

**INTEGRATED INFRASTRUCTURE DEVELOPMENT BILL, 2015**

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**SCHEDULE 1****SCHEDULE 2**



- 1 requirements or criteria or the exercise of a discretion whether or not to grant  
2 the approval authorisation, licence, permission or exemption, and includes  
3 decisions in respect of environmental authorisations, zoning of land or any  
4 planning use or development of land:
- 5 "Commission" means the National Integrated Infrastructure Coordinating  
6 Commission referred to in section 3: "Department" means the Economic  
7 Development Department;
- 8 "designate". in relation to a strategic integrated project, means the designation  
9 in terms of section 8 by the Commission by notice in the Gazette of a specific  
10 project as a strategic integrated project:
- 11 "infrastructure" means installations, structures, facilities, systems services or  
12 processes relating to the matters specified in Schedule 1 and which are part of  
13 the national infrastructure plan;
- 14 "Management Committee" means the committee established by section 6:
- 15 "Minister" means the Minister responsible for National Planning:
- 16 "national infrastructure plan" means a plan adopted by/the Commission for the  
17 development of public infrastructure;
- 18 "person" has the meaning assigned thereto in section 2 of the Interpretation  
19 Act, and includes any organ of state and also any co-operative, non-  
20 governmental organisation community based organisation or other  
21 organisation or association;
- 22 "prescribe" means prescribe by regulation;
- 23 "regulation" means any regulation made under this Act;
- 24 "Secretariat" means the Secretariat established by section 9:
- 25 "SIP" means a strategic integrated project;
- 26 "SIP chairperson" means the Minister designated by the Commission as  
27 responsible for a SIP;
- 28 "SIP coordinator" means a person or agency designated by the Commission to  
29 coordinate and facilitate the implementation of a strategic integrated project:
- 30 "steering committee" means a multidisciplinary steering committee appointed

1 in terms of section 12;  
2 "strategic integrated project" means a public infrastructure project or group  
3 of projects contemplate in section 7; and  
4 "this Act" includes any regulation.

5 2. The objects of this Act are to provide for-

Objects of Act

6 (a) the existence of the National Integrated Infrastructure  
7 Coordinating Commission and its structures which must perform the  
8 functions provided for in this Act;

9 (b) the identification and implementation of strategic integrated  
10 projects which are of significant economic or social importance to the  
11 Nigeria or a State in Nigeria or which facilitate regional economic  
12 integration on the African continent;

13 (c) the alignment and dedication of capabilities and resources for  
14 the effective implementation and utilisation of strategic integrated projects  
15 across the state in order to ensure coherence and the expeditious completion  
16 of infrastructure build and maintenance programmes;

17 (d) the appointment of relevant Ministers to chair strategic  
18 integrated projects;

19 (e) the establishment, appointment and functioning of steering  
20 committees to provide technical support and oversight for strategic  
21 integrated projects;

22 (f) processes and periods of time applicable to the implementation  
23 of strategic integrated projects: and

24 (g) generally, practices and procedures which seek to ensure that  
25 infrastructure development is not undertaken merely in a transactional  
26 manner, but in a manner which seeks to advance national development  
27 goals, including local industrialization, skills development, job creation,  
28 youth employment, small business and cooperatives development broad-  
29 based economic empowerment and regional economic integration.

## 1 PART 2 - NATIONAL INTEGRATED INFRASTRUCTURE COORDINATING

## 2 COMMISSION AND STRUCTURES OF COMMISSION

structures and  
composition of  
National  
Integrated  
Infrastructure  
Coordinating  
Commission

## 3 3.-(1) The National Integrated Infrastructure Coordinating

4 Commission which exists when this Act takes effect continues so to exist.

5 (2) The Commission has-

6 (a) a Management Committee;

7 (b) a Secretariat; and

8 (c) Chairpersons, coordinators and steering committees of strategic

9 integrated projects.

10 (3) The Commission has the following members:

11 (a) The President;

12 (b) the Vice President;

13 (e) Ministers designated by the President; and

14 (d) the State Governors

15 (e) six persons representing the six geo-political zones

16 (4) The President, or in his or her absence the Vice President, is the

17 chairperson of the Commission.

18 (5) A decision by the majority of the members present at a meeting of

19 the Commission is a decision of the Commission.

20 (6) The Commission may determine its own procedures to be

21 followed at its meetings.

22 (7) The Commission may secure such services, assistance or advice

23 from any person as it considers necessary to assist it to perform an) of its

24 functions.

