

NATIONAL AGENCY FOR ETHICS AND VALUES BILL, 2016

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A BILL

FOR

AN ACT TO ESTABLISH NATIONAL AGENCY FOR ETHICS AND VALUES TO PROVIDE FOR THE FUNCTIONS AND POWERS OF THE AGENCY, THE QUALIFICATIONS AND PROCEDURES FOR THE APPOINTMENT OF THE CHAIRMAN AND MEMBERS, AND FOR RELATED MATTERS

Sponsored by Hon. Ossai Nicholas Ossai

[] Commencement

1 BE IT ENACTED by the National Assembly of the Federal
2 Republic of Nigeria as follows-

3 PART I - ADMINISTRATION

4 1. There is established an Agency to be known as National Agency
5 For Ethics and Values (in this Act referred to as the 'Agency')which shall be
6 body corporate with perpetual succession. Establishment of
7 the Agency

8 2. The Agency shall consist of- Composition and
9 Appointment of
10 Agency

11 (a) Chairman to be appointed by the president, Commander -in-
12 chief of the Armed Forces on recommendation of the Minister;

13 (b) member- Federal Commissioner to represent each of the state
14 of Federation on recommendation of the Governor of each state;

15 (c) A representative each from the Federal Ministries, that is-

16 (i) Federal Ministry of Education;

17 (ii) Federal Ministry of interior;

18 (iii) Federal Civil service commission.

19 3. In addition to the powers under this Act, the Agency shall
20 ensure access to all parts of the Federal Republic of Nigeria and shall have
the power to- Additional power
of the Agency

(a) acquire, hold, charge and dispose movable and immovable
property; and

(b) do or perform all such other things or acts for the proper

1 discharge of its functions under this Act or any written law as may lawfully be
2 done or performed by a body corporate.

Qualification for
appointment as
Chairperson

3 4.-(1) A person shall be qualified for appointment as the chairman if
4 that person-

5 (a) meets the requirements of section Seven of this Act;

6 (b) holds a degree from a university recognized in Nigeria;

7 (c) has knowledge and experience of not less than fifteen years in any
8 of the following fields-

9 (i) ethics and governance;

10 (ii) law;

11 (iii) public administration;

12 (iv) leadership;

13 (v) economics;

14 (vi) social studies;

15 (vii) audit;

16 (viii) accounting;

17 (ix) fraud investigation;

18 (x) public relations and media; or

19 (xi) religious studies or philosophy

20 (xii) trusteeship; and

21 (d) Has had a distinguished career in their respective field.

22 (2) A person shall be qualified for appointment as a member- Federal
23 commissioner of the Agency if that person-

24 (a) Meets the requirements of section 7 (2) of this Act;

25 (b) holds a degree from a University recognized in Nigeria;

26 (c) has knowledge and experience of not less than ten years in any of
27 the following fields-

28 (i) ethics and governance;

29 (ii) law;

30 (iii) public administration;

- 1 (iv) leadership;
2 (v) economics;
3 (vi) social studies;
4 (vii) audit;
5 (viii) accounting;
6 (ix) fraud investigation;
7 (x) public relations and media; or
8 (xi) religious studies or philosophy
9 (xii) trusteeship; and
10 (d) Has had a distinguished career in their respective field.

11 (3) A person shall not be qualified for appointment as a chairman or
12 as a member if the person-

- 13 (a) is a member of a governing body of a political party;
14 (b) is an un-discharged bankrupt;
15 (c) has been convicted of a felony; or breach of public trust
16 (d) Has been removed from public office for contravening the
17 provisions of the Nigeria Constitution, this Act or any other law.

18 (4) Subsection (3) (a) shall cease to apply to a person after two
19 general elections have been held since the person ceased to hold such office.

20 5.-(1) The chairperson and members of the Agency shall be Tenure of office
21 appointed for a single term of six years and shall not be eligible for re-
22 appointment.

23 (2) A member appointed under section (1) shall serve the agency
24 for a single term of six years.

