

A BILL

FOR

AN ACT TO ESTABLISHMENT WELFARE TRUST FUND AND MANAGEMENT COMMISSION 2019, FOR EFFECTIVE MANAGEMENT OF THE WELFARE THE UNEMPLOYED, PEOPLE WITH DISABILITY (TEMPORAL/PERMANENT), ORPHANS, WIDOWS, THE ELDERLY & THE YOUTHS. COMPENSATIONS OF CITIZENS WHO ARE DEPRIVED OF MEANS OF LIVELIHOOD AS A RESULT OF POPULATION, DEMOLITION, FORCED RELOCATION, RETIREMENT AND HEALTH. PROVISION OF MEDICAL CARE AND PROVISION OF SUBSIDIES FOR POOR FAMILIES AND TO PROTECT THE LESS PRIVILEGE IN THE SOCIETY AND FOR RELATED MATTERS

Sponsored by Hon. Chukwuma Umeoji

[] Commencement

ENACTED by the national assembly of the Federal Republic of Nigeria.

1 PART I - ESTABLISHMENT OF THE COMMISSION

2 I. -(1) There is hereby establishment of a commission known as the
3 National Welfare Trust Fund and Management Commission (NWTFCM)
4 on this Bill referred as the ("Commission").

Establishment
of the
Commission

5 (2) The Commission shall:

6 (a) Be a cooperate body;

7 (b) Have perpetual succession and common seal; and

8 © May sue and may be sued.

9 PART II - OBJECTIVES, FUNCTIONS, DUTIES AND POWER OF THE 10 COMMISSION

11 2. -(1) The principal object of this bill is to establish a commission
12 whose objective shall be to ensure effective financial intervention,
13 supervision and the welfare management of Nigerian citizens, by means of
14 adequate provision of soft welfare packages for the unemployed, people

Objectives of
the Commission

1 with disability (permanent or temporal), Orphans, Widows, the Elderly and the
2 youths. Compensation of citizens who are deprived of their means of
3 livelihood as a result of oil and gas pollution, demolition, urban encroachment,
4 forced relocation, retrenchment, and death. Giving scholarship to children and
5 youths whose parents cannot afford their fees to all levels.

6 (2) The function and duties of the commission shall be:

7 (i) To ensure effective data collection of all citizens, for the
8 implementation of various scheme that will affect the lives of the citizens
9 positively in collaboration with relevant bodies and agencies;

10 (ii) To ensure that those who have been deprived of their means of
11 livelihood as a result of disability (temporal or permanent), oil and gas
12 pollution, retrenchment, urban encroachment war demolition forced mentally
13 derailed relocation and death are duly compensated or rehabilitated;

14 (iii) To ensure that every Nigerian is reached, so as to identify their
15 challenges, and proffer the best way to manage the problems they are facing;

16 (iv) To ensure that basic amenities/facilities such as Health Care,
17 sports, schools, skills Acquisition, Rehabilitation Centers, Micro financial
18 institutions etc are built with best standards Nationwide, to complement
19 government effort;

20 (v) To apply appropriate, budgetary provision with respect to section
21 2 (iii & iv) of this bill or as authorized by the president or as approved by the
22 National Assembly;

23 (vi) To ensure that all social security policies are harmonized and
24 implemented under a unified body, in order for accountability, equity fairness,
25 justice, to avoid duplication duties and also to have a clear source of funding;

26 (vii) To liaise with relevant bodies and fashion out appropriate
27 National social management plan with a view of making effective, the
28 operational social welfare/security scheme for use by all relevant bodies and
29 agencies operating in Nigeria in order to eliminate or minimize the rate of
30 poverty, sickness, ignorance, illiteracy, and death;

(viii) To monitor, intervene/provide financial assistance to people with disabilities (temporal or permanent), the unemployed, youths, the elderly, widows, orphans, the mentally retarded, destitute, the retrenched etc., in all the states and local government in Nigeria, who by continuous neglect may adversely affect on the National, security, Economy as well as the well being of all Nigerians;

(ix) To supervise, monitor various NGOs and their activities, so as to ensure transparency in the release of fund from local and international donor agencies, and also to have data of all NGOs and welfare agencies in Nigeria.

