



THE SENATE

FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Thursday, 1st March, 2018

1. The Senate met at 10:55 a.m. The Senate President read Prayers.
2. **Votes and Proceedings:**
The Senate examined the Votes and Proceedings of Wednesday, 28th February, 2018.
Question was put and the Votes and Proceedings were approved.
3. **Announcements:**
 - (a) **Presentation of Constitutional Amendments Reports:**
The Senate President read a letter from Senator Ahmad I. Lawan (*Yobe North*) as follows:



Senate Leader
Federal Republic of Nigeria

Distinguished Senators,

ANNOUNCEMENT

The Conference of Speakers, State Houses of Assembly, will present their Constitutional Amendments Reports to the Joint Leadership of the National Assembly scheduled to hold as follows:

Date: Thursday, 1st March, 2018
Venue: Senate Conference Room 022
Time: 4.30 pm

2. *Distinguished Senators are invited.*

(Signed)
Senator Ahmad Lawan
Senate Leader
27/02/18

- (b) **Acknowledgment:**
The Senate President acknowledged the presence of the following who were at the gallery to observe Senate Proceedings:
 - (i) Staff and Students of Premier International School, Wuse II, Abuja;

- (ii) Staff and Students of Unique Mission School, Kubwa, Abuja;
- (iii) Staff and Students of Esteem International School, Lokogoma, Abuja;
- (iv) Staff and Students of Angelic Academy, Kubwa, Abuja; and
- (v) Staff and Students of Goodness Academy, New Karu, Nasarawa State.

4. Personal Explanation:

Rising on Rule 43, Senator Chukwuka G. Utazi (Enugu North) drew the attention of the Senate to the plight of the Nigerian Financial Intelligence Unit (NFIU) that was suspended in July, 2017 at the meeting of Egmont Group. He observed that Nigeria stand to be expelled from this group at its next meeting on 11th March, 2018, if the Bill on NFIU is not Assented to. He commended the effort of the Senate at passing the Bill within a record time of eight (8) days in 2017, considering its importance. He stated that his counterpart of the House of Representatives has not been cooperating to enable the Conference Committee conclude its assignment. He urged for the intervention of the Senate Leadership.

By leave of the Senate, the Rt. Hon. Speaker of the House of Representatives would be contacted to fast track the meeting of Conference Committee in the interest of the country.

5. Presentation of Bills:

- (i) Patent and Design Act CAP P2 LFN 2004 (Repeal & Re-enactment) Bill, 2018 (SB. 630) — *Read the First Time.*
- (ii) Counselling Practitioners Council of Nigeria (Establishment, etc.) Bill, 2018 (SB. 634) — *Read the First Time.*
- (iii) Criminal Code Act CAP C38 LFN 2004 (Amendment) Bill, 2018 (SB. 633) — *Read the First Time.*
- (iv) Judiciary Officers (Administration of Pension) Bill, 2018 (SB. 632) — *Read the First Time.*
- (v) National Planning Commission (Repeal & Re-enactment) Bill, 2018 (SB. 637) — *Read the First Time.*

6. Joint Committee on Education (Basic and Secondary); and Health:

Report on the Poor Living Conditions in Queens College, Lagos and the Death of Three Students: Motion made: That the Senate do receive the Report of the Joint Committee on Education (Basic and Secondary); and Health in respect of a Motion on the Poor Living Conditions in Queens College, Lagos and the Death of Three Students (*Senator Aliyu M. Wamakko — Sokoto North*).

Question put and agreed to.

Report Laid.

7. Committee on Education (Basic and Secondary):

Report on the Internally Generated Revenue (IGR) and Remittances of NECO and WAEC to the Consolidated Revenue Fund:

Motion made: That the Senate do receive the Report of the Committee on Education (Basic and Secondary) in respect of motion on the Internally Generated Revenue (IGR) and Remittances of National Examinations Council (NECO) and West African Examinations Council (WAEC) to the Consolidated Revenue Fund (*Senator Aliyu M. Wamakko — Sokoto North*).

Question put and agreed to.

Report Laid.

8. **Medical and Dental Practitioners Act 1988 (Repeal and Re-enactment) Bill, 2018 (SB.497):**
Motion made: That a Bill for an Act to repeal the Medical and Dental Practitioners Act 1988 and establish the Medical and Dental Council of Nigeria for the Registration of Medical practitioners and Dental Surgeons and to provide for a disciplinary Tribunal for the discipline of members and Related Matters Thereto, 2018 (*Senator Adamu M. Aliero — Kebbi Central*).

Debate:

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committee on Health to report within Four (4) weeks.

9. **Institute of Environmental Practitioners of Nigeria (Establishment, etc.) Bill, 2018 (HB. 1022) - Concurrence:**
Motion made: That a Bill for an Act to Provide for the Establishment of the Institute of Environmental Practitioners of Nigeria and for Related Matters, 2018 be read the Second Time (*Senate Leader*).

Debate:

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committee of the Whole.

Motion made: Pursuant to Rule 81, that the Senate do resolve into the Committee of the Whole to consider a Bill for an Act to Provide for the Establishment of the Institute of Environmental Practitioners of Nigeria and for Related Matters, 2018 (*Concurrence*) (*Senate Leader*).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE INSTITUTE OF ENVIRONMENTAL PRACTITIONERS OF NIGERIA AND FOR RELATED MATTERS, 2018

PART I - ESTABLISHMENT OF THE INSTITUTE OF ENVIRONMENTAL PRACTITIONERS OF NIGERIA

Clause 1: Establishment of the Institute of Environmental Practitioners of Nigeria.

- (1) There is hereby established a body to be known as the Institute of Environmental Practitioners of Nigeria (IEPN) (in this Bill referred to as "the Institute").
- (2) The Institute:
 - (a) shall be a body corporate with perpetual succession and a common seal;
 - (b) may sue and be sued in its corporate name; and
 - (c) may for the purpose of carrying out its functions, subject to the limitations in this Bill and to any law for time being in force, acquire, hold or dispose of property, whether movable or immoveable.
- (3) The Institute shall perform the function conferred on it by this Bill through the Council under this Bill.

Location of headquarters and regional offices.

- (4) (a) The headquarters of the Institute shall be established and maintained in a suitable location in Nigeria as determined by the Council.
- (b) The Council may make rules providing for the establishment and maintenance of offices of the Institute in the States of the Federation.

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 2: Establishment of the Governing Council.

- (1) There shall be established for the Institute a Governing Council charged with the administration and general management of the Institute.
- (2) The Council shall consist of -
 - (a) President of the Institute, who shall be the Chairman;
 - (b) Vice-President of the Institute who shall be the Vice-Chairman;
 - (c) Registrar of the Institute, which shall be appointed by the Council;
 - (d) National Treasurer of the Institute who shall be the Treasurer;
 - (e) Legal Adviser of the Institute who shall be a legal practitioner with a background in Environmental law;
 - (f) Minister of Environment or his representative who shall not be below the rank of a Director;
 - (g) Minister of Petroleum or his representative who shall not be below the rank of a Director;
 - (h) Minister of Agriculture or his representative who shall not be below the rank of a Director;
 - (i) Minister of Health or his representative who shall not be below the rank of a Director;
 - (j) Minister of Science and Technology or his representative who shall not be below the rank of a Director;
 - (k) Minister of Works or his representative who shall not be below the rank of a Director;
 - (l) a representative of the Environmental Health Officers Registration Council of Nigeria;
 - (m) a representative of the National Environmental Standards Regulatory and Enforcement Agency of Nigeria (NESREA);
 - (n) the immediate past president of the Institute;

- (o) five elected representatives from Nigerian Environmental Society, Waste Management Society of Nigeria and other recognized affiliate professional bodies in Environmental sector approved by Council, of whom three shall be members of the national executive committee of the institute;
- (p) Chairmen of branches of the Institute;
- (q) Chairman Board of Fellows;
- (r) Chairmen of committees of the Council; and
- (s) all representatives from Ministries, Departments and Agencies of Government shall not hold and Executive office.

Schedule.

- (3) The provision of the First Schedule to this Bill shall regulate the proceedings of the Council and related matters.
- (4) Each members of the Council shall serve a term of two years and may be eligible for another term of two years and no more.

Committee's Recommendation:

That the provision in Clause 2 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 3: Function of the Institute.

The Institute shall have the general duty of -

- (a) training and certification of persons who seek to be members of the institute;
- (b) determining the standard of knowledge and skill to be attained by persons seeking to become registered members of the Environmental Practitioner of Nigeria and raising those standards from time to time as circumstances may permit;
- (c) securing in accordance with the provisions of this Bill, the establishment and maintenance of a register of members, and the publication from time to time of the list of those persons;
- (d) establish practice guidelines for environmental and safety certification in line with global best practices;
- (e) providing consultancy services on environmental matters to the public as well as the private sector;
- (f) holding conferences, workshops seminars and symposia on contemporary environmental issues; and
- (g) performing any other duties as the Council may deem fit from time to time.

Committee's Recommendation:

That the provision in Clause 3 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 4: Function of the Council.

The Council shall be responsible for:

- (a) ensuring the effective and efficient implementation of the function of the Institute;
- (b) supervising and monitoring the operations of the Institute;
- (c) maintaining the highest level of integrity and honesty in the operations of the Institute;
- (d) the consideration and approval of the annual budget of the Institute;
- (e) presentation of the report and account prepared by the Institute to the Minister;
- (f) the approval of the audited accounts and the consideration of the management letters from the external auditors;
- (g) appointment and removal of auditors, provision of the necessary facilities and remuneration; and
- (h) carrying out such other activities as are necessary and expedient for achieving the objectives and functions of the Institute
- (i) take appropriate actions on all committees recommendations.
- (j) obtaining from any authority or persons, charters, and concessions necessary for the attainment of its purposes;
- (k) borrowing money, grant and loans with the approval of the Council without prejudice to any provision of this Bill relating to the provisions of funds; and
- (l) carrying out such other activities as are necessary and expedient for achieving the objectives and functions of the Institute as prescribed in this Bill.

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 5: Admission into the Institute.

- (1) Subject to the provisions of this Bill, only persons of good character and integrity shall be admitted to membership of the Institute.
- (2) Members admitted into the Institute shall possess adequate interest, knowledge and understanding of environmental practices and other such related professions may be registered as members in any of the following categories -
 - (a) Graduate Member, if the person has:
 - (i) spent at least six years as an Associate, and
 - (ii) adjudged by the Council to possess an adequate knowledge of environmental practice and management; and
 - (b) Fellow, if the person has:
 - (i) spent at least ten years as a full member of the institute; or

- (ii) contribute significantly to the development of environmental practice and management;
 - (c) Associate Member, if the person is a:
 - (i) University graduate who has spent at least four years in an affiliate grade;
 - (ii) holder of university degree in environmental science or any related discipline, or a person who has performed duties at a senior level in environmental practice and management continuously for at least six years;
 - (iii) graduate of the Institute who has competently performed executive or advisory duties at a senior level in environmental practice and management for at least four years since election to the grade of member; and
 - (iv) non-graduate who has spent at least ten years in an affiliate grade, and possesses standard knowledge and qualities essential for a successful practice of environmental practice and management; and
 - (d) Honourary Fellow.
- (3) A member of the Institute shall be entitled to receive, from the Council, a certificate in such form as the Council may approve for that purpose and a Fellow or an Associate Member shall be entitled to use such letters after his name as may be authorized by the Council from time to time as follows -
- (a) a member registered into the category of individual membership shall be entitled to use the initials "MIEPN".
 - (b) a member registered into the category of membership of Fellow shall use the initials "FIEPN";
 - (c) a member registered into the category of membership of Associate shall be entitled to use the initials "AIEPN".

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senate Leader*) — *Agreed to.*

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

PART II - FINANCIAL PROVISIONS

Clause 6: Fund of the Institute.

- (1) There shall be established for the Institute a Fund, which shall be managed and controlled by the Council.
- (2) There shall be paid into the Fund:
 - (a) all fees, charges and monies payable to the Institute pursuant to this Bill;
 - (b) all revenue from other sources both locally and internationally; and
 - (c) other monies received by the Institute in course of its operations or in relation to the exercise of its function under this Bill.

- (3) There shall be paid out of the Fund of the institute:
 - (a) remuneration and allowances of the Institute;
 - (b) all expenditure incurred by the Council in the discharge of its functions under this Bill;
 - (c) such reasonable expenses and allowances of members of the Council, committee members and other co-opted persons in respect of the time spent on duties of the Council as applicable to similar Institutes; and
 - (d) any other expenses incurred by the Council in the discharge of its function under this Bill.
- (4) The Council may invest monies from the fund in any security created or issued by or on behalf of the Government of the Federation or any other security in Nigeria as may be approved by the council.
- (5) The Council may on behalf of the Institute, from time to time borrow money for the purpose of running the Institute, which shall be paid into the Fund.

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 7: Annual Accounts and Audit.

- (1) The Council shall keep proper accounts and records on behalf of the Institute in respect of each year, and the Council shall cause the accounts to be audited by an external auditor appointed from the list of auditors and in accordance with the guidelines supplied by the Auditor General of the Federation and the audited accounts submitted to the members at the general meeting of the Institute.
- (2) The Auditor appointed for the purposes of subsection (1) of this section shall not be a member of the Council.

Committee's Recommendation:

That the provision in Clause 7 be retained (*Senate Leader*) — *Agreed to.*

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

PART III - THE REGISTRATION AND THE REGISTRAR

Clause 8: Appointment of Registrar, etc and Preparation of Register.

- (1) The Council shall appoint a person knowledgeable in environmental practice for not less than ten years to be the Registrar of the Institute, and such other persons as the Council may from time to time think necessary to assist the Registrar in the performance of his functions under this Bill.
- (2) The Registrar shall be the Chief Executive officer of the Institute and Secretary to the Council.
- (3) The Registrar shall prepare and maintain a Register of names, addresses and approved qualifications and other relevant particulars as may be specified in the rules made by Council, of all categories and classes of members/persons registered as Environmental practitioners in the Country.

- (4) The register shall consist of parts established according to professional disciplines approved by Council. Council shall review parts of the disciplines as need arises.
- (5) The Council may make regulations with respect to the form and keeping of the register and the making of entries therein and in particular -
 - (a) regulating the making of applications for or registration, and providing for the evidence to be produced in support of applications;
 - (b) providing for the notification to the Registrar, by the person to whom any registered particulars relate, of any change in those particulars;
 - (c) authorizing a registered person to have any qualification which is in relation to economics, either an approved qualification so registered;
 - (d) specifying the fees, including any registration fees, to be paid to the institute in respect of the entry of names on the register and authorizing the registrar to refuse to enter a name on the register until any fee specified for the entry has been paid.
- (6) Any rules made for the purposes of paragraph (d) of subsection (5) of this section shall not come into force until they are approved by the Annual General Meeting (AGM).

Committee's Recommendation:

That the provision in Clause 8 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 9: Duties of the Registrar.

It shall be the duty of the Registrar to correct, as directed by the Council:

- (a) any wrong entry in the register;
- (b) update the registered particulars of registered persons;
- (c) remove from the register the name of any registered person who has died;
- (d) record the names of members of the institute who are in debt for more than six months in the payment of annual or practicing fee and to take such action in relation thereto (including removal of the name of defaulter from the register) as the Council may be direct or require.

Committee's Recommendation:

That the provision in Clause 9 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 10: Publication of Register and its Correction.

(1) The Registrar shall ensure that:

- (a) the register or any corrections made therein shall be printed, published and put on sale for members of the public not later than two years from the commencement of this Act; and

- (b) a print of each edition of the register and of each list of corrections to be deposited at the headquarters of the Institute, and it shall be the duty of the Council to keep the register and list so deposited, available at all reasonable times for inspection by members of the public.

- (2) A published copy of the Register and any corrections therein shall be admissible in evidence to prove registration of a person.

Committee's Recommendation:

That the provision in Clause 10 be retained (*Senate Leader*) — *Agreed to.*

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

PART IV - REGISTRATION

Clause 11: Registration of Environmental Practitioners Organization.

- (1) The Council shall register annually all qualified Environmental Practitioners and organisations and renew their registration every five years.
- (2) A person, organisation or firm shall not practice as an Environmental Practitioners or consultant in Nigeria unless registered by the Council.

Committee's Recommendation:

That the provision in Clause 11 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 12: Rules as to Practice.

- (1) The Council may make rules for -
- (a) prescribing the amount and date of the annual practicing fees;
 - (b) prescribing the form of license to practice to be issued;
 - (c) restricting the right to practice as a member in default continues for longer than such period as may be prescribed by the Council;
 - (d) restricting the right to practice as a member if the qualification granted outside Nigeria does not entitled the holder to practice as an environmental practitioner; and
 - (e) prescribing the period of practical training and experiences in the office of a member in practice, to be completed before a person qualifies for registration or a license to practice as environmental practitioner.
- (2) Rules when made shall, if the Chairman of the Council so direct be published in two widely circulated national dailies and in the Institute's Journal.

Committee's Recommendation:

That the provision in Clause 12 be retained (*Senate Leader*) — *Agreed to.*

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

PART V - PROFESSIONAL DISCIPLINE

Clause 13: Establishment of Environmental Practitioners Disciplinary Committee for Professional Misconduct.

