



HOUSE OF REPRESENTATIVES FEDERAL REPUBLIC OF NIGERIA VOTES AND PROCEEDINGS

Tuesday, 15 December, 2009

1. The House met at 10.50 a.m. Mr Speaker read Prayers.
2. **Votes and Proceedings:**
Mr Speaker announced that he had examined and approved the Votes and Proceedings of Thursday, 10 December, 2009.

By unanimous consent, the Votes and Proceedings was adopted.

3. **Announcements:**
 - (i) **National Economic Summit:**
Mr Speaker directed all Committee Chairmen, Deputy Chairmen and interested Members to attend the National Economic Summit of the Legislative Forum at the TRANSCORP Hilton, Abuja, on Tuesday, 15 December, 2009 at 4.00 p.m.
 - (ii) **Conference Committee on Virement Proposals:**
Mr Speaker named the following Conferees on Virement Proposals earlier approved by the House:
 - (a) Hon. Ayo Adeseun — *Chairman*
 - (b) Hon. Asjori Osa
 - (c) Hon. Terngu Tsegba
 - (d) Hon. Jerry Manwe
 - (e) Hon. Ita Enang
 - (f) Hon. Okey Udeh

They are to submit Report on or before Thursday, 17 December, 2009.

4. **Petitions:**
The following petitions were received and referred to the Committee on Public Petitions:
 - (i) Hon. Ernest Ibejiako (*Owerri Municipal/North/West Federal Constituency*), from:
 - (a) Lady Edith A. Ajaero on behalf of Umuaka-Ikwu Emekuku Women Development Union, praying the House to intervene in the alleged non-completion of MDGs Project in Emekuku Community, Owerri Local Government Area with a view to ensuring inclusion in the 2010 Budget,
 - (b) Mr Basil Okoro, praying the House to intervene in the alleged unlawful termination of his appointment by the Nigerian National Petroleum Corporation (NNPC) with a view to re-instating him,
 - (c) Mr K. O. Udokporo, praying the House to intervene in his alleged wrongful dismissal by the Nigeria Customs Service with a view to re-instating him;

- (ii) Hon. Betty Apiafi (*Abua/Odual-Ahoada East Federal Constituency*), from Uwom Wekulom & Co. on behalf of landlords, families and communities in Southern Ijaw, Brass, Nembe and Ogbia Local Government Areas of Bayelsa State and Ogba/Egbema/Ndoni Local Government Area of Rivers State, praying the House to intervene in their alleged total neglect and refusal to pay compensation by the Nigeria Agip Oil Company with a view to ensuring justice.

5. Matters of Urgent Public Importance:

- (i) Rising on Order VIII, Rule 4 of the Standing Orders of the House, Hon. Umaru I. Kurfi drew the attention of the House to the mass failure of candidates in the 2009 West African Examination Council (WAEC) and National Examination Council (NECO). He noted that only about 25% of the candidates who sat for the examinations passed. He therefore, urged the House to consider the matter as one of Urgent Public Importance.

Question that the matter be considered as one of Urgent Public Importance, put and agreed to.

Matter to stand-over till the next Legislative Day.

- (ii) Also rising on Order VIII, Rule 4 of the Standing Orders of the House, Hon. Samson Osagie invited the attention of the House to the death of a Nigerian student of the Cyprus International University whose corpse was dumped at the Murtala Mohammed International Airport, Lagos. He noted that the manner in which the corpse was brought to Nigeria was embarrassing and all efforts to ascertain the cause of the death was abortive. He subsequently urged the House to consider the matter as one of Urgent Public Importance.

Question that the matter be considered as one of Urgent Public Importance, put and negatived.

- (iii) Further rising on Order VIII, Rule 4 of the Standing Orders of the House, Hon. John Halims Agoda drew the attention of the House to the *ThisDay* Newspapers of 13 December, 2009 in respect of the \$200 million World bank Loan about to be obtained by the Abia State Government. He noted that processing of the Loan without approval by the National Assembly was unconstitutional and urged the House to consider the matter as one of Urgent Public Importance.

Question that the matter be considered as one of Urgent Public Importance, put and agreed to.

Question that Order VIII, Rule 4 (3) be suspended to enable the House debate the matter forthwith put and agreed to.

6. Foreign Loans by State Governments:

Motion made and Question proposed,

The House:

Aware that the Abia State Government is at the verge of securing a World Bank Loan of \$200 million, the equivalent of ₦300 billion it said it could not obtain from the country's bond market because of its inability to meet the stringent conditions placed in its path by the bond market;

Conscious of the historical antecedents of the Federal and State Governments, especially during the Military era, scampering for foreign loans which eventually plunged the country into the pit of a chronic debtor nation;

Realizing that such foreign loans by the Federal and State Governments were hardly ever scrupulously accounted for as they did not translate into earning any value for the development of the affected States;

Concerned that it was the inability of the affected States to meet up with their foreign loan repayment obligations which ultimately placed the burden of repayment on the Federal Government of Nigeria;

Worried that after the Federal Government has successfully paid its huge foreign debt of about \$45 billion only a few years back at the twilight of the administration of President Olusegun Obasanjo with a stern policy statement that from thenceforth, no state government shall be permitted to take any foreign loan;

Uncomfortable that of late, the Federal Government itself is developing a rekindled proclivity to seek and obtain foreign loans to the utter shock and worry of sections of the Nigerian society;

Shocked that in spite of the fact that there has been no reversal of the policy stand that Federal Government itself and State Governments could now go to the foreign loan markets if they so desire; and

Considering the constitutional implications in a democratic framework for a Federating State to obtain foreign loan without recourse, first to the consenting concurrence of the federal Parliament, and secondly, for the Federal Government to obtain foreign loans without the legislative empowerment of the National Assembly.

