



HOUSE OF REPRESENTATIVES FEDERAL REPUBLIC OF NIGERIA VOTES AND PROCEEDINGS

Thursday, 2 November, 2017

1. The House met at 11.15 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 Wednesday, 1 November, 2017.

The Votes and Proceedings was adopted by unanimous consent.

3. **Message**
Mr Speaker read a message from the President of the Federal Republic of Nigeria as follows:



**PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA**

1st November, 2017

Rt. Hon. Yakubu Dogara
*Speaker of the House of Representatives,
National Assembly Complex;
Three Arms Zone,
Abuja.*

Dear Rt Hon. Y. Dogara,

LAYING OF THE 2018 BUDGET PROPOSAL BEFORE THE NATIONAL ASSEMBLY

Pursuant to section 81 of the 1999 Constitution, may I crave the kind indulgence of the National Assembly to grant me the slot of 1400 hrs on Tuesday, 7th November, 2017 to formally address a Joint Session and lay before the National Assembly the 2018 Budget-Proposal.

Please extend, Mr Speaker, the assurances of my highest regards to the Honourable Members as I look forward to addressing the Joint Session.

Yours Sincerely,

(Signed)

Muhammadu Buhari

4. Announcement

(a) Visitors in the Gallery:

Mr Speaker recognised the presence of the following visitors in the Gallery:

- (i) Staff and Students of **Habiba Standard School**, Auta Balefi, Karu, Nasarawa State; and
- (ii) Members of the Students Union Government, **University of Jos**, Plateau State.

(b) MTEF Referral:

Mr Speaker announced the inclusion of the Committee on National Planning and Economic Development on the President request in the referral of the *Votes and Proceedings* of Tuesday, 17 October, 2017, page 628, item 3.

5. Petitions

- (i) A petition from Lance Corporal Chukwu Christian, on the denial of access to his salary and barring him from resumption of duty by the Nigerian Army, was presented and laid by Hon. Goodluck Opiah (*Ohaji/Egbema/Oguta/Oru West Federal Constituency*);

- (ii) Petitions from the following persons were presented and laid by Hon. Boma Goodhead (*Akuku-Toru/Asari-Toru Federal Constituency*):

- (a) Johnson Eze, on behalf of Project Pearl Promotions Ventures, on the refusal by National Agency for Food and Drugs Administration and Control (NAFDAC), to pay compensation to the company for unauthorised use of Products Authenticity Confirmation Technology (PACT);
- (b) Anthony Ogbonlahor and Associates (Legal Practitioners), on behalf of James Wege, on the refusal by the Nigerian Agip Oil Company Limited to pay him a Life Time Running Contract Award;
- (c) Egang Agabi and Co. (Legal Practitioners), on behalf of Festus Oduenyi, on the confiscation of his textile goods by the Nigeria Customs Service;
- (d) Hamdala Chambers (Legal Practitioners), on behalf of Adamu Suleiman Yakubu, on his dismissal by the National Universities Commission;
- (e) Juliet Uche Ezeonye Idu, on the alleged threat to her life and that of her children by Pastor Lazarus Mouka;

- (iii) Petitions from the following persons were presented and laid by Hon. Segun Ogunwuyi (*Ogbomoso North/Ogbomoso South/Oriire Federal Constituency*):

- (a) Storelane Attorney's and Associates, on behalf of Godiva Nigeria Enterprises, on the failure by Jameel Jammal to settle its indebtedness;

- (b) B. T. Okporu and Co. (Barristers & Solicitors), on behalf of beneficiaries of Presidential Amnesty Empowerment Programme for the Niger Delta Youths on the failure by the Presidential Amnesty Office in Abuja and Warri to implement the proposed empowerment plan of government;
- (c) King Gobwel & Co. (Legal Practitioners), on behalf of Gabriel Royal, on the termination of his appointment by the Nigeria Customs Service;
- (d) Ogwu Ekwunife, on the denial of access to his shop by officials of the Federal Housing Authority (FHA), Lagos;
- (e) Aniekwuensi Livinus Chukwudi, on the demolition of his shop by the Abuja Market Management Limited;
- (iv) A petition from Simeon Ojo Oniemayiu, on the non implementation of 2017 budget by the Federal Government, was presented and laid by Hon. Yusuf Ayo Tajudeen (*Kabba-Bunu/Ijumu Federal Constituency*); and
- (v) A petition from D. O. Egwom and Co. (Legal Practitioners), on behalf of Prossy Investment Limited, on the sealing of their office and warehouse by the Nigeria Customs Service, was presented and laid by Hon. Obinna Onwubuariri Kingsley (*Onuimo/Okigwe/Isiala Mbano Federal Constituency*).

Petitions referred to the Committee on Public Petitions.

6. **Matter of Urgent Public Importance (Standing Order Eight, Rule 4)**
Need for Urgent Intervention in the Crises at the Agricultural Research Council of Nigeria (ARCN) and Federal College of Agriculture, Ibadan:
 Hon. Linus Okorie (*Ohaozara/Onicha/Ivo Federal Constituency and 3 others*) introduced the matter and prayed the House to:

- (a) consider and approve the matter as one of urgent public importance; and
- (b) suspend Order Eight, Rule 4 (3) to allow debate on the matter forthwith.

Question that the matter be considered as one of urgent public importance — Agreed to.

Question that the House do suspend Order Eight, Rule 4 (3) to enable it debate the matter forthwith — Agreed to.

Need for Urgent Intervention in the Crises at the Agricultural Research Council of Nigeria (ARCN) and Federal College of Agriculture, Ibadan

The House:

Recalls the protracted crisis that erupted last year between the Labour Unions and management of the **Federal College of Agriculture, Moore Plantation, Ibadan**, which negatively affected academic and other activities at the College;

Also recalls a similar crisis between the staff and management of the **Agricultural Research Council of Nigeria (ARCN)** over Labour related disagreements that shut down activities at the Council recently;

Worried that the **Federal College of Agriculture, Ibadan** was again shut down by **Labour Unions** of the College yesterday **Wednesday, November 1, 2017** disrupting all academic and related activities of the Institution;

Alarmed by reports that the Labour Unions forcefully removed the *flag of the Federal Republic of Nigeria* hoisted in front of the college administration block and replaced same with an unknown *blood red flag*;

Also alarmed that the College cannot, in the circumstance, conduct their *students' 2017 admissions* in order to meet up with the deadline set by the *Joint Admissions and Matriculation Board (JAMB)*;

Reminded that a similar crisis at the **Cocoa Research Institute of Nigeria (CRIN)** in 2015 led to the total loss of over **20 hectares of prime Research farms** worth millions of Naira while setting back many more Research programs;

Concerned that any further escalation of the crises in both institutions could have irreversible effects on the National Agricultural Research System and jeopardize government's drive to reposition Agriculture for national development;

Resolves to:

mandate the Committee on Agricultural Colleges and Institutions to investigate the crises in the Agricultural Research Council of Nigeria (ARCN) and the Federal College of Agriculture, Ibadan and report back within two (2) weeks (*Hon. Linus Okorie — Iwo/Ohaozara/Onicha Federal Constituency*).

Debate

Amendment Proposed:

In the Prayer, line 4, immediately after the word "within", *leave out* the word "two (2)", and *insert* the word "one (1)" instead thereof. (*Hon. Ayo Omidiran — Irewole Federal Constituency*).

Question that the amendment be made — Agreed to.

Question on the Motion as amended — Agreed to.

The House:

Recalled the protracted crisis that erupted last year between the Labour Unions and management of the **Federal College of Agriculture, Moore Plantation, Ibadan**, which negatively affected academic and other activities at the College;

Also recalled a similar crisis between the staff and management of the **Agricultural Research Council of Nigeria (ARCN)** over Labour related disagreements that shut down activities at the Council recently;

Worried that the **Federal College of Agriculture, Ibadan** was again shut down by **Labour Unions** of the College yesterday **Wednesday, November 1, 2017** disrupting all academic and related activities of the Institution;

Alarmed by reports that the Labour Unions forcefully removed the *flag of the Federal Republic of Nigeria* hoisted in front of the college administration block and replaced same with an unknown *blood red flag*;

Also alarmed that the College cannot, in the circumstance, conduct their *students' 2017 admissions* in order to meet up with the deadline set by the *Joint Admissions and Matriculation Board (JAMB)*;

Reminded that a similar crisis at the **Cocoa Research Institute of Nigeria (CRIN)** in 2015 led to the total loss of over **20 hectares of prime Research farms** worth millions of Naira while setting back many more Research programs;

Concerned that any further escalation of the crises in both institutions could have irreversible effects on the National Agricultural Research System and jeopardize government's drive to reposition Agriculture for national development;

Resolved to:

Mandate the Committee on Agricultural Colleges and Institutions to investigate the crises in the Agricultural Research Council of Nigeria (ARCN) and the Federal College of Agriculture, Ibadan and report back within one (1) week (*Hon. Linus Okorie — Ivo/Ohaozara/Onicha Federal Constituency*) (HR. 139/2017).

7. Presentation of Bills

The following Bills were read the *First Time*:

(1) Federal Character Commission Act (Amendment) Bill, 2017 (HB. 1203).

(2) Fire Service Act (Amendment) Bill, 2017 (HB. 1204).

(3) Flags and Coat of Arms Act (Amendment) Bill, 2017 (HB. 1205).

(4) Fire (Hazard Prevention and Safeguard) Bill, 2017 (HB. 1206).

8. Presentation of Reports

(i) **Conference Committee Report on the Federal Competition and Consumer Protection Bill 2017:**

Motion made and Question proposed, That the House do receive the Report of the Conference Committee on a Bill for an Act to Repeal the Consumer Protection Act, Cap. C25, Laws of the Federation of Nigeria, 2004, Establish the Federal Competition and Consumer Protection Commission and the Competition and Consumer Markets in the Nigerian Economy, Facilitate Access by all Citizens to Safe Products, Secure the Protection of Rights for all Consumers in Nigeria; and for Related Matters (HB.1 and HB.60) (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

Agreed to.

Report laid.

(ii) **Committee on Police Affairs:**

Motion made and Question proposed, "That the House do receive the Report of the Committee on Police Affairs on a Bill for an Act to Establish the Nigeria Police Trust Fund; and for Related Matters, 2017 (HB.894)" (*Hon. Haliru Dauda Jika — Darazo/Ganjuwa Federal Constituency*).

Agreed to.

Report laid.

(iii) **Committee on Federal Road Safety Commission:**

Motion made and Question proposed, "That the House do receive the Report of the Committee on Federal Road Safety Commission on a Bill for an Act to Amend the Federal Road Safety Commission Act, Cap. F19, Laws of the Federation of Nigeria, 2004 to Prescribe certain Traffic Offences and their Penalties; and for Related Matters (HB. 111)" (*Hon. Abubakar Ahmad Yunusa — Yamaltu/Deba Federal Constituency*).

Agreed to.

Report laid.

9. **A Bill for an Act to Establish the Vigilante Group of Nigeria (VGN) charged with Responsibilities to, among others, Provide Community Policing, Maintenance of Law and Order and Community Service for Nigerians; and for Related Matters (HB.718) — Third Reading**
Motion made and Question proposed, "That a Bill for an Act to Establish the Vigilante Group of Nigeria (VGN) charged with Responsibilities to, among others, Provide Community Policing, Maintenance of Law and Order and Community Service for Nigerians; and for Related Matters (HB.718) be now read the Third Time" (Hon. Femi Gbajabiamila — House Leader).

Question agreed to.

Bill read the Third Time and passed.

10. **A Bill for an Act to Establish the Institute of Chartered Biochemists and Molecular Biologists charged with responsibilities to, among other things, Determine the Standard of Knowledge and Skill to be Attained by Persons seeking to become Registered Biochemists and Molecular Biologists, Register such Persons, Regulate and Control their Practice and Review those Standards from time to time as Circumstances may Permit; and for Related Matters (HB.1142) — Second Reading**
Motion made and Question proposed, "That a Bill for an Act to Establish the Institute of Chartered Biochemists and Molecular Biologists charged with responsibilities to, among other things, Determine the Standard of Knowledge and Skill to be Attained by Persons seeking to become Registered Biochemists and Molecular Biologists, Register such Persons, Regulate and Control their Practice and Review those Standards from time to time as Circumstances may Permit; and for Related Matters (HB.1142) be now read a Second Time" (Hon. Femi Gbajabiamila — House Leader).

Debate.

Question that the Bill be read a Second Time — Agreed to.

Bill read the Second Time.

Bill referred to the Committee of the Whole.

11. **A Bill for an Act to Provide a Legal Framework for Industrial Waste Minimization and Prohibit Indiscriminate Waste Disposal in Nigeria; to Protect Humanity and the Environment from Harm and to Provide for Environmental, Social, Economic and Cultural Benefits, Encourage Manufacturers, Industrialists and Organizations; and for Related Matters (HB. 641) — Second Reading**

Order read; deferred by leave of the House.

12. **A Bill for an Act to Amend the Nigerian Maritime Administration and Safety Agency Act, No. 17, 2007 to increase the Functions of the Agency; and for Related Matters (HB. 1131 and HB. 1178) — Second Reading**
Motion made and Question proposed, "That a Bill for an Act to Amend the Nigerian Maritime Administration and Safety Agency Act, No. 17, 2007 to increase the Functions of the Agency; and for Related Matters (HB. 1131 and HB. 1178) be now read a Second Time" (Hon. Adamu Kamale Madagali/Michika Federal Constituency and Pather).

Debate.

Question that the Bill be read a Second Time — Agreed to.

Bill read the Second Time.

Bill referred to the Committee on Maritime Safety, Education and Administration.

13. **A Bill for an Act to Amend the Nigerian Institute of Social and Economic Research Act, Cap. N115, Laws of the Federation of Nigeria, 2004; and for Related Matters (HB. 1128) — Second Reading**

Motion made and Question proposed, "That a Bill for an Act to Amend the Nigerian Institute of Social and Economic Research Act, Cap. N115, Laws of the Federation of Nigeria, 2004; and for Related Matters (HB. 1128) be now read a Second Time" (*Hon. Victor Kolade Akinjo — Eseodo/Ilaje Federal Constituency*).

Debate.

Question that the Bill be read a Second Time — Agreed to.

Bill read the Second Time.

Bill referred to the Committee on National Planning and Economic Development.