3. The commission shall have the power to:

Power of the
Commission

(a) Make specific rules and regulations consequent upon the broad prospective of the provision of this bill and request for relevant information from Local, (State and Federal Government, Ministries, Departments, Statutory bodies, Agencies, Parastatals, and/or anybody or bodies for the purpose of effectuating or giving more impetus to the object, powers, function and responsibilities of the commission in this bill especially with respect to the provision in section 3(i),(ii),(iii),(iv),(v),(vi),(vii),(viii), section 10, 11, 12, and 13 of this Bill;

(b) Borrow such sum of money as the commission may from time to time require, for the purpose of performing its functions under this bill;

(c) Acquire property(ies) and offices in any part of the federation;

(d) Establish such zonal, state, Local government Area, offices as the commission may deem necessary for the purpose and other offices of proper performance of its functions under the Bill;

(e) Do such co-operate social responsibilities and other relevant things are necessary for the successful performance of its functions under this Bill;

4. The board of the Commission shall have powers:

Power of the
Board

(a) To formulate overall policy direction for administration of the

1 commission;

2 (b) To supervise affair of management of the Commission subject to
3 the overall supervising powers and directives of the president;

4 (c) Do other things such as to enter into legal contracts and
5 transactions which in its opinion are necessary to ensure the efficient
6 performance of its functions under this Bill;

7 (d) To make necessary recommendations to the president through
8 appropriate channel for approval to enhance the functions and role of the
9 Commission from time to time.

10 5. The Commission shall have the power to:

11 (a) Make rules relating to the condition of service of the employees of
12 the Commission without prejudice to the rules of the civil service applicable in
13 the Federation and these includes:

14 (i) The appointment and disciplinary control of all employees of the
15 agency;

16 (ii) Appeal by employee against dismissal or other disciplinary
17 measure.

18 (b) The rules made under this Bill by the Commission need not to be
19 published in a gazette but the Commission shall cause them to be brought to the
20 notice of all affected persons in such manner as it may from time to time
21 determine.

22 PART III - APPOINTMENT, SUPERVISION, COMPOSITION OF BOARD,

23 QUALIFICATION OF MANAGEMENT AND TENURE.

Appointment
and supervision,
composition of
the Board

24 6.-(i) The board of the commission shall be appointed by the President
25 and The Presidency shall also have supervisory power over the commission;

26 (ii) The composition if the board of the commission shall include:

27 (a) The chairman (ceremonial);

28 (b) Director General who shall be the chief executive of the
29 commission;

30 (c) A representative of the federal ministry of finance, Labour and

1 productivity, youth and social development, women affairs and housing and
2 urban development not below the rank of a director;

3 (d) A representative of the National social insurance commission
4 or anybody charged with insurance matter regulation in Nigeria not below
5 the rank of a director;

6 (e) A representatives of a National Entrepreneur Agency, national
7 population commission/National identification management commission,
8 SMEDAM, National poverty eradication programme, National Orientation
9 Agency, etc., not below the rank of Director in the civil/Federal service;

10 (f) Three NGOs representative of the insurance industry as
11 follows: an insurer, broker and loss adjuster; and

12 (g) Two other member of the public with reputable character.

13 7.-(i) There shall be for the commission a Director General (in this
14 Bill also referred to as Chief executive of the commission) who shall be
15 appointed by the president and commander-in-Chief of the armed Forces of
16 Nigeria and the Director General shall be assisted by other line of Executive
17 Director for the effective management of the commission;

Appointment
of the Director-
General

18 (ii) A person shall not be qualified for appointment as Director
19 General unless he has:

20 (a) Minimum of first degree with honors in recognized university
21 or institution in any of the following areas: Marketing, Management,
22 Economics, sociology, Law, Insurance or relevant or related equivalent
23 professional qualification;

24 (b) Not less than 18 years post qualification/graduation;

25 (c) Must have held the post of Chief Executive or top management
26 position in Insurance Brokering or Insurance Company or related institution
27 with reference to marketing and/or social security for not less than 10 years.

