

# ONDO STATE SOCIAL PROTECTION LAW 2016

A BILL FOR A LAW TO ESTABLISH ONDO STATE SOCIAL PROTECTION PACK, SOCIAL PROTECTION COUNCIL AND FOR A COMPREHENSIVE FRAMEWORK OF STATE SOCIAL PROTECTION PROGRAMMES AND OTHER MATTERS CONNECTED THEREWITH.

Commencement ..... (.....)

BE IT enacted by the Ondo State House of Assembly as follows:

## PART 1 - PRELIMINARY

- Interpretation
1. In this Law unless the context otherwise requires:-
    - "Social protection" means "A mix of policies and programmes designed for the protection of individuals and households throughout the life cycle to prevent and reduce poverty and socio-economic shocks by promoting and enhancing livelihoods and a life of dignity".
    - "Chairman" means the chairman of council.
    - "Council" means the Ondo State Social Protection Council.
    - "Member" means a member of the council.
    - "Secretary" means the secretary of the council.
    - "TBAS" means Traditional birth attendants.
    - "MHBA" Mission house birth attendant.
    - "The State" means Ondo state of Nigeria.
    - "Governor" means The Governor of Ondo State.
    - "Focal officer" means the contact person or representative of the MDA's and non-governmental organisation implementing social protection programmes in the state.
    - "Abiye" means Safe motherhood
    - "Agbebiye" means Traditional Midwives.
    - "NGO" means Non-government organisation
    - "MDAS" means Ministries, Department and Agencies
    - "TWC" means Technical Working Committee

## PART II - OBJECTIVES OF SOCIAL PROTECTION

Objective of  
Social protection

2. The objectives of this law shall be as follows;
  - (a) to combat and reduce poverty among the people vulnerable to being poor;
  - (b) to provide individuals in the state and household with the means, to cope with the major risks that may be encountered through a life time;
  - (c) to protect household income and consumption;
  - (d) to protect and assist households from further falling into poverty;
  - (e) to assist and encourage individuals in the state and households
  - (f) to prevent and minimise social interparty and discrimination in the state;
  - (g) to spur social and economic development of individual and households within the state;
  - (h) to secure and make the social protection programme the key element in the development plan of the state; and
  - (i) to ensure access to affordable health care, social security and social assistance.
  - (j) Provide social welfare and improve food security and nutrition.
  - (k) Ensure decent employment and sustainable livelihood.
  - (l) Promote synergy and coordination among all social protection intervention agencies in the state, nation and Africa.
  - (m) To empower the poor and people vulnerable to economic shock.
  - (n) To provide the individual and household in the state with the means to cope with major risk that may be encountered through a life time.
  - (o) To enhance human capital development and human dignity.

- (p) To provide guiding principle for managing social protection projects and programmes.
- (q) To promote social cohesion, equity and growth inclusiveness.
- (r) To protect individual and household from shock that can make them fall into extreme poverty.

Principles of  
Social Protection

3. The principles of social protection in the state shall be based on:

- (a) Universal basic needs
- (b) Political economy
- (c) Residency
- (d) Human right
- (e) Fundamental objective and directive principle of state policy
- (f) integrity
- (g) good governance
- (h) evidence-based programming
- (i) protection of human rights
- (j) gender mainstreaming
- (k) equity and social justice
- (l) standardization of activities and programme
- (m) public participation
- (n) sustainability, flexibility and security.

Establishment of  
the programme

4. (1) There is hereby established the Ondo State Social Protection Pack hereinafter referred to as "State Social Protection Pack" for the purpose of the following;

- (a) Driving and steering the objective and functions of the Ondo State Social Protection Programme.
- (b) To provide for the comprehensive frame work for the coordination and implementation of the Social Protection Programme and activities in the state.
- (c) To establish the Ondo State Social Protection council.
- (d) To establish the Social Protection working committee.
- (e) For the preservation and the implementation of the social protection policy of the state.
- (f) For effective coordination and enforcement of Social Protection Programme, and activities in the state
- (g) To provide for the registration and supervision of social protection in the state.

- (h) To fund, encourage and embark on research on other areas of life that require social protection and accurate data and documentation.
- (i) To provide guiding principle for managing social protection programmes and project incidental or relating to social protection in the state.

(2) The state social protection pack shall be a body corporate with perpetual succession and a common seal and shall in its corporate name be capable of:

- (a) Suing and being sued; and
- (b) taking, purchasing or otherwise acquiring, holding, charging or disposing of movable and immovable property.