25 6.-(1) Before assuming office, the chairman and members of the Oath of office
26 Commission shall take and subscribe to an oath of office as prescribed under
27 the First Schedule.

28 (2) The chairman and members of the Commission shall serve on a
29 full time basis.

Vacancy 1 7. The office of Chairman or a member shall become vacant if the
 2 holder-

 3 (a) Dies;

 4 (b) resigns from office by a notice in writing addressed to the
 5 President;

 6 (c) is convicted of a felony and sentenced to imprisonment;

 7 (d) is absent from three consecutive meetings of the Agency without
 8 good cause; or

 9 (e) Is removed from office under any of the circumstances specified in
 10 this Act.

 11 8.-(1) Where a vacancy occurs in the membership of the Agency, the
 12 President shall appoint a replacement in accordance with the procedure
 13 provided for under this Act.

 14 A member appointed under subsection (1) of this section shall serve the
 15 Agency for a single term of five years.

 16 9.-(1) The functions of the Agency shall-

 17 (a) in relation to State-

 18 (i) develop and promote standards and best practices in integrity,
 19 values and trusteeship;

 20 (ii) develop a code of ethics;

 21 (b) work with other State and public offices in the development and
 22 promotion of standards and best practices in integrity, trusteeship and values;

 23 (c) receive complaints on the breach of public trust and breach of the
 24 code of ethics by public officers;

 25 (d) investigate and recommend to the Director of Public Prosecutions
 26 the prosecution of any acts of breach or violation of public trust , codes of
 27 ethics or other matter prescribed under this Act or any other law enacted
 28 pursuant to this Act:

 29 (e) recommend appropriate action to be taken against State officers or

1 public officers alleged to have engaged in unprofessional and unethical
2 conduct;

3 (f) oversee the enforcement of public trust and codes ethics
4 prescribed for public officers;

5 (h) advise, on its own initiative, any person on any matter within its
6 functions;

7 (i) raise public awareness on ethical issues, trust and loyalty, and
8 integrity practice, and educate the public on the dangers of breach public
9 trust and loyalty, enlist and foster public support in combating immorality,
10 negativity corruption but with due regard to the requirements of this Act as
11 to confidentiality;

12 (j) subject to provisions of this Act, monitor the practices and
13 procedures of public bodies to detect corrupt practices and breach of public
14 trust. and to secure the revision of methods of work or procedures that may
15 be conducive; and

16 (k) Institute and conduct proceedings in court for purposes of the
17 recovery or protection of public property, or for the freeze or confiscation of
18 proceeds of breach or related to breach, or the payment of compensation, or
19 other punitive and disciplinary measures.

20 (2) Any person who contravenes subsection (1)(j) commits an
21 offence.

22 (3) The Agency may cooperate and collaborate with other State
23 organs and agencies in the prevention and investigation for breach of public
24 trust.

25 (4) The Agency shall have all powers necessary or expedient for
26 the efficient and effective execution of its functions, under this Act or any
27 other written law.

28 (5) The Agency may request and obtain professional assistance or
29 advice from such persons or organizations as it considers appropriate.

30 (6) The functions of the Commissioners shall be to-

1 (a) assist the Agency in policy formulation and ensure that the
2 Agency and its staff, including the Director General perform their duties to
3 the highest standards possible in accordance with this Act;

4 (b) give strategic direction to the Agency in the performance of its
5 functions as stipulated in this Act;

6 (c) establish and maintain strategic linkages and partnerships with
7 other stakeholders in the rule of law and other governance sector;

8 (d) deal with reports, complains of abuse of power; impropriety and
9 other forms of misconduct on the part of the Agency or its staff; and

10 (e) Deal with reports of conduct amounting to maladministration,
11 including but not limited to delay in the conduct of investigations and
12 unreasonable invasion of privacy by the Agency or its staff.

13 (7) The Commissioners shall meet regularly or as often as the need
14 arises for the execution of their functions.

