

# A BILL

## FOR

AN ACT TO ESTABLISH AN INDEPENDENT NATIONAL ASSEMBLY BUDGET AND RESEARCH OFFICE, WHICH SHALL PROVIDE THE NATIONAL ASSEMBLY WITH OBJECTIVE, TIMELY AND NON-PARTISAN ANALYSIS NEEDED FOR ECONOMIC AND BUDGET DECISIONS AND OTHER RELATED MATTERS, 2016

*Sponsored by Senator Babajide Omoworare*

[ ] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria-

1 1.-(1) There is established under this Bill the National Assembly  
2 Budget and Research Office (in this Bill referred to as "NABRO"). Establishment of NABRO

3 (2) NABRO shall be a body corporate with perpetual succession,  
4 an official seal, and shall have power to sue and be sued in its corporate  
5 name.

6 2. The functions of NABRO shall be to- Functions

7 (a) provide independent, unbiased and non-partisan analysis of the  
8 national budget estimates;

9 (b) provide independent unbiased analysis of the budget of the  
10 National Assembly and assist all the Committees of the National Assembly  
11 in developing their annual budgets;

12 (c) provide independent and continuous review of the budget of the  
13 Federal Government including monitoring of existing and proposed  
14 programme and budgets;

15 (d) provide assistance to all Committees in both Chambers of the  
16 National Assembly, including-

17 (i) information with respect to budget and all bills relating to new  
18 budget heads;

1 (ii) information with respect to estimated future revenue and  
2 changing revenue conditions;

3 (iii) aggregate of all current liabilities and existing financial  
4 commitments; and

5 (iv) any related information as the Committees may request.

6 (e) provide analysis of the economic implication on the private sector,  
7 the budgetary and financial implication on States and Local Governments of  
8 any proposed legislation;

9 (f) prepare and present to the National Assembly periodic forecasts of  
10 economic trends and alternative fiscal policies;

11 (g) provide the National Assembly with cost estimates including an  
12 analysis of the inflationary impact of any proposed legislation;

13 (h) submit to both Chambers of the National Assembly, (not later than  
14 June every year), a report of-

15 (i) all items funded in the preceding financial year for which no  
16 appropriation was made by the National Assembly; and

17 (ii) all items contained in the Appropriation Act in the preceding  
18 financial year but which were not funded by the Federal Government.

19 (i) publish and disseminate on its website information it generates  
20 including reports, analysis, forecasts, etc; and

21 (j) carry out any other functions as the Board may direct from time to  
22 time.

23 3. NABRO shall have the power to do all things necessary to or in  
24 connection with the performance of its functions, including, but not limited to  
25 the power to-

26 (a) enter into agreement, acquire, hold and dispose of property;

27 (b) procure the services of experts, consultants and organisations;

28 (c) enter into partnership or affiliation with any company, firm,  
29 organization, agency or person, which in its opinion will facilitate the  
30 discharge of its functions;

1 (d) request for and obtain, from any public enterprise, statistical  
2 and other information including reports, memoranda, audited accounts and  
3 other information relevant to its functions;

4 (e) liaise with relevant bodies or institutions, national or  
5 international for effective performance of its functions;

6 (f) conduct any study necessary, to enable it fulfill its mandate; and

7 (g) determine the methodologies needed for use in its works.

8 4.-(1) There shall be for NABRO, a Governing Board (in this Bill Governing Board  
9 referred to as "the Board").

10 (2) The Board shall comprise of the following:

11 (i) a Chairman and 6 other members representing each of the geo-  
12 political zones;

13 (ii) the Director General of NABRO;

14 (iii) four Ex-Officio members comprising the representative of  
15 Clerk to the National Assembly and the three Directors of NABRO.

16 (3) The Chairman and members of the Board shall be appointed by  
17 both the Senate President and the Speaker of the House of Representatives.

18 (4) The Chairman and members of the Board shall hold office for a  
19 single tenure of 5 years only.

20 (5) The Chairman and members of the Board shall be part-time  
21 members.

22 (6) The provision of the Schedule to this Bill shall apply with  
23 respect to proceedings of the Board.

24 5. Members of the Board shall have relevant professional  
25 qualification and experience.

Qualification  
for membership

26 6. The Chairman or any member of the Board other than ex officio  
27 members shall be removed from office, by simple majority votes of each  
28 Chamber of National Assembly.