- (1) There shall be established a committee to be known as the Environmental practitioners Disciplinary Committee (in this Bill referred to as "the Disciplinary Committee") which shall be charged with the duty of considering and determining any cases of professional misconduct referred to it.
- (2) The Disciplinary Committee shall consist of a chairman and four other members of the Council of the Institute appointed by the Board.
- (3) The quorum of the meeting of the Committee shall be three members, including the Chairman or in his or her absence, his or her nominee.
- (4) The Disciplinary Committee shall conduct investigations into any allegation against any registered member of the Institute for professional misconduct or such other conduct that warrants proceedings against him or her before the Disciplinary Committee and shall make determination as to his or her guilt or innocence.
- (5) Where the Disciplinary Committee determines that a registered member is guilty of misconduct, it shall refer the matter including all its proceedings and recommendations to the Council of the Institute and the Council shall make determination as to whether the member should be -
 - (a) reprimand; or
 - (b) suspended for a period not exceeding 12 months; or
 - (c) deregistered, that is to say have his or her name removed from the register.
- (6) The Governing Council of the Institute may make rules not inconsistent with this Bill as to acts which constitute professional misconduct.
- (7) If a member is convicted of a criminal offence by a court or tribunal of competent jurisdiction, he shall have his or her name removed from or struck out of the register.
- (8) A person whose name is removed from the register in pursuance of a directive of the Governing Council under this section shall not be entitled to be registered again except in pursuance of a new directive in that behalf given by the Council upon the application of that person; not less than two years from the date on which his or her name was removed from the register.

Committee's Recommendation:

That the provision in Clause 13 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 14: Offences and Penalties.

- (1) Any person who is not registered by the Institute but holds himself or herself out as a registered Environmental Practitioner shall be guilty of an offence.
- (2) Any person who for the purpose of procuring registration as Environmental Practitioner -
 - (a) makes false claim as to his or her qualifications or experiences;

- (b) makes false entry or willfully falsifies the register, shall be guilty of an offence.
- (3) A persons who commits offence under this Bill shall be liable on conviction to:
 - (a) a fine not exceeding ₦500,000 or imprisonment for a term not exceeding six months or both such fine and imprisonment for an individual; or
 - (b) a fine of not less than ₦1,000,000 for a corporate organization.

Committee's Recommendation:

That the provision in Clause 14 be retained (*Senate Leader*) — *Agreed to.*

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

PART VI - MISCELLANEOUS PROVISIONS

Clause 15: Committees.

- (1) The Council shall appoint the following standing committees
 - (a) admission and registration committee;
 - (b) education and training committee;
 - (c) disciplinary committee;
 - (d) finance and general purpose committee; and
 - (e) such other ad hoc committees, to carry out on behalf of the Council, such functions as the Council may determine.
- (2) A committee appointed under this paragraph shall consist of the number of persons determined by the Council of whom not more than one third may be persons who are members of the Council and a person other than a member of the Council shall hold office on the committee in accordance with the terms of the letter by which he is appointed.
- (3) Membership of committee shall be drawn from registered members outside Council who are professionally competent to be so appointed and membership of any standing committee shall not be less than five and not more than seven and shall be chaired by a Council member so appointed.
- (4) A decision of a committee of the Council shall be of no effect until the Council considers and ratifies or approves it.

Committee's Recommendation:

That the provision in Clause 15 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 16: Fees.

The Council shall prescribe rules and regulations, including fees to be paid for registration and other purposes under this Bill; and when and how such fees shall be paid.

Committee's Recommendation:

That the provision in Clause 16 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 17: Honorary Membership.

The Council can admit persons to the Institute as Honorary members, provided not more than five (5) persons are admitted for a period of not less than two (2) years.

Committee's Recommendation:

That the provision in Clause 17 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 18: Library.

The Institute shall:

- (a) provide and maintain a library comprising of books, research materials and publications that will build the capacity of the Environmental Practitioners and other materials approved by the Council;
- (b) encourage research into environmental and other related subjects and
- (c) formulate and make rules and regulations guiding the use of the library in particular and the Institute in general.

Committee's Recommendation:

That the provision in Clause 18 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 19: Property of the Institute.

The Institute may own, register, transfer and receive properties in its corporate name.

Committee's Recommendation:

That the provision in Clause 19 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 20: Interpretation.

In this Bill:

"Institute" means the Institute of Environmental Practitioners of Nigeria;

"Association" means the Association of Environmental Practitioners;

"Environmental Practitioners" means a person who has the relevant qualification in any environmental science, disciplines, engineering and technology, sciences and related disciplines, experience, attitude and dedication towards the good health and well-being of the environment;

"Minister" means Minister in charge of Environment;

"Council" means Governing Council of the Institute;

"Fees" includes annual subscription;

"Member" means a registered member of the Institute;

"Practitioners" means Environmental Practitioners;

"Tribunal" means Environmental Practitioners' Discipline Tribunal;

"Register" means register of members; and

"Registrar" means Chief Executive of the Institute.

Committee's Recommendation:

That the provision in Clause 20 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 21: Short Title.

This Bill may be cited as the Institute of Environmental Practitioners of Nigeria (Establishment) Bill, 2018.

Committee's Recommendation:

That the provision in Clause 21 be retained (*Senate Leader*) — *Agreed to.*

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

SCHEDULE

Clause 2 (3)

SUPPLEMENTARY PROVISIONS RELATING TO THE INSTITUTE PROCEEDINGS OF THE COUNCIL

1. Subject to provisions of this Bill and other applicable laws, Council may make orders regulating its proceedings or those of any committee it sets up.
2. Where standing orders made under paragraph 1 of this Schedule provide for the Council to co-opt persons who are not members of the council, such persons may advise the Council on any matter referred to them by the Council, but shall not be entitled to vote at a meeting of the Council or count towards a quorum.
3. The Council may appoint one or more committees to carry out on its behalf such functions as the council may determine.
4. A committee appointed under this paragraph shall consist of such number of persons as may be determined by the Council and a person shall hold office in accordance with the terms of his appointment.
5. A decision of a Committee of the Council shall be of no effect until it is confirmed by the Council.

Meetings of the Council

6. The council shall meet whenever it is considered necessary (but not less than twice a year) by giving notice to all members concerned, at least seven (7) days before the meeting.
7. The Chairman shall preside at every meeting of the Council and in his absence, the Vice Chairman shall preside.
8. Five members of the Council, other than the Chairman shall form a quorum at the meeting.
9. Unless otherwise provided in this Bill, decisions shall be by a simple majority of the votes of the members present, but in the event that equal votes are cast, the person presiding shall cast the deciding vote.

Committees

10. Subject to standing orders, the Council may appoint one or more committees to carry out on its behalf such duties as the Council may determine and make necessary reports.
11. A committee appointed under paragraph 10 of this schedule shall consist of the number of persons to be determined by the Council and not more than the one-third of those persons may be persons who are not members of the Council; a person other than a member of the Council may hold office on the Committee in accordance with the letter of appointment provided.
12. The quorum of any committee set up by the Council shall be determined by the Council.
13. The decision of the committee shall be of no effect until confirmed by the Council.

Miscellaneous

14. The fixing of the seal of the Institute shall be authenticated by signature of the Chairman and some other members authorised generally or specially by the council to act for that purpose.
15. A document purporting to be an instrument issued by the Institute and to be sealed with the seal of the Institute authenticated in the manner provided by the foregoing paragraph, or to be signed by the Chairman, shall receive in evidence and shall be deemed to be the instrument without further proof, unless there is proof otherwise.
16. Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal, if made by or executed on behalf of the Council by any person authorised generally or specially by the Council to act for that purpose.
17. The validity of a proceeding of the council shall not be affected by:
 - (a) a vacancy in the membership of the Council;
 - (b) by a defect in the appointment of a member of the Council; or
 - (c) by reason that a person not entitled to do so took part in the proceedings.
18. A member of the Council and a person holding office on a committee of the Council, who has a personal interest in a contract or an arrangement entered into or proposed to be considered by the Council or the committee shall forthwith disclose his interest to the council or committee and shall not vote on any question relating to that contract or arrangement.

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

Chairman to report Bill.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered a Bill for an Act to Provide for the Establishment of the Institute of Environmental Practitioners of Nigeria and for Related Matters, 2018 and approved as follows:

Clauses 1- 21	—	As Recommended
Schedule	—	As Recommended

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

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

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

10. Agency for National Ethics and Values Compliance (Establishment, etc.) Bill, 2018 (HB. 519) - Concurrence:

Motion made: That a Bill for An Act to Establish National Agency for Ethics and Values to Provide for the Functions and Powers of the Agency, the Qualifications and Procedures for the Appointment of the Chairman and Members, and for Related Matters, 2018 be read the Second Time (*Senate Leader*).

Debate:

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committee on Information and National Orientation to report within Four (4) weeks.

11. Nigerian Aeronautical Search and Rescue Bill, 2018 (HB. 139) - Concurrence:

Motion made: That a Bill for an Act to Incorporate Annex 12 to the Convention on International Civil Aviation 1944, into Nigerian Law; to Establish the Nigerian Search and Rescue Service; and to Provide for Matters Connected Therewith, 2018 be read the Second Time (*Senate Leader*).

Debate:

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committee of the Whole.

Motion made: Pursuant to Rule 81, that the Senate do resolve into the Committee of the Whole to consider a Bill for an Act to Incorporate Annex 12 to the Convention on International Civil Aviation 1944, into Nigerian Law; to Establish the Nigerian Search and Rescue Service; and to Provide for Matters Connected Therewith, 2018 (*Concurrence*) (*Senate Leader*).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO INCORPORATE ANNEX 12 TO THE CONVENTION ON INTERNATIONAL CIVIL AVIATION 1944, INTO NIGERIAN LAW; TO ESTABLISH THE NIGERIAN SEARCH AND RESCUE SERVICE; AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH, 2018

Clause 1: Principal Objectives of Bill.

The principal objectives of this Bill are to -

- (a) incorporate the Convention into Nigerian law; and
- (b) established the Nigerian Search and Rescue Service to act on behalf of the Ministry as the authority responsible for the application of the Convention binding on the Nigeria regarding aeronautical search and rescue operations.

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 2: Incorporation of Convention.

- (1) The Conventions contained in the schedule is hereby enacted into law in Nigeria.
- (2) Subject to paragraph (b), the Minister may from time to time by notice in the Gazette amend the schedule to reflect any change made to the Convention by the International Civil Aviation Organization, as the case may be.

Committee's Recommendation:

That the provision in Clause 2 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 3: Establishment and Objective of Nigerian Search and Rescue Service.

- (1) The Nigeria Search and Rescue Service is hereby established.
- (2)
 - (a) The objective of NISAR is to ensure a co-ordinated and effective aeronautical search and rescue service within the Nigerian search and rescue regions.
 - (b) Any person appointed in terms of this Bill or concerned with the carrying out of the provisions thereof shall perform his or her functions pursuant to be object of NISAR.

Committee's Recommendation:

That the provision in Clause 3 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 4: Composition of NISAR.

- (1) NISAR is made up of representatives from those government departments and commercial and voluntary organizations which are signatories to the NISAR manual, contemplated in this section, and which are able to contribute services and facilitates for use by NISAR, including representatives of:
 - (a) the Ministry;
 - (b) the Nigerian Civil Aviation Authority;
 - (c) the Air Traffic and Navigation Services Company Limited;
 - (d) the Nigerian Armed Forces;
 - (e) the Nigerian Police Force.
- (2) NISAR has:
 - (a) an executive committee;
 - (b) an aeronautical committee.
- (3) The executive committee consists of:
 - (a) the persons appointed in terms of subsection (7); and
 - (b) if necessary, such other members as may be nominated by the head of NISAR, and appointed by the Minister either permanently or on an ad hoc basis.

- (4) The executive committee shall:
 - (a) determine and put into effect the policy of NISAR; and
 - (b) determine the size and composition of the other committee of NISAR depending on the area of specialist of the different members of NISAR.
- (5) The aeronautical committee shall assess the policy of NISAR and make recommendations to the executive committee whenever any change is necessary.
- (6) The executive committee is accountable to the Minister and the other committees of NISAR are accountable to the executive committee.
- (7) The Director-General shall appoint suitable persons from among the members of NISAR to serve as:
 - (a) the head of NISAR, who is the chairperson of the executive committee responsible for search and rescue operations by NISAR;
 - (b) the head of aeronautical search and rescue operations who is the chairperson of the aeronautical committee;
 - (c) the head of maritime search and rescue operations, who is the chairperson of the maritime committee.
- (8) The different head contemplated in subsection (7) shall ensure that search and rescue operations are conducted in accordance with laid down standards and recommended practices as reflected in the NISAR Manual and as considered the norm in terms of international agreements.

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 5: Functions of NISAR.

- (1) NISAR shall within its means and capabilities co-ordinate its resources to search for, assist and, where appropriate, effect a rescue operation for:
 - (i) survivors of aircraft crashes or forced landings;
 - (ii) survivors of any military aircrafts accident or incident if such aircraft is not engaged in an act of war.
- (2) The functions set out in subsection (1)(a) exclude salvage operations.
- (3) NISAR, with the concurrence of the Minister, may call on any provider of a telecommunication service as contemplated in the lease or otherwise make available telecommunication facilities.
- (4) NISAR shall perform its functions in a manner which promotes efficient, economic and effective use of all resources.
- (5) In performing its functions, NISAR shall co-operate with the National Emergency Management Agency established in terms of any law providing for the management of disasters.
- (6) NISAR may perform its functions outside Nigeria.

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 6: Meetings of NISAR.

- (1) NISAR shall meet at such times as the executive committee may determine in other to:
 - (a) discuss proposals and take decisions regarding the effective application of this Bill;
 - (b) discuss any other matter which the executive committee deems necessary.
- (2) The head of NISAR shall preside at any meeting of NISAR.
- (3) The executive committee shall determine the rules of procedure at any meeting of NISAR.

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 7: Meeting of Committee.

- (1) The first meeting of any committee of NISAR after the commencement of this Bill shall be held at the time and place determined by the Director-General and all meetings thereafter shall be held at the time and places that the committee determines.
- (2) The chairperson of a committee may at any time call a special meeting of the committee to be held at the time and place determined by the chairperson.
- (3) All members of a committee shall be notified in writing of any meeting of that committee.
- (4) A majority of the total number of members forms a quorum at any meeting of a committee and a decision agreed on by a majority of the members present at a duly constituted meeting of a committee is a decision of that committee.
- (5) In the event of an equality of votes on any matter, the chairperson of the relevant meeting has a casting vote in addition to a deliberative vote.
- (6) The chairperson of a committee shall designate a person to act as chairperson if he or she is unable to act as chairperson.
- (7) Each committee shall meet at least twice a year.

Committee's Recommendation:

That the provision in Clause 7 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 8: Personnel.

All administrative work in connection with the performance of the functions of NISAR shall be carried out by officers in the Department designated for that purpose by the Director-General.

Committee's Recommendation:

That the provision in Clause 8 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 9: Search and rescue regions.

- (1) The Minister shall, by notice in the Gazette as well as in relevant maritime and aeronautical publications, publish the search and rescue regions within which search and rescue services will be provided.
- (2) The search and rescue regions contemplated in subsection (1) shall cover the area of responsibility of Nigeria laid down by the International Civil Aviation Organization.

Committee's Recommendation:

That the provision in Clause 9 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 10: Rescue Co-ordination Centres and Sub-centres

- (1) Subject to subsection (2), the Minister shall designate—
 - (a) organizations or institutions to act as aeronautical rescue co-ordination centres;
 - (b) organizations or institutions to act as aeronautical rescue sub centres under the auspices of rescue co-ordination centres;
 - (c) a maritime or aeronautical search and rescue region for which each rescue co-ordination centre is responsible; and
 - (d) organizations or institutions to act as registrars and custodians of registers of emergency beacons contemplated in section 17.
- (2) Any designation contemplated in subsection (1) shall be:
 - (a) done in accordance with an agreement reached with the applicable organization or institution; on
 - (b) published by the Minister by notice in the gazette as well as in relevant aeronautical publications.
- (3) The organizations or institutions designated in terms of subsection (1) (a) and (b) shall, with the concurrence of the executive committee of NISAR, appoint their respective chiefs.
- (4) Each chief of a rescue co-ordination center or rescue sub centre shall establish and preside over an operational committee to discuss, evaluate and effect operational procedures.
- (5) Operational committees shall consist of persons representing organization controlling the resources available to that rescue co-ordination centre or rescue sub centre.

Committee's Recommendation:

That the provision in Clause 10 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 11: Functions of Rescue Co-ordination Centers and Sub-centres.

- (1) A chief of a rescue co-ordination centre or any person authorized by him or her is responsible for coordinating available resources for the purpose of searching, assisting and, where appropriate, effecting a rescue operation in its search and rescue region.
- (2) A chief of a rescue sub centre shall support the chief of a rescue co-ordination centre in carrying out assigned duties in particular area or instance.
- (3) The designation of a search and rescue region contemplated in section 11(1) (c) does not preclude a rescue co-ordination centre from:
 - (a) operating in another regions; or
 - (b) performing the tasks of another rescue co- ordination centre.