28 8.-(1) The Director General shall:

Duties of the
Director-General

29 (a) Be the Chief Executive of the Commission;

30 (b) Be responsible for:

Tenure of the
Director-General

1 (i) The execution of the policies of the Board of the commission and
2 directives by the presidency;

3 (ii) The day-to-day administration of the commission.

4 (2) Shall hold office for four (4) years in the first instance and may be
5 re-appointed for a further period four years and no more and on such other
6 tenures and conditions including empowerments and allowances as may be
7 specified in the letter of appointment.

Qualification
of the Executive
Directors and
Duties

8 (3) A person shall not be qualified to hold a post or be appointed as an
9 Executive Director of a department, and
10 who shall report to the Chief Executive of the commission unless he has:

11 (a) A minimum of first degree (B.sc) with honors from recognized
12 institutions follows: a degree in accounting, Economics, Management,
13 Finance, Marketing, or related professional qualification and served or
14 currently serving with not less than 10 years post qualification in Management
15 position in public service or reputable private organization which shall come to
16 the end on accepting this new appointment as a Director of the commission
17 subject to the policy direction of the commission and assigned by the Director
18 General, the Executive Director finance and administration, shall perform
19 administration and finance duties;

Executive
Director of
Operations

20 (b) A degree in business administration, Law, marketing, Economics,
21 Sociology or related professional course with not less than 10 years post
22 qualification/graduation and served or currently serving in management
23 position in public service or reputable private organization, which shall come
24 to an end on accepting this new appointment as Executive Director Operation
25 of the commission, subject to the policy direction of the commission and
26 assigned by the Director General, the Executive Director of operations shall
27 perform operational duties and coordinate various programmes of Nigerians
28 welfare in collaboration with other relevant bodies for effective management
29 of National welfare and social security;

1 (c) A Degree in Business management, Sociology, Insurance, Executive Director
2 Marketing Law or professional course in insurance or related discipline with of Technical and
3 not less than 10 years post graduation/qualification and served or serving in Social Security
4 management post in public service or reputable insurance organization, or Management
5 related business and such appointments shall come to an end in accepting
6 this new appointment as Executive Director Technical and Social Security
7 Management of the Commission subject to policy duration of the
8 Commission and assigned by the Executive Director, Technical and social
9 security management shall amongst others perform all insurance and social
10 security management duties.

11 (d) Qualification for the post of Executive Director of marketing is Executive Director
12 same as (b) above. Subject to the policy duration of the commission and Marketing
13 assigned by the Director General from time to time, the Executive Director
14 of marketing shall perform all marketing duties, mobilize fund and other
15 related duties as may be deemed expedient which also include follow-up on
16 receipt remittance and enforcement pursuant to accomplishing the provision
17 in section 10 of this Bill; and

18 (e) Other staff of the commission shall be recruitment in different Other Staff of
19 fields, departments and units with prescribed qualifications from the the Commission
20 commission.

21 (3) The quorum for meeting of the Board members shall be six: Quorum for
22 Meeting

23 (i) Subject to any other contingencies, the tenure of the board shall Tenure of
24 be for four years; Board

25 (ii) The tenure of the top management of the commission shall be
26 for four years renewal term with maximum terms;

27 (iii) Notwithstanding the above provisions, the President may Removal or
28 withdraw the appointment on public interest or proven criminal and Termination of
29 corruption charges, duly investigated and convicted by a court of competent Appointment
jurisdiction.

