



HOUSE OF REPRESENTATIVES FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Tuesday, 8 February, 2022

1. The House met at 11.22 a.m. Mr Deputy Speaker read the Prayers.
2. The House recited the National Pledge.
3. **Votes and Proceedings**
Mr Deputy Speaker announced that he had examined and approved the *Votes and Proceedings* of Wednesday, 2 February and Thursday, 3 February, 2022.

The Votes and Proceedings was adopted by unanimous consent.

4. **Announcement**
Visitors in the Gallery:
Mr Deputy Speaker recognised the presence of the following:
 - (i) Members of *National Association of North Central Students*, University of Jos, Plateau State;
 - (ii) Staff and Students of *Anglican Comprehensive Secondary School*, Kpeyegi, Abuja.

5. **Petition**
A petition from Stephen Obiefule & Partners (Legal Practitioners & Consultants), on behalf of Umudim-Umudioka Ndiowerri, Orlu Local Government Area, Imo State, on the non-execution of water project in the Appropriation Act, 2018 by the Anambra-Imo River Basin Development Authority, was presented and laid by Hon. Mohammed Omar Bio (*Baruten/Kaiama Federal Constituency*).

Petition referred to the Committee on Public Petitions.

6. **Presentation of Bills**
The following Bills were read the *First Time*:

- (1) Nigeria International Institute for Democratic Development Bill, 2022 (HB. 1834).

- (2) Nigerian Institute of Energy and Technological Studies (NIETS), Sapele, Delta State Bill, 2022 (HB. 1835).
- (3) National Football Academy, Ahiara (Establishment) Bill, 2022 (HB. 1837).
- (4) Federal College of Nursing, Midwifery and Health Sciences, Kushi, Shongom, Gombe State (Establishment) Bill, 2022 (HB. 1838).
- (5) Control of Small Arms, Light Weapons and Restitution of Victims of Abduction, Kidnappings, Banditry Bill, 2022 (HB. 1839).
- (6) Federal Polytechnic, Igbesa (Establishment) Bill, 2022 (HB. 1840).
- (7) Pension Reform Act (Amendment) Bill, 2022 (HB. 1841).
- (8) Federal Hospital and Infectious Diseases Centre, Ugba, Logo, Benue State (Establishment) Bill, 2022 (HB. 1842).
- (9) Federal College of Nursing and Midwifery, Zaki Biam, Ukum, Benue State (Establishment) Bill, 2022 (HB. 1843).
- (10) Bank Employees, etc. (Declaration of Assets) Act (Amendment) Bill, 2022 (HB. 1844).

7. Presentation of Reports

(i) **Committee on Agricultural Colleges and Institutions:**

Motion made and Question proposed, "That the House do receive the Report of the Committee on Agricultural Colleges and Institutions on a Bill for an Act to Amend the Agricultural Research Council of Nigeria Act, Cap. A12, Laws of the Federation of Nigeria, 2004 (as amended) to make Provision for Establishment of Federal College of Agriculture, Kirikasamma; and for Related Matters (HB.1820)" (*Hon. Abubakar Hassan Fulata — Birniwa/Guri/Kiri-Kasamma Federal Constituency*).

Agreed to.

Report laid.

(ii) **Committee on Agricultural Colleges and Institutions:**

Motion made and Question proposed, "That the House do receive the Report of the Committee on Agricultural Colleges and Institutions on a Bill for an Act to Provide for Establishment of Federal College of Horticulture, Okigwe, Imo State; and for Related Matters (HB. 1456)" (*Hon. Abubakar Hassan Fulata — Birniwa/Guri/Kiri-Kasamma Federal Constituency*).

Agreed to.

Report laid.

(iii) **Committee on Public Petitions:**

Report on the Petition by Mrs Orire Olayinka and Mrs Idris Fatimo Yetunde:

Motion made and Question proposed, "That the House do receive the Report of the Committee on Public Petitions on the Petition by Mrs Orire Olayinka and Mrs Idris Fatimo Yetunde against the Nigerian Customs Service for Non-payment of Death Benefits and Entitlement" (*Hon. Mohammed Omar Bio — Baruten/Kaiama Federal Constituency*).

Agreed to.

Report ..

(iv) **Committee on Public Petitions:**

Report on the Petition by Freal Law Field on behalf of Major Jatau, Comrade Suleiman Abdulmumin and 120 Others:

Motion made and Question proposed, "That the House do receive the Report of the Committee on Public Petitions on the Petition by Freal Law Field on behalf of Major Jatau, Comrade Suleiman Abdulmumin and 120 others against the Management of Sheraton Hotel, Abuja for Non-payment of arrears of salary, redundancy benefits and other severance packages of the above petitioners recently disengaged from the services of the Hotel" (Hon. Mohammed Omar Bio — Baruten/Kaiama Federal Constituency).

Agreed to.

Report laid.

(v) **Committee on Public Petitions:**

Report on the Petition by Sabbyn Nigeria Limited:

Motion made and Question proposed, "That the House do receive the Report of the Committee on Public Petitions on the Petition by Sabbyn Nigeria Limited against Ogun-Oshun River Basin Development Authority on unpaid work done and abandonment of Project" (Hon. Mohammed Omar Bio — Baruten/Kaiama Federal Constituency).

Agreed to.

Report laid.

(vi) **Committee on Public Petitions:**

Report on the Petition by Victor Inyama & Co. on behalf of Nnamdi Azikiwe University Teaching Hospital, Nnewi, Anambra State:

Motion made and Question proposed, "That the House do receive the Report of the Committee on Public Petitions on the Petition by Victor Inyama & Co. on behalf of Nnamdi Azikiwe University Teaching Hospital, Nnewi, Anambra State against the Central Bank of Nigeria and the First Bank Nigeria Plc for Non-compliance with the Resolution of the Fourth Republic, 8th National Assembly" (Hon. Mohammed Omar Bio — Baruten/Kaiama Federal Constituency).

Agreed to.

Report laid.

(vii) **Committee on Public Petitions:**

Report on the Petition by Community Development Committee:

Motion made and Question proposed, "That the House do receive the Report of the Committee on Public Petitions on the Petition by Community Development Committee against the Nigerian National Petroleum Corporation (NNPC) for Compensation for the Victims of the Pipeline Explosion which occurred on 19 January, 2020 at Ekor Abule Egba (Agbado Oke-Odo LCDA) Alimosho Local Government Area, Lagos State" (Hon. Mohammed Omar Bio — Baruten/Kaiama Federal Constituency).

Agreed to.

Report laid.

(viii) **Committee on Public Petitions:**

Report on the Petition by Mr Pulu Sharach Yogoi:

Motion made and Question proposed, "That the House do receive the Report of the Committee on Public Petitions on the Petition by Mr Pulu Shadrach Yogoi on behalf of Obogoro Community in Bayelsa State against the Federal Ministry of Environment, the Ecological Fund Office, the Niger Delta Development Commission, the National Inland Waterways Authority and International Oil Companies (Shell Petroleum and Agip Oil Company Limited) in respect of the Massive Erosion of the Shoreline of Obogoro Community" (Hon. Mohammed Omar Bio — Baruten/Kaiama Federal Constituency).

Agreed to.

Report laid.

8. **A Bill for an Act to Provide for Establishment of University of Aerospace and Aeronautics, Oka-Akoko and Matters of Administration and Discipline of Students; and for Related Matters (HB. 1483) — Third Reading**

Motion made and Question proposed, "That a Bill for an Act to Provide for Establishment of University of Aerospace and Aeronautics, Oka-Akoko and Matters of Administration and Discipline of Students; and for Related Matters (HB. 1483) be now read the Third Time" (Hon. Garba Alhassan Ado — House Leader).

Agreed to.

Bill read the Third Time and passed.

9. **A Bill for an Act to Establish Chartered Institute of Risk Management of Nigeria to Provide for the Control of its Membership and Promote the Practice of Risk Management in Nigeria; and for Related Matters (HB. 139) — Third Reading**

Motion made and Question proposed, "That a Bill for an Act to Establish Chartered Institute of Risk Management of Nigeria to Provide for the Control of its Membership and Promote the Practice of Risk Management in Nigeria; and for Related Matters (HB. 139) be now read the Third Time" (Hon. Garba Alhassan Ado — House Leader).

Agreed to.

Bill read the Third Time and passed.

10. **A Bill for an Act to Establish Counselling Practitioners Council of Nigeria charged with Responsibility of Advancing the Study, Training and Practice of Counselling Profession; and for Related Matters (HB. 409) — Third Reading**

Motion made and Question proposed, "That a Bill for an Act to Establish Counselling Practitioners Council of Nigeria charged with Responsibility of Advancing the Study, Training and Practice of Counselling Profession; and for Related Matters (HB. 409) be now read the Third Time" (Hon. Garba Alhassan Ado — House Leader).

Agreed to.

Bill read the Third Time and passed.

11. **A Bill for an Act to Repeal the Federal Airports Authority of Nigeria Act, Cap. F5, Laws of the Federation of Nigeria, 2004 and Enact the Federal Airports Authority of Nigeria Bill to Provide for the Effective Management of Airports in Nigeria; and for Related Matters (HB. 461) — Third Reading**

Motion made and Question proposed, "That a Bill for an Act to Repeal the Federal Airports Authority of Nigeria Act, Cap. F5, Laws of the Federation of Nigeria, 2004 and Enact the Federal

Airports Authority of Nigeria Bill to Provide for the Effective Management of Airports in Nigeria; and for Related Matters (HB. 461) be now read the Third Time" (*Hon. Garba Alhassan Ado — House Leader*).

Agreed to.

Bill read the Third Time and passed.

12. **A Bill for an Act to Repeal the Nigerian Airspace Management Agency Act, Cap. N90, Laws of the Federation of Nigeria, 2004 and Enact the Nigerian Airspace Management Agency Bill to provide Efficient Air Navigation Services in Nigeria, Ensure Safety and Regulation of Air Navigation in Nigeria and to any other place which Nigeria has Responsibility of Providing Air Navigation Services; and for Related Matters (IIB. 462) — Third Reading**

Motion made and Question proposed. "That a Bill for an Act to Repeal the Nigerian Airspace Management Agency Act, Cap. N90, Laws of the Federation of Nigeria, 2004 and Enact the Nigerian Airspace Management Agency Bill to provide Efficient Air Navigation Services in Nigeria, Ensure Safety and Regulation of Air Navigation in Nigeria and to any other place which Nigeria has Responsibility of Providing Air Navigation Services; and for Related Matters (IIB. 462) be now read the Third Time" (*Hon. Garba Alhassan Ado — House Leader*).

Agreed to.

Bill read the Third Time and passed.

13. **A Bill for an Act to Establish Nigeria Centre for Vaccine Research and Development; and for Related Matters (IIB. 1737) — Second Reading**

Motion made and Question proposed. "That a Bill for an Act to Establish Nigeria Centre for Vaccine Research and Development; and for Related Matters (HB. 1737) be read a Second Time" (*Hon. Kasimu Bello Maigari — Jalingo/Yorro/Zing Federal Constituency*).

Debate.

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

Bill read the Second Time.

Bill referred to the Committee on Health Institutions.

14. **A Bill for an Act to Establish Federal University of Agricultural Technology, Damboa, Borno State; and for Related Matters (IIB. 1748) — Second Reading**

Motion made and Question proposed. "That a Bill for an Act to Establish Federal University of Agricultural Technology, Damboa, Borno State; and for Related Matters (IIB. 1748) be read a Second Time" (*Hon. Ahmadu Usman Jahā — Damboa/Gwoza/Chibok Federal Constituency*).

Debate.

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

Bill read the Second Time.

Bill referred to the Committee on Agricultural Colleges and Institutions.

15. **A Bill for an Act to Provide Legal Framework to Establish Federal College of Medical Laboratory Sciences, Ngor Okpala, Imo State; and for Related Matters (IIB. 1583) — Second Reading**

Order read: deferred by leave of the House.

16. A Bill for an Act to Establish Federal University of Agriculture, Oregbeni, Ikpoba-Okha, Edo State to make Comprehensive Provisions for Its Due Management; and for Related Matters (HB. 1698) — Second Reading

Motion made and Question proposed. "That a Bill for an Act to Establish Federal University of Agriculture, Oregbeni, Ikpoba-Okha, Edo State to make Comprehensive Provisions for Its Due Management; and for Related Matters (HB. 1698) be read a Second Time" (*Hon. Jude Ise-Idehen — Egor Ikpoba Okha Federal Constituency*).

Debate.

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

Bill read the Second Time.

Bill referred to the Committee on Agricultural Colleges and Institutions.

17. A Bill for an Act to Alter the Constitution of the Federal Republic of Nigeria, 1999 to Review the Required Educational Qualification for Election into certain Political Offices; and for Related Matters (HB. 1821) — Second Reading

Motion made and Question proposed. "That a Bill for an Act to Alter the Constitution of the Federal Republic of Nigeria, 1999 to Review the Required Educational Qualification for Election into certain Political Offices; and for Related Matters (HB. 1821) be read a Second Time" (*Hon. Adewumi Oritomi Onanuga — Ikenne/Sagamu/Remo North Federal Constituency*).

Debate.

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

Bill read the Second Time.

Bill referred to the Special Ad-hoc Committee on the Review of the 1999 Constitution.

18. Committal of the Bill for an Act to Amend the National Primary Healthcare Development Agency Act

Motion made and Question proposed:

The House.

Notes that the National Primary Healthcare Development Agency Act (Amendment) Bill, 2021 was passed by both the Senate and the House of Representatives and forwarded to the Directorate of Legal Services for further legislative action;

Also notes that in the course of cleaning the Bill, the Directorate of Legal Services of the National Assembly reworked some provisions of the Bill in order to address the intendment of the amendment;

Desirous of the need to reconsider the provisions addressed by the Directorate of Legal Services of the National Assembly;

Resolves to:

Commit the National Primary Healthcare Development Agency Act (Amendment) Bill for reconsideration in the Committee of the Whole (*Hon. Abubakar Hassan Fulata — Birniwa/Guri/Kiri-Kasamma Federal Constituency*).

Agreed to.

19. **Reconsideration of the Bill to Establish Federal Polytechnic, Orogun, Delta State (HB.428)**
Motion made and Question proposed:

The House:

Notes that a Bill for an Act to Establish Federal Polytechnic, Orogun, Delta State was passed on 10 March, 2020.

Also notes that the President has since approved the establishment of the Federal Polytechnic, Orogun, Delta State and the Institution is in the process of commencing academic activities;

Aware that the Senate has concurred with the Bill and subsequently, forwarded it to the National Assembly Directorate of Legal Services for further legislative action;

Also aware that the Directorate of Legal Services identified some errors which should be corrected, hence the need for reconsideration of the Bill;

Desirous of the need to reconsider the errors observed in the Bill to address the intentment of the Bill;

Resolves to:

Rescind its decision of 10 March, 2020 and commit the Federal Polytechnic, Orogun, Delta State (Establishment) Bill to the Committee of the Whole for reconsideration of *Hon. Abiodun Akande House, FULATA — Birniwa/Guri/Kiri-Kasamma Federal Constituency*).

Agreed to.

20. **Tanker Explosion at Upper Iweka Onitsha, Relief Market Ogbaru Obodoukwu Junction along the Onitsha/Owerri Highway. Anambra State**
Motion made and Question proposed:

The House:

Notes that at about 8.30 am on 28 January, 2022 a Tanker explosion razed a section of the popular Upper Iweka Onitsha, Relief Market Ogbaru Obodoukwu junction along the Onitsha Owerri Highway;

Also notes that the inferno came from a tanker laden with substance suspected to be Premium Motor Spirit (PMS) also known as Petrol which fell on a bad portion of the busy Onitsha Owerri Expressway;

Aware that many casualties included school children, market women, commuters and residential buildings, lockup shops, and wares worth millions of naira were destroyed as a result of the outbreak from the exploded tanker;

Disturbed that some of the victims were displaced from their apartments while others were rendered physically disabled for life;

Also disturbed that men of the Fire Service Stations around the market could not attend to the incident on grounds that they downed tools for failure to pay their salaries and allowances;

Appreciates the quick response of the neighboring Fire Servicemen from Delta State for being able to put the situation under control;

Recalls that in October 2019, a similar explosion occurred in Onitsha when a tanker laden with petrol descending from the Ziks roundabout end of Onitsha-Enugu expressway, lost control from the Eastern Academy Secondary School opposite Toronto Hospital Onitsha and veered off the service lane;

Worried at the deplorable condition of roads in the South-Eastern part of this country especially the Onitsha Enugu Expressway and the Onitsha Owerri expressway respectively;

Cognizant of the need to proffer lasting solution to avert the reoccurrence of tanker explosion;

Resolves to:

- (i) observe a minute silence for the departed souls in the incident;
- (ii) urge the Ministry of Humanitarian Affairs, Disaster Management and Social Development and its agencies especially the National Emergency Management Agency (NEMA); the National Commission for Persons with Disability and the National Commission for Refugees, Migrants and Displaced Persons to provide relief materials and assistive devices to the victims;
- (iii) also urge the Federal Roads Maintenance Agency to mobilize resources for rehabilitation of roads in the South East, especially the Upper Iweka by Onitsha Enugu expressway and the Obodoukwu junction along the Onitsha Owerri Expressway;
- (iv) mandate the Committees on Emergency and Disaster Preparedness, Federal Road Maintenance Agency (FERMA), Disabilities, and Legislative Compliance to ensure compliance (*Hon. Chukwuka Onyema Wilfred — Ogbaru Federal Constituency*).