Resolves to:

- (i) Call on the President of the Federal Republic of Nigeria, the Minister of Finance and his counterpart in the National Planning Commission to put on hold forthwith, all foreign loans transactions by State Governments, and the Federal Government; and
- (ii) Mandate the House Committees on Aids and Loans as well as Justice to determine the constitutionality or otherwise of a State or a federating unit of the country to seek and obtain foreign loans without seeking the approval of the National Assembly (*Hon. Halims Agoda*).

Debate:

Amendment Proposed:

Leave out all the words in Prayer (ii) and *insert* the words "Set up an *Ad-hoc* Committee to investigate the matter" instead thereof (*Hon. Leo Ogor*).

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

Main Question as amended, put and agreed to.

The House:

Aware that the Abia State Government was at the verge of securing a World Bank Loan of \$200 million, the equivalent of ₦300 billion it said it could not obtain from the country's bond market because of its inability to meet the stringent conditions placed in its path by the bond market;

Conscious of the historical antecedents of the Federal and State Governments, especially during the Military era, scampering for foreign loans which eventually plunged the country into the pit of a chronic debtor nation;

Realized that such foreign loans by the Federal and State Governments were hardly ever scrupulously accounted for as they did not translate into earning any value for the development of the affected States;

Concerned that it was the inability of the affected States to meet up with their foreign loan repayment obligations which ultimately placed the burden of repayment on the Federal Government of Nigeria;

Worried that after the Federal Government had successfully paid its huge foreign debt of about \$45 billion only a few years back at the twilight of the administration of President Olusegun Obasanjo with a stern policy statement that from thenceforth, no state government shall be permitted to take any foreign loan;

Uncomfortable that of late, the Federal Government itself was developing a rekindled proclivity to seek and obtain foreign loans to the utter shock and worry of sections of the Nigerian society;

Shocked that in spite of the fact that there had been no reversal of the policy stand that Federal Government itself and State Governments could now go to the foreign loan markets if they so desire; and

Considered the constitutional implications in a democratic framework for a Federating State to obtain foreign loan without recourse, first to the consenting concurrence of the Federal Parliament, and secondly, for the Federal Government to obtain foreign loans without the legislative empowerment of the National Assembly.

Resolved to:

- (i) Call on the President of the Federal Republic of Nigeria, the Minister of Finance and his counterpart in the National Planning Commission to put on hold forthwith, all foreign loans transactions by State Governments and the Federal Government;
- (ii) Set up an *Ad-hoc* Committee to investigate the matter (**HR. 80/2009**).

7. Ad-hoc Committee to investigate Foreign Loans:

Mr Speaker named the following Membership of the Ad-hoc Committee to Investigate Foreign Loans:

(a)	Hon. Emeka Ihedioha	—	Chairman
(b)	Hon. Bala Ibn Na'Allah	—	Member
(c)	Hon. Ahmed Mustapha	—	Member
(d)	Hon. Habeeb A. B. Fasinro	—	Member
(e)	Hon. Chile W. Igbawua	—	Member
(f)	Hon. C. I. D. Maduabum	—	Member
(g)	Hon. Ita Enang	—	Member
(h)	Hon. John Halims Agoda	—	Member
(i)	Hon. Nimota Suleiman	—	Member
(j)	Hon. Abubakar Abdullaziz Yari	—	Member

8. Privilege:

Rising on Order V, Rules (1) and (2) of the Standing Orders of the House, Hon. Igo Aguma invited the attention of the House to its Resolution in the Votes and Proceedings of 19 November, 2009, which directed compliance with the Public Procurement Act with respect to the appointment of the Director-General of the Bureau of Public Procurement. He noted that the 2010 budget was at a risk of being implemented under an illegal body since the Council in question has not been constituted. He considered it a breach of his privilege and that of the House.

Mr Speaker ordered the Chairmen Committees on Public Procurement and Legislative Compliance as well as Hon. Igo Aguma to meet with the Deputy Speaker in order to resolve the matter.

9. Violent Clashes between the Youths and a Vigilante Group in Ijebu-Ife, Ijebu East Local Government Area of Ogun State:

Motion made and Question proposed,

The House:

Notes that a mayhem took place in Ijebu-Ife of Ijebu East Local Government Area of Ogun State on the 5th of December 2009 where many lives and properties were lost;

Further notes that the Mayhem started as a result of protest by some youths over the death of a youth allegedly beaten by a vigilante group operating in the community;

Worried that the situation got out of hand when Anti-riot Policemen came in to restore law and order but unfortunately, the protest led to a fracas in which many lives and properties were lost including an Assistant Commissioner of Police, Mr Omololu Oladokun;

Disturbed that economic activities in the area have been put to a stand-still as a result of the clash;

Resolves to:

- (i) Commiserate with the families of all the deceased;
- (ii) Urge the National Emergency Management Agency (NEMA) to provide relief materials to the affected people;
- (iii) Mandate the Joint Committee on Police Affairs and Emergency and Disaster Preparedness to visit the area and investigate the remote and immediate causes of the crisis and report back to the House (Hon. Olusegun Osibote).

Debate:

Amendment Proposed:

Leave out all the words in Prayer (iii) (Hon. Dave Salako).

Question that the amendment be made, put and negatived.

Main Question put and negatived.

10. **A Bill for an Act to Amend the Labour Act, Cap. L1 2004 and for Other Matters Connected Therewith, 2009 — Second Reading:**
Motion made and Question proposed, "That a Bill for an Act to Amend the Labour Act, Cap. LI 2004 and for Other Matters Connected Therewith, 2009 be now read a Second Time" (Hon. Femi Gbajabiamila).

Debate:

Question that the Bill be now read a Second Time, put and negatived.

