling units and wards is capable of generating unwarranted apprehension that could scare away innocent citizens, thereby preventing them from peacefully and willingly exercising their franchise;

Resolves to:

(*i*) set up an *Ad-hoc* Committee to investigate the role played by military personnel and any other person who featured in the said audio tape and report back to the House within 4 days;

(*ii*) all on the Federal Government, the Independent National Electoral Commission (INEC), the Military Authority and indeed all stakeholders to obey the decision of the Federal High Court, Sokoto until it is set aside;

(*iii*) also call on the Federal Government not to deploy military personnel during the oncoming elections in compliance with the decision of the court (*Hon. Femi Gbajabiamila — Surulere I Federal Constituency*).

Mr Deputy Speaker recalled that on Thursday, 19 February, 2015, the House referred the motion to Committees on Rules and Business, Justice, and Judiciary to determine whether or not the matter was subjudice and advise the House accordingly.

Hon. Albert T. Sam-Tsokwa, Chairman, Committee on Rules and Business, on behalf of the Committees informed the House that the Committees met and considered all materials relevant to the question. He stated that it is in public domain that there are cases pending in court on the subject matter, and therefore Order IX, Rule 57 (5) of the Standing Orders precludes the House from considering the motion.

Ruling: *On the strength of the report of the Committees on Rules and Business, Justice, and Judiciary, Mr Deputy Speaker sustained the Point of Order raised by Hon. Karimi Sunday that the subject matter of the motion is pending in a Court, and therefore the House would not be in a position to discuss it, pursuant to Order IX, Rule* 57 (5).

9. **Motion for Rescission Pursuant to Order IX Rule 57 (6) of the House Standing Orders: *Food Security Advancement Fund Establishment Bill*, 2012 (HB. 355):**
Motion made and Question proposed:

The House:

Notes that the Bill for an Act to Provide for the Establishment of the Food Security Advancement Fund (FOSAF) for the Purpose of ensuring Food Security, Local Production of Imported Food items, Empowerment of Peasant Farmers and Arresting Capital Flight through Food items Import and for Other Matters Connected Therewith (HB. 355); a Bill for an Act to Establish the Nigeria Agro-Processing and Food Safety Service Commission charged with the Responsibility to, among other things, Prevent and Fight against Food and Waterborne Diseases in Nigeria; and for Other Related Matters (HB. 449); and a Bill for an Act to Establish Food Processing and Preservation Centres which shall Collate, Process and Preserve Agricultural Produce into Finished or Semi-Finished Goods; Ensure Food Security in Nigeria thereby creating Employment and for Other Related Matters (HB 490) were consolidated on Tuesday, 13 January, 2015;

Aware that the Bill for an Act to provide for the Establishment of the Food Security Advancement Fund (HB. 355) seeks to address the fundamental issue of appropriate funding mechanism and proffer window for that purpose to all sectors of the agriculture which makes it different from the other two Bills (HB. 449) and (HB. 490);

Resolves to:

Rescind its decision of Tuesday, 13 January, 2015 and deconsolidate the Bill for an Act to provide for the Establishment of the Food Security Advancement Fund (HB. 355) from the Bill for an Act to Establish the Nigeria Agro-Processing and Food Safety Service Commission charged with the Responsibility to, among other things, Prevent and Fight against Food and Waterborne Diseases in Nigeria; and for Other Related Matters (HB. 499); and the Bill for an Act to Establish Food Processing and Preservation Centres which shall Collate, Process and Preserve Agricultural Produce into Finished or Semi-Finished Goods; Ensure Food Security in Nigeria thereby creating Employment and for Other Related Matters (HB. 490) (*Hon. Kaka Kyari Gujbawu — Maiduguri Metropolitan Federal Constituency*).

Question put and agreed to.

10. **Need for Clarification of the True Position of Imam Abubakar Shekau, Leader of Boko Haram Sect:**

Order read and withdrawn by leave of the House.

11. **Need to Salute the Bravery and Patriotism of Wing Commander Chimda Hedima and his Colleague:**

Order read; deferred by leave of the House.