Committee's Recommendation:

That the provision in Clause 11 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 12: Requisitioning of Aircraft.

- (1) Subject to subsection (2), the Minister may for purposes of any aeronautical search and rescue operation:
 - (a) requisition any civil aircraft;
 - (b) request the assistance of any military aircraft; or
 - (c) instruct any holder of a Nigeria aircraft flight crew license to assist in the operation.
- (2) In a case where the Minister contemplates requisitioning a civilian aircraft instructing a civilian holder of a Nigerian aircraft flight crew license, the Minister may do so only if:
 - (a) human life is in immediate and grave danger; and
 - (b) there are no other means available to conduct the operation.
- (3) Any person who, without lawful reason, fails to give effect to a requisition or to comply with an instruction contemplated in subsection (1) is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding five years.

Committee's Recommendation:

That the provision in Clause 12 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 13: Recovery of Certain Expenses.

- (1) If any search and rescue operation is undertaken by NISAR or connection with any occurrence caused by the unlawful act or omission of any person, the Minister may recover from that person the whole or an portion of the expenses incurred by NISAR in connection with that operation.
- (2) The ministry may, after having recovered the expenses contemplated in subsection (1) compensate any person who has incurred any loss or damage as a result of the operation.

Committee's Recommendation:

That the provision in Clause 13 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 14: NISAR Manual and Responsibilities of Signatories Thereto.

- (1) NISAR shall compile a manual regarding search and rescue service and operations and matters connected therewith and keep that manual up to date.
- (2) The responsibilities of the signatories to the NISAR manual contemplated in section 5 (1) shall be set out in the manual and be executed in accordance with it.

Committee's Recommendation:

That the provision in Clause 14 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 15: Search and Rescue Measures Regarding Aircraft.

- (1) Subject to this Bill, any search and rescue action shall be undertaken in accordance with the NISAR manual.
- (2) Where an aircraft has failed to reach its destination or is reported missing, NISAR shall forthwith institute search and rescue action if the flight plan was filed prior to departure and the flight in question was:
 - (a) between aerodromes where air traffic services are provided, unless otherwise indicated on the flight plan or through aeronautical publications or notices;
 - (b) conducted in airspace with which air traffic control services are provided, except for flights crossing a route at right angles; or
 - (c) a flight to an aerodrome where air traffic services are not provided, if search and rescue action is specifically requested by the pilot-in-command.
- (3) Search and rescue action shall be instituted in respect of all flights for, which Flights plans were filed in when such action is specifically requested by the pilot in-command.
- (4) Search and rescue action may be instituted:
 - (a) in respect of a flight for which no flight plan has been filed, when information that the aircraft is overdue or mission is received from any source.

- (5) In an event contemplated in subsection (4), authorization by the head of NISAR or his or her assignee shall be obtained prior to the commencement of a search and rescue operation and he or she shall be kept informed of the progress made and the termination of the search and rescue action.

Committee's Recommendation:

That the provision in Clause 15 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 16: Registration of Emergency Beacons.

- (1) The owner of any aircraft required- to carry emergency locator beacons in terms of the Civil Aviation Authority Act, 2006, shall register such emergency locator beacons with the organizations or institutions designated in terms of section 11 (1) (d).
- (2) The owner of any aircraft or vessel registered or licensed in Nigeria and which carries emergency locator beacons although not required to do so by law, shall register such emergency locator beacons with the organizations of institutions designated in terms of section 11 (1) (d).

Committee's Recommendation:

That the provision in Clause 16 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 17: Filing or Disaster Management and Aerodrome Emergency Plans.

All aerodrome management shall file their emergency plans and any amendments thereto with the aeronautical rescue co-ordination center.

Committee's Recommendation:

That the provision in Clause 17 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 18: Delegation and Assignment.

The Minister may:

- (a) delegate any power conferred or assign any duty imposed upon the Minister by this Bill to an officer of the Department, except the power to publish notices or to make regulations; and
- (b) at any time, withdraw a delegation or assignment effected in terms of this section.

Committee's Recommendation:

That the provision in Clause 18 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 19: Report.

- (1) NISAR shall furnish the Minister with a report on its activities:
- (a) at least once a year; and
- (b) whenever required by the Minister.
- (2) The Minister shall table a copy of NISAR's annual report in Parliament within 30 days after it has been received by him or her.

Committee's Recommendation:

That the provision in Clause 19 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 20: Regulations.

- (1) The Minister may, by notice in the gazette, make regulations regarding—
 - (a) the conditions which shall be complied with where a person from another country which is a party to the conventions wishes to enter Nigeria for purpose of any search and rescue operation;
 - (b) anything which shall or may be prescribed in terms of this Bill;
 - (c) any matter which it is necessary or expedient to prescribe for the effective carrying out or implementation of this Bill.
- (2) any regulation made under subsection (1) (a) shall be made with the concurrence of the Minister of Interior.

Committee's Recommendation:

That the provision in Clause 20 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 21: Repeal of Section 6 (f) of the National Emergency Management Agency Act Cap. N34 Laws of the Federation, 2004.

Section 6 (f) of the National Emergency Management Agency Act Cap N34 Laws of the Federation of Nigeria 2004 is hereby repealed.

Committee's Recommendation:

That the provision in Clause 21 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 22: Interpretation.

In this Bill, unless the context indicates otherwise, any word or expression to which a meaning is ascribed in the Conventions bears the same meaning and:

"aircraft" means any machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth's surface;

"Authority" means the Nigerian Civil Aviation Authority;

"Director-General" means the Director-General: Nigerian Civil Aviation Authority;

"executive committee" means the executive committee of NISAR contemplated in section 5 (2) (a);

"head of NISAR" means an official of the Authority appointed in terms of section 5 (7) (a);

"international Civil Aviation Organization" means the specialized agency of the United Nations responsible for formulating standards and recommended practices for the purposes of civilian international air transport, established in terms of Article 43 of the Convention on International Civil Aviation, in Chicago on 7 December 1944;

"Minister" means the Minister of Aviation;

"person" includes any institution or organization equipped to assist in a search and rescue operation, an organ of state, a government of a foreign country;

"prescribed" means prescribed by regulation;

"rescue" includes the provision of the initial medical treatment of a person rescued;

"rescue co-ordination centre" means an institution responsible for promoting the efficient organization of search and rescue services and for co-ordinating the conduct of search and rescue operations within a search and rescue region;

"rescue sub centre" means a suitably appointed unit tasked to carry out duties of a rescue co-ordination centre in instances where the rescue co-ordination centre cannot exercise direct and effective control over search and rescue facilities in certain parts of a search and rescue region;

"NISAR" means the Nigerian search and rescue Service established by section 4;

"search and rescue region" means a region contemplated in section 11(1) (c) in which the co-ordination of search and rescue operations is effected by a single rescue co-ordination centre;

"the Conventions" means - Annex 12 to the Convention on International Civil Aviation adopted on 7 December 1944 at Chicago;

"this Bill" includes the regulations;

"Ministry" shall be the Ministry charge with the responsibility for Civil Aviation.

Committee's Recommendation:

That the provision in Clause 22 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 23: Short Title.

This Bill may be cited as the Nigerian Aeronautical Search and Rescue Bill, 2018.

Committee's Recommendation:

That the provision in Clause 23 be retained (*Senate Leader*) — *Agreed to.*

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

SCHEDULE

Transitional Provisions as to Rights, Vesting of Property etc

1. Accordingly, the statutory functions, rights, interests, obligations and liabilities of the Rescue and Guard Response Initiative) existing before the commencement of this Bill under any contract or instrument, or law or in equity shall by virtue of this Bill be deemed to have been assigned to and vested in the Service established by this Bill.
2. Any such contract or instrument as is mentioned in paragraph 1 of this schedule shall be of the same force and effect against or in favour of the Service established by this Bill and shall be enforceable as fully and effectively as if instead of the conditions existing before the commencement of this Bill, the service established by this Bill had been named therein or had been a party thereto.

Obligations and Liabilities

3. The Service established by this Bill shall be subject to all the obligations and liabilities to which the former Rescue and Guards Response Initiative existing before the commencement of this Bill was subject to immediately before the commencement of this Bill, and all other persons shall have the same rights, powers and remedies against the service established by this Bill as they had against the former Rescue and Guards Response Initiative existing before the commencement of this Bill.

Pending or Existing Proceedings or Cause of Action

4. Any proceeding or cause of action pending or existing before the commencement of this Bill by or against the Rescue and Guards Response Initiative in respect of any rights, interest, obligation or liability may be continued or as the case may be commenced, and any determination of the court of law, tribunal or other authority or person may be enforced by or against the service established by this Bill to the same extent that such proceeding or cause of action or determination might have been continued, commenced or enforced by or against the Rescue and Guards Response Initiative existing before the commencement of this Bill.

Vesting of Assets

5. All assets, funds, resources and other moveable or immoveable property which immediately before the commencement of this Bill were vested in The Rescue and Guards Response Initiative existing before the commencement of this Bill shall by virtue of this Bill and without further assurances be vested in the Service established by this Bill.

Holders of office

6. Any person who immediately before the coming into force of this Bill is the holder of any office in the Rescue and Guards Response Initiative existing before the commencement of this Bill shall on the commencement of this Bill continue in office and be deemed to have been appointed to his office by the service established by this Bill, unless the authority by which the person was appointed terminates the appointment.

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

Chairman to report Bill.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered a Bill for an Act to Incorporate Annex 12 to the Convention on International Civil Aviation 1944, into Nigerian Law; to Establish the Nigerian Search and Rescue Service; and to Provide for Matters Connected Therewith, 2018 and approved as follows:

Clauses 1- 23 — As Recommended

Schedule — As Recommended

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

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

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

12. National Biotechnology Development Agency (Establishment, etc.) Bill, 2018 (HB. 33) - Concurrence:

Motion made: That a Bill for an Act to Establish the National Biotechnology Development Agency; and Other Related Matters, 2018 be read the Second Time (*Senate Leader*).

Debate:

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committee of the Whole.

Motion made: Pursuant to Rule 81, that the Senate do resolve into the Committee of the Whole to consider a Bill for an Act to Establish the National Biotechnology Development Agency; and Other Related Matters, 2018 (*Concurrence*) (*Senate Leader*).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO ESTABLISH THE NATIONAL BIOTECHNOLOGY DEVELOPMENT AGENCY; AND OTHER RELATED MATTERS, 2018.

PART I — ESTABLISHMENT OF THE NATIONAL BIOTECHNOLOGY DEVELOPMENT AGENCY AND ITS GOVERNING BOARD, ETC.

Clause 1: Establishment of the National Biotechnology Development Agency.

- (1) There is established a body, known as the National Biotechnology Development Agency (in this Bill, referred to as "the Agency").
- (2) The Agency —
 - (a) is a body corporate with perpetual succession and a common seal; and
 - (b) may sue and be sued in its corporate name, and
 - (c) may acquire, hold or dispose of any property, movable or immovable, for the purpose of carrying out any of its functions under this Bill.
- (3) The headquarters of the Agency shall be in the Federal Capital Territory, Abuja.

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 2: Establishment and Membership of the Governing Board.

- (1) There is established for the Agency, a Governing Board (in this Bill referred to as "the Board").
- (2) The Board shall consist of —
 - (a) a Chairman, who shall be appointed by the President on recommendation of the Honourable Minister of Science and Technology, be a person who is capable of making outstanding contribution to the Field of biotechnology by reason of his ability, experience or specialized knowledge of biotechnology.

- (b) a representative each of the following Federal Ministries and Agencies which are responsible for —
 - (i) Science and Technology;
 - (ii) Agriculture and Rural Development;
 - (iii) Interior;
 - (iv) Finance;
 - (v) Health;
 - (vi) Environment;
 - (vii) Organized private Sector;
 - (viii) Industry, Trade and Investment;
 - (ix) Education; and
 - (x) National Planning Commission.
- (c) a representative of Biotechnology Society of Nigeria.
- (d) a representative of Biotechnology Centers of Excellence;
- (e) a representative of Nigeria Association of Chambers of Commerce, Industry, Mines and Agriculture (NACCIMA);
- (f) a representative of Manufacturers Association of Nigeria (MAN);
- (g) a representative of Small and Medium Scale Industrialists;
- (h) two other persons with specialized knowledge in Biotechnology; and
- (i) the Director General of the Agency who shall be the Secretary of the Board.

Amendment Proposed:

Insert a new Clause 2(2)(j) as follows:

- “(j) A representative of Agricultural Research Council of Nigeria” (*Senator Aliyu S. Abdullahi — Niger North*).

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

- (3) The Chairman and members of the Board other than ex- officio members shall be appointed by the President on the recommendation of the Minister.

First Schedule.

- (4) The supplementary provisions set out in the First Schedule to this Bill shall have effect with respect to the proceedings of the Board and the other matters as set out (*Senate Leader*).

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

Clause 3: Tenure of Office.

A member of the Board, other than an ex-officio member or the Director-General, shall hold office subject to any other provisions specified in his letter of appointment or as may be approved from time to time by the President.

Committee's Recommendation:

That the provision in Clause 3 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 4: Cessation of Membership.

- (1) Notwithstanding the provisions of section 3 of this Bill, a member of the Board shall cease to hold office if he —
 - (a) resigns his appointment by notice under his hand addressed to the President;
 - (b) becomes of unsound mind;
 - (c) becomes bankrupt or makes a compromise with his creditors;
 - (d) is convicted of a felony or of any offence involving dishonesty or corruption;
 - (e) becomes incapable of carrying out the functions of his office, either arising from an infirmity of mind or body or any other cause.
- (2) Where the President is satisfied that it is not in the interest of the Agency or the public for a member to continue in office, the President may remove that member from the Board.
- (3) Where a vacancy occurs in the membership of the Board, it shall be filled by the appointment of a successor to hold office for the remainder of the term of office of his predecessor and the successor shall represent the same interest as his predecessor.

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 5: Remuneration of Members of the Board.

The Chairman and members of the Board shall be paid such emoluments, allowances and benefits as may be determined by the Revenue Mobilization, Allocation and Fiscal Commission.

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 6: Powers and Functions of the Board.

The Board shall have power to —

- (a) formulate policies for the Agency;
- (b) approve annual estimates, reports and statements of Accounts of the Agency;

- (c) determine the terms and conditions of service of the employees of the Agency;
- (d) set up a National Biotechnology Technical Committee to serve as the body of experts that will advise the Board on such matters as may be assigned to it from time to time;
- (e) approve the creation of such Departments, Centres and units as may be required for efficient performance of the functions of the Agency; and
- (f) carry out such other activities as may, in the opinion of the Board, be necessary for the advancement of biotechnology research and development in Nigeria.

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senate Leader*) — *Agreed to.*

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

PART II — FUNCTIONS OF THE AGENCY

Clause 7: Functions of the Agency.

The Agency shall —

- (a) carry out a well-focused research and development of biotechnology in priority areas of food and agriculture, health, industry, environment and other strategic sectors for national development. and draw up programmes and policies for biotechnology utilization, research and development in Nigeria;
- (b) promote, co-ordinate and deploy cutting edge biotechnology research and development activities in Nigeria;
- (c) initiate and encourage capacity building in all aspects of biotechnology required for the implementation of the national biotechnology programme;
- (d) publish and disseminate research findings and recommendations of the Agency on Biotechnology;
- (e) promote sustenance in the development and application of acceptable and profitable technologies through strategic investments in biotechnology research and development to support innovation and economic development; ensure Nigeria becomes self-reliant in the development and application of biotechnology-based products and services;
- (f) encourage private sector participation in the Biotechnology industry;
- (g) ensure sustainable mechanism for adequate funding of Biotechnology activities through national and international funding agencies;
- (h) establish and supervise relevant Centres for the purpose of executing the national biotechnology programmes;
- (i) create public awareness and participation in biotechnology development activities through strong advocacy programme, seminars, conferences and workshops;
- (j) collaborate on biotechnology with international research centers, non-governmental organizations, industries, other national and international biotechnology agencies and institutions;
- (k) stimulate biotechnology entrepreneurship schemes to effect rapid commercialization of biotechnology research and development products;

- (l) collaborate with and provide support for universities and other academic institutions in the country for research and development projects relevant to the national biotechnology programme;
- (m) promote sustainable utilization of biological resources and develop novel products to improve the production of our indigenous plants and animals;
- (n) exploration, collection, identification, evaluation, characterization, storage and conservation of rich stock of both animal and plant germplasm materials;
- (o) acquisition, maintenance, utilization, exchange and dissemination of information on genetic materials of plants, animals and microbes;
- (p) national co-ordination of genetic resources programme and its sustainable utilization;
- (q) fostering relationship with other national satellite genetic research centres located in Research Institutes, Universities and Polytechnics as well as other International Organizations and Centres on programmes concerning genetic resources and biotechnology application;
- (r) coordinating the activities of the National Committee on Naming, Registration and Release of Crop Varieties, Livestock Breed and Fisheries;
- (s) arrest rapid erosion and loss in the country's crop and animal genetic resources caused by cultivation, urbanization rural development, grazing, desertification, pest outbreak, national catastrophes etc.;
- (t) document appropriately the germplasm stocks held by the centre, research institutes and relevant organisations;
- (u) co-coordinate all biotechnology activities and ensure easy access to stakeholders in matters relating to bioresources and biotechnology;
- (v) serve as national bio informatics and biotechnology data center;
- (w) be the national focal point for Bioethics to which Nigeria subscribe; and
- (x) undertake such other activities as are necessary or expedient for the carrying out of the functions of the Agency and promotion of biotechnology in Nigeria.