General principels

15 **10.** In fulfilling its mandate, the Agency shall, in addition to the
16 values and principles under this Act, observe the following-

17 (a) accommodate the diversity of Nigerian people;

18 (b) impartiality and gender equity; and

19 (c) The rules of natural justice.

Powers of the
Agency

20 **11.-(1)** The Agency shall have all powers generally necessary for
21 the execution of its functions under this Act, and any other written law.

22 (2) Without prejudice to the generality of subsection (1), the
23 Agency shall have the power to-

24 (a) educate and create awareness on any matter within the Agency's
25 mandate;

26 (b) undertake preventive measures against anti-trust and unethical
27 practices;

28 (c) conduct investigations on its own initiative or on a complaint
29 made by any person, and

30 (d) Conduct mediation, conciliation and negotiation.

1 (ix) fraud investigation;

2 (x) public relations and media;

3 (xi) religious studies or philosophy; or

4 (xii) trusteeship.

5 (e) Meets the requirements of section Seven of this Act.

6 (2) The Director General shall serve on such terms and conditions as
7 the Agency may determine.

8 (3) Before assuming office, the Director General shall take and
9 subscribe to the oath of office.

10 (4) The Director General shall hold office for a term of four years and
11 shall be eligible for reappointment for another four years.

12 (5) The Agency shall cause the vacancy in the office of the Director
13 General to be advertised at least three months before the expiration date.

14 (6) The Director General shall, in the performance of the functions
15 and duties of his office, be responsible to the Agency.

16 (7) The Director General shall be-

17 (a) the chief executive officer of the Agency;

18 (b) the accounting officer of the Agency; and

19 (c) responsible for-

20 (i) carrying out of the decisions of the Agency;

21 (ii) day-to-day administration and management of the affairs of the
22 Agency;

23 (iv) supervision of other employees of the Agency;

24 (v) The performance of such other duties as may be assigned by the
25 Agency.

Removal from
office of the
Director-General

26 15.-(1) The Director General may be removed from office by the
27 Agency for-

28 (a) inability to perform functions of the office arising out of physical
29 or mental incapacity;

30 (b) gross misconduct or misbehavior;

1 (c) incompetence; or

2 (d) Violation of this Act.

3 (2) Where the question of the removal of the Director General
4 under sub-section (1) arises, the Agency shall inform the Director General in
5 writing of the reasons for the intended removal and shall give the Director
6 General the opportunity to respond thereto in writing.

7 16.-(1) There shall be a secretariat of the Agency.

Staff of the
Agency

8 (2) The secretariat shall comprise of-

9 (a) such professional, technical and administrative officers and
10 support staff, as may be appointed by the Agency in the discharge of its
11 functions under this Act; and

12 (b) Such public officers as may be seconded by the Public Service
13 Commission to the Agency upon its request.

14 (3) For purposes of this Act, a public officer who is seconded to the
15 Agency under subsection (2) (b), shall be deemed to be an employee of the
16 Agency and shall enjoy the same benefits and shall be required to comply
17 with this Act and any other written law relating to matters of ethics,
18 leadership and anti-trust, and any instruction, orders and directions of the
19 Agency in the same manner as an employee recruited directly by the Agency
20 under this Act.

21 (4) The Agency shall, in the appointment of employees, ensure
22 that-

23 (a) at least one-third of the employees are of either gender;

24 (b) The appointments reflect ethnic and regional diversity of the
25 people of Nigeria.

26 17.-(1) The seal of the Agency shall be such device as may be
27 determined by the Agency and shall be kept by the Director General.

Seal of the
Agency

28 (2) The affixing of the seal shall be authenticated by the
29 chairperson or any other person authorized in that behalf by a resolution of
30 the Agency.

1 (3) Any document purporting to be under the seal of the Agency or
2 issued on behalf of the Agency shall be received in evidence and shall be
3 deemed to be so executed or issued, as the case may be, without further proof,
4 unless the contrary is proved.