14. **A Bill for an Act to Amend the University of Maiduguri Act, Cap. U10, Laws of the Federation of Nigeria, 2004 to specify the Minimum Qualification of the Chairman of the Governing Council, Ownership of Intellectual Property and to Provide for Pre-action Notice to the University Authority; and for Related Matters (HB.1107) — Second Reading**
- Motion made and Question proposed*, "That a Bill for an Act to Amend the University of Maiduguri Act, Cap. U10, Laws of the Federation of Nigeria, 2004 to specify the Minimum Qualification of the Chairman of the Governing Council, Ownership of Intellectual Property and to Provide for Pre-action Notice to the University Authority; and for Related Matters (HB.1107) be now read a Second Time" (*Hon. Asabe Vilita Bashir — Damboa/Gwoza/Chibok Federal Constituency*).

Debate.

Question that the Bill be read a Second Time — Agreed to.

Bill read the Second Time.

Bill referred to the Committee on Tertiary Education and Services.

15. **A Bill for an Act to Amend the Estate Surveyors and Valuers (Registration, etc.) Act, Cap. E12, Laws of the Federation of Nigeria, 2004 to Provide for stiffer Penalties to meet Contemporary Realities; and for Related Matters (HB. 1025) — Second Reading**
- Motion made and Question proposed*, "That a Bill for an Act to Amend the Estate Surveyors and Valuers (Registration, etc.) Act, Cap. E12, Laws of the Federation of Nigeria, 2004 to Provide for stiffer Penalties to meet Contemporary Realities; and for Related Matters (HB. 1025) be now read a Second Time" (*Hon. Hassan Atayoma Omale — Ankpa/Omalu/Olamaboro Federal Constituency*).

Debate.

Question that the Bill be read a Second Time — Agreed to.

Bill read the Second Time.

Bill referred to the Committee on Housing.

16. **Need to Investigate the Alleged Unpaid Allowances of Nigerian Diplomats in Cuba**
Motion made and Question proposed;

The House:

Notes the allegation that Nigerian diplomats in Cuba are stranded over the inability of the Federal government to remit their allowances for the past nine months, thus practically reducing them to beggars;

Informed that the embassy officials have no access to medical and educational facilities owing to the non-payment of their allowances;

Concerned that the Central Bank of Nigeria has not been able to remit their allowances as a result of the America-Cuba imbroglio, thus rendering the diplomats unable to take care of their families in a foreign land, a development that has put the reputation of the country at stake in the comity of nations;

Resolves to;

Mandate the Committee on Foreign Affairs to investigate the allegation of non-payment of allowances of Nigerian diplomats in Cuba and indeed any other Nigerian mission, determine who may have played any role in the debacle, and report back within six (6) weeks for further legislative action (*Hon. Muhammadu Bala Faruk — Kancha/Gbako/Bida Federal Constituency*).

Debate.

Agreed to.

The House:

Noted the allegation that Nigerian diplomats in Cuba are stranded over the inability of the Federal government to remit their allowances for the past nine months, thus practically reducing them to beggars;

Informed that the embassy officials have no access to medical and educational facilities owing to the non-payment of their allowances;

Concerned that the Central Bank of Nigeria has not been able to remit their allowances as a result of the America-Cuba imbroglio, thus rendering the diplomats unable to take care of their families in a foreign land, a development that has put the reputation of the country at stake in the comity of nations;

Resolved to:

Mandate the Committee on Foreign Affairs to investigate the allegation of non-payment of allowances of Nigerian diplomats in Cuba and indeed any other Nigerian mission, determine who may have played any role in the debacle, and report back within six (6) weeks for further legislative action (**HR. 140/2017**).

17. **Need to Investigate the Remittances of the Joint Admissions and Matriculation Board (JAMB) into the Federation Account from 2007 till Date**
Motion made and Question proposed;

The House:

Notes that the Minister of Finance, Mrs Kemi Adeosun, while evaluating the performance of Government Agencies recently, announced that for the first time in its 40 years of existence, the Joint Admissions and Matriculation Board (JAMB) remitted the sum of ₦5 billion into the coffers of the government, with a balance of ₦3 billion still to be remitted, amounting to ₦8 billion within nine months of the tenure of the current Management of JAMB;

Also notes media reports that between 2011 and 2015, JAMB earned at least ₦30.726 billion from registration fees by candidates who sat for the Unified Tertiary Matriculation Examination (UTME) but remitted a meagre sum to the Federal Government, which, within the period, allocated over 2 billion Naira yearly from the budget to the Board;

Further notes that the Accountant General of the Federation had, in response to a Freedom of Information (FOI) request by the Premium Times Centre for Investigative Journalism, stated that JAMB remitted ₦11,522,808 in 2011, ₦25,303,274 in 2013 and ₦13,926,402 in 2014 but did not make any remittances in 2012, 2015 and 2016 respectively;

Observes that the total amount JAMB remitted to the Federation Account between 2010 and 2016 is ₦50,752,484, which is about 1% of the amount the Agency remitted to the Federal Government in 2017 alone;

Conscious that the remittance of such an amount by a non-focal revenue generating agency underscores the importance of transparency in the administration and management of government business and desirous of the urgent need to beam a search light on other Government agencies to guide against flagrant misappropriation of public funds with a view to promoting probity in governance.

Resolves to:

Mandate the Committee on Basic Education and Services to conduct an investigation into the management of the financial affairs of the Joint Admissions and Matriculation Board (JAMB) from 2007 till date as it relates to its earnings from prospective candidates and remittances made to the Federation Account and report back within six (6) weeks for further legislative action (*Hon. Segun Alexander Adekola — Ekiti Southwest/Ikere/Ise/Orun Federal Constituency*).

Debate.

Agreed to.

The House:

Noted that the Minister of Finance, Mrs Kemi Adeosun, while evaluating the performance of Government Agencies recently, announced that for the first time in its 40 years of existence, the Joint Admissions and Matriculation Board (JAMB) remitted the sum of ₦5 billion into the coffers of the government, with a balance of ₦3 billion still to be remitted, amounting to ₦8 billion within nine months of the tenure of the current Management of JAMB;

Also noted media reports that between 2011 and 2015, JAMB earned at least ₦30.726 billion from registration fees by candidates who sat for the Unified Tertiary Matriculation Examination (UTME) but remitted a meagre sum to the Federal Government, which, within the period, allocated over 2 billion Naira yearly from the budget to the Board;

Further noted that the Accountant General of the Federation had, in response to a Freedom of Information (FOI) request by the Premium Times Centre for Investigative Journalism, stated that JAMB remitted ₦11,522,808 in 2011, ₦25,303,274 in 2013 and ₦13,926,402 in 2014 but did not make any remittances in 2012, 2015 and 2016 respectively;

Observed that the total amount JAMB remitted to the Federation Account between 2010 and 2016 is ₦50,752,484, which is about 1% of the amount the Agency remitted to the Federal Government in 2017 alone;

Conscious that the remittance of such an amount by a non-focal revenue generating agency underscores the importance of transparency in the administration and management of government business and desirous of the urgent need to beam a search light on other Government agencies to guide against flagrant misappropriation of public funds with a view to promoting probity in governance.

Resolved to:

Mandate the Committee on Basic Education and Services to conduct an investigation into the management of the financial affairs of the Joint Admissions and Matriculation Board (JAMB) from 2007 till date as it relates to its earnings from prospective candidates and remittances made to the Federation Account and report back within six (6) weeks for further legislative action (**HR. 141/2017**).

18. Need to Ascertain Federal Government's Investments and Proceeds from Solid Minerals and Steel Development

Motion made and Question proposed;

The House:

Notes that mines and minerals are listed in paragraph 39 of the Second Schedule, Part 1 of the Exclusive Legislative list in the Constitution of the Federal Republic of Nigeria, 1999;

Also notes that following the fall in the price of oil in the international markets, new discoveries of oil across the African continent, exploration and exploitation of new and alternative forms of energy, all of which have made continued dependence on oil for revenue generation uncertain, the Federal Government is pursuing a diversification policy away from oil as the principal revenue earner for the nation;

Aware that most of the nation's solid mineral resources are either undeveloped or underdeveloped and where they have been fully developed, the revenues accruing from their exploitation are not fully remitted to the coffers of the Federal Government as a result of corruption in the system;

Concerned that given the expressed desire of the Federal Government to attain economic recovery and growth through diversification into solid minerals and steel development, the absence of proper supervision in the sectors is having detrimental effects on the Government's quest as its huge investments in the sectors have not been justified by expected dividends to the coffers of the Government;

Also concerned that activities of illegal miners and cartels in the business and previous acts of neglect of the sector have combined to deprive the nation of the royalties, taxes, ground rent and levies that would have been yielding revenues for the development of the nation;

Cognizant that if the solid minerals sector is properly explored and exploited in accordance with the provisions of the laws guiding mining activities, the much needed foreign exchange can be obtained to drive national development;

Resolves to:

Set-up an *Ad-hoc* Committee to investigate the investments of the Federal Government in the development of solid minerals and steel sectors and the proceeds that accrued to the Federal Government, including leakages from 2012 to 2017, and report back within six (6) weeks for further legislative action (*Hon. Johnbull T. Shekarau — Shendam/Mikang/Qua'an/Pan Federal Constituency*).

*Debate.***Amendment proposed:**

In the Prayer, line 1, *leave out* the words “Set-up an *Ad-hoc* Committee”, and *insert* the words “Mandate the Committee on Steel Development” (*Hon. Ayo Omidiran — Irewole Federal Constituency*).

Question that the amendment be made — Agreed to.

Question on the Motion as amended — Agreed to.

The House:

Noted that mines and minerals are listed in paragraph 39 of the Second Schedule, Part 1 of the Exclusive Legislative list in the Constitution of the Federal Republic of Nigeria, 1999;

Also noted that following the fall in the price of oil in the international markets, new discoveries of oil across the African continent, exploration and exploitation of new and alternative forms of energy, all of which have made continued dependence on oil for revenue generation uncertain, the Federal Government is pursuing a diversification policy away from oil as the principal revenue earner for the nation;

Aware that most of the nation's solid mineral resources are either undeveloped or underdeveloped and where they have been fully developed, the revenues accruing from their exploitation are not fully remitted to the coffers of the Federal Government as a result of corruption in the system;

Concerned that given the expressed desire of the Federal Government to attain economic recovery and growth through diversification into solid minerals and steel development, the absence of proper supervision in the sectors is having detrimental effects on the Government's quest as its huge investments in the sectors have not been justified by expected dividends to the coffers of the Government;

Also concerned that activities of illegal miners and cartels in the business and previous acts of neglect of the sector have combined to deprive the nation of the royalties, taxes, ground rent and levies that would have been yielding revenues for the development of the nation;

Cognizant that if the solid minerals sector is properly explored and exploited in accordance with the provisions of the laws guiding mining activities, the much needed foreign exchange can be obtained to drive national development;

Resolved to:

Mandate the Committee on Steel Development, to investigate the investments of the Federal Government in the development of solid minerals and steel sectors and the proceeds that accrued to the Federal Government, including leakages from 2012 to 2017, and report back within six (6) weeks for further legislative action (**HR. 142/2017**).

19. **Need to Investigate the Infractions and also Halt the Planned Diversion of Funds Under the World Bank Funded Growth and Employment (GEM) Project**
Motion made and Question proposed;

The House:

Aware that the Growth and Employment (GEM) Project is an employment project conceptualized by the Federal Government under the Ministry of Industry, Trade and Investment aimed at job creation and increased non-oil growth through the empowerment of 4000 Small and Medium Enterprises (SMEs) across the country in specific high-potential value chain sectors of Information and Communications Technology (ICT), Light Manufacturing and Agro-processing, Entertainment Industry, Hospitality and Tourism, Construction and Real Estate;

Also aware that implementation of the GEM Project is predicated on funding from the World Bank and the United Kingdom (UK) Department for International Development (DFID), with the latter providing a grant of £90 million (strictly managed by DFID) and the World Bank providing a concessionary loan of \$160 million domiciled in the Project account with the Central Bank of Nigeria under the oversight of the Minister of Finance and with a Project Steering Committee chaired by the Hon Minister of Industry, Trade and Investment, responsible for the management of the Project Implementation;

Further aware that Federal Government's borrowing of funds from the World Bank was approved by the National Assembly in 2013 with a proviso that the Project should run from June 2013 to September 2018 based on the indicated Project deliverables;

Observes that only three months into his appointment and barely one year to the expected end of the project which has only 800 beneficiaries out of the 4000 initially proposed, the Project Coordinator of GEM (alleged to be one of the two employees of African Capital Alliance, a Private Equity firm owned by the current Minister of Industry, Trade and Investment and who was engaged by the Minister on this Project and is being paid up to \$4.9m a month instead of a capable Civil Servant in the Ministry) has initiated the restructuring of the entire project and requesting for the release of the allegedly outstanding sum of \$35m from the Federal Ministry of Finance for the creation of a parallel SME Investment Fund to be managed by an independent private company to be registered with the Corporate Affairs Commission (CAC) that will dispense between \$250,000 to \$2m each to only 23 unidentified companies without government oversight or involvement;

Concerned that in clear violation of the initially approved scope and without an approval for virement from the National Assembly or recourse to the Project Steering Committee, the Project Coordinator has gone ahead to advertise for a Fund Manager and concluded plans with the World Bank and the Ministry of Finance which has, either been misled or is in collusion with the GEM Project Team to proceed with the consideration and possible approval of the restructuring plan on Friday, 3 November, 2017 in disregard of due process and the Department of State Security's advice to the Minister of Finance after investigating petitions against the Project Coordinator, to halt any disbursement of funds under this questionable restructuring plan where the country enriches a few individuals to the detriment of millions of Nigerians who would have benefitted from the initial scope of the project;

Resolves to:

- (i) urge the Minister of Finance, the Governor of the Central Bank of Nigeria, the GEM Project Team and the World Bank to halt the planned movement of \$35m out of the GEM Project Account and discontinue any processes towards the consideration or approval of the new restructuring proposal for the creation of the SME Investment Fund;
- (ii) also urge the Ministers of Finance, Industry, Trade and Investment, the GEM Project Coordinator and the World Bank to maintain the status quo ante as was conceptualized and approved by the National Assembly; and

- (iii) mandate the Committees on Finance, Commerce, and Aids, Loans and Debt Management to investigate the circumstances surrounding the implementation of the Project, the number of beneficiaries so far under the Project, extent of involvement of consultants, inflow received and disbursements made since the commencement, including all other related issues and report back within four (4) weeks for further legislative action (*Hon. Mark Terseer Gbillah — Gwer East/Gwer West Federal Constituency*).

Debate.