11. **Consideration of Reports:**

(i) **Joint Committee on Governmental Affairs and Justice:**

Motion made and Question proposed, "That this House do resume consideration of the Report of the Joint Committee on Governmental Affairs and Justice on a Bill for an Act to Regulate the Use of Sirens in Nigeria and for Other Matters Connected Therewith, 2009 and approve the Recommendation therein" (Hon. Leo Ogor).

Question put and agreed to.

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

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

A BILL FOR AN ACT TO AMEND THE FEDERAL ROAD SAFETY COMMISSION (ESTABLISHMENT) ACT 2007 IN ORDER TO REGULATE THE USE OF SIRENS IN NIGERIA AND FOR OTHER MATTERS CONNECTED THEREWITH

Interpretation.

In this Bill unless the context otherwise requires;

"Emergency" means any sudden serious and dangerous situation needing immediate attention (*Hon. Leo Ogor*).

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

"Siren" means an instrument producing a loud penetrating sound (*Hon. Leo Ogor*).

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

"Paramilitary" has the same meaning as similar services like Nigerian Customs Service, Immigration services, etc. (*Hon. Leo Ogor*).

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

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

Citation.

This Bill may be cited as Federal Road Safety Commission (Establishment) Act (Amendment) Bill, 2009 (*Hon. Leo Ogor*) — Agreed to.

SCHEDULE

Section 2 (2) (ii)

1. The President of the Federal Republic of Nigeria.
2. The Vice President, of the Federal Republic of Nigeria.
3. The President of the Senate.
4. The Speaker of the House of Representatives.

5. The Chief Justice of Nigeria.
6. Deputy President of the Senate.
7. Deputy Speaker.
8. State Governors and their deputies.
9. Hospitals, while on emergency duties.
10. Fire service while on emergency duties.
11. Armed Forces while on emergency duties.
12. Nigeria Police while on emergency duties.
13. Para-Military Agencies while on emergency duties.
14. Speakers of State Houses of Assembly within their state
15. Chairmen of State Council of Chiefs (one in each State) (*Hon. Leo Ogor*).

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

Long Title:

A Bill for an Act to Amend the Federal Road Safety Commission (Establishment) Act 2007 in order to Regulate the Use of Sirens in Nigeria and for Other Matters Connected Therewith (*Hon. Leo Ogor*).

Question that a Bill for an Act to Amend the Federal Road Safety Commission (Establishment) Act 2007 in order to Regulate the Use of Sirens in Nigeria and for Other Matters Connected Therewith be the Long Title of the Bill, put and agreed to.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair, reported that the House in the Committee of Whole, resumed consideration of the Report of the Joint Committee on Governmental Affairs and Justice on a Bill for an Act to Amend the Federal Road Safety Commission (Establishment) Act 2007 in order to Regulate the Use of Sirens in Nigeria and for Other Matters Connected Therewith and approved Clause 6 and the Long Title of the Bill.

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

(ii) Committee on Labour, Employment and Productivity:

Motion made and Question proposed, "That this House do consider the Report of the Committee on Labour, Employment and Productivity on a Bill for an Act to Establish the National Commission for Conciliation and Arbitration, National Labour Council, the Office of the Register of Trade Unions, etc to administer the Provisions of Labour Laws in Nigeria and Matters Connected Therewith, 2008 and approve the Recommendations therein" (*Hon. Ado Dogo Audu*).

Question put and agreed to.

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

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

A BILL FOR AN ACT TO ESTABLISH THE NATIONAL COMMISSION FOR CONCILIATION
AND ARBITRATION, NATIONAL LABOUR COUNCIL, THE OFFICE OF THE REGISTRAR OF
TRADE UNIONS, ETC. TO ADMINISTER THE PROVISIONS OF LABOUR LAWS IN NIGERIA
AND FOR MATTERS CONNECTED THEREWITH

PART I — OBJECTIVES AND SCOPE OF THE ACT

Committee Recommendation:**Clause 1: Objectives of the Act.**

The objectives of this Bill shall be to create labour institutions—

- (a) that shall administer the provisions of all the labour laws in Nigeria relating to freedom of association, industrial relations, working conditions and occupational safety and health;
- (b) in compliance with the principle of tripartism as enjoined by the International Labour Organisation Convention 144 to which Nigeria is a Party and has ratified;
- (c) that are independent, impartial, flexible, simple and functional;
- (d) that will facilitate speedy resolutions of labour disputes; and
- (e) to promote the prevention, containment and resolution of labour disputes (*Hon. Ado Dogo Audu*) — *Agreed to.*

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

Committee Recommendation:**Clause 2: Scope and application.**

Except as otherwise provided in this Bill, this Bill shall apply to—

- (a) all persons, organisations and institutions relating to labour, employment or the workplace; and
- (b) all matters relating to employment, labour administration, collective bargaining, settlement of labour disputes and registration of trade unions or labour organizations (*Hon. Ado Dogo Audu*) — *Agreed to.*

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

PART II — ESTABLISHMENT OF THE NATIONAL LABOUR COUNCIL, ETC.