Functions of  
Commission

25 4. The functions of the Commission are to-

26 (a) coordinate the development, maintenance, implementation and

27 monitoring of the national infrastructure plan;

28 (b) coordinate the determination of priorities for infrastructure

29 development;

30 (c) designate strategic integrated projects contemplated in section 7

- 1 and designate SIP Chairpersons and SIP coordinators for them;
- 2 (d) ensure that infrastructure development in respect of any  
3 strategic integrated project is given priority in planning, approval and  
4 implementation;
- 5 (e) ensure co-operation between organs of state affected by  
6 projects undertaken;
- 7 (f) coordinate the identification of strategic international partners  
8 with which to conclude agreements which seek to promote the objects of this  
9 Act;
- 10 (g) identify-
- 11 (i) the current and future needs and related priorities in relation to  
12 infrastructure development of the Country or in the as it relates to the;
- 13 (ii) an) legislation and other regulatory measures that impede or  
14 may impede infrastructure development. and advise the executive authority  
15 of the relevant sphere of government:
- 16 (iii) the direct and indirect impact of any strategic integrated  
17 project on job creation, youth employment and economic inclusiveness:
- 18 (iv) the direct and indirect impact of any strategic integrated  
19 project on economic equality and social cohesion;
- 20 (v) financial matters that may impact on infrastructure  
21 development; and
- 22 (vi) the social impact of strategic integrated projects.
- 23 (h) evaluate existing infrastructure with a view to improving  
24 planning, procurement, construction operations and maintenance;
- 25 (i) consider proposals for infrastructure development and  
26 maintenance;
- 27 (j) promote investment and identify and develop strategies to cause  
28 the removal of impediments to investment;
- 29 (k) generally encourage and facilitate economic and industrial

1 development connected with infrastructure or an) strategic integrated project:

2 (l) promote the creation of decent employment opportunities and  
3 skills development, training and education especially for historically  
4 disadvantaged persons and communities, women and persons with disabilities  
5 in so far as it relates to infrastructure and any strategic integrated project;

6 (m) address in all phases of a strategic integrated project, including its  
7 planning, implementation operation and maintenance phases capacity  
8 constraints and improve coordination and integration within strategic  
9 integrated projects; and

10 (n) develop and issue guidelines and frameworks to facilitate and  
11 align the implementation of strategic integrated projects.

Management  
Committee

12 5. -(1) The Management Committee of the Commission is hereby  
13 established.

14 (2) The Management Committee and its chairperson are appointed by  
15 the President and consist of such members of the Commission as the President  
16 may determine.

17 (3) The Management Committee must assist the Commission to carry  
18 out its functions, which may include-

19 (a) ensuring that decisions of the Commission are given effect to;

20 (b) overseeing the functions performed by the Secretariat;

21 (c) monitoring the implementation of strategic integrated projects,  
22 subject to the guidance and directions of the Commission;

23 (d) ensuring coordinated regulatory approvals:

24 (e) considering reports submitted to it by the Secretariat;

25 (f) requesting the Secretariat to undertake particular investigations  
26 and to provide analyses of and make recommendations on issues relating to the  
27 implementation of infrastructure development;

28 (g) reviewing reports and make recommendations to the Commission  
29 to ensure the harmonisation and improvement of implementation actions,  
30 policies, and laws relating to infrastructure development and investment in



- 1 infrastructure;
- 2 (h) define all strategic infrastructure as asset base-
- 3 (i) ensure that all funding for infrastructure is safe guided by all
- 4 relevant government guarantees under this Bill;
- 5 (j) approve the floating of infrastructure bonds which will be
- 6 guaranteed by appropriate government;
- 7 (k) taking such decisions of the Commission as the Commission
- 8 may assign to it; and
- 9 (l) performing any other function of the Commission delegated or
- 10 assigned to it by the Commission.

11 (4) The Commission may determine any matter necessary for the

12 proper functioning of the Management Committee.

13 (5) The Management Committee may determine its own

14 procedures to be followed at its meetings.

15 PART 3 -STRATEGIC INTEGRATED PROJECTS

16 6.-(1) A project or group of projects qualifies as a strategic

17 integrated project for the purposes of this Act if-

18 (a) it comprises of one or more installation, structure, facility,

19 system, service or process relating to any matter specified in Schedule I;

20 (b) it complies with any of the following criteria-

21 (i) It would be of significant economic or social importance to

22 Nigeria;

23 (ii) it would contribute substantially to any national strategy or

24 policy relating to infrastructure development; or

25 (iii) it is above a certain monetary value determined by the

26 Commission; and

27 (c) the Commission has included the project in the national

28 infrastructure plan and has, in terms of section 8 designated the project as a

29 strategic infrastructure project.

30 (2) The Commission may for the purposes of subsection (1)(b)(iii)

Requirements  
for strategic  
integrated  
projects and  
designation of  
SIP Chairpersons

1 determine different values for different types of strategic integrated projects or  
2 for different categories of strategic integrated projects.

3 (3) The Commission must designate as Chairperson of a strategic  
4 integrated project the Minister under whose portfolio a strategic integrated  
5 project falls or, where different components of a strategic infrastructure project  
6 fall under different portfolios, such Minister as the Commission may  
7 determine as principally responsible for the strategic integrated project.