Applicability of the law 5. Notwithstanding the provision of any other law relating to social protection this law shall be applicable to all Ministries, Departments and Agencies in the state and any non-governmental agencies providing social protection.

Composition of the council

6. (1) There is hereby established the "Ondo State Social Protection Council" hereinafter referred to as "the council" for the management and control of the state social protection pack.
- (2) The council shall consist of:
- (a) The Permanent Secretary in the state Ministry of Economic Planning and Budget who shall be the Chairman
  - (b) The Director Planning, who shall serve as the Secretary of the council
  - (c) A representative of Ministry of Health
  - (d) A representative of Ministry of Justice who shall be the legal adviser to the council
  - (e) A representative of Ministry of Employment and Productivity
  - (f) A representative of Ministry of Agriculture
  - (g) A representative of Ministry of Youths and Sport Development
  - (h) A representative of Ministry of Women Affairs and Social Development
  - (i) Such other representative(s) of agencies rendering social protection programme in the state as shall be appointed by the council
  - (j) Two persons who shall be representative of a non -governmental organization involve in Social Protection in the State

- (k) A representative of Ministry of Education
- (l) A representative of Ministry of Environment
- (m) A representative of Ministry of Transport
- (n) A representative of Ministry of Housing and Urban Development

Qualification for  
Membership

- (3) No person shall be qualified for appointment as the chairperson of the council unless that person:-
  - (a) has proven requisite professional requisite experience and shall be a serving permanent secretary of Ministry of Economic Planning and Budget,
  - (b) the secretary shall be a serving director of Ministry of Economic Planning and Budget,
  - (c) the chairman shall be responsible for the day to day running of the council and shall be the accounting officer.

Functions of Secretary

- (d) The secretary shall perform the following functions:
  - (i) provide general secretarial assistance to the chairperson and keep accurate and complete minutes of the meetings of the council
  - (ii) keep the list of members of the council
  - (iii) issue notices of meetings
  - (iv) disseminate decisions or recommendations of the council to members, MDAs and NGOs implementing social protection programmes
  - (v) safely keep the common seal and other property of the council and such other functions that may be assigned to him by the council

Cessation of  
membership

- (4) Notwithstanding the provisions of section 6(2) of this law, a member of the Board the council shall cease to hold office if:
  - (a) the Chairperson shall cease to hold office as Chairperson if he ceases to be Permanent secretary of the Ministry of Economic Planning & Budget except as the council may direct.
  - (b) the secretary shall cease to hold as member if he cease to be a Director Planning in the ministry.
  - (c) members other than the representative of Non-Government Organisation shall cease to hold office if they cease to be employee of the MDAs they represent in the council.
  - (d) NGO members shall cease to be members if they cease to be members of the NGO they represent or if the NGO ceases to exist.

- (e) notwithstanding the provisions of section 6(4) above, the council, if not satisfied with the performance of any member may request the MDAs or NGO they represent to substitute.

Functions of  
The council

- (5) The council shall perform the following functions:-
- (a) determine the overall objectives of the social protection pack.
  - (b) approve guidelines and criteria for the implementation of the social protection programmes in the state.
  - (c) supervise and superintend social protection programmes the activities of the council and issue activities to the management on the functions of the council
  - (d) Approve the budget of the council subject to approval of the governor.
  - (e) Receive and consider the periodical reports on the implementation of the programmes of the council
  - (f) Review from time to time the social protection programmes and initiative of the state.
  - (g) Power to do such other things that are necessary and expedient for the effective execution of the functions of the council

Allowance of  
members

6. The Chairman and members of the Board of the council shall be paid sitting allowances and such other out of pocket expenses that as may be determined by the Board.

Secretariat of  
the council

- (7) There shall be a secretariat of the council to be headed by the secretary of the council and such other officers and staffs as may be determined by the council.

Administrative  
of the council

- (8)(1) The administrative of the council shall reside in department of planning in the Ministry of Economic Planning and Budget in Akure, the Ondo State Capital
- (2) The council shall extent its services statewide and may establish offices at the local government level for that purpose

Service under the  
council

- (9) It is hereby declared that service under the council apart from members who shall be employee of the MDAs part time members, shall be approved service for the purpose of the pension law and accordingly be entitled to pension gratuity and other retirement benefits from the State Pension Board.