12. **A Bill for an Act to Provide for the Establishment of a Transport Authority for the Federal Capital Territory and for Other Matters Connected Therewith (HB. 434) — *Second Reading*:**

Order read; deferred by leave of the House.

13. **A Bill for an Act to Provide for the Rapid Build-Up of Industrial Capacity in Nigeria and to Promote Competitiveness of Nigeria's Manufactured Goods and Products and for Other Matters Connected Therewith (HB. 757) — *Second Reading*:**

Order read; deferred by leave of the House.

14. **Consideration of Report:**
A Bill for an Act to Provide for the Management of Biosafety and for Other Related Matters (HB. 579) and approve the recommendations therein — *Committee of the Whole* (*Hon. Uzoma Nkem Abonta — Ukwa East/Ukwa West 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 ESTABLISH THE NATIONAL BIOSAFETY MANAGEMENT AGENCY CHARGED WITH THE RESPONSIBILITY FOR PROVIDING REGULATORY FRAMEWORK, INSTITUTIONAL AND ADMINISTRATIVE MECHANISM FOR SAFETY MEASURES IN THE APPLICATION OF MODERN BIOTECHNOLOGY IN NIGERIA WITH THE VIEW TO PREVENTING ANY ADVERSE EFFECT ON HUMAN HEALTH, ANIMALS, PLANTS AND ENVIRONMENT; AND FOR RELATED MATTERS

PART I — ESTABLISHMENT OF BIOSAFETY MANAGEMENT AGENCY

Clause 1: **Establishment of National Biosafety Management Agency.**
There is established the National Biosafety Management Agency (in this Bill referred to as the Agency) which:

(*a*) shall ensure the effective management of all component of the Nation's Biosafety;

(*b*) shall be a body corporate with perpetual succession and a common seal;

(*c*) may sue and be sued in its corporate name;

(*d*) the Agency shall be the national authority on Biosafety in Nigeria (*Hon. Uzoma Nkem-Abonta — Ukwa East/West Federal Constituency*).

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

Clause 2: **Objectives of the Agency.**
The objectives of the Agency shall be to:

(*a*) establish and strengthen the institutional arrangement on Biosafety matters in Nigeria;

(*b*) safeguard human health and the environment from any potential, adverse effect of genetically modified organism including food safety;

(*c*) ensure safety in the use of modern biotechnology and provide holistic approach to the regulation of modified organisms;

(*d*) provide measures for the case by case assessment of genetically modified organisms and management of risk in order to ensure safety in the use of genetically modified organisms to human health and the environment;

(*e*) provide measures for effective public participation. Public awareness and access to information in the use and application of modern biotechnology and genetically modified organisms;

(*f*) ensure that the use of the genetically modified organisms does not have adverse impact on socio-economic and cultural interest either at the community or national level (*Hon. Uzoma Nkem-Abonta — Ukwa East/West Federal Constituency*).

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

Clause 3: **Functions and powers of the Agency.**
The Agency shall:

(*a*) propose, for the approval of the Board, the overall policy guidance on issues of Biosafety in Nigeria;

(*b*) implement the provisions of the conventions and the protocols on matters relating to genetically modified organisms;

(*c*) render reports to the secretariat of the convention on the implementation of the convention and protocol on matters relating to the use of genetically modified organisms;

(*d*) develop measures and requirements and criteria for risk assessment peer review and decision making;

(*e*) develop measures and requirements for risk assessment, environmental impact assessment and assessment of socio-economic impacts;

(*f*) develop risk management plan and strategy for protecting human health, biological diversity and the environment from potential risks associated with genetically modified organisms;

(*g*) accept and verify applications in respect of genetically modified organisms and keep records of all approvals and unapproved applications;

(*h*) take samples and carry out laboratory analysis of crops, products or materials for purposes of determining if they contain genetically modified organisms and ensure compliance with this Bill;

(*i*) carry out actions necessary to ensure compliance with the legal obligations set out in this Bill, including, but not limited to, the inspection of facilities, conduction activities with genetically modified organisms covered by this Bill, the collection and analysis of samples of materials covered by the Act, the monitoring of human health and the environment to determine the effects of genetically modified organisms regulated by the Act;