Committee's Recommendation:

That the provision in Clause 7 be retained (*Senate Leader*) — *Agreed to.*

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

PART III — STRUCTURE OF THE AGENCY, ETC.

Clause 8: Establishment of Departments.

- (1) There is established for the Agency the following Departments —
 - (a) Agricultural Biotechnology;
 - (b) Environmental Biotechnology;
 - (c) Medical Biotechnology;

- (d) Genomic, Genetics resources and Bioinformatics;
 - (e) Bio entrepreneurship and Extension Services;
 - (f) Finance and Administration; and
 - (g) such other departments as may be established from time to time.
- (2) Each department shall be headed by a director.
- (3) The Departments referred to in subsection (1) (a)-(e) are the technical Departments of the Agency.

Committee's Recommendation:

That the provision in Clause 8 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 9: Bio-resources Development Centres (BIODEC), Biotechnology Centres of Excellence and Specialized Centres.

- (1) The Agency shall have, with the approval of the Board —
- (a) Bio-resources Development Centres (BioDecs) which shall be established in the geo-ecological zones in Nigeria as contained in the Second schedule to this Bill;
 - (b) Biotechnology Centres of Excellence which shall be located in the premier universities established in each of the geopolitical zones in Nigeria as contained in the second schedule to this Bill; and
 - (c) Specialized Centres which shall include —
 - (i) National Centre for Genetic Resources and Biotechnology (NACGRAB), Ibadan, Oyo State, and
 - (ii) other specialized Centres which the Agency may deem necessary to establish for the efficient performance of its functions under this Bill.
- (2) An approval to establish a Centre under this Bill may contain supplementary or incidental provisions such as —
- (a) the designation of the Centre;
 - (b) the field or fields where the Centre will carry out its activities;
 - (c) man-power training where required;
 - (d) the transfer to the Centre, by mutual agreement, of any existing Federal, State and Local Government facilities; and
 - (e) a suitable association and collaboration of the Centre with relevant institutions including academic institutions and commercial sector.

Second Schedule.

- (3) The provisions set out in the Second Schedule to this Bill shall apply to the Centres established under this Bill.

Committee's Recommendation:

That the provision in Clause 9 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 10: Establishment of the National Biotechnology Technical Committee.

- (1) There is established for the Board a National Biotechnology Technical Committee (in this Bill referred to as "the Committee").
- (2) The Committee shall consist of —
 - (a) the Director-General of the Agency who shall be the Chairman;
 - (b) the Technical and Research Directors of the Agency
 - (c) five eminent Nigerian biotechnologist to be appointed by the Board;
 - (d) a representative of Centers of Excellence;
 - (e) two persons who shall represent the Universities;
 - (f) one person who shall represent the polytechnics; and
 - (g) a representative of biotechnology company from the private sector.
- (3) The members of the Committee, other than the Chairman and members specified in paragraphs (b), (c) and (d) of subsection (2) of this section shall be appointed by the Minister on the recommendation of the bodies they represent.
- (4) The Committee may co-opt persons from other Federal Ministries, extra-ministerial departments and other relevant bodies to serve on the Committee to ensure the efficient performance of the functions of the Agency under this Bill.

Committee's Recommendation:

That the provision in Clause 10 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 11: Functions of the Committee.

- (1) The Committee shall —
 - (a) serve as the body of experts that will advise the Board;
 - (b) assist the Director-General when so requested, in the preparation and implementation of the any function of the Agency;
 - (c) assist the Director-General when so requested by the Board, in the preparation of the annual, medium- term, and long- term research and development programmes of the Agency;
 - (d) on the directive of the Board, receive and consider research proposals from the various technical departments of the Agency and from the centres;
 - (e) appoint from its own members or otherwise such sub-committees as it may consider expedient and delegate to such sub-committee any functions which the Committee is competent to perform;

- (f) furnish the Board with reports of its proceedings; and
 - (g) perform any other function that may be assigned to it, from time to time, by the Board.
- (2) The Committee shall have power to regulate its proceedings and may make standing order with respect to its meetings, notices to be given, recording, custody and production for inspection of the minutes of such meetings.
 - (3) The Committee shall meet at least twice in a year and at such other time as may be approved by the Board.
 - (4) A director from one of the technical departments of the Agency shall serve as the Secretary of the Committee

Committee's Recommendation:

That the provision in Clause 11 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 12: Cessation from Office of a Member of the Committee.

- (1) A member of the Committee shall cease to hold office if he —
 - (a) becomes of unsound mind or incapable of carrying out his duties;
 - (b) becomes bankrupt or makes a compromise with his creditors;
 - (c) is convicted of a felony or of any offence involving dishonesty;
 - (d) is guilty of serious misconduct in relation to his duties; or
 - (e) resigns by notice in writing under his hand addressed to the Board.
- (2) Where the Board is satisfied that it is not in the interest of the Agency or the public for a member of the Committee to continue in office, the Board may remove that member from the Committee.

Committee's Recommendation:

That the provision in Clause 12 be retained (*Senate Leader*) — *Agreed to.*

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

PART IV — STAFF OF THE AGENCY

Clause 13: Director-General.

- (1) There shall be for the Agency a Director-General who shall be appointed by the President on the recommendation of the Minister.
- (2) The Director-General shall be —
 - (a) the Chief Executive and Accounting Officer of the Agency;
 - (b) a person with a minimum of 15 years demonstrable research experience in Science and technology and knowledgeable in the field of Biotechnology;
 - (c) a holder of at least a PHD in biological sciences or other related field;

- (d) responsible for the execution of the policy, programmes and day to day administration of the Agency;
 - (e) responsible for general direction and superintendence of the affairs of the Centers established under this Bill;
 - (f) the Secretary to the Board and in this regard, shall —
 - (i) prepare minutes of meetings of the Board and its Committees;
 - (ii) keep and secure the records of the Board;
 - (iii) issue notices and other correspondence as may be directed by the Board.
 - (g) ensure proper dissemination of the decisions of the Board to the appropriate persons, institutions or authorities; and
 - (h) carry out such other functions and duties as the Board may assign to him.
- (3) The Director-General shall hold office —
- (a) for a term of four years and may be re-appointed for a further term of four years and no more; and
 - (b) on such terms and conditions as may be specified in his letter of appointment

Committee's Recommendation:

That the provision in Clause 13 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 14: Directors of Technical Departments.

- (1) The Board shall on the recommendation of the Director-General appoint Directors who shall be in charge of the Technical Departments provided under section 8 (3) of this Bill.
- (2) A Director who is in charge of a Technical Department shall have —
 - (a) a degree or its equivalent in the relevant discipline; and
 - (b) relevant expertise and experience required for the efficient performance of the functions of the Department .
- (3) A Director in a technical Department shall —
 - (a) be the head of the technical Department of the Agency which he directs;
 - (b) supervise other staff of Department;
 - (c) prepare draft expenditure estimates and development plan of the Department he heads; and
 - (d) perform such other functions as may be assigned to him by the Director-General.

Committee's Recommendation:

That the provision in Clause 14 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 15: Director of Finance and Administration.

- (1) The Board shall on the recommendation of the Director-General appoint a person with a university degree or its equivalent and a minimum of twelve years' experience in the field of finance, account or administration, as the Director of Finance and Administration.
- (2) The Director of Finance and Administration shall —
 - (a) be the head of the Finance and Administrative Department of the Agency;
 - (b) prepare draft expenditure estimates and budget; and
 - (c) perform such other functions as may be assigned to him by the Director-General.

Committee's Recommendation:

That the provision in Clause 15 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 16: Coordinating Director of Centres.

- (1) The Board shall on the recommendation of the Director-General appoint a well-qualified and experienced person to hold the office of Coordinating Director of the Centres.
- (2) A Coordinating Director shall —
 - (a) oversee all the centres established under this Bill;
 - (b) monitor, evaluate and review the performance of the Centres;
 - (c) ensure that the Centres perform their functions in an efficient manner;
 - (d) prepare and submit quarterly report on the activities of the Centres to the Director -General; and
 - (e) perform such other functions as may be assigned to him by the Director-General.

Committee's Recommendation:

That the provision in Clause 16 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 17: Director of Bioresource Development Centre.

- (1) The Board shall on the recommendation of the Director-General appoint a Director to head each of the Centres established under this Bill.
- (2) A Director of a Centre appointed under this section shall superintend the activities of the Centre and shall have expertise and a minimum of ten years (10) years practical experience in addition to a degree or its equivalent in any discipline that is relevant to the activities in the Centre he superintends —

- (a) monitor, evaluate and review the performance of the Centres;
- (b) ensure that the Centre perform its functions in an efficient manner;
- (c) prepare and submit quarterly reports on the activities of the Centre to the Director General; and
- (d) perform such other functions as may be assigned to him/her by the Director General.

Committee's Recommendation:

That the provision in Clause 17 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 18: Research Director.

- (1) A Director appointed as head of a technical Department under section 14 of this Bill shall —
 - (a) cease to hold office as such Director when he has held that office for period of eight years; and
 - (b) designated as Research Director where he has not attained the mandatory age of retirement.
- (2) A Research Director shall perform such functions as may be assigned to him by the Director-General.

Committee's Recommendation:

That the provision in Clause 18 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 19: Other Staff.

- (1) The Agency may, subject to the approval of the Board, appoint such other staff as it may deem necessary —
 - (a) for the efficient performance of the functions of the Agency; and
 - (b) on such terms and conditions as may be specified from time to time by the Board.
- (2) The provisions of the Public Service Rules, 2008 or any other subsequent enactment shall apply to staff regulations, removal and disciplinary measures of staff of the Agency.

Committee's Recommendation:

That the provision in Clause 19 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 20: Remuneration of Employees of the Agency.

The salaries, allowances and benefits of the staff of the Agency shall be in accordance with the conditions of service of the Agency as may be approved by the Board in consultation with the National Salaries, Income and Wages Commission.

Committee's Recommendation:

That the provision in Clause 20 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 21: Pensions Act 2004 No 2.

Service in the Agency shall be subject to the Pension Reformed Act, and accordingly, officers and the employees of the Agency shall be entitled to pensions and other retirement benefits as are prescribed under the Pension Reform Act

Committee's Recommendation:

That the provision in Clause 21 be retained (*Senate Leader*) — *Agreed to.*

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

PART V — FINANCIAL PROVISIONS**Clause 22: Funds of the Agency.**

- (1) The Agency shall establish and maintain a fund to which shall be paid and credited —
 - (a) such sums as may be appropriated by the National Assembly;
 - (b) any grant from the Federal, State or Local Governments;
 - (c) such money as, may from time to time, be granted or received from —
 - (i) an organized private sector, or
 - (ii) foreign aid or assistance from bilateral and multilateral agencies;
 - (d) all fees and charges for services rendered by the Agency;
 - (e) other internally generated revenues by the Agency; and
 - (f) all other sums accruing to the Agency from time to time by way of gifts, grants, emoluments or bequest.
- (2) The Agency may receive, charge or generate the following revenues —
 - (a) fees and charges for services rendered by the Agency;
 - (b) other internally generated revenues by the Agency;
 - (c) profits from investment entered into by the Agency; and
 - (d) such other sums as may from time to time accrue to the Agency by way of gifts, emoluments or bequest.
- (3) All monies so collected shall be paid into the fund not later than ninety days from the date of receipt of the monies by the Agency.

Committee's Recommendation:

That the provision in Clause 22 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 23: Expenditure of the Agency.

The Agency shall apply the fund established under section 22 of this Bill to —

- (a) the administration of the Agency;
- (b) pay salaries, wages, fees, allowances, retirement benefits including pensions and pay other remuneration payable to the members of the Board and staff of Agency;
- (c) publicize and promote the activities of the Agency;
- (d) purchase property, make other approved capital expenditure and maintain any property so purchased;
- (e) meet the investment need of the Agency;
- (f) the cost of maintaining the head office and operating the Centres provided under this Bill;
- (g) the training of members of staff of the Agency
- (h) the support of national scientific bodies;
- (i) the payment of contributions to international scientific organization to which the Agency may subscribes; and
- (j) undertake any other activity in connection with all or any of the functions of the Agency under this Bill.

Committee's Recommendation:

That the provision in Clause 23 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 24: Exemption from Tax.

- (1) Incomes derived by the Institute from the source specified under section 22 of this Bill shall be exempted from income tax.
- (2) The provision of any enactment relating to the taxation of companies or Trust funds shall not apply to the Agency.

Committee's Recommendation:

That the provision in Clause 24 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 25: Investment of Income.

Subject to the approval of the Board, the Agency may invest its income in profitable production of goods by joint venture, partnerships, or shareholding as the case may be, and the net income so generated shall be paid into the fund of the Agency.

Committee's Recommendation:

That the provision in Clause 25 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 26: Annual Estimates Income and Expenditure.

The Agency shall, not later than 30th September in each year, submit to the Board for approval, its programme of work and estimate of its income and expenditure including payments into the Agency's fund for the next succeeding year.

Committee's Recommendation:

That the provision in Clause 26 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 27: Accounts and Audits.

The Agency shall —

- (a) keep proper accounts and records of its receipts, payment, assets and liabilities and prepare in respect of each financial year a statement of accounts in such forms as may be directed by the Auditor General for the Federation; and
- (b) cause its accounts to be audited within six months from the end of each financial year by auditors whose appointment shall be approved by the Board provided that such auditors are on the list of auditors approved from time to time by the Auditor General for the Federation.

Committee's Recommendation:

That the provision in Clause 27 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 28: Annual Reports.

- (1) The Agency shall prepare and submit to the Board not later than 30th September in each year, a report on the activities of the Agency, the Audited accounts of the Agency and the Auditor's report for the immediate preceding year.
- (2) The Agency shall, not later than 31st October in each year, submit to the Board the Annual report of each of its Centres for the immediate preceding year.
- (3) The Board shall submit the annual report referred to in section (2) of this section to the Minister within two months after its receipt of the report.

Committee's Recommendation:

That the provision in Clause 28 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 29: Power to Accept Gifts.

The Agency may accept gifts, endowments and testamentary dispositions upon such terms and conditions, if any, as may be specified by the donor of the gift, provided that the terms and conditions are not contrary to the objectives and functions of the Agency and to the Financial Regulations.

Committee's Recommendation:

That the provision in Clause 29 be retained (*Senate Leader*) — *Agreed to.*

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

PART VI — LEGAL PROCEEDINGS

Clause 30: Commencement of Suits or Service of Notice.

- (1) A suit shall not be commenced against the Agency, before the expiration of one month, after written notice of intention to commence the suit have been served upon the Agency by the intending plaintiff or his agent, and the notice shall clearly and explicitly state the —
 - (a) cause of the action;
 - (b) particulars of claim;
 - (c) name and place of abode of intending plaintiff; and
 - (d) relief which he claims.
- (2) The notice referred to in subsection (1) of this section and any summons, notice or other documents required or authorized to be served upon the Agency under this Bill or any other enactment or Law, may be served by —
 - (a) delivering same to the Director-General; or
 - (b) sending it by registered post addressed to the Director-General at the head office of the Agency.

Committee's Recommendation:

That the provision in Clause 30 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 30 do stand part of the Bill, put and agreed to.

Clause 31: Restriction on Execution Against Property of the Agency.

- (1) In any action or suit against the Agency, execution or attachment of process shall not be issued against the Agency except —
 - (a) a three month notice of the intention to execute or attach has been given to the Agency; and
 - (b) a written content of the Honourable Attorney General of the Federation and Minister of Justice is obtained and not less than three months.
- (2) Any sum of money which by the judgment of any court has been awarded against the Agency shall, subject to the directives given by the court, where notice of appeal against the judgments has been given, be paid from the funds of the Agency.

Committee's Recommendation:

That the provision in Clause 31 be retained (*Senate Leader*) — *Agreed to.*

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

PART VII — MISCELLANEOUS

Clause 32: Power to Purchase or Take on Lease Property.

The Agency may, subject to the Land Use Act, purchase, lease any interest in land, building or property, or build, equip and maintain such other offices and premises for the efficient performance of its functions under this Bill.

Committee's Recommendation:

That the provision in Clause 32 be retained (*Senate Leader*) — *Agreed to*.

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

Clause 33: Power to Sell or Lease out Property.

The Agency may, subject to the Land Use Act, sell or lease out any land, office or premises held by it, which is no longer required for the performance of its functions under this Bill.

Committee's Recommendation:

That the provision in Clause 33 be retained (*Senate Leader*) — *Agreed to*.

Question that Clause 33 do stand part of the Bill, put and agreed to.

Clause 34: Indemnity.

