



SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Wednesday, 19th July, 2017

1. The Senate met at 10:35 a.m. The Senate President read Prayers.
2. **Votes and Proceedings:**
The Senate President examined the Votes and Proceedings of Tuesday, 18th July, 2017.

Question was put and the Votes and Proceedings were approved.

3. **Closed Session:**
Closed Session — 10:45 a.m.

Open Session — 11:30 a.m.

The Senate President reported that the Senate in a Closed Session deliberated on issues bordering on the workings of the Senate in particular and the National Assembly in general.

4. **Announcements:**
(a) **Public Hearing:**
The Senate President read a letter from Senator Hope O. Uzodinma (*Imo West*) as follows:



FEDERAL REPUBLIC OF NIGERIA
THE SENATE
JOINT COMMITTEE ON CUSTOMS, EXCISE & TARIFF;
AND MARINE TRANSPORT

July 19, 2017

*The President,
Senate of the Federal Republic of Nigeria,
National Assembly,
Abuja.*

ANNOUNCEMENT/INVITATION TO PUBLIC HEARING

The Senate of the Federal Republic of Nigeria at its sitting on Thursday, 4th May, 2017, mandated the Joint Committee on Customs, Excise & Tariff; and Marine Transport to carry out a holistic investigation into the activities of the Nigeria Customs Service with a view to identifying the financial leakages, malpractices, abuse of foreign exchange utilization and infractions within the import and export value chain as well as the causes of the declining revenue profile of the Service and come up with recommendations that will reinvigorate the revenue profile of the Nigeria Customs Service.

Accordingly, Distinguished Senators are cordially invited to the Public Hearing slated for Thursday, July 20, 2017 at Conference Room 231, 2nd Floor, Senate New Wing, National Assembly Complex, Abuja; by 10 am.

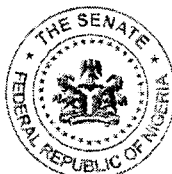
Please accept the assurances of the Committee's highest regards, always.

(Signed)
SENATOR HOPE UZODINMA
Chairman (Customs, Excise & Tariff)

(Signed)
SENATOR AHMED SANI RUFAI
Chairman (Marine Transport)

(b) Meeting of the Northern Senators' Forum:

The Senate President read a letter from Senator Abdullahi Adamu (Nasarawa West) as follows:



NORTHERN SENATORS' FORUM

18th July, 2017

His Excellency,
The President of the Senate,
National Assembly,
Abuja.

NOTICE OF MEETING

This is to inform members of the Northern Senators' Forum that a meeting of the Forum will take place as scheduled hereunder:

Date: Wednesday, 19th July, 2017.

Venue: Conference Room 221, 2nd Floor, New Senate Wing

Time: 2pm prompt (Immediately after plenary)

Thank you for your co-operation, please.

Yours faithfully,
(Signed)
Chairman
Senator Abdullahi Adamu

(c) Acknowledgment:

The Senate President acknowledged the presence of the following who were in the gallery to observe Senate Proceedings:

- (i) Staff and Students of Mezyas Global School, Kokona Local Government Area, Nasarawa State; and
- (ii) Staff and Students of L. E. A. Primary School, Kuje, Abuja.

5. Petitions:

- (i) Rising on Rule 41, Senator Donald O. Alasoadura (*Ondo Central*) drew the attention of the Senate to a petition from his constituents, Col. Gabriel Adetunji Ajayi (rtd) and Thirty-Seven Others over their promotion and compensation following Government pardon in their alleged involvement in the 1999 Phantom Coup Plot saga as gazetted. He urged the Senate to look into the matter.

Petition laid and accordingly referred to the Committee on Ethics, Privileges and Public Petitions [Rule 41(3)] to report within two (2) weeks.

- (ii) Rising on Rule 41, Senator Ovie Omo-Agege (*Delta Central*) drew the attention of the Senate to two (2) petitions from:
 - (a) Lt. Col. Abdulfatai Mohammed against the Nigerian Army, over his unlawful retirement; and
 - (b) Emeka Uche Bulam & Co. on behalf of their clients, in five affected Communities of Emedadja, Ugbogo, Ekrota, Okolor water side and Ogbe-Udu Local Government Areas of Delta State, against the Nigerian Petroleum Development Company (NPDC) over oil spillage.

He urged the Senate to look into the matters.

Petitions laid and accordingly referred to the Committee on Ethics, Privileges and Public Petitions [Rule 41(3)] to report within two (2) weeks.

- (iii) Rising on Rule 41, Senator David Umaru (*Niger East*) drew the attention of the Senate to a petition from his constituent, Dr. Matthew C. Echeruo, against Nigeria Immigration Service, over his entitlements. He urged the Senate to look into the matter.

Petition laid and accordingly referred to the Committee on Ethics, Privileges and Public Petitions [Rule 41(3)] to report within two (2) weeks.

- (iv) Rising on Rule 41, Senator Benjamin C. Uwajumogu (*Imo North*) drew the attention of the Senate to a petition from his constituent, Dr. Matthew C. Echeruo, against Nigeria Immigration Service, over his emoluments. He urged the Senate to look into the matter.

Petition laid and accordingly referred to the Committee on Ethics, Privileges and Public Petitions [Rule 41(3)] to report within two (2) weeks.

6. Personal Explanation:

Rising on Rule 43, Senator John O. Owan (*Cross River Central*) drew the attention of the Senate to the peaceful protest visit to the National Assembly by the people of Adadama in Abi Local Government Area; Osopong Communities in Obubura Local Government of Cross River State; and Ikwo and Izzi Local Government Areas of Ebonyi State, on 13th July, 2017 over the incessant crisis and hostility arising from boundary disputes between them. He stated that the two Senators representing the two Local Government Areas in Ebonyi State and himself have been brainstorming during the last two years on how to end these crisis. He urged the National Boundary Commission to immediately demarcate the boundary between the two States along the affected areas, and also call on the Security Agents to engage in lawful means of maintenance peace in the crisis areas.

7. Presentation of Bills:

- (i) National Information and Intelligence Database (Establishment, etc.) Bill, 2017 (SB. 529) — *Read the First Time.*
- (ii) Harmonized Retirement Age of the Staff of the National Assembly Service Bill, 2017 (SB.534) — *Read the First Time.*
- (iii) Demutualization Bill, 2017 (SB. 531) — *Read the First Time.*
- (iv) Nigerian Communications Act CAP N97 LFN 2004 (Amendment) Bill, 2017 (SB. 532) — *Read the First Time.*
- (v) Data Protection Bill, 2017 (HB. 002) — *Read the First Time.*

8. Committee on Capital Market:

Report on the Chartered Institute of Capital Market Registrar Bill, 2017 (SB. 25):

Motion made: That the Senate do receive the Report of the Committee on Capital Market on the Chartered Institute of Capital Market Registrar Bill, 2017 (*Senator Ogola Foster — Bayelsa West*).

Question put and agreed to.

Report Laid.

9. Committee on Independent National Electoral Commission (INEC):

Report on the Screening of 12 Nominees for Appointment as Resident Electoral Commissioners:

Motion made: That the Senate do receive the Report of the Committee on Independent National Electoral Commission (INEC) on the Screening of 12 Nominees for Appointment as Resident Electoral Commissioners:

S/N	Nominees	State of Origin	Remarks
1.	Dr. (Mrs.) Asmau Sani Maikudi	Katsina	New Appointment
2.	Sam Olugbadebo Olumekun, mni	Ondo	Reappointment
3.	Dr. Mahmuda Isah	Kebbi	New Appointment
4.	Amb. (Dr.) Rufus Oloruntoyin Akeju	Lagos	Reappointment
5.	Professor Riskuwa A. Shehu	Sokoto	New Appointment
6.	Barr. Kasim Gana Geidam	Yobe	Reappointment
7.	Jibrin Ibrahim Zarewa	Kano	Reappointment
8.	Abdulganiyu Olayinka Raji	Oyo	New Appointment
9.	Professor Samuel G. Egwu	Kogi	New Appointment
10.	Barrister Mike A. Igini	Delta	Reappointment
11.	Professor Mustapha Zubairu	Niger	New Appointment
12.	Ahmad Bello Mahmud	Zamfara	New Appointment

(*Senator Suleiman M. Nazif — Bauchi North*).

Question put and agreed to.

Report Laid.