Debate.

Amendment Proposed:

Insert a new Prayer (v), as follows: “urge the Federal Government to establish a Federal Fire Service Station in Onitsha or its environs” (*Hon. Okwudili Ezenwankwo — Orumba North/Orumba South Federal Constituency*).

Question that the amendment be made — Agreed to.

Question on the Motion as amended — Agreed to.

The House:

Noted that at about 8.30 am on 28 January, 2022 a Tanker explosion razed a section of the popular Upper Iweka Onitsha, Relief Market Ogbaru Obodoukwu junction along the Onitsha Owerri Highway;

Also noted that the inferno came from a tanker laden with substance suspected to be Premium Motor Spirit (PMS) also known as Petrol which fell on a bad portion of the busy Onitsha Owerri Expressway;

Aware that many casualties included school children, market women, commuters and residential buildings, lockup shops, and wares worth millions of naira were destroyed as a result of the outbreak from the exploded tanker;

Disturbed that some of the victims were displaced from their apartments while others were rendered physically disabled for life;

Also d that men of the Fire Service Stations around the market could not attend to the incident on grounds that they downed tools for failure to pay their salaries and allowances;

Appreciated the quick response of the neighboring Fire Servicemen from Delta State for being able to put the situation under control;

Recalled that in October 2019, a similar explosion occurred in Onitsha when a tanker laden with petrol descending from the Ziks roundabout end of Onitsha-Enugu expressway, lost control from the Eastern Academy Secondary School opposite Toronto Hospital Onitsha and veered off the service lane;

Worried at the deplorable condition of roads in the South-Eastern part of this country especially the Onitsha Enugu Expressway and the Onitsha Owerri expressway respectively;

Cognizant of the need to proffer lasting solution to avert the reoccurrence of tanker explosion;

Resolved to:

- (i) observe a minute silence for the souls of the departed;
- (ii) urge the Ministry of Humanitarian Affairs, Disaster Management and Social Development and its agencies especially the National Emergency Management Agency (NEMA); the National Commission for Persons with Disability and the National Commission for Refugees, Migrants and Displaced Persons to provide relief materials and assistive devices to the victims;
- (iii) also urge the Federal Roads Maintenance Agency to mobilize resources for rehabilitation of roads in the South East, especially the Upper Iwaka by Onitsha Enugu expressway and the Obodoukwu junction along the Onitsha Owerri Expressway;
- (iv) further urge the Executive Arm to establish a Federal Fire Service Station in Onitsha or its environs
- (v) mandate the Committees on Emergency and Disaster Preparedness, Federal Road Maintenance Agency (FERMA), Disabilities, and Legislative Compliance to ensure compliance (**HR. 35/02/2022**).

A minute silence was observed in honour of the deceased.

21. Need to Rehabilitate Ido-Eruwa-Igboora-Igangan Road Oyo State
Motion made and Question proposed:

The House:

Notes that Ido-Eruwa- Igboora-Igangan-Iganna road in Oyo state is one of the major highways in the country which connects the South-West with the North-West and North-Central as well as links Nigeria to the Federal Republic of Benin;

Also notes that the road is very strategic to the people of Oyo State as it runs through Ibarapa land, which is the food basket of Oyo state;

Concerned that since the construction of the road by the defunct Western Regional Government of Nigeria over 61 years ago, and the subsequent acquisition of the road by the Federal Government, the Federal Government has failed, refused, or neglected to carry out any meaningful maintenance work on the road;

Also concerned that the state of the road is characterized by potholes, poor drainage, poorly placed signs and traffic signals, which makes driving dangerous for commuters;

Worried that several residents and commuters have lost their lives and farm produce worth billions of Naira loss as a result of motor accidents triggered by the bad road;

Also worried that armed robbers, bandits, kidnappers, and other criminals have taken advantage of the deplorable state of the road to unleash terror on unsuspecting residents and commuters;

Further worried that the condition of the road has negatively affected travel time and access to local markets, workplaces, educational institutions, and medical and health services, compelling commercial drivers to increase fares;

Disturbed that the poor state of the road inhibits investors from investing in the area while existing ones are fleeing thus increasing the high rate of unemployment and the poor standard of living;

Convinced that if the present situation lingers, the annual losses to the country's economy may amount to billions of Naira and likely abandonment of the road;

Resolves to:

- (i) urge the Federal Roads Maintenance Agency (FERMA) to, as a matter of urgency, commence rehabilitation of Ido-Eruwa-Igboora-Igangan-Iganna road in Oyo State;
- (ii) mandate the Committees on Works, and Federal Roads Maintenance Agency (FERMA) to include the rehabilitation of the road in the 2023 budget estimates (*Hon. Muraina Saubana Ajibola — Ibarapa Central/Ibarapa North Federal Constituency*).

Agreed to.

(HR. 36/02/2022).

Motion referred to the Committees on Works, and Federal Roads Maintenance Agency, pursuant to Order Eight, Rule 9 (5).

22. **Need to Retrain Workers in Public Medical Facilities in Nigeria**

Motion made and Question proposed:

The House:

Notes that Nigeria's Health Sector is currently burdened with challenges of funding, lack of facilities, manpower shortages, brain drain, and medical tourism out of the country resulting in the loss of millions of dollars;

Also notes that quality of service delivery is crucial in healthcare management, especially in government hospitals;

Concerned that cases of negligence, obsequiousness, and impoliteness have been reported in government hospitals, leading to loss of confidence in the public hospitals;

Aware that the Federal government has invested a lot in recent times to restore public confidence in the country's healthcare system and boost patronage while driving the government's agenda of fighting diseases and ensuring a healthy workforce;

Also concerned that majority of patients prefer to seek medical treatment in privately run clinics and health facilities in preference to government hospitals;

Worried that the alleged poor customer service delivery, negligence and unnecessary procedural hurdles would further erode public confidence and deplete patronage of the public healthcare system;

Also worried that if public healthcare workers across the country are not re-trained on interpersonal skills, time management, and customer relationship management, Nigeria may face further rot in the healthcare sector, which could adversely affect the economy;

Resolves to:

- (i) urge the Federal Ministry of Health to:
 - (a) conduct mandatory customer service training in all public hospitals and health facilities periodically,
 - (b) develop a system to track patient satisfaction and complaints and outline punitive measures for service failure and incentives for excellent customer care performance;
- (ii) mandate the Committee on Healthcare Services to ensure compliance (*Hon. Chinedu Emeka Martins — Ahiazu/Ezinihitte/Mbaise Federal Constituency*).

Debate.

Agreed to.

The House:

Noted that Nigeria's Health Sector is currently burdened with challenges of funding, lack of facilities, manpower shortages, brain drain, and medical tourism out of the country resulting in the loss of millions of dollars;

Also noted that quality of service delivery is crucial in healthcare management, especially in government hospitals;

Concerned that cases of negligence, obsequiousness, and impoliteness have been reported in government hospitals, leading to loss of confidence in the public hospitals;

Aware that the Federal government has invested a lot in recent times to restore public confidence in the country's healthcare system and boost patronage while driving the government's agenda of fighting diseases and ensuring a healthy workforce;

Also concerned that majority of patients prefer to seek medical treatment in privately run clinics and health facilities in preference to government hospitals;

Worried that the alleged poor customer service delivery, negligence and unnecessary procedural hurdles would further erode public confidence and deplete patronage of the public healthcare system;

Also worried that if public healthcare workers across the country are not re-trained on interpersonal skills, time management, and customer relationship management, Nigeria may face further rot in the healthcare sector, which could adversely affect the economy;

Resolved to:

- (i) urge the Federal Ministry of Health to:
 - (a) conduct mandatory customer service training in all public hospitals and health facilities periodically,

- (b) develop a system to track patient satisfaction and complaints and outline punitive measures for service failure and incentives for excellent customer performance;
- (ii) mandate the Committee on Healthcare Services to ensure compliance (HR. 37/02/2022).

23. Call to Investigate the Activities of Dangote Industries Limited in the Mining of Coal in Ankpa Federal Constituency of Kogi State
Motion made and Question proposed:

The House:

Notes that Dangote Industries Limited is actively involved in the mining of coal in Awo-Akpali, Okobo and Onupi Communities in Ankpa Federal Constituency of Kogi State;

Also notes that since coal mining operations began in the communities, there have been weekly reports of fatal accidents involving Dangote Company's trucks along the roads;

Concerned that in December, 2021, it was reported that a man from Ikanekpo Village in Ankpa Local Government Area, conveying his wife who was in labour to the Hospital in Ankpa town for medical attention, was crushed to death with his wife by a Dangote Company truck without any form of empathy or compensation from the management of the company;

Also concerned that recently, the entire community of Okobo in Enjema District of Ankpa Local Government Area was thrown into mourning over the death of a renowned Islamic Scholar who was crushed to death by a Dangote truck while returning from a naming ceremony in Okpoku leaving victims critically injured in the accident;

Further concerned that the people of Ankpa Federal Constituency have benefitted nothing from the company but have continued to suffer anguish and hardship due to non-implementation of the Community Development Agreements with the said company;

Resolves to:

- (i) call on the Federal Road Safety Corps to intervene and ensure Road Safety compliance by Dangote Industries Limited;
- (ii) mandate the Committees on Federal Road Safety Commission and Legislative Compliance to ensure compliance (Hon. Abdullahi Ibrahim Ali Halims — Ankpa/Omalala/Olamaboro Federal Constituency).

Debate.

Amendment Proposed:

Leave out Prayers (i) and (ii), and *insert* a new Prayer as follows:

“Mandate the Committees on Federal Road Safety Commission, and Solid Minerals to investigate the allegations and report within four weeks” (Hon. Ndudi Elumelu — Aniocha North/Aniocha South/Oshimili North/Oshimili South Federal Constituency).

Question that the amendment be made — Agreed to.

Question on the Motion as amended — Agreed to.

The House:

Noted that Dangote Industries Limited is actively involved in the mining of coal in Awo-Akpali, Okobo and Onupi Communities in Ankpa Federal Constituency of Kogi State;

Also notes that since coal mining operations began in the communities, there have been weekly reports of fatal accidents involving Dangote Company's trucks along the roads;

Concerned that in December, 2021, it was reported that a man from Ikanekpo Village in Ankpa Local Government Area, conveying his wife who was in labour to the Hospital in Ankpa town for medical attention, was crushed to death with his wife by a Dangote Company truck without any form of empathy or compensation from the management of the company;

Also concerned that recently, the entire community of Okobo in Enjema District of Ankpa Local Government Area was thrown into mourning over the death of a renowned Islamic Scholar who was crushed to death by a Dangote truck while returning from a naming ceremony in Okpoku leaving victims critically injured in the accident;

Further concerned that the people of Ankpa Federal Constituency have benefitted nothing from the company but have continued to suffer anguish and hardship due to non-implementation of the Community Development Agreements with the said company;

Resolved to:

Mandate the Committees on Federal Road Safety Commission, and Solid Minerals to investigate the allegations and report to the House within four weeks (HR. 38/02/2022).

24. Need to Regulate Online Advertising and Sales of Drugs

Motion made and Question proposed:

The House:

Notes that online advertising is using the internet/online platforms as a medium to deliver marketing messages to an identified and intended audience, and is designed to persuade the targeted customer to engage in a specific action including making a purchase;

Also notes that given its expansive reach, online advertising has become increasingly important to business owners and service providers across the world because it is more cost-efficient, offering measurability and delivering unmatched speedy dissemination;

Concerned that online vendors have capitalized on free access to the internet and social media platforms to advertise and sell unregistered and sometimes fake drugs to unsuspecting members of the public, thereby endangering their health and wellbeing;

Aware that given the false, exaggerated media and online advertisement of drugs, members of the public are enticed into buying the drugs ranging from dietary supplements, cholesterol-lowering medicine, analgesics, including tramadol and aspirin to Viagra and other sex enhancement drugs, some of which are unregistered and purchased without a doctor's prescription or the advice of a pharmacist;

Also aware that the law prohibits the advertisement of drugs or related products without registration and without the advertisement having the pre-clearance and approval of a relevant government agency;

Further aware that the law requires that the advertisement of any drug or related product be accurate, complete, clear, and designed to promote credibility and trust by the general public and health practitioners, and that drug products, particularly drugs that may lead to death or severe injury, must have a special safety warning information displayed within a box in the advertisement;

Worried that some of the drugs are sold without an indication or warning of the side effects, and members of the public who purchased them have complained of developing symptoms of vomiting, stooling, body weakness, severe body pains, swelling, shortness of breath, fainting, erectile dysfunction among other things, necessitating them to seek medical attention in hospitals;

Also worried that most drugs and related products advertised online do not meet the requirements and standards set by the law and the non-compliance thereof exposes the public to grave health risk and danger;

Cognizant that drug products should not state or imply in absolute terms or by quotations taken out of context that any drug product is safe or has guaranteed efficacy or special status, and that any advertisement that portrays a drug product as fast, immediate, instant, or rapid in action on the description must substantiate using studies based on the rate of absorption of the drug product;

Resolves to:

- (i) call on the Advertising Practitioners Council of Nigeria (APCON) to liaise with online advertising companies like Google, Facebook, Twitter, etc. to effectively monitor, control, and enforce advertising standards against online drug advertisers and vendors;
- (ii) also call on the National Agency for Food and Drug Administration and Control (NAFDAC) to arrest and prosecute unlawful online advertisers of drugs, and enlighten the public against the dangers of purchasing unregistered and non-prescribed drugs online;
- (iii) urge the Pharmacists Council of Nigeria to sanction and prosecute individuals engaging in the sales and promotion of medicines online without the requisite authorization in line with the law establishing the Council;
- (iv) also urge the Federal Competition and Consumer Protection Commission (FCCPC) to take necessary action towards protecting consumers of online drugs;
- (v) mandate the Committees on Healthcare Services, and Information Technology to ensure compliance (*Hon. Onofriok Akpan Luke — Etinan/Nsit Ibom/Nsit Ubium Federal Constituency*).

Debate.

Agreed to.

The House:

Noted that online advertising is using the internet/online platforms as a medium to deliver marketing messages to an identified and intended audience, and is designed to persuade the targeted customer to engage in a specific action including making a purchase;

Also noted that given its expansive reach, online advertising has become increasingly important to business owners and service providers across the world because it is more cost-efficient, offering measurability and delivering unmatched speedy dissemination;

Concerned that online vendors have capitalized on free access to the internet and social media platforms to advertise and sell unregistered and sometimes fake drugs to unsuspecting members of the public, thereby endangering their health and wellbeing;

Aware that given the false, exaggerated media and online advertisement of drugs, members of the public are enticed into buying the drugs ranging from dietary supplements, cholesterol-lowering medicine, analgesics, including tramadol and aspirin to Viagra and other sex enhancement drugs, some of which are unregistered and purchased without a doctor's prescription or the advice of a pharmacist;

Also aware that the law prohibits the advertisement of drugs or related products without registration and without the advertisement having the pre-clearance and approval of a relevant government agency;

Further aware that the law requires that the advertisement of any drug or related product be accurate, complete, clear, and designed to promote credibility and trust by the general public and health practitioners, and that drug products, particularly drugs that may lead to death or severe injury, must have a special safety warning information displayed within a box in the advertisement;

Worried that some of the drugs are sold without an indication or warning of the side effects, and members of the public who purchased them have complained of developing symptoms of vomiting, stooling, body weakness, severe body pains, swelling, shortness of breath, fainting, erectile dysfunction among other things, necessitating them to seek medical attention in hospitals;

Also worried that most drugs and related products advertised online do not meet the requirements and standards set by the law and the non-compliance thereof exposes the public to grave health risk and danger;

Cognizant that drug products should not state or imply in absolute terms or by quotations taken out of context that any drug product is safe or has guaranteed efficacy or special status, and that any advertisement that portrays a drug product as fast, immediate, instant, or rapid in action on the description must substantiate using studies based on the rate of absorption of the drug product;

Resolved to:

- (i) call on the Advertising Practitioners Council of Nigeria (APCON) to liaise with online advertising companies like Google, Facebook, Twitter, etc. to effectively monitor, control, and enforce advertising standards against online drug advertisers and vendors;
- (ii) also call on the National Agency for Food and Drug Administration and Control (NAFDAC) to arrest and prosecute unlawful online advertisers of drugs, and enlighten the public against the dangers of purchasing unregistered and non-prescribed drugs online;
- (iii) urge the Pharmacists Council of Nigeria to sanction and prosecute individuals engaging in the sales and promotion of medicines online without the requisite authorization in line with the law establishing the Council;
- (iv) also urge the Federal Competition and Consumer Protection Commission (FCCPC) to take necessary action towards protecting consumers of online drugs;
- (v) mandate the Committees on Healthcare Services and Information Technology to ensure compliance (**HR. 39/02/2022**).