Committee Recommendation:**Clause 3: Establishment of the National Labour Council, etc.**

- (1) There is hereby established a body to be known as the National Labour Council (in this Bill, referred to as "the Council").
- (2) The Council shall consist of—
 - (a) the Permanent Secretary of the Federal Ministry of Employment, Labour and Productivity, as part-time Chairman;
 - (b) the representative of Government consisting of—
 - (i) the Permanent Secretary with responsibility for matters relating to establishment in the office of the Head of the Civil Service of the Federation,

- (ii) one representative, not below the rank of a Permanent Secretary in the State Ministry with responsibility for matters relating to labour and establishment matters, from each State of the Federation,
 - (iii) the Director with responsibility for matters relating to establishment in the Ministry of the Federal Capital Territory, Abuja;
 - (c) eight representatives of employers or their alternatives to be nominated by the most representative of the employers' organization; and
 - (d) eight representatives of employees or their alternates to be nominated by the most representative of the employees' organisations.
- Cap. 192 LFN.**
- (3) Subject to this Bill and section 27 of the Interpretation Act, the Council shall have power to regulate its proceedings and may make standing orders with respect to the holding of its meetings, and those of its committees, notices to be given, the keeping of minutes of its proceedings, the custody and production for inspection of such minutes and such other matters as the Council may, from time to time, determine.
 - (4) The Council established under subsection (1) of this section shall have its secretariat with Headquarter at Abuja.
 - (5) There shall be for the secretariat of the Council, a Secretary who shall—
 - (a) be full-time and the head of the secretariat and be responsible for the day-to-day running of the secretariat;
 - (b) be designated by the Minister from within the civil service and shall have the status of a Director
 - (c) be knowledgeable or experienced in labour, social and economic matters;
 - (d) be responsible to the Chairman and the Council;
 - (e) prepare for meetings, take minutes and maintain the books and records of the proceedings of the meeting of the Council; and
 - (f) follow up on the recommendations of the Council, including feed back on previous recommendations, instructions and consultations.
 - (6) The secretariat shall comprise such other categories of professional staff as may be determined, from time to time, by the Council and who shall be under the direction of the Secretary (*Hon. Ado Dogo Audu*) — *Agreed to.*

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

Committee Recommendation:

Clause 4: Tenure of office of members of the Council.

The Council shall come into existence on the date of its first meeting and at the end of 4 years from the date, a new Council shall be constituted, all non-governmental members of the Council shall retire, and the Minister shall call for nominations from the respective organisations who may re-nominate retired members (*Hon. Ado Dogo Audu*) — *Agreed to.*

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

Committee Recommendation:

Clause 5: Cessation of membership of the Council.

- (1) Notwithstanding the provisions of section 4 of this Bill, a person shall cease to be a member of the Council if—
 - (a) his or her nomination is withdrawn by the organization or body that nominated him or her; or

- (b) he or she resigns his or her membership by a letter forwarded through his or her nominating organization or body; or
 - (c) he or she is certified by a medical practitioner as incapable of discharging the function of his or her office; or
 - (d) he or she is declared bankrupt; or
 - (e) he or she is convicted of an offence involving dishonesty or corruption.
- (2) If a member or the alternate fails to attend half of the meetings called in a one year, that member or the alternate may be removed by the Council and the removal of such member or alternate shall not affect the quorum of the meeting of the Council.
- (3) Where a vacancy exists in the membership of the Council, it may be filled at any time and any person nominated to fill such vacancy shall hold office for the unexpired tenure of the person he succeeds (*Hon. Ado Dogo Audu*) — *Agreed to.*

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

Committee Recommendation:

Clause 6: Functions of the Council.

- (1) The Council shall—
- (a) advise the Minister with responsibility for employment, labour and productivity on the application and operation of all labour laws and the International Labour Conventions and Recommendations;
 - (b) consider and make recommendations on socio-economic issues that impact on labour in relation to overall national development;
 - (c) review, from time to time, the operation of all labour legislation and advise on any amendments which it may consider desirable;
 - (d) examine, appraise and advise on the position of industrial relations and conditions of employment;
 - (e) make recommendations to the Minister on the formulation of any Regulations as may be required for the implementation of labour legislation in Nigeria;
 - (f) re-examine at appropriate intervals, International Labour Organization Conventions yet to be ratified by Nigeria and consider what measures might be taken to promote their ratification and advise appropriately;
 - (g) promote consultations among the social partners prior to the International Labour Organization conferences and meetings;
 - (h) advise, as appropriate, on the observance of Government's obligations under the International Labour Organization; and
 - (i) carry out such other functions or duties as may be conferred upon it by any other enactment or law or as the Minister may, from time to time, request.
- (2) The Council shall have power to—
- (a) establish any committee or such number of sub-committees and appoint or co-opt any person (whether or not a member of the Council) as a member of such committee or sub-committee;
 - (b) do anything in respect of any matter as may be specifically conferred upon it under this Bill or any other enactment or law (*Hon. Ado Dogo Audu*) — *Agreed to.*

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

Committee Recommendation:**Clause 7: Financial provisions of the Council.**

- (1) The activities of the Council shall be funded by the Federal Government from the budgetary provisions of the Ministry in a specific budget sub-head clearly designated for that purpose.
- (2) Members of the Council shall be paid such allowances and such other remuneration as may be approved, from time to time, by the Federal Government (*Hon. Ado Dogo Audu*) — *Agreed to.*

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

PART III — NATIONAL COMMISSION FOR CONCILIATION AND ARBITRATION

Establishment and Composition of the National Commission for Conciliation and Arbitration

Committee Recommendation:**Clause 8: Establishment of the National Commission for Conciliation and Arbitration.**

- (1) There is hereby established a body to be known as the National Commission for Conciliation and Arbitration (in this Bill referred to as "the Commission") which shall be generally responsible for conciliation and arbitration of labour disputes.
- (2) The Commission—
 - (a) shall be a body corporate with common seal and perpetual succession;
 - (b) may sue or be sued in its corporate name; and
 - (c) may own moveable or immovable properties (*Hon. Ado Dogo Audu*) — *Agreed to.*

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

Committee Recommendation:**Clause 9: Establishment and composition of the Governing Board.**