Amendment Proposed:

In the Prayer, line 1, *leave out* the words “mandate the Committees on Finance, Commerce, and Aids, Loans and Debt Management”, and *insert* the words “mandate the Committees on Finance, Aids, Loans and Debt Management, Industry, and Commerce” (*Hon. Abubakar H. Moriki — Shinkafi/Zurmi Federal Constituency*).

Question that the amendment be made — Agreed to.

Question on the Motion as amended — Agreed to.

The House:

Aware that the Growth and Employment (GEM) Project is an employment project conceptualized by the Federal Government under the Ministry of Industry, Trade and Investment aimed at job creation and increased non-oil growth through the empowerment of 4000 Small and Medium Enterprises (SMEs) across the country in specific high-potential value chain sectors of Information and Communications Technology (ICT), Light Manufacturing and Agro-processing, Entertainment Industry, Hospitality and Tourism, Construction and Real Estate;

Also aware that implementation of the GEM Project is predicated on funding from the World Bank and the United Kingdom (UK) Department for International Development (DFID), with the latter providing a grant of £90 million (strictly managed by DFID) and the World Bank providing a concessionary loan of \$160 million domiciled in the Project account with the Central Bank of Nigeria under the oversight of the Minister of Finance and with a Project Steering Committee chaired by the Hon Minister of Industry, Trade and Investment, responsible for the management of the Project Implementation;

Further aware that Federal Government's borrowing of funds from the World Bank was approved by the National Assembly in 2013 with a proviso that the Project should run from June 2013 to September 2018 based on the indicated Project deliverables;

Observed that only three months into his appointment and barely one year to the expected end of the project which has only 800 beneficiaries out of the 4000 initially proposed, the Project Coordinator of GEM (alleged to be one of the two employees of African Capital Alliance, a Private Equity firm owned by the current Minister of Industry, Trade and Investment and who was engaged by the Minister on this Project and is being paid up to \$4.9m a month instead of a capable Civil Servant in the Ministry) has initiated the restructuring of the entire project and requesting for the release of the allegedly outstanding sum of \$35m from the Federal Ministry of Finance for the creation of a parallel SME Investment Fund to be managed by an independent private company to be registered with the Corporate Affairs Commission (CAC) that will dispense between \$250,000 to \$2m each to only 23 unidentified companies without government oversight or involvement;

Concerned that in clear violation of the initially approved scope and without an approval for virement from the National Assembly or recourse to the Project Steering Committee, the Project Coordinator has gone ahead to advertise for a Fund Manager and concluded plans with the World Bank and the Ministry of Finance which has, either been misled or is in collusion with the GEM Project Team to proceed with the consideration and possible approval of the restructuring plan on Friday, 3 November,

2017 in disregard of due process and the Department of State Security's advice to the Minister of Finance after investigating petitions against the Project Coordinator, to halt any disbursement of funds under this questionable restructuring plan where the country enriches a few individuals to the detriment of millions of Nigerians who would have benefitted from the initial scope of the project;

Resolved to:

- i) urge the Minister of Finance, the Governor of the Central Bank of Nigeria, the GEM Project Team and the World Bank to halt the planned movement of \$35m out of the GEM Project Account and discontinue any processes towards the consideration or approval of the new restructuring proposal for the creation of the SME Investment Fund;
- ii) also urge the Ministers of Finance, Industry, Trade and Investment, the GEM Project Coordinator and the World Bank to maintain the status quo ante as was conceptualized and approved by the National Assembly; and
- iii) mandate the Committees on Finance, Aids, Loans and Debt Management, Industry, and Commerce to investigate the circumstances surrounding the implementation of the Project, the number of beneficiaries so far under the Project, extent of involvement of consultants, inflow received and disbursements made since the commencement, including all other related issues and report back within four (4) weeks for further legislative action (**HR. 143/2017**).

20. Need for Investigation of the Non-Remittance of Contributions by the Federal Government, State Governments and Local Governments into the Nigeria Social Insurance Trust Fund (NSITF) from 2010 to Date

Motion made and Question proposed;

The House:

Recalls that the National Assembly passed the Employees Compensation Act in 2010 to provide an open and fair system of guaranteed and adequate compensation for all employees or their dependents for any death, injury, disease or disability arising out of or in the course of employment, rehabilitation to employees with work-related disabilities, establishment and maintenance of a Solvent Compensation Fund managed in the interest of employees and employers, among others;

Notes that by Section 33 of the Act, every employer shall, within the first 2 years of the commencement of the Act, make a minimum monthly contribution of 1.0 per cent of the total monthly payroll into the Fund and subsequently, payment will be based on estimates of the employer's payroll for the year, actual assessment or based on minimum assessment;

Also notes that private sector players have to a reasonable extent, been complying with the provisions of the Act, particularly in view of Section 16 (6) (d) which makes it mandatory for bidders to have fulfilled all obligations to pay taxes, pensions and social security contributions, however, the Federal, States and Local Governments have all failed to make payments of their contributions to the NSITF, despite the mandatory provisions of the Act;

Further notes that the definition of an employer under Section 73 of the Act is broad and covers all levels of Government given that it defines an "employer" to include any individual, body corporate, Federal, State or Local Government or any of the Government agencies which has entered into a contract of employment to employ any other person as an employee or apprentice;

Cognizant that by failing, refusing or neglecting to pay the statutory contributions to the NSITF, Governments at all levels are not only violating a law of the land, but are equally exposing the vast majority of the Nigerian workforce to uninsured and uncovered risks and occupational hazards, and by extension, those large pool of workers cannot be compensated for injuries, mental stress, occupational diseases, hearing impairment, total, partial disability or disfigurement, among others;

Aware that only members of the Armed Forces, excluding civilian employees of the Armed Forces, are exempted from the mandatory employer contribution under the Act;

Observes that if this anomaly is not addressed, civil and public servants will continue to be short-changed and remain at the receiving end of a system that exposes them to occupational hazard without any form of insurance or compensation.

Resolves to:

Set up an *Ad-hoc* Committee to investigate the non-remittance of the Nigerian Social Insurance Trust Fund (NSITF) Contributions by the Federal, States and Local Governments and several Federal Government Statutory bodies and report back within six (6) weeks for further legislative action (*Hon. Babatunde Gabriel Kolawole — Akoko South West/Akoko East Federal Constituency*).

Debate.

Agreed to.

The House:

Recalled that the National Assembly passed the Employees Compensation Act in 2010 to provide an open and fair system of guaranteed and adequate compensation for all employees or their dependents for any death, injury, disease or disability arising out of or in the course of employment, rehabilitation to employees with work-related disabilities, establishment and maintenance of a Solvent Compensation Fund managed in the interest of employees and employers, among others;

Noted that by Section 33 of the Act, every employer shall, within the first 2 years of the commencement of the Act, make a minimum monthly contribution of 1.0 per cent of the total monthly payroll into the Fund and subsequently, payment will be based on estimates of the employer's payroll for the year, actual assessment or based on minimum assessment;

Also noted that private sector players have to a reasonable extent, been complying with the provisions of the Act, particularly in view of Section 16 (6) (d) which makes it mandatory for bidders to have fulfilled all obligations to pay taxes, pensions and social security contributions, however, the Federal, States and Local Governments have all failed to make payments of their contributions to the NSITF, despite the mandatory provisions of the Act;

Further noted that the definition of an employer under Section 73 of the Act is broad and covers all levels of Government given that it defines an "employer" to include any individual, body corporate, Federal, State or Local Government or any of the Government agencies which has entered into a contract of employment to employ any other person as an employee or apprentice;

Cognizant that by failing, refusing or neglecting to pay the statutory contributions to the NSITF, Governments at all levels are not only violating a law of the land, but are equally exposing the vast majority of the Nigerian workforce to uninsured and uncovered risks and occupational hazards, and by extension, those large pool of workers cannot be compensated for injuries, mental stress, occupational diseases, hearing impairment, total, partial disability or disfigurement, among others;

Aware that only members of the Armed Forces, excluding civilian employees of the Armed Forces, are exempted from the mandatory employer contribution under the Act;

Observed that if this anomaly is not addressed, civil and public servants will continue to be short-changed and remain at the receiving end of a system that exposes them to occupational hazard without any form of insurance or compensation.

Resolved to:

Set up an *Ad-hoc* Committee to investigate the non-remittance of the Nigerian Social Insurance Trust Fund (NSITF) Contributions by the Federal, States and Local Governments and several Federal Government Statutory bodies and report back within six (6) weeks for further legislative action (**HR. 44/2017**).

21. Incessant Killing and Destruction of Farmlands in Ibarapa Central/Ibarapa North Federal Constituency, Oyo State

Motion made and Question proposed;

The House:

Notes that the people of Igangan, Ayete, Takpa, Idere, Alaagba, Obada, Asunara, Idiyan, Oja-Isale, Ajise and Igboora in Ibarapa Central/North Federal Constituency of Oyo State have no other occupation or means of earning a living other than farming;

Also notes that the lush vegetation, green scenery and ambience of those communities give them pastoral uniqueness;

Further notes that those communities have had the presence of nomadic herdsmen for many decades now;

Cognizant that the inhabitants of those communities expect good harvest when they plant their crops, but the herdsmen find ready foliage for their cattle by allowing them to wander through the farmlands, thereby causing irreparable loss to the farmers;

Concerned about the threats herdsmen pose to lives and property of the people as was evidenced by the case of Samson Olaosepin, a twenty-seven year old man who was killed because he challenged the herdsmen for grazing on his father's farmland, and so many other gory tales of amputation and sexual abuse of women in the communities;

Worried that if the nefarious activities of the herdsmen in those communities are not urgently checked, the farmers would become too scared to go to their farms, a development that would lead to food scarcity, economic hardships and general insecurity of lives;

Resolves to:

Set up an *Ad-hoc* Committee to investigate the threats and activities of herdsmen in those communities of Ibarapa Central/North Federal Constituency and proffer lasting solution to the menace, and report back within four (4) weeks for further legislative action (*Hon. Ayoade Olugbenga Ojoawo — Federal Constituency*).

Debate.

Amendment Proposed:

Leave out all the words in the Prayer, and *insert* a new Prayer as follows:

“Mandate the Committees on Army, Police Affairs, and National Security and Intelligence, to investigate the matter and report back within four weeks” (*Hon. Sunday Katung — Zango Kataf/Jaba Federal Constituency*).

Question that the amendment be made — Agreed to.

Question on the Motion as amended — Agreed to.

The House:

Noted that the people of Igangan, Ayete, Takpa, Idere, Alaagba, Obada, Asunara, Idiyan, Oja-Isale, Ajise and Igboora in Ibarapa Central/North Federal Constituency of Oyo State have no other occupation or means of earning a living other than farming;

Also noted that the lush vegetation, green scenery and ambience of those communities give them pastoral uniqueness;

Further noted that those communities have had the presence of nomadic herdsmen for many decades now;

Cognizant that the inhabitants of those communities expect good harvest when they plant their crops, but the herdsmen find ready foliage for their cattle by allowing them to wander through the farmlands, thereby causing irreparable loss to the farmers;

Concerned about the threats herdsmen pose to lives and property of the people as was evidenced by the case of Samson Olaosepin, a twenty-seven year old man who was killed because he challenged the herdsmen for grazing on his father's farmland, and so many other gory tales of amputation and sexual abuse of women in the communities;

Worried that if the nefarious activities of the herdsmen in those communities are not urgently checked, the farmers would become too scared to go to their farms, a development that would lead to food scarcity, economic hardships and general insecurity of lives.

Resolved to:

Mandate the Committees on Army, Police Affairs, and National Security and Intelligence, to investigate the matter and report back within four weeks (**HR. 145/2017**).

22. **Call on the Federal Government to Set Up an Audit Committee to Conduct an Infrastructure Audit of Government Spendings in the Niger Delta Region from 1999-2016**

Order read; deferred by leave of the House.

23. **Need to Address the Declining Immunization Coverage in Nigeria**
Motion made and Question proposed;

The House:

Notes that the Multi-Indicator Cluster Survey (MICS)/National Immunization Coverage Survey (NICS) Report of 2016/2017 was conducted to assess several thematic areas in public health, including immunization, to find out the coverage status of routine vaccine antigens (immunization) delivered through the National Health System among children aged 12-23 months and the Report was released in August 2017;

Also notes that the Survey, which was commissioned by the National Primary Health Care Development Agency (NPHCDA) and sponsored by some Development Partners was conducted by the National Bureau of Statistics (NBS);

Observes that the Report revealed a National Immunization Coverage rate of 33% using the pentavalent 3 vaccines as an indicator of completed immunization schedule for any given child under the Routine Immunization (RI) schedule as approved by the National Primary Health Care Development Agency;

Also observes that contrary to the global standard of 90% as-an indicator-for- fully immunized according to the Global Vaccine Action Plan (GVAP) or the African standard of 74%, only 3% of the thirty-six (36) States and the Federal Capital Territory (FCT) attained 80% coverage;

Further notes that the 2016/17 Report revealed that 77% of the assessed children did not receive all the life-saving vaccines, while 37% received some, 40% did not receive any vaccines at all from the Routine Immunization Programme and are classified as missed children, in addition, only 1 in 4 children in the rural areas was fully immunized while 1 in 10 children of the poorest families received full Immunization;

Cognizant that funding for Immunization activities, including vaccine procurement and value chain, would have suffered severe shortages with its grim consequences had International Development Partners not come to the aid of Nigeria;

Concerned that with the expected complete pull out of Global Alliance for Vaccines and Immunization (GAVI) from Nigeria in 2021, alternative and sustainable financing options must be put in place to forestall any catastrophe in immunization financing in the future;

Resolves to:

- (i) urge the Federal Government to:
 - (a) increase and sustain domestic investments and funding allocations for Immunization from 0.2% to 1% of the National Budget,
 - (b) implement the 1% of the Consolidated Revenue Fund for financing the Basic Health Care Provision Fund in the 2018 Budget as enjoined by the National Health Act,
 - (c) adopt innovative financing mechanism by establishing a National Immunization Trust Fund;
- (ii) also urge on the Federal Ministry of Health and its relevant Agencies to spearhead advocacy and sensitization on immunization uptake and co-funding for Immunization at all levels of government;
- (iii) mandate the Committee on Healthcare Services to ensure implementation and report back within eight (8) weeks for further legislative action (*Hon. Muhammad Usman — Federal Constituency*).

Debate.

Amendments Proposed:

1. *Leave out* all the words in Prayer (i) (a), (*Hon. Chris Azubogu — Nnewi North/Nnewi East/Ekwusigo Federal Constituency*).