8 (4) The SIP Chairperson shall as soon as possible after the  
9 Commission has designated a strategic integrated project-

10 (a) convene and chair a forum of executive authorities that are  
11 involved in the strategic integrated project from the three spheres of  
12 government;

13 (b) coordinate implementation of the strategic integrated project that  
14 she or he chairs;

15 (c) ensure that the steering committee of the strategic integrated  
16 project provides information as required b) the Secretariat; and

17 (d) promote the alignment of relevant government activities in  
18 support of implementation, operation and maintenance of the strategic  
19 integrated project.

Designation of  
strategic integrated  
projects and  
conflicts in  
infrastructure  
or planning  
thereof

20 7. -(1) The Commission must, by notice in the Gazette, designate  
21 strategic integrated projects for the purposes of this Act.

22 (2) If the Commission designates a strategic integrated project which  
23 must be implemented, it must determine whether the States or Government  
24 Agencies has the capacity to implement the project or whether the project must  
25 be put out to tender.

26 (3) (a) Such Minister as the Commission may determine must,  
27 whenever the Commission decides that a strategic integrated project must be  
28 implemented and put out to tender by notice in the Gazette and in at least one  
29 national newspaper, request the relevant accounting officers or accounting  
30 authorities to call for such tenders;

1 (b) The request to the relevant accounting officers or accounting  
2 authorities must be made in consultation with the Members of Cabinet  
3 responsible for the portfolios under which the infrastructure components  
4 fall.

5 (4) (a) Where a strategic integrated project has been designated for  
6 implementation, every organ of state must ensure that its future planning or  
7 implementation of infrastructure or its future spatial planning and land use is  
8 not in conflict with any strategic integrated project implemented in terms of  
9 this Act;

10 (b) Paragraph (a) does not derogate from any power of a State or  
11 Local Government to implement an) infrastructure project which falls  
12 outside the ambit of a strategic integrated project;

13 (c) Any conflict which arises in the application or paragraph (a)  
14 must be resolved in subject to any national legislation regulating spatial  
15 planning and land use management.

16 PART 4 - IMPLEMENTING STRUCTURES OF THE COMMISSION

17 8. -(1) The Secretariat of the Commission is hereby established.

Secretariat of  
Commission

18 (2) The Secretariat is appointed by the President and consists of-

19 (a) the Minister as chairperson of the Secretariat; and

20 (b) such Ministers as the President may determine.

21 9. The Secretariat must-

Functions of  
Secretariat

22 (a) enable and facilitate operations relating to the implementation  
23 and long term utilisation of any strategic integrated project;

24 (b) coordinate the implementation of any strategic integrated  
25 project;

26 (c) appoint members to a steering committee;

27 (d) appoint a SIP coordinator to chair the steering committee for a  
28 strategic integrated project and to coordinate and facilitate the  
29 implementation of the strategic integrated project;

30 (e) ensure that members of a steering committee have the necessary

- 1 skills and capabilities to properly perform their functions;
- 2 (f) issue guidelines relating to the manner in which a steering  
3 committee must perform its functions;
- 4 (g) drive and direct the work of a steering committee;
- 5 (h) interact with and ensure coordinated interaction within steering  
6 committees;
- 7 (i) ensure the successful finalisation of the work of a steering  
8 committee;
- 9 (j) manage the implementation of the day to day work of the  
10 Commission and regularly report to the Management Committee and to the  
11 Commission; and
- 12 (k) perform such other functions as the Management Committee and  
13 the Commission may assign to it.
- 14 **10. The main purposes of a steering committee are, for all phases in**  
15 **the implementation and utilisation of a strategic integrated project-**
- 16 (a) to develop mechanisms to identify and determine the different  
17 projects which constitute a strategic integrated project, and submit them for  
18 approval by the Secretariat;
- 19 (b) to identify ways and means of giving effect, in the most effective,  
20 efficient and expeditious manner, to the Commission's decision to implement a  
21 strategic integrated project and in so doing, to ensure the prompt compliance  
22 with all applicable laws;
- 23 (c) within a period specified by the Minister to develop and adopt a  
24 project plan for approval by the Secretariat for the implementation of the  
25 strategic integrated project in the most effective and expeditious manner;
- 26 (d) to facilitate and monitor the implementation of the strategic  
27 integrated project;
- 28 (e) to coordinate the work of all members of the steering committee;
- 29 (f) to meet regularly with the SIP Chairperson; and
- 30 (g) to serve as a one-stop-shop where any matter relating to the

Main purposes  
of steering  
committees

1 implementation of a strategic integrated project can be resolved.