Executive
Management
Development
of Commission

1 9.-(1) The Management team of the commission shall be headed by
2 the Director General who shall be the Chief Executive of the Commission
3 assisted by the Executive Director of Marketing operations, technical and
4 welfare management, administrative and finance and other departments and
5 professional units or consultancy as may be demanded;

6 (ii) Subject to the provision in section 7(3)(D) and 9(i) such other staff
7 of the commission can be drawn from any branch of the civil service or
8 recruited independently by the commission as may be required;

9 (iii) No person shall hold office as Director General or Director or
10 Staff position in any department of the Commission where he or she:

11 (a) becomes of unsound mind or owing to ill health is incapable of
12 carrying out his or her duties;

13 (b) is convicted of any offence involving dishonesty or any other
14 offence, the maximum penalty of which exceed;

15 (c) imprisonment for a term of 6 months;

16 (d) is disqualified or suspended from;

17 (e) Practicing his or her profession in Nigeria by order of competent
18 authority made in respect of him personally;

19 (f) is guilty of serious misconduct in relation to his work or becomes
20 bankrupt.

21 PART IV - SOURCE OF FUNDING, EMERGENCY FUND APPLICATION,
22 REHABILITATION, EMPOWERMENT, RESETTLEMENT AND COMPENSATION
23 TO SOCIALLY NEGLECTED CITIZENS

Source of Fund

24 10. The source of fund for the commission shall be:

25 (i) 1% contribution by the National Insurance commission
26 (NAICOM), National social insurance commission from the total contribution
27 and receipt to her by the insurance industry;

28 (ii) 1% contribution by the Petroleum Technology and Development
29 Fund (PTDF) from her Income;

30 (iii) 1% contribution to the Niger Delta Development Commission

- 1 (NDDC) commission from her income;
- 2 (iv) 1% contribution by Federal Inland Revenue Service (FIRS) of
- 3 her income;
- 4 (v) 1% contribution from all Receipt and collection by the Nigerian
- 5 Customs and exercise;
- 6 (vi) Federal, State and Local Government appropriate or part there
- 7 of as appropriate on the subject of social security/ welfare management;
- 8 (vii) Receipt and donation from all other Bodies and Agencies
- 9 (Local and International);
- 10 (viii) 1% of income of Nigerian National Petroleum Corporation
- 11 (NNPC) or its successors;
- 12 (ix) 0.5% income of all companies in manufacturing, extractive
- 13 and transport, Aviation, Insurance, Banking, Communication industry and
- 14 other enterprises, after tax. 1% of income of Central Bank of Nigeria (CBN)
- 15 or its Successor; and
- 16 (x) Any other legal sources and income generating ventures
- 17 approval by the board or supervising Government Body.

18 **11. -(1)** An application for the release of fund under Section (10) of Release of Fund
19 this bill shall be constructed as a demand notice payable at source or by the
20 relevant agency or body as appropriate.

21 **(2)** The Federal Inland Revenue or body responsible for tax is Receipt by tax
22 hereby empowered to demand as condition precedent to tax clearance mechanism and
23 receipt of compliance or receive on behalf of the commission any sum of remittance
24 money necessary remittance to the commission as appropriate.

25 **12.** There shall be established welfare/social security fund by the Fund for Welfare
26 commission approved by the board and or the presidency on the directives of Social Security
27 the president, for immediate welfare response in all cases as may arise to response,
28 rehabilitate and or compensate neglected citizens. rehabilitation and compensation
of deprived
citizens

29 **13.** The application of the welfare fund shall be with respect to: Application of
30 **(1)** Give scholarship to children and youth whose parent are welfare fund

1 incapacitated as a result of joblessness, poverty, have disabilities (Temporal or
2 Permanent), dead;

3 (ii) Compensate and rehabilitate people who are neglected/deprived
4 of basic means of livelihood as a result of oil and gas pollution, demolition,
5 urban encroachment, force relocation/retrenchment, and death of spouse or the
6 bread winner, war or crisis;

7 (iii) Grant/give monthly stipend and soft loans to the unemployed
8 youth, widows, the elderly, etc.