Question that the amendment be made — Agreed to.

2. In Prayer (i) (b) immediately after the word “fund”, *leave out* all other words, and *insert* the words: “as enjoined in National Health Act, 2018” (*Hon. Chris Azubogu — Nnewi North/Nnewi East/Ekwusigo Federal Constituency*).

Question that the amendment be made — Agreed to.

3. *Leave out* Prayer (i) (c), and *insert* a new prayer (i) as follows:
“provide an Immunisation Trust Fund” (*Hon. Beni Lar — Langtang North/Langtang South Federal Constituency*).

Question that the amendment be made — Agreed to.

4. Insert a new Prayer (iv) as follows:
“That more focus be thrown in northern Nigeria to bridge the gap between North and South in immunisation” (Hon. Beni Lar— Langtang North/Langtang South Federal Constituency).

Question that the amendment be made — Agreed to.

Question on the Motion as amended — Agreed to.

The House:

Noted that the Multi-Indicator Cluster Survey (MICS)/National Immunization Coverage Survey (NICS) Report of 2016/2017 was conducted to assess several thematic areas in public health, including immunization, to find out the coverage status of routine vaccine antigens (immunization) delivered through the National Health System among children aged 12-23 months and the Report was released in August 2017;

Also noted that the Survey, which was commissioned by the National Primary Health Care Development Agency (NPHCDA) and sponsored by some Development Partners was conducted by the National Bureau of Statistics (NBS);

Observed that the Report revealed a National Immunization Coverage rate of 33% using the pentavalent 3 vaccines as an indicator of completed immunization schedule for any given child under the Routine Immunization (RI) schedule as approved by the National Primary Health Care Development Agency;

Also observed that contrary to the global standard of 90% as an indicator for fully immunized according to the Global Vaccine Action Plan (GVAP) or the African standard of 74%, only 3% of the thirty-six (36) States and the Federal Capital Territory (FCT) attained 80% coverage;

Further noted that the 2016/17 Report revealed that 77% of the assessed children did not receive all the life-saving vaccines, while 37% received some, 40% did not receive any vaccines at all from the Routine Immunization Programme and are classified as missed children, in addition, only 1 in 4 children in the rural areas was fully immunized while 1 in 10 children of the poorest families received full Immunization;

Cognizant that funding for Immunization activities, including vaccine procurement and value chain, would have suffered severe shortages with its grim consequences had International Development Partners not come to the aid of Nigeria;

Concerned that with the expected complete pull out of Global Alliance for Vaccines and Immunization (GAVI) from Nigeria in 2021, alternative and sustainable financing options must be put in place to forestall any catastrophe in immunization financing in the future.

Resolved to:

- (i) urge the Federal Government to:
 - (a) implement the 1% of the Consolidated Revenue Fund for financing the Basic Health Care Provision Fund as enjoined in National Health Act, 2018,
 - (b) provide an Immunisation Trust Fund;
- (ii) also urge on the Federal Ministry of Health and its relevant Agencies to spearhead advocacy and sensitization on immunization uptake and co-funding for Immunization at all levels of government;

- (iii) mandate the Committee on Healthcare Services to ensure implementation and report within eight (8) weeks for further legislative action; and
- (iv) That more focus be thrown in northern Nigeria to bridge the gap between North and South in immunisation (**HR. 146/2017**).

24. Consideration of Reports

(i) *Committee on Healthcare Services:*

Motion made and Question proposed, "That the House do consider the Report of the Committee on Healthcare Services on the 2017 Budget Proposal of the National Agency for Food and Drug Administration and Control (NAFDAC), the sum of ₦18,924,031,753 (Eighteen Billion, Nine Hundred and Twenty-Four Million, Thirty-One Thousand, Seven Hundred and Fifty-Three Naira) only, of which the total sum of ₦7,568,033 (Seven Million, Five Hundred and Sixty-Eight Thousand, Thirty-Three Naira) only, is for Overhead Costs (from the Federal Government of Nigeria Appropriation), the sum of ₦8,202,816,645 (Eight Billion, Two Hundred and Two Million, Eight Hundred and Sixteen Thousand, Six Hundred and Forty-Five Naira) only, is for Overhead Costs (from the Internally Generated Revenues, etc.), the sum of ₦4,443,243,393 (Four Billion, Four Hundred and Forty-Three Million, Two Hundred and Forty-Three Thousand, Three Hundred and Ninety-Three Naira) only, is for Personnel Costs, the sum of ₦164,364,056 (One Hundred and Sixty-Four Million, Three Hundred and Sixty-Four Thousand, Fifty-Six Naira) only, is for Capital Expenditure (from the Federal Government of Nigeria Appropriation), and the sum of ₦6,106,039,626 (Six Billion, One Hundred and Six Million, Thirty-Nine Thousand, Six Hundred and Twenty-Six Naira) only, is for Capital Expenditure from the Internally Generated Revenues, etc.) for the Financial Year Commencing from 1 January and Ending on 31 December, 2017 and approve the recommendation therein" (*Hon. Chike John Okafor — Ehime Mbano/Ihittel Uboma/Obowo Federal Constituency*).

Agreed to.

Question that the House do resolve into the Committee of Supply to consider the Report — Agreed to.

(HOUSE IN COMMITTEE OF SUPPLY)

(Mr Speaker in the Chair)

2017 BUDGET PROPOSAL OF THE NATIONAL AGENCY FOR FOOD AND DRUGS ADMINISTRATION AND CONTROL (NAFDAC), THE SUM OF ₦18,924,031,753 (EIGHTEEN BILLION, NINE HUNDRED AND TWENTY-FOUR MILLION, THIRTY-ONE THOUSAND, SEVEN HUNDRED AND FIFTY-THREE NAIRA) ONLY, OF WHICH THE TOTAL SUM OF ₦7,568,033 (SEVEN MILLION, FIVE HUNDRED AND SIXTY-EIGHT THOUSAND, THIRTY-THREE NAIRA) ONLY, IS FOR OVERHEAD COSTS (FROM THE FEDERAL GOVERNMENT OF NIGERIA APPROPRIATION), THE SUM OF ₦8,202,816,645 (EIGHT BILLION, TWO HUNDRED AND TWO MILLION, EIGHT HUNDRED AND SIXTEEN THOUSAND, SIX HUNDRED AND FORTY-FIVE NAIRA) ONLY, IS FOR OVERHEAD COSTS (FROM THE INTERNALLY GENERATED REVENUES, ETC.), THE SUM OF ₦4,443,243,393 (FOUR BILLION, FOUR HUNDRED AND FORTY-THREE MILLION, TWO HUNDRED AND FORTY-THREE THOUSAND, THREE HUNDRED AND NINETY-THREE NAIRA) ONLY, IS FOR PERSONNEL COSTS, THE SUM OF ₦164,364,056 (ONE HUNDRED AND SIXTY-FOUR MILLION, THREE HUNDRED AND SIXTY-FOUR THOUSAND, FIFTY-SIX NAIRA) ONLY, IS FOR CAPITAL EXPENDITURE (FROM THE FEDERAL GOVERNMENT OF NIGERIA APPROPRIATION), AND THE SUM OF ₦6,106,039,626 (SIX BILLION, ONE HUNDRED AND SIX MILLION, THIRTY-NINE THOUSAND, SIX HUNDRED AND TWENTY-SIX NAIRA) ONLY, IS FOR CAPITAL EXPENDITURE FROM THE INTERNALLY GENERATED REVENUES, ETC.) FOR THE FINANCIAL YEAR COMMENCING FROM 1 JANUARY AND ENDING ON 31 DECEMBER, 2017:

**NATIONAL AGENCY FOR FOOD AND DRUGS ADMINISTRATION
AND CONTROL (NAFDAC)**

**2017 Budget Proposal
(₦)**

Recurrent - Overhead

		621,300,800.00
1.	Local Travel and Transport: Training	767,388,000.00
2.	Local Travel and Transport: (Inspection Activities)	1,140,004,800.00
3.	International Travel and Transport: (GMP)	176,254,248.00
4.	Electricity Charges	5,000,000.00
5.	Telephone Charges	54,601,744.00
6.	Internet Access Charges	5,000,400.00
7.	Water Rates	10,900,032.00
8.	Sewage Charges	380,004,800.00
9.	Office Stationeries/Computer Consumables/Spare Parts	5,450,109.00
10.	Magazines and Periodicals	3,175,000.00
11.	Books	20,000,000.00
12.	Import Duty	50,000,000.00
13.	Printing of Non Security Documents	5,500,000.00
14.	Printing of Security Documents	498,675,000.00
15.	Laboratory Chemical/Glass Wares	—
16.	Uniforms and Other Clothing	71,432,142.00
17.	Maintenance of Motor Vehicle/Transport Equipment	16,534,400.00
18.	Maintenance of Office Furniture	242,634,000.00
19.	Maintenance of Office Building/Laboratories	20,000,000.00
20.	Maintenance of Office Equipments	20,000,000.00
21.	Maintenance of Computers/It Equipments	80,000,000.00
22.	Maintenance of Plants/Generators	30,000,000.00
23.	Clearing and Forwarding Expenses	39,676,000.00
24.	Repair and Maintenance of Laboratory Equipments	200,124,000.00
25.	Security Services	29,127,216.00
26.	Office Rent	228,787,585.00
27.	Operational expenses /Federal Task Force	87,210,432.00
28.	Cleaning and Fumigation Services	60,000,000.00
29.	Financial Consulting	10,900,000.00
30.	Information Technology Consulting	15,700,000.00
31.	Legal Services	18,250,000.00
32.	Engineering Services	15,000,000.00
33.	Surveying Services	166,429,500.00
34.	Motor Vehicle Fuel Cost	385,787,585.00
35.	Remittance to CRF (25%)	307,282,368.00
36.	Plant /Generator Fuel Cost	380,000,000.00
37.	Productivity Allowance	109,000,000.00
38.	Insurance Premium	15,262,000.00
39.	Meetings, Workshops and Conferences	21,800,000.00
40.	Hospitality, Refreshment and Meal	30,000,000.00
41.	Honorarium and Sitting Allowance	742,783,200.00
42.	Publicity and Advertisements	2,000,000.00
43.	Animal House	38,208,000.00
44.	Postages and Courier Services	176,385,280.00
45.	Staff Welfare	—
46.	Establishment of NAFDAC Desk in LGA	—
47.	Recruitment and Appointment (Service Wide)	—
48.	Discipline and Appeal (Service Wide)	40,000,000.00
49.	Promotion (Service Wide)	21,800,000.00
50.	Annual Budget Expenses and Administration	—
51.	Donations	—

52.	2016 National Food Safety Week	—
53.	2016 Conference on Nigeria Total Diet Study	—
54.	FGN/NAFDAC/UNICEF Nutrition Programme	89,380,000.00
55.	Interns/NYSC	297,567,967.00
56.	Advocacy/Awareness on Use of Fake and Counterfeit Drugs in Six Geopolitical Zones	450,000,000.00
Total		8,202,316,645.00

Capital Budget

<i>S/No.</i>	<i>Project Title</i>	<i>2017 Budget Proposal (₦)</i>
1.	Provision of Mobile Laboratories and Accessories	900,000,000.00
2.	Provision of Laboratory Equipments	661,000,000.00
3.	NAFDAC Headquarter Laboratory Building- Construction of NAFDAC Office, Kyami, Building of Free Trade Zone, Provision of Inspectorate Office, Training Hall and Office Construction of Dual Meeting System (Phase 1)	365,503,856.00
4.	Provision Of Motor Vehicles:	
	(1) 10 Units Pickup 4*4- Full Option (Innoson) = ₦67,000,000	
	(2) 13 Unit Pickup 4*4 - Shell Specs Hilux (Toyota) = ₦97,500,000	
	(3) 6 Unit Pickup 4*4 -Full Option (Nissan) = ₦63,000,000	
	(4) 2 Unit Nissan 30 Seater Civilian Bus = ₦37,800,000	
	(5) 2 Unit Toyota 16 Seater Hiace Bus High Roof = ₦26,240,000	
4b.	Provision of Motor Vehicles:	
	(1) 15 Units Pickup 4*4- Full Option (Innoson) @ ₦6,700,000 = ₦100,500,000	
	(2) 30 Unit Pickup 4*4 - Shell Specs Hilux (Toyota) @ ₦7,500,000 = ₦225,000,000	
	(3) 15 Unit Pickup 4*4 -Full Option (Nissan) @ ₦10,000,000 = ₦157,000,000	
	(4) 2 Unit Nissan 30 Seater Civillian Bus @ ₦18,900,000 = ₦37,800,000	
	(5) 2 Unit Toyota 16 Seater Hiace Bus High Roof @ ₦13,120,000 = ₦26,240,000	
5.	Provision of Office Equipment, Furniture and Fitting and Power Generating Plants	547,040,000.00
6.	Provision of NAFDAC Information Systems and Computer Sets	105,080,000.00
7.	Construction of NAFDAC Laboratory- Mbaka, Benue State (Phase 1)	136,900,000.00
8.	Construction of NAFDAC Laboratory Building Abeokuta, Ogun State Phase I	205,779,724.00
9.	Construction of Office Block, Warehouse, Perimeter Fence and Gate House at Illela Border Station, Sokoto State	439,912,059.00
10.	Construction of Perimeter Fence, Office Block and Warehouse in Benin, Edo State - Phase I	30,026,756.00
11.	Consultancy Services for Construction of Perimeter Fence, Office Block and Warehouse in Benin, Edo State	150,000,000.00
12.	Construction of Office Block, Warehouse, Perimeter Fence and Gate House at Kamber - Kebbi State	30,000,000.00
13.	Construction of NAFDAC Pid Office at Murtala Mohammed Int'l Airport NAHCO Ikeja, Lagos	29,393,734.00
14.	Rehabilitation of NAFDAC Lab, Calabar	143,815,795.00
15.	Construction of Perimeter Fence, Office Block and Warehouse at Owerri, Imo State Phase I	46,721,000.00
16.	Construction of Perimeter Fence, Office Block and Warehouse at Oshogbo, Osun State State Phase I	100,000,000.00
		300,000,000.00