10. Motions:

- (a) ***Dire implications of the suspension of Nigeria from the Egmont Group of Financial Intelligence Units:***

Motion made: That the Senate notes that the EGMONT GROUP is a network of national financial intelligence Units and is the highest inter- governmental association of intelligence agencies in the world, with about 152 Member Countries or State Parties who sit regularly for the purpose of sharing criminal intelligence and financial information bothering on money laundering, terrorism financing, proliferation of arms, corruption, financial crimes, economic crimes and similar offences geared towards the support of local and international investigations, prosecutions and asset recovery;

informed that the Agencies that benefit from the activities of the EGMONT Group include the Central Bank of Nigeria (CBN), the Nigeria Customs Service, the ICPC, the EFCC, the Nigeria Immigration Service, the Federal Inland Revenue Service, the Securities and Exchange Commission and many other relevant governmental agencies in addition to facilitating the oversight responsibilities of the National Assembly;

informed that at its July 2017 Meeting in China, Nigeria's Financial Intelligence Unit, the Agency of government that represents Nigeria at the meetings of the group was suspended till January 2018 with a threat of an expulsion if Nigeria does not meet the standards of the Group with regards to its operations;

informed that the EGMONT Group suspended Nigeria for a number of reasons including:

- a. That the Nigeria Financial Intelligence Unit (NFIU) which is the body that represents Nigeria in the Group has not been granted operational autonomy and the Unit is still domiciled within the EFCC (a situation the Group has objected to over the years), and the admission of the NFIU into the EGMONT Group in June 2007 was on the basis of a resolution by the EFCC Board but the group made it clear that it is a condition of continued membership for the NFIU organs and operations to be autonomous from the EFCC;
- b. The meddlesomeness of the Acting Chairman of the EFCC in the affairs of the NFIU by his interference in the operations and staffing of the Unit leading to the departure of many competent hands; and
- c. Divulging confidential information concerning the activities of the EGMONT group;

aware that by virtue of our membership of the Group, the Nigeria Financial Intelligence Unit, NFIU, enjoys the benefit of the privileged information which the members of the group share among themselves. This intelligence sharing is crucial to the universal and local war against corruption, money laundering, terrorism financing, financial and economic crimes, etc. For example, by virtue of her membership, Nigeria relies on the EGMONT Group for assistance in the investigation of the crimes listed above as all bank accounts and other assets of suspects are made available to the country wherever they are located in the world;

informed that one of the immediate effects of Nigeria's suspension from the Group is that the EGMONT Secure Web, ESW is currently shut down against Nigeria. The implication is that Nigeria can no longer exchange sensitive information with other Member Countries in order to carry out our investigative and regulatory responsibilities as they affect local and international investigations;

observes that apart from the suspension of Nigeria this July, the Group has given Nigeria up to December 2017 to address the issues raised in the suspension or be expelled which will attract international sanctions against Nigeria's financial system. Nigeria can ill-afford to be black-listed as the implications are dire, not only to our aspiration for membership of the Financial Action Task Force (FATF) into which so much energy, time and resources have been invested but the country will also be listed in the G8 list of Non-Cooperating Countries and Territories (NCCT);

informed that if expelled, the United Nations Convention Against Corruption (UNCAC) Implementation Reviewing Group will be served a notice against Nigeria, and most countries, including the United States, UK, Germany, Switzerland, etc., would alert their financial institutions and services through the issuance of advisories such as the Financial Criminal Enforcement Network Advisory and Foreign Assets and Cash Directive, to warn them to apply extra care and diligence in transacting with Nigeria and Nigerians.

The huge political and economic implications of such action is better imagined. An expulsion might also, under certain conditions, attract the imposition of financial transaction limit, including the withdrawal, by certain countries, of scholarships to students of Nigerian origin;

concerned that these sanctions will necessitate that Nigeria will undergo the process of fresh application, which takes years to accomplish in addition to subjecting Nigeria's financial standards to a total and strict review by international bodies such as the World Bank and the IMF, and assets recovery or repatriation to Nigeria can be slowed down or even stopped, and all painstaking efforts for the full membership of FAFT would be in vain if this suspension is not quickly reversed;

concerned that the valiant efforts of the Senate Committee on Anti-Corruption and Financial Crimes to avoid this suspension including leading the Nigeria Delegation to many meetings of the Financial Action Task Force, FATF, to impress upon them Nigeria's readiness and willingness to be accorded full membership were not complemented by the Executive branch, especially the recognized three line Ministries of Justice, Finance and Interior, and repeated pleas and correspondences for action to avert this suspension went unheeded;

concerned that in view of the non-cooperating stance of the executive branch, the legislative branch will have to urgently leverage on its institutional mechanism to ensure that Nigeria's suspension from the EGMONT Group is reversed. It is all the more urgent considering the December deadline given to the country to comply to avoid expulsion and also considering the imminence of the annual recess of the national legislature, and in view of the scheduled visit by the FATF High Level Mission to Nigeria in November 2017 to appraise Nigeria's preparedness to be granted the status of observer and thence membership of the FATF, especially with regard to the needed co-ordination between the three line Ministries of Justice, Finance and Interior; and

notes that the granting of the requisite autonomy to the NFIU has been aggressively and progressively resisted by the EFCC and that the Committee, in order to provide the needed autonomy for the NFIU to meet its primary mandate, technically and logistically, considered the budget of the NFIU separately from that of the EFCC in the 2017 budget but for the non-provision of budget sub-heads by the Budget Office and the reluctance of the EFCC to do the administrative necessity required.

Accordingly resolves to:

- (i) pass a law creating a substantive and autonomous Nigeria Financial Intelligence Unit, NFIU, and make the Unit legally and operationally autonomous with powers for the employment, reward, training, promotion and discipline of its workforce independently;
- (ii) empower the NFIU to, in line with international best practices, exchange and relate with all countries on issues affecting its mandate at the bilateral and multi-lateral levels;
- (iii) urge the three line Ministries of Justice; Finance; and Interior to do all within their powers to ensure that Nigeria's suspension is immediately reversed and ensure that all conditions specified by the EGMONT Group are met to re-admit and improve Nigeria's standing within the Group while increasing their levels of cooperation and co-ordination to ensure that Nigeria achieves membership of FATF; and

- (iv) urge the Executive branch to include in any Supplementary budget estimate that may be presented to the National Assembly before the end of the year a separate budget for the NFIU in view of the need to lift the suspension of Nigeria as soon as possible (*Senator Chukwuka G. Utazi — Enugu North*).

Debate:

Proposed Resolution(i):

Question: That the Senate do pass a law creating a substantive and autonomous Nigeria Financial Intelligence Unit, NFIU, and make the Unit legally and operationally autonomous with powers for the employment, reward, training, promotion and discipline of its workforce independently — *Agreed to*.

Proposed Resolution(ii):

Question: That the Senate do empower the NFIU to, in line with international best practices, exchange and relate with all countries on issues affecting its mandate at the bilateral and multi-lateral levels — *Agreed to*.

Proposed Resolution(iii):

Question: That the Senate do urge the three line Ministries of Justice; Finance; and Interior to do all within their powers to ensure that Nigeria's suspension is immediately reversed and ensure that all conditions specified by the EGMONT Group are met to re-admit and improve Nigeria's standing within the Group while increasing their levels of cooperation and co-ordination to ensure that Nigeria achieves membership of FATF — *Agreed to*.

Proposed Resolution(iv):

Question: That the Senate do urge the Executive branch to include in any Supplementary budget estimate that may be presented to the National Assembly before the end of the year a separate budget for the NFIU in view of the need to lift the suspension of Nigeria as soon as possible — *Agreed to*.

Amendment Proposed:

Insert Additional Proposed Resolution as follows:

“That the Senate do mandate the Committee on Anti-Corruption and Financial Crimes to within four (4) weeks present a draft Bill to the Senate for consideration” (*Senator Mao A. Ohuabunwa — Abia North*).