Establishment of technical working Committee	(10)(1) There is hereby established a committee to be known as technical working committee herein after refers to TWC
Composition of working committee	(2) Membership of this committee shall comprise of the focal officers drawn from relevant MDAs and non-governmental bodies implementing social protection programmes
Function of the technical working committee	<p>(3) The committee shall perform the following functions:-</p> <p>(a) periodic monitoring of the implementation and strategies of the Ondo State Social protection programme</p> <p>(b) Provide linkage and coordination of the programme in the various MDAs</p> <p>(c) Design, maintain and operate a social protection management system that shall create a central registration on all beneficiaries of social protection programmes</p> <p>(d) Use social protection international management system to track complementary initiatives</p> <p>(e) Conduct overall monitoring, evaluation and review of the policy</p> <p>(f) Coordinate development partners contribution to social protection in line with the state strategy</p> <p>(g) Work with the media on advocacy and mobilization activity</p> <p>(h) Promote effective inter-governmental collaboration in social protection programme.</p> <p>(i) Such other responsibilities as shall be bestowed on it by the council</p>

**PART IV - FINANCIAL PROVISIONS**

Funds of the Council	<p>11. The sources of funds of the council shall be:-</p> <p>(a) Subvention and budgeted allocation from the state government</p> <p>(b) Aids from local and international donors</p> <p>(c) Monies that may accrue to or vest in the council in the course of the executions of its functions under this law</p> <p>(d) Gifts, grants, donations or endowments as may be given to the council</p> <p>(e) Monies from any other source provided for the council</p>
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- Annual estimate 12. (1) The council shall cause to be prepared estimates of the revenue and expenditure for every year at least three months before the commencement of each financial year in accordance with fiscal responsibility law of Ondo State.
- (2) The annual estimates shall be provided after the proposed expenditure of the council in the financial year concerned, and particularly for:-
- (a) The relevant expenditure of the council
  - (b) The maintenance of the secretariat of the council
  - (c) The maintenance, repair and replacement of the equipment and other movable property of the council
  - (d) The creation of such funds as may be required to meet the future or contingencies liabilities of the council
- (3) The annual estimates shall be submitted to the council for approval before the commencement of the financial year to which they relate
- (4) The council shall incur no expenditure except in accordance with the annual estimates approved under sub-section (3)
- (5) Notwithstanding the provision of sub-section 4 above the council may in some extra ordinary circumstances approved estimates not covered by sub-section (3) subject to approval of the Governor.
- Audit 13. The account of the council shall be audited by the Auditor General of the State in accordance with the State Audit Law.
- Keeping of records 14. (1) The council shall cause to be kept the books and records of account of the income, expenditure, assets and liabilities of the council
- (2) Within three months after the end of each financial year, the council shall submit to the Auditor-General of the state the accounts of the council together with:-
- (a) a statement of income and expenditure during that year, and



(b) a statement of the assets and liabilities in the annual estimates

- Recruitment of staff and option 15. (1) The council subject to the approval of the Governor recruit or co-opt such co-professional for the effective discharge of its functions.
- (2) A person or persons co-opted by the council shall not vote at any meeting of the council
- Meeting and Procedure of the council 16. (a)(1) The meeting of the council shall be presided over by the chairman or any person he delegated in his absence
- (2) The quorum for meeting of the council shall be 2/3/ of its composition
- (3) The decisions of the council are by a simple majority of the members present and voting but if there is a tied vote, the chairperson or the acting chairperson shall cast the decisive vote
- Borrowing power 17. The council may with the consent of the governor borrow on such terms and conditions such sum of money as the council may require in the exercise of the functions conferred on it under this law.
- Limitation of suit against the council 18. (i) Notwithstanding the provision of any other law no cause of action shall be instituted against the council, any member of the council or any officer of the council in respect of any duty performed or any authority exercised or any alleged neglect or default in the performance of any duty or exercise of any authority in any court, unless such action is commenced within three (3) months next after the act, neglect or default complained of is caused. In the case of a continuous damage or injury such action shall be within three months from the abatement of such damage or injury.
- (ii) No suit shall be commenced against the commission before the expiration of a period of one (1) month after written motive of intention to commence the suit shall have been served upon the council by the intending plaintiff or his agent, and the notice shall clearly and explicitly state the cause of action, the particulars of the claims, the name and place of abode of the intending plaintiff and the relief which he claims.
- Service of pre-action notice 19. The notice referred to in section 21(ii) of this law and any summons, notice or any other document required or authorized to be served upon the council under the provisions of the law or any other enactment or law may be served by delivering the same to the chairman or the secretary of the council or by sending it by registered post addresses to the secretary at the Administrative Office of the council.