17.	Consultancy Service for the Construction Perimeter Fence, Office Block and Warehouse at Owerri, Imo State	30,000,000.00
18.	Construction of Office Block, Warehouse, Perimeter Fence and Gate House- Jibiya, Katsina State	30,026,756.00
19.	Construction of NAFDAC Laboratory Building Umuokeh Obowo, Imo State - Phase 1	314,926,200.00
20.	Rehabilitation of Nafdac Training School, Kaduna State	100,000,000.00
21.	Construction of Office Block, Warehouse, Perimeter Fence and Gate House at Maigatari - Jigawa State	30,026,756.00
22.	Rehabilitation of NAFDAC Birnin Kebbi Office- Kebbi State	—
23.	Redesigning and Furnishing of NAFDAC Lab Maiduguri Borno State	31,989,100.00
24.	Construction of Perimeter Fence at Asaba- Delta State	23,916,438.00
25.	Construction of Perimeter Fence at Abakiliki - Ebonyi State	20,094,400.00
26.	Construction of Perimeter Fence at Enugu	20,094,400.00
27.	Construction of Perimeter Fence at Kwara	20,094,400.00
28.	Consultancy for NAFDAC Laboratory Training School, Antyu Mbaka, Benue State	23,745,174.00
29.	Management and Supervision for NAFDAC Laboratory Building Abeokuta, Ogun State	34,407,332.00
30.	Consultancy Service Stage 1 and 2 NAFDAC Headquarters/Laboratory Building Kyami-Abuja	95,000,000.00
31.	Consultancy Service Stage 3 NAFDAC Headquarters/Laboratory Building Kyami-Abuja	20,000,000.00
32.	Outstanding Financial Obligation	1,120,545,746.00
Total		6,106,039,626.00

IGR 2017 Projection

1.	Consultancy/Registration Forms	6,232,620.00
2.	Registration Fees	24,085,948.00
3.	Certificate Fees	73,390,160.00
4.	Administrative Fine	635,752,044.00
5.	Advertisement Fees	144,474,914.00
6.	Chemical Registration Fees /Permit	168,373,808.00
7.	Gazette	141,264.00
8.	Bulletin	9,038,018.00
9.	Workshop Fees	1,534,720.00
10.	IT Fees	7,066,156.00
11.	Import Permit	59,776,472.00
Sub-Total (A)		1,129,866,124.00

Users' Fees

1.	Laboratory Analysis	5,753,376,228.00
2.	Destruction Fees	32,135,096.00
3.	Production/Processing Fees	1,012,241,844.00
4.	Radiation Fees	1,381,589,197.00
5.	Registration and Raw Materials	1,255,308,964.00
6.	License Fees	—
7.	Inspection Fees	2,243,067,647.00
8.	Finished Goods/Product Fees	1,501,271,171.00
Sub-Total (B)		13,178,990,147.00

Total (A + B)

14,308,856,271.00

SUMMARY OF RECOMMENDED EXPENDITURE

1.	(a)	Overhead Costs (FGN Appropriation)	₦7,568,033.00
	(b)	Overhead Costs (from IGR, etc.)	₦8,202,816,645.00
2.		Personnel	₦4,443,243,393.00
3.	(a)	Capital (FGN Appropriation)	₦164,364,056.00
	(b)	Capital (from IGR, etc.)	₦6,106,039,626.00
Grand Total			₦18,924,031,753.00

Main Question,

That the expenditure of Eighteen Billion, Nine Hundred and Twenty-Four Million, Thirty-One Thousand, Seven Hundred and Fifty-Three Naira (₦18,924,031,753.00) only, for the purposes set out under the Recurrent and Capital Costs Estimates stand part of the Expenditures of the National Agency for Food and Drugs Administration and Control for 2017 — *Agreed to.*

Chairman to report proceeding.

(HOUSE IN PLENARY)

Mr Speaker in the Chair, reported that the House in Committee of Supply considered the Report of the Committee on Healthcare Services on the 2017 Budget Proposal of the National Agency for Food and Drug Administration and Control (NAFDAC), the sum of ₦18,924,031,753 (Eighteen Billion, Nine Hundred and Twenty-Four Million, Thirty-One Thousand, Seven Hundred and Fifty-Three Naira) only, of which the total sum of ₦7,568,033 (Seven Million, Five Hundred and Sixty-Eight Thousand, Thirty-Three Naira) only, is for Overhead Costs (from the Federal Government of Nigeria Appropriation), the sum of ₦8,202,816,645 (Eight Billion, Two Hundred and Two Million, Eight Hundred and Sixteen Thousand, Six Hundred and Forty-Five Naira) only, is for Overhead Costs (from the Internally Generated Revenues, etc.), the sum of ₦4,443,243,393 (Four Billion, Four Hundred and Forty-Three Million, Two Hundred and Forty-Three Thousand, Three Hundred and Ninety-Three Naira) only, is for Personnel Costs, the sum of ₦164,364,056 (One Hundred and Sixty-Four Million, Three Hundred and Sixty-Four Thousand, Fifty-Six Naira) only, is for Capital Expenditure (from the Federal Government of Nigeria Appropriation), and the sum of ₦6,106,039,626 (Six Billion, One Hundred and Six Million, Thirty-Nine Thousand, Six Hundred and Twenty-Six Naira) only, is for Capital Expenditure from the Internally Generated Revenues, etc.) for the Financial Year Commencing from 1 January and Ending on 31 December, 2017 and approved the Recommendations of the Report.

Question that the House do adopt the Report of the Committee of Supply — Agreed to.

- (ii) **Conference Committee Report on the Federal Competition and Consumer Protection Bill, 2017:**
Motion made and Question proposed, “That the House do consider the Report of the Conference Committee on a Bill for an Act to Repeal the Consumer Protection Act, Cap. C25, Laws of the Federation of Nigeria, 2004, Establish the Federal Competition and Consumer Protection Commission and the Competition and Consumer Protection Tribunal for the Development and Promotion of Fair, Efficient and Competitive Markets in the Nigerian Economy, Facilitate Access by all Citizens to Safe Products, Secure the Protection of Rights for all Consumers in Nigeria; and for Related Matters (HB. 1 and HB. 60)” and approve the recommendations therein” (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

Agreed to.

Question that the House do resolve into the Committee of the Whole to consider the Report — Agreed to.

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

A BILL FOR AN ACT TO REPEAL THE CONSUMER PROTECTION ACT, CAP. C25, LAWS OF THE FEDERATION OF NIGERIA, 2004, ESTABLISH THE FEDERAL COMPETITION AND CONSUMER PROTECTION COMMISSION AND THE COMPETITION AND CONSUMER PROTECTION TRIBUNAL FOR THE DEVELOPMENT AND PROMOTION OF FAIR, EFFICIENT AND COMPETITIVE MARKETS IN THE NIGERIAN ECONOMY, FACILITATE ACCESS BY ALL CITIZENS TO SAFE PRODUCTS, SECURE THE PROTECTION OF RIGHTS FOR ALL CONSUMERS IN NIGERIA; AND FOR RELATED MATTERS (HB. 1 AND HB. 60)

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 Conference Committee on a Bill for an Act to Repeal the Consumer Protection Act, Cap. C25, Laws of the Federation of Nigeria, 2004, Establish the Federal Competition and Consumer Protection Commission and the Competition and Consumer Protection Tribunal for the Development and Promotion of Fair, Efficient and Competitive Markets in the Nigerian Economy, Facilitate Access by all Citizens to Safe Products, Secure the Protection of Rights for all Consumers in Nigeria and for Related Matters (HB. 1 and HB. 60) and adopted the Report.

Question that the House do adopt the Report of the Committee of the Whole — Agreed to.

(iii) Committee on Agricultural Production and Services:

That the House do consider the Report of the Committee on Agricultural Production and Services on a Bill for an Act to Establish the Fisheries Society of Nigeria charged with Responsibility for Registration and Disciplining of Members of the Profession; and for Related Matters (HB. 595).

Order read; deferred by leave of the House.

(iv) Committee on Human Rights:

Motion made and Question proposed, "That the House do consider the Report of the Committee on Human Rights on a Bill for an Act to Provide for the Protection of Human Rights Online, to Protect Internet Users in Nigeria from Infringement of their Fundamental Freedoms and to Guarantee Application of Human Rights for Users of Digital Platforms and/or Digital Media; and for Related Matters (HB. 490) and approve the recommendations therein" (Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency).

Agreed to.

Question that the House do resolve into the Committee of the Whole to consider the Report — Agreed to.

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

A BILL FOR AN ACT TO PROVIDE FOR THE PROTECTION OF HUMAN RIGHTS ONLINE, TO PROTECT INTERNET USERS IN NIGERIA FROM INFRINGEMENT OF THEIR FUNDAMENTAL FREEDOMS AND TO GUARANTEE APPLICATION OF HUMAN RIGHTS FOR USERS OF DIGITAL PLATFORMS AND/OR DIGITAL MEDIA; AND FOR RELATED MATTERS (HB. 490)

PART I — PRELIMINARY

Committee Recommendation:**Clause 1: Objectives.**

The Objectives of this Bill are to:

- (a) promote the freedoms of expression assembly and association online;
- (b) guarantee the fundamental privacy rights of citizens and define the legal framework regarding surveillance;
- (c) clearly outline provisions for lawful and authorized interception of communications within the digital environment and online without sacrificing the freedom of citizens or their constitutional right to communicate freely;
- (d) accord data privacy more priority and thus safeguarding sensitive citizen data currently being held by numerous government and private institutions;
- (e) guarantee application of the human rights which apply offline within the digital environment and online;
- (f) provide sufficient safeguards against abuse and provide opportunities for redress where infringement occurs;
- (g) safeguard the digital liberty of Nigerians, now and in the future;
- (h) seek to guarantee the inviolability of communications, except by order of Court obtained in accordance with the due process of Law; and
- (i) equip the judiciary with the necessary legal framework to protect human rights online (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Question that Clause 1 stand part of the Bill — Agreed to.

Committee Recommendation:**Clause 2: Application.**

The provisions of this Bill shall apply throughout the Federal Republic of Nigeria Application (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Question that Clause 2 stands part of the Bill — Agreed to.

PART II — FUNDAMENTAL RIGHTS AND FREEDOMS

Committee Recommendation:**Clause 3: Right to Digital Privacy.**

- (1) Unlawful, unauthorised and undue interference with the online privacy of any person, is prohibited under this Bill.
- (2) Except the context otherwise provides, the Rule of Confidentiality shall apply to the entire provisions of this Bill (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Question that Clause 3 stand part of the Bill — Agreed to.

Committee Recommendation:**Clause 4: Anonymity.**

- (1) Every person shall have the right to communicate anonymously online without fear of interference with correspondence.
- (2) Every person shall have the right to express themselves anonymously online and shall not be compelled to adopt real name registration systems.
- (3) Internet Service Providers shall uphold and respect the human rights of customers by supporting the exercise of anonymous speech (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Question that Clause 4 stand part of the Bill — Agreed to.

Committee Recommendation:**Clause 5: Data and Information Privacy.**

- (1) Every person is guaranteed the confidentiality of his personal data.
- (2) The integrity and confidentiality of personal data and information of citizens is inviolable and therefore guaranteed.
- (3) There shall be clear procedures by which the private data of individuals, stored by intermediaries, can be accessed.
- (4) Requests for private data shall follow legally stipulated procedures and Court warrants shall be necessary in order for an intermediary to honour a request for private data, which request shall be reported to the concerned individual.
- (5) Every private entity in Nigeria holding citizen data - personal details of private individuals - shall publish in two National Newspapers bi-annual periodic reports detailing the nature and frequency of government requests.
- (6) All entities that collect, store and/or process personal data in the course of their activities shall have data privacy policies that are readily and easily accessible to the public.
- (7) Under certain exceptional situations where the State may limit the right to privacy for the purposes of administration of criminal justice or prevention of crime, such measures shall be in compliance with the international human rights framework, with adequate safeguards against abuse.
- (8) Measures referred to in sub-clause (7) include ensuring that any measure to limit the right to privacy is taken on the basis of a specific decision by a State Authority expressly empowered by law to do so, and shall respect the principles of necessity and proportionality (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Question that Clause 5 stand part of the Bill — Agreed to.

Committee Recommendation:**Clause 6: Data in the Cloud.**

- (1) Every data owner is entitled to the ownership of his or her data stored in the cloud regardless of where it is stored.
- (2) Every cloud storage provider offering services in Nigeria shall be responsible for keeping the data available and accessible, and the physical environment protected and running on behalf of the data owner.

- (3) Every data owner shall have the ability to access personal data and transfer it in the event that the cloud provider goes bankrupt.
- (4) A cloud provider shall give a data owner a seven-day warning before declaring bankruptcy to afford data subjects ample time to get their data off of that server.
- (5) A data owner reserves the right to be informed about the success or liability in the event that such provider is bought out by another company.
- (6) A data owner shall be notified by the host whenever his data is subpoenaed, in order to file a response in court where the need arises.
- (7) A Provider shall make backup of data and guarantee uptime, and where the Provider loses data belonging to the owner, such a Provider shall be liable for damages commensurate to the value of the data lost, plus interest at the prevailing rate.
- (8) A Provider shall give a data Owner guarantees as to the constant availability of his account on the cloud at all times.
- (9) A data Owner shall have the right to know the status of Cyber Risk insurance and certification of the Provider (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Question that Clause 6 stand part of the Bill — Agreed to.

Committee Recommendation:

Clause 7: Data Ownership.

- (1) Every person shall be entitled to the ownership of online content created by themselves or their agents, and shall be responsible for them.
- (2) The digital assets or data sets of an owner such as passwords, instructive memos, digital contracts, digital receipts, pictures, medical information, bank accounts, writings, social interactions or anything else that a user has access to primarily in the digital space is inheritable to be managed and owned by his heirs or next of kin.
- (3) Service providers shall strictly protect the privacy rights of owners against violation by third parties and by the service providers themselves or their agents howsoever; the occurrence of which shall give rise to compensation as shall be determined by the court having due regard to the extent of damage (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Question that Clause 7 stand part of the Bill — Agreed to.

Committee Recommendation:

Clause 8: Phishing.

No person, masquerading as a legal entity or otherwise, is entitled to hold and own sensitive information on the internet such as usernames, passwords, credit card or bank information, and similar information of an individual without authorised access (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Question that Clause 8 stands part of the Bill — Agreed to.