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

Resolved:

That the Senate do:

- (i) pass a law creating a substantive and autonomous Nigeria Financial Intelligence Unit, NFIU, and make the Unit legally and operationally autonomous with powers for the employment, reward, training, promotion and discipline of its workforce independently;
- (ii) empower the NFIU to, in line with international best practices, exchange and relate with all countries on issues affecting its mandate at the bilateral and multi-lateral levels;
- (iii) urge the three line Ministries of Justice; Finance; and Interior to do all within their powers to ensure that Nigeria's suspension is immediately reversed and ensure that all conditions specified by the EGMONT Group are met to re-admit and improve Nigeria's standing within the Group while increasing their levels of cooperation and co-ordination to ensure that Nigeria achieves membership of FATF;

- (iv) urge the Executive branch to include in any Supplementary budget estimate that may be presented to the National Assembly before the end of the year a separate budget for the NFIU in view of the need to lift the suspension of Nigeria as soon as possible; and
- (vi) mandate the Committee on Anti-Corruption and Financial Crimes to within four (4) weeks present a draft Bill to the Senate for consideration (S/Res/019/03/17).

(b) *Anti-Malaria Drugs banned by the European Union, still being sold and consumed in Nigeria; the need for Senate to investigate:*

Motion made: That the Senate notes that recently the European Union banned the sale and consumption of 42 Anti-Malaria Drugs in all countries within the European Union;

notes that the 42 Anti-Malaria Drugs are:

Alaxin 60mg tablet (dihydroartemisinin) B / 8
 Alaxin oral suspension (dihydroartemisinin) FL/80ml
 Amodiaquine 200mg compressed B/1000
 Amodiaquine 200mg compressed B/1000
 Arinate 100mg tablet (artesunate) B/6
 Arinate 50 mg tablet [artesunate] B/6
 Arsumax 50 mg tablet (artesunate) B/12
 Arternax 60 mg tablet (dihydroartemisinin) B/8
 Arternedine 40 mg capsule (artemether) B/12
 Arternedine 50 mg tablet (artemether) B/12
 Artenam 50 mg tablet (artemether) B/14
 Artenam 60 mg tablet (artemether) B/8
 Artesiane 300 mg child powder oral suspension (artemether) FL/38g
 Artesunate 100mg compressed B/120
 Artesunate 50 mg tablet B/120
 Artexin 60 mg tablet (dihydroartemisinin) B/8
 Camoquin 200mg tablet (amodiaquine) B/9
 Camoquin 200mg tablet (amodiaquine) B/25 blisters
 Camoquin 200mg tablet (amodiaquine) B/55 blisters
 Camoquin 200mg tablet (amodiaquine) B/24
 Camoquin 600 mg tablet (amodiaquine) B/3
 Camoquin oral suspension 50mg/5ml (amodiaquine) FL/60ml
 Cotecxin oral suspension (dihydroartemisinin) FL/80ml
 Cotecxin 60 mg tablet (dihydroartemisinin) B/8
 Daraprim tablet (pyrimethamine) B/30
 Falcini 150mg tablet (artesunate) B/12
 Flavoquine oral suspension 50mg/5ml (amodiaquine) FL/90ml
 Flavoquine 200mg tablet (amodiaquine) B/16
 Flavoquine 200mg tablet (amodiaquine) B/240
 Gunate strong tablet (artesunate) B/6 gvs labs
 Tvitter powder oral suspension (artemether) FL/100ml
 Halfan 250mg tablet (halofantrine) B/6
 Halfan 250mg tablet (halofantrine) B/120
 Halfan oral suspension 5mg/5ml (halofantrine) FL/45ml
 Malartin 200mg tablet (artesunate) B/6
 Malartin 50 mg tablet (artesunate) B/12
 mmh-malarex 450 mg capsule (peschiara fuchsiaefolia) B/20
 Paludrine 100mg tablet (proguanil) B/56
 Plasmotrim 200mg tablet (artesunate) B/25 blisters/6
 Plasmotrim 200mg tablet (artesunate) B/6
 Plasmotrim 50 mg lacta b (artesunate) B/12

Plasmodium 50 mg lactab (artesunate) B/25 blisters/6

observes that according to the report, EU Countries must not stock any drugs that contains any of these substances: "Plasmodium, Artequin, Co-artemate, Arco, Artemon and Diquin";

further observes that the reason given for the ban of the 42 drugs is that they are considered dangerous and linked to cause of kidney failure;

alarmed that all the 42 Anti-Malaria Drugs banned in Europe are still being stock-piled, sold and consumed in Nigeria;

concerned at the enormity of the danger the continued sale and consumption of these drugs can pose to the health of Nigerians;

observes that this situation is already trending and generating panic and concern among medical practitioners and members of the public;

observes that the National Agency for Food and Drug Administration and Control (NAFDAC) and Standards Organization of Nigeria (SON) which had hitherto waged ceaseless war on the influx of fake and substandard items into Nigeria, have not in any way adequately addressed this issue;

observes that most of the Drugs in the banned list of drugs are very popular and common in Nigeria and are easily obtained across the counter with or without proper requisite prescription; and

notes that the President of the Nigerian Medical Association, NMA, Professor Mike Ogorima has already confirmed the delisting of these Drugs by European Union countries.

Accordingly resolves to:

direct the Committee on Health to urgently investigate this matter and report to the Senate for further action to save the lives of Nigerians (*Senator Theodore. A. Orji — Abia Central*).

Debate:

Proposed Resolution:

Question: That the Senate do direct the Committee on Health to urgently investigate this matter and report to the Senate for further action to save the lives of Nigerians — *Agreed to.*

Resolved:

That the Senate do direct the Committee on Health to urgently investigate this matter and report to the Senate for further action to save the lives of Nigerians (*S/Res/020/03/17*).

11. Committee on Judiciary, Human Rights and Legal Matters:

Report on the Whistle Blowers Protection Bill, 2017 (SB. 158):

Motion made: That the Senate do consider the Report of the Committee on Judiciary, Human Rights and Legal Matter on the Whistle Blowers Protection Bill, 2017 (*Senator David Umaru — Niger East*).

Question put and agreed to.

Report presented.

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

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO PROVIDE FOR THE MANNER IN WHICH INDIVIDUALS MAY IN THE PUBLIC INTEREST DISCLOSE INFORMATION THAT RELATE TO UNLAWFUL OR OTHER ILLEGAL CONDUCT OR CORRUPT PRACTICES OF OTHERS; TO PROVIDE FOR THE PROTECTION AGAINST VICTIMIZATION OF PERSONS WHO MAKE THESE DISCLOSURES, AND TO REWARD INDIVIDUALS WHO MAKE THE DISCLOSURES, AND FOR RELATED MATTERS, 2017.

PART I - PRELIMINARY

Clause 1: Purpose.

The purpose of this Bill is-

- (a) to encourage and facilitate disclosures of improper conduct by any person, public officers and corporate bodies both private and public; and
- (b) to provide protection for-
 - (i) persons who make such disclosures; and
 - (ii) persons who may suffer reprisals in relation to such disclosures.
- (c) to provide for the matters disclosed to be properly investigated and dealt with.

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senator David Umaru — Niger East*) — *Agreed to.*

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

**PART II - DISCLOSURE AND PROCEDURES FOR DISCLOSURE OF
IMPROPER CONDUCT AND RELATED ACTION**

Clause 2: Disclosure of Improper Conduct.

- (1) A person may make a disclosure of information in the public interest where that person has reasonable cause to believe that the information tends to show —
 - (a) an economic and financial crime has been committed, is about to be committed or is likely to be committed;

Amendment Proposed:

Leave out the Provision in Clause 2(1)(a) and *insert* the following instead thereof:

- “(a) an economic and financial crime has been committed, or is about to be committed;” (*Senator Bala Ibn Na’Allah — Kebbi South*).

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

- (b) violation or contravention of any law relating to terrorism, kidnapping, illegal possession of fire arms and electoral materials or any existing law;
- (c) a miscarriage of justice has occurred, is occurring or is likely to occur;

Amendment Proposed:

Leave out the Provision in subclause 2(1)(c) (*Senator Biodun C. Olujimi — Ekiti South*).

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

- (d) in a public institution there has been, there is or there is likely to be waste, misappropriation or mismanagement of public resources;

Amendment Proposed:

Immediately after the word "been" *leave out* the words " , there is or there is likely to be waste," (*Senator Bala Ibn Na'Allah — Kebbi South*).

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

- (e) the environment has been degraded, is being degraded or is likely to be degraded; or

Amendment Proposed:

Leave out the Provision in subclause 2(1)(e) and *insert* the following instead thereof:

- "(e) the environment has been degraded or, is being degraded;" (*Senator Biodun C. Olujimi — Ekiti South*).