2 11. -(1) A steering committee consists of the SIP coordinator as  
3 described in section 10(d) and of persons representing departments and  
4 other organs of state affected by the strategic integrated project. and may  
5 consist of among others-

Appointment and  
composition of  
multidisciplinary  
steering  
committees

6 (a) officials representing departments in the three spheres of  
7 government responsible for environment, water, public works, finance,  
8 economic development, spatial planning, land use management or any other  
9 relevant portfolio or representing any other person who will be required to  
10 grant an approval authorization, Exemption, Licence, permission or  
11 exemption necessary for the implementation of the strategic integrated  
12 project;

13 (b) any other person appointed by the Secretariat based on expert  
14 knowledge or skills.

15 (2) The SIP coordinator is the chairperson of the steering  
16 committee.

17 (3) In the event that the SIP coordinator is an entity, that entity shall  
18 nominate for approval by the Secretariat a suitably qualified individual to  
19 act as chair of the steering committee.

20 (4) The Director-General or head of a public entity responsible for  
21 an aspect of infrastructure remains the Accounting Officer or Accounting  
22 Authority in terms of the Finance (Management and Control) Act, and the  
23 Public Procurement Act.

24 (5) A member of a steering committee must have relevant  
25 knowledge, skills and experience in his or her field of work so as to enable  
26 the steering committee to perform its functions effectively and  
27 expeditiously.

28 (6) A member of a steering committee-

29 (a) has, subject to section 20(4), the authority to take decisions on  
30 behalf of the organ of state he or she represents, excluding any decision to

1 grant an approval, authorisation, license, permission or exemption; and

2 (b) has direct access to the head of the organ of state he or she  
3 represents, the Management Committee and the Secretariat and any of its  
4 members.

5 (7) (a) A member of the steering committee must be available at all  
6 times to perform his or her functions as a member of the steering committee;

7 (b) Membership of a steering committee may not be delegated  
8 without the approval of the Commission.

9 (8) The Secretariat may, on good cause shown and following a  
10 recommendation by a steering committee-

11 (a) appoint additional members to the steering committee; and

12 (b) secure the services of or assistance or advice from any person who  
13 is not a member of the committee.

14 (9) The Commission may at any stage of the implementation of a  
15 strategic integrated project reconstitute that steering committee in order for it  
16 to reject the necessary skills and expertise required for the implementation of  
17 the particular stage.

18 (10) The Secretariat must dissolve a steering committee upon  
19 completion of its functions.

20 (11) Any SIP coordinator, steering or technical committee which had  
21 been appointed in respect of a strategic integrated project prior to the  
22 commencement of this Act and which existed immediately prior to the date of  
23 commencement of this Act continues to exist and must be regarded as having  
24 been appointed in terms of this section.

25 **12. -(1) For the purposes of this section-**

26 "family member" means, in relation to a member of a steering committee-

27 (a) a person who is related to the member biological or by statutory  
28 law including affinity by marriage, adoption or foster care, or by customary or  
29 religious law or custom; or

30 (b) a permanent life partner;

Disqualification  
from membership  
of steering  
committees,  
disclosure and  
offences relating  
thereto

1 "public office" means any appointment or position in the service of the  
2 Nation.

3 (2) This section applies to a member of a steering committee who  
4 occupies a public office.

5 (3) A person who occupies a public office may not be appointed as a  
6 member of a steering committee or remain a member of such committee-

7 (a) if he or she or his or her family member would benefit  
8 financially in any manner whatsoever whether directly or indirectly, from  
9 the strategic integrated project for which the steering committee was  
10 appointed; or

11 (b) if he or she or his or her family member has any direct or  
12 indirect interest in any business or organisation which would in any manner  
13 whatsoever benefit financially from the strategic integrated project.

14 (4) If after the appointment of a member of a steering committee, it  
15 appears that the member would benefit from or has an interest in any  
16 business or organization which would benefit from a strategic integrated  
17 project, as contemplated in subsection (3), the member must without delay-

18 (a) in writing disclose that fact to the steering committee and the  
19 Minister; and

20 (b) resign from the steering committee.

21 (5) A member of the steering committee may not be present or take  
22 part in the discussion of, or the taking of a decision on, any matter before the  
23 steering committee relating to the strategic integrated project for which the  
24 steering committee was appointed in which that member or his or her family  
25 member, business partner or associate has any direct or indirect financial  
26 interest.

27 (6) A member of a steering committee or his or her family member,  
28 business partner or associate, or an organisation or enterprise in which a  
29 member of the steering committee or his or her family member, business  
30 partner or associate has a direct or indirect interest, may not-

1 (a) offer goods or services or conduct any business in relation to the  
2 strategic integrated project for which the steering committee was appointed; or

3 (b) make improper use in any manner whatsoever of the position of  
4 member of a steering committee or of any information acquired by virtue of his  
5 or her position as a member of a steering committee.