Protection from
personal liability

5 18. Nothing done by a member of the Agency or by any person
6 working under the instructions of the Agency shall, if done in good faith for the
7 purpose of executing the powers, functions or duties of the Agency under this
8 Act, render such member or officer personally liable for any action, claim or
9 demand.

Code of conduct

10 19. Members and the employees of the Agency shall subscribe to the
11 code of conduct set out by the Agency.

12 PART II - FINANCIAL PROVISIONS

Funds of the
Agency

13 20. (1) The funds of the Agency shall consist of-

14 (a) monies allocated by Parliament for purposes of the Agency;

15 (b) any grants, gifts, donations or other endowments given to the
16 Agency;

17 (c) Such funds as may vest in or accrue to the Agency in the
18 performance of its functions under this Act or under any other written law.

19 (2) Any funds donated or lent to, or gift made to the Agency shall be
20 disclosed to the National Assembly and made public before use.

Remuneration
and allowances

21 21. A member of the Agency shall be paid such remuneration or
22 allowances as the Salaries and Remuneration Agency shall determine.

Annual estimates

23 22. (1) At least three months before the commencement of each
24 financial year, the Agency shall cause to prepare estimates of the revenue and
25 expenditure of the Agency for that year.

26 (2) The annual estimates shall make provision for all the estimated
27 expenditure of the Agency for the financial year concerned and in particular,
28 shall provide for the-

29 (a) payment of remuneration in respect of the members and staff of the
30 Agency;

1 (b) payment of pensions, gratuities and other charges in respect of
2 benefits which are payable out of the funds of the Agency ;

3 (c) maintenance of the buildings, and grounds of the Agency ;

4 (d) funding of training, research and development of activities of
5 the Agency; and

6 (e) Creation of such funds to meet future or contingent liabilities in
7 respect of benefits, insurance or replacement of buildings or installations,
8 equipment and in respect of such other matters as the Agency may think fit.

9 (3) The annual estimates shall be approved by the Agency before
10 the commencement of the financial year to which they relate and shall be
11 submitted to the Minister for tabling in Parliament.

12 23. The financial year of the Agency shall be-

Financial year of
the Agency

13 (a) the period starting from the day on which this Act comes into
14 operation and ending on the following thirtieth December;

15 (b) The period of twelve months commencing on the first of
16 January and ending on the thirtieth of December of the subsequent year.

17 24.-(1) The Agency shall cause to be kept all proper books and
18 records of account of the income, expenditure, assets and liabilities of the
19 Agency.

Accounts and
audit

20 (2) The annual accounts of the Agency shall be prepared, audited
21 and reported upon in accordance with the Public Audit Act.

22 25.-(1) The Agency shall, at the end of each financial year cause an
23 annual report to be prepared.

Reports

24 (2) The Agency shall submit the annual report to the President and
25 the National Assembly three months after the end of the year to which it
26 relates.

27 (3) The annual report shall contain, in respect of the year to which it
28 relates-

29 (a) the financial statements of the Agency;

30 (b) a description of the activities of the Agency;

1 (c) such other statistical information as the Agency may consider
2 appropriate relating to the Agency's fund;

3 (d) any recommendations made by the Agency to State departments
4 or any person and the action taken;

5 (e) the impact of the exercise of any of its mandate or function;

6 (f) any impediments to the achievements of the objects and functions
7 under this Act or any written law; and

8 (g) Any other information relating to its functions that the Agency
9 considers necessary.

10 (4) The Agency shall cause the annual report to be published and the
11 report shall be publicized in such manner as the Agency may determine.

12 **PART III - MISCELLANEOUS PROVISIONS**

Independence of
the Agency

13 **26.** Except as provided in this Act, the Agency shall, in the
14 performance of its functions, not be subject to the direction or control of any
15 person or authority.

Management
of information

16 **27.-(1)** The Agency shall publish and publicize important information
17 within its mandate affecting the nation.

18 (2) A request for information by a citizen-

19 (a) shall be addressed to the Director General or such other person as
20 the Agency may for that purpose designate;

21 (b) may be subject to the payment of a reasonable fee; and

22 (c) May be subject to confidentiality requirements of the Agency.