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

- (f) the property, health or safety of an individual, a community or the public is endangered, has been endangered or is likely to be endangered.

Amendment Proposed:

Leave out the Provision in subclause 2(1)(f) and *insert* the following instead thereof:

- "(f) the property, health or safety of an individual, a community or the public is endangered, or has been endangered;" (*Senator Biodun C. Olujimi — Ekiti South*).

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

- (2) Any conduct which falls within any of the matters specified in subsection (1) of this Bill is referred to as "improper conduct".
- (3) Notwithstanding any other law to the contrary, a person is protected if —
 - (a) the disclosure is made in good faith and not out of malice or aimed at getting personal gain;

Amendment Proposed:

Leave out the Provision in subclause 3(a) (*Senator Godswill O. Akpabio — Akwa Ibom North-West*).

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

- (b) the person making a disclosure has reasonable cause to believe that the information disclosed, is to the best of his knowledge true; and

- (c) the disclosure is made to one or more of the persons or institutions specified in section 4 of this Bill.
- (4) Disclosure may be made on any act of corruption, abuse of power or discretion, or criminal offence by any person, except the following —
 - (a) the sovereignty, strategic, scientific or economic interest of Nigeria, or the incitement of an offence;
 - (b) records of deliberations of the Federal Executive Council;
 - (c) that which is forbidden to be published by a court or if it may result in contempt of court;
 - (d) a breach of privilege of legislatures; and
 - (e) that relayed in a fiduciary capacity.
- (5) Disclosures cannot be made under this Bill, if it violates national security and other offences, prohibited under the Official Secrets Act (*Senator David Umaru — Niger East*).

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

- Clause 3: Person who qualifies to make disclosure of improper conduct.**
Disclosure of improper conduct may be made by —
- (a) an employee in respect of an employer,
 - (b) an employee in respect of another employee, or
 - (c) a person in respect of another person, or an institution.

Committee's Recommendation:

That the provision in Clause 3 be retained (*Senator David Umaru — Niger East*) — *Agreed to.*

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

- Clause 4: Persons to whom or institutions to which disclosure of improper conduct may be made.**
- (1) Subject to the provisions of this Bill, disclosure of improper conduct may be made to any of the following —
 - (a) the Head of a Labour Union at all levels or any professional body established by Law in Nigeria to which the person is a member;
 - (b) a police officer;
 - (c) the Attorney-General of the Federation or of a State;
 - (d) the Auditor-General of the Federation or of a State;
 - (e) the Accountant-General of the Federation or of a State;
 - (f) a staff of any Intelligence Agency established by law;
 - (g) a member of the National Assembly;

- (h) Economic and Financial Crimes Commission, Independent Corrupt Practices Commission and other anti-fraud enforcement agencies;
 - (i) the National Human Rights Commission;
 - (j) the Public Complaints Commission;
 - (k) the Nigerian Broadcasting Commission;
 - (l) the National Drug Law Enforcement Agency;
 - (m) a member of the State House of Assembly;
 - (n) the head of the community to which the person belongs;
 - (o) a head of a recognized religious body to which the person belongs;
 - (p) a Federal Minister or Commissioner of a State;
 - (q) the President of the Federal Republic;
 - (r) the Federal Inland Revenue Services;
 - (s) a State Governor;
 - (t) the Director-General Legal Aid Council of Nigeria;
 - (u) a Chairman of a Local Government Area;
 - (v) an elected Councilor representing a ward.
- (2) A person who makes a disclosure may take into account the following factors in determining to whom disclosures may be made —
- (a) a reasonable belief or fear that the person may be subjected to dismissal, suspension, harassment, discrimination or intimidation;
 - (b) a reasonable belief or fear that evidence relevant to the improper conduct may be concealed or destroyed;
 - (c) that the person to whom the disclosure is made will not frustrate the objective of the disclosure;
 - (d) that the improper conduct is of an exceptionally serious nature and that expeditious action must be taken to deal with it; and
 - (e) the place where and the prevailing circumstances under which the person lives.

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senator David Umaru — Niger East*) — *Agreed to.*

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

Clause 5: Procedures for making a disclosure.

- (1) A disclosure may be made in writing or orally.
- (2) The disclosure shall contain —
 - (a) the full name, address, signature and occupation of the person who makes a disclosure;

Amendment Proposed:

Immediately after the word “address” in line 1, *insert* the words “passport photograph” (*Senator Aidoko A. Ali — Kogi East*).

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

- (b) the nature of the improper conduct in respect of which the disclosure is made;
- (c) the person or institution alleged to have committed, who is committing or is about to commit the improper conduct;
- (d) the time and place where the alleged improper conduct is taking place, took place or is likely to take place;
- (e) the full name, address and description of a person who witnessed the commission of the improper conduct if there is such a person;
- (f) whether the person who makes a disclosure has made a disclosure of the same or of some other improper conduct on a previous occasion and if so, about whom and to whom the disclosure was made;
- (g) if the person who makes a disclosure is an employee making a disclosure about an employer or a fellow employee, whether or not the person remains in the same employment; and
- (h) personal declaration by the complainant that the matter complained of, is substantially true and made in good faith and not out of malice or for financial gain (*Senator David Umaru — Niger East*).

Amendment Proposed:

Immediately after the word “true” in line 2, *leave out* all the words (*Senator Chukwuka G. Utazi — Enugu North*).

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

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

Clause 6: Reduction of disclosure into writing.

- (1) Where a person makes a disclosure orally, the person to whom the disclosure is made shall cause the disclosure to be reduced into writing containing the same particulars as are specified in subsection (2) of section 5 of this Bill.
- (2) Where the person who makes a disclosure is illiterate, the writing required to be made under subsection (1) shall be read over, interpreted and explained to the person in a language the person understands and the person shall approve of it before making a mark to it and an attestation to this effect shall be reflected on the document.

- (3) In the case of a person who is blind or with other physical disabilities, but literate, an attestation as required in subsection (2) shall be made with necessary modification.
- (4) Where a person to whom this disclosure is made, is an illiterate, blind or with other form of disabilities, the written document made under subsection (1) of this section shall be read and interpreted to him.

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senator David Umaru — Niger East*) — *Agreed to.*

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

Clause 7: Action by person who receives disclosure of improper conduct.

- (1) When a disclosure of improper conduct is made to a person specified in section 4, the person shall —
 - (a) make a record of the time and place where the disclosure is made,
 - (b) give to the person who makes a disclosure an acknowledgement in writing of receipt of the disclosure, and
 - (c) keep the documents in which the disclosure is made and the facts therein confidential and in safe custody respectively, pending investigation.
- (2) Where disclosure is made to the head of a community to which the person who makes a disclosure belongs or head of a recognised religious body, the person may instead of recording the disclosure as required under subsection (1), assist the person to make the disclosure to the police or to some other authority specified in section 4.

Committee's Recommendation:

That the provision in Clause 7 be retained (*Senator David Umaru — Niger East*) — *Agreed to.*

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

Clause 8: Submission of a copy of written disclosure to the Attorney-General.

- (1) Where a disclosure is made to a person specified under section 4, other than the Attorney-General of the Federation or of a State, the person shall submit a copy of the written disclosure to the Attorney-General of the Federation or of a State within seven working days after receipt of the disclosure.
- (2) The Attorney General of the Federation or of a State upon the receipt of the written disclosure, shall cause an investigation to be conducted by relevant investigative authorities and report back to him within Ninety (90) days.

Committee's Recommendation:

That the provision in Clause 8 be retained (*Senator David Umaru — Niger East*) — *Agreed to.*

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

Clause 9: Investigation.

- (1) Where a disclosure is made to a person specified under section 4, the person shall refer the disclosure either to the Police, or the Economic and Financial Crimes Commission, or the Independent Corrupt Practices Commission or any such investigative authorities for appropriate investigation.
- (2) Investigation undertaken in respect of improper conduct shall be carried out as expeditiously as possible and shall in any event be completed within ninety days from the date of receipt of the disclosure or directives to undertake the investigation.
- (3) A person who undertakes an investigation in respect of an improper conduct and in the course of that investigation conceals, suppresses or compromises evidence whatsoever, commits an offence and is liable on summary conviction to a term of imprisonment of not less than two years.