The Director-General or any officer or employee of the Agency shall be indemnified out of the assets of the Agency against any liability incurred by him in defending any proceeding, whether civil or criminal, if the proceeding is brought against him in his capacity as a member, Director-General, officer or other employee of the Agency.

Committee's Recommendation:

That the provision in Clause 34 be retained (*Senate Leader*) — *Agreed to*.

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

Clause 35: Power of the Minister to Give Directives.

The Minister may give to the Agency such directives as he may consider necessary for the effective discharge of the functions of Agency under this Bill and the Agency shall comply or cause them to be complied with

Committee's Recommendation:

That the provision in Clause 35 be retained (*Senate Leader*) — *Agreed to*.

Question that Clause 35 do stand part of the Bill, put and agreed to.

Clause 36: Power to Make Regulations.

- (1) The Board may with the approval of the Minister, make such regulations generally for the purpose of giving full effect to the provisions of this Bill, and in facilitating the discharge of the functions of the Agency.
- (2) The Board may issue guidelines to give full effect to the respective relevant provisions of this Bill.
- (3) Regulations made shall be published in the Federal official gazette and in such as the Agency may prescribe.

Committee's Recommendation:

That the provision in Clause 36 be retained (*Senate Leader*) — *Agreed to*.

Question that Clause 36 do stand part of the Bill, put and agreed to.

Clause 37: Repeals.

This Bill repeals —

- (a) section 6 (2) (d) (ii) of;
- (b) paragraph 2 (j) (iv) of the Second Schedule to the National Agency for Science and Engineering Infrastructure Act, Cap. N3 , LFN, 2004; and

- (c) National Centre for Genetic Resources and Biotechnology (NACGRAB),
Décret No. 33 of 1987.

Committee's Recommendation:

That the provision in Clause 37 be retained (*Senate Leader*). — *Agreed to.*

Question that Clause 37 do stand part of the Bill, put and agreed to.

Clause 38: Savings.

As from the commencement of this Bill —

- (a) all assets, rights, liabilities and obligations which immediately before the commencement of this Bill, were assets, rights, liabilities and obligations of National Centre for Genetic Resources and Biotechnology (NACGRAB) or any other body related to Biotechnology shall by virtue of this Bill, be taken over by the National Biotechnology Development Agency;
- (b) anything made or done or having effect under the repealed Act, shall be treated, as if it were made or done by the Agency established under this Bill.

Committee's Recommendation:

That the provision in Clause 38 be retained (*Senate Leader*). — *Agreed to.*

Question that Clause 38 do stand part of the Bill, put and agreed to.

Clause 39: Interpretation.

In this Bill —

"Agency" means the National Biotechnology Development Agency established under section 1 of this Bill;

Question: That the word "Agency" defined in the Interpretation to this Act, put and agreed to.

"Biotechnology" means a field of applied biology that involves the use of living organisms, plant cells and bio processes in engineering, technology, medicine, agriculture and other fields requiring bio products;

Question: That the word "Biotechnology" defined in the Interpretation to this Act, put and agreed to.

"Board" means the Governing Board of the Agency established under section 2 of this Bill;

Question: That the word "Board" defined in the Interpretation to this Act, put and agreed to.

"Center" means all bioresources development centers, Biotechnology centers of excellence, specialized centers and other relevant centers as the Agency may establish from time to time;

Question: That the word "Center" defined in the Interpretation to this Act, put and agreed to.

"Chairman" means the Chairman of the Governing Board of the Agency;

Question: That the word "Chairman" defined in the Interpretation to this Act, put and agreed to.

"Committee" means the National Biotechnology Technical Committee established under section 10 of this Bill;

Question: That the word "Committee" defined in the Interpretation to this Act, put and agreed to.

"Director-General" means the Director-General of the Agency;

Question: That the word " Director-General" defined in the Interpretation to this Act, put and agreed to.

"Fund" means the fund of the Agency established under section 22 of this Bill;

Question: That the word " Fund" defined in the Interpretation to this Act, put and agreed to.

"Geo-ecological" means the ecological zones as reflected in the National geography;

Question: That the word " Geo-ecological" defined in the Interpretation to this Act, put and agreed to.

"Geopolitical" means the six political zones as it exists in the country;

Question: That the word " Geopolitical" defined in the Interpretation to this Act, put and agreed to.

"Member" means a member of the Board of the Agency including the Chairman;

Question: That the word " Member" defined in the Interpretation to this Act, put and agreed to.

"Minister" means the Minister charged with the responsibility for Science and Technology;

Question: That the word " Minister" defined in the Interpretation to this Act, put and agreed to.

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

Question: That the word " President" defined in the Interpretation to this Act, put and agreed to.

"Public officer" means any person working in the public service of the Federation or of a State as defined in the 1999 Constitution of the Federal Republic of Nigeria;

Question: That the words " Public Officer" defined in the Interpretation to this Act, put and agreed to.

"Research and Development" means creative work undertaken on a systematic basis in order to increase knowledge in Biotechnology and the use of this knowledge to devise new biotechnology applications; and

Question: That the words " Research and Development" defined in the Interpretation to this Act, put and agreed to.

"Technical department" means sections involved in scientific activities.

Question: That the words " Technical department" defined in the Interpretation to this Act, put and agreed to.

Committee's Recommendation:

That the provision in Clause 39 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 39 do stand part of the Bill, put and agreed to.

Clause 40: Short Title.

This Bill may be cited as the National Biotechnology Development Agency Bill, 2018.

Committee's Recommendation:

That the provision in Clause 40 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 40 do stand part of the Bill, put and agreed to.

FIRST SCHEDULE

[Section 2 (4)]

SUPPLEMENTARY PROVISION RELATING TO THE BOARD

Proceedings of the Board

1. Subject to this Bill and section 27 of the Interpretation Act, the Board shall have power to regulate its proceedings and may make standing orders with respect to the holding of its meetings and those of its committees, notices to be given, the keeping of minutes of its proceedings, the custody and production for inspection of such minutes and such other matters the Board may from time to time determine.
2. The Chairman shall preside at every meeting of the Board, and in his absence, the members present at the meeting shall appoint one of their members to preside at the meeting.
3. The quorum at a meeting of the Board shall consist of the Chairman or, in an appropriate case, the person presiding at the meeting pursuant to paragraph 2 of this Schedule, and six other members.
4. The chairman shall in the case of an equality of votes, have a casting vote in addition to his deliberate vote.
5. A question put before the Board at a meeting shall be decided by consensus and where this is not possible, by majority of votes of members present and voting.
6. The Board shall, for the purpose of this Bill, meet not less than three times in each year and subject, thereto, the Board shall meet whenever it is summoned by the Chairman, and if required to do so, by notice given to him by not less than five other members, he shall summon a meeting of the Board to be held within 14 days from the date on which the notice is given.
7. Where the Board desires to obtain the advice of any person on a particular matter, the Board may co-opt him to be a member of the Board for such period as it deems fit, and that person while so co-opted shall have all the rights and privileges of a member, except that he shall not be entitled to vote at any meeting of the Board and shall not count towards a quorum.

Committees.

8. (1) Subject to its standing orders, the Board may appoint such member of standing and ad-hoc Committees as it thinks fit to consider and report on any matter with which the Agency is concerned.
- (2) A committee appointed under this paragraph shall —
 - (a) consist of such number of persons (not necessarily members of the Board) as may be determined by the Board; and
 - (b) be presided over by a member of the Board.
- (3) A person other than a member of the Board who is appointed pursuant to this paragraph, shall hold office on the committee in accordance with the terms of his appointment.

- (4) The quorum of any committee set up by the Board shall be as determined by the Board.
- (5) A decision of a committee of the Board shall be of no effect until it is confirmed by the Board.
- 9. The fixing of the seal of the Agency shall be authenticated by the signature of the Director-General and witnessed by the Legal Adviser of the Agency.
- 10. A contract or an instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal may be made or executed on behalf of the Agency by the Director-General and witnessed by the legal adviser of the Agency or by any other person specifically authorized by the Board to act for that purpose.
- 11. A document purporting to be a contract, instrument or other document duly signed or sealed on behalf of the Agency shall be received in evidence and shall, unless the contrary is proved, be presumed without further proof to have been so signed or sealed.
- 12. The validity of any proceedings of the Board or of any of its committee shall not be affected by —
 - (a) any vacancy in the membership of the Board, or committee;
 - (b) any defect in the appointment of a member of the Board or committee, or
 - (c) reason that any person not entitled to do so took part in the proceedings of the Board or committee.
- 13. A member of the Board or committee who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Board or committee shall —
 - (a) forthwith disclose his interest to the Board or committee; and
 - (b) shall not vote on any question relating to the contract or arrangement.
- 14. No member of the Board shall be personally liable for any act or omission done or made in good faith while engaged in the business of the Agency.

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

SECOND SCHEDULE

[Section 9 (1) (a) (b)]

Bioresources Development Centres.

- 1. A Centre established under this Bill shall have a Director appointed by the board on the recommendation of the Director General —
 - (a) NABDA Headquarters, Abuja, FCT;
 - (b) Odi, Bayelsa State;
 - (c) Isanlu, Kogi State;
 - (d) Katsina State;
 - (e) Owode, Ogun State;
 - (f) Jalingo, Taraba State;
 - (g) Arochukwu, Abia State;

- (h) Ogbomoso, Oyo State;
 - (i) Kano, Kano State; and
 - (j) such other zone as the Agency may deem necessary to establish for the efficient performance of its functions under this Bill.
2. Zonal Biotechnology Centres of Excellence within the Universities Across the Six Geopolitical Zones —
- (a) University of Maiduguri, Maiduguri - North-East Zone.
 - (b) University of Port Harcourt, Port Harcourt - South-South Zone.
 - (c) University of Nigeria, Nsukka - South-East Zone.
 - (d) Ahmadu Bello University, Zaria - North-West Zone.
 - (e) University of Ibadan, Ibadan - South-West Zone.
 - (f) University of Jos, Jos - North-Central Zone.
 - (g) Any other centre of Excellence which the Agency may deem necessary to establish for the efficient performance of its functions under this Bill.

Functions of the Centres.

3. Each Centre is charged with the responsibility for research, development and commercialization of its results, in any or more of —
- (a) preservation and provision of bioresources for scientific, industrial, agricultural, environmental and medical research and development and applications;
 - (b) utilization of local bioresources to perform research and development activities, including preservation of the nation's ecological biodiversity;
 - (c) promotion of technologies and databases to achieve best practices in the development of indigenous bio resources;
 - (d) application of tissue culture for plant and animal conservation and agricultural development as well as training people in tissue culture techniques;
 - (e) to arrest rapid erosion and loss in the country's crop and animal genetic resources;
 - (f) to document the germplasm stocks held by the center, research institutes and relevant organizations;
 - (g) establishment of repositories for developed bioresources for protection of intellectual property rights;
 - (h) provision of bio enterprises for public information and policy formulation to encourage commercial production;
 - (i) deployment of biotechnology to the grass root communities;
 - (j) training and continuous Education of staff of the Centres in bioresources and bio enterprises development;
 - (k) promotion and collaboration in bioresources and bio enterprises development with private and public sectors, researchers, industry and academia;

- (l) such other activity as the Director of the Centre or the Agency may from time to time determine.

Power of the Centre.

3. (1) Each Centre shall have power to —
- (a) prepare —
 - (i) a programme of research, development and commercialization of results, within the field for which the Centre is responsible, for such periods, not less than three years, as the Director may, with the approval of the Director General, determine, and
 - (ii) detailed estimates of the expenditure which shall be required for carrying out the programme;
 - (b) review and, if necessary, revise each year, the programme approved under subparagraph (a) of this paragraph for the following year, together with estimated budget for that year;
 - (c) carry out the programme of research, development and commercialization of results approved by the Agency; and
 - (d) make suitable arrangements for the diffusion of research results in the economy by —
 - (i) establishing effective mechanisms in active collaboration with Federal and State Ministries of Agriculture and the World Bank supported agricultural development projects in the States, for extension work to farmers and industrialists;
 - (ii) establishing in-house pilot production units and plants to demonstrate the commercial viability of research results;
 - (iii) collaborating with the Federal and State Ministries of Trade and Investment in the generation of private-sector industries as Centres; and
 - (iv) establishing systems for an effective media publicity of research results, so however, that where expenditure of funds is involved, the Centre shall obtain the approval of the Board.
- (2) Subject to the provisions of this Bill, each Centre shall be self-accounting and shall have power to take such decisions and to enter into such transactions, which in its opinion ought to be undertaken in the proper discharge of its functions, subject to the approval of the Director General.
- (3) Each Centre shall, in particular and without prejudice to the generality of the other powers conferred by this paragraph, have power to acquire and hold property and any interest in land, with the approval of the Director General.

Staff of the Centres.

4. (1) There shall be for each Centre other members of staff as appointed by the Agency.
- (2) The Director of each Centre may request from the Agency such members of staff as are deemed necessary for the proper discharge of the functions of the Centres under this Bill.

Fund of the Centres.

5. (1) Each Centre shall establish and maintain a fund from which shall be defrayed all expenditure incurred by the Centre. The signatories to the fund shall be the Director General and the Director of the Centre.
- (2) There shall be paid into the fund —
- (a) such sums as may accrue to the Centre as revenue from its operations;
 - (b) such sums as may be made available to the Centre by the Agency;
 - (c) such sums as may be made available through appropriation; and
 - (d) such other assets as may accrue to the Centre, from time to time.
- (3) The fund shall be managed in accordance with extant Financial Regulations.

Annual Estimate.

6. Each Centre shall submit to the Agency, not later than 31 October each year, its programme of work and estimates of income and expenditure for the following year.

Annual and Quarterly Report.

7. The Director of each Centre shall submit to the Agency an annual, quarterly operational and financial report on the activities of the Centre not later than —
- (a) two weeks after the end of the preceding quarter in case of a quarterly report; or
 - (b) six months after the end of each year in case of the Annual report.

Power to Borrow Money.

8. A Centre may borrow money with the approval of the Headquarters of the Agency.

Restriction on Entering into Contract with Foreign Countries.

9. A Centre shall not enter into any contract or arrangement with a foreign country or body without a prior clearance and approval by the Headquarters of the Agency.

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

THIRD SCHEDULE

[Section 9 (3)]

SUPPLEMENTARY PROVISION RELATING TO THE CENTRES**Establishment of the Centre.**

1. A Centre established under this Bill shall have a Director appointed by the board on the recommendation of the Director General.

Functions of the Centres.

2. Each Centre is charged with the responsibility for research, development and commercialization of its results, in any or more of —
- (a) preservation and provision of bioresources for scientific, industrial, agricultural, environmental and medical research and development and applications;
 - (b) utilization of local bioresources to perform research and development activities, including preservation of the nation's ecological biodiversity;
 - (c) promotion of technologies and databases to achieve best practices in the development of indigenous bio resources;

- (d) application of tissue culture for plant and animal conservation and agricultural development as well as training people in tissue culture techniques;
- (e) to arrest rapid erosion and loss in the country's crop and animal genetic resources;
- (f) to document the germplasm stocks held by the center, research institutes and relevant organizations;
- (g) establishment of repositories for developed bioresources for protection of intellectual property rights;
- (h) provision of bio enterprises for public information and policy formulation to encourage commercial production;
- (i) deployment of biotechnology to the grass root communities;
- (j) training and continuous Education of staff of the Centres in bioresources and bio enterprises development;
- (k) promotion and collaboration in bioresources and bio enterprises development with private and public sectors, researchers, industry and academia;
- (l) such other activity as the Director of the Centre or the Agency may from time to time determine.

Power of the Centre.

3. (1) Each Centre shall have power to —
- (a) prepare —
 - (i) a programme of research, development and commercialization of results, within the field for which the Centre is responsible, for such periods, not less than three years, as the Director may, with the approval of the Director General, determine, and
 - (ii) detailed estimates of the expenditure which shall be required for carrying out the programme;
 - (b) review and, if necessary, revise each year, the programme approved under sub-paragraph (a) of this paragraph for the following year, together with estimated budget for that year;
 - (c) carry out the programme of research, development and commercialization of results approved by the Agency; and
 - (d) make suitable arrangements for the diffusion of research results in the economy by —
 - (i) establishing effective mechanisms in active collaboration with Federal and State Ministries of Agriculture and the World Bank supported agricultural development projects in the States, for extension work to farmers and industrialists,
 - (ii) establishing in-house pilot production units and plants to demonstrate the commercial viability of research results,
 - (iii) collaborating with the Federal and State Ministries of Trade and Investment in the generation of private-sector industries as Centres, and

- (iv) establishing systems for an effective media publicity of research results, so however, that where expenditure of funds is involved, the Centre shall obtain the approval of the Board.
- (2) Subject to the provisions of this Bill, each Centre shall be self-accounting and shall have power to take such decisions and to enter into such transactions, which in its opinion ought to be undertaken in the proper discharge of its functions, subject to the approval of the Director General.
- (3) Each Centre shall, in particular and without prejudice to the generality of the other powers conferred by this paragraph, have power to acquire and hold property and any interest in land, with the approval of the Director General.

Staff of the Centres.