- (1) There is hereby established a governing body for the Commission to be known as the National Commission for Conciliation and Arbitration Governing Board (in this Bill referred to as "the Board").
- (2) The Board shall consist of—
 - (a) a part-time Chairman;
 - (b) three representatives of the Government, one of whom shall be from the Federal Ministry of Employment, Labour and Productivity and the other two shall be persons versed in matters relating to labour and industrial relations;
 - (c) three representatives of employers;
 - (d) three representatives of the organised labour;
 - (e) three full-time Commissioners, at least one of whom shall be—
 - (i) be a woman,
 - (ii) a legal practitioner;
 - (f) two persons to represent the public interest one of whom shall be a woman; and
 - (g) the Director-General of the Commission.
- (3) The Chairman and members of the Board, other than those in paragraphs (c) and (d) of subsection (2) of this section, shall be appointed by the President —
 - (a) in the case of members specified in paragraphs (a), (b) and (g) of subsection (2) of this section, on the recommendation of the Minister; and

- (b) in the case of members specified in paragraphs (e) and (f) of that subsection, on the recommendation of the National Labour Council.

Schedule.

- (4) The supplementary provisions set out in the Schedule to this Bill shall have effect with respect to the proceedings of the Commission and the other matters mentioned therein (*Hon. Ado Dogo Audu*) — *Agreed to.*

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

Committee Recommendation:

Clause 10: Tenure of office of the members of the Board.

The Chairman and members of the Board shall hold office for a term of 4 years in the first instance and may be re-appointed for another term of 4 years and no more (*Hon. Ado Dogo Audu*) — *Agreed to.*

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

Committee Recommendation:

Clause 11: Cessation of membership of the Board.

Notwithstanding section 10 of this Bill, a member of the Board shall cease to be a member if—

- (a) he or she is certified by a medical practitioner as incapable of discharging the function of his or her office;
- (b) he or she resigns his or her appointment or ceases to hold office in respect of which he or she was nominated;
- (c) he or she becomes bankrupt;
- (d) he or she is convicted of an offence involving dishonesty or corruption (*Hon. Ado Dogo Audu*) — *Agreed to.*

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

Committee Recommendation:

Clause 12: Allowances, etc. of members.

The Chairman and members of the Board shall be paid such allowances and other remuneration as may be approved, from time to time, by the Federal Government (*Hon. Ado Dogo Audu*) — *Agreed to.*

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

Committee Recommendation:

Clause 13: Functions powers of the Board.

The Board shall—

- (a) be responsible for the formulation of broad policies for the Commission;
- (b) appoint a specified number of conciliators and arbitrators;
- (c) approve appointment of the Chief Registrar, officers and staff of the Commission on such terms and conditions as may be determined, from time to time, by the Board; and
- (d) perform such other functions as in its opinion is necessary or expedient in the discharge of the functions of the Commission under this Bill (*Hon. Ado Dogo Audu*) — *Agreed to.*

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

*Functions and Powers of the Commission.***Committee Recommendation:****Clause 14: Functions of the Commission.**

- (1) The Commission shall perform such functions and powers as conferred on it by this Bill, the Collective Labour Relations Act, the Labour Standards Act and any other enactment or law
- (2) Subject to subsection (1) of this section, the functions of the Commission shall include to—
 - (a) undertake—
 - (i) conciliation of labour disputes including individual disputes, and
 - (ii) arbitration of labour disputes;

in accordance with the procedures set out in the Collective Labour Relations Act;
 - (b) register collective bargaining councils for the public sector and the joint industrial councils for the private sector in accordance with the provisions of the Collective Labour Relations Act;
 - (c) register persons qualified to be independent conciliators and arbitrators under this Bill and maintain a data base in that respect;
 - (d) promote training and capacity building of conciliators and arbitrators;
 - (e) advise, as it thinks fit, on request or otherwise, provide without charge, to employers, employees, employers' organisations or employees' organisations such advice as it thinks appropriate on any matter concerned with industrial relations or employment policies;
 - (f) issue codes of practice containing such practical guidelines as it thinks fit for promoting the improvement of industrial relations;
 - (g) make rules regulating the practice and procedures to be adopted in conciliation and arbitration proceedings;
 - (h) register the decisions or awards by conciliators and arbitrators arising from conciliation and arbitration proceedings;
 - (i) compile and publish information and statistics about its activities; and
 - (j) perform any other functions or duties as are necessary for the full discharge of its functions under this Bill (*Hon. Ado Dogo Audu*) — *Agreed to.*

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

Committee Recommendation:**Clause 15: Power of the Commission.**

The Commission shall have power to—

- (a) charge fees for its activities including fees for conciliation and arbitration proceedings, training and capacity building of conciliators and arbitrators, registration of joint industrial councils and collective bargaining councils;
- (b) set standards and guidelines for qualification for registration as conciliator or arbitrator under this Bill; and
- (c) do anything which in its opinion is expedient and necessary for the efficient performance of its functions under this Bill (*Hon. Ado Dogo Audu*) — *Agreed to.*

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

*Management and Staff of the Commission.***Committee Recommendation:****Clause 16: Director-General and other staff of the Commission.**

- (1) There shall be for the Commission, a Director-General who shall—
 - (a) be appointed by the President on the recommendation of the Minister after consultation with the National Labour Council;
 - (b) be knowledgeable and experienced in industrial relations, labour law or labour disputes resolutions; and
 - (c) be the chief executive and accounting officer of the Commission.
- (2) The Director-General shall hold office—
 - (a) for a term of 5 years in the first instance and may be re-appointed for another term of 5 years and no more; and
 - (b) on such terms and conditions as may be contained in his letter of appointment (*Hon. Ado Dogo Audu*) — *Agreed to*.