Committee's Recommendation:

That the provision in Clause 9 be retained (*Senator David Umaru — Niger East*) — *Agreed to.*

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

Clause 10: Application to Court for Assistance.

Where in the course of an investigation under section 8, it appears to the investigator —

- (a) that evidence or documents relevant to the investigation are likely to be destroyed, concealed and tampered with or;
- (b) that a person willing to provide information relevant to the investigation is being subjected to pressure, inducement or intimidation to withhold the information,

the investigator may apply to the court for an order to preserve the evidence or documents or to restrain the intimidation of the person willing to provide the information.

Committee's Recommendation:

That the provision in Clause 10 be retained (*Senator David Umaru — Niger East*) — *Agreed to.*

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

Clause 11: Submission of report of investigation to the Attorney-General.

- (1) A report on investigation conducted under section 9 of this Bill shall be submitted to the Attorney-General of the Federation or of a State for directives immediately the investigation is completed.
- (2) Where the completion of the investigation is delayed beyond the ninety day period specified in subsection (2) of section 9 of this Bill, a report shall be submitted to the Attorney-General of the Federation or of a State stating —
 - (a) the reasons for the delay;
 - (b) measures that are proposed to expedite the investigation; and
 - (c) any further assistance required to complete the investigation.

- (3) A report of an investigation which is submitted to the Attorney-General of the Federation or of a State shall contain particulars of —
- (a) the manner in which the investigation was conducted;
 - (b) the names and particulars of persons who provided information in the course of the investigation;
 - (c) facts obtained which either confirm or dispute the truth or accuracy of the information contained in the disclosure and the person who provided the facts;
 - (d) an obstacle encountered in the course of the investigation and the nature of the obstacle; and
 - (e) the recommendations of the investigator.

Committee's Recommendation:

That the provision in Clause 11 be retained (*Senator David Umaru — Niger East*) — *Agreed to.*

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

Clause 12: Action by the Attorney-General.

The Attorney-General of the Federation or of a State may on receipt of a report under subsection (3) of section 11, take the following steps —

- (a) accept the recommendations contained in the report and act on it;
- (b) ask for further investigations by the same person or institution that conducted the investigations or by some other person or institution; or
- (c) reject the report and the recommendations for stated reasons which shall be communicated to the investigator.

Committee's Recommendation:

That the provision in Clause 12 be retained (*Senator David Umaru — Niger East*) — *Agreed to.*

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

Clause 13: Power to enter premises.

For the purpose of conducting an investigation of a disclosed matter, the investigator or any officer subject to sections 14 and 15 of this Bill may at any reasonable time —

- (a) enter any premises occupied or used by a public officer or public body in their capacity as such; and
- (b) inspect those premises or anything for the time being in them or on them

Committee's Recommendation:

That the provision in Clause 13 be retained (*Senator David Umaru — Niger East*) — *Agreed to.*

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

Clause 14: Powers with search warrant.

- (1) The investigator shall apply to a magistrate for the issuance of a search warrant in relation to particular premises if the magistrate believes on reasonable grounds that entry to the premises is necessary for the purpose of an investigation.

- (2) If a magistrate is satisfied by evidence on oath, whether oral or by affidavit, that there are reasonable grounds to believe that entry is necessary in accordance with sub-section (1) of this section, the magistrate may issue a search warrant authorising any person named in the warrant to —
- (a) enter and search the premises named or described in the warrant and inspect the document or thing at those premises mentioned in the warrant in accordance with subsection (3) of this section;
 - (b) make a copy of the document, relevant to the investigation; and
 - (c) take possession of the document or thing that is relevant to the investigation.
- (3) A search warrant issued under this section must state —
- (a) the purpose for which the search is required;
 - (b) any conditions to which the warrant is subject;
 - (c) whether entry is authorised to be made at any time of the day or night or during stated hours of the day or night; and
 - (d) a day, not later than 28 days after the issue of the warrant, on which the warrant ceases to have effect.
- (4) For the avoidance of doubt, this section applies to any premises, whether or not occupied by a public officer or public body.

Committee's Recommendation:

That the provision in Clause 14 be retained (*Senator David Umaru — Niger East*) — *Agreed to.*

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

Clause 15: Procedure for executing warrants.

- (1) On executing a search warrant, the person executing the warrant must announce that he or she is authorised by the warrant to enter the premises;
- (2) If the occupier is present at a premises where a search warrant is being executed, the person executing the warrant must —
 - (a) identify himself or herself to the occupier; and
 - (b) give the occupier a copy of the warrant.
- (3) If the occupier is not present at premises where a search warrant is being executed, the person executing the warrant must —
 - (a) identify himself or herself to an adult who is resident or works in the premises; and
 - (b) give that person a copy of the warrant.
- (4) A person who in the course of executing search warrant, uses excessive force that occasions destruction of properties, shall be liable to pay compensation or damages in the event thereof.

Committee's Recommendation:

That the provision in Clause 15 be retained (*Senator David Umaru — Niger East*) — *Agreed to.*

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

Clause 16: Obstruction of Investigation.

- (1) Any person who —
 - (a) without lawful authority, wilfully obstructs, hinders or resists the investigator in the exercise of his or her powers under this Bill;
 - (b) without lawful authority, refuses to or wilfully fails to comply with any lawful requirement of the investigator under this Bill;
 - (c) makes a statement he or she knows to be false or misleading in any material particular to the investigator in the course of an investigation under this Bill; or
 - (d) knowingly misleads or attempts to mislead the investigator in the course of an investigation under this Bill.

commits an offence under this section and is liable on conviction to a fine not exceeding One Hundred Thousand Naira (N100, 000) or to imprisonment for a term of not more than One year or to both.

Committee's Recommendation:

That the provision in Clause 16 be retained (*Senator David Umaru — Niger East*) — *Agreed to.*

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

Extension of Time:

Motion made: That the Senate do sit this day beyond the time appointed for the termination of the Sitting of the Senate (Rule 13) (*Senate Leader*).

Question put and agreed to.

Clause 17: Person who made disclosure to be informed.

- (1) Upon the receipt of the investigation report, pursuant to section 11 of this Bill, the Attorney General of the Federation or of a State shall within a reasonable time, inform the person who made the disclosure, the outcome of the investigation or of other action to be taken.
- (2) The information may be provided in the manner that the Attorney General of the Federation or of a State thinks fit.
- (3) The Attorney General of the Federation or of a State may disclose to the person who made the disclosure any additional information that the Attorney General of the Federation or of a State thinks appropriate.

Committee's Recommendation:

That the provision in Clause 17 be retained (*Senator David Umaru — Niger East*) — *Agreed to.*

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

PART III - PROTECTION FOR MAKING DISCLOSURE OF IMPROPER CONDUCT

Clause 18: Protection of Whistle-blower.

- (1) A person who makes a disclosure shall not be subjected to victimization by the employer of the person or by a fellow employee or by another person because a disclosure has been made.
- (2) A person who makes a disclosure shall be considered as having been subjected to victimization if because of making the disclosure —
 - (a) the person, being an employee, is —
 - (i) dismissed;
 - (ii) suspended;
 - (iii) declared redundant;
 - (iv) denied promotion;
 - (v) transferred against the person's will;

Amendment Proposed:

Leave out the Provision in Clause 18(2)(a)(v) (Senator Ahmad I. Lawan — Yobe North).

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

- (vi) harassed;
 - (vii) intimidated;
 - (viii) threatened with any of the matters set out in paragraphs (i) to (vii); or
 - (ix) subjected to a discriminatory or other adverse measure by the employer or a fellow employee; or
 - (b) not being an employee, the person is subjected to discrimination, intimidation or harassment by a person or an institution.
- (3) A person who makes a disclosure shall not be considered as having been subjected to victimization if the person against whom the complaint is directed has the right in law to take the action complained of and the action taken is shown to be unrelated to the disclosure made, Provided that the onus of proof shall be on the person against whom the complaint is directed to prove that the action complained of was not based on or is a consequence of the disclosure (*Senator David Umaru — Niger East*).

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

Clause 19: Report to National Human Rights Commission.

- (1) Subject to the provisions of the Public Complaint Commission Act, a person who makes a disclosure and reasonably believes that he has been subjected to victimization or learns of a likely subsection to victimization because a disclosure has been made, may in the first instance make a complaint to the National Human Rights Commission.