Restriction on execution against the property of the council

20. In any action or suit against the council no execution or attachment or process in the nature thereof shall be issued against the council and any sum of money which may by the judgment of the court be awarded against the council shall subject to any direction given by the court where notice to appeal has not been given by the council be paid from the general reserve fund of the council.

Indemnity of members of the council

21. Every member or officer of the council for the time being shall be indemnified out of the assets of the council against any liability incurred by him in defending the council in any proceedings whether civil or criminal, if such proceeding is brought against him in his capacity as such member.

22. **CITATION:** This law may be cited as Ondo State Social Protection Law.

## **CLASSIFICATION AND LISTS OF SOCIAL PROTECTION PROGRAMMES AND THE IMPLEMENTING MDAS.**

### **FIRST SCHEDULE**

#### **Legislation and Registration**

1. Programmes that promote legislation and registration for social protection in Ondo State
  - (a) The Smart Residency card (Kaadi Igbeayo) and
  - (b) The creation of Family Courts

#### **Resident registration**

2. The objective of resident registration shall be resident identification to access, target and monitor social services delivery
  - (a) The implementing MDA shall be the Civic Data Agency
  - (b) The Financing Agency shall be Ondo State Government
  - (c) The beneficiaries shall be residents of 16 years and above older, children below 16 years are included in the registration of parents(s) or guardian(s)
3. Legislation

- (a) The Family children's court is established in the 18 local government's area of Ondo State by the State Judiciary in collaboration with the State Ministry of Women Affairs with the responsibility of facilitating access to justice for vulnerable children
- (b) The implementing MDA shall be:
  - (i) the Ministry of Women Affairs and Social Development
  - (ii) the office of Public Defender, Ministry of Justice, and
  - (iii) the Judiciary
- (c) the Financing Agency shall be the State Government
- (d) the beneficiaries shall be the abused or neglected children and children in conflict with the law

## **SECOND SCHEDULE**

### **Education and Health Services**

- 1. (1) The State education and health services programmes shall include:-
  - (a) Free School Bus Shuttle
  - (b) Free Services for Children attending special schools
  - (c) The maternal health programmes (Abiye and Agbebiye)
- 2. (1) The objective of the free school bus shuttle scheme shall be to improve transportation to and from school to increase access to education
- (2) The Implementing MDA shall be the Ministry of Transport
- (3) The Financing Agency shall be the State Government
- (4) The beneficiaries shall be children in uniform in designated bus stops

### **Special Education**

- 3. (1) Under this programme, there shall be free education, uniform, feeding, free transportation and accommodation for pupils of special schools
- (2) The Implementing MDA shall be the State Government
- (3) The Financing Agency shall be the State Government

- (4) The Beneficiaries shall be children of school age that attend special schools

#### **Bursaries and Scholarships**

4.
  - (1) There shall be Bursaries and Scholarships for tertiary education
  - (2) The Implementing Agency shall be the State Scholarship Board
  - (3) The Financing Agency shall be the State Government; and
  - (4) The beneficiaries shall be Students who apply for a Bursary or Scholarship
  
5.
  - (1) There shall be Abiye Safe Motherhood Initiative with the objective of reducing maternal and child mortality by improving access to health care
  - (2) The Implementing MDA shall be Ministry of Health and the State Primary Health Care Development Board (OSPHCDB)
  - (3) The Financing Agency shall be the State Government
  - (4) The beneficiaries shall be pregnant women, mothers, new-born and children below five years
  
6.
  - (1) There shall be Agbebiye programme aimed at ensuring, the referral of pregnant women by Traditional Birth attendants (TBAs) and Mission Home Birth Attendants (MHBAs) to health facilities.
  - (2) The Implementing MDA shall be the State Primary Health Care Development Boards.
  - (3) The Financing Agency shall be the State Government and World Bank.
  - (4) The beneficiaries shall be Traditional Birth Attendants, Mission Birth Attendants, New born babies and children.

### **THIRD SCHEDULE**

#### **Social Welfare and Child Protection**

1.
  - (1) There shall be a programme for Family Welfare, Counseling and Reconciliation Centers and Services.
  - (2) The objective of the programme shall be the promotion of family cohesion and ensuring protection for children for proper development and enjoyment of their basic rights.
  - (3) The Implementing MDA shall be the Ministry of Woman Affairs and Social Development and the office of Public defender.