Committee Recommendation:**Clause 9: Surveillance and Lawful Interception.**

- (1) Notwithstanding the provisions of Section 5 of this Bill, the right to privacy shall be derogated only in the following conditions —
- (a) any interference with privacy rights shall be properly published in a Gazette and available to the general public. Any person who is the subject of such lawful interference shall be duly notified within seven days upon the completion of such lawful interference;
 - (b) where interference is unavoidable, the collection, interception and retention of communications data, shall only be lawfully carried out with an appropriate Court Order having been sought and obtained, and a period specified;
 - (c) any measure to undertake lawful interference shall not be applied in a manner that discriminates on the basis of ethnicity, sex, religion, political or other opinion, national, property, or other status;
 - (d) communications Surveillance shall be strictly based on the principle of necessity and as a last resort; it shall only be conducted when it is the only means of achieving a legitimate aim, or, when there are multiple means, it is the means least likely to infringe upon human rights. The onus of establishing this justification shall always be on the Government, and/or the entity seeking to carry out the surveillance;
 - (e) any instance of Communications Surveillance authorised by the court shall be appropriate, proportionate and adequate to fulfil the specific legitimate aim identified;
 - (f) Government decisions and policies about Communications Surveillance shall consider the sensitivity of the information accessed and the severity of the infringement on human rights and other competing interests;
 - (g) user notification shall be issued to anyone whose communications are being under surveillance with enough time and information as appropriate in the circumstance to enable him challenge the decision or seek other remedies and shall have access to the materials presented in support of the application for authorization;
 - (h) any delay in notification as stipulated in sub-section (a) of this Section 13 (a) above shall only be justified in the following circumstances enumerated hereunder —
 - (i) notification would seriously jeopardize the purpose for which the Communications Surveillance is authorized, or there is an imminent risk of danger to human life;
 - (ii) authorization to delay notification is granted by a court of competent jurisdiction; and
 - (iii) the User affected is notified as soon as the risk is lifted as determined by a Competent Judicial Authority in subparagraph (ii);

- (iv) the obligation to give notice rests with the State; however communications service providers may notify individuals of the Communications Surveillance, voluntarily or upon request.
- (2) Citizens and lawful residents of Nigeria shall be at liberty to send electronic communications to one another free from the fear of surveillance, monitoring, interception or any other violation of privacy.
- (3) Mass or indiscriminate surveillance of the people and the monitoring of their communications shall not be carried out.
- (4) The State shall apply transparency in its use and scope of Communications Surveillance policies, regulations, activities, powers, or authorities; It shall publish, at a minimum, aggregate information on the specific number of requests approved and rejected, a disaggregation of the requests by service provider and by investigation authority, type, and purpose, and the specific number of individuals affected by each.
- (5) The State shall provide individuals with sufficient information to enable them to fully comprehend the scope, nature, and application of the laws permitting Communications Surveillance. States should not interfere with service providers in their efforts to publish the procedures they apply when assessing and complying with State requests for Communications Surveillance, adhere to those procedures, and publish records of State requests for Communications Surveillance.
- (6) The State shall establish independent public oversight mechanisms in addition to any oversight already provided through another branch of government, to ensure transparency and accountability of Communications Surveillance.
- (7) Government agencies shall obtain a search warrant based on probable cause before it can compel any service provider to disclose a user's private communications or documents stored online.
- (8) Government agencies shall obtain a search warrant based on probable cause before they can track, prospectively or retrospectively, the location of a cell phone or other mobile communications devices. (9) Before obtaining transactional data in real time about when and with whom an individual communicates using email, instant messaging, text messaging, the telephone or any other communications technology, government agencies shall demonstrate to a court that such data is relevant to an authorized criminal investigation.
- (10) Monitoring of communications made over the Internet or telephone, and in particular, the data at issue or information on who individuals email with, share instant messages with, send text messages to, and the Internet Protocol addresses of the Internet sites individuals visit shall not be lawful without a court order.
- (11) Before obtaining transactional data about multiple unidentified users of communications or other online services when trying to track down a suspect, government agencies shall first demonstrate to a court that the data is needed for its criminal investigation and obtain a Court Order.
- (12) Government agencies shall not arbitrarily employ the use of subpoenas to get information in bulk about broad categories of telephone or Internet users.

- (13) Government agencies shall seek, with the leave of court, the records of specific individuals that are relevant to an investigation.
- (14) After material obtained through Communications Surveillance has been used for the purpose for which information was given, the material shall not be retained, but instead be immediately destroyed or returned to those affected.
- (15) Whistle-blowers are also adequately protected by this Bill from any form of sanction, attack, arrest or subjected to any civil or criminal proceedings.
- (16) All persons affected by illegal surveillance activities shall be adequately compensated by the surveilling entity.
- (17) Every person shall have the right to due process in relation to any legal claims or violations of the law regarding the Internet. Standards of liability, including defences in civil cases, shall take into account the overall public interest in protecting both the expression and the forum in which it is made (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Question that Clause 9 stand part of the Bill — Agreed to.

Committee Recommendation:

Clause 10: Personal Data Protection.

- (1) Every person is entitled to the collection, use and disclosure of personal data by Organizations in a manner that recognizes both the right of individuals to protect their personal data, including rights of access and correction, as well as the need of organizations to collect, use or disclose personal data for legitimate and reasonable purposes as appropriate in the circumstances.
- (2) The use of Personal Data under this clause shall be in accordance with the following —
 - (a) consent — Organizations may collect, use or disclose personal data only with the individual's knowledge and consent;
 - (b) purpose — Organizations may collect, use or disclose personal data in an appropriate manner for the circumstances, and only if they have informed the individual of purposes for the collection, use or disclosure; and
 - (c) reasonableness — Organizations may collect, use or disclose personal data only for purposes that would be Personal Data Protection. 15 considered appropriate to a reasonable person in the given circumstances.
- (3) The obligations of an Organization with respect to personal data include —
 - (a) an Organization is responsible for personal data in its possession or under its control;
 - (b) in meeting its responsibilities under this clause an Organization shall consider what a reasonable person would consider appropriate in the circumstances;
 - (c) an Organization shall designate one or more individuals to be responsible for ensuring that the Organization complies with the provision of this clause;

- (d) an individual designated under Paragraph (c) above may delegate to another individual the responsibility conferred by that designation;
 - (e) an Organization shall make available to the public the business contact information of at least one of the individuals designated under Paragraph (c) or delegated under Paragraph (d);
 - (f) the designation of an individual by an Organization under paragraph (c) shall not relieve the Organization of any of its obligations under this clause.
- (4) An Organization shall have the same obligation under this clause in respect of personal data processed on its behalf and for its purposes by a data intermediary as if the personal data were processed by the Organization itself.
- (5) This Bill shall not apply in respect of —
 - (a) personal data about an individual that is contained in a record that has been in existence for at least 100 years;
 - (b) personal data about a deceased individual except that the provisions relating to the disclosure of personal data and shall apply in respect of personal data about an individual who has been dead for 25 years;
 - (c) ~~this clause~~ shall also apply to business contact information.
- (6) An Organization shall not, on or after the appointed day, collect, use or disclose personal data about an individual unless —
 - (a) the individual gives, or is deemed to have given, his consent under this Bill to the collection, use or disclosure, as the case may be; or
 - (b) the collection, use or disclosure, as the case may be, without the consent of the individual is required or authorized under this Bill or any other written law.
- (7) An individual has not given consent under this Sub-clause for the collection, use or disclosure of personal data about the individual by an Organization for a purpose unless —
 - (a) the individual has been provided with the information; and
 - (b) the individual provided his consent for that purpose in accordance with this clause.
- (8) An Organization shall not —
 - (a) as a condition of providing a product or service, require an individual to consent to the collection, use or disclosure of personal data about the individual beyond what is reasonable to provide the product or service to that individual; or
 - (b) obtain or attempt to obtain consent for collecting, using or disclosing personal data by providing false or misleading information with respect to the collection, use or disclosure of the personal data, or using deceptive or misleading practices.

- (9) In this clause, references to consent given, or deemed to have been given, by an individual for the collection, use or disclosure of personal data about the individual shall include consent given, or deemed to have been given, by any person validly acting on behalf of that individual for the collection, use or disclosure of such personal data (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Question that Clause 10 stand part of the Bill — Agreed to.

Committee Recommendation:

Clause 11: Consent for Collection, Use and Disclosure of Personal Data.

- (1) An individual is deemed to consent to the collection, use or disclosure of personal data about the individual by an Organization for a purpose if the individual, without actually giving consent referred to in this Bill, voluntarily provides the personal data to the Organization for that purpose.
- (2) If an individual gives, or is deemed to have given, consent to the disclosure of personal data about the individual by one Organization to another Organization for a particular purpose, the individual is deemed to consent to the collection, use or disclosure of the personal data for that particular purpose by that other Organization.
- (3) On giving reasonable notice to the Organization, an individual may at any time withdraw any consent given, or deemed to have been given under this clause, in respect of the collection, use or disclosure by that Organization of personal data about the individual for any purpose.
- (4) On receipt of the notice referred to in sub-clause (3), the Organization concerned shall inform the individual of the likely consequences of withdrawing his consent.
- (5) An Organization shall not prohibit an individual from withdrawing his consent to the collection, use or disclosure of personal data about the individual, but this clause shall not affect any legal consequences arising from such withdrawal.
- (6) If an individual withdraws consent to the collection, use or disclosure of personal data about the individual by an Organization for any purpose, the Organization shall cease (and cause its data intermediaries and agents to cease) collecting, using or disclosing the personal data, as the case may be, unless such collection, use or disclosure, as the case may be, without the consent of the individual is authorized under this Bill or other written law.
- (7) An Organization may collect, use or disclose personal data about an individual without the consent of the individual or from a source other than the individual in any of the following circumstances —
 - (a) it is necessary to respond to an emergency that threatens the life, health or safety of the individual or another individual;
 - (b) the personal data is publicly available;
 - (c) the collection, use or disclosure is necessary for any investigation or proceedings, if it is reasonable to expect that seeking the consent of the individual would compromise the availability or the accuracy of the personal data;

- (d) the collection, use or disclosure is necessary for evaluative purposes;
 - (e) the personal data is collected, used or disclosed solely for artistic or literary purposes;
 - (f) the personal data is collected, used or disclosed by a news Organization solely for its news activity;
 - (g) the personal data is collected, used or disclosed by a credit bureau from a member of the credit bureau to create a credit report, or by a member of the credit bureau from a credit report provided by the credit bureau to that member in relation to a transaction between the member and the individual;
 - (h) the personal data is collected, used or disclosed to confer an interest or a benefit on the individual under a private trust or a benefit plan, and to administer such trust or benefit plan, at the request of the settlor or the person establishing the benefit plan, as the case may be;
 - (i) the personal data is included in a document —
 - (i) produced in the course, and for the purposes, of the individual's employment, business or profession; and
 - (ii) collected, used or disclosed for purposes consistent with the purposes for which the document was produced;
 - (j) the personal data —
 - (i) is collected, used or disclosed by an Organization, being a party or a prospective party to a business asset transaction with another Organization, from that other Organization;
 - (ii) is about an employee, customer, director, officer or shareholder of the other Organization; and
 - (iii) relates directly to the part of the other Organization or its business assets with which the business asset transaction is concerned;
 - (k) the personal data was disclosed by a public agency, and the collection, or use is consistent with the purpose of the disclosure by the public agency; or
 - (l) the personal data —
 - (i) was disclosed to the Organization; and
 - (ii) is collected by the Organization for purposes consistent with the purpose of that disclosure.
- (8) A responsible party must take reasonably practical steps to ensure that the personal information is complete, accurate, not misleading, and updated where necessary.

- (9) In taking the steps referred to in Sub-clause (8), the responsible party must have regard to the purpose for which information is collected or further processed.
- (10) The processing of personal information of a data subject for the purpose of direct marketing by means of any form of electronic communication, including but not limited to automated calling machines, facsimile machines, SMSs or e-mail is prohibited unless the data subject has expressly given his or her consent.
- (11) A responsible party may approach a data subject whose consent is required in terms of Sub-clause (10); and who has not previously withheld such consent, only in order to request the consent of the data subject.
- (12) The data subject's consent must be requested in the prescribed manner and form.
- (13) A responsible party may only process the personal information of a data subject who is a customer of the responsible party in terms of Sub-clause (10) —
- (a) if the responsible party has obtained the contact details of the data subject in the context of the sale of a product or service;
 - (b) for the purpose of direct marketing of the responsible party's similar products or services; and
 - (c) if the data subject has been given a reasonable opportunity to object free of charge and in a manner free of unnecessary formality, to such use of his or its electronic details —
 - (i) at the time when the information was collected; and
 - (ii) on the occasion of each communication with the data subject for the purpose of marketing if the data subject has not initially refused such use.
- (14) Any communication for the purpose of direct marketing must contain —
- (a) details of the identity of the sender or the person on whose behalf the communication has been sent; and
 - (b) an address or other contact details to which a recipient may send a request terminating such communication (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Question that Clause 11 stand part of the Bill — Agreed to.

Committee Recommendation:

Clause 12: Transfer of Personal Information outside Nigeria.

- (1) A data subject who is a subscriber to an electronic directory of subscribers available to the public or obtainable through directory enquiry services, in which his or its personal information is included, must be informed, free of charge and before the information is included in the directory —
- (a) about the purpose of the directory; and

- (b) about any further uses to which the directory may possibly be put, based on search functions embedded in electronic versions of the directory.
- (2) This clause shall not apply to editions of directories that were produced in electronic forms prior to the commencement of this Bill.
- (3) The provisions of Sub-clause (1) do not apply if the decision —
 - (a) has been taken in connection with the conclusion or execution of a contract, and the request of the data subject in terms of the contract has been met;
 - (b) appropriate measures have been taken to protect the data subject's legitimate interest;
 - (c) is governed by a law or code of conduct in which appropriate measures are specified for protecting the legitimate interest of the data subjects.
- (4) A responsible party within Nigeria may not transfer, transmit, or cause to be transferred or transmitted by any means whatsoever, of personal information about a data subject to a third party who is in a foreign country unless —
 - (a) the third party who is recipient of the information is subject to a law, binding corporate rules, or binding agreements which provide an adequate level of protection that —
 - (i) effectively upholds principles for reasonable processing of information that are substantially similar to the conditions for the lawful processing of personal information relating to a data subject who is a natural person and, where applicable, a juristic person; and
 - (ii) includes provisions, that are substantially similar to this sub-clause, relating to the further transfer of personal information from the recipient to third parties who are in a foreign country;
 - (b) the data subject consents to the transfer;
 - (c) the transfer is necessary for the performance of a contract between the data subject and a responsible party, or for the implementation of a pre-contractual measures taken in response to the data subject's request;
 - (d) the transfer is necessary for the conclusion or performance of a contract concluded in the interest of the data subject between the responsible party and a third party; and
 - (e) the transfer is for the benefit of the data subject, and—
 - (i) it is not reasonably practicable to obtain the consent of the data subject to the transfer;

- (ii) if it were reasonably possible to obtain such consent, the data subject would be likely to give it (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Question that Clause 12 stand part of the Bill — Agreed to.