(*j*) liaise with the secretariat of the convention and the Biosafety clearing house with respect to the administrative functions required under the Protocol;

(*k*) carry out and maintain inventory of laboratories with physical and human capacities to conduct research in modern biotechnology;

(*l*) monitor the activities of institutional committees and Biosafety offers;

(*m*) carry out public awareness and enlightenment programme on Biosafety;

(*n*) purchase hold, take on lease or dispose of any interest in land, building or property;

(*o*) build equip and maintain offices and premises for the performance of its action under the Act;

(*p*) pay remuneration allowances, expenses and any other benefit to members of the Board and employees of the Agency or any other persons, in accordance with such scales as may be determined by the Agency with the approval of the President;

(*q*) carry out capacity building activities;

(*r*) perform other duties as may be necessary for the full discharge of its functions under this Bill (*Hon. Uzoma Nkem-Abonta — Ukwa East/West Federal Constituency*).

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

PART III — STRUCTURE OF THE AGENCY

Clause 4: **Structure of the Agency.**
The Agency shall have such Departments as it may deem appropriate (*Hon. Uzoma Nkem-Abonta — Ukwa East/West Federal Constituency*).

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

PART IV — STAFF OF THE AGENCY

Clause 5: **Appointment of Director General and staff of the Agency.**
There shall be for the Agency a Director General who shall:

(*a*) be appointed by the President, Commander-in-Chief of the Armed Forces on the recommendation of the Minister;

(*b*) not be qualified for appointment as a Director-General unless he possesses outstanding qualifications and has at least 15 years experience in the Management of Biodiversity, Biosafety and or related fields;

(*c*) be the Chief Executive of the Agency and be responsible for:

(*i*) day to day administration of the Agency;

(*ii*) execution of the policies of the Agency;

(*iii*) performing other functions as the Board or President may from time to time assign to him.

(*d*) hold office in the first instance for a term of 4 years and may be reappointed for another term of 4 years and no more as the President Commander-in-Chief of the Armed Forces may determine;

(*e*) shall hold office on such terms and conditions as may be specified in his letter of appointment (*Hon. Uzoma Nkem-Abonta — Ukwa East/West Federal Constituency*).

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

Clause 6: **Cessation or removal from office.**
Notwithstanding the provisions of section 5 of this section, the Director-General may be removed from office by the President, Commander-in-Chief of the Armed forces:

(*a*) for inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misconduct;

(*b*) if the President is satisfied that it is not in the interest of the Agency or the public for him to continue In the office;

(*c*) if the Director-General resigns his appointment by a notice In writing under his hand addressed to the President (*Hon. Uzoma Nkem-Abonta — Ukwa East/West Federal Constituency*).

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

Clause 7: **Appointment of Secretary and Legal Adviser to the Agency.**
The Agency shall appoint a Secretary and Legal Adviser, who shall be:

(*a*) a legal practitioner of not less than 5 years post-call experience;

(*b*) subject to the control and supervision of the Board and Director-General;

(*c*) keeping the books and records conducting the correspondence of the Board and performing such other duties as the Board or the Director-General may from time to time direct and without prejudice to the generality of the foregoing, the Secretary shall be responsible for:

(*i*) making arrangements for meetings of the Board;

(*ii*) preparing the agenda and minutes of meetings of the Board; and

(*iii*) such other functions as may be assigned to him by the Board and the director-General (*Hon. Uzoma Nkem-Abonta — Ukwa East/West Federal Constituency*).

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

Clause 8: **Terms and conditions of service.**

The terms and conditions of service and remuneration of employees of the Agency shall be determined in line with the appropriate authorities (*Hon. Uzoma Nkem-Abonta — Ukwa East/West Federal Constituency*).

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

Clause 9: Removal and discipline of staff.

(1) The removal and discipline of staff shall be in accordance with existing civil service regulations.

(2) If it appears to the Board that there are reasons that any member of the senior staff employed by the Agency other than the Director-General should be removed from office on grounds of misconduct or inability to perform the functions of his office, the Board shall:

(*a*) give notice of those reasons to the person concerned;

(*b*) afford the person an opportunity of making representation on the matters to the board in persons;

(*c*) if the person concerned or members of the Board so request within one month beginning with the date of the notice, make arrangement:

(*i*) for a committee of the board to investigate the matter and report back to the Board;

(*ii*) for the person in question to be afforded an opportunity of appearing before and being heard by the investigating committee on the matter.