9 14. Pursuant to section 2(viii),13(i-iii),the limit of grant and
10 compensation payable to the citizens by the commission shall be as follows:

11 (i) Scholarship fees from primary to tertiary shall be verified from
12 various education agencies and whatever is paid shall be communicated in a
13 transparent manner;

14 (ii) Compensation and rehabilitation of Nigerians who have no means
15 of livelihood as a result of oil and gas pollution, demolition, urban
16 encroachment, forced relocation, retrenchment and death of spouse or the
17 bread winner war as specified in section 13 of this bill duly confirmed and
18 certified as specified in subsection (1) of this section shall not be less than
19 N500,000:00 (five hundred thousand naira);

20 (iii) The commission shall grant soft loans to the young entrepreneurs
21 who are willing to start business and create jobs with an amount not less than
22 N100,000:00 (one hundred thousand naira) only and shall pay monthly
23 stipends of not less than 5000 (five thousand only) to unemployed youths,
24 widows and the elderly.

25 PART V - OPERATING FUND AND GENERAL RESERVE FUND OF THE
26 COMMISSION

Operating Fund
of the
Commission

27 15. The commission shall apply part of the fund received pursuant to
28 section 10 of this bill to establish an operating fund which shall be for the
29 purpose of:

30 (i) General administration of the commission;

(ii) For reimbursing members of the Board or any authorized by the Board in accordance with approved rate of Government or by the Presidency;

(iii) To pay salaries, fees or other remunerations, allowances, pension and gratuities payable to employees in accordance with the Pension Reform Act or any related existing law in this regards;

(iv) For the maintenance of any property vested in the commission, etc.

16.-(i) There shall be established a general reserve fund which shall comprise of the surplus from the next operating emergency funds and other funds not used during year ended 31st December every year;

General Reserve
Fund and its
Application

(ii) The reserve fund shall be gathered at the end of the year and applied to approved purposes and invested in such a manner as the Board may deem fit from time to time.

PART VI - SANCTION, FINE AND IMPRISONMENTS

17. Subject to any other provision in existing relate acts, the following branches shall be sanctioned as follows:

(i) Failure by the agency,(NGOs),ministries or departments of Government to supply needed information as may be requested by the Commission within record time attracts a written reprimand of the officer in charge and or schedule officer at the first instance by appropriate body;

(ii) Constituent failure or refusal or non compliance to directives of the commission attracts a fine of 300000 (three hundred thousand naira, only) or one year imprisonment or both;

(iii) Voiding any contract entered by any agency, NGO, ministry or departments of government which breaches or touches the construction of the object, functions and powers of the Commission in and around or even within it without due clearance by the commission.

Non-compliance of remittance to the commission as stipulated in section (10) of this bill shall attract a fine of five hundred thousand naira (500000)

1 only and a strict compliance to remitting the required contribution or
2 imprisonment of three years or both on conviction of the officers in charge of
3 the agency, department or corporate body of government together with all
4 collaboration or subordinate civil officers of the schedule or the accounting
5 officer.

6 GENERAL COMPLIANCE CLAUSE

7 Receipt of payment and or clearance certificate by the commission shall be
8 precedent to prequalification for the award of contract by all ministries,
9 departments and agencies of government.

Interpretation

10 18. In this Bill-

11 NWTFCM-

12 Commission - NWTFCM

13 DG - DIRECTOR GENERAL;

14 ED - EXECUTIVE DIRECTOR in charge of respective departments of the
15 agency;

16 Government: Federal, State and Local Government;

17 PTDF - Petroleum Technology and Development Fund;

18 Country - Nigeria;

19 Component Units - States in Nigeria;

20 NDDC - Niger Delta Development Commission;

21 NNPC - Nigeria National Petroleum Corporation;

Short title

22 19. This Bill may be cited as National Welfare Trust Fund and
23 Management Commission (NWTFCM) Bill, 2019.

EXPLANATORY MEMORANDUM

This Bill seeks to establishment of Welfare Trust Fund and Management Commission 2019, for effective management of the welfare the unemployed, people with disability (Temporal/Permanent), orphans, widows, the Elderly & the Youths. Compensations of citizens who are deprived of means of livelihood as a result of population, demolition, forced relocation, retirement and health. Provision of medical care and provision of subsidies for poor families and to protect the less privilege in the society.