- (4) The Financing Agency shall be the State Government.
- (5) The beneficiaries shall be distressed family and the abused, abandoned and the neglected children.

#### FOURTH SCHEDULE

##### Rural Economic Development

1. (1) There shall be a new Generation of Farmers programme
- (2) The objective of the programme shall be to enhance food security and address youths unemployment by promoting agricultural business
- (3) The implementing MDA shall be the Ministry of Agriculture of the state
- (4) The Financing Agency shall be the State Government
- (5) The beneficiaries shall be female and male youth with an academic qualification in any field who are interested in Agriculture

##### Provision of Subsidized Agro - Input for Farmers

2. (1) There shall be a programme for the meeting of agricultural input needs of farmers and prevention of post harvest losses (buy-back)
- (2) The Implementing Agency shall be the Agricultural Input Supply Agency
- (3) The Financing Agency shall be the State Government
- (4) The beneficiaries shall be farmers who are residents of Ondo State

##### Fadama III Programme

3. (1) There shall be a Fadama III programme aimed at reducing rural poverty, improve productivity and raise income of farmers and the households
- (2) The implementing MDA are the Federal Government and the State Government (contribution by the State Ministry of (Agriculture)).
- (3) The Financing Agency shall be the World Bank, Federal Government, Ondo State Government and the Communities.
- (4) The beneficiaries are the registered farmers, user groups and their households across all the 18 Local Government in the State.

#### FIFTH SCHEDULE

## **Skill Acquisition Programmes and Public Work**

1. (1) There shall be skills acquisition programme aimed at contributing to skills acquisition and Public Work Volunteer Scheme in the State
  - (2) The Implementing Agency shall be the State Ministry of Adult and Vocational Education
  - (3) The objective of the Public Work Volunteer Scheme Shall be to empower unemployment youths and inculcate volunteerism in the Society
  - (4) The implementing MDA for the Public Work Volunteer Scheme shall be the Ministry of Employment and Productivity
  - (5) The Financing Agency shall be the State Government
  - (6) The beneficiaries shall be Ondo State residents between 18-35 years.

## **SIXTH SCHEDULE**

### **Micro Credit Programmes**

1. (1) There shall be micro-credit programmes in the State with the following components:-
  - (a) Special market Women Improvement Loan and Empowerment Scheme (SMILES)
  - (b) Widows Resettlement and Empowerment Loan Scheme (WIRES)
  - (c) Special Transformative Artisan Repositioning Scheme (STARS)
  - (d) Yam Farmers Empowerment Scheme (Yes)
  - (e) Special Intervention Programme Scheme (SIPS)
  - (f) Empowerment for Persons living with disabilities
  - (g) Agbebiye Repositioning Loan and Empowerment (ARLES)
2. (1) The objectives of the micro credit programmes shall be as follows:
  - (a) The Special Market Women Improvement Loan and Empowerment Scheme is for the empowerment of the market women to be self-reliant and self sufficient
  - (b) The Widows Resettlement and Empowerment Loan Scheme is to empower and support widows of the military men's who died in active service and their families

- (c) The Special Transformative Artisan Repositioning Scheme is to financially empower and reposition artisans to promote their production.
  - (d) The Yam Farmers Empowerment Scheme is to empower yam farmers to produce more yam for the local market.
  - (e) The Special Intervention Programme Scheme is to Support Community Development Projects.
  - (f) The Agbebiye Repositioning Loan and Empowerment Scheme shall empower Traditional Birth Attendants (TBAs) and Mission House Birth Attendants (MHBAs) to start a new business in a different field.
  - (g) The Empowerment Scheme for persons living with Disabilities is to empower individuals, living with disabilities to obtain aid devices and set up their business.
- 3.(1) The Implementing Agency for Micro-Credit Programmes shall be the State Micro-Credit Agency and the Financing Agency shall be the State Government.

## **SEVENTH SCHEDULE**

### **Traditional Family and Community**

1. (1) There shall be IFAD/FGN/NDDC Community-based national resources management programme
- (2) The objective of the programme shall be to promote youth and community development in the Niger Delta States
- (3) The Financing Agency shall be IFAD, Niger Delta Development Commission and Ondo State Government
- (4) The beneficiaries of the programme shall be three communities per LGA in nine Niger Delta LGAs