Removal from  
Office

29 7. There shall be paid to every member of the Board except the  
30 Director-General, such remunerations, allowances and expenses as

Allowances and  
remuneration of  
members of the  
board

1 determined by the Revenue Mobilisation Allocation and Fiscal  
2 Commission.

Powers and  
functions of the  
governing board

3 8. The Governing Board shall have supervisory authority over  
4 NABRO and shall exercise the following powers-

5 (a) appointment and discipline of Directors in accordance with  
6 internationally acceptable transparency standards;

7 (b) approval and ratification of appointments, promotion and  
8 discipline of professional analysts and other professional staff of NABRO, as  
9 may be recommended by the Management Committee and in accordance with  
10 internationally acceptable transparency standards;

11 (c) approval of NABRO budget subject to ratification by National  
12 Assembly;

13 (d) to make regulations and guidelines for the operation of the Office;

14 (e) approval of establishment of departments as the need arises; and

15 (f) to take any action necessary for the proper functioning of NABRO.

Establishment and  
functions of the  
management  
committee

16 9.-(1) There shall be for NABRO a Management Committee  
17 comprising the Director-General and the Directors who shall be responsible  
18 for-

19 (a) the implementation of the requests from the Committees of the  
20 National Assembly and the day-to-day administration of NABRO;

21 (b) making recommendations to the Governing Board on  
22 appointment, promotion and discipline of professional staff other than  
23 Directors, and

24 (c) any other duties as the Governing Board may direct.

25 (2) NABRO shall be structured into functional departments each  
26 headed by a Director.

27 (3) Subject to the power of the Governing Board to create additional  
28 departments, the following departments shall exist-

29 (a) Budget Analysis Department;

30 (b) Research Analysis Department; and

1 (c) Administrative and Services Department.

2 (4) Functions and duties of each department shall be as defined in  
3 an operational manual approved by the Governing Board.

4 **10.-(1)** The Director-General shall be the Chief Executive and  
5 Accounting Officer of NABRO.

Appointment,  
duties, tenure and  
removal of the  
Director-General

6 (2) The Director-General shall be appointed upon a resolution of a  
7 simple majority of both Chambers sitting separately after considering  
8 recommendation of the appropriate committees in both Senate and House of  
9 Representatives and the appointment shall be based solely on professional  
10 competence and qualification.

11 (3) The Director-General shall be a person of proven integrity who  
12 has had at least 20 years post bachelor's degree career with not less than a  
13 Master's degree qualification in the field of either economics, finance,  
14 accountancy, business administration, public administration etc.

15 (4) The Director-General shall not be a member of a political party.

16 (5) The Director-General shall hold office for a period of 4 years,  
17 and may be eligible for reappointment for one more term of 4 years only,  
18 provided the Governing Board considers his performance satisfactory.

19 (6) The Director-General shall be responsible for the overall  
20 operations of NABRO including but not limited to-

21 (a) steering and overseeing the provision of analysis of the annual  
22 budget estimates of the Federal Government and the implementation of the  
23 requests or directives of Legislative Committees;

24 (b) general management and administration of NABRO;

25 (c) controlling and disbursing amounts from funds established in  
26 accordance with this Bill; and

27 (d) performance of such other duties as may be specified, directed  
28 and determined by the Governing Board; and

29 (7) The Director-General may be removed from office upon a  
30 resolution of both Senate and House of Representatives on consideration of

1 recommendation of the Governing Board for the Director-General's inability  
2 to discharge the function of the office or for misconduct.

3 (8) The Director-General may resign from office upon giving 3  
4 months written notice of resignation to the Governing Board or payment of 3  
5 months basic salaries in lieu of notice.

Appointment,  
duties, tenure and  
removal of  
Directors

6 11.-(1) The Directors for the Departments shall be appointed by the  
7 Governing Board in a transparent manner and the appointments shall be based  
8 solely on professional competence and qualification.

9 (2) The Directors shall be professionals in the relevant fields and shall  
10 be persons of proven integrity with at least a Master's degree and a minimum of  
11 15 years post qualification and relevant experience.

12 (3) The Directors shall not be members of a political party.

13 (4) The Directors may be removed from office by the Governing  
14 Board upon recommendation of the Director-General for inability to discharge  
15 the function of the office or for misconduct.