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

Committee Recommendation:**Clause 17: Commissioners.**

- (1) There shall be appointed for the Commission, three full-time Commissioners who shall each—
 - (a) be knowledgeable and experienced in industrial relations law and practice, conciliation and arbitration of labour disputes; and
 - (b) be fit and proper person of high integrity and good standing.
- (2) The Commissioners appointed pursuant to subsection (1) of this section, shall hold office—
 - (a) for a term of 4 years in the first instance and may be re-appointed for a further term of 4 years and no more; and
 - (b) on such terms and conditions as may be contained in their letters of appointment (*Hon. Ado Dogo Audu*) — *Agreed to*.

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

Committee Recommendation:**Clause 18: Structure of the Commission.**

- (1) There shall be established for the Commission, at least the following structure, that is—
 - (a) the department of administration;
 - (b) the department of operations;
 - (c) the department of information and research; and
 - (d) the Registry.
- (2) The 3 Commissioners shall each be charged with responsibility for the three departments in paragraphs (a), (b) and (c) respectively.
- (3) The Registry shall be headed by a Chief Registrar who shall—
 - (a) be a legal practitioner and shall have the same status of a Chief Registrar of a High Court; and
 - (b) be appointed by the Commission (*Hon. Ado Dogo Audu*) — *Agreed to*.

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

Committee Recommendation:**Clause 19: Other staff of the Commission.**

- (1) The Commission may, subject to the approval of the Board, appoint such other staff as it may deem necessary and expedient, from time to time—
 - (a) for the proper and efficient performance of the functions of the Commission; and
 - (b) on such terms and conditions as may be determined, from time to time, by the Board.
- (2) Notwithstanding the provisions of subsection (1) of this section, employees of the Authority may be appointed by way of transfer or secondment from any of the public services of the Federation (*Hon. Ado Dogo Audu*) — *Agreed to*.

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

Committee Recommendation:**Clause 20: Salaries and allowances.**

- (1) The salaries and allowances of the Director-General and the Commissioners shall be charged on the Consolidated Revenue Fund of the Federation.
- (2) The officers and staff of the Commission shall be paid such salary, emolument and allowances as may be approved, from time to time, by the Board (*Hon. Ado Dogo Audu*) — *Agreed to*.

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

Committee Recommendation:**Clause 21: Pensions. 2004 No. 2.**

It is hereby declared that service in the Commission shall be subject to the provisions of the Pension Reform Act, and accordingly, officers and employees of the Commission shall be entitled to pensions and other retirement benefits as are prescribed under the Pension Reform Act (*Hon. Ado Dogo Audu*) — *Agreed to*.

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

Financial Provisions of the Commission

Committee Recommendation:**Clause 22: Fund of the Commission.**

- (1) The Commission shall establish and maintain a fund from which all its expenses will be defrayed.
- (2) The fund established under subsection (1) of this section shall consist of—
 - (a) the initial take-off grant from the Federal Government;
 - (b) annual subvention from the Federal Government;
 - (c) fees and commissions charged by the Commission pursuant to its functions under this Bill or any other enactment or law;
 - (d) gifts and grants-in-aid from any national or international organisation; and
 - (e) all sums of money accruing to the Commission by way of gifts, testamentary dispositions and endowments and contributions from any other sources whatsoever (*Hon. Ado Dogo Audu*) — *Agreed to*.

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

Committee Recommendation:**Clause 23: Expenditure of the Commission.**

The Commission may, from time to time, apply the proceeds of the fund established under section 22 of this Bill—

- (a) to the cost of administration of the Commission;
- (b) to the payment of the emoluments, allowances and benefits of members of the Board and for reimbursing members of the Board or of any committee set up by the Board and for such expenses as may be expressly authorised by the Board;
- (c) to the payment of the salaries, fees or other remuneration or allowances, gratuities and pensions, and other benefits payable to the staff or employees of the Commission;
- (d) for the development and maintenance of any property vested in or owned by the Commission; and
- (e) for and in connection with all or any of its functions under this Bill or any other enactment or law (*Hon. Ado Dogo Audu*) — *Agreed to*.

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

Committee Recommendation:

Clause 24: Annual estimates and accounts.

- (1) The Commission shall, not later than 30th September in each year, submit to the President, through the Minister, an estimate of its expenditure and income (including payments to the Commission fund) for the next succeeding year.
- (2) The Commission shall keep proper accounts in respect of each year and proper records in relation to those accounts and shall cause its accounts to be audited within 6 months after the end of each year by auditors appointed from the list and in accordance with the guidelines supplied by the Auditor-General for the Federation (*Hon. Ado Dogo Audu*) — *Agreed to*.

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

Committee Recommendation:

Clause 25: Annual reports.

The Commission shall prepare and submit to the President, through the Minister, not later than 30th June in each year a report in such form as the President may direct on the activities of the Commission during the immediately preceding year, and shall include in the report a copy of the audited accounts of the Commission for that year and of the auditor's report thereon (*Hon. Ado Dogo Audu*) — *Agreed to*.

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

Committee Recommendation:

Clause 26: Power to accept gifts.

- (1) The Commission may accept gift of land, money or other property on such terms and conditions, if any, as may be specified by the person or organisation making the gift.
- (2) The Commission shall not accept any gift if the conditions attached by the person or organisation making the gift are inconsistent with the functions of the Commission under this Bill (*Hon. Ado Dogo Audu*) — *Agreed to*.

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

Committee Recommendation:

Clause 27: Power to borrow.

The Commission may, with the approval of the President, borrow by way of loan, overdraft or otherwise from any source such sums as it may require for the performance of its functions and meeting its obligations under this Bill (*Hon. Ado Dogo Audu*) — *Agreed to*.