25. **Need to Implement the Nigerian Gas Policy**

Motion made and Question proposed:

The House:

Notes that Liquefied Petroleum Gas (LPG) otherwise known as cooking gas is the cleanest and cheapest means for everyday cooking in households;

Also notes that Nigeria has the largest natural gas reserve in Africa and holds the 9th position in the world;

Further notes that a nationwide sensitization and campaign for the adoption and expansion of the use of cooking gas has been planned by the Federal Government;

Aware that the Nigerian Gas Policy is fashioned to boost the oil and gas sector and enhance the economy of the nation as well as boost the domestic market for LPG;

Also aware that the Nigerian Gas Policy aims at moving Nigeria from being a crude oil export-based economy to an attractive oil and gas-based industrial economy;

Cognizant that a proper harnessing of LPG could lead Nigeria to become a gas-based industrial nation while satisfying local demands;

Also cognizant that the years 2020-2030 have been marked by the Federal Government as the "decade of gas" aimed to achieve actualization of gas for all in the country for use in homes, vehicles and industries;

Worried about the recent surge in the price of cooking gas in the open market as cooking gas which cost only about ₦4,000 in July 2021 now costs about ₦8,000 with an all-time high of about ₦9,000 during 2021 yuletide season, standing at over 100% increase within one year;

Observes that the implementation of the gas policy will not only increase the domestic use of cooking in more households but would have a greater economic scale which would reduce the price for more affordability;

Determined to ensure the availability and proper distribution of Liquefied Petroleum Gas (LPG) and the actualization of the gains of the Nigerian Gas Policy as well as controlled pricing geared towards affordability for citizens;

Resolves to:

- (i) urge the Federal Government to implement the Nigerian Gas Policy as well as make immediate intervention to force down the rising cost of cooking gas in Nigeria;
- (ii) mandate the Committee on Gas Resources to ensure compliance and report within four (4) weeks (*Hon. Oluwarotimi Agunsoye Ojo — Kosofe Federal Constituency*).

Debate.

Agreed to.

The House:

Noted that Liquefied Petroleum Gas (LPG) otherwise known as cooking gas is the cleanest and cheapest means for everyday cooking in households;

Also noted that Nigeria has the largest natural gas reserve in Africa and holds the 9th position in the world;

Further noted that a nationwide sensitization and campaign for the adoption and expansion of the use of cooking gas has been planned by the Federal Government;

Aware that the Nigerian Gas Policy is fashioned to boost the oil and gas sector and enhance the economy of the nation as well as boost the domestic market for LPG;

Also aware that the Nigerian Gas Policy aims at moving Nigeria from being a crude oil export-based economy to an attractive oil and gas-based industrial economy;

Cognizant that a proper harnessing of LPG could lead Nigeria to become a gas-based industrial nation while satisfying local demands;

Also cognizant that the years 2020-2030 have been marked by the Federal Government as the "decade of gas" aimed to achieve actualization of gas for all in the country for use in homes, vehicles and industries;

Worried about the recent surge in the price of cooking gas in the open market as cooking gas which cost only about ₦4,000 in July 2021 now costs about ₦8,000 with an all-time high of about ₦9,000 during 2021 yuletide season, standing at over 100% increase within one year;

Observed that the implementation of the gas policy will not only increase the domestic use of cooking in more households but would have a greater economic scale which would reduce the price for more affordability;

Determined to ensure the availability and proper distribution of Liquefied Petroleum Gas (LPG) and the actualization of the gains of the Nigerian Gas Policy as well as controlled pricing geared towards affordability for citizens;

Resolved to:

- (i) urge the Federal Government to implement the Nigerian Gas Policy as well as make immediate intervention to force down the rising cost of cooking gas in Nigeria;
- (ii) mandate the Committee on Gas Resources to ensure compliance and report within four (4) weeks (HR. 40/02/2022).

26. Need to Sustain the Central Bank of Nigeria (CBN) 100 for 100 Policy on Production and Productivity (PPP)

Order read; deferred by leave of the House.

27. Consideration of Reports

- (i) *A Bill for an Act to make Comprehensive Provisions for the Prohibition and Punishment of Sexual Harassment of Students by Educators in Tertiary Educational Institutions; and for Related Matters (HB. 1006) (Committee of the Whole):*

Motion made and Question proposed, "That the House do consider the Report on a Bill for an Act to make Comprehensive Provisions for the Prohibition and Punishment of Sexual Harassment of Students by Educators in Tertiary Educational Institutions; and for Related Matters (HB. 1006)" (Hon. Peter Akpatason — Deputy House Leader).

Agreed to.

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

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

A BILL FOR AN ACT TO MAKE COMPREHENSIVE PROVISIONS
FOR THE PROHIBITION AND PUNISHMENT OF SEXUAL HARASSMENT
OF STUDENTS BY EDUCATORS IN TERTIARY EDUCATIONAL
INSTITUTIONS; AND FOR RELATED MATTERS (HB. 1006)

Amendment Proposed:

Leave out all the words in the Long Title and *insert* as follows:

“A Bill for an Act to Make Comprehensive Provisions for the Prohibition and Punishment of Sexual Harassment of Students by Educators and Other Persons in and out of Tertiary Educational Institutions and for Related Matters (HB. 1006)” (*Hon. Ndudi Elumelu — Aniocha North/Aniocha South/Oshimili North/Oshimili South Federal Constituency*).

Question that the amendment be made — Agreed to.

Clause 1: Objective of the Bill.

The objective of the Bill is to create equal learning opportunities for students of tertiary institutions in an atmosphere devoid of sexual harassment and to promote ethical standards of education and respect for human dignity in tertiary educational institutions by providing for:

- (a) protection of students against sexual harassment by educators in tertiary educational institutions;
- (b) prohibition of sexual harassment of students by educators in tertiary educational institutions; and
- (c) redress of complaints of sexual harassment of students by educators in tertiary educational institutions (*Hon. Alhassan Ado Garba — House Leader*).

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

Clause 2: Relationship of Authority, Dependency and Trust.

A relationship of authority, dependency and trust shall be construed to exist between an educator and a student in an institution if:

- (a) the educator is directly or indirectly involved in the full-time or part-time academic training, teaching, advising, supervision and education of the student; or
- (b) the educator has direct or indirect academic or non-academic authority over the student; or
- (c) the student depends, directly or indirectly, on the educator in any manner whatsoever (*Hon. Alhassan Ado Garba — House Leader*).

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

Clause 3: Fiduciary Duty of Care.

To uphold the Objective of this Bill, an educator shall observe a fiduciary duty of care to every student by not exploiting a student or his/her relationship with a student for personal gains, sexual pleasure, or immoral satisfaction, or in any way whatsoever that violates the sacrosanctity, honour and inviolability of the fiduciary relationship of authority, dependency and trust between him/her and a student (*Hon. Alhassan Ado Garba — House Leader*).

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

Clause 4: Offences.

An educator commits an offence of sexual harassment where he or she:

- (a) violates the fiduciary duty of care in section 3 of this Bill; or
- (b) has sexual intercourse with a student or demands for sex from a student or prospective student; or
- (c) intimidates or creates a hostile or offensive environment for the student by soliciting for sex from the student or by making sexual advances towards a student; or
- (d) directs or induces another person to commit any act of sexual harassment under the provisions of this Bill, or conspires with another person in the commission of sexual harassment by another person without which it would not have been committed; or
- (e) grabs, hugs, kisses, rubs or strokes or touches or pinches the breasts or hair or lips or hips or buttocks or any other part of the body of a student; or
- (f) displays, requests, gives or sends by hand or courier or electronic or any other means, explicit or suggestive pornographic messages, whether by text, pictures or videos or other sex related objects to a student; or
- (g) whistles or winks at a student or screams or exclaims or jokes or makes sexually complimentary or uncomplimentary remarks about a student's physique or stalks a student (*Hon. Alhassan Ado Garba — House Leader*).

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

Clause 5: Defence on Grounds of Marriage.

For the purposes of the offences created in clause 4 of this Bill, it shall be a defence that the educator and the student are legally married (*Hon. Alhassan Ado Garba — House Leader*).

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

Clause 6: Students' Consent not a Defence.

It shall not be a defence to any offence created in clause 4 of this Bill that a student consented to the commission of the offence (*Hon. Alhassan Ado Garba — House Leader*).

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

Clause 7: Proof of Commission of Offences.

For the purpose of proving the commission of any of the offences in Clause 4 of this Bill, it shall not be necessary for the prosecution to prove the intention of the accused person or the condition under which the act of sexual harassment was carried out (*Hon. Alhassan Ado Garba — House Leader*).

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

Clause 8: Filing of Sexual Harassment Complaint.

A written Sexual Harassment Petition, complaining of the offence of sexual harassment against an educator may be filed or made by a student or by a student's representative who may be a relative, a guardian, or a lawyer of the student, or any person who has interest in the wellbeing of the student to the Nigerian Police Force, or the Attorney-General who shall take necessary measures to prosecute the educator in accordance with the provisions of this Bill (*Hon. Alhassan Ado Garba — House Leader*).

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

Clause 9: Petitioner or Complainant to forward Petition to Appropriate Authorities.

A copy of the written sexual harassment petition, complaining of sexual harassment in section 8 of this bill shall be delivered by the petitioner or complainant to the administrative head of the institution, Secretary of the Independent Sexual Harassment Investigative Committee and the head of Department of the alleged offender for record purposes and such actions that may be required under this Bill (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 9 stands part of the Bill → Agreed to.

Clause 10: Penalty.

- (1) Any person who commits any of the offences specified in Section 4 (a), (b), (c), (d) and (e) of this Bill and shall, on conviction, be sentenced to imprisonment for 14 years, or to a fine of 5 Million Naira or both.
- (2) Any person who commits any of the offences specified in Section 4 (f) and (g) of this Bill shall on conviction, be sentenced to 2 years imprisonment or to a fine of ₦1,000,000 or both (*Hon. Alhassan Ado Garba — House Leader*).

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

Clause 11: Civil Action for Breach of Fiduciary Duty.

Notwithstanding the provisions of Sections 4, 8, 9, 10 and 11 of this Bill or any other part thereof, the right of a student who complains or alleges sexual harassment by an educator to commence and maintain a civil action in Court for breach of fiduciary duty of care, contrary to Sections 2 and 3 of this Bill is preserved (*Hon. Alhassan Ado Garba — House Leader*).

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

Clause 12: Institutional Disciplinary Measures.

Nothing under this Bill shall preclude an institution from proceeding under its established policies, rules and regulations for the internal administrative discipline of its staff and students, provided that where:

- (a) a student makes a Sexual Harassment Complaint against an educator, an institution's Independent Sexual Harassment Investigative Committee established under this Bill shall investigate, determine and render a final decision on the merits of the complaint in line with the provisions of this Bill. In determining a complaint of sexual harassment, the provisions of this Bill shall supersede any existing policies, rules or regulations for internal administrative discipline of its staff and students;

- (b) an Independent Sexual Harassment Investigative Committee established under this Bill has concluded its investigative proceedings and rendered a final decision, such proceedings or decision shall not operate to bar or prevent criminal prosecution or civil proceedings in a Court for acts of sexual harassment under this Bill; and
- (c) internal administrative or disciplinary sanctions are imposed by a Sexual Harassment Investigative Committee against or on an educator in accordance with the provisions of this Bill before commencement of criminal proceedings, a Court, in passing sentence, shall have regard to the sanctions already imposed on the educator (*Hon. Alhassan Ado Garba — House Leader*).

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

Clause 13: Independent Sexual Harassment Investigative Committee.

- (1) The administrative head of an institution shall establish an Independent Sexual Harassment Prohibition Committee in consultation with the highest management body of the institution.
- (2) The membership of the Independent Sexual Harassment Investigative Committee shall be seven (7), staff members and representatives of the Student Union Government of the institution, including a Chairperson who shall not be less than the rank of a Senior Lecturer or a Deputy Director in the Federal Civil Service and a Secretary who shall not be less than the rank of a Lecturer or an Assistant Director in the Federal Civil Service.
- (3) The membership of an Independent Sexual Harassment Investigative Committee shall at all times consists of at least two students, two non-academic staff members and two academic staff members of the institution and shall include at least three (3) females.
- (4) In the constitution of an Independent Sexual Harassment Investigative Committee, an administrative head of an institution shall ensure that at least one (1) lawyer is a member of the Committee at any material time, provided that there are lawyers who are staff members of the institution and satisfy the provisions of this Bill in respect of the membership of the Committee.
- (5) The administrative head of an institution who fails to comply with the provisions of sub-sections (1) and (2) of this Section commits an offence and shall be liable on conviction to 2 years or to pay a fine of ₦5,000,000, or both.
- (6) The Independent Sexual Harassment Investigative Committee shall be independent and impartial in all its dealings, proceedings and affairs.
- (7) The members of an Independent Sexual Harassment Investigative Committee shall be persons of high moral standing and good reputation.
- (8) The Chairperson and Members of the Independent Sexual Harassment Investigative Committee shall hold office for such period, not exceeding two (2) years, from the date of their appointment as may be specified in writing by the administrative head.
- (9) Where the Chairperson or any Member of the Independent Sexual Harassment Investigative Committee —

- (a) contravenes the provisions of this Bill; or
- (b) has been convicted for an offence or an inquiry into an offence under any law for the time being in force is pending against him; or
- (c) has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him; or
- (d) has so abused his position as to render his continuance in office prejudicial to the public interest,

the Chairperson or such a Member, as the case may be, shall be removed from the Committee by an institution's administrative head with the approval of an institution's highest management body and the vacancy so created or any casual vacancy shall be filled by the administrative head in consultation with the institution's highest management body.

- (10) The quorum of the Independent Sexual Harassment Prohibition Committee shall be five (5) members.
- (11) Members present at the meeting of the Committee shall select an *Ad-hoc* Chairperson and/or Secretary for the purpose of hearing the complaint brought before it if the substantive Chairperson and/or Secretary are absent.
- (12) The Independent Sexual Harassment Investigative Committee shall conduct its proceedings with utmost thoroughness, fairness and in compliance with the rules of natural justice, and exercise its discretion judiciously and fairly with regards to facts, evidence and the number of witnesses that may be allowed to testify during its proceedings.
- (13) Decisions of the Independent Sexual Harassment Investigative Committee shall be by a simple majority; rendered in writing and read openly to the parties by the Chairperson of the Committee.
- (14) All decisions, including the final decision, of the Independent Sexual Harassment Investigative Committee shall be signed by all members of the Committee who participated in the inquiry and sealed/stamped by the Secretary with the Committee's seal or stamp which shall be kept in the custody of the Secretary.
- (15) The Secretary of the Independent Sexual Harassment Investigative Committee shall communicate the final decision of the Committee in writing and within seven (7) working days of giving the decision to all parties to a sexual harassment complaint, whether they participated in the Committee's proceedings or not.
- (16) The Secretary of the Independent Sexual Harassment Investigative Committee shall issue sealed/stamped certified true copies of the Committee's decisions, including its final decisions, in respect of sexual harassment complaints to any person, including parties in any of its proceedings within seven (7) working days of giving such a decision, provided that the person shall apply for the certified true copies of the decision and pay such reasonable fees to be prescribed by the Committee's Chairperson and remitted to the institution by the Secretary.