Committee Recommendation:

Clause 13: Freedom of Expression online.

The right to opinion and expression on the Internet shall not be subject to any restrictions, save as provided for under the 1999 Constitution of the Federal Republic of Nigeria (as amended), the Freedom of Information Act 2011, and other relevant legislations (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Question that Clause 13 stands part of the Bill — Agreed to.

Committee Recommendation:

Clause 14: Freedom of expression of opinion online.

- (1) Every person shall have the right to freely express opinion online without interference; this right includes the freedom to seek, receive and impart information and ideas, regardless of digital frontiers.
- (2) Under this Bill, freedom of expression further includes the freedom to express and impart information and ideas of all kinds that can be transmitted to others, in whatever form, and regardless of media. Information or ideas that may be regarded as critical or controversial by the Authorities or by a majority of the population, including ideas or views that may "shock, offend or disturb" are also covered by the right to impart information and ideas of all kinds through any media and regardless of frontiers.
- (3) Means of expression shall include books, newspapers, pamphlets, posters and banners in digital format or online, as well as all forms of audio-visual, electronic and internet-based modes of expression.
- (4) The right to freedom of expression includes the right to seek and receive information through the use of the Internet.
- (5) The government shall not use or compel intermediaries to undertake censorship on its behalf and intermediaries shall not be required to prevent, hide or block content or disclose information about Internet users, or to remove access to user generated content, including those that infringe copyright laws, without the leave of court.
- (6) The decision of intermediaries which has the tendency to affect the interest of a user shall be made taking into account the need to protect expression that is legitimate under international standards.
- (7) Professional journalists, bloggers as well as citizen journalists and others who contribute to shaping public debate and public opinion on the Internet shall be recognised as agents of the larger society who enable the formation of opinions, ideas, decision-making and democracy.
- (8) Inconsistent and abusive application of legislation shall not be used to censor criticism and debate concerning public issues and to foster a climate of fear and self-censorship among media actors and the public at large.

- (9) The abuse of the freedom of expression under the guise of protection of national security is prohibited. Consequently the state shall balance the need by ensuring that anti-terrorism laws, treason laws or similar provisions relating to national security conform with their obligations under international human rights law.
- (10) The right to freedom of expression on the Internet shall not be subject to any restrictions, except those which are provided by law, for a legitimate purpose and necessary and proportionate in a democratic society, as consistent with international human rights standards.
- (11) Any restriction on freedom of expression must be provided by law, and shall only be imposed for the grounds set out in international human rights law, and shall be, as a matter of obligation, in conformity to the strict tests of necessity and proportionality.
- (12) No restriction on freedom of expression on the ground of protection of the rights of others, including copyright, may be imposed unless the State can demonstrate that the restriction is prescribed by law and is necessary in a democratic society to protect those interests. The burden of demonstrating the validity of the restriction rests with the State or the copyright holder.

Provided that —

- (a) "prescribed by law" means that the law must be accessible, unambiguous, drawn narrowly and with sufficient precision so as to enable individuals to foresee whether a particular action is unlawful;
- (b) this Bill is premised on the rule of law and thus provides for prompt, full and effective scrutiny of the validity of the restriction by an independent court, tribunal or other independent adjudicatory body;
- (c) any restriction on freedom of expression that the State seeks to justify on grounds of protection of copyright interests must have the genuine purpose and demonstrable effect, on the basis of independent evidence, of protecting the ends that copyright seeks to achieve;
- (d) disconnection from access to the Internet on grounds of copyright is always a disproportionate restriction on the right to freedom of expression;
- (e) filtering, blocking, removal and other technical or legal limits on access to content are serious restrictions on freedom of expression and can only be justified if they strictly comply with international human rights standards relating to limitations and due process;
- (f) Website blocking on grounds of copyright protection shall be considered a disproportionate restriction on freedom of expression because of associated risks of over-blocking and the general lack of effectiveness of this measure;
- (g) insofar as website blocking may already be permitted by law, this measure shall only be imposed by courts or other independent adjudicatory bodies. In determining the scope of any blocking order, the courts or adjudicatory bodies shall address themselves to the following —

- (i) any blocking order shall be as targeted as possible;
 - (ii) no blocking order should be granted unless the rights holder seeking the order has established copyright in the works which are said to be unlawfully accessed;
 - (iii) no blocking injunction should be granted beyond the works in which copyright has been established by the rights holders;
 - (iv) whether the blocking order is the least restrictive means available to bring an end to individual acts of infringement including an assessment of any adverse impact on the right to freedom of expression;
 - (v) whether access to other non-infringing material will be impeded and if so to what extent, bearing in mind that in principle, non-infringing content should never be blocked;
 - (vi) the overall effectiveness of the measure and the risks of over-blocking;
 - (vii) whether the blocking order should be of limited duration;
 - (viii) website blocking orders to prevent future copyright infringements are a form of prior censorship and as such are a disproportionate restriction on freedom of expression.
- (h) a restriction on freedom of expression is proportionate in a democratic Nigeria only if —
 - (i) it is the least restrictive means available for protecting that interest; and
 - (ii) the restriction is compatible with democratic principles;
- (i) protection of national security or countering terrorism/insurgency cannot be used to justify restricting the right to expression unless it can be demonstrated that —
 - (i) the expression is intended to incite imminent violence;
 - (ii) it is likely to incite such violence; and
 - (iii) there is a direct and immediate connection between the expression and the likelihood or occurrence of such violence.
- (j) the courts shall prescribe stringent procedures for allowing consumer groups or other interested parties to intervene in injunction proceedings in which a blocking order is sought;
- (k) knowingly submitting a court application for blocking of content without copyright should be penalized and those harmed by such applications shall be compensated, the amount of which shall be determined by the court. The same applies to overbroad and negligent blocking applications;

- (l) any restriction that prevents the flow of information online shall be in line with permissible limitations as set out in international human rights law;
 - (m) independence for both public and private media, fair and independent media markets shall be held as essential for exercising the right to free expression.
- (13) Any speech, gesture or conduct, writing, or display capable of inciting violence or prejudicial action against or by a protected individual or group, by disparaging or intimidating a protected individual or group on the basis of attributes such as gender, ethnic origin, religion, race, disability, or sexual orientation, amounts to hate speech and is forbidden.
- (14) Hate Speech on social media or other online platforms which incites violence, hatred or discrimination against individuals or groups identified by a specific set of characteristics are prohibited. (15) Government concerns about hate speech shall not be abused to discourage citizens from engaging in legitimate democratic debate on matters of general interest.
- (16) It shall be the duty of the courts to make a distinction between, on the one hand, genuine and serious incitement to extremism and, on the other hand, the right of individuals (including journalists and politicians) to express their views freely and to "offend, shock or disturb" as a way of combating certain forms and expressions of hate speech.
- (17) Censorship on the Internet, which usually takes the form of laws allowing for the total or partial banning of certain web pages and in certain extreme circumstances, where the State resorts to the complete disconnection of the Internet network, thus isolating a whole region from the rest of the country and the world at large, is a violation of the freedom of expression.
- (18) The jamming of wireless signals, another means of censorship which deprives individuals of their right to freedom of opinion and expression, is prohibited.
- (19) The state shall not unduly restrict, control, manipulate and censor content disseminated via the Internet without any legal basis, or on the basis of broad and ambiguous laws, without justifying the purpose of such actions; and/or in a manner that is clearly unnecessary and/or disproportionate to achieving the intended aim (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Question that Clause 14 stand part of the Bill — Agreed to.

Committee Recommendation:

Clause 15: Freedom of Information Online.

- (1) The use and re-use of government held data and information shall be available free of charge wherever practical, and if not, charging shall be transparent, reasonable, the same for all users, and not designed as a barrier to the use or reuse of the data.
- (2) The existing obligation on public bodies to share all information produced with the support of public funds in terms of sub-clause (1), subject only to clearly defined rules set out in law, as established by the Declaration of Principles on Freedom of Expression in Africa, shall extend to the proactive release of such information on the World Wide Web in openly licensed, freely reuseable formats.

- (3) Copyrighted materials held by public bodies shall be licensed for re-use in accordance with relevant access to information laws and licensing frameworks.
- (4) The right of citizens to access the Internet for the purposes of information gathering or sharing, conducting business and/or expressing personal opinion is hereby guaranteed; it shall be illegal for government or any entity to deny or censor access to the Internet without providing adequate and acceptable reasons.
- (5) The duty in terms of Sub-clause (2) presupposes providing access to particularly rural areas and the urban poor where Internet penetration is low or nonexistent, lack of technological availability, slower Internet connection, and/or higher costs.
- (6) Priority shall be accorded to persons with disabilities and persons belonging to minority groups, who often face barriers to accessing the Internet in a way that is meaningful, relevant and useful to them in their daily lives.
- (7) Where the infrastructure for Internet access is present, the government shall support initiatives to ensure that online information can be accessed in a meaningful way by all sectors of the population, including persons with disabilities and persons belonging to linguistic minorities.
- (8) Interference which may arise out of abusive, opportunistic or discriminatory (variable geometry) application of various laws, interference with privately operated Internet based platforms or applications, are prohibited.
- (9) Blocking, which refers to measures taken to prevent certain content from reaching an end-user, or extensive filtering systems that block access to websites containing key terms includes preventing users from accessing specific websites, Internet Protocol (IP) addresses, domain name extensions, the taking down of websites from the web server where they are hosted, or using filtering technologies to exclude pages containing keywords or other specific content from appearing. The arbitrary act of blocking access to certain digital media such as the social network is prohibited.
- (10) Unlawful, unauthorised and undue restriction on media freedom and pluralism which hinders the freedom to receive and impart information, diminishes media's ability to act as a public watchdog holding power to account, and which in turn undermines both public trust in the media and the exercise of democracy itself, is prohibited.
- (11) Illegitimate types of information which may be restricted include child pornography (to protect the rights of children), hate speech (to protect the rights of affected communities), defamation (to protect the rights and reputation of others against unwarranted attacks), direct and public incitement to commit genocide (to protect the rights of others), and advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence (to protect the rights of others, such as the right to life).
- (12) Notwithstanding these provisions, the relevant laws shall apply in cases where the content infringes on the rights of another citizen (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Question that Clause 15 stand part of the Bill — Agreed to.

Committee Recommendation:**Clause 16: Right to Peaceful Assembly and Association Online.**

- (1) Everyone shall have the right to peaceful assembly and association online, including through social networks and platforms.
- (2) Organisers and participants of peaceful assemblies have the right to access the Internet and other new technologies at all times, without interference except those which are provided by law, for a legitimate purpose and necessary and proportionate in a democratic society, as consistent with international human rights standards.
- (3) The freedom of assembly and association as guaranteed by section 40 of the 1999 Constitution of the Federal Republic of Nigeria (as amended) shall apply to every Internet activity.
- (4) Social and economic openness, to support innovation and guard against monopolies, is hereby protected.
- (5) All data on the Internet shall be treated in an equal and non-discriminatory manner, and shall not be charged differentially, according to user, content, site, platform, application, type of attached equipment, and modes of communication or any other consideration whatsoever.
- (6) There shall be no special privileges for, or obstacles against, the exchange of information online or any party or content on economic, social, cultural, or political grounds.
- (7) Nothing in this clause may be interpreted as preventing affirmative action aimed at ensuring substantive equality for marginalised peoples or groups (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Question that Clause 16 stand part of the Bill — Agreed to.

Committee Recommendation:**Clause 17: Freedom to Learn.**

- (1) Every person shall have the right to learn: traditional students, non-traditional students, adults, children, and teachers, independent of age, gender, race, social status, sexual orientation, economic status, state of origin, religion, bodily ability, and environment anywhere and everywhere in Nigeria.
- (2) It shall be the fundamental principle and practice of government agencies responsible for educational policymaking to include compulsory Internet literacy skills in school curricula, and support similar learning modules outside of schools.
- (3) In addition to basic skills training, modules shall clarify the benefits of accessing information online, and of responsibly contributing information.
- (4) The education in terms of Sub-clause (2) shall also be directed towards helping individuals learn how to protect themselves against harmful content, and explain the potential consequences of revealing private information on the Internet.
- (5) Online learning, which has the potential to ensure that the right to education is a reality for a greater percentage of the nation's population, shall be promoted to give universal access to learning.

- (6) To ensure the right to access, learning shall be affordable and available, offered in myriad formats, to students located in a specific place and students working remotely, adapting itself to Freedom of Assembly and Association Online Net Neutrality 32 people's different lifestyles, mobility needs, and schedules.
- (7) Media and information literacy shall be promoted to enable all people to access, interpret and make informed judgments as users of information, as well as to create information.
- (8) Accordingly, flowing from Sub-clause 7, media and information literacy programmes shall be instituted in schools and in other public institutions, wherein practical school children, and other learners, shall have access to Internet enabled devices.
- (9) It shall be the duty of Government at all levels to ensure that people with disabilities have equal access to knowledge.
- (10) The lack of copyright exceptions benefiting people with sensory impairments constitute a breach of their rights to freedom of expression, private life and their right to participate in cultural life. Equal access to knowledge by people of all languages and levels of literacy shall be promoted.
- (11) The lack of copyright exceptions benefiting minority language speakers and persons with low literacy levels undermines their rights to freedom of expression, private life and their right to participate in cultural life (*Hon. Edward Gyang Pwajok – Jos South/Jos East Federal Constituency*).

Question that Clause 17 stand part of the Bill — Agreed to.

Committee Recommendation:

Clause 18: Protection of Privacy of Students and Learners.

- (1) Student privacy shall be protected as an inalienable right regardless of whether learning takes place in a brick-and-mortar institution or online.
- (2) Students and other learners have a right to know how data collected about their participation in the online system will be used by the organization and made available to others.
- (3) The provider shall offer clear explanations of the privacy implications of students' choices.
- (4) Learners within a global, digital commons shall have the right to work, network, and contribute to knowledge in public; to share their ideas and their learning in visible and connected ways if they so choose.
- (5) Courses offered shall encourage open participation and meaningful engagement with real audiences where possible, including peers and the broader public.
- (6) Online students also have the right to create and own intellectual property and data associated with their participation in online courses.
- (7) Online programs shall encourage openness and sharing, while working to educate students about the various ways they can protect and license their data and creative work.

- (8) Any changes in terms of service shall be clearly communicated by the provider, and they shall never erode the original terms of privacy or the intellectual property rights to which the student agreed.
- (9) Students shall have the right to know how their participation supports the financial health of the online system in which they are participating.
- (10) They shall have the right to fairness, honesty, and transparent financial accounting. This is also true of courses that are "free".