(3) If the Board, after considering the report of the investigating committee is satisfied that the person in question should be removed, the Board may remove the person concerned by an instrument in wring signed on the directive of the Board.

(4) The Director-General of the Agency may, in a case of misconduct by a member of staff, which in the opinion of the Director-General is prejudicial to the interest of the Board, suspend such member of staff and any such suspension shall be reported to the Board.

(5) For good cause, any member of staff, except the Director-General may be suspended from office or his appointment may be terminated by the Board and for the purpose of this subsection, "good cause" means:

(*a*) any physical or mental incapacity which the Board, after obtaining medical advice considered to render the person concerned unfit for the discharge of the functions of his office;

(*b*) conduct of a scandalous or other disgraceful nature which the Board considers to be such as to render the person concerned unfit to continue to hold his office;

(*c*) conduct which the Board considers to be such as to constitute failure or inability of the person concerned to discharge the functions of his office or to comply with the terms and conditions of his service.

(6) Any person suspended pursuant to this section shall be placed on half pay and the Board shall before the expiration of a period of 4 months after the date of such suspension consider the case against that person and come to a decision whether to:

(*a*) continue such person's suspension and if so on what terms (including the portion of his emoluments to be paid to him);

(*b*) reinstate such person to his office, in which case the Board shall restore his full emoluments to him with effect from the date of the suspension;

(*c*) terminate the appointment of the person in question in which case such a person shall not be entitled to the portion of his emolument withheld during the period of the suspension;

(*d*) take such lesser disciplinary action against such person (including the restoration of such portion of his emolument that might have been withheld) as the Board may determine.

(7) In any case where the Board, pursuant to this section, decides to continue a person's suspension or decides to take further disciplinary action against a person, the Board shall before the aspiration of a period of 4 months from such decision, come to a final determination in respect of the case concerning that person.

(8) A person who signed the instrument of removal by virtue of this section shall serve or cause to be served on the person concerned, a copy of the instrument.

(9) Notwithstanding the foregoing, any person aggrieved by the Board's decision, may within 21 days of receipt of the Board's decision against him, address a petition to the Minister to reconsider his case (*Hon. Uzoma Nkem-Abonta — Ukwa East/West Federal Constituency*).

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

Clause 10: Discipline of junior staff.

(1) If any junior staff is accused of misconduct and inefficiency, the Director-General may suspend him for not more than 3 months and shall direct the matter to the Junior Staff Appointment and Promotion Committee to:

(*a*) consider the case;

(*b*) make recommendation as to the appropriate action to be taken by the Director-General.

(2) In all cases under this section, the junior member of staff shall be informed in writing of the charges against him and be given reasonable opportunity to defend himself.

(3) The Director-General may, after due consideration of recommendation made pursuant to subsection (1) (*b*) of this section, dismiss, terminate, retire or downgrade the staff concerned.

(4) Any person aggrieved by the Director-General's decision under subsection (3) of this section may, within a period of 21 days from the date of receipt of the letter communicating the decision to him, address a petition to the Board to reconsider his case and the Board's decision thereon shall be final (*Hon. Uzoma Nkem-Abonta — Ukwa East/West Federal Constituency*).

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

PART V — ESTABLISHMENT OF THE GOVERNING BOARD

Clause 11: Establishment of governing Board and its composition.

(1) There is established for the Agency, a Board which shall consist of:

(*a*) a Chairman who shall be appointed by the President, Commander-in-Chief of the Armed Forces;

(*b*) the Director-General of the Agency;

(*c*) a representative not below the rank of a Director, from each Federal Ministry responsible for:

(*i*) Environment;

(*ii*) Agriculture and Water Resources;

(*iii*) Science and Technology;

(*iv*) Commerce.

(*d*) one representative each of conservation Non-Governmental Organizations (NGOs) and organized private sector.

(2) Membership of the Board is on part-time, except the office of the Director-General (*Hon. Uzoma Nkem-Abonta — Ukwa East/West Federal Constituency*).