- (2) A complaint made under subsection (1) of this section shall contain the following particulars —
- (a) the name, description and address of the person;
 - (b) the name, description and address of the person's employer or of any other person who the person claims has subjected the person to victimization or might subject the person to victimization, and
 - (c) the specific acts complained of as constituting victimization.

Committee's Recommendation:

That the provision in Clause 19 be retained (*Senator David Umaru — Niger East*) — *Agreed to.*

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

Clause 20: Action by the National Human Rights Commission and enforcement of its orders.

- (1) The Commission shall, on receipt of a complaint, conduct an enquiry into the complaint at which the person who makes a disclosure and the person against whom the complaint is made shall be heard.
- (2) The Commission in the course of conducting an enquiry under subsection (1) of this section may make an interim award(s) or recommendation(s) that it considers fit.
- (3) After hearing the parties and other persons considered necessary by the Commission, the Commission shall make awards or recommendations, which it considers just in the circumstances including awards or recommendations for —
 - (a) reinstatement;
 - (b) reversal of a transfer; or
 - (c) transfer of the person who makes a disclosure to another establishment where applicable.
- (4) The Commission may, where it considers it just in the circumstances of the case, make an order for payment of reward from the Fund established under section 34.

Amendment Proposed:

Immediately after the word “reward” in line 2, *leave out* “from the Fund established under section 34” and *insert* the words “in accordance with the principles set out in section 38” instead thereof (*Senator Biodun C. Olujimi — Ekiti South*).

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

- (5) Except an application for review is made to the court, an award or recommendation made by the Commission shall be binding.
- (6) The powers conferred on the Commission under this Bill are in addition to the powers exercisable by the Commission under the National Human Rights Commission Act or any other Law (*Senator David Umaru — Niger East*).

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

Clause 21: Right of action for victimization.

A person who makes a disclosure and is subjected to victimization as a result of the disclosure may bring an action in the Federal High Court, High Court of a State or of the Federal Capital Territory to claim damages or other appropriate reliefs, to which the person may be entitled to, except that an action shall not be commenced in a court unless the complaint has first been submitted to the Commission under section 19.

Committee's Recommendation:

That the provision in Clause 21 be retained (*Senator David Umaru — Niger East*) — *Agreed to.*

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

Clause 22: Legal assistance.

Where the Commission in the course of an inquiry or hearing before it under section 20, is of the opinion that the person who makes a disclosure is in need of legal assistance, the Commission shall issue a certificate to the person to obtain legal aid from the Legal Aid Council of Nigeria or another institution that the Commission may specify in the certificate.

Committee's Recommendation:

That the provision in Clause 22 be retained (*Senator David Umaru — Niger East*) — *Agreed to.*

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

Clause 23: Police protection.

- (1) A person who makes a disclosure and who has reasonable cause to believe that -
 - (a) his life or property;
 - (b) the life or property of a member of the person's family is endangered or likely to be endangered as a result of the disclosure, may request police protection and the police shall provide the protection considered adequate.
- (2) Notwithstanding subsection (1) of this section, the Commission or the Attorney-General of the Federation or of a State as appropriate may in relation to a disclosure of improper conduct made or about to be made direct that the person who has made or is about to make the disclosure and the person's family be given police protection.
- (3) "Family" for the purposes of this section means spouse, father, mother, child, grandchild, brother, sister and dependant.

Committee's Recommendation:

That the provision in Clause 23 be retained (*Senator David Umaru — Niger East*) — *Agreed to.*

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

Clause 24: Protection against civil and criminal action.

A person who makes a disclosure is not liable in civil or criminal proceedings or any liability arising by way of administrative process in respect of the disclosure unless it is proved that the person knew or may have known through exercise of due care that the information contained in the disclosure is false and the disclosure was made with malicious intent (*Senator David Umaru — Niger East*).

Amendment Proposed:

Leave out the Provision in Clause 24 (Senator Bala Ibn Na'Allah — Kebbi South).

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

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

Clause 25: Liability of a person making Disclosure.

- (1) Notwithstanding anything to the contrary in this Bill, a person's liability for his conduct is not affected by the person's disclosure of that conduct under this Act.
- (2) A disclosure of information is not a protected disclosure if the person making the disclosure commits an offence by making it.

Committee's Recommendation:

That the provision in Clause 25 be retained (*Senator David Umaru — Niger East*) — *Agreed to.*

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

Clause 26: Protection from reprisal.

- (1) A person who takes detrimental action against a person in reprisal for a protected disclosure commits an offence and is liable on conviction to a fine not exceeding Three Hundred Thousand Naira (N300,000) or to imprisonment for a term of not more than Two years or to both.
- (2) A person takes detrimental action in reprisal for a protected disclosure if—
 - (a) the person takes or threatens to take the action because —
 - (i) a person has made, or intends to make, a protected disclosure; or
 - (ii) the person believes that a person has made or intends to make the protected disclosure; or
 - (b) the person incites or permits another person to take or threaten to take the action for either of those reasons.
- (3) In determining whether a person takes detrimental action in reprisal it is irrelevant whether or not a reason referred to in sub-section (2) is the only or dominant reason as long as it is a substantial reason.

Committee's Recommendation:

That the provision in Clause 26 be retained (*Senator David Umaru — Niger East*) — *Agreed to.*

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

Clause 27: Proceedings for damages for reprisal.

- (1) A person who takes detrimental action against a person in reprisal for a protected disclosure is liable in damages to that person.
- (2) The damages may be recovered in proceedings in any action in tort in any court of competent jurisdiction.
- (3) The right of a person to bring proceedings for damages does not affect any other right or remedy available to the person arising from the detrimental action.

Committee's Recommendation:

That the provision in Clause 27 be retained (*Senator David Umaru — Niger East*) — *Agreed to.*

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

Clause 28: Void employment contracts.

- (1) From the commencement of this Bill, any provision in a contract of employment or other agreement between an employer and an employee is void if it —
 - (a) seeks to prevent the employee from making a disclosure of improper conduct;
 - (b) has the effect of discouraging an employee from making a disclosure of improper conduct;
 - (c) precludes the employee from making a complaint in respect of victimization; or
 - (d) prevents an employee from bringing an action in court or before an institution to claim relief or remedy in respect of victimization.
- (2) Subsection (1) of this section, shall also apply to a contract of employment or agreement in existence on the commencement of this Bill.

Committee's Recommendation:

That the provision in Clause 28 be retained (*Senator David Umaru — Niger East*) — *Agreed to.*

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

Clause 29: Application for injunction or order.

A person who believes that detrimental action has been taken or may be taken against him or her in reprisal for a protected disclosure may apply to the Federal High Court, High Court of a State or of the Federal Capital Territory for—

- (a) an order requiring the person who has taken the detrimental action to remedy that action; or
- (b) an injunction to restrain the person who has taken detrimental action

Committee's Recommendation:

That the provision in Clause 29 be retained (*Senator David Umaru — Niger East*) — *Agreed to.*

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

Clause 30: Injunction or order.

If, on receipt of an application under Section 27 of this Bill, the Federal High Court, High Court of a State or of the Federal Capital Territory, is satisfied that a person has taken or intends to take detrimental action against a person in reprisal for a protected disclosure, the Court may —

- (a) order the person who took the detrimental action to remedy that action; or
- (b) grant an injunction in any terms the Court considers appropriate.

Committee's Recommendation:

That the provision in Clause 30 be retained (*Senator David Umaru — Niger East*) — *Agreed to.*

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

Clause 31: Disclosure of Confidential Information.

Where a person to whom the disclosure is made fails to keep confidential the disclosure, the person commits an offence and is liable on conviction to a fine of 1,000,000 Naira or to a term of imprisonment of three years or to both.

Committee's Recommendation:

That the provision in Clause 31 be retained (*Senator David Umaru — Niger East*) — *Agreed to.*

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

Clause 32: Determination of disclosure as public interest disclosure.

- (1) If a person makes a disclosure to the Attorney General of the Federation or of a State in accordance with section 2 of this Bill the Attorney General of the Federation or of a State shall, within a reasonable time after receiving the disclosure, determine whether the disclosure is a public interest disclosure.
- (2) In making a determination under sub-section (1) of this section, the Attorney General of the Federation or of a State shall be satisfied that the disclosure shows or tends to show that a public officer or public body —
 - (a) has engaged, is engaging or proposes to engage in improper conduct in their capacity as a public officer or public body; or
 - (b) has taken, is taking or proposes to take detrimental action in contravention of Section 26.