- (17) The Secretary of an Independent Sexual Harassment Investigative Committee who wilfully fails to comply with the provisions of subsections (14) or (15) of this Section of this Bill commits an offence and shall be liable on conviction to imprisonment for six (6) months or a maximum fine of ₦1,000,000, or both.
- (18) Subject to approval by the highest management body of an institution, an administrative head shall provide such resources, funding, facilities, materials and support that are reasonably required for the Independent Sexual Harassment Investigative Committee to carry out its functions under this Bill.
- (19) The Chairperson of every Independent Sexual Harassment Investigative Committee shall make and submit an annual report on sexual harassment complaints received and actions taken on them to the highest management body of the institution.
- (20) Except otherwise stated in this Bill, a person who wilfully contravenes the provisions of the Bill or fails to perform an obligation under the Bill commits an offence and shall be liable on conviction to imprisonment for twelve (12) months or a maximum fine of ₦2,000,000, or both.
- (21) A member of the Independent Sexual Harassment Investigative Committee shall not be removed from the Committee, except in accordance with the provision of sub-section (9) of this Section or by an order of Court.
- (22) The Independent Sexual Harassment Investigative Committee shall not be dissolved, suspended or rendered redundant or inoperative by an administrative head or any person on any ground whatsoever, except by an order of the Court (*Hon. Alhassan Ado Garba — House Leader*).

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

Clause 14: Institutional Disciplinary Procedure.

- (1) Where a student complains of sexual harassment, he or she shall submit a written Sexual Harassment Complaint to the administrative head of the institution where the complaint arose and shall specify the name and department, office or home address of the educator who is alleged to have committed an offence under this Bill.
- (2) The complaint mentioned in sub-section (1) of this Section may be made by the student, personally or by the student's representative who may be the student's relative, guardian, or lawyer, or any person who has interest in the wellbeing of the student.
- (3) Upon receipt of a Sexual Harassment complaint, the administrative head, shall, within fourteen (14) working days, refer or transmit the Sexual Harassment complaints to the Independent Sexual Harassment Investigative Committee for the purpose of investigation, determination and final decision.
- (4) Upon receipt of a Sexual Harassment Complaint, an Independent Sexual Harassment Investigative Committee shall take immediate steps to investigate, determine and reach a final written decision on the complaint within 45 working days from the date of receipt of the complaint from the administrative head.

- (5) Where the complaint of a student is proved or made out, the Independent Sexual Harassment Investigative Committee shall take the circumstances of the proven complaint into account and recommend any of the following sanctions to both the administrative head and the highest management body of the institution for implementation:
- (a) the prosecution or dismissal of the educator and reasons for the dismissal shall be stated in writing and given to all the parties; or
 - (b) a reduction in the rank of the educator and reasons for the reduction shall be stated in writing and given to all the parties; or
 - (c) ensure appropriate restitution for the student.
- (6) Where after the expiration of 14 days the administrative head fails or neglects to refer or transmit the sexual harassment complaints, pursuant to sub-section (3) of this section, the Independent Sexual Harassment Investigative Committee shall proceed to take action on the copy of the Sexual Harassment complaints submitted to its Secretary under section 9 of this Bill, as provided in subsections (4) and (5) of this section (*Hon. Alhassan Ado Garba — House Leader*).

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

Clause 15: Judicial Review.

An educator or a student shall be entitled to apply to a High Court for judicial review of the final decision of the Independent Sexual Harassment Investigative Committee, if the educator or student is dissatisfied with that decision or part thereof, an application for judicial review under this section may be consolidated with any civil proceedings commenced on behalf of the affected student, pursuant to the provisions of this Bill (*Hon. Alhassan Ado Garba — House Leader*).

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

Clause 16: Criminal liability of Administrative Head.

Where before the commencement of criminal proceedings for sexual harassment under this Bill, a student or his or her representative makes a sexual harassment complaint to the administrative head of an institution against an educator, it shall be an offence, if the administrative head wilfully fails or neglects to refer the complaint to the institution's Independent Sexual Harassment Investigative Committee within Fourteen (14) working days of receiving the complaint from the student (*Hon. Alhassan Ado Garba — House Leader*).

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

Clause 17: Penalty for Failure of Administration Head to Set up Independent Sexual Harassment Investigative Committee.

An administrative head who commits the offence under Section 16 of this Bill shall, upon conviction, be liable to pay a fine of ₦5,000,000.00 (*Hon. Alhassan Ado Garba — House Leader*).

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

Clause 18: Liability for false Complaint.

Where at the completion of an investigation into a Sexual Harassment Complaint, an Independent Sexual Harassment Investigative Committee finds or determines in its final decision that the complaint is false and malicious, the Committee shall, recommend sanctions to the administrative head against the student who made the complaint, which may include suspension or expulsion of the Student (*Hon. Alhassan Ado Garba — House Leader*).

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

Clause 19: Implementation of Recommendation of Independent Sexual Harassment Investigation Committee.

An administrative head shall implement every recommendation made by the Independent Sexual Harassment Investigative Committee within 7 working days of the Committee's final decision (*Hon. Alhassan Ado Garba — House Leader*).

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

Clause 20: Remedy on grounds of False Allegation.

Where criminal proceedings and appeals are commenced and concluded under the provisions of this Bill and the educator is discharged and acquitted of the charge on the ground that the allegation was false, a disciplinary action may be taken against the student by the administrative head in line with the internal disciplinary procedure of the Institution, which may include but not restricted to expulsion from the institution (*Hon. Alhassan Ado Garba — House Leader*).

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

Clause 21: Protection of Students from Victimization.

The administrative head of an institution shall ensure that a student who makes a sexual harassment complaint pursuant to this Bill is adequately protected and not subjected to any form of victimization by the educator who is complained against or any other educator or person within the institution or in another institution (*Hon. Alhassan Ado Garba — House Leader*).

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

Clause 22: Penalty for Victimization of Students in Respect of Complaint.

Any educator or person in an institution where sexual harassment is alleged or in another institution or any place whatsoever, who victimizes a student or any person in respect of a sexual harassment complaint under this Bill, shall be liable to the same criminal sanctions, disciplinary punishment or damages as the educator whom the student originally complained against (*Hon. Alhassan Ado Garba — House Leader*).

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

Clause 23: Public Officers Protection Laws not Applicable in the Commencement of Proceedings for Breach of Fiduciary Duty of Care.

For the purpose of commencing any civil proceedings in court for breach of fiduciary duty of care or any criminal proceedings against an educator under this Bill, the limitation period for commencing actions against a public officer stipulated in the Public Officers Protection laws or any other law limiting the time of commencement of proceedings against a public officer in force in Nigeria or any part thereof, shall not be applicable (*Hon. Alhassan Ado Garba — House Leader*).

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

Clause 24: Interpretation.

In this Bill —

"administrative head" means a vice chancellor of a university, a rector of a Polytechnic/Monotechnic, a provost of a college of education or any officer who is the chief executive officer of any tertiary academic institution or any other person acting in that capacity (*Hon. Alhassan Ado Garba — House Leader*).

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

"attorney-general" means Attorney-General of the Federation or Attorney General of a State (*Hon. Alhassan Ado Garba — House Leader*).

Question that the meaning of the words "attorney-general" be as defined in the interpretation to this Bill — Agreed to.

"committee" means Independent Sexual Harassment Investigative Committee (*Hon. Alhassan Ado Garba — House Leader*).

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

"court" means a Magistrate Court, High Court of a State or of the Federal Capital Territory and the Federal High Court (*Hon. Alhassan Ado Garba — House Leader*).

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

"educator" means every employee of a tertiary educational institution including academic and non-academic staff, or a faculty or non-faculty member of a tertiary educational institution including a professor, lecturer, graduate assistant, post-doctoral fellow or associate serving as a full-time or part-time instructor or a teaching fellow in similar institutional roles who teaches, educates or trains students or who provides professional educational services; or a staff or member of any tertiary educational institution who may have authority over or a mentoring relationship with any student and also includes, coaches, supervisors of student employees, advisors and directors of student organizations, students' residential fellows, and persons who advise, mentor, or evaluate students or any person who oversees any aspect of any student's academic work (*Hon. Alhassan Ado Garba — House Leader*).

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

"fiduciary duty" means an inviolable duty of care founded on honourable human behaviour, obligation of good faith, honesty, and respect for human dignity and rights owed to a student by an educator on the basis of a unique relationship of authority, dependency and trust by which an educator exercises direct supervisory responsibilities or superiority over a student (*Hon. Alhassan Ado Garba — House Leader*).

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

"institution" means any public or private tertiary or post-secondary educational institution in Nigeria and this includes any university, polytechnic, monotechnic, or college of education (*Hon. Alhassan Ado Garba — House Leader*).

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

"relationship of authority, dependency and trust" means a relationship between an educator and a student where the educator exercises or is reasonably expected to exercise direct or indirect supervisory responsibilities over the student; a relationship that forbids all forms of sexual coercion or sexual consensus, including amorous relationships that jeopardizes or likely to jeopardize the integrity of the educational process or impairs the learning environment through conflict of interest (*Hon. Alhassan Ado Garba — House Leader*).

Question that the meaning of the words "relationship authority, dependency and trust" be as defined in the interpretation to this Bill -- Agreed to.

"Sexual harassment" includes:

- (a) any unwelcome sexual attention from an educator who knows or ought reasonably to know that such attention is unwelcome to the student;
- (b) any unwelcome implicit or explicit behaviour, suggestions, messages or remarks of a sexual nature that have effect of offending, intimidating or humiliating the student or a related person in circumstances which a reasonable person having regard to all the circumstances would have anticipated that the student or such related person would be offended, intimidated or humiliated;
- (c) any implied or expressed promise of reward by an educator to a student or related person for complying with a sexually oriented request or demand;
- (d) any implied or expressed threat of reprisal or actual reprisal from an educator to a student or related person for refusal to comply with a sexually oriented request or demand;
- (e) a single incident of sexual harassment defined in paragraphs (a) to (d) above, constitutes harassment (*Hon. Alhassan Ado Garba — House Leader*).

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

"sexual intercourse" means penetration of a sexual nature of the vagina or anus or mouth of the student by the penis or mouth or finger of the educator or any instrument or toy by the educator and for this purpose, a male student can be sexually harassed by a female or male educator (*Hon. Alhassan Ado Garba — House Leader*).

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

"student" refers to all persons enrolled in any or all educational and training programmes of a tertiary educational institution or post-secondary institution, and this includes persons seeking admission to study in any tertiary educational institution or post-secondary institution (*Hon. Alhassan Ado Garba — House Leader*).

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

"Supervision" means course teaching, training, examining, grading, advising, counselling, and includes any other form of guidance of a student on any academic or non-academic matter (Hon. Alhassan Ado Garba — House Leader).

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

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

Clause 25: Citation.

This Bill may be cited as the Sexual Harassment of Students in Tertiary Educational Institutions (Prohibition) Bill, 2022 (Hon. Alhassan Ado Garba — House Leader).

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

Explanatory Memorandum:

This Bill seeks to make comprehensive provisions for the Prohibition of Sexual Harassment of Students by Educators in Tertiary Institutions to ensure ethical standards in the educational sector and for Related Matters (Hon. Alhassan Ado Garba — House Leader).

Agreed to.

Long Title:

A Bill for an Act to Make Comprehensive Provisions for the Prohibition and Punishment of Sexual Harassment of Students by Educators and Other Persons in and out of Tertiary Educational Institutions and for Related Matters (HB. 1006) (Hon. Alhassan Ado Garba — House Leader).

Agreed to.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair, reported that the House in Committee of the Whole considered the Report on a Bill for an Act to Make Comprehensive Provisions for the Prohibition and Punishment of Sexual Harassment of Students by Educators and Other Persons in and out of Tertiary Educational Institutions and for Related Matters (HB. 1006) and approved Clauses 1 - 25, the Explanatory Memorandum, and the Long Title of the Bill as amended.

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

- (ii) **A Bill for an Act to Establish Federal Polytechnic, Koko, Delta State to Provide for Full and Part-Time Courses of Instructions in Different Fields of Study; and for Related Matters (HB. 381) (Committee of the Whole):**

Motion made and Question proposed, "That the House do consider the Report on a Bill for an Act to Establish Federal Polytechnic, Koko, Delta State to Provide for Full and Part-Time Courses of Instructions in Different Fields of Study; and for Related Matters (HB. 381)" (Hon. Peter Akpatason — Deputy House Leader)

Agreed to.

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

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

A BILL FOR AN ACT TO ESTABLISH THE FEDERAL POLYTECHNIC,
KOKO, DELTA STATE TO PROVIDE FULL AND PART-TIME COURSES
OF INSTRUCTION IN DIFFERENT FIELDS OF STUDIES;
AND FOR RELATED MATTERS (HB. 381)

Clause 1: Establishment of the Federal Polytechnic, Koko, Delta State.

- (1) There is established the Federal Polytechnic, Koko, Delta State (in this Bill referred to as "the Polytechnic") which shall have such powers and perform such functions conferred on it by this Bill.
- (2) The Polytechnic:
 - (a) is a body corporate with perpetual succession and a common seal;
 - (b) may sue and be sued in its corporate name; and
 - (c) may acquire and dispose of interests in movable and immovable property (*Hon. Alhassan Ado Garba — House Leader*).

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

Clause 2: Functions of the polytechnic.

- (1) The polytechnic shall:
 - (a) provide full-time and part-time courses of instruction and training to produce middle and high level manpower in:
 - (i) technology, applied science, commerce and management, and
 - (ii) such other fields of applied learning relevant to the needs of the development of Nigeria in the areas of industrial and agricultural production, distribution and for research in the development and adaptation of techniques as the Council may determine;
 - (b) arrange conference, seminars and study groups relative to the fields of learning specified under subsection (1) (a);
 - (c) perform such other functions as in the opinion of the Council may serve to promote the objectives of the polytechnic.
- (2) Nothing in this section shall preclude the government of a state or any of its agencies from setting up a Polytechnic similar to any polytechnic established under this Bill (*Hon. Alhassan Ado Garba — House Leader*).

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

Clause 3: Establishment and constitution of the Council.

- (1) There is established for the Polytechnic a Governing Council (in this Bill referred to as "the Council").

- (2) The Council shall consist of a chairman:
- (a) four persons representing a variety of interests and broadly representatives of the whole federation, at least one of whom shall be a woman;
 - (b) one person to represent the alumni association of the Polytechnic;
 - (c) a representative of the community where the polytechnic is situated;
 - (d) the Rector;
 - (e) the Deputy Rectors;
 - (f) one person representing the Federal Ministry of Education or regulatory agency;
 - (g) two persons not below the rank of Chief Lecturer elected by the Academic Board from among its members;
 - (h) three persons not below the rank of Senior Lecturer or its equivalent elected by the Congregation from among its members in which one shall be a non-teaching staff.
- (3) The Chairman and members of the Council other than *ex-officio* members shall be:
- (a) appointed by the President;
 - (b) persons of proven integrity, knowledgeable and acquainted with the working and tradition of the technical and vocational education.
- (4) Any member of the Council other than an *ex-officio* member:
- (a) shall hold office for a three years at the first instance; and
 - (b) may be eligible for re-appointment for another three years and no more.
- (5) The governing structure of the Polytechnic shall consist of:
- (a) Governing Council;
 - (b) Academic Board;
 - (c) Management Committee;
 - (d) School Board; and
 - (e) Departmental Board.
- (6) The supplementary provisions set out in the Schedule to this Bill, shall apply in relation to governing structure and other matters specified in the Schedule (*Hon. Alhassan Ado Garba — House Leader*).

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

Clause 4: Visitation.

- (1) The President shall be the Visitor to the Polytechnic.
- (2) The Visitor shall, at least once in every five years, conduct a visitation of the college or appoint a Visitation Panel, consisting of at least five experts, to conduct the visitation:
 - (a) for the purpose of evaluating the academic and administrative performance of the Polytechnic; and
 - (b) for such other purpose or in respect of any other affairs of the Polytechnic as the Visitor may deem fit (*Hon. Alhassan Ado Garba — House Leader*).

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

Clause 5: Registrar of the polytechnic.

- (1) There shall be a Registrar to the Polytechnic who shall:
 - (a) be responsible to the Rector for the administration of the Polytechnic; and
 - (b) shall perform such other duties as the Council or the Rector may require him to do.
- (2) The Registrar shall:
 - (a) be the Secretary to the Council, the Academic Board and any committee of the Council; and
 - (b) attend all the meetings of those bodies unless excused for good reason by the Chairman of the Council.
- (3) In the absence of the Registrar, the Chairman of the Council may, after consultation with the Rector, appoint a suitable person to act as secretary for any particular meeting of the Council.
- (4) The Secretary to the Council or a person appointed to act under subsection (3), shall not vote on any question before the Council or count towards a quorum unless he is so entitled as a member of the Council (*Hon. Alhassan Ado Garba — House Leader*).

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

Clause 6: Tenure of office of the Registrar.

- (1) A Registrar shall hold office:
 - (a) for a single term of five years beginning from the effective date of his appointment; and
 - (b) on such terms and conditions as may be specified in the letter of his appointment.
- (2) Where a Registrar has held office for five years or less on the commencement of this Bill, he is deemed to have been serving his final term of office (*Hon. Alhassan Ado Garba — House Leader*).

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

Clause 7: General functions of the Council.