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

Clause 12: Tenure.

A member of the Board appointed, other than the Director-General, shall hold office for a term of 4 years, and subject to the provisions of this Bill (*Hon. Uzoma Nkem-Abonta — Ukwa East/West Federal Constituency*).

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

Clause 13: Vacancy.

(1) The office of a member of the Board shall become vacant if:

(*a*) he resigns as a member of the Board by notice in writing under his hand addressed to the President;

(*b*) if it appears to the Board that a member of the Board other than an *ex-officio* member or Director-General should be removed from office on the grounds of misconduct or inability to perform the functions of his office, the Board shall make a recommendation to the President.

(2) Notwithstanding the provisions of subsection (1) of this section, the President may remove any member of the Board if he is satisfied that it is in the public interest to do so (*Hon. Uzoma Nkem-Abonta — Ukwa East/West Federal Constituency*).

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

PART VI — FUNCTIONS AND POWERS OF THE BOARD

Clause 14: Functions and powers of the board.

(1) The Board shall:

(*a*) advise on the overall policy formulation of the Agency in particular with regard to financial, operational and administrative matters;

(*b*) establish committees as may be expedient and charged with specific functions;

(*c*) encourage and promote activities related to the functions of the Agency;

(*d*) carry out such other activities as may be directed by the President.

(2) The Board shall have power to appoint for the Agency either directly or on secondment from any public or civil service of the Federal such number of employees as may, in the opinion of the Board, be required to assist the Agency in the discharge of any of its functions under this Bill (*Hon. Uzoma Nkem-Abonta — Ukwa East/West Federal Constituency*).

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

PART VII — FINANCIAL PROVISIONS

Clause 15: Fund of the Agency.

(1) The Agency shall establish and maintain a fund from which it shall defray all expenditures incurred.

(2) There shall be paid and credited to the fund:

(*a*) annual budget allocation from the Federal Government;

(*b*) such other sums as may be given to the Agency by the Federal Government;

(*c*) all moneys accruing to the Agency, including grants-in-aid, endowments and donations;

(*d*) all charges, dues, fees or other amounts collected by the Agency;

(*e*) all interests on moneys invested by the Agency (*Hon. Uzoma Nkem-Abonta — Ukwa East/West Federal Constituency*).

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

Clause 16: **Expenditure of the Agency.**
The Agency shall, when necessary, apply the funds at its disposal for the purpose of the Agency (*Hon. Uzoma Nkem-Abonta — Ukwa East/West Federal Constituency*).

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

Clause 17: **Power to borrow.**
The Agency may borrow according to the provisions of the Debt management Act (*Hon. Uzoma Nkem-Abonta — Ukwa East/West Federal Constituency*).

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

Clause 18: **Power to invest.**
(1) The Agency may subject to the provisions of this Bill and conditions of any trust created in respect of any property, invest all or any of its funds in accordance with section 15 (1) of this Bill.

(2) The Agency may invest any of its surplus funds in such securities as may be permitted by law (*Hon. Uzoma Nkem-Abonta — Ukwa East/West Federal Constituency*).

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

Clause 19: **Power to accept gift.**
(1) The Agency may, accept gifts of land, money or other property or things from within and outside Nigeria, on such terms and conditions, if any as may be specified by person or organization offering the gift.

(2) The Agency shall not accept any gift if the terms and conditions attached by person or organization offering the gift are inconsistent with its functions under the Act (*Hon. Uzoma Nkem-Abonta — Ukwa East/West Federal Constituency*).

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

Clause 20: **Annual estimates.**
The Agency shall submit to the President, in accordance with the prescription in the annual budget cycle each year, its programme of work and estimates of its income and expenditure for the following year (*Hon. Uzoma Nkem-Abonta — Ukwa East/West Federal Constituency*).

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

Clause 21: **Accounts and Audit.**
(1) The Board shall keep proper accounts of the Agency and proper records in relation and to those accounts.

(2) The accounts of the Agency shall be audited after the end of the year to which the audit relates, by auditors appointed by the Agency from among the list and in accordance with the guidelines supplied by the Auditor-General of the Federation (*Hon. Uzoma Nkem-Abonta — Ukwa East/West Federal Constituency*).