Committee's Recommendation:

That the provision in Clause 32 be retained (*Senator David Umaru — Niger East*) — *Agreed to.*

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

Clause 33: Notice of determination.

The Attorney General of the Federation or of a State shall, within a reasonable time, notify the person who made the disclosure of the determination under Section 32 of this Bill.

Committee's Recommendation:

That the provision in Clause 33 be retained (*Senator David Umaru — Niger East*) — *Agreed to.*

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

PART IV -PUBLIC INTEREST DISCLOSURE REWARD FUND**Clause 34: Establishment of Public Interest Disclosure Reward Fund.**

There is established by this Bill a Public Interest Disclosure Reward Fund (*Senator David Umaru — Niger East*).

Amendment Proposed:

Leave out the Provision in Clause 34 (Senator Biodun C. Olujimi — Ekiti South).

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

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

Clause 35: Sources of money for the Fund.

The moneys for the Fund consists of -

- (a) voluntary contributions to the Fund; and
- (b) other moneys that may be appropriated by the National Assembly to the Fund (*Senator David Umaru — Niger East*).

Amendment Proposed:

Leave out the Provision in Clause 35 (Senator Biodun C. Olujimi — Ekiti South).

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

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

Clause 36: Object of the Fund.

The object of the Fund is to provide funds for payment of monetary rewards to persons who make the disclosure in the interest of the public (*Senator David Umaru — Niger East*).

Amendment Proposed:

Leave out the Provision in Clause 36 (Senator Biodun C. Olujimi — Ekiti South).

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

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

Clause 37: Reward on conviction.

A person who makes a disclosure that leads to the arrest and conviction of an accused person shall be rewarded with money from the fund.

Provided that if there is no arrest or conviction but money, property is recovered or life is saved as a result of the disclosure, the person may be rewarded from the fund (*Senator David Umaru — Niger East*).

Amendment Proposed:

Leave out the Provision in Clause 37 (Senator Biodun C. Olujimi — Ekiti South).

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

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

Clause 38: Reward on recovery of money or property.

- (1) A person whose disclosure results in the recovery of an amount of money or property shall be rewarded from the Fund with —

Amendment Proposed:

Leave out the words "Fund with" in line 2, and insert the words "amount so recovered" instead thereof (Senator Godswill O. Akpabio — Akwa Ibom North-West).

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

- (a) 1.5 percent of the amount of money recovered if the amount is less than One Billion Naira.

- (b) 1 percent of the amount of money recovered if the amount is above One Billion Naira.
 - (c) 1 percent of the monetary value of the property, whether moveable or immovable.
- (2) The Attorneys General of the Federation in consultation with the Board shall determine the quantum of the amount recovered from which payment is to be made.

Amendment Proposed:

Leave out the Provision in Clause 38(2) and insert a new Provision as follows; “(2) for the purpose of payment of reward prescribed in Clause 38, the Minister of Finance shall pay upon the recommendation of the Attorneys-General of Federation, States and Federal Capital Territory” (Senator Bala Ibn Na’Allah — Kebbi South).

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

- (3) Notwithstanding the provisions of subsection (1) of this section, a person whose disclosure of improper conduct does not result in the recovery of money or property, or saving of life but in the prevention of or conviction for an act of improper conduct may be rewarded in a manner as may be determined by the Attorney-General of the Federation or of a State (*Senator David Umaru — Niger East*).

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

Clause 39: Management of the Fund.

- (1) There shall be established a Board known as the Public Interest Disclosure Reward Fund Board (hereinafter referred to as 'the Board') which shall comprise of —
- (a) a person who shall be a Legal practitioner of at least 15 years post call experience appointed by the President as Chairperson;
 - (b) a person not below the rank of an Assistant Director to represent the Federal Ministry of Justice;
 - (c) a person not below the rank of an Assistant Director to represent the National Human Rights Commission;
 - (d) a person not below the rank of an Assistant Director to represent the Ministry of Finance;
 - (e) a person not below the rank of an Assistant Director to represent the Ministry of Budget and National Planning;
 - (f) 6 Attorneys General, each appointed to represent each of the 6 geo-political zones of the Federation on rotational basis, and
 - (g) a person appointed by the Board on conditions to be determined by the Board as Secretary to the Board.
- (2) For purposes of subsection (1), the Board shall —
- (a) pursue and ensure the achievement of the object of the Fund;

- (b) ensure accountability for the Fund by defining appropriate procedures for its management,
 - (c) initiate activities to generate money for the Fund,
 - (d) publish in the media the criteria for the disbursement of moneys from the Fund, and
 - (e) perform other functions as are incidental to the achievement of the object of the Fund.
- (3) Except for the ex-officio members, the tenure of members of the Board shall be 4 years subject to renewal for another 4 years and no more.
- (4) Section 27 of the Interpretation Act shall apply to the proceedings of the Board (*Senator David Umaru — Niger East*).

Amendment Proposed:

Leave out the Provision in Clause 39 (Senator Biodun C. Olujimi — Ekiti South).

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

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

Clause 40: Bank account of the Fund.

Moneys for the Fund shall, on the directions of the Board, be paid into a bank account opened for the purpose by the Board with the approval of the Accountant-General of the Federation (*Senator David Umaru — Niger East*).

Amendment Proposed:

Leave out the Provision in Clause 40 (Senator Biodun C. Olujimi — Ekiti South).

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

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

Clause 41: Disbursement of Fund.

- (1) The disbursement of moneys from the Fund shall be determined by the Board.
- (2) The Board shall within thirty days on receipt of the submission of a claim for payment out of the Fund, approve —
 - (a) payment of a reward from the Fund;
 - (b) the reimbursement of expenses incurred by a person whose disclosure resulted in an investigation, arrest, prevention or conviction for which that person incurred those expenses; and
 - (c) the payment of other relevant expenses that the Board may determine.
- (3) An amount payable under paragraph (a) and (b) of subsection (2) shall be paid within a period of not more than fourteen days from the date the payment of the money is approved.

- (4) Each payment issued from the Fund shall be signed for by the Chairperson and the Secretary to the Board (*Senator David Umaru — Niger East*).

Amendment Proposed:

Leave out the Provision in Clause 41 (Senator Biodun C. Olujimi — Ekiti South).

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

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

PART V - MISCELLANEOUS PROVISIONS

Clause 42: Accounts and audit.

- (1) The Board shall keep in respect of the Fund, books of accounts and proper records in relation to them in the form approved by the Auditor-General of the Federation.
- (2) The Board shall submit the accounts of the Fund to the Auditor-General of the Federation for audit within three months after the end of the financial year.
- (3) The Auditor-General of the Federation shall not later than three months after the receipt of the accounts, audit the accounts and submit the audit report to the National Assembly.
- (4) In addition to the annual audit, technical audits shall be conducted on selective basis by the Auditor-General of the Federation on recommendations of the Board.
- (5) The financial year of the Fund shall be the same as the financial year of the Federal Government (*Senator David Umaru — Niger East*).

Amendment Proposed:

Leave out the Provision in Clause 42 (Senator Biodun C. Olujimi — Ekiti South).

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

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

Clause 43: Annual report.

- (1) The Attorney General of the Federation shall prepare a consolidated annual report of the performance of its activities and forward same to each House of the National Assembly, setting out —
 - (a) the number of disclosures received and the number acted upon and not acted upon;
 - (b) the number of investigations commenced under this Bill;
 - (c) the description and location of property and amount of money recovered and from whom; and

Amendment Proposed:

Insert a new subclause (d) as follows:

“(d) the aggregate amount of reward paid out in pursuant to Clause 38”
(*Senator Biodun C. Olujimi — Ekiti South*).

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

- (2) The Attorney General shall submit the Annual Report to the National Assembly on or before April 1 of each calendar year (*Senator David Umaru — Niger East*).

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

Clause 44: Regulations.