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

*Legal Proceedings Against the Commission***Committee Recommendation:****Clause 28:** **Limitation of suits against the Commission., etc. Cap. 379 LFN.**

- (1) Subject to the provisions of this Bill, the provisions of the Public Officers Protection Act shall apply in relation to any suit instituted against any member or officer or employee of the Commission.
- (2) Notwithstanding anything contained in any other law or enactment, no suit against a member of the Board, the Director-General of the Commission or any other officer or employee of the Commission for any act done in pursuance or execution of this Bill or any other law or enactment, or of any public duties or authority or in respect of any alleged neglect or default in the execution of this Bill or any other law or enactment, duties or authority, shall lie or be instituted in any court unless it is commenced—
 - (a) within three months next after the act, neglect or default complained of; or
 - (b) in the case of a continuation of damage or injury, within six months next after the ceasing thereof.
- (3) No suit shall be commenced against a member of the Board, the Director-General of the Commission or any other officer or employee of the Commission before the expiration of a period of one month after written notice of the intention to commence the suit shall have been served on the Commission by the intending plaintiff or his agent.
- (4) The notice referred to in subsection (3) of this section shall clearly and explicitly state—
 - (a) the cause of action;
 - (b) the particulars of the claim;
 - (c) the name and place of abode of the intending plaintiff; and
 - (d) the relief which he claims (*Hon. Ado Dogo Audu*) — *Agreed to.*

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

Committee Recommendation:**Clause 29:** **Service of documents.**

A notice, summons or other document required or authorised to be served on the Commission under the provisions of this Bill or any other law or enactment may be served by delivering it to the Director-General of the Commission or by sending it by registered post addressed to the Director-General of the Commission at the principal office of the Commission (*Hon. Ado Dogo Audu*) — *Agreed to.*

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

Committee Recommendation:**Clause 31:** **Restriction on execution against property of the Commission.**

- (1) In any action or suit against the Commission, no execution or attachment of process in the nature thereof shall be issued against the Commission unless not less than three months notice of the intention to execute or attach has been given to the Commission.
- (2) Any sum of money which by the judgment of any court has been awarded against the Commission shall, subject to any direction given by the court, where no notice of appeal against the judgment has been given, be paid from the fund of the Commission (*Hon. Ado Dogo Audu*) — *Agreed to.*

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

Committee Recommendation:**Clause 32: Indemnity of officers.**

A member of the Board, the Director-General or any officer or employee of the Commission shall be indemnified out of the assets of the Commission against any liability incurred by him in defending any proceeding, whether civil or criminal, if the proceeding is brought against him in his capacity as a member, Director-General or officer or other employee of the Commission, as the case may be (*Hon. Ado Dogo Audu*) — *Agreed to.*

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

Transitional Provisions Relating to the Industrial Arbitration Panel**Committee Recommendation:****Clause 32: Transitional provisions on Industrial Arbitration Panel.**

Anything done or purported to have been done under any repealed enactment or law relating to the Industrial Arbitration Panel or the Ministry shall remain valid and as from the commencement of this Bill, the Commission established pursuant to this Bill shall take over all functions of the Industrial Arbitration Panel (*Hon. Ado Dogo Audu*) — *Agreed to.*

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

PART IV — EMPLOYMENT EXCHANGES AND FEE-CHARGING EMPLOYMENT AGENCIES**Committee Recommendation:****Clause 33: Employment exchanges.**

- (1) The Ministry may establish such number of employment exchanges as may be necessary, from time to time, after consultation with the most representative trade unions and employers' associations.
- (2) The functions of the employment exchanges established under subsection (1) of this section shall include the following, that is—
 - (a) making suitable placement of persons seeking employment in Nigeria;
 - (b) integrating the employment market into national development plans;
 - (c) making the best use of productive resources;
 - (d) facilitating occupational and geographical mobility; and
 - (e) collecting and analysing employment market information relating particularly to the needs of certain categories of employees and disseminating such information to the general public.
- (3) Any services offered by the employment exchanges shall be at no fee whatsoever.
- (4) For purposes of subsection (2) of this section, the Minister may make regulations generally for—
 - (a) prescribing the particulars relating to applications and vacancies for employment including the necessary forms; and
 - (b) efficient functioning of the employment exchanges.
- (5) The staff of the employment exchanges shall be composed of public officers whose status and conditions of service are such that they are independent of government changes and improper external influences and enjoy stability of employment (*Hon. Ado Dogo Audu*) — *Agreed to.*

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

Committee Recommendation:**Clause 34: Fee-charging employment agencies.**

- (1) No person shall establish or operate a fee-charging employment agency except with the written consent of the Minister.
- (2) No private employment agency shall charge any fee or cost whatsoever, directly or indirectly, in whole or in part to any employee for services rendered by the agency.
- (3) The Minister may make regulations providing for the supervision and control of fee-charging employment agencies.
- (4) In this section, "fee-charging employment agency" means —
 - (a) an agency conducted by any person who acts as an intermediary for the purpose of procuring employment for a person or supplying a person for employment with a view to deriving either directly or indirectly any pecuniary or other material advantage; or
 - (b) an agency for conducting the placing services of any company, institution, agency or other organization which, although the agency is not conducted with a view to obtaining any pecuniary or other material advantage, levies from either employer or employee for those services an entrance fee, a periodical contribution or any other charge.

First Schedule of 2005 No.