6 (7) (a) An member of a steering committee who fails to comply with  
7 subsection (4) (a) or (b) or who contravenes subsection (5) is guilty of an  
8 offence and liable on conviction to a fine or to imprisonment not exceeding five  
9 years or to both a fine and such imprisonment;

10 (b) Any person who contravenes subsection (6) is guilty of an offence  
11 and liable on conviction to a fine or to imprisonment not exceeding five years or  
12 to both a fine and such imprisonment.

13 (8) (a) Any former member of a steering committee who failed to  
14 comply with subsection (4)(u) or (b) or who contravened subsection (5) or (6)  
15 while he or she was a member of a steering committee commits an offence and  
16 is liable on conviction to a fine or to imprisonment not exceeding five years or  
17 to both a fine and such imprisonment;

18 (b) Any person, other than the member, referred to in subsection (6),  
19 who contravened subsection (6) during the tenure of the former member,  
20 commits an offence and is liable on conviction to a fine or to imprisonment not  
21 exceeding five years or to both a fine and such imprisonment.

Functions of  
steering  
committees

22 13. -(1) The steering committee must, for projects that fall within the  
23 state sector but that may be built or operated by either the public or private  
24 sector-

25 (a) identify the projects required for the implementation of a strategic  
26 integrated project;

27 (b) identify opportunities for localisation, which include local job  
28 creation and local procurement of goods and services, as well as other  
29 opportunities, to ensure that the strategic integrated project contributes to the  
30 objects of the Act;



1 (c) develop and adopt one or more project plans, including  
2 feasibility, financial, operational and maintenance plans, setting out actions,  
3 targets and periods of time for the strategic integrated project and submit the  
4 plans to the Commission for approval;

5 (d) identify and ensure compliance with the laws applicable to the  
6 strategic integrated project;

7 (e) determine the approvals, authorizations, licences, permissions  
8 or exemptions required to implement the strategic integrated project:

9 (f) ensure that all appropriate persons are appointed as members of  
10 the steering committee;

11 (g) take all reasonable steps that will assist any relevant authority  
12 required to decide an approval, authorization, license, permission or  
13 exemption to take such decision;

14 (h) facilitate the implementation of the strategic integrated project;

15 (i) report progress on all phases of the planning, development and  
16 implementation of a strategic integrated project to the Secretariat; and

17 (j) bring to the attention of the Secretariat challenges or matters that  
18 it is unable to resolve for resolution or direction, including proposed  
19 remedial actions for consideration by the Secretariat.

20 (2) Each member of the steering committee must evaluate the  
21 strategic integrated project from the perspective of his or her area of  
22 expertise and-

23 (a) identify what is required for the expeditious and effective  
24 implementation;

25 (b) identify challenges presented by the strategic integrated project  
26 that will impede or delay the implementation of the project, and identify  
27 associated remedial actions required;

28 (c) identify amendments required to the strategic integrated project  
29 to ensure proper implementation; and

30 (d) identify the amendments required to be effected to the strategic

1 integrated project to ensure compliance with applicable laws.

2 (3) The Secretariat may issue guidelines relating to the manner in  
3 which effect must be given to subsections (1) and (2).

Approvals,  
authorisation,  
licences,  
permissions and  
exemptions

4 **14.-(1)** When the steering committee has determined the approvals,  
5 authorizations, Licences, permissions and exemptions required to enable the  
6 implementation of the strategic integrated project, it shall inform, without any  
7 delay, the applicant to submit all applications simultaneously for consideration  
8 by the persons authorised by the relevant laws to take the applicable decisions.

9 (2) A member of the steering committee referred to in section  
10 12(1)(a), must do everything possible within his or her power to ensure that an  
11 application-

12 (a) complies with applicable legislative and other requirements; and

13 (b) includes all relevant information to enable the relevant authority  
14 to consider the application without delay.

15 (3) A member of the steering committee referred to in section 12(1)  
16 (a) must monitor the processing of the application and report to the steering  
17 committee any regulatory concerns emerging for exploration or consideration  
18 of solutions thereto.

19 (4) If the approval, authorization, licence, permission or exemption is  
20 not granted the relevant authority must provide reasons for such refusal to the  
21 steering committee and the applicant.

22 (5) The steering committee must, without delay, report to the  
23 Secretariat the outcomes of all applications for approvals, authorisations,  
24 licences, permissions and exemptions.

Steering  
committees and  
procedures

25 **15. -(1)** A steering committee may determine its own procedures to be  
26 followed at its meetings.

27 (2) A steering committee must submit a progress report to the  
28 Secretariat at least on a monthly basis.

29 (3) (a) The Minister who chairs a strategic integrated project  
30 contemplated in this Act must cause to provide a steering committee with such

1 secretarial or administrative support and with accommodation and work  
 2 related facilities as may reasonably be required for the proper functioning of  
 3 the steering committee or may, by agreement with the Minister, request the  
 4 Economic Development Department to provide such facilities and support:

5 (b) The costs relating to the functioning of a steering committee are  
 6 burnt by the Department of the Minister who chairs unless otherwise agreed  
 7 as set out in paragraph (a).