- 4. (1) There shall be for each Centre other members of staff as appointed by the Agency.
- (2) The Director of each Centre may request from the Agency such members of staff as are deemed necessary for the proper discharge of the functions of the Centres under this Bill.

Fund of the Centres.

- 5. (1) Subject to the provision of the Constitution, each Centre shall establish and maintain a fund from which shall be defrayed all expenditure incurred by the Centre. The signatories to the fund shall be the Director General and the Director of the Centre.
- (2) There shall be paid into the fund —
 - (a) such sums as may accrue to the Centre as revenue from its operations;
 - (b) such sums as may be made available to the Centre by the Agency;
 - (c) such sums as may be made available through appropriation; and
 - (d) such other assets as may accrue to the Centre, from time to time.

The fund shall be managed in accordance with extant Financial Regulations.

Annual Estimate.

- 6. Each Centre shall submit to the Agency, not later than 31 October each year, its programme of work and estimates of income and expenditure for the following year.

Annual and Quarterly Report.

- 7. The Director of each Centre shall submit to the Agency an annual, quarterly operational and financial report on the activities of the Centre not later than —
 - (a) two weeks after the end of the preceding quarter in case of a quarterly report; or
 - (b) six months after the end of each year in case of the Annual report.

Power to Borrow Money.

- 8. A Centre may borrow money with the approval of the Headquarters of the Agency.

Restriction on Entering into Contract with Foreign Countries.

- 9. A Centre shall not enter into any contract or arrangement with a foreign country/companies or body without a prior clearance and approval by the Headquarters of the Agency.

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

Chairman to report Bill.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered a Bill for an Act to Establish the National Biotechnology Development Agency; and Other Related Matters, 2018 and approved as follows:

Clause 1	—	As Recommended
Clause 2	—	As Amended
Clauses 3- 40	—	As Recommended
Schedules 1-3	—	As Recommended

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

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

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

13. Committee on Public Accounts:

Report on the Federal Audit Service Commission Bill, 2018 (HB. 107):

Motion made: That the Senate do consider the Report of the Committee on Public Accounts on the Federal Audit Service Commission Bill, 2018 (*Senator Matthew A. Urhoghide — Edo South*).

Question put and agreed to.

Report presented.

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

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO ESTABLISH THE OFFICE OF THE AUDITOR-GENERAL FOR THE FEDERATION, PROVIDE FOR ADDITIONAL POWERS AND FUNCTIONS TO THE OFFICE; ESTABLISH THE FEDERAL AUDIT SERVICE COMMISSION; REPEAL THE AUDIT ACT 1956, THE PUBLIC ACCOUNTS COMMITTEES ACT, CAP. P35 LFN 2004, AND ENACT THE FEDERAL AUDIT SERVICE COMMISSION BILL 2018; AND TO PROVIDE FOR OTHER MATTERS RELATED THERETO, 2018.

Clause 1: Establishment of the Office of the Auditor-General for the Federation

- (1) Subject to the provisions of the Constitution, there is hereby established an office known as the Office of the Auditor-General for the Federation, (hereinafter referred to as 'the Office').
- (2) The Office shall be a body corporate: —
 - (a) with a common seal and in perpetual succession; and
 - (b) shall sue and be sued in its corporate name.

- (3) The Office shall be headed by the Auditor-General for the Federation, (hereinafter referred to as 'the Auditor-General') who shall be of same rank in public service with the Head of Service of the Federation.
- (4) The Auditor General shall be assisted by 3 Deputy Auditors-General who shall be of same rank in public service as a permanent secretary or its equivalent and such other staff as may be appointed by the Federal Audit Service Commission on the recommendation of the Auditor-General.
- (5) The Auditor-General, the 3 Deputy Auditors-General and other staff of the Office shall be public servants.

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senator Matthew A, Urhoghide — Edo South*) — Agreed to.

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

Clause 2: Qualification of Auditor-General and Deputy Auditors-General

- (1) Subject to the provisions of the Constitution, a person shall not be appointed as Auditor-General unless that person is —
 - (a) a qualified accountant with not less than 15 years cognate professional experience;
 - (b) registered with the Financial Reporting Council of Nigeria;
 - (c) has not been convicted of any offence involving dishonesty by a law court or found guilty of any professional misconduct involving dishonesty by any professional body established by law in Nigeria; and
 - (d) of proven professional ability and expertise.
- (2) Where the applicant is from the public service, he shall have at least two (2) years to serve before he is due for retirement.
- (3) Where the applicant is not from the public service, he shall not be less than fifty (50) years old at the date of appointment.
- (4) The Deputy Auditors-General to be appointed from the serving Directors in the Office who must meet the criteria in this Section.

Committee's Recommendation:

That the provision in Clause 2 be retained (*Senator Matthew A, Urhoghide — Edo South*) — Agreed to.

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

Clause 3: Procedure for Appointment of Auditor-General.

- (1) Where the post of the Auditor-General is vacant, the vacancy shall be filled by the appointment of the most qualified person with cognate experience in the service of the Office of the Auditor-General or in the public service of the Federation or State.
- (2) Subject to Subsection (1), where there is no qualified person in the service of the Office of the Auditor-General or in the public service of the Federation or State, the vacancy shall be filled by the appointment of any person, not being a public servant, who meets the qualifications specified in this Bill.

- (3) Notwithstanding any provisions of this Section, where more than one person is qualified for appointment as the Auditor-General, the procedure for appointing the Auditor-General shall be uniform, transparent and competitive.
- (4) For the purpose of this Section, reference to Auditor-General shall include Deputy Auditors-General.

Committee's Recommendation:

That the provision in Clause 3 be retained (*Senator Matthew A, Urhoghide — Edo South*) — Agreed to.

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

Clause 4: Salary

- (1) Notwithstanding the provision of any Act, the Auditor-General shall be paid such salary and allowances as may be determined by the National Assembly on the recommendation of the Revenue Mobilization Allocation and Fiscal Commission.
- (2) The salary and allowances of the Auditor-General shall be charged on the Consolidated Revenue Refund of the Federation.
- (3) Any person who holds office as Auditor-General shall be entitled to pension for life at a rate equivalent to the annual salary of the incumbent Auditor-General. Provided that such a person was not removed from office on grounds of misconduct or convicted for any offence involving dishonesty.
- (4) Subject to Subsection (3) or any other Act, the severance allowance and other retirement benefits of the Auditor-General shall be similar to those of the Head of Service of the Federation.

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senator Matthew A, Urhoghide — Edo South*) — Agreed to.

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

Clause 5: Tenure of the Auditor-General

The Auditor-General shall be appointed to serve for four years and may be reappointed to serve for another four years and no more.

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senator Matthew A, Urhoghide — Edo South*) — Agreed to.

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

Clause 6: Cessation of the Office of the Auditor-General

A person holding office as the Auditor-General shall hold office until he —

- (a) attains the age of 60 years or he has served in the public service of the Federation for 35 years depending on which comes first;
- (b) voluntarily retires by writing a letter in his own hand writing indicating his intention to retire addressed to the President through the Federal Civil Service Commission;

- (c) is found incapable of discharging the functions of his office either arising from infirmity of mind or body or any other cause or for misconduct.

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senator Matthew A, Urhoghide — Edo South*) — Agreed to.

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

Clause 7: Removal of the Auditor-General on Grounds of Misconduct

- (1) Subject to the Constitution, a person holding the Office of the Auditor-General shall be removed from office in accordance with the provisions of Section 87 of the Constitution of the Federal Republic of Nigeria (as amended).
- (2) The Senate shall not commence proceedings to remove a person holding Office as Auditor-General, unless the Senate:—
 - (a) serves him a copy of the allegation of misconduct, and
 - (b) gives him at least 14 days to prepare his defence to the allegation and makes representation to the Senate either in person or by his Legal representative.
- (3) Any resolution to remove a person occupying the Office of the Auditor-General from office, on grounds of misconduct by the Senate, shall not be valid unless approved by two-thirds majority of the members.

Committee's Recommendation:

That the provision in Clause 7 be retained (*Senator Matthew A, Urhoghide — Edo South*) — Agreed to.

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

Clause 8: Administrative Structure of the Office

- (1) The Office of the Auditor-General shall consist of such Directorates, Departments, Divisions and Units as may be determined by the Federal Audit Service Commission on the recommendation on the Auditor-General.
- (2) The Audit Service Commission on the recommendation of the Auditor-General shall from time to time, review the administrative structure of the Office to meet the prevailing needs, and where it so reviews, the new structure shall not be valid unless published in the Official Gazette.

Committee's Recommendation:

That the provision in Clause 8 be retained (*Senator Matthew A, Urhoghide — Edo South*) — Agreed to.

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

Clause 9: Functions of Auditor-General

- (1) Subject to the provisions of the Constitution, the functions of the Auditor-General shall include the following:—
 - (a) expressing an opinion whether the financial statements prepared by the Government of the Federation represent fairly or otherwise the financial position and results of operation;

- (b) carrying out, except otherwise provided by the Constitution, audit of all revenues accruing to the Federation and all expenditures of the Federation from all sources;
 - (c) carrying out, except otherwise provided by the Constitution, audit of donations, grants and loans accruable to Federal Ministries, Departments and Agencies or other public entities;
 - (d) carrying out performance audit by ensuring that Federal Government and its agencies' business is economically, efficiently and effectively performed;
 - (e) carrying out audit on classified expenditure;
 - (f) carrying out forensic audit;
 - (g) carrying out any other emerging audit(s);
 - (h) carrying out audit of international institutions to the extent of Nigeria's contributions to such bodies;
 - (i) carrying out audit of all Federal government and its agencies' subsidies and their application;
 - (j) carrying out audit of all Federal government and its agencies' counterpart funded projects in the country;
 - (k) carrying out audit of all Nigerian Embassies, Consulates and Foreign Missions;
 - (l) carrying out audit of performance information;
 - (m) carrying out audit of disaster related grants and aids; and
 - (n) carrying out audit of public private partnership entered into by the Federal government and its agencies;
 - (o) carrying out such audits as he may deem necessary to safeguard Federal government and its agencies assets and promote good governance.
- (2) Notwithstanding the provision of Subsection (1), the Auditor-General shall not in person participate in any action or decision the subject of which he is an interested party.

Committee's Recommendation:

That the provision in Clause 9 be retained (*Senator Matthew A, Urhohide — Edo South*) — Agreed to.

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

Clause 10: Powers of Auditor-General

The Auditor-General shall have power to:—

- (a) decide on the methodology to be adopted in respect of an audit;

- (b) determine the nature and extent of audit to be carried out and request the entails, statements of account and financial statement which he considers necessary.
- (c) in writing, require any person in the employment of Federal Ministries, Departments and Agencies or other public entities, and international institutions whose accounts are being audited by him to appear before him at a time and place mentioned in the request and to produce on demand, all such records, books; vouchers and documents in the possessions or under the control of such persons;
- (d) investigate and make extracts from any record, book, document and other information of any Federal Ministries, Departments and Agencies or other public entities, and international institutions whose accounts is audited by him.
- (e) liaise with persons, Federal Ministries, Departments and Agencies or other public entities, and international institutions in Nigeria or outside Nigeria, on such conditions as he deems fit for the proper performance of his functions.
- (f) surcharge the amount of any expenditure which has not been duly brought into the account or the amount of any loss or deficiency incurred.
- (g) revoke any surcharge imposed by him;
- (h) direct the withholding of the emoluments and allowances of person(s) who fail(s) or refuse(s) to reply to audit queries within 30 days and for as long as the person(s) fail(s) to comply;
- (i) have unrestricted access to persons, documents, records and other information necessary for proper discharge of his statutory obligations;
- (j) audit all money accruing to the nation or Federal Ministries, Departments and Agencies or other public entities, and international institutions; and
- (k) audit donations, grants, loans and other forms of assistance accruable to the Federal Government, Federal Ministries, Departments and Agencies or other public entities, and international institutions, whether from local or international institutions.

Committee's Recommendation:

That the provision in Clause 10 be retained (*Senator Matthew A, Urhohide — Edo South*) — Agreed to.

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

Clause 11: Issuance of Summons and Warrant of Arrest

- (1) The Auditor-General may, in the course of exercising his powers or perform his functions, summon a person as witness to give evidence either orally or in writing.
- (2) Subject to Subsection (1), where a person is summoned as witness and the person refuses or fails to appear, without any reasonable excuse, the Auditor-General may issue warrant to the police for his arrest.
- (3) The Auditor-General may administer oath or affirmation to any person who appear before him to give evidence or being examined as a witness by him.

- (4) Any person who intentionally gives false evidence either orally or in writing as a witness commits the offence of perjury.
- (5) Except authorized by law or the Auditor-General, any witness who refuses to take oath or affirmation prescribed in accordance with this Bill commits an offence.

Committee's Recommendation:

That the provision in Clause 11 be retained (*Senator Matthew A, Urhoghide — Edo South*) — *Agreed to.*

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

Clause 12: Independence of Auditor-General

Subject to the provisions of the Constitution the Auditor-General, in exercising his powers or performing his functions under this Bill shall not be under the direction or control of any authority or person.

Committee's Recommendation:

That the provision in Clause 12 be retained (*Senator Matthew A, Urhoghide — Edo South*) — *Agreed to.*

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

Clause 13: Internal Audit Reports

- (1) The internal auditor of any Federal Ministries, Departments and Agencies or other public entities, and international institutions which is subject to audit by the Auditor-General shall submit a copy to the Auditor-General of each internal audit report issued within seven working days of its issue.
- (2) Any response by Accounting officers of Federal Ministries, Departments and Agencies or other public entities, and international institutions to internal audit reports shall be presented to the Auditor-General within seven working days of receipt of the Audit Report.

Committee's Recommendation:

That the provision in Clause 13 be retained (*Senator Matthew A, Urhoghide — Edo South*). — *Agreed to.*

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

Clause 14: Operations

- (1) In exercising his powers or performing his functions under the Constitution or this Bill, the Auditor-General shall express an independent opinion on the results of each audit and shall state whether:—
 - (a) the accounts are in conformity with the requirements of relevant extant Acts and Financial regulations;
 - (b) all moneys appropriated or otherwise disbursed have been expended and applied for the purpose intended and that such expenditure confirms to the authority which governs it;
 - (c) the financial affairs of the Federal Ministries, Departments and Agencies or other public entities, and international institutions audited and all revenues received and public moneys under its control have been handled and conducted with regularity and propriety by the accounting officer or any other public officer responsible for such;

- (d) all reasonable precautions have been taken to safeguard the resources and property, and that all regulations directives and instructions relating to them have been duly complied with;
 - (e) in his opinion, the accounts reflected fairly the financial position of the Federal Ministries, Departments and Agencies or other public entities, and international institutions audited;
 - (f) money has been expended with due regard to economy, efficiency and effectiveness;
 - (g) adequate financial regulations exist for accounting and financial operations in the Federation and that they are fully observed; and
 - (h) satisfactory procedures have been adopted to measure and report the effectiveness of programme, where such procedure could appropriately and reasonably be implemented.
- (2) The Auditor-General shall, within ninety days of receipt of the Accountant-General's financial statements, submit his reports under this Section to each House of the National Assembly and each House shall cause the reports to be considered by a committee of each house of the National Assembly responsible for Public Accounts.
- (3) The National Assembly shall, after the receipt of the report submitted to it under Subsection (2), debate, consider at the plenary session and then submit the report to the President or Chief Justice of Nigeria who shall within one month pass it to the Public Accounts Implementation Tribunal for necessary action.

Amendment Proposed:

leave out the words "or Chief Justice of Nigeria" in line 3 (Senator Magnus N. Abe — Rivers South-East).

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

- (4) The Auditor-General shall follow-up the implementation of the recommendations of the National Assembly arising from the reports submitted to it under this Bill and reports back to the National Assembly on outstanding issue(s).
- (5) The Auditor-General shall, at any time, submit to the National Assembly a special report on any matter incidental to his powers and functions under this Bill.
- (6) The reports of the Auditor-General shall become a public document as soon as it is submitted to the National Assembly and may be placed on the Office website; published in the official bulletin of the Office, displayed in the Office library among others.
- (7) The report of the Auditor-General hosted on the website or published in accordance with Subsection (6) of this Section shall not be used unless approved by the National Assembly (Senator Matthew A, Urhoghide — Edo South).