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- (11) The provider shall offer clear explanations of the financial implications of students' choices.
- (12) Students shall have the right to understand the intended outcomes-educational, vocational, even philosophical-of an online program or initiative (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Question that Clause 18 stand part of the Bill — Agreed to.

Committee Recommendation:

Clause 19: Right to create public knowledge.

- (1) If a credential or badge or certification is promised by the provider, its authenticity, meaning, and intended or historical recognition by others — such as employers or academic institutions) shall be clearly established and explained.
- (2) Research capacity and appropriate human resource development in the field of ICT skills shall be promoted with a view to —
 - (a) introduce and extend e-Learning in institutions of learning;
 - (b) promote development of specialist/expert capacity in ICT;
 - (c) promote Digital Literacy;
 - (d) promote ICT for Education;
 - (e) accelerate Knowledge Development and Management;
 - (f) encourage the utilization of ICT across all socio-economic sectors in Nigeria;
 - (g) increase research and development capacity in ICT sectors; and
 - (h) harness skills and expertise of Nigerians in Diaspora in ICT development.
- (3) Education and innovation are interrelated drivers of development, which shall be facilitated by ICTs. Access to knowledge and education.
- (4) Teacher professional development, digital learning resources, affordable technologies, education management information systems and National Research and Education Networks shall be accorded priority.

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- (5) Teachers' capacity in ICT shall be enhanced, as effective integration of technology into teaching and learning requires well qualified educators, a clear focus on equipping teachers with ICT literacy skills and support for teachers to use skills and technology in teaching and learning online.
- (6) Educators and students shall access learning materials and collaboration platforms at affordable rates as more functional, low-cost devices become available.
- (7) Broadband access shall be made commonly available as connectivity is crucial for accessing resources, and requires continued focus on competitive broadband access using suitable technologies - wired and wireless, and national collaborative networks.
- (8) Access to content shall be improved by open educational resources, which can be copied and adapted without licence fees (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Question that Clause 19 stand part of the Bill — Agreed to.

Committee Recommendation:

Clause 20: E-governance and Financial Transparency.

- (1) An open, modernized e-governance system enabled by free-flow and access to information and the manner which citizens and businesses interact with government representatives and other agents of the state shall be pursued vigorously.
- (2) Governments shall recognize the power of social media and use it to democratic advantage, in particular to reinforce democratic processes, drive efficiency, foster innovation, empower public sector workers and expose corruption.
- (3) An effective e-governance service delivery system shall be pursued by the establishment of accurate, effective and efficient national identification systems, incorporating technology that reduces fraud and identity theft (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Question that Clause 20 stand part of the Bill — Agreed to.

PART III — OFFENCES AND PENALTIES

General Offences and Penalties

Committee Recommendation:

Clause 21: Pedagogical Transparency.

- (1) Any person, who, intentionally and without authorization or in excess of authority, commits an offence contrary to the provisions of Clause 5 (1) of this Bill, shall upon conviction be liable to five years imprisonment with an option of a fine not less than the sum of one million naira or to both. In the case of a body corporate, upon conviction, a fine of not less than five million naira shall apply.

- (2) Any person, who intentionally and without authorization or in excess of authority, commits an offence contrary to the provisions of clause 9 of this Bill shall upon conviction be sentenced to a prison term of five years without an option of fine, in addition to compensating the victim where necessary, in a sum to be determined by the court. In the case of a body corporate, upon conviction, a fine of not less than ten million naira shall apply in addition to compensating the victim where necessary, in a sum to be determined by the court.
- (3) Any person who intentionally and without authorization or in excess of authority, publishes online any form of hate speech, such as the advocacy of regional, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, shall upon conviction be sentenced to a term of not less than one year or to a fine of not less than one million Naira.
- (4) In the event that such publication in sub-clause (3) results in loss of lives and destruction of property, such a person is liable on conviction to imprisonment for a term of not less than seven years, or to a fine not less than five million Naira or to both fine and imprisonment including compensation to the victims. In the case of a body corporate, upon conviction, a fine of not less than ten million naira shall apply in addition to compensating the victim where necessary, in a sum to be determined by the court.
- (5) Any person who undertakes illegal Communications Surveillance and unlawful interception/interference contrary to clause 10 of this Bill commits an offence and upon conviction shall be liable to a term of imprisonment not less than ten years and a payment of compensation not less than seven million Naira or both.
- (6) In proceedings against a person for offences under this clause, it is a defence for that person to prove —
- (a) that at the time the alleged offence took place he was under the age of eighteen;
 - (b) the person was prevented from complying with the relevant provisions by stress of weather or other reasonable cause;
 - (c) that the action was necessary to save or protect life or health of some person(s), to protect serious damage to property, or to avoid adverse effect on the environment;
 - (d) the commission of the offence was due to a mistake, accident beyond control or due to reliance on information supplied by the default of another person;
 - (e) exemptions: In the event of a breach the responsible party may raise any of the following defences against an action for damages:
 - (i) vis major;
 - (ii) consent of the Plaintiff;
 - (iii) fault on the part of the Plaintiff;
 - (iv) compliance was not reasonably practicable in the circumstances of the particular case;

- (v) the National Human Rights Commission has granted a gazetted exemption to the responsible party on the basis of national interest or in the data subject's benefit (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Question that Clause 21 stand part of the Bill — Agreed to.

PART IV — JURISDICTION AND INTERNATIONAL CO-OPERATION

Committee Recommendation:

Clause 22: Jurisdiction.

The Federal and State High Courts shall have original jurisdiction to the application of this Bill (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Question that Clause 22 stands part of the Bill — Agreed to.

PART V — ENFORCEMENT OF VICTIMS' RIGHTS

Committee Recommendation:

Clause 23: e-Governance.

- (1) A data subject or at the request of a data subject or the National Human Rights Commission, may institute a civil action for damages in a Court having jurisdiction against a responsible party for breach of any part of this Bill whether or not there is intent or negligence on the part of the responsible party.
- (2) A court hearing proceedings in terms of Subsection (1) may award an amount that is just and equitable, including —
 - (a) payment of damages as compensation for patrimonial or non-patrimonial loss suffered by a data subject as a result of breach of the provisions of this Section;
 - (b) aggravated damages, in a sum to be determined at the discretion of the court;
 - (c) interest; and
 - (d) cost of suit on such scale as may be determined by the court (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Question that Clause 23 stand part of the Bill — Agreed to.

PART VI — MISCELLANEOUS

Committee Recommendation:

Clause 24: Regulations.

The National Human Rights Commission shall make Regulations published in Government Gazette (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Question that Clause 24 stands part of the Bill — Agreed to.

Committee Recommendation:**Clause 25: Offences related to Big Data.**

Schedules — There is attached to this Bill a Directory of all current Service Providers in Nigeria responsible for holding personal data (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Question that Clause 25 stands part of the Bill — Agreed to.

Committee Recommendation:**Clause 26: Interpretation.**

"An anonym" means an authenticated attribute that is not linked to an identifier (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Question that the meaning of the words "An anonym" be as defined in the interpretation to this Bill — Agreed to.

"Automated Calling Machine" means a machine that is able to perform automated calls without human intervention (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Question that the meaning of the words "Automated Calling Machine" be as defined in the interpretation to this Bill — Agreed to.

"Autonomous system administrator" means an individual or legal entity that administers specific blocks of IP addresses and its specific autonomous routing system, duly registered in the national entity responsible for the geographical registration and distribution of IP addresses related to the Country; "Cloud storage" a service model in which data is maintained, managed and backed up remotely and made available to users over a network (typically the Internet) (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Question that the meaning of the words "Autonomous system administrator" be as defined in the interpretation to this Bill — Agreed to.

"Data Controller" means the natural or legal person, public authority, agency or any other body which alone or jointly with others determines the purposes and means of the processing of personal data; where the purposes and means of processing are determined by national or Community laws or regulations. The controller or the specific criteria for his nomination may be designated by national or Community law (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Question that the meaning of the words "Data Controller" be as defined in the interpretation to this Bill — Agreed to.

"Data Custodian" means any person who is responsible for providing a secure infrastructure in support of the data, including, but not limited to, providing physical security, backup and recovery processes, granting access privileges to system users as authorized by data trustees or their designees and implementing and administering controls over the information (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Question that the meaning of the words "Data Custodian" be as defined in the interpretation to this Bill — Agreed to.

"Data Processor" means natural or legal person, public authority, agency, organizations or any other body involved in processing of personal data or processes personal data on behalf of a controller (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Question that the meaning of the words "Data Processor" be as defined in the interpretation to this Bill — Agreed to.

"Data Subject" means an identifiable person; one who can be identified directly or indirectly, in particular by reference to an identification number or to one or more factors specific to his physical, physiological, mental, economic, cultural or social identity (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Question that the meaning of the words "Data Subject" be as defined in the interpretation to this Bill — Agreed to.

"Expression" means any commentary on a person's own or on public affairs. Canvassing, discussion on human rights, journalism, scientific research, expression of ethnic, cultural, linguistic and religious identity and artistic expression, advertising, teaching are all examples of expressions that are covered by the freedom of expression. It also includes political discourse (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Question that the meaning of the word "Expression" be as defined in the interpretation to this Bill — Agreed to.

"Internet" means a publicly accessible system of networks that connects computers around the world via the TCP/IP protocol (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Question that the meaning of the word "Internet" be as defined in the interpretation to this Bill — Agreed to.

"Internet protocol address" or "IP address" means the code assigned to a terminal from a network to enable their identification, defined according to international standards (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Question that the meaning of the words "Internet protocol address" be as defined in the interpretation to this Bill — Agreed to.

"Internet application" means a set of functionalities that can be accessed through a device connected to the Internet (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Question that the meaning of the words "Internet application" be as defined in the interpretation to this Bill — Agreed to.

"Internet connection" means the enabling of a device for sending and receiving data packets over the Internet (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Question that the meaning of the words "Internet connection" be as defined in the interpretation to this Bill — Agreed to.

"Connection record/log" means the set of information pertaining to the date and time of the beginning and end of a connection to the internet, the duration thereof and the IP address used by the device to send and receive data packages (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Question that the meaning of the words "Connection record/log" be as defined in the interpretation to this Bill — Agreed to.

"Metadata" means data that describe other data. This includes but is not limited to data elements in digital camera, digital music files and similar files (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Question that the meaning of the word "Metadata" be as defined in the interpretation to this Bill — Agreed to.

"Owner" means anyone who created or can assert creative rights to a product or service (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Question that the meaning of the word "Owner" be as defined in the interpretation to this Bill — Agreed to.

"Personal data" means any information relating to an identified or 7 identifiable natural person ("data subject"); information relating to an individual, whether it relates to his or her private, professional or public life (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Question that the meaning of the words "Personal data" be as defined in the interpretation to this Bill — Agreed to.

"Personal data" includes but is not limited to anything from a name, address, a photo, an email address, bank details, posts on social networking websites, medical information, or a computer's IP address (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Question that the meaning of the words "Personal data" be as defined in the interpretation to this Bill — Agreed to.

"Personal data filing system" means any structured set of personal data which are accessible according to specific criteria, whether centralized, decentralized or dispersed (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Question that the meaning of the words "Personal data filing system" be as defined in the interpretation to this Bill — Agreed to.

"Personal information" means information about an identifiable individual, but does not include the name, title or business address or telephone number of an employee of an organization (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Question that the meaning of the words "Personal information" be as defined in the interpretation to this Bill — Agreed to.

"Platforms" refer to the entirety of software and/or hardware that make(s) a service available to users; "Processing of personal data" means any operation or set of operations which is performed upon personal data, whether or not by automatic means, such as collection, recording, organization, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, blocking, erasure or destruction (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Question that the meaning of the word "Platforms" be as defined in the interpretation to this Bill — Agreed to.

"Protected speech" means the form of speech protected under this Bill. It shall extend to novel forms of conversation introduced by digital mediums which include but are not restricted to (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Question that the meaning of the words "Protected speech" be as defined in the interpretation to this Bill — Agreed to.

"retweets", "likes", "favourites", "shares", online comments, joining groups on social networking sites and similar forms of speeches (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Question that the meaning of the words "retweets", "likes", "favourites", "shares" be as defined in the interpretation to this Bill — Agreed to.

"Registrations of access to Internet applications" means the set of information regarding the date and time of use of a particular internet application from a particular IP address (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Question that the meaning of the words "Registrations of access to Internet applications" be as defined in the interpretation to this Bill — Agreed to.

"Subscriber" means any person who is party to a contract with a provider of publicly available electronic communication services for the supply of such services (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Question that the meaning of the word "Subscriber" be as defined in the interpretation to this Bill — Agreed to.

"Whistle blowers" refer to anyone who has and reports insider knowledge of illegal activities occurring in an organization. Whistle blowers can be employees, suppliers, contractors, clients or any individual who somehow becomes aware of illegal activities taking place in a business either through witnessing the behavior or being told about it (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Question that the meaning of the words "Whistle blowers" be as defined in the interpretation to this Bill — Agreed to.

Question that Clause 26 stand part of the Bill — Agreed to.

Committee Recommendation:**Clause 27: Citation.**

This Bill may be cited as the Digital Rights and Freedom Bill, 2017 (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Question that Clause 27 stands part of the Bill — Agreed to.

Explanatory Memorandum:

This Bill seeks to protect Internet users in Nigeria from infringement of their fundamental freedoms and to guarantee application of human rights for users of digital platforms and/or Digital media (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Agreed to.

Long Title:

A Bill for an Act to Provide for the Protection of Human Rights Online, to Protect Internet Users in Nigeria from Infringement of their Fundamental Freedoms and to Guarantee Application of Human Rights for Users of Digital Platforms and/or Digital Media; and for Related Matters (HB. 490) (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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 Human Rights on a Bill for an Act to Provide for the Protection of Human Rights Online, to Protect Internet Users in Nigeria from Infringement of their Fundamental Freedoms and to Guarantee Application of Human Rights for Users of Digital Platforms and/or Digital Media; and for Related Matters (HB. 490) and approved Clauses 1 — 27, the Explanatory Memorandum, and the Long Title of the Bill.

Question that the House do adopt the Report of the Committee of the Whole — Agreed to.

25. Adjournment

That the House do adjourn till Tuesday, 7 November, 2017 at 11.00 a.m. (Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency).

The House adjourned accordingly at 3.15 p.m.

Yakubu Dogara
Speaker