- (5) Any person who contravenes subsection (1) of this section, commits an offence and shall be liable on conviction to the administrative penalty specified in the First Schedule to the Labour Standards Act (*Hon. Ado Dogo Audu*) — *Agreed to.*

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

PART V — REGISTRAR OF TRADE UNIONS AND EMPLOYERS ASSOCIATIONS**Committee Recommendation:****Clause 35: Office of Registrar of Trade Unions and Employers Associations.**

- (1) There shall be established an office and position of the Registrar of Trade Unions and Employers Associations (in this Bill referred to as "the Registrar").
- (2) The Registrar shall—
 - (a) be appointed by the Minister on the recommendation of the National Labour Council;
 - (b) have his office in the Federal Ministry of Employment, Labour and Productivity;
 - (c) be knowledgeable and experienced in labour administration whose appointment shall be gazetted.
- (3) The financial requirements and expenditures of the Registrar and his office shall be part of the budget of the Ministry.
- (4) The office of the Registrar shall be an equivalent of a head of a department in the Ministry (*Hon. Ado Dogo Audu*) — *Agreed to.*

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

Committee Recommendation:**Clause 36: Functions of the Registrar.**

The Registrar shall perform any function and have power to do anything which is required or authorised to be done under the Collective Labour Relations Act, Labour Standards Act or any other enactment or law or any Regulations made thereunder (*Hon. Ado Dogo Audu*) — *Agreed to.*

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

Committee Recommendation:**Clause 37: Assistant Registrars.**

The Minister may appoint such number of Assistant Registrars of Trade Union and Employers Associations to assist the Registrar in the performance of his or her functions pursuant to section 36 of this Bill or any other enactment or law as may be necessary from time to time (*Hon. Ado Dogo Audu*) — *Agreed to.*

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

PART VI — MISCELLANEOUS PROVISIONS**Committee Recommendation:****Clause 38: Power to make Regulations.**

The Minister may, on the recommendation of the Council, make Regulations generally for giving full effect to the provisions of this Bill and in respect of matters not specifically provided for under this Bill (*Hon. Ado Dogo Audu*) — *Agreed to.*

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

Committee Recommendation:**Clause 39: Exemptions of certain enactment. Cap. 19 LFN.**

The Arbitration and Conciliation Act 1990 shall not apply to any labour disputes under this Bill, the Collective Labour Relations Act, Labour Standards Act or any other labour related enactment or law (*Hon. Ado Dogo Audu*) — *Agreed to.*

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

Committee Recommendation:**Clause 40: Interpretation.**

In this Bill, unless the context otherwise requires—

"Board" means the National Commission for Conciliation and Arbitration Governing Board established under section 9 of this Bill (*Hon. Ado Dogo Audu*).

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

"Chairman" means the Chairman of the National Labour Council established under section 3 of this Bill or the Chairman of the National Commission for Conciliation and Arbitration Governing Board established under section 9 of this Bill, as the case may be (*Hon. Ado Dogo Audu*).

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

"Collective Bargaining Councils" means the bargaining councils established pursuant to the Collective Labour Relations Act for the purposes of bargaining with a view to reaching collective agreement in matters relating to terms and conditions of employment (*Hon. Ado Dogo Audu*).

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

"Commission" means the National Commission for Conciliation and Arbitration established under section 8 of this Bill (*Hon. Ado Dogo Audu*).

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

"Commissioner" means a Commissioner of the National Commission for Conciliation and Arbitration appointed pursuant to section 17 of this Bill (*Hon. Ado Dogo Audu*).

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

"Council" means the National Labour Council established under section 3 of this Bill (*Hon. Ado Dogo Audu*).

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

"Director-General" means the Director-General of the National Commission for Conciliation and Arbitration appointed pursuant to section 16 of this Bill (*Hon. Ado Dogo Audu*).

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

"Joint Industrial Councils" means the joint industrial councils established pursuant to the Collective Labour Relations Act for purposes of reaching collective agreements on matters relating to terms and conditions of employment (*Hon. Ado Dogo Audu*).

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

"member" means a member of the National Labour Council established under section 3 of this Bill or a member of the National Commission for Conciliation and Arbitration established under section 8 of this Bill, as the case may be, and the expression shall include the Chairman (*Hon. Ado Dogo Audu*).

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

"Minister" means the Minister with responsibility for matters relating to employment, labour and productivity and Ministry shall be construed accordingly (*Hon. Ado Dogo Audu*).

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

"President" means the President of the Federal Republic of Nigeria (*Hon. Ado Dogo Audu*).

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

"President of the Court" means the President of the National Industrial Court appointed pursuant to section 43 of this Bill (*Hon. Ado Dogo Audu*).

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

"Registrar" means the Registrar of Trade Unions and Employers Associations appointed pursuant to section 35 of this Bill (*Hon. Ado Dogo Audu*).

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

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

Committee Recommendation:

Clause 41: Short Title.

This Bill may be cited as the Labour Institutions (Establishment, etc.) Bill, 2009 (*Hon. Ado Dogo Audu*) — Agreed to.

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

Long Title:

A Bill for an Act to Establish the National Commission for Conciliation and Arbitration, National Labour Council, the Office of the Registrar of Trade Unions, etc. to Administer the Provisions of Labour Laws in Nigeria and for Matters Connected Therewith (*Hon. Ado Dogo Audu*).

Question that a Bill for an Act to Establish the National Commission for Conciliation and Arbitration, National Labour Council, the Office of the Registrar of Trade Unions, etc. to Administer the Provisions of Labour Laws in Nigeria and for Matters Connected Therewith be the Long Title of the Bill, put and agreed to.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair, reported that the House in the Committee of Whole considered the Report of the Committee on Labour, Employment and Productivity on a Bill for an Act to Establish the National Commission for Conciliation and Arbitration, National Labour Council, the Office of the Register of Trade Unions, etc to administer the Provisions of Labour Laws in Nigeria and Matters Connected Therewith, 2009 and approved Clauses 1 - 41 and the Long Title of the Bill.

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

12. Adjournment:

That this House do now adjourn till Wednesday, 16 December 2009 at 2.00 p.m. (*Hon. Tunde Akogun*).

Adjourned accordingly at 1.05 p.m.

Dimeji Sabur Bankole
Speaker