- (1) Subject to the provisions of this Bill, the Council:
 - (a) shall be the governing body of the Polytechnic concerned; and
 - (b) shall have powers and control over the general management of the affairs of the Polytechnic, and in particular, the property and finances of the polytechnic; and
 - (c) may do anything which in its opinion is calculated to facilitate the carrying out of the activities of the Polytechnic and promote its best interests.
- (2) The Council may acquire and hold such movable or immovable property as may be necessary or expedient for carrying into effect the provisions of this Bill, and for the same purpose may sell, lease, mortgage or otherwise alienate or dispose of any property so acquired.
- (3) The Council may enter into such contracts as may be necessary or expedient for carrying into effect the provisions of this Bill.
- (4) The Minister may, give to the Council directions of a general character relating to particular matters, but not to any individual person or case, with regard to the exercise by the Council of its functions and it shall be the duty of the Council to comply with the directions (*Hon. Alhassan Ado Garba — House Leader*).

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

Clause 8: The Rector of the polytechnic.

- (1) There shall be a Rector of the Polytechnic (in this Bill referred to as "the Rector") who shall be appointed by the President in accordance with the provision of this section.
- (2) Where a vacancy occurs in the post of the Rector, the Council shall:
 - (a) advertise the vacancy, not later than six months to the expiration of the term of the sitting Rector in at least two national newspapers in Nigeria, specifying the:
 - (i) qualifications of the persons who may apply for the post, which shall be a Chief Lecturer in the Polytechnic sector with at least five years of experience on that position among other criteria, and
 - (ii) the terms and conditions of service applicable to the post, and thereafter, draw up a short list of suitable candidates for consideration;
 - (b) constitute a Search Team consisting of:
 - (i) a member of the Council, not being a member of the Academic Board, as Chairman,

- (ii) two members of the Academic Board, not below the rank of Chief Lecturer,
 - (iii) two members of Academic Staff not below the rank of Chief Lecturer to be elected from among its members.
- (3) A Joint Council, Academic Board and Congregation Selection Board consisting of:
 - (a) the Chairman of the Council;
 - (b) two members of the Council not being members of the Academic Board;
 - (c) two members of the Academic Board not below the rank of Chief Lecturer, who were not members of the Search Team elected among its members; and
 - (d) two members of the Congregation not below the rank of Chief Lecturer who were not members of the Search Team elected among its members, shall consider the candidates on the short list drawn up under subsection (2) through an examination of their curriculum vitae and interaction with them and recommend in order of performance ranking through the Council, to the President, three candidates for his consideration.
- (4) The President shall appoint, as Rector, one of the candidates recommended to him under subsection (3).
- (5) Subject to this Bill and the general control of the Council, the Rector is the Chief Executive of the Polytechnic and is charged with general responsibility for matters relating to the management operations of the Polytechnic.
- (6) The Rector shall hold office:
 - (a) for a single term of five years beginning with the effective date of his appointment; and
 - (b) on such terms and conditions as may be specified in his letter of appointment.
- (7) Where a Rector:
 - (a) was appointed on a four year term on the commencement of this Bill, his term of office shall be extended for one year to complete the single-tenure of five years in line with subsection (6); and
 - (b) is serving second term four years on the commencement of this Bill, he shall be deemed to have been serving his final term of office.
- (8) The Rector shall:
 - (a) have power to exercise general authority over staff;
 - (b) be responsible for discipline in the polytechnic; and

- (c) have his remuneration determined by the National Salaries and Wages Commission (*Hon. Alhassan Ado Garba — House Leader*).

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

Clause 9: Deputy Rectors.

- (1) There shall be for the Polytechnic such number of Deputy Rectors as the Council may deem necessary for the proper administration of the Polytechnic.
- (2) Where a vacancy occurs in the post of Deputy Rector, the Rector shall forward to the Academic Board a list of two candidates for each post of Deputy Rector that is vacant.
- (3) The Academic Board shall elect for each vacant post one candidate from each list forwarded to it under subsection (2) and forward his name to the Council for confirmation.
- (4) Where:
 - (a) the Academic Board rejects the two candidates forwarded to it by the Rector under subsection (2), the Rector shall submit another list;
 - (b) the Council rejects the name sent to it under subsection (3), the Academic Board shall send the name of the other candidate on the list forwarded to it by the Rector under subsection (2).
- (5) The Deputy Rectors shall:
 - (a) assist the Rector in the performance of his functions;
 - (b) act in the place of the Rector when the post of Rector is vacant or if the Rector is for any reason absent or unable to perform his functions as Rector; and
 - (c) perform such other functions as the Rector or the Council may assign to them.
- (6) The Deputy Rectors shall hold office:
 - (a) for a single term of four years beginning from the effective date of their appointment; and
 - (b) on such terms and conditions as may be specified in their letter of appointment.
- (7) Where a Deputy Rector:
 - (a) was appointed on two year term on the commencement of this Bill, his term shall be extended for a period of two years to complete the single term of four years in line with subsection (6); and
 - (b) is serving second term of two years on the commencement of this Bill, he shall be deemed to have been serving his final term of office (*Hon. Alhassan Ado Garba — House Leader*).

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

Clause 10: Other principal officers of the Polytechnic.

(1) There shall be for the Polytechnic the following other principal officers in addition to the Deputy Rectors:

- (a) the Registrar,
- (b) the Bursar, and
- (c) the Librarian.

who shall all be appointed by the Council on the recommendation of the Selection Board constituted under section 12 of this Bill.

(2) The Bursar shall be the Chief Financial Officer of the Polytechnic and be responsible to the Rector for the administration and control of the financial affairs of the polytechnic.

(3) The Librarian shall be responsible to the Rector for the administration of the Polytechnic library and the co-ordination of the library services in the teaching units of the Polytechnic.

(4) The Bursar or Librarian shall hold office:

- (a) for a single term of five years beginning from the effective date of his appointment; and
- (b) on such terms and conditions as may be specified in his letter of appointment.

(5) Where a Bursar or Librarian has held office for five years or less on the commencement of this Bill, he is deemed to have been serving his final term of office (*Hon. Alhassan Ado Garba — House Leader*).

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

Clause 11: Resignation of appointment of principal officers.

A principal officer may resign his appointment:

- (a) in the case of the Rector, by notice to the Visitor; and
- (b) in any other case, by notice to the Council (*Hon. Alhassan Ado Garba — House Leader*).

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

Clause 12: Selection board for other principal officers.

(1) There shall be, for the Polytechnic, a Selection Board which shall consist of:

- (a) the Chairman of the Council;
- (b) the Rector;
- (c) four members of the Council not being members of the Academic Board;

- (d) two members of the Academic Board not being members of Council and not below the rank of Chief Lecturer elected from among its members; and
 - (e) three members of the congregation not below the rank of Principal Lecturer or its equivalent elected from among its members in which one shall be a non-teaching staff.
- (2) The functions, procedure and other matters relating to the Selection Board shall be as the Council may determine (*Hon. Alhassan Ado Garba — House Leader*).

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

Clause 13: Other employees of the Polytechnic.

- (1) The Council may appoint such other persons to be employees of the Polytechnic as the Council may determine to assist the Rector and principal officers of the Polytechnic in the performance of their functions under this Bill.
- (2) The power to appoint all other employees of the polytechnic shall be exercised:
- (a) in the case of senior employees, by the Council on the recommendation of. Appointment and Promotions Committee set up under the provisions of paragraph 3 (2) (a) of the Schedule to this Bill;
 - (b) in the case of junior employees, by the Rector on the recommendation of the Junior Staff appointment and promotions committee constituted under paragraph 3 (2) (b) of the Schedule to this Bill.
- (3) Subject to the provisions of this Bill, the remuneration, tenure of office and conditions of service of the employees of the Council shall be determined by the Council in consultation with the Federal Civil Service Commission (*Hon. Alhassan Ado Garba — House Leader*).

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

Clause 14: Application of the Pension Reforms Act.

- (1) The Federal Civil Service Commission may by order published in the Federal Government Gazette declare the office of the Rector or any other person employed by the Council to be a pensionable office for the purposes of the Pension Reforms Act.
- (2) Nothing in the provisions of subsection (1) shall prevent the appointment of any person to any office on terms which preclude the grant of a pension or gratuity in respect of service in that office.
- (3) A law or rule requiring a person to retire from the Public Service after serving for 35 years or having attained the age of 60 years in service, shall not apply to staff of the Polytechnic.

- (4) Notwithstanding anything to the contrary contained in the Pension Reforms Act, the compulsory retirement age of staff of Polytechnic shall be 65 years (*Hon. Alhassan Ado Garba — House Leader*).

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

Clause 15: Establishment of the Academic Board.

- (1) There is established for the Polytechnic (in this Bill referred to as "the Academic Board") which shall consist of:
- (a) the Rector of the Polytechnic, as Chairman;
 - (b) the Deputy Rectors of the Polytechnic;
 - (c) all heads of academic departments and units;
 - (d) the Polytechnic Librarian;
 - (e) not more than two members of the academic staff who are not members of the Academic Board and not below the rank of Senior Lecturer elected from among its members, such members shall serve for non-renewable term of three years;
 - (f) all Deans and academic Directors; and
 - (g) all Chief Lecturers.
- (2) The Academic Board shall be responsible for:
- (a) the direction and management of academic matters of the Polytechnic including the regulation of admission of students, the award of certificates and diplomas, scholarships, prizes and other academic distinctions;
 - (b) the making to the Council of such periodic reports on such academic matters as the Academic Board may deem fit or as the Council may direct; and
 - (c) the discharge of any other function which the Council may delegate to it (*Hon. Alhassan Ado Garba — House Leader*).

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

Clause 16: Removal from office of members of the Council and the Rector.

- (1) Where it appears to the Council that a member of the Council, other than an ex-officio member or the Rector, should be removed from office on the ground of misconduct or inability to perform the functions of his office, the Council shall make a recommendation through the Minister to the Federal Executive Council for approval and the Minister shall declare the office of such member or Rector vacant.
- (2) The Minister may recommend the removal of any member of the Council or Rector to the Federal Executive Council, if he is satisfied that it is not in the interest of the Public or of the Polytechnic that such a person shall continue as a member of the Council.

- (3) In case of vacancy in the office of the Rector, the Council shall appoint an acting Rector who shall not be in office for more than six months.
- (4) There shall be no sole administration in the Polytechnic (*Hon. Alhassan Ado Garba — House Leader*).

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

Clause 17: Removal and discipline of academic, administrative and technical staff.

- (1) If it appears to the Council that there are reasons for believing that a person employed as a member of the academic, administrative or technical staff of the Polytechnic, other than the Rector, should be removed from office on the ground of misconduct or inability to perform the functions of his office, the Council shall:
 - (a) give notice of those reasons to the person in question;
 - (b) afford him an opportunity of making representations in person on the matter to the Council; and
 - (c) if he or any three members of the Council so request within the period of one month beginning with the date of the notice, make arrangements for:
 - (i) a joint committee of the Council and the Academic Board to investigate the matter where it relates to an academic staff and to report on it to the Council,
 - (ii) a committee of the Council to investigate the matter, where it relates to any other member of the staff of the Polytechnic and to report on it to the Council, and
 - (iii) the person in question to be afforded an opportunity of appearing before and being heard by the investigating committee with respect to the matter, and if the Council, after considering the report of the investigating committee, is satisfied that the person in question should be removed as aforesaid, the Council may so remove him by an instrument in writing signed on the directions of the Council.
- (2) The Rector may, in a case of misconduct by a member of the staff which in the opinion of the Rector is prejudicial to the interest of the Polytechnic, suspend such member and any such suspension shall immediately be reported to the Council.
- (3) For good cause, any member of staff may be suspended from office or his appointment may be terminated by the Council and for the purpose of this subsection, "good cause" means:
 - (a) any physical or mental incapacity which the Council, after obtaining medical advice, considers to be such as to render the person concerned unfit for the performance of the functions of his office;
 - (b) any physical or mental incapacity which the Council, after medical advice, considers to be such as to render the person concerned unfit to continue to hold his office;

- (c) conduct of a scandalous or other disgraceful nature which the Council considers to be such as to render the person concerned unfit to continue to hold his office; or
 - (d) conduct which the Council considers to be such as to constitute failure or inability of the person concerned to perform the functions of his office or to comply with the terms and conditions of his service.
- (4) Any person suspended under subsection (2) or (3), shall be placed on half pay and the Council shall before the expiration of the period of three months after the date of such suspension consider the case against that person and come to a decision as to whether to:
- (a) continue such person's suspension and if so on what terms including the proportion of this emoluments to be paid to him;
 - (b) reinstate such person, in which case the Council shall restore his full emoluments to him with effect from the date of suspension;
 - (c) terminate the appointment of the person in question, in which case such a person, will not be entitled to the proportion of his emoluments withheld during the period of suspension; or
 - (d) take such lesser disciplinary action against such person, including the restoration of such proportion of his emoluments that might have been withheld, as the Council may determine, and in any case where the Council, pursuant to this section, decides to continue a person's suspension or decides to take further disciplinary action against a person, the Council shall before the expiration of a period of three months from such decision come to a final determination in respect of the case concerning any such person.
- (5) It is the duty of the person by whom an instrument of removal is signed under subsection (1), to use his best endeavours to cause a copy of the instrument to be served as soon as reasonably practicable on the person to whom it relates.
- (6) Nothing in this section shall prevent the Council from making such regulations for the discipline of other categories of staff and workers of the Polytechnic as it may deem fit (*Hon. Alhassan Ado Garba — House Leader*).

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

Clause 18: Discipline of students.

- (1) Subject to the provisions of this section, where it appears to the Rector that any student of the Polytechnic has been guilty of misconduct, the Rector may, without prejudice to any other disciplinary powers conferred on him by this Bill or regulations made, direct that:
- (a) the student shall not, during such period as may be specified in the direction, participate in such activities of the Polytechnic, or make use of such facilities of the Polytechnic, as he may specify;

- (b) the activities of the student shall, during such period as may be specified in the directions, be restricted in such manner as may be so specified;
 - (c) the student be suspended for such period as may be specified in the directions; or
 - (d) the student be expelled from the Polytechnic.
- (2) Where there is temporarily no Rector or where the Rector refuses to apply any disciplinary measure, the Council, either directly or through some other staff, may apply such disciplinary actions as are specified in subsection (1) to any student of the Polytechnic who is guilty of misconduct.
- (3) Where a direction is given under subsection (1) (c) or (d) in respect of any student, the student may, within 21 days from the date of the letter communicating the decision to him, appeal against the direction to the Council, and where such an appeal is brought, the Council shall, after causing such inquiry to be made in the matter as the Council considers just, either confirm or set aside the direction or modify it in such manner as the Council may deem fit.
- (4) The fact that an appeal from a direction is brought in pursuance of subsection (3) does not affect the operation of the direction while the appeal is pending.
- (5) The Rector may delegate his power under this section to a disciplinary committee consisting of such members of the Polytechnic as he may nominate.
- (6) Nothing in this section shall be construed as preventing the restriction or termination of a student's activities at the polytechnic otherwise than on the ground of misconduct.
- (7) A direction under subsection (1) (a) may be combined with a direction under subsection (1) (b).
- (8) In all cases under this section, the decision of the Council is final (*Hon. Alhassan Ado Garba — House Leader*).

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

Clause 19: Discipline of junior staff.

- (1) If any junior staff is accused of misconduct or inefficiency, the Rector may suspend him for not more than three months and shall direct the Junior Staff Appointments and Promotions Committee to:
 - (a) consider the case; and
 - (b) make recommendations as to the appropriate action to be taken by the Rector.
- (2) In all cases under this section, the officer shall be informed of the charge against him and shall be given reasonable opportunity to defend himself.

- (3) The Rector may, after considering the recommendation made under subsection (1) (b), dismiss, terminate, retire or down-grade the officer concerned.
- (4) Any person aggrieved by the Rector's decision under subsection (3) may, within 21 days from the date of the letter communicating the decision to him, address a petition to the Council to consider his case and the Council's decision thereon shall be final.
- (5) In any case of gross misconduct on the part of a junior staff, the Rector shall immediately suspend him and thereafter refer the matter to the Junior Staff Appointments and Promotions Committee to be dealt with according to the provisions of this section (*Hon. Alhassan Ado Garba — House Leader*).

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

Clause 20: Audit of accounts.

- (1) The Council shall keep proper accounts and proper records in relation thereto and shall cause to be prepared, not later than 31 October in each financial year, an estimate of its revenue and expenditure for the ensuing financial year and when prepared, the estimate shall be submitted to the National Board for Technical Education for approval.
- (2) At the end of each financial year but not later than 30 June, the Council shall cause to be prepared a statement of its income and expenditure during the previous financial year.
- (3) The statement of accounts referred to in subsection (2) shall, when certified by the Rector, be audited by a firm of auditors appointed from the list and in accordance with the guidelines supplied by the Auditor-General for the Federation and shall be published in the annual report of the polytechnic (*Hon. Alhassan Ado Garba — House Leader*).