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

Clause 22: **Annual report.**
The Agency shall prepare and submit to the President not later than 6 months after the end of the year a report, in such form as the President directs on the activities of the Agency during the immediate preceding year and shall include in the report a copy of the audited accounts of the Agency or that year and the auditor's report thereon (*Hon. Uzoma Nkem-Abonta — Ukwa East/West Federal Constituency*).

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

PART VIII — REQUEST AND AUTHORISATION

Clause 23: **Import and Export Permit.**
As from the commencement of this Bill, no person, institution or body shall import, export, transit, carry out the contained use, confined field trial or approval or permit of the Agency (*Hon. Uzoma Nkem-Abonta — Ukwa East/West Federal Constituency*).

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

Clause 24: **Application for import and export permit.**

(1) Any person, institution or body who wishes to import, export, transit or otherwise carry out a confined field trial or commercial release of a genetically modified organism shall apply to the Director General of the Agency not less than 270 days to the date of import, export, transits or the commencement of such activity.

(2) Any application under subsection (1) of this section shall include:

(*a*) the information and data requirement that may be specified by the Agency in the regulations, guidelines, and policy documents;

(*b*) a risk assessment report indicating the potential risk, if any that the genetically modified organisms may pose to human health including food safety, biological diversity or the environment including the consequence of unintentional releases;

(*c*) the nature and identity of th e genetically modified organisms involved in the activity being proposed to be carried out;

(*d*) information relating to any release of the genetically modified organisms in Nigeria or elsewhere;

(*e*) the nature and purpose of the activities including such activities as storage, transportation, production, culture and processing;

(*f*) destruction, disposal or usage of the genetically modified organisms in any way whatsoever;

(*g*) a management plan for remediation measures to be undertaken in the event of:

(*i*) any unintentional introduction into the environment of the genetically modified organisms from contained laboratory;

(*ii*) the escape or persistence in the environment of a genetically modified organisms from a confined field trial;

(*iii*) any unintended consequence to the environment from the placing of genetically modified organisms in the market.

(*h*) the place where, and the purpose for which the genetically modified organisms or the product thereof is planned to be developed, used, kept, released or marketed including detailed instructions for use and a proposed labeling and packaging scheme in accordance with the First Schedule to this Bill;

(*i*) a declaration to the effect that the information provided to correct including where appropriate, the undertaking from the origination of such information affirming its accuracy and completeness.

(3) In all cases the Agency shall set out requirements for each activity with genetically modified organisms to determine the level of potential risk posed by such category of activity in accordance with the second schedule to this Bill (*Hon. Uzoma Nkem-Abonta — Ukwa East/West Federal Constituency*).

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

Clause 25 Import or transit of product to be approved.

(1) No person, institution or body shall import, transit or commercialize any genetically modified organism or a product thereof intended for direct use as food or feed or for processing unless with the approval of the Agency.

(2) Application under this section may only be granted upon completion of safety risk assessment to determine if there is not substantial risk that the genetically modified organism could be eaten by humans or animals.

(3) Any person, institution or body that submits an application under this section for the commercial release of a genetically modified organism must ensure that the application addresses the socio-economic considerations set out in the Third Schedule to this Bill.

(4) The Agency shall consider such analysis in the risk or benefit assessment to determine whether it is to be approved or denied.

(5) Review of the food safety assessment and the determination that the food is safe for human consumption shall be certified by the National Agency for Food, Drug Administration and Control (*Hon. Uzoma Nkem-Abonta — Ukwa East/West Federal Constituency*).

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

Chairman to report progress.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair reported that the House in Committee of the Whole considered the Report on a Bill for an Act to Provide for the Management of Biosafety and for Other Related Matters (HB. 579) and approved Clauses 1 - 25, and deferred further consideration of the Bill.

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

15. Adjournment:

That the House do adjourn till Thursday, 26 February, 2015 at 10.00 a.m. (Hon. Mulikat Akande-Adeola — House Leader).

The House adjourned accordingly at 2.17 p.m.

Hon. Emeka Nkem Ihedioha
Deputy Speaker