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

Clause 15: Procedure

- (1) The Auditor-General shall draw the attention of the appropriate authorities to any irregularity observed during the audit of the accounts as soon as the facts of such irregularity have been established and confirmed.
- (2) The Auditor-General shall as a result of the audit conducted by him, make such queries and observations addressed to the Accountant-General or any other Accounting Officer and call for such accounts, vouchers, statements, documents and explanations as he deems fit.
- (3) The Auditor-General shall specify to the Accounting Officer or the appropriate Heads of Federal Ministries, Departments and Agencies or other public entities, and international institutions, the amount due from any person upon whom he had made surcharge, and the reason for the surcharge and to report the circumstances of the case to the Accounting Officer of the affected Federal Ministries, Departments and Agencies or other public entities, and international institutions.
- (4)
 - (a) The Auditor-General or any person authorized by him to carry out an audit shall hold an exit conference with the Accounting Officer on observations raised and the parties at the conference shall sign as having been present and having agreed with the observations or sign as having been present and having disagreed with the observations state reasons;
 - (b) The refusal of an Accounting Officer to sign the audit observations mentioned in Subsection (4)(a) of this Section shall not render the audit report invalid.
- (5) The Auditor-General shall make a report to the National Assembly on any one or more audits conducted by or on his behalf under this Bill or any other bill which:—
 - (a) shall set out the reasons for opinions expressed in the report;
 - (b) shall include any recommendation(s) arising out of the audit that he thinks fit to make;
 - (c) after preparing a draft report, the Auditor-General shall give a copy of it, or part of it, to:—
 - (i) the Accounting Officer or the appropriate head of Federal Ministries, Departments and Agencies or other public entities, and international institutions to which the draft report or part relates or that, in the Auditor-General's opinion, has a special interest in the draft report or part; and
 - (ii) in the case of a draft report or part of a draft report on a performance audit referred to in Section 22 the appropriate head of Federal Ministries, Departments and Agencies or other public entities, and international institutions for which the Minister administering that Section is responsible; and
 - (d) request the Accounting Officer or the appropriate Head of Federal Ministries, Departments and Agencies or other public entities, and international institutions in writing, for submissions or comments before a specified date, being:—

- (i) in the case of a draft report on a performance audit - at least 15 working days after the draft report or, part is given to the Accounting Officer or the appropriate head of Federal Ministries, Departments and Agencies or other public entities, and international institutions; or
 - (ii) in the case of a draft report on any other audit - at least 30 working days after the draft report or parties given to the authority.
- (6) The Auditor-General shall include in the report to the National Assembly any submission(s) or comment(s) made before the specified date, or a summary of them in a form determined by him.

Committee's Recommendation:

That the provision in Clause 15 be retained (*Senator Matthew A, Urhohide — Edo South*) — *Agreed to.*

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

Clause 16: Auditing Standards and Code of Ethics

- (1) The Auditor-General shall determine the auditing standards, guidelines, and code of ethics specific to the audits performed by the Office of the Auditor-General.
- (2) In the performance of his functions, the Auditor-General shall apply the auditing standards and code of ethics recommended by the Financial Reporting Council of Nigeria.
- (3) Notwithstanding the provisions of Subsection (2) of this Section, where the auditing standards recommended by the Financial Reporting Council of Nigeria is silent on an issue, the Auditor-General may apply the auditing standards and code of ethics recommended by the International Organization of Supreme Audit Institutions (INTOSAI) and/or African Organization of English Speaking Supreme Audit Institutions (AFROSAI-E).

Committee's Recommendation:

That the provision in Clause 16 be retained (*Senator Matthew A, Urhohide — Edo South*) — *Agreed to.*

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

Clause 17: Specific Issues to be Addressed in Audit of MDAs, etc, Accounts

In the exercise of the powers conferred on him under the Constitution, the Auditor-General shall have powers to or authorize persons under him to draw attention to the following:—

- (a) the profitability, liquidity, stability and solvency of the parastatals, corporations, or agencies and also the corporation on the capital markets, where applicable;
- (b) whether there was any delay in payment of the government's portion of any declared dividend into the Consolidated Revenue Fund of the Federation;
- (c) any significant case of fraud or losses and if so, their underlying causes and persons responsible for such fraud or losses;

- (d) any internal control weakness identified and the general corporate performance indicating:—
 - (i) achievements against set targets and objectives; and
 - (ii) whether the finances of the body have been conducted with due attention to economy, efficiency and effectiveness, having regard to the resources utilized.

Committee's Recommendation:

That the provision in Clause 17 be retained (*Senator Matthew A, Urhoghide — Edo South*) — *Agreed to.*

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

Clause 18: Audit of Public Money in Private Organizations and Bodies

The Auditor-General may inquire into, examine, investigate and report, as he considers necessary, on the expenditure of public monies disbursed, advanced or guaranteed to a private organization or body in which Federal Government has controlling interest.

Committee's Recommendation:

That the provision in Clause 18 be retained (*Senator Matthew A, Urhoghide — Edo South*) — *Agreed to.*

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

Clause 19: Reporting of Fraud

- (1) When, the course of conducting a financial, compliance or performance audit or any emerging audit, staff from the Office of the Auditor-General, or auditors appointed under this Bill, discover what they believe to be criminal, fraudulent or corruption acts, they shall immediately notify the Auditor-General.
- (2) Where the Auditor-General is satisfied that sufficient evidence exists to warrant special investigation, he shall carry out detailed investigation and make a special report on his findings to the National Assembly and the Police.

Committee's Recommendation:

That the provision in Clause 19 be retained (*Senator Matthew A, Urhoghide — Edo South*) — *Agreed to.*

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

Clause 20: Reference to National Assembly

Where the Auditor-General becomes aware of:—

- (a) any payment made without due authority;
- (b) any deficiency or loss occasioned by negligence or misconduct;
- (c) any sum which ought to have been but was not brought to account, he shall, in the case of expenditure, disallow the sum as a charge upon public funds and in all cases, call in question the sum concerned and makes a report on the sum to the National Assembly which shall refer the report to the committees of both Houses responsible for public accounts.

Committee's Recommendation:

That the provision in Clause 20 be retained (*Senator Matthew A, Urhoghide — Edo South*) — *Agreed to.*

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

Clause 21: Performance Audit

- (1) The Auditor-General shall, for the purpose of enhancing economy, efficiency and effectiveness of the operations of any Federal Ministries, Departments and Agencies or other public entities, and international institutions in respect of which appropriation, or other accounts are required to be prepared under any Act of the National Assembly or the Constitution, enquire into, examine, investigate or undertake performance audits and report as he considers necessary on:—
 - (a) the expenditure of public money(s) and the use of public resources by Federal Ministries, Departments and Agencies or other public entities, and international institutions;
 - (b) the conduct of, and performance of their functions by:—
 - (i) accounting officers;
 - (ii) heads of Federal Ministries, Departments and Agencies;
 - (iii) other public entities, and international institutions.
 - (c) the extent to which Federal Ministries, Departments and Agencies or other public entities, and international institutions established by an Act of the National Assembly, is carrying out its activities economically, efficiently and effectively;
 - (d) any act of omission of Federal Ministries, Departments and Agencies or other public entities, and international institutions to determine whether waste has resulted or may have resulted or may result;
 - (e) any act showing or appearing to show a lack of probity or financial prudence by Federal Ministries, Departments and Agencies or other public entities, and international institutions or any of its members, office holders and employees; and
 - (f) any other activity undertaken by the Federal Ministries, Departments and Agencies or other public entities, and international institutions.
- (2) Any report prepared by the Auditor-General as a result of an examination, enquiry or investigation under this Section shall be laid before the National Assembly.

Committee's Recommendation:

That the provision in Clause 21 be retained (*Senator Matthew A, Urhoghide — Edo South*) — *Agreed to.*

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

Clause 22: Special Audits and Investigations

The Auditor-General may carry out special audits, investigations or any other audit considered necessary by him.

Committee's Recommendation:

That the provision in Clause 22 be retained (*Senator Matthew A, Urhohide — Edo South*) — *Agreed to.*

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

Clause 23: Submissions of Annual Financial Statements

- (1) The financial statements of the Federal Government shall be submitted to the Auditor-General not later than the 30th June of the following financial years.
- (2) The Accounting Officer of all Federal Ministries, Departments and Agencies and public institutions shall submit their financial statements to the Accountant General not later than 90 days following the end of the financial year.
- (3) Subject to the provisions of the Constitution, the Accounting Officer of all statutory corporations, parastatals, authorities, commissions, agencies, including all persons and bodies established by an Act of the National Assembly shall submit their audited financial statements to the Auditor-General for review not later than 90 days following the end of a financial year.
- (4) Any person who contravenes the provisions of Subsections (1), (2) and (3) of this Section commits an offence and on conviction shall be personally liable to a fine of not less than N500,000.00 or two (2) years imprisonment or both.
- (5) Notwithstanding the provisions of Subsection (4) of this Section, any Federal Ministry, Department and Agency or other public entity, and international institution that contravenes the provisions of Subsections (1), (2) and (3) of this Section shall be caused to make a representation to the National Assembly for further disciplinary action.

Committee's Recommendation:

That the provision in Clause 23 be retained (*Senator Matthew A, Urhohide — Edo South*) — *Agreed to.*

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

Clause 24: Submissions of Audited Annual Financial Statements to the National Assembly

- (1) The Auditor-General shall, within ninety days of receipt of the Accountant-General's financial statement, submit his reports under this Section to each House of the National Assembly and each House shall cause the reports to be considered by a committee of the House of the National Assembly responsible for public accounts.
- (2) After the reports have been examined by the Committee responsible for Public Accounts, it shall be presented in the plenary sessions of the two Houses.
- (3) The National Assembly shall publish its findings on the Auditor-General's report on the Accountant-General's financial statement mentioned therein, within 120 days of receiving such report.
- (4) the report under this Section may include any information and recommendation(s) that the Auditor-General thinks fit:—

- (a) for the more effective and efficient management of public resources; and
- (b) for the keeping of proper accounts and records of the transactions relating to public resources.

Committee's Recommendation:

That the provision in Clause 24 be retained (*Senator Matthew A, Urhoghide — Edo South*) — Agreed to.

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

Clause 25: Publication of Audit Reports

- (1) All reports issued by the Auditor-General shall be considered public documents after the reports are submitted to the National Assembly.
- (2) The Auditor-General shall provide copies of his published reports to:—
 - (a) the National Archives; and
 - (b) the website of the Federal Government, Government press and approved print and electronic media.
- (3) No person shall, without the written consent of the Auditor-General, publish or disclose information obtained in the course of an audit to any person (other than in the course of his duties or when lawfully required to do so by a court of competent jurisdiction).
- (4) It is only the Auditor-General, after giving due consideration to the public interest and an auditor's professional obligations with regards to confidentiality of information, may determine what information, beyond the publicly available report, can appropriately be disclosed.

Committee's Recommendation:

That the provision in Clause 25 be retained (*Senator Matthew A, Urhoghide — Edo South*) — Agreed to.

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

Clause 26: Public Accounts Committee Review of All Audit Reports

- (1) The committee responsible for the Public Accounts shall consider each report from the Auditor-General which is tabled in the National Assembly.
- (2) The Committee responsible for Public Accounts shall make recommendations on the basis of this consideration and shall monitor their implementation; after it has been approved by the House at the plenary sessions.

Committee's Recommendation:

That the provision in Clause 26 be retained (*Senator Matthew A, Urhoghide — Edo South*) — Agreed to.

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

Clause 27: Estimates of Revenue and Expenditure

The office of the Auditor-General shall prepare and submit to the National Assembly 6 months to the end of every financial year, the Estimates of Revenue and Expenditure of the office for the following financial year, which shall be included in the appropriation Bill.

Committee's Recommendation:

That the provision in Clause 27 be retained (*Senator Matthew A, Urhoghide — Edo South*) — *Agreed to.*

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

Clause 28: Expenses of the Office of the Auditor-General

- (1) All monies approved by the National Assembly to defray the expenses that may be incurred in the discharge of the functions of the Office of the Auditor-General or in carrying out the purposes of this bill shall be a first line charge on the Consolidated Revenue Fund of the Federation.
- (2) Any amount standing to the credit of the Office of the Auditor-General in the annual budget shall be paid directly to the Auditor-General and disbursement as approved by National Assembly.

Charging Fees

- (3) The Auditor-General shall charge fees for the conduct of audits undertaken on behalf of International Aid Agencies, unanticipated audit requests, State Owned Enterprises (Government Business Enterprises - GBE) Funds and autonomous commissions that are not funded directly from the state budget and such amounts shall be remitted to the Consolidated Fund, net of Audit costs.

Committee's Recommendation:

That the provision in Clause 28 be retained (*Senator Matthew A, Urhoghide — Edo South*) — *Agreed to.*

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

Clause 29: Annual Report of the Auditor-General

- (1) The Auditor-General shall prepare and submit the following reports to the National Assembly in accordance with Section 15 and 16 of this Bill:—
 - (a) annual financial statements of his office prepared in accordance with generally accepted accounting principles, pursuant to Section 33 of this Bill;
 - (b) list of Federal Ministries, Departments and Agencies or other public entities, and international institutions whose financial statements were audited by the Auditor-General;
 - (c) list of Federal Ministries, Departments and Agencies or other public entities, and international institutions that fail to comply with Section 15 of this Bill;
 - (d) annual reports in accordance with Section 11 and 15 of this Bill;
 - (e) performance audit report on Programme, projects; and
 - (f) annual audit report on taxes and other revenue collections.
- (2) The reports mentioned in Subsection (1)(a) and (b) of this Section shall be submitted to the National Assembly along with other reports in accordance with Section 23 of this Bill.

Committee's Recommendation:

That the provision in Clause 29 be retained (*Senator Matthew A, Urhohide — Edo South*) — Agreed to.

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

Clause 30: Protection from Litigation

- (1) The Auditor-General or an employee of the Office or a person acting on the authorities of Auditor-General shall not be personally liable for any action or omission committed in good faith in the performance of the functions or exercising the powers of the office.
- (2) All reports and documents presented by the Auditor-General to the National Assembly shall be deemed to be National Assembly reports or documents and shall be accorded the same rights and privilege enjoyed by the reports and other documentary evidence emanating from or presented to the National Assembly by the Legislative Houses (Power and Privileges) Act.
- (3) Subject to Subsection (1) of this Section, no civil or criminal proceedings shall be instituted against the Auditor-General on the basis of any actions or omissions committed by him or any report submitted to the National Assembly.

Committee's Recommendation:

That the provision in Clause 30 be retained (*Senator Matthew A, Urhohide — Edo South*) — Agreed to.

Question that Clause 30 do stand part of the Bill, put and agreed to.

Clause 31: Power to Appoint Private Auditors

- (1) The Auditor-General may appoint, subject to the Public Procurement Act, private auditors to assist him in the performance of his functions under this Bill.
- (2) An auditor appointed under this Section shall be supervised by the Auditor-General.
- (3) The Auditor-General may, in the performance of his function under this Bill, engage the services of or work in consultation with professionals or technical experts or consultants to enhance the performance of the Office of the Auditor-General.

Committee's Recommendation:

That the provision in Clause 31 be retained (*Senator Matthew A, Urhohide — Edo South*) — Agreed to.

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

Clause 32: Independent Auditor for the Auditor-General's Office

- (1) The Accounts of the Office of the Auditor-General shall, in each financial year, be audited and reported upon by an independent auditor appointed, subject to the Public Procurement Act by the National Assembly.
- (2) Notwithstanding Subsection (1) of this Section, a person is qualified for appointment as independent Auditor to the Office where:—
 - (a) he holds a valid practicing license whether within or outside the country for at least a period of ten years before such appointment;

- (b) has proven track records of performance and integrity;
 - (c) is not involved or has not audited the Audit Service Commission or any Federal Ministries, Departments and Agencies or other public entities, and international institutions which is subject to audit by the Office for at least a period of three years before such appointment;
 - (d) has not been a consultant to the Office or Audit Service Commission for at least a period of three years before such appointment.
- (3) Notwithstanding anything to the contrary in any law, the Office of the Auditor-General shall, within three months after the end of its financial year, prepare and submit to the auditor appointed under Subsection (1), financial statements of the performance and integrity.
- (4) The Auditor shall have access to all books of accounts, vouchers and other records of the Office of the Auditor-General and is entitled to any information and explanation required in relation to those records.

Committee's Recommendation:

That the provision in Clause 32 be retained (*Senator Matthew A, Urhoghide — Edo South*) — Agreed to.

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

Clause 33: Oath/Affirmation of Office, Secrecy

- (1) No person shall assume office as Auditor-General unless the person takes the oath or affirmation specified in Part A of the schedule to this Bill.
- (2) Every person appointed to the services of the Office of the Auditor-General shall before assuming duty take the Oath or affirmation of secrecy specified in Part B of Schedule to this Bill.

Committee's Recommendation:

That the provision in Clause 33 be retained (*Senator Matthew A, Urhoghide — Edo South*) — Agreed to.

Question that Clause 33 do stand part of the Bill, put and agreed to.