8 PART 5 - PROCESSES

9 **16.** -(1) Whenever any strategic integrated project is implemented  
 10 in terms of this Act any processes relating to such implementation, including  
 11 processes relating to any application for any approval, authorisation,  
 12 licence, permission or exemption and processes relating to any consultation  
 13 and participation must, as far as it is possible and in order to expedite the  
 14 matter, run concurrently.

Processes relating  
 to implementation  
 of strategic  
 integrated projects

15 (2) The processes set out in Schedule 2 provide a framework and  
 16 guide for the implementation of an) strategic integrated project, but the  
 17 time-frames in Schedule 2 may not be exceeded.

18 **17.** Whenever an environmental assessment is required in respect  
 19 of an integrated strategic project, such assessment must be done in terms of  
 20 the Environmental Impact Assessment Act.

Environmental  
 assessments

21 PART 6 - GENERAL PROVISIONS

22 **18.** -(1) The Minister must, on a quarterly basis, report to the  
 23 Commission and to the Management Committee on each strategic  
 24 integrated project.

Reporting by  
 Minister

25 (2) The report contemplated in subsection (1) must be in the form  
 26 and contain the information determined by the Commission.

27 **19.** -(1) The Minister may delegate or assign any power granted to  
 28 or duty imposed upon him or her in terms of this Act to an officer in the  
 29 Department, except the power to make regulations.

Delegation and  
 assignment

30 (2) A power or duty so delegated or assigned must be exercised or

1 performed in accordance with the directions of the Minister, who may at any  
2 time withdraw such delegation.

3 (3) A delegation or assignment under subsection (I) does not prevent  
4 the Minister from exercising the power or performing the duty in question  
5 himself or herself.

6 (4) (a) Subject to paragraph (c), a member of a steering committee  
7 may exercise or perform any power or duty on behalf of the organ of state he or  
8 she represents. if such power or duty is delegated or assigned to the member of  
9 the steering committee by virtue of any law;

10 (b) The head of an organ of state may, for the purposes of paragraph  
11 (a) and in so far as legislation administered by that organ of state does not  
12 provide for a delegation or assignment of a power or duty contemplated in that  
13 paragraph, delegate or assign the power or duty to the relevant member of the  
14 steering committee by virtue of this subsection;

15 (c) The power to grant an approval, authorisation, licence, permission  
16 or exemption may not be delegated in terms of this section.

Regulations

17 **20.**-(1) The Minister may, in consultation with the Commission, make  
18 regulations regarding-

19 (a) any matter that may or must be prescribed in terms of this Act;

20 (b) the criteria that must be applied in the implementation of a  
21 strategic integrated project, relating to-

22 (i) skills development;

23 (ii) Green Economy;

24 (iii) employment creation;

25 (iv) youth employment;

26 (v) rural development; and

27 (c) the monetary values in respect of strategic integrated projects,  
28 contemplated in section 7; and

29 (d) generally, any ancillary or incidental administrative or procedural  
30 matter which is necessary or expedient to prescribe for the proper

1 implementation or administration of this Act.

2 (2) The Minister must consult with the relevant Minister in making  
3 regulations relating to criteria set out in subsection (1)(b).

4 **21.** This Bill may be cited as the Integrated Infrastructure Citation  
5 Development Bill, 2015.

- 1 SCHEDULE 1
- 2 (Section 7(1)(a))
- 3 National and international airports
- 4 Communication and information technology installations
- 5 Education institutions
- 6 Electricity transmission lines
- 7 Health care facilities
- 8 Human settlements and related infrastructure and facilities
- 9 Economic facilities
- 10 Mines
- 11 Oil or gas pipelines, refineries or other installations
- 12 Ports and harbours
- 13 Power stations or installations for harnessing any source of energy
- 14 Productive rural and agricultural infrastructure
- 15 Public roads
- 16 Railways
- 17 Sewage works
- 18 Waste management and disposal
- 19 Water works and water infrastructure
- 20 SCHEDULE 2
- 21 (Section 17(2))
- 22 *Process and periods of time*
- 23 1. Project plan approved and steering committee determines the
- 24 applicable legislation and approval, authorisation, licence, permission or
- 25 exemption required.
- 26 2. Applicant compiles and submits an application and project plan for
- 27 consideration by the relevant authority, 7 days.
- 28 3. Public consultation process on the application and project plan, 30
- 29 days
- 30 4. Application and project plan amended and submitted to the relevant

1 authority for consideration and approval, 52 days.