16 (5) A Director may resign his office upon giving 3 months written  
17 notice of resignation to the Governing Board or payment of 1 month basic  
18 salary in lieu of notice.

Other Staff

19 12.-(1) The Management Committee shall appoint such other staff as  
20 may be necessary to carry out the duties and functions of NABRO in  
21 accordance with internationally acceptable transparency standards and such  
22 appointments shall be made solely on the basis of qualification and  
23 competence.

24 (2) In carrying out the duties and functions of NABRO, the  
25 Management Committee may procure the services of experts or consultants by  
26 contract, subject to ratification by the Governing Board.

Remuneration of  
Directors,  
Professional  
Analysts and  
Professional  
Staff

27 13.-(1) The Directors, Professional Analysts and Professional Staff of  
28 NABRO shall receive such remuneration as shall be determined by the  
29 Governing Board.

30 (2) Such remuneration shall be competitive.

1           **14.**-(1) Service in NABRO shall be approved service for the  
 2           purpose of the Pensions Act, and accordingly, officers and other persons  
 3           employed in NABRO in respect of their service shall be entitled to pension,  
 4           gratuities and other retirement benefits as are enjoyed by persons holding  
 5           equivalent grades in the public service of the Federation.

Remuneration of  
 other staff  
 Pension CAP 4  
 LFN

6           (2) Nothing in subsection (1) of this section shall prevent the  
 7           appointment of a person in NABRO on terms, which preclude the grant of a  
 8           pension or gratuity in respect of service in NABRO.

9           **15.** The Governing Board may by regulations, first laid before the  
 10          National Assembly, and published in the Gazette prescribe the-

Regulations

11          (a) duties and responsibilities of the Director-General, Directors,  
 12          Professional Analysts, Professional Staff and other Staff of NABRO;

13          (b) disciplinary control of employees of NABRO and mode of  
 14          appeal by such employees against dismissals or other disciplinary measure;

15          (c) administrative or organizational structure of NABRO;

16          (d) promotion and staff welfare; and

17          (e) other guidelines.

18          **16.** -(1) NABRO shall derive its Fund from-

19          (a) such monies as may in each year be approved by the National  
 20          Assembly under the Appropriation Act for the purposes of carrying out the  
 21          duties and functions of NABRO;

Funds, estimates  
 of expenditure,  
 etc

22          (b) such monies as may from time to time, be granted or deposited  
 23          with NABRO by the National Assembly or anybody or institution within the  
 24          country;

25          (c) all monies raised for the purposes of NABRO by way of gifts,  
 26          loans, grants-in-aid, testamentary dispositions or otherwise;

27          (d) proceeds from other assets that may from time to time accrue to  
 28          NABRO.

29          (2) Such monies derived for the purpose of running NABRO shall  
 30          be declared to the National Assembly who shall then appropriate such funds

1 before spending except for grants in aids attached to programme or projects.

2 (3) NABRO shall defray from the Fund all expenditures incurred by it  
3 and shall include-

4 (a) the cost of administration;

5 (b) the payment of salaries, fees or other remunerations or allowances  
6 and pensions and gratuities payable to members and employees of NABRO;  
7 and

8 (c) anything done in connection with any of its functions under this  
9 Bill.

10 (4) The Director-General shall prepare not later than 31st June of each  
11 year, an estimate of the expenditure and income of NABRO for the succeeding  
12 year which shall be submitted to Clerk to the National Assembly through the  
13 Governing Board for approval for Appropriation.

14 (5) The Director-General shall keep accounts and receipts, payments,  
15 assets and liabilities and shall in respect of each year prepare a statement of  
16 account in such form as the National Assembly may direct.

17 (6) The Director-General shall within 3 months after the end of the  
18 financial year to which the account relates, cause the account to be audited by  
19 auditors appointed from the list and in accordance with guidelines supplied by  
20 the Auditor-General of the Federation.

Obtaining of data  
by the Director-  
General

21 17. The Director-General may, for the purpose of coordinating the  
22 operations of NABRO with those of the National Assembly Agencies, obtain  
23 information, data, estimates and statistics developed by the Committees, Clerk  
24 and all other offices of the National Assembly.