23 (3) Subject to this Act, the Agency may decline to give information to
24 an applicant on the following grounds-

25 (a) the request is unreasonable in the circumstances;

26 (b) the information requested is at a deliberative stage by the Agency;

27 (c) failure of payment of a prescribed fee; or

28 (d) failure of the applicant to satisfy confidentiality requirements by
29 the Agency.

30 (4) The right of access to information under the Constitution and any

1 other written law is limited to the nature and extent specified therein.

2 (5) Every member and employee of the Agency shall sign a
3 confidentiality agreement.

4 28. The Agency shall, in such manner as it shall consider **Publicity**
5 appropriate, publish a notice for public information specifying-

6 (a) the location of its principal office; and

7 (b) Its address or addresses, telephone numbers and other means of
8 communication or contact with the Agency.

9 29. The Agency may request legal advice from the Attorney **Legal advice**
10 General.

11 30. The Agency may make Regulations for the better carrying out **Regulations**
12 of this Act, with respect to-

13 (a) the appointment, including the power to confirm appointments
14 of persons, to any office in respect of which it is responsible under this Act;

15 (b) the disciplinary control and termination of appointments of
16 employees of the Agency; and

17 (c) The practice and procedure of the Agency in the exercise of its
18 functions under this Act.

19 31.-(1) All property, assets, rights, liabilities, obligations, **Transfer of**
20 agreements and other arrangements existing at the commencement of this **assets, etc.**
21 Act and vested in, acquired, incurred or entered into by or on behalf of the
22 the Special Adviser to the President, shall upon the commencement of this
23 Act, be deemed to have vested in or to have been acquired, incurred or
24 entered into by or on behalf of the Agency to the same extent as they were
25 enforceable by or against the Agency before the commencement of the Act.

26 (2) Where the transfer of any property transferred to or vested in
27 the Agency under subsection (1) is required by any written law to be
28 registered, the Agency shall, within three months from the commencement
29 of this Act or within such other period as the written law may prescribe,
30 apply to the appropriate registering authority for the registration of the

1 transfer and thereupon the registering authority shall, at no cost to the Agency
2 or any person by way of registration fees, stamp or other duties-

3 (a) make such entries in the appropriate register as shall give effect to
4 the transfer;

5 (b) where appropriate, issue to the Agency a certificate of title or other
6 statutory evidence of ownership of the property or make such amendments on
7 such certificates or in the appropriate register as may be necessary; and

8 (c) Make any necessary endorsements on such deeds or other
9 documents as may be presented to such registering authority relating to the
10 title, right or obligation concerned.

Power of Minister
to give instructions

11 32. The Minister may give directives of a general nature to the Agency
12 with regard to the exercise by the Agency of its functions under this Act and it
13 shall be the duty of the Agency to comply with such directives

Interpretation t

14 33.-(1) In this Act, unless the context otherwise requires-

15 "Chairman" means the chairman appointed in accordance with Nigeria
16 Constitution and the procedure set out in section (7) of this Act;

17 "Agency" means National Agency for Ethics and Values established under
18 section 4 of this Act;

19 "National Agency for Ethics and Values" means an Agency established by
20 section 4 of this Act;

21 "Special Adviser to the President" means the Special Adviser to the President
22 for the time being responsible for matters relating to ethics and values;

23 "Salaries and Remuneration" means the Salaries and Remuneration of the
24 Agency established under this Act;

25 "Director General" means the Director-General appointed by the Agency in
26 accordance with the procedure set out in section 16 of this Act;

27 (2) Despite subsection (1), until after the commencement of this Act,
28 the expression "Special Adviser" shall be construed to mean "Minister."

Short Title t

29 34. This Act may be cited as National Agency for Ethics and Values
30 Bill, 2016.

EXPLANATORY MEMORANDUM

This Bill seeks to establish National Agency for Ethics and Values to provide for the functions and powers of the Agency, the qualifications and procedures for the appointment of the chairman and members, and for related matters.