- (1) The Attorney-General of the Federation may subject to the provisions of this Bill, make Regulations of a general nature, for the purposes of giving effect to the provisions of this Bill.
- (2) Without prejudice to the generality of the provisions of subsection (1) of this section, the Attorney of the Federation or of a State may make regulations for —
- (a) further disclosure procedures;
 - (b) categories and nature of disclosures that may be referred to any of the persons or bodies described in section 4 (1) (a) of this Bill, for appropriate action;
 - (c) other persons to whom disclosures may be made;
 - (d) the development and promotion of such processes and devices for protecting useful information and for providing other means of physical protection for an employee and members of his family who makes any useful disclosure of information from any harm or reprisal; and
 - (e) measures, generally for the effective implementation of this Bill.
- (3) For the avoidance of doubt, regulations made under this Bill, shall not be published in the Federal Government Gazette, unless approved by the National Assembly.

Committee's Recommendation:

That the provision in Clause 44 be retained (*Senator David Umaru — Niger East*) — *Agreed to.*

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

Clause 45: Penalty.

- (1) Notwithstanding any contrary provision in this Bill, where a person —
- (a) to whom a disclosure is made fails to keep confidential the disclosure, the person commits an offence and is liable on conviction to a fine of not more than N1,000,000 or to a term of imprisonment of not more than Three years or to both;

- (b) who undertakes an investigation in respect of an improper conduct and in the course of that investigation, conceals or suppresses evidence, commits an offence and is liable on summary conviction to a term of imprisonment of not less than two years.

Amendment Proposed:

Insert a new subclause (c) as follows:

“(c) any person who undertakes the duty to recover any amount or property in pursuance to disclosure, refuses to or neglects to make full disclosure or willfully makes inaccurate disclosure of any amount recovered, shall be guilty of an offence and upon conviction shall be liable to an imprisonment for term of three years without an option of fine” (*Senator Bala Ibn Na’Allah — Kebbi South*).

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

- (2) A person who makes a disclosure which is false commits an offence and is liable on summary conviction to a term of imprisonment of not less than 5 years or to a fine of not less than 10 Million Naira (*Senator David Umaru — Niger East*).

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

Clause 46: Interpretation.

In this Bill-

“Commission” means the National Human Rights Commission;

Question: That the word “ Commission” defined in the Interpretation to this Act, put and agreed to.

"detrimental action" includes-

- (a) action causing injury, loss or damage;
- (b) intimidation or harassment; and
- (c) discrimination, disadvantage or adverse treatment in relation to a person's employment, career, profession, trade or business, including the taking of disciplinary action;

Question: That the words “ detrimental action” defined in the Interpretation to this Act, put and agreed to.

"disclosure" means any information regarding any unlawful or improper conduct made by any person who has reason to believe that the said information shows or tends to portray one or more of the nature and extent of improper conduct under section 2 of this Bill;

Question: That the word “ disclosure” defined in the Interpretation to this Act, put and agreed to.

"economic and financial crime" means the non-violent criminal and illicit activity committed with the objectives of earning wealth illegally either individually or in a group or organised manner thereby violating existing legislation governing the economic activities of government and its administration and includes any form

of fraud, narcotic drug trafficking, money laundering, embezzlement, bribery, and any form of corrupt malpractices, illegal arms deal, smuggling, human trafficking and child labour, illegal oil bunkering and illegal mining, tax evasion, foreign exchange malpractices including counterfeiting of currency, theft of intellectual property and piracy, open market abuse, dumping of toxic wastes and prohibited goods, etc;

Question: That the words "economic and financial crime" defined in the Interpretation to this Act, put and agreed to.

"employee" means a person who works for another person, company or organization or for the Federation and who is paid or entitled to be paid for organization services rendered but does not include an independent contractor;

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

"employer" includes an individual, a body corporate or unincorporated of the Federation who or which engages the services of or provides work for any other person and pays for the services, and a person acting on behalf of or on the authority of the employer;

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

"Federation" means the Federal Republic of Nigeria;

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

"head of community" means a person, who is validly nominated, elected or selected or installed as a chief in accordance with the relevant customary law and usage of the community;

Question: That the words "head of community" defined in the Interpretation to this Act, put and agreed to.

"improper conduct" is as defined in section 2 of this Bill;

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

"person" includes an individual, a body of persons, an institution or a corporation;

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

"protected disclosure" has the meaning given to it by Sections 3 and 4 of this Bill;

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

"religious body" means an association, a body or organization which professes adherence to a belief in a system of faith or worship or which is established in pursuance of a religious objective;

Question: That the words “religious body” defined in the Interpretation to this Act, put and agreed to.

"reward" includes a sum of money payable from the recovery to a person who makes a disclosure in accordance with this Bill; and

Question: That the word “reward” defined in the Interpretation to this Act, put and agreed to.

"victimization" means acts which fall within the matters specified in subsection (2) of section 18 of this Bill.

Question: That the word “victimization” defined in the Interpretation to this Act, put and agreed to.

Committee’s Recommendation:

That the provision in Clause 46 be retained (*Senator David Umaru — Niger East*) — *Agreed to.*

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

Clause 47: Short title.

This Bill may be cited as the Whistle Blower Protection Bill, 2017.

Committee’s Recommendation:

That the provision in Clause 47 be retained (*Senator David Umaru — Niger East*) — *Agreed to.*

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

Chairman to report Bill.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered Report of the Committee on Judiciary, Human Rights and Legal Matter on the Whistle Blowers Protection Bill, 2017 and approved as follows:

Clause 1	—	As Recommended
Clause 2	—	As Amended
Clauses 3&4	—	As Recommended
Clause 5	—	As Amended
Clauses 6-17	—	As Recommended
Clause 18	—	As Amended
Clause 19	—	As Recommended
Clause 20	—	As Amended
Clauses 21-23	—	As Recommended
Clause 24	—	As Amended

Clauses 25-33 — As Recommended

Clauses 34-38 — As Amended

Clauses 39-42 — As Recommended

Clause 43 — As Amended

Clauses 44-47 — As Recommended

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

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

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

12. Committee on Establishment and Public Service:

Report on the Institute of Chartered Biochemist and Molecular Biologists of Nigeria Bill, 2017 (SB.283):

Consideration of Report deferred to another Legislative Day.

13. Joint Committee on Labour, Employment & Productivity; and Power, Steel Development & Metallurgy:

Report on the motion on the Hike in Electricity Tariff by the Ministry of Power, Works and Housing; Nigerian Electricity Regulatory Commission (NERC) and Distribution Companies (DISCOs):

Consideration of Report deferred to another Legislative Day.

14. Committee on Foreign Affairs:

Report on the Extortion of Pilgrims by the National Hajj Commission of Nigeria (NAHCON):

Consideration of Report deferred to another Legislative Day.

15. Chartered Institute of Directors of Nigeria (Establishment, etc.) Bill, 2017 (SB.424):

Consideration of Bill deferred to another Legislative Day.

16. National Commission for Refugees Act, CAP N21 LFN 2004 (Repeal and Re-enactment) Bill, 2017 (SB.335).

Consideration of Bill deferred to another Legislative Day.

17. Foreign Service Commission (Establishment, etc.) Bill, 2017 (SB.422):

Consideration of Bill deferred to another Legislative Day.

18. National Fertilizer Quality Control Bill, 2017 (SB. 338):

Consideration of Bill deferred to another Legislative Day.

19. Non-Governmental Organizations Regulation Bill, 2017 (SB.111):

Consideration of Bill deferred to another Legislative Day.

20. Federal Capital Territory Act CAP F6 LFN (Amendment) Bill, 2017 (SB. 115):

Consideration of Bill deferred to another Legislative Day.

21. Corrections, Reformation and Reintegration Centre (Establishment, etc.) Bill, 2017 (SB.308):

Consideration of Bill deferred to another Legislative Day.

22. National Orientation Agency Act CAP N100 LFN 2004 (Amendment) Bill, 2017 (SB.333):

Consideration of Bill deferred to another Legislative Day.

23. Personal Information Protection Bill, 2017 (SB.310):

Consideration of Bill deferred to another Legislative Day.

24. Dormant Accounts Fund Management Board (Establishment, etc.) Bill, 2017 (SB.381):

Consideration of Bill deferred to another Legislative Day.

25. Nigerian Law Reform Act CAP N118 LFN 2004 (Amendment) Bill, 2017 (SB. 26):

Consideration of Bill deferred to another Legislative Day.

26. Adjournment:

And it being 2:50 p.m. the Senate President adjourn Senate till Thursday, 20th July, 2017 at 10:00 a.m.

Adjourned accordingly at 2:50 a.m.

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