Clause 34: Offences and Penalties

- (1) It shall be an offence under this Bill if a person:—
 - (a) without lawful justification or excuse, willfully obstructs, hinders or resists the Auditor-General or any person authorized by the Auditor-General in the performance of his functions;
 - (b) without lawful justification, refuses or fails to comply with any lawful request, order or directives of the Auditor-General or any person authorized by the Auditor-General;
 - (c) without any lawful justification, refuses or fails to give to the Auditor-General or any person authorized by the Auditor-General, access to any property, books, records, returns or other documents, information referred to in Section 10; or

- (d) knowingly presents to the Auditor-General or any person authorized by the Auditor-General, a false or fabricated document or makes a false statement with intent to deceive or mislead the Auditor-General or any person authorized by the Auditor-General;
 - (e) presents himself directly as having authority under this Bill without such lawful authority.
- (2) A person commits an offence while, working in the Office of the Auditor-General if he:—
- (a) misuses any information obtained while performing his official function or exercising his official power;
 - (b) colludes with any Accounting officer or internal auditor or other public officers in the conduct of his functions or exercising his power, omit or commit any act; where such omission or commission leads to loss of public funds.
- (3) Any person who commits an offence under Subsection (1) of this Section shall on conviction be liable:—
- (a) in the case of an individual, to a fine of not less than N2,000,000.00; or a term of imprisonment of not less than three years or both;
 - (b) in the case of a body corporate, to a fine not less than N10,000,000.00.
- (4) Any person who commits an offence under Subsection (2) of this Section shall on conviction, be liable to a fine not less than N2,000,000.00; or a term of imprisonment of not less than three years or both.
- (5) Except otherwise provided by this Bill, where the Bill provides for an offence and no penalty is prescribed for the offence, any person who contravenes any of the provisions of those Sections, shall be liable to a fine not exceeding N1,000,000.00 or a term of imprisonment not exceeding 2 years or both.

Committee's Recommendation:

That the provision in Clause 34 be retained (*Senator Matthew A, Urhoghide — Edo South*) — Agreed to.

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

PART B — ESTABLISHMENT OF FEDERAL AUDIT SERVICE COMMISSION

Clause 35: Establishment of Federal Audit Service Commission:

- (1) There is established a body known as the Federal Audit Service Commission (hereinafter referred to as 'the Audit Service Commission').
- (2) The Audit Service Commission shall be a body corporate—
 - (a) with a common seal and in perpetual succession, and
 - (b) shall sue and be sued in its corporate name.

Committee's Recommendation:

That the provision in Clause 35 be retained (*Senator Matthew A, Urhoghide — Edo South*) — Agreed to.

Question that Clause 35 do stand part of the Bill, put and agreed to.

Clause 36: Composition of the Audit Service Commission

- (1) The Audit Service Commission shall consist of:—
 - (a) a Chairman who shall have not less than 15 years cognate experience in Accounting and Auditing, in public or private sector or both;
 - (b) six (6) persons known as Commissioners, one each from the six (6) geo-political zones of the Federation, and three (3) of whom shall be from accounting and auditing profession and other 3 from Law or Public Administration, with not less than 15 years cognate experience
 - (c) a representative of the Head of Civil Service of the Federation not below the rank of a Director;
 - (d) two persons who retired from the service of the Office of the Auditor-General who must have attained the rank of a Director on grade level 17.
 - (e) two persons appointed to represent the two professional accounting bodies in Nigeria.
- (2) Except the ex-officio members, the Chairman and other members of the Commission shall be appointed by the President subject to confirmation by the Senate.
- (3) Membership shall be on a part-time basis.
- (4) A serving member of any Board or its equivalent of Parastatals, Commission, or any other agency of government cannot be appointed as member of the Commission in Subsection (1) of this Section.

Committee's Recommendation:

That the provision in Clause 36 be retained (*Senator Matthew A, Urhoghide — Edo South*) — Agreed to.

Question that Clause 36 do stand part of the Bill, put and agreed to.

Clause 37: Secretary and Staff of the Audit Service Commission

- (1) There shall be a Secretary to the Audit Service Commission and such other staff as may be determined by the Audit Service Commission.
- (2) The Secretary, who shall be on same rank with a Permanent Secretary or its equivalent in the Federal public service shall be the accounting officer of the Audit Service Commission and shall be responsible to the Chairman for the daily running of the Audit Service Commission.
- (3) The Secretary shall serve for a term of 4 years and shall be eligible for re-appointment for another term of 4 years and no more.

Committee's Recommendation:

That the provision in Clause 37 be retained (*Senator Matthew A, Urhoghide — Edo South*) — Agreed to.

Question that Clause 37 do stand part of the Bill, put and agreed to.

Clause 38: Removal from Office of a Member of the Commission

Except for ex-officio members, a member of the Audit Service Commission may be remove from the office by the President, subject to approval of the Senate for inability to perform the functions of his office, arising from physical infirmity or infirmity of mind or for misconduct.

Committee's Recommendation:

That the provision in Clause 38 be retained (*Senator Matthew A, Urhoghide — Edo South*) — *Agreed to.*

Question that Clause 38 do stand part of the Bill, put and agreed to.

Clause 39: Functions of the Commission

- (1) The Audit Service Commission shall, on the basis of recommendations by the Auditor-General:—
 - (a) determine the administrative structure of the Office of the Auditor-General;
 - (b) appoint persons to offices in the Office of the Auditor-General and the Audit Service Commission.
 - (c) handle all matters referred to it on recruitment, promotion and discipline of members of staff of the Office of the Auditor-General and the Audit Service Commission;
 - (d) determine in consultation with the National Salaries, Incomes and Wages Commission and any other relevant government agencies the salaries and other conditions of service of members of staff of the Office of the Auditor-General and the Audit Service Commission; and
 - (e) make rules and regulations, which shall not be inconsistent with the intendment of this Bill, in order to realize the objectives of this Bill.
- (2) The Audit Service Commission shall have authority under this Section to delegate its power under this Section to the Auditor-General or any other person in the service of the Office of the Auditor-general or the Audit Service Commission.

Committee's Recommendation:

That the provision in Clause 39 be retained (*Senator Matthew A, Urhoghide — Edo South*) — *Agreed to.*

Question that Clause 39 do stand part of the Bill, put and agreed to.

Clause 40: Length of Service of Staff of the Office of the Auditor-General and the Audit Service Commission

- (1) Notwithstanding the provision of any Act, a staff of the Office of the Auditor-General other than the Audit Service Commission shall retire from service when he attains the age of 60 years or has served 35 years in the public service of the Federation depending on which comes first.
- (2) Notwithstanding the provision of any Act, a staff of the Audit Service Commission shall retire from service in accordance with general retirement guidelines in the public service of the Federation.

Committee's Recommendation:

That the provision in Clause 40 be retained (*Senator Matthew A, Urhoghide — Edo South*) — Agreed to.

Question that Clause 40 do stand part of the Bill, put and agreed to.

Clause 41: Oath of Secrecy of the Staff of the Commission

The staff of the Audit Service Commission shall swear to an oath of secrecy in the performance of their duties as in Part B of Schedule to this Bill.

Committee's Recommendation:

That the provision in Clause 41 be retained (*Senator Matthew A, Urhoghide — Edo South*) — Agreed to.

Question that Clause 41 do stand part of the Bill, put and agreed to.

Clause 42: Tenure of Members of the Commission

Except for the ex-officio members, other members of the Audit Service Commission shall serve for a term of four years and may be re-appointed for another term of four years and no more.

Committee's Recommendation:

That the provision in Clause 42 be retained (*Senator Matthew A, Urhoghide — Edo South*) — Agreed to.

Question that Clause 42 do stand part of the Bill, put and agreed to.

Clause 43: Resignation of Members of Audit Service Commission

- (1) Where a member of the Audit Service Commission resigns, dies or is removed from office for whatever reason, the Chairman shall inform the President in writing, and the President shall appoint another person to hold office for the unexpired period of the term, subject to the approval of the Senate.
- (2) A member of the Audit Service Commission may at any time resign his office in writing, addressed to the President through the Chairman of the Audit Service Commission.

Committee's Recommendation:

That the provision in Clause 43 be retained (*Senator Matthew A, Urhoghide — Edo South*) — Agreed to.

Question that Clause 43 do stand part of the Bill, put and agreed to.

- Clause 44:**
- (1) The Audit Service Commission shall meet ordinarily for the transaction of business at such time and place as it may fix at least once in a quarter.
 - (2) A special meeting of the Audit Service Commission shall be convened upon written request of the Chairman or by a majority decision of members addressed to the Secretary of the Audit Service Commission.
 - (3) The Chairman shall preside at any meeting of the Commission but in his absence members may appoint one of their own to preside in a meeting.
 - (4) Decisions shall be determined by a simple majority of members present and voting; where there is equality of votes, the presiding officer shall have a casting vote.

- (5) The quorum at a meeting shall be one-third of the total members including the Chairman.
- (6) The Audit Service Commission may co-opt any person to attend its meeting but such person shall not vote on any matter affecting the decision of the Audit Service Commission.
- (7) Except the ex-officio members, a member who is absent from three consecutive meetings of the Audit Service Commission without written consent of the Chairman ceases to be a member.
- (8) Except otherwise provided by this Bill, the Audit Service Commission shall regulate its own proceedings.

Committee's Recommendation:

That the provision in Clause 44 be retained (*Senator Matthew A, Urhoghide — Edo South*) — Agreed to.

Question that Clause 44 do stand part of the Bill, put and agreed to.

Clause 45: Declaration of Interest on Matters before the Audit Service Commission

- (1) Any member of the Audit Service Commission with interest in any matter before the Audit Service Commission for consideration shall disclose in writing the nature of his interest.
- (2) Such a person should be disqualified from participation in any deliberation in respect of the matter.
- (3) A member who contravenes Subsection (1) of this Section shall be removed from the Audit Service Commission and may face prosecution.

Committee's Recommendation:

That the provision in Clause 45 be retained (*Senator Matthew A, Urhoghide — Edo South*) — Agreed to.

Question that Clause 45 do stand part of the Bill, put and agreed to.

Clause 46: Appointment of Committees

- (1) The Audit Service Commission may appoint committees consisting of its members and non-members to exercise any of its functions.
- (2) The Chairman of a committee of the Audit Service Commission shall be appointed from within the members of the Audit Service Commission or the Committee.
- (3) A Committee of the Audit Service Commission may co-opt such person(s) as it may determine at its meetings and shall abide by the terms of reference given to it by the Audit Service Commission.

Committee's Recommendation:

That the provision in Clause 46 be retained (*Senator Matthew A, Urhoghide — Edo South*) — Agreed to.

Question that Clause 46 do stand part of the Bill, put and agreed to.

Clause 47: Engagement of Consultants.

- (1) The Audit Service Commission may engage, subject to the Public Procurement Act the services of such consultants and experts, as it may consider desirable for the efficient discharge of its functions.
- (2) In addition to the provisions of Subsection (1), the Consultants and experts shall be engaged on such terms and conditions as the Audit Service Commission may determine.
- (3) Nothing in this Section or any other provision of this Bill shall be construed as empowering the Audit Service Commission to interfere in the operations of the Office of the Auditor-General for the Federation or engage any consultant or any other body or person to act in that regard.

Committee's Recommendation:

That the provision in Clause 47 be retained (*Senator Matthew A, Urhoghide — Edo South*) — Agreed to.

Question that Clause 47 do stand part of the Bill, put and agreed to.

Clause 48: Independent Auditors for the Audit Service Commission.

- (1) The National Assembly shall appoint, subject to the Public Procurement Act, an Independent Auditor to audit the accounts of the Audit Service Commission for each financial year.
- (2) The independent Auditor appointed under this Section (1) shall serve for a maximum period of three years.
- (3) Notwithstanding Subsection (1) of this Section, a person is qualified for appointment as Independent Auditor to the Audit Service Commission where:
 - (a) he holds a valid practicing license whether within or outside the country for at least a period ten years before such appointment;
 - (b) has proven track record of performance and integrity;
 - (c) is not involved or has not audited the Office of the Auditor-General or any Federal Ministries, Departments and Agencies or other public entities, and international institutions which is subject to audit by the Office of the Auditor-General for at least a period of three years before such appointment;
 - (d) has not been a consultant to the Office of the Auditor-General or the Audit Service Commission for at least a period of three years before such appointment.

Committee's Recommendation:

That the provision in Clause 48 be retained (*Senator Matthew A, Urhoghide — Edo South*) — Agreed to.

Question that Clause 48 do stand part of the Bill, put and agreed to.

Clause 49: Submission of Statements of Accounts and Annual Reports.

- (1) The Audit Service Commission shall prepare its statements of accounts and a report of its performance in the previous years, and submit to the National Assembly not later than six months after the end of the financial year.

- (2) The independent auditor appointed by the National Assembly, in pursuance of this Section and Section 53 of this Bill shall submit their audited accounts to the National Assembly.

Committee's Recommendation:

That the provision in Clause 49 be retained (*Senator Matthew A, Urhohide — Edo South*) — Agreed to.

Question that Clause 49 do stand part of the Bill, put and agreed to.

Clause 50: Transition and Savings.

- (1) The appointment of the Auditor-General and the existing staff of the Office of the Auditor-General shall remain valid upon coming into force of this Bill.
- (2) In accordance with the provision of Subsection (1) of this Section, the existing staff of the Office of the Auditor-General shall be subject to terms and conditions of service to the Audit Service Commission from the commencement of this Bill.

Committee's Recommendation:

That the provision in Clause 50 be retained (*Senator Matthew A, Urhohide — Edo South*) — Agreed to.

Question that Clause 50 do stand part of the Bill, put and agreed to.

Clause 51: Repeal.

The following Acts are hereby repealed:

- (a) The Audit Ordinance Act of 1958;
- (b) The Public Account Committee Act, CAP. P35, LFN 2004.

Committee's Recommendation:

That the provision in Clause 51 be retained (*Senator Matthew A, Urhohide — Edo South*) — Agreed to.

Question that Clause 51 do stand part of the Bill, put and agreed to.

Clause 52: Interpretation.

In this Bill, unless the context otherwise requires:

"Auditor-General of the Federation" includes persons authorized by him;

"the office" means the Office of the Auditor-General for the Federation established by and under Section 1 of this Bill;

"appropriate authorities" means the accounting officers of the public institutions being audited;

"MDAS" means Ministries, Departments and Agencies;

"Body" means public entities (i.e. parastatals, commissions, etc.);

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

"Cognate experience" means working experience as Auditors;

"Members" include Chairman;

"National Assembly" means the Senate and Federal House of Representatives;

"Police" includes other Law enforcement agencies;

"presiding officer" means Chairman of the Commission or his delegate;

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

"the Commission" means the Federal Audit Service Commission;

"Surcharge" means make somebody responsible for repayment or extra payment.

Committee's Recommendation:

That the provision in Clause 52 be retained (*Senator Matthew A, Urhoghide — Edo South*) — Agreed to.

Question that Clause 52 do stand part of the Bill, put and agreed to.

Clause 53: Short Title.

This Bill may be cited as the Federal Audit Service Commission Bill, 2018.

Committee's Recommendation:

That the provision in Clause 53 be retained (*Senator Matthew A, Urhoghide — Edo South*) — Agreed to.

Question that Clause 53 do stand part of the Bill, put and agreed to.

SCHEDULE

PART A

OATH OF OFFICE OF AUDITOR-GENERAL

I, having been appointed Auditor-General, do solemnly swear (affirm) in the name of the Almighty God/Allah that I will be faithful and bear true allegiance to the Federal Republic of Nigeria; that as the Auditor-General for the Federation, I will discharge my duties to the best of my ability, faithfully and in accordance with the Constitution of the Federal Republic of Nigeria and the Act; that I will not allow my personal interest to influence my official conduct or my official decisions, that I will abide by the Code of Conduct contained in the Fifth Schedule to the Constitution of the Federal Republic of Nigeria; that in all circumstances, I will do right to all manner of people, according to law, without fear or favour, affection or ill-will; that I will not directly or indirectly communicate or reveal to any unauthorized person, any matter which shall be brought under my consideration or shall become known to me as the Auditor-General for the Federation, except as may be required for the due discharge of my duties as the Auditor-General for the Federation; that I will devote myself to the service of the Nation.

So help me God/Allah.

PART B

OATH OF OFFICE OF MEMBER OF STAFF OF
THE OFFICE OF THE AUDITOR-GENERAL

I,do solemnly swear (affirm in the name of the Almighty God/Allah that I will be faithful and bear true allegiance to the Federal Republic of Nigeria; and that I will discharge my duties and perform my functions honestly to the best of my ability and faithfully in accordance with the Constitution of the Federal Republic of Nigeria and the Law;

So help me God/Allah.

PART C
OATH OF SECRECY FOR MEMBER OF STAFF

I, do solemnly swear (affirm) that as officer/employee in the Office of the Auditor-General, I will not directly or indirectly, while in service or after retirement from service reveal to any unauthorized person, any matter, document, communication or information that comes to my knowledge in the discharge of my duties.

So help me God/Allah.

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

Chairman to report Bill.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered the Report of the Committee on Public Accounts on the Federal Audit Service Commission Bill, 2018 and approved as follows:

Clauses 1- 13 — As Recommended

Clause 14 — As Amended

Clauses 15- 53 — As Recommended

Schedule — As Recommended

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

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

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

14. **Committee on Tertiary Education and TETFUND:**
Report on the Federal University, Gashua (Establishment, etc.) Bill 2018 (SB. 459)

Consideration of Report deferred to another Legislative Day.

15. **Committee on Establishment and Public Service:**
Report on the Chartered Institute of Management Accountant Bill, 2018 (SB. 236):

Consideration of Report deferred to another Legislative Day.

16. **Adjournment:**
Motion made: That the Senate do now adjourn till Tuesday, 6th March, 2018 at 10:00 a.m. (*Senate Leader*).

Adjourned accordingly at 12:50 p.m.

Abubakar Olubukola Saraki, CON
President,
Senate of the Federal Republic of Nigeria.