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

Clause 21: Funds of the Council.

- (1) There is established for the Polytechnic a fund (in this Bill referred to as 'the Fund').
- (2) The Fund shall consist:
 - (a) fees charged by and payable to the Council in respect of students;
 - (b) any other amounts due to or recoverable by the Council;
 - (c) revenue from time to time accruing to the Council from the Federal Government by way of subvention, grant-in-aid, endowment or otherwise; and
 - (d) donations and legacies accruing to the Council from any source for the special purpose of the Council (*Hon. Alhassan Ado Garba — House Leader*).

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

Clause 22: Donations for particular purposes.

- (1) Donations of money to be applied to any particular purpose shall be placed to the credit of a special reserve account approved by the Council until such time as they may be expended in fulfilment of such purpose.
- (2) The Council is not obliged to accept a donation for a particular purpose unless it approves the terms and conditions attached to such donation (*Hon. Alhassan Ado Garba — House Leader*).

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

Clause 23: Payment into bank.

All sums of money received on account of the Council shall be paid into such bank for the credit of the Council as may be approved by the Council (*Hon. Alhassan Ado Garba — House Leader*).

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

Clause 24: Annual report.

The Council shall, on or before 31 December in each year, prepare and submit to the President through the Minister, a report of the activities during the preceding financial year and shall include in the report, the audited accounts of the polytechnic in respect of that financial year and the auditor's comments on the account (*Hon. Alhassan Ado Garba — House Leader*).

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

Clause 25: Power to make by-laws.

- (1) The Council may make bye-laws relating to any matter within its competence under this Bill other than matters for which provision is to be made by standing orders under paragraph 7 of the Schedule to this Bill.
- (2) All such bye-laws shall be in writing and shall come into effect when sealed with the seal of the Council unless some other date for their commencement is prescribed therein.
- (3) Nothing in subsection (2), shall make it obligatory for the Council to publish any of the bye-laws in the Federal Government Gazette but the Council shall bring such bye-laws to the notice of all those affected by it (*Hon. Alhassan Ado Garba — House Leader*).

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

Clause 26: Exclusion of discrimination on account of race, religion, etc.

A person shall not be required to satisfy requirements as to race (including ethnic grouping), sex, place of birth or of family origin or religious or political persuasion or as a condition of becoming or continuing to be a student at the polytechnic or as a holder of any certificate of the polytechnic, or of any appointment or employment at the polytechnic, or a member of any body established by virtue of this Bill, and no person shall be subjected to any disadvantage or accorded any advantage in relation to the polytechnic by reference to any of those matters:

Provided that, nothing in this section shall be construed as preventing the Polytechnic from imposing any disability or restriction on any of these persons where such persons willfully refuses or fails on grounds of religious belief to undertake any duty,

having regard to its nature and the special circumstances pertaining thereto is, in the opinion of the polytechnic, reasonably justifiable in the national interest (*Hon. Alhassan Ado Garba — House Leader*).

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

Clause 27: Quorum and procedure of bodies established under this Bill.

Subject to paragraph 6 (2) of the Schedule to this Bill and any standing order or bye-law made under this Bill, the quorum and procedure of anybody of persons established by this Bill shall be such as may be determined by that body (*Hon. Alhassan Ado Garba — House Leader*).

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

Clause 28: Interpretation.

In this Bill:

"Academic Board" means the Academic Board established under section 15 of this Bill (*Hon. Alhassan Ado Garba — House Leader*).

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

"Appointments and Promotions Committee" means a body by that name established under paragraph 3 (2) (a) of the Schedule to this Bill (*Hon. Alhassan Ado Garba — House Leader*).

Question that the meaning of the words "Appointments and Promotions Committee" be as defined in the interpretation to this Bill — Agreed to.

"polytechnic" means the Polytechnic set up under section 1 (1) of this Bill (*Hon. Alhassan Ado Garba — House Leader*).

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

"Junior Staff Appointments and Promotion Committee" means a body by that name set up under paragraph 3 (2) (b) of the Schedule to this Bill (*Hon. Alhassan Ado Garba — House Leader*).

Question that the meaning of the words "Junior Staff Appointments and Promotion Committee" be as defined in the interpretation to this Bill — Agreed to.

"Minister" means the Minister charged with responsibility for matters relating to technical education (*Hon. Alhassan Ado Garba — House Leader*).

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

"President" means the President of the Federal Republic of Nigeria (*Hon. Alhassan Ado Garba — House Leader*).

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

"Registrar" means the Registrar of the Polytechnic appointed under section 10 (1) (a) of this Bill (*Hon. Alhassan Ado Garba — House Leader*).

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

Question that Clause 28 stands part of the Bill — Agreed to.

Clause 29: Citation.

This Bill may be cited as the Federal Polytechnic, Koko, Delta State (Establishment) Bill, 2022 (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 29 stands part of the Bill — Agreed to.

SCHEDULE

Sections 3 (6), 13 (2) (a) (b)

SUPPLEMENTARY PROVISIONS RELATING TO THE STRUCTURE AND PROCEDURE OF THE COUNCIL

Terms of office of members

1. (1) A member of the Council, other than an *ex-officio* member shall hold office for three years beginning with the date on which he is appointed and may be eligible for re-appointment for another three years and no more.
- (2) Members of the Council holding office as specified in paragraph 1 (1) of this Schedule, shall be paid remuneration or allowances in accordance with rates specified from time to time by the National Council of Ministers.
- (3) A member of the Council holding office as specified in paragraph 1 (1) of this Schedule may, by notice in writing to the Minister resign his office.
2. (1) Where a vacancy occurs in the membership of the Council, that vacancy shall be filled by the appointment of a successor to hold office for the remainder of the term of office of his predecessor, so however that the successor shall represent the same interest as his predecessor.
- (2) The Council may act notwithstanding any vacancy in its membership or the absence of any member or that a person not entitled to do so took part in its proceedings.

Committees

3. (1) The Council may appoint one or more committees to which it may delegate any of its functions.
- (2) Without prejudice to the generality of subparagraph (1) of this Schedule, the Council shall appoint the following committees:
 - (a) the Appointments and Promotions Committees which shall:
 - (i) consist of Rector as the chairman and four other members who shall be appointed by the Council;

- (ii) be charged with the responsibility for making recommendations to the Council on the appointment and promotion of the academic and senior nonteaching staff of the polytechnic and have a quorum of three members;
- (b) the Junior Staff Appointments and Promotions Committee which shall consist of a Deputy Rector as chairman and four other members to be appointed by the Rector and shall have the powers set out in section 13 (2) (b) and section 19 of this Bill;
- (c) the Committee on Students' Affairs which shall consist of:
 - (i) a Deputy Rector as chairman;
 - (ii) one member of the Council;
 - (iii) Dean of Students Affairs;
 - (iv) two members of the academic staff not below the rank of Senior Lecturer; and
- (d) two representatives of the Students Union of the Polytechnic and a Committee on Students Affairs shall be charged with the duty of:
 - (i) considering any matter which relates to the welfare of students,
 - (ii) any other matter referred to it by either the Council or management of the polytechnic,
 - (iii) any matter which the students wish to refer to the Council shall be referred to the management in the first instance which may in turn refer the matter to the Committee on Students' Affairs.
- (3) No decision of a committee of the council shall have effect unless it is confirmed by the Council.

Proceedings of the Council

- 4.
 - (1) The Council shall meet for the conduct of business once in a quarter except for emergency.
 - (2) The chairman of the Council may at any time and shall at the request in writing of not less than five members of the Council summon a meeting of the Council.
 - (3) Particulars of the business to be transacted shall be circulated to members with the notice of the meeting at least two weeks before the date of the meeting.
- 5. Where the Council desires to obtain the advice of any person on any particular matter, it may co-opt such person as a member for a meeting whether or not expressly convened for the purpose of considering the particular matter but no co-opted member shall be entitled to vote or shall count towards quorum.
- 6.
 - (1) Every question put before the Council at a meeting shall be decided by a simple majority of the members present and voting.
 - (2) Two-third of members shall form a quorum at any meeting of the Council.

- (3) The Chairman shall, at any meeting of the Council, have a vote and, in the case of an equality of votes, may exercise a casting vote.
7. Subject as aforesaid, the Council may make standing orders with respect to the holding of meetings, the nature of notices to be given, the proceedings thereat, the keeping of minutes of such proceedings and the custody and production for inspection of such minutes.
8. If the Chairman of the Council is absent from a meeting of the Council, the members present shall elect one of their number to act as chairman for the purposes of the meeting.

Miscellaneous

9. Composition and Functions of Management Committee, School and Departmental Boards.
10. (1) There shall be a Management Committee consisting of all the Principal Officers of the Polytechnic, all Deans and Directors in the Polytechnic and the:
- (a) Rector shall be the Chairman of the Management Committee; and
 - (b) Management Committee shall meet at least once in a month to discuss and take decisions on matters of general interest to the Polytechnic.
- (2) There shall be a School Board for each school in the Polytechnic made up of all the Academic Staff in that School and the:
- (a) School Board shall deal with academic matters and any other matter of interest to the School or any matter assigned to it by the Council, the Rector or the Academic Board;
 - (b) Dean shall:
 - (i) be the chairman of the School Board, and
 - (ii) be elected from among the Academic Staff not below the rank of Chief Lecturer in that School for a term of three years and not immediately renewable.
- (3) There shall be a Departmental Board for each Department in the Polytechnic consisting of all the Academic Staff in that department and the:
- (a) Departmental Board shall deal with academic matters and any other matter of interest to the Department;
 - (b) Head of Department shall:
 - (i) be chairman of the Departmental Board,
 - (ii) be elected from among the Academic staff not below the rank of Senior Lecturer in that department for a term of three years and not immediately renewable.
- (4) Where there is no qualified candidate for the position of Dean or Head of Department, the Rector shall appoint an Acting Dean not below the rank of Senior Lecturer or Acting Head of Department not below the rank of Lecturer I for a period of one year in the first instance and renewable once and no more.

- (5) Nothing in this Bill shall prevent the management Committee and Boards from making supplementary rules to guide their proceedings provided such rules are not inconsistent with the provisions of this Bill.

Establishment of the Congregation

10. There shall be for the polytechnic, a Congregation consisting of both Academic and Senior Non-Teaching staff, who holds at least a first degree or its equivalent the:
- (a) Rector shall be the Chairman of the Congregation; and
 - (b) Congregation shall meet at least once in a year.
11. Any contract or instrument which if entered into by a person not being a body corporate would not be required to be under seal, may in like manner be entered into or executed on behalf of the Council by any person generally or specifically authorised by it for that purpose.
12. (1) The common seal of the Council shall not be used or affixed to any document except in pursuance of a resolution duly passed at a properly constituted meeting of the Council and recorded in the minutes of such meeting.
- (2) The fixing of the seal of the Council shall be authenticated by the signature of the Chairman of the Council and some other members authorised generally or specifically by the Council to act for that purpose.
- (3) Any document purporting to be a document duly executed under the seal of the Council shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.
13. Any member of the Council or a committee thereof who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Council or a committee thereof, shall forthwith disclose his interest to the Council and shall not vote on any question relating to such contract or arrangement (*Hon. Alhassan Ado Garba — House Leader*).

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

Explanatory Memorandum:

This Bill seeks to establish the Federal Polytechnic, Koko, Delta State to provide full and part-time courses of instruction in different fields of studies (*Hon. Alhassan Ado Garba — House Leader*).

Agreed to.

Long Title:

A Bill for an Act to Establish the Federal Polytechnic, Koko, Delta State to Provide Full and Part-Time Courses of Instruction in Different Fields of Studies; and for Related Matters (HB. 381) (*Hon. Alhassan Ado Garba — House Leader*).

Agreed to.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair, reported that the House in Committee of the Whole considered the Report on a Bill for an Act to Establish Federal Polytechnic, Koko, Delta State to Provide for Full and Part-Time Courses of Instructions in Different Fields of Study; and for Related Matters (HB. 381) and approved Clauses 1 - 29, the Schedule, the Explanatory Memorandum, and the Long Title of the Bill.

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

(iii) **A Bill for an Act to Establish Federal Polytechnic, Orogun, Delta State to Provide Full and Part-Time Courses of Instruction and Training in Different Fields of Study; and for Related Matters (HB. 642) (Committee of the Whole):**

Motion made and Question proposed, "That the House do consider the Report on a Bill for an Act to Establish Federal Polytechnic, Orogun, Delta State to Provide Full and Part-Time Courses of Instruction and Training in Different Fields of Study; and for Related Matters (HB. 642)" (Hon. Peter Akpatason — Deputy House Leader)

Agreed to.

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

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

A BILL FOR AN ACT TO ESTABLISH FEDERAL POLYTECHNIC,
OROGUN, DELTA STATE TO PROVIDE FULL AND PART-TIME COURSES
OF INSTRUCTION AND TRAINING IN DIFFERENT FIELDS OF STUDY;
AND FOR RELATED MATTERS (HB. 642)

Clause 1: Establishment of the Federal Polytechnic, Orogun, Delta State.

- (1) There is established the Federal Polytechnic, Orogun, Delta State (in this Bill referred to as "the Polytechnic") which shall have such powers and perform such functions conferred on it by this Bill.
- (2) The Polytechnic:
 - (a) is a body corporate with perpetual succession and a common seal;
 - (b) may sue and be sued in its corporate name; and
 - (c) may acquire and dispose of interests in movable and immovable property *(Hon. Alhassan Ado Garba — House Leader)*.

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

Clause 2: Functions of the Polytechnic.

- (1) The Polytechnic shall:
 - (a) provide full-time and part-time courses of instruction and training to produce middle and high level manpower in:
 - (i) technology, applied science, commerce and management, and

- (ii) such other fields of applied learning relevant to the needs of the development of Nigeria in the areas of industrial and agricultural production, distribution and for research in the development and adaptation of techniques as the Council may determine;
 - (b) arrange conferences, seminars and study groups relative to the fields of learning specified under subsection (1) (a); and
 - (c) perform such other functions as in the opinion of the Council may serve to promote the objectives of the polytechnic.
- (2) Nothing in this section shall preclude the government of a State or any of its agencies from setting up a polytechnic similar to the Polytechnic established under this Bill (*Hon. Alhassan Ado Garba — House Leader*).

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

Clause 3: Establishment and composition of the Council.

- (1) There is established for the Polytechnic a Governing Council (in this Bill referred to as "the Council").
- (2) The Council shall consist of:
 - (a) a chairman;
 - (b) four persons representing a variety of interests and broadly representatives of the whole Federation, at least one of whom shall be a woman;
 - (c) one person to represent the alumni association of the Polytechnic;
 - (d) a representative of the community where the Polytechnic is situated;
 - (e) the Rector;
 - (f) the Deputy Rectors;
 - (g) one person representing the Federal Ministry of Education;
 - (h) two persons, not below the rank of a Chief Lecturer, elected by the Academic Board from among its members; and
 - (i) three persons, not below the rank of a Senior Lecturer or its equivalent, elected by the Congregation from among its members in which one shall be a non-teaching staff.
- (3) The Chairman and members of the Council, other than ex-officio members, shall be:
 - (a) appointed by the President; and
 - (b) be persons of proven integrity, knowledgeable and acquainted with the workings and traditions of the technical and vocational education.

- (4) Any member of the Council, other than an *ex-officio* member:
- (a) shall hold office for three years at the first instance; and
 - (b) may be eligible for re-appointment for another three years and no more;
- (5) The governing structure of the Polytechnic shall consist of:
- (a) Governing Council;
 - (b) Academic Board;
 - (c) Management Committee;
 - (d) School Board; and
 - (e) Departmental Board.
- (6) The supplementary provisions set out in the Schedule to this Bill, shall apply, in relation to the Council, the governing structure and other matters specified in the Schedule (*Hon. Alhassan Ado Garba — House Leader*).

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

Clause 4 Visitation.

- (1) The President shall be the Visitor to the Polytechnic.
- (2) The Visitor shall, at least once in every five years, conduct a visitation of the Polytechnic or appoint a Visitation Panel, consisting of at least five experts, to conduct the visitation for:
- (a) the purpose of evaluating the academic and administrative performance of the Polytechnic; and
 - (b) such other purpose or in respect of other affairs of the Polytechnic as the Visitor may deem fit (*Hon. Alhassan Ado Garba — House Leader*).

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

Clause 5 Registrar of the Polytechnic.