Obtaining of data  
from public bodies

25 18.-(1) The Director-General shall obtain information, data,  
26 estimates and statistics directly from ministries, extra-ministerial departments,  
27 Government parastatals, agencies, commissions and establishments; and all  
28 such ministries, extra-ministerial departments, Government parastatals,  
29 agencies, commissions and establishments shall furnish the Director-General  
30 with all materials that are necessary in the performance of his duties.



1           (2) The Director-General may, upon agreement with the head of  
2 any Ministry, Extra-Ministerial departments, parastatals, agency,  
3 Commission or establishment, utilize its services, facilities and personnel as  
4 needed by NABRO.

5           (3) The Director-General may assign Professional and other staff  
6 of NABRO to any Ministry, Extra-Ministerial department, parastatals,  
7 agency, commission or establishment including joint ventures where  
8 Government is a party for the purpose of obtaining primary data and  
9 statistics.

10          (4) The Director-General may assign Professional Staff or  
11 Consultants to conduct surveys as may be required by NABRO.

12          (5) It shall be mandatory for any MDAs to submit information,  
13 data, estimates and statistics as requested by NABRO, failure of compliance  
14 will be reported to the Senate and the House of Representatives.

15           **19. In this Bill-**

Interpretation

16 "committees" means committees established under the rules of both the  
17 Senate and the House of Representatives;

18 "core revenue" means accruable revenue;

19 "economic related committees" mean committees on Aids, Loans and Debt  
20 Management; Appropriation; Banking and Currency; Capital Market;  
21 Finance; Legislative Budget and Research; National Planning and  
22 Population; Public Accounts; and any other committee(s) that may be  
23 established according to the Standing Orders of either House of National  
24 Assembly;

25 "misconduct" as provided in the Code of Conduct for Public Officers;

26 "permissible aggregate government expenditure" means the total spending  
27 ceilings or limits;

28 "property" means land or building and includes intellectual property;

29 "property" means land or building and includes intellectual property;

30 "Public Bodies" means any corporation, board, company or parastatals

1 established by, or under enactment in which the Government of the Federation,  
2 a Ministry, or Extra-Ministerial Department, agency, or equity interest and  
3 include a partnership, joint venture, or any form of business arrangement or  
4 organization;

5 "NABRO" means National Assembly Budget and Research Office.

Citation

6 20. This Bill may be cited as the National Assembly Budget and  
7 Research Office (Establishment) Bill, 2016.

8 SCHEDULE *Section 4(6)*

9 SUPPLEMENTARY PROVISION RELATING TO THE BOARD, ETC.

10 1.-(1) At any meeting of the Board, the Chairman shall preside and in  
11 his/her absence, such member of the Board as the other members may elect  
12 from among themselves for that purpose.

13 (2) The Director-General shall be the Secretary; and shall provide  
14 secretariat services for all meetings of the Governing Board.

15 (3) Subject to this Bill and section 27 of the Interpretation Act, the  
16 Board may make standing orders regulating its proceeding or those of any of its  
17 Committees.

18 2. The Quorum of the Board shall be the four (4) members of the  
19 Board.

20 3. The Board may appoint one or more Committees to carry out, on  
21 behalf of the Board, such of its functions as the Board may determine, but no  
22 decision of any such Committee shall have effect unless ratified by the Board.

23 4. The Board may co-opt persons who are not members of the Board  
24 to any meeting of the Board or any Committee and such persons may take part  
25 in the deliberations of the Board or any Committee but shall not be entitled to  
26 vote.

27 5. The fixing of the seal of office shall be authenticated by the  
28 Signature of the Chairman or any other member of the Board generally or,  
29 specifically authorized by the Board to act for that purpose and the Director-  
30 General-

1           (a) a document purporting to be a document duly executed under  
2 the seal of NABRO shall be received in evidence and shall, unless and until  
3 the contrary is proved, be presumed so executed.

4           6. The validity of any proceedings of the Board or a Committee  
5 shall not be adversely affected by-

6           (a) the validity in the membership of the Board or Committee;

7           (b) a defect in the appointment of a member of the Board or  
8 Committee; or

9           (c) reason that a person not entitled to do so, took part in the  
10 proceeding of the Board or Committee.

#### EXPLANATORY MEMORANDUM

This Bill seeks to establish an Independent National Assembly Budget and Research Office, which shall provide the National Assembly with objective, timely and non-partisan analysis needed for economic and budget decisions.