2 5. Based on approved project plan preparation and submission of  
3 detailed development and mitigation plan to the relevant authority, 60 days

4 6. Public consultation on the development and mitigation plan and  
5 review by relevant authority, 44 days

6 7. Relevant authority consideration and assessment of  
7 development and mitigation plan regulatory decision, 57 days

8 MEMORANDUM ON THE OBJECTS OF THE INFRASTRUCTURE

9 DEVELOPMENT BILL, 2015

10 1. BACKGROUND

11 • 1.1 In Nigeria, as in every country, infrastructure underpins  
12 economic and social development. Both the New Growth Path and the  
13 National Development Plan stress the importance of infrastructure as a jobs  
14 driver. They agree that a central task for the state is to ensure that  
15 infrastructure grows sufficiently to serve the expanding economy and  
16 population, and that it is built, operated and maintained efficiently and cost-  
17 effectively.

18 1.2 Investment in infrastructure is a particular imperative for South  
19 Africa because apartheid was characterised by underinvestment in  
20 infrastructure in black communities, especially in the rural areas. This  
21 situation hobbled economic and social development in these regions,  
22 making it more difficult for enterprises to take advantage of economic  
23 opportunities and undermining efforts to improve health, education and  
24 security.

25 1.3 Given scarce resources, addressing these backlogs while  
26 maintaining adequate infrastructure for the economy and fast-growing areas  
27 requires careful prioritisation and collaboration.

28 The division of responsibilities for infrastructure across the state, from the  
29 national departments to state-owned companies to municipalities and  
30 regulatory bodies, leads to the risk of contradictory plans and priorities or

1 uncoordinated implementation with cost-raising and development-  
2 dampening effects.

3 1.4 To ensure a more strategic and coordinated response to these  
4 challenges, in October 2011 the government established the National  
5 Integrated Infrastructure Coordinating Commission (PICC). The Commission  
6 is led by the President with the main infrastructure and economics Ministers,  
7 Premiers of Provinces, mayors of the metros and the chair of the South African  
8 Local Government Association (SALGA) as members. Work is coordinated  
9 through a Management Committee made up of members drawn from the PICC.  
10 The PICC is backed by a Secretariat comprised of Ministers and Deputy  
11 Ministers, and a technical team.

12 1.5 Since its establishment, the PICC has succeeded in bringing about  
13 a more coherent, visionary and large-scale infrastructure programme. Key  
14 achievements include the following:

15 \* In February 2012, Cabinet adopted the first National Infrastructure Plan,  
16 which was developed by the PICC. The Plan identifies 18 Strategic Integrated  
17 Projects (SIPs), which constitute related projects required to achieve core  
18 outcomes, including regional development, improved social services and  
19 enhanced logistics, energy security, water supply and access to broadband as  
20 well as social infrastructure such as schools, universities, sanitation systems,  
21 hospitals and clinics.

22 \* The PICC designated public agencies to coordinate each SIP and convened  
23 launches that brought together key stakeholders across the state, ensuring  
24 clarity about their responsibilities.

25 \* The share of public investment has risen from a post-2008 low of 6,8% of the  
26 GDP at the end of 2008 to 7,6% in the second quarter of 2013. The New Growth  
27 Path sets a target of 10%.

28 \* The PICC has established a system to ensure quarterly monitoring and  
29 evaluation of progress on SIPs and intervenes to support progress as required.



1       **2. OBJECTIVES OF THE BILL.**

2       The Bill provides a legal mandate for the PICC and its structures, and for  
3       maintenance of the National Infrastructure Plan, Specifically;

4       \* it maintains the national structures of the PICC as currently constituted;

5       \* it mandates on-going updating and extension of the National  
6       Infrastructure Plan to ensure that it continues to provide clarity about  
7       infrastructure priorities and timeframes;

8       \* it identifies key developmental elements of the infrastructure programme;

9       \* it clarifies the role of departments and agencies in managing SIPs; and

10       \* it establishes procedures and structures to minimise unnecessary delays in  
11       planning SIPs and in obtaining authorisations, permits and licences for the  
12       projects that they incorporate.

13       **3. DETAILED ANALYSIS OF THE PROVISIONS OF THE BILL**

14               3.1 Part 1 includes the definition section and the objects of the Act,  
15       which are essentially as stated above.

16               3.2 Part 2 provides for the structures and functioning of the PICC.  
17       To that end, it mandates that the Council have as members the President,  
18       Deputy President, Ministers nominated by the President, all Premiers and  
19       the executive mayors of the metropolitan councils and the chair of SALGA,  
20       with the President as chair.

21       In clause 4, it defines the functions of the PICC as developing, maintaining,  
22       and coordinating the implementation and monitoring of the National  
23       Infrastructure Plan; designating SIPs and ensuring co-operation across the  
24       state to implement them; evaluating the impact of infrastructure projects on  
25       economic and developmental goals; addressing obstacles to  
26       implementation of infrastructure plans; and maximising their  
27       developmental outcomes.