- (1) There shall be a Registrar for the Polytechnic who shall:
- (a) be responsible to the Rector for the administration of the Polytechnic; and
 - (b) discharge such other duties as the Council or the Rector may require him to do.
- (2) The Registrar shall:
- (a) be the Secretary to the Council, the Academic Board and any committee of the Council; and

- (b) attend all the meetings of those bodies unless excused for good reason by the Chairman of the Council.
- (3) In the absence of the Registrar, the Chairman of the Council may, after consultation with the Rector, appoint a suitable person to act as Secretary at any particular meeting of the Council.
- (4) The Secretary to the Council or a person appointed to act under subsection (3), shall not vote on any question before the Council or count towards a quorum unless he is so entitled as a member of the Council (*Hon. Alhassan Ado Garba — House Leader*).

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

Clause 6: Tenure of office of the Registrar.

The Registrar shall hold office:

- (a) for a single term of five years beginning from the effective date of his appointment; and
- (b) on such terms and conditions as may be specified in the letter of his appointment (*Hon. Alhassan Ado Garba — House Leader*).

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

Clause 7: General functions of the Council.

- (1) Subject to the provisions of this Bill, the Council:
 - (a) shall be the governing body of the Polytechnic;
 - (b) shall have powers and control over the general management of the affairs of the Polytechnic, and in particular, the property and finances of the Polytechnic; and
 - (c) may do anything which, in its opinion, is calculated to facilitate the carrying out of the activities of the Polytechnic and promote its best interests.
- (2) The Council may acquire and hold such movable or immovable property as may be necessary or expedient for carrying into effect the provisions of this Bill, and for the same purpose may sell, lease, mortgage or otherwise alienate or dispose of any property so acquired.
- (3) The Council may enter into such contracts as may be necessary or expedient for carrying into effect the provisions of this Bill.
- (4) The Minister may give to the Council directions of a general character relating to particular matters, but not to any individual person or case, with regard to the performance by the Council of its functions and the Council shall comply with the directions (*Hon. Alhassan Ado Garba — House Leader*).

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

Clause 8: Deputy Rectors.

- (1) There is for the Polytechnic a Rector (in this Bill referred to as "the Rector") who shall be appointed by the President in accordance with the provisions of this section.
- (2) Where a vacancy occurs in the post of the Rector, the Council shall:
 - (a) advertise the vacancy, not later than six months to the expiration of the term of the sitting Rector in at least two national newspapers in Nigeria, specifying the:
 - (i) qualifications of the persons who may apply for the post, which shall be a Chief Lecturer in the Polytechnic sector with at least five years of experience on that position among other criteria, and
 - (ii) the terms and conditions of service applicable to the post, and thereafter, draw up a short list of suitable candidates for consideration;
 - (b) constitute a Search Team consisting of:
 - (i) a member of the Council, not being a member of the Academic Board, as Chairman,
 - (ii) two members of the Academic Board, not below the rank of a Chief Lecturer, and
 - (iii) two members of the academic staff not below the rank of a Chief Lecturer, to be elected from among its members.
- (3) A Joint Council, Academic Board and Congregation Selection Board consisting of:
 - (a) the Chairman of the Council;
 - (b) two members of the Council not being members of the Academic Board;
 - (c) two members of the Academic Board, not below the rank of a Chief Lecturer, who were not members of the Search Team, elected among its members; and
 - (d) two members of the Congregation, not below the rank of a Chief Lecturer, who were not members of the Search Team, elected among its members,shall consider the candidates on the short list drawn up under subsection (2) through an examination of their curriculum vitae and interaction with them and recommend, in order of performance ranking, through the Council, to the President three candidates for his consideration.
- (4) The President shall appoint, as Rector, one of the candidates recommended to him under subsection (3).

- (5) Subject to this Bill and the general control of the Council, the Rector is the Chief Executive of the Polytechnic and is charged with general responsibility for matters relating to the administration of the Polytechnic.
- (6) The Rector shall hold office:
 - (a) for a single term of five years beginning with the effective date of his appointment; and
 - (b) on such terms and conditions as may be specified in his letter of appointment.
- (7) The Rector shall:
 - (a) have power to exercise general authority over staff;
 - (b) be responsible for discipline in the Polytechnic; and
 - (c) have his remuneration determined by the National Salaries and Wages Commission (*Hon: Alhassan Ado Garba — House Leader*).

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

Clause 9: Deputy Rectors.

- (1) There shall be for the Polytechnic such number of Deputy Rectors as the Council may deem necessary for the proper administration of the Polytechnic.
- (2) Where a vacancy occurs in the post of Deputy Rector, the Rector shall forward to the Academic Board a list of two candidates for each post of Deputy Rector that is vacant.
- (3) The Academic Board shall elect for each vacant post, one candidate from each list forwarded to it under subsection (2) and forward the name to the Council for confirmation.
- (4) Where the Academic Board rejects the two candidates forwarded to it by the Rector under subsection (2), the Rector shall submit another list.
- (5) Where the Council rejects the name sent to it under subsection (3), the Academic Board shall send the name of the other candidate on the list forwarded to it by the Rector under subsection (2).
- (6) The Deputy Rectors shall:
 - (a) assist the Rector in the performance of his functions;
 - (b) act in the place of the Rector when the post of Rector is vacant or if the Rector is for any reason absent or unable to perform his functions as Rector; and
 - (c) perform such other functions as the Rector or the Council may assign to them.
- (7) The Deputy Rectors shall hold office:

- (a) for a single term of four years beginning from the effective date of their appointment; and
- (b) on such terms and conditions as may be specified in their letter of appointment (*Hon. Alhassan Ado Garba — House Leader*).

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

Clause 10: Other principal officers of the Polytechnic.

- (1) There shall be for the Polytechnic the following other principal officers in addition to the Deputy Rectors:

- (a) the Registrar,
- (b) the Bursar, and
- (c) the Librarian,

who shall all be appointed by the Council on the recommendation of the Selection Board constituted under section 12 of this Bill.

- (2) The Bursar shall be the Chief Financial Officer of the Polytechnic and is responsible to the Rector for the administration and control of the financial affair of the Polytechnic
- (3) The Librarian shall be responsible to the Rector for the administration of the Polytechnic library and co-ordination of the library services in the teaching units of the Polytechnic.
- (4) The Bursar or Librarian shall hold office:
 - (a) for a single term of five years beginning from the effective date of his appointment;
 - (b) on such terms and conditions as may be specified in his letter of appointment; and
 - (c) who has held office for five years or less on the commencement of this Bill shall be deemed to have been serving his final term of office (*Hon. Alhassan Ado Garba — House Leader*).

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

Clause 11: Resignation of appointment of principal officers.

A principal officer may resign his appointment:

- (a) in the case of the Rector, by notice to the Visitor; and
- (b) in any other case, by notice to the Council (*Hon. Alhassan Ado Garba — House Leader*).

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

Clause 12: Selection Board for other principal officers.

- (1) There is for the Polytechnic, a Selection Board which shall consist of:

- (a) the Chairman of the Council;
 - (b) the Rector;
 - (c) four members of the council not being members of the academic board;
 - (d) two members of the Academic Board, not being members of Council and not below the rank of a Chief Lecturer, elected from among its members; and
 - (e) three members of the Congregation, not below the rank of a Principal Lecturer or its equivalent, elected from among its members in which one shall be a non-teaching staff.
- (2) The functions, procedure and other matters relating to the Selection Board shall be as the Council may determine (*Hon. Alhassan Ado Garba — House Leader*).

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

Clause 13: Other employees of the Polytechnic.

- (1) The Council may appoint such other persons to be employees of the Polytechnic, as the Council may determine, to assist the Rector and principal officers of the Polytechnic in the performance of their functions under this Bill.
- (2) The power to appoint all other employees of the Polytechnic shall be exercised:
 - (a) in the case of senior employees, by the Council, on the recommendation of the Appointment and Promotions Committee set up under the provisions of paragraph 3 (2) (a) of the Schedule to this Bill;
 - (b) in the case of junior employees, by the Rector, on the recommendation of the Junior Staff Appointment and Promotions Committee constituted under paragraph 3 (2) (b) of the Schedule to this Bill.
- (3) Subject to the provisions of this Bill, the remuneration, tenure of office and conditions of service of the employees of the Council shall be determined by the Council in consultation with the Federal Civil Service Commission (*Hon. Alhassan Ado Garba — House Leader*).

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

Clause 14: Application of the Pension Act No. 4, 2014.

- (1) The Federal Civil Service Commission may, by order, published in the Federal Government Gazette, declare the office of the Rector or any other person employed by the Council to be a pensionable office for the purposes of the Pension Reform Act.

- (2) Nothing in the provision of subsection (1) shall prevent the appointment of any person to any office on terms which preclude the grant of a pension or gratuity in respect of service in that office.
- (3) A law or rule requiring a person to retire from the Public Service after serving for 35 years or having attained the age of 60 years in service, shall not apply to the staff of the Polytechnic.
- (4) Notwithstanding anything to the contrary contained in the Pension Reform Act, the compulsory retirement age of staff of Polytechnic shall be 65 years (*Hon. Alhassan Ado Garba — House Leader*).

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

Clause 15: Establishment of the Academic Board.

- (1) There is established for the Polytechnic a Board (in this Bill referred to as "the Academic Board") which shall consist of:
 - (a) the Rector of the Polytechnic, as Chairman;
 - (b) the Deputy Rector(s) of the Polytechnic;
 - (c) all heads of academic departments and units;
 - (d) the Polytechnic Librarian;
 - (e) not more than two members of the academic staff, who are not members of the Academic Board and not below the rank of a Senior Lecturer, elected from among its members and such members shall serve for a non-renewable term of three years;
 - (f) all Deans and academic Directors; and
 - (g) all Chief Lecturers.
- (2) The Academic Board shall be responsible for:
 - (a) the direction and management of academic matters of the Polytechnic, including the regulation of admission of students, the award of certificates and diplomas, scholarships, prizes and other academic distinctions;
 - (b) making periodic reports to the Council on such academic matters as the Academic Board may deem fit or as the Council may direct; and
 - (c) the performance of any other function which the Council may delegate to it (*Hon. Alhassan Ado Garba — House Leader*).

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

Clause 16: Removal of members of the Council or the Rector from Office.

- (1) Where it appears to the Council that a member of the Council, other than an *ex-officio* member or the Rector, should be removed from office on the ground of misconduct or inability to perform the functions of his office, the Council shall make a recommendation through the Minister to the President

for approval, and if approved by the President, the Minister shall declare the office of such member or Rector vacant.

- (2) The Minister may recommend the removal of any member of the Council or Rector to the President if he is satisfied that it is not in the interest of the public or Polytechnic that such a person continues as a member of the Council.
- (3) In case of vacancy in the office of the Rector, the Council shall appoint an acting Rector who shall be in office for not more than six months.
- (4) There shall be no sole administrator in the Polytechnic (*Hon. Alhassan Ado Garba — House Leader*).

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

Clause 17: Removal and discipline of academic, administrative and technical staff.

- (1) If it appears to the Council that there are reasons to believe that a person employed as a member of the academic, administrative or technical staff of the Polytechnic, other than the Rector, should be removed from office on the ground of misconduct or inability to perform the functions of his office, the Council shall:
 - (a) give notice of those reasons to the person in question;
 - (b) afford him an opportunity to make representations in person on the matter to the Council; and
 - (c) if the person or any three members of the Council so request within a period of one month beginning with the date of the notice, make arrangements for:
 - (i) a joint committee of the Council and the Academic Board to investigate the matter where it relates to an academic staff and to report on it to the Council,
 - (ii) a committee of the Council to investigate the matter where it relates to any other member of staff of the Polytechnic and to report on it to the Council, and
 - (iii) the person in question to be afforded an opportunity to appear before and be heard by the investigating committee with respect to the matter,

and if the Council, after considering the report of the investigating committee, is satisfied that the person in question should be removed, the Council may remove him by an instrument in writing signed on the directions of the Council.

- (2) The Rector may, in a case of misconduct by a member of staff which, in the opinion of the Rector, is prejudicial to the interest of the Polytechnic, suspend such member, and the suspension shall immediately be reported to the Council.

- (3) For good cause, any member of staff may be suspended from office or his appointment may be terminated by the Council, and for the purpose of this subsection, "good cause" means:
- (a) any physical or mental incapacity which the Council, after obtaining medical advice, considers to be such as to render the person concerned unfit for the performance of the functions of his office;
 - (b) any physical or mental incapacity which the Council, after medical advice, considers to be such as to render the person concerned unfit to continue to hold his office;
 - (c) conduct of a scandalous or other disgraceful nature which the Council considers to be such as to render the person concerned unfit to continue to hold his office; or
 - (d) conduct which the Council considers to be such as to constitute failure or inability of the person concerned to perform the functions of his office or to comply with the terms and conditions of his service.
- (4) Any person suspended under subsection (2) or (3) shall be placed on half pay and the Council shall, before the expiration of the period of three months after the date of the suspension, consider the case against that person and come to a decision whether to:
- (a) continue such person's suspension and, if so, on what terms including the proportion of his emoluments to be paid to him;
 - (b) reinstate such person, in which case the Council shall restore his full emoluments to him with effect from the date of suspension;
 - (c) terminate the appointment of the person in question, in which case such a person will not be entitled to the proportion of his emoluments withheld during the period of suspension; or
 - (d) take such lesser disciplinary action against the person, including the restoration of such proportion of his emoluments that might have been withheld, as the Council may determine.
- (5) Where the Council, pursuant to this section, decides to continue a person's suspension or decides to take further disciplinary action against a person, the Council shall, before the expiration of three months from such decision, come to a final determination in respect of the case concerning that person.
- (6) It is the duty of the person by whom an instrument of removal is signed under subsection (1) to use his best endeavours to cause a copy of the instrument to be served as soon as practicable on the person to whom it relates.
- (7) Nothing in this section shall prevent the Council from making such regulations for the discipline of other categories of staff and employees of the Polytechnic as it may deem fit (*Hon. Alhassan Ado Garba — House Leader*).

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

Clause 18: Discipline of students.

- (1) Subject to the provisions of this section, where it appears to the Rector that any student of the Polytechnic has been guilty of misconduct, the Rector may, without prejudice to any other disciplinary powers conferred on him by this Bill or regulations made under this Bill, direct that:
 - (a) the student shall not, during such period as may be specified in the direction, participate in such activities of the Polytechnic or make use of the facilities of the Polytechnic, as the Rector may specify;
 - (b) the activities of the student shall, during such period as may be specified in the direction, be restricted in such manner as may be specified;
 - (c) the student be suspended for such period as may be specified in the direction; or
 - (d) the student be expelled from the Polytechnic.
- (2) Where there is temporarily no Rector or where the Rector refuses to apply any disciplinary measure, the Council, either directly or through some other staff, may apply such disciplinary actions as are specified in subsection (1) to any student of the Polytechnic who is guilty of misconduct.
- (3) Where a direction is given under subsection (1) (c) or (d) in respect of any student, the student may, within 21 days from the date of the letter communicating the decision to him, appeal against the direction to the Council, and where the appeal is brought, the Council shall, after causing such inquiry to be made in the matter as the Council considers just, either confirm or set aside the direction or modify it in such manner as the Council may deem fit.
- (4) Where an appeal from a direction is brought under subsection (3) it does not affect the operation of the direction while the appeal is pending.
- (5) The Rector may delegate his power under this section to a disciplinary committee consisting of such members of the Polytechnic as he may nominate.
- (6) Nothing in this section shall be construed as preventing the restriction or termination of a student's activities at the Polytechnic otherwise than on the ground of misconduct.
- (7) A direction under subsection (1) (a) may be combined with a direction under subsection (1) (b).
- (8) In all cases under this section, the decision of the Council is final (*Hon. Alhassan Ado Garba — House Leader*).

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

Clause 19: Discipline of junior staff.

- (1) If any junior staff is accused of misconduct or inefficiency, the Rector may suspend the staff for not more than three months and shall immediately direct the Junior Staff Appointments and Promotions Committee to:

- (a) consider the case; and
 - (b) make recommendations as to the appropriate action to be taken by the Rector.
- (2) In all cases under this section, the staff shall be informed of the charge against him and shall be given reasonable opportunity to defend himself
- (3) The Rector may, after considering the recommendation made under subsection (1) (b), dismiss, terminate, retire or down-grade the staff concerned.
- (4) A junior staff who is aggrieved by the Rector's decision under subsection (3) may, within 21 days from the date of the letter communicating the decision to him, address a petition to the Council to consider his case, and the Council's decision on the matter is final.
- (5) In any case of gross misconduct on the part of a junior staff, the Rector shall immediately suspend him and thereafter refer the matter to the Junior Staff Appointments and Promotions Committee to be dealt with according to the provisions of this section (*Hon. Alhassan Ado Garba — House Leader*).

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

Clause 20: Accounts, records and audit.

- (1) The Council shall keep proper accounts and records in relation thereto and shall cause to be prepared, not later than the 1st day of October in each financial year, an estimate of its revenue and expenditure for the ensuing financial year and when prepared, the estimate shall be submitted to the National Board for Technical Education for approval.
- (2) At the end of each financial year but not later than the 30 day of June, the Council shall cause to be prepared a statement of its income and expenditure during the previous financial year.
- (3) The statement of accounts referred to in subsection (2) shall, when certified by the Rector, be audited by a firm of auditors appointed from the list and in accordance with the guidelines supplied by the Auditor-General for the Federation and shall be published in the annual report of the Polytechnic (*Hon. Alhassan Ado Garba — House Leader*).

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

Clause 21: Funds of the Council.

- (1) There is established for the Polytechnic a Fund (in this Bill referred to as "the Fund").
- (2) The Fund shall consist of:
 - (a) fees charged by, and payable to, the Council in respect of students;
 - (b) any other amount due to, or recoverable by, the Council;
 - (c) revenue accruing to the Council from the Federal Government by way of subvention, grant-in-aid, endowment or otherwise; and

- (d) donations and legacies accruing to the Council from any source for the special purpose of the Council (*Hon. Alhassan Ado Garba — House Leader*).

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

Clause 22: Donations for particular purposes.

- (1) Donations of money to be applied to any particular purpose shall be placed to the credit of a special reserve account approved by the Council and may be expended in fulfillment of such purpose.
- (2) The Council is not obliged to accept a donation for a particular purpose unless it approves the terms and conditions attached to the donation (*Hon. Alhassan Ado Garba — House Leader*).

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

Clause 23: Payment into bank.

All sums of money received on account of the Council shall be paid into such bank(s) for the credit of the Council as may be approved by the Council (*Hon. Alhassan Ado Garba — House Leader*).

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

Clause 24: Annual report.

The Council shall, on or before the 31st day of December in each year, prepare and submit to the President, through the Minister, a report of its activities during the preceding financial year and shall include in the report the audited accounts of the Polytechnic in respect of that financial year and the auditor's comments on the account (*Hon. Alhassan Ado Garba — House Leader*).

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

Clause 25: Power to make bye-laws.

- (1) The Council may make bye-laws relating to any matter within its competence under this Bill other than matters for which a provision is to be made by standing orders under paragraph 7 of the Schedule to this Bill.
- (2) The bye-laws shall be in writing and shall come into effect when sealed with the seal of the Council unless some other date for their commencement is prescribed.
- (3) Nothing in subsection (2) makes it obligatory for the Council to publish any of the bye-laws in the Federal Government Gazette but the Council shall bring the bye-laws to the notice of all those affected by it (*Hon. Alhassan Ado Garba — House Leader*).

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

Clause 26: Exclusion of discrimination on account of race, religion, etc.

- (1) A person shall not be required to satisfy requirements as to race (including ethnic grouping), sex, place of birth, family origin, religious or political persuasion, as a condition to:
- (a) becoming or continuing to be a student at the Polytechnic;

- (b) hold any certificate of the Polytechnic;
 - (c) hold any appointment or employment at the Polytechnic; or
 - (d) be a member of a body established under this Bill.
- (2) A person shall not be subjected to any disadvantage or accorded any advantage in relation to the Polytechnic by reference to any of the matters under subsection (1).
- (3) The provisions of this section shall not be construed as preventing the Polytechnic from imposing any disability or restriction on any person where the person wilfully refuses or fails on grounds of religious' belief to discharge any duty, having regard to its nature and the special circumstances relating to it, which in the opinion of the Polytechnic, is reasonably justifiable in the national interest (*Hon. Alhassan Ado Garba — House Leader*).

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

Clause 27: Quorum and procedure of bodies established under this Bill.

Subject to paragraph 6 (2) of the Schedule to this Bill and any standing order or bye-law made under this Bill, the quorum and procedure of anybody of persons established by this Bill shall be such as may be determined by that body (*Hon. Alhassan Ado Garba — House Leader*).

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

Clause 28: Interpretation.

In this Bill:

"Academic Board" means the Academic Board established under section 15 of this Bill (*Hon. Alhassan Ado Garba — House Leader*).

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

"Appointments and Promotions Committee" means a body by that name established under paragraph 3 (2) (a) of the Schedule to this Bill (*Hon. Alhassan Ado Garba — House Leader*).

Question that the meaning of the words "Appointments and Promotions Committee" be as defined in the interpretation to this Bill — Agreed to.

"polytechnic" means the Polytechnic established under section 1 (1) of this Bill; established under paragraph 3 (2) (b) of the Schedule to this Bill (*Hon. Alhassan Ado Garba — House Leader*).

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

"Minister" means the Minister charged with responsibility for matters relating to technical education (*Hon. Alhassan Ado Garba — House Leader*).

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

"President" means the President of the Federal Republic of Nigeria; and (*Hon. Alhassan Ado Garba — House Leader*).

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

"Registrar" means the Registrar of the Polytechnic appointed under section 10 (1) (a) of this Bill (*Hon. Alhassan Ado Garba — House Leader*).

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

Question that Clause 28 stands part of the Bill — Agreed to.

Clause 29: **Citation.**

This Bill may be cited as the Federal Polytechnic, Orogun, Delta State (Establishment) Bill, 2022 (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 29 stands part of the Bill — Agreed to.

SCHEDULE

Sections 3 (6), 13 (2) (a) and (b), 25 (1) and 27

SUPPLEMENTARY PROVISIONS RELATING TO THE STRUCTURE AND PROCEDURE OF THE COUNCIL

Terms of office of members

1. (1) A member of the Council, other than an *ex-officio* member, shall hold office for three years beginning with the date on which he is appointed and may be eligible for re-appointment for another three years and no more.
- (2) Members of the Council holding office as specified in paragraph 1 (1) of this Schedule, shall be paid remuneration or allowances in accordance with rates specified from time to time by the National Council of Ministers.
- (3) A member of the Council holding office as specified in paragraph 1(1) of this Schedule, may, by notice in writing to the Minister, resign his office.

Vacancy in membership of the Council

2. (1) Where a vacancy occurs in the membership of the Council, that vacancy 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.
- (2) The Council may act notwithstanding any vacancy in its membership or the absence of any member or that a person not entitled to do so took part in its proceedings.

Committees

3. (1) The Council may set up one or more committees to which it may delegate any of its functions.

- (2) Without prejudice to the generality of subparagraph (1), the Council shall set up the following committees:
- (a) the Appointments and Promotions Committees which shall:
 - (i) consist of the Rector as the chairman and four other members who shall be appointed by the Council, and
 - (ii) be charged with the responsibility for making recommendations to the Council on the appointment and promotion of the academic and senior non-teaching staff of the Polytechnic and have a quorum of three members,
 - (b) the Junior Staff Appointments and Promotions Committee which shall consist of a Deputy Rector as Chairman and four other members to be appointed by the Rector and shall have the powers set out in section 13 (2) (b) and section 19 of this Bill;
 - (c) the Committee on Students' Affairs which shall consist of:
 - (i) a Deputy Rector as Chairman,
 - (ii) one member of the Council,
 - (iii) Dean of Students Affairs,
 - (iv) two members of the academic staff,
 - (v) two representatives of the Students Union of the Polytechnic.
- (3) The Committee on Students Affairs shall be charged with the duty of:
- (a) considering any matter which relates to the welfare of students;
 - (b) any other matter referred to it by either the Council or management of the polytechnic; and
 - (c) any matter which the students wish to refer to the Council shall be referred to the management in the first instance which may in turn refer the matter to the Committee on Students' Affairs.
- (4) No decision of a committee of the Council shall have effect unless it is confirmed by the Council.

Proceedings of the Council

4. (1) The Council shall meet for the conduct of business once in a quarter except for emergency.
- (2) The Chairman of the Council may, at any time, and shall, at the request in writing of at least five members of the Council, summon a meeting of the Council.
- (3) Particulars of the business to be transacted shall be circulated to members with the notice of the meeting, at least two weeks before the date of the meeting.

Co-opted member

5. Where the Council desires to obtain the advice of any person on any particular matter, it may co-opt such person as a member for a meeting, whether or not expressly convened for the purpose of considering the particular matter, but no co-opted member is entitled to vote or be counted towards quorum.

Voting

6. (1) Every question put before the Council at a meeting shall be decided by a simple majority of the members present and voting.
- (2) Two-thirds of members shall form a quorum at any meeting of the Council.
- (3) The Chairman shall, at any meeting of the Council, have a vote and, in the case of an equality of votes, may exercise a casting vote.

Standing Orders

7. Subject to paragraph 6, the Council may make standing orders with respect to the:
- (a) holding of meetings,
 - (b) nature of notices to be given,
 - (c) proceedings at the meeting,
 - (d) keeping of minutes of such proceedings; and
 - (e) custody and production for inspection of such minutes.

Member to act as Chairman

8. If the Chairman of the Council is absent from a meeting of the Council, the members present shall elect one of them to act as chairman for the purposes of the meeting.

*Miscellaneous**Composition and Functions of Management Committee,
School and Departmental Boards*

9. (1) There shall be a Management Committee consisting of all the principal officers of the Polytechnic, all Deans and Directors in the Polytechnic.
- (2) The Rector shall be the Chairman of the Management Committee.
- (3) The Management Committee shall meet at least once in a month to discuss and take decisions on matters of general interest to the Polytechnic.
- (4) There shall be a School Board for each School in the Polytechnic made up of all the academic staff in that School.
- (5) The School Board shall deal with academic matters and any other matter of interest to the School or any matter assigned to it by the Council, the Rector or the Academic Board.

- (6) The Dean shall be:
- (a) the Chairman of the School Board, and
 - (b) elected from among the academic staff not below the rank of a Chief Lecturer in that School for a term of three years and not immediately renewable.
- (7) There shall be a Departmental Board for each Department in the Polytechnic consisting of all the academic staff in that Department,
- (8) The Departmental Board shall deal with academic matters and any other matter of interest to the Department.
- (9) The Head of Department shall be:
- (a) the Chairman of the Departmental Board, and
 - (b) elected from among the academic staff, not below the rank of a Senior Lecturer in that Department for a term of three years and not immediately renewable.
- (10) Where there is no qualified candidate for the position of Dean or Head of Department, the Rector shall appoint an Acting Dean, not below the rank of a Senior Lecturer or Acting Head of Department not below the rank of Lecturer I, for a period of one year in the first instance and renewable once and no more.
- (11) Nothing in this Bill prevents the Management Committee and Boards from making supplementary rules to guide their proceedings provided such rules are not inconsistent with the provisions of this Bill.

Establishment of the Congregation

10. (1) There shall be for the Polytechnic, a Congregation consisting of both academic and senior non-teaching staff, who hold at least a first degree or its equivalent.
- (2) The Rector shall be the Chairman of the Congregation.
- (3) The Congregation shall meet at least once in a year.

Contract or instrument not under seal

11. Any contract or instrument, which if entered into by a person not being a body corporate would not be required to be under seal, may be entered into or executed on behalf of the Council by any person generally or specifically authorised by it for that purpose.

Common seal of the Council

12. (1) The common seal of the Council shall not be used or affixed to any document except in pursuance of a resolution duly passed at a properly constituted meeting of the Council and recorded in the minutes of such meeting.
- (2) The affixing of the seal of the Council shall be authenticated by the signature of the Chairman of the Council and some other members authorised generally or specifically by the Council to act for that purpose.

- (3) Any document purporting to be a document duly executed under the seal of the Council shall be received in evidence and is, unless the contrary is proved, deemed to be so executed.

Disclosure by Council member

13. Any member of the Council or a committee thereof who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Council or a committee thereof, shall forthwith disclose his interest to the Council and shall not vote on any question relating to such contract or arrangement (*Hon. Alhassan Ado Garba — House Leader*).

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

Explanatory Memorandum:

This Bill establishes the Federal Polytechnic, Orogun, Delta State to provide full and part-time courses of instruction and training in different fields of study (*Hon. Alhassan Ado Garba — House Leader*).

Agreed to.

Long Title:

A Bill for an Act to Establish Federal Polytechnic, Orogun, Delta State to Provide Full and Part-Time Courses of Instruction and Training in Different Fields of Study; and for Related Matters (HB. 642) (*Hon. Alhassan Ado Garba — House Leader*).

Agreed to.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair, reported that the House in Committee of the Whole considered the Report on a Bill for an Act to Establish Federal Polytechnic, Orogun, Delta State to Provide Full and Part-Time Courses of Instruction and Training in Different Fields of Study; and for Related Matters (HB. 642) and approved Clauses 1 - 29, the Schedule, the Explanatory Memorandum, and the Long Title of the Bill.

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

- (iv) **Committee on Agricultural Colleges and Institutions:**

Motion made and Question proposed, "The House do consider the Report of the Committee on Agricultural Colleges and Institutions on a Bill for an Act to Amend the Agricultural Research Council of Nigeria Act, Cap. A12, Laws of the Federation of Nigeria, 2004 (as amended) to make Provision for Establishment of Federal College of Agriculture, Kirikasamma; and for Related Matters (HB.1820)" (*Hon. Dan' Agundi Munir Babba — Kumbotso Federal Constituency*)

Agreed to.

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

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

A BILL FOR AN ACT TO AMEND THE AGRICULTURAL RESEARCH COUNCIL OF NIGERIA ACT, CAP. A12, LAWS OF THE FEDERATION OF NIGERIA, 2004 (AS AMENDED) TO MAKE PROVISION FOR THE ESTABLISHMENT OF FEDERAL COLLEGE OF AGRICULTURE, KIRIKASAMMA; AND FOR RELATED MATTERS (HB. 1820)

Committee's Recommendation:

Clause 1: Amendment of Cap. A12, LFN, 2004.

The Agricultural Research Council of Nigeria Act, Cap. A12, Laws of the Federation of Nigeria, 2004 (as amended) (in this Act referred to as "the Principal Act") is amended as set out in this Bill (*Hon. Munir Babba Dan'Agundi — Kumbotso Federal Constituency*).

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

Committee's Recommendation:

Clause 2: Amendment of Third Schedule.

The Third Schedule of the Principal Act is amended by inserting a new paragraph 17 to read thus: "Federal College of Agriculture, Kirikassama" (*Hon. Munir Babba Dan'Agundi — Kumbotso Federal Constituency*).

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

Committee's Recommendation:

Clause 3: Consequential Amendment.

The Federal College of Agriculture, Kirikassama (Establishment) Act No. 15 of 2021 is repealed (*Hon. Munir Babba Dan'Agundi — Kumbotso Federal Constituency*).

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

Committee's Recommendation:

Clause 4: Citation.

This Bill may be cited as the Agricultural Research Council of Nigeria Act (Amendment) Bill, 2022 (*Hon. Munir Babba Dan'Agundi — Kumbotso Federal Constituency*).

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

Explanatory Memorandum:

This Bill seeks to amend the Agricultural Research Council of Nigeria Act, Cap. A12, Laws of the Federation of Nigeria, 2004 (as amended) to make provision for the establishment of Federal College of Agriculture, Kirikasamma (*Hon. Munir Babba Dan'Agundi — Kumbotso Federal Constituency*).

Agreed to.

Long Title:

A Bill for an Act to Amend the Agricultural Research Council of Nigeria Act, Cap. A12, Laws of the Federation of Nigeria, 2004 (as Amended) to Make Provision for the Establishment of Federal College of Agriculture, Kirikasamma; and for Related Matters (HB.1820) (*Hon. Munir Babba Dan'Agundi — Kumbotso Federal Constituency*).

Agreed to.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair, reported that the House in Committee of the Whole considered the Report of the Committee on Agricultural Colleges and Institutions on a Bill for an Act to Amend the Agricultural Research Council of Nigeria Act, Cap. A12, Laws of the Federation of Nigeria, 2004 (as amended) to make Provision for Establishment of Federal College of Agriculture, Kirikasamma; and for Related Matters (HB.1820) and approved Clauses 1 - 4, the Explanatory Memorandum, and the Long Title of the Bill.

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

28. Adjournment

That the House do adjourn till Wednesday, 9 February, 2022 at 11.00 a.m. (Hon. Alhassan Ado Garba — House Leader).

The House adjourned accordingly at 1.44 p.m.

Ahmed Idris
Deputy Speaker

CORRIGENDUM

In the *Votes and Proceedings* of Tuesday, 18 January, 2022, page 3019, item 10, in the referral, *leave out* the words "Committee on Federal Capital Territory", and *insert* the words "Committee on FCT Area Councils and Ancillary Matters".

Ahmed Idris
Deputy Speaker