28       Clause 5 gives the PICC the right to expropriate land in line with the  
29       Constitution.

30       Clause 6 empowers the President to establish a Management Committee for

1 the PICC and determine its members from amongst the members of the PICC,  
2 and defines its functions.

3 3.3 Part 3 establishes the criteria for designating a SIP, based  
4 essentially on its national importance and/or scale, and its inclusion in the  
5 National Infrastructure Plan. It empowers the PICC to designate a Minister to  
6 chair a SIP, with the responsibility in particular of ensuring coordinated  
7 support across the state. It also provides that the PICC must determine if a SIP  
8 should be put out to tender and, in that case, empowers the PICC to request a  
9 Minister to initiate the tender process through the relevant Accounting Officer.

10 3.4 Part 4 defines the roles of the implementing structures of the  
11 PICC - that is, the Secretariat and the SIP Steering Committees.

12 3.4.1 The Secretariat is chaired by the Minister of Economic  
13 Development and comprises relevant Ministers and Deputy Ministers as  
14 determined by the President. The Secretariat is responsible for driving  
15 implementation of the SIPs, appointing their coordinators and steering  
16 committees, monitoring and evaluating progress, and issuing guidelines and  
17 frameworks for the implementation of the SIPs.

18 3.4.2 The Secretariat will designate a SIP steering committee for  
19 each SIP. The steering committees develop the specific plans for the SIP and  
20 manage their implementation, including helping address specific regulatory  
21 delays and other blockages, and securing developmental outcomes. They are  
22 chaired by SIP coordinators, which are generally a relevant department or other  
23 state agency, and their members represent relevant state entities, the  
24 Construction Industry Development Board (CIDB), and where appropriate  
25 experts appointed by the PICC Secretariat. For individual projects, the relevant  
26 Director-General or head of a public entity remains as the Accounting Officer  
27 under the applicable legislation.

28 3.4.3 Clause 13 includes provisions to prevent conflict of interest on  
29 the part of steering committee members.

30 Clause 14 lays out the specific responsibilities of the steering committees.

1           3.5 Part 5 requires that processes required to implement a SIP,  
2 including approvals, licences, authorisations and exemptions, should be  
3 managed as expeditiously as possible. Schedule 2 provides timeframes for  
4 specific processes.

5           Clause 18 specifically provides for Environmental Impact Assessments.

6           3.6 Part 6 includes general provisions, in particular, a requirement  
7 that the Minister of Economic Development, as chairperson of the  
8 Secretariat, provides a quarterly progress report to the PICC;  
9 authorisation for delegations by the various role-players in the PICC  
10 structures; and in clause 21, provisions empowering the Minister of  
11 Economic Development to issue regulations and implementation  
12 frameworks for the SIPs.

13           3.7 Schedule 1 defines the scope of the Act, essentially comprising  
14 major kinds of infrastructure. Schedule 2 provides timeframes for SIP  
15 planning and public consultation.

#### 16           **4. DEPARTMENTS OR BODIES CONSULTED**

17           The Bill was drafted by the Economic Development Department in  
18 consultation with the Office of the Chief State Law Adviser and the PICC  
19 MANCO. The Bill was Gazetted for comment on 6 February 2013, and the  
20 comments have been taken into consideration. Nedlac was consulted and  
21 agreed that the Bill falls outside of the National Economic, Development  
22 and Labour Council Act, 1994 (Act No.35 of 1994), since it essentially  
23 relates to the internal organisation of the state.

#### 24           **5. FINANCIAL IMPLICATIONS FOR STATE**

25           Departmental budgets will, through the normal budgetary processes, cover  
26 the cost of infrastructure programmes and coordination

#### 27           **6. PARLIAMENTARY PROCEDURE**

28           6.1 The State Law Advisers and the Economic Development Department are  
29 of the opinion that this Bill must be dealt with in accordance with the  
30 procedure prescribed by section 75 of the Constitution since it contains no

1 provision to which the procedure set out in section 74 or 76 of the Constitution  
2 applies.

3           6.2 The State Law Advisers are of the opinion that it is not necessary  
4 to refer this Bill to the National House of Traditional Leaders in terms of  
5 section 18(1)(a) of the Traditional Leadership and Governance Framework  
6 Act, 2003 (Act No. 41 of 2003), since it does not contain provisions pertaining  
7 to customary law or customs of traditional communities.

#### EXPLANATORY MEMORANDUM

This Bill seeks to provide for the facilitation and co-ordination of public infrastructure development to ensure that infrastructure development in the Country is given priority in planning, approval and implementation; to ensure that the development goals of the Country are promoted through infrastructure development to broaden the scope of funding for infrastructural development and to improve the management of such infrastructure during all life-cycle phases, including planning, approval, implementation and operations: and to provide for matters incidental thereto.