

**IN THE THIRD SESSION OF THE SEVENTH
PARLIAMENT OF THE FOURTH REPUBLIC OF
GHANA**

**REPORT OF THE COMMITTEE ON ROADS
AND TRANSPORT**

ON

**THE NATIONAL ROAD SAFETY AUTHORITY
BILL, 2019**

3 MAY, 2019

REPORT OF THE COMMITTEE ON ROADS AND TRANSPORT ON THE NATIONAL ROAD SAFETY AUTHORITY BILL, 2019

1.0 INTRODUCTION

The National Road Safety Authority Bill, 2019 was presented to Parliament by the Minister of Transport, Mr Kwaku Ofori Asiamah on Thursday, 2nd May, 2019.

1.1 In accordance with Article 106 (4) and (5) of the Constitution and Order 189 of the Standing Orders of the House, the Rt. Hon. Speaker referred the National Road Safety Authority Bill to the Committee on Roads and Transport for consideration and report.

1.2 During the consideration of the Bill, the Committee was assisted by the Minister of Transport, Mr. Kwaku Ofori Asiamah, his Deputy, Hon. Daniel Nii Kwartey Titus Glover, the Chief Director of the Sector Ministry Mr Selby , the Executive Director of the National Road Safety Commission, Mrs May Obiri-Yeboah, and a number of officials of the Ministry of Transport, the National Road Safety Commission and the Ministry of Justice and Attorney-General who provided extensive information on aspects of the Bill under reference.

1.3 The Committee acknowledges the invaluable contributions of the officials who attended upon it.

2.0 REFERENCE DOCUMENTS

In the course of the Committee's work references were made to the following documents:

- i. The 1992 Constitution of Ghana
- ii. The Standing Orders of Parliament
- iii. The National Road Safety Commission Act, 1999
- iv. The National Road Safety Authority Bill, 2019

3.0 BACKGROUND

In 1989, the National Road Safety Committee was established in 1989 under the Administration of Ghana Police Service. By an Act of Parliament in 1999, Act 567, the National Road Safety Commission came into being with a mandate to promote road safety in Ghana. The Commission was charged to undertake nationwide road safety education, coordinate and monitor related activities, among others.

The Commission was also to recommend to the Minister and such bodies as it may determine, measures that would help prevent accidents that involve the use of vehicles which ply on our roads.

The National Road Safety Commission (NRSC) with a governing board of 21 members run the Commission with limited sources of funding to implementing its nationwide activities. To shore up its funding and come to grips with effective implementation of its mandate, the Commission identified with key road safety stakeholders and developed a National Road Safety Policy.

The NRSC rolled out its National Road Safety Strategy specifically strategy I, II and III and implemented an action plan that targeted reducing road traffic accidents specifically in Kumasi.

In 2014, it is estimated that economically RTC cost the country 1.0% of its GDP. The Commission led an advocacy for a review of its regulations and consequential led to the rebirth of the Road Traffic Regulation, 2012 (LI 2180).

Data suggest that marginal progress has been made in reducing road carnage by way of quantum in reductions in persons killed and injured over the years however, a lot more remains to be done. Global best road safety practices show that to achieve an improvement in road safety and to reduce road crashes, fatalities and injuries, there must be increase education and effective implementation of road safety standards, procedures and policies by road safety related bodies and institutions.

Over the years, the Commission has put together a series of data led strategies that require several public or private institutions to implement existing road safety standards, procedures and policies intended to reduce deaths and injuries caused by road accidents.

Since 2010 the Commission has been advocating for a review of its mandate to make it more responsive.

The Commission lacks the mandate to demand compliance with its standards or implementation modules in the interest of public safety. The Bill seeks to put in place the legal framework to mandate the Authority to implement standard, procedures and policies that would impact positively on road safety.

4.0. OBJECT OF THE BILL

The Bill seeks to elevate the NRSC into an Authority by putting in place the legal framework to mandate the Authority to implement standard, procedures and policies that would impact positively on road safety.

5.0 HIGHLIGHTS OF THE BILL

Clause 1 establishes the National Road Safety Authority as a body corporate with perpetual succession

Clause 2 states the object of the Authority. The object of the Authority is to reduce the incidence of road crashes, fatalities and injuries through the promotion of road safety, the development and coordination of policies in relation to road safety and the implementation of standards in relation to road safety.

Clause 3: The functions of the Authority are spelt out and include, among others, to regulate, monitor, co-ordinate and oversee activities related to road transport operations, promote, maintain and monitor standards in the delivery of quality road transport services, develop a comprehensive plan for the promotion of road safety through education, sharing of information

and publicity and issue certificates and licences to road safety service providers and other related service providers.

Clause 4 provides for the governing body of the Authority which is a Board, comprising thirteen members appointed by the President with Standard provisions on the tenure of office of members of the Board, meetings of the Board, disclosure of interest by members of the Board, establishment of committees of the Board and allowances payable to members of the Board and committees of the Board are dealt with in clauses 5, 6, 7, 8 and 9 respectively, whilst clause 10 provides for Ministerial oversight responsibility.

Clause 11 provides for the establishment of directorates of the Authority namely the Planning and Programmes Directorate, Inspectorate and Compliance Directorate, Research, Monitoring and Evaluation Directorate, and Finance and Administration Directorate.

Clause 12 makes provision for the Board to establish an office of the Authority in each region. A regional office is to be headed by a Regional Road Safety Director. A regional office of the Authority is to perform functions of the Authority as the Board may direct.

Clause 13 provides for the appointment by the President of a Director-General of the Authority in accordance with article 195 of the Constitution. The Director-General is to hold office in accordance with terms and conditions specified in the letter of appointment.

Clause 14 deals with the functions of the Director-General. The Director-General is responsible for the day to day administration of the affairs of the Authority and is answerable to the Board in the performance of functions under the Act.

Under *clause 15*, the President is to appoint road safety inspectors for the Inspectorate and Compliance Directorate. A road safety inspector may at a reasonable time enter any premises to inspect the premises and ensure that the provisions of the Act are complied with.

Clause 16 makes provision for the Director-General, acting in consultation with the Board, to designate a person appointed under clause 17 to act as Secretary to the Board. The functions of the Secretary are spelt out in the clause.

Clause 17 provides for the appointment of other staff of the Authority.

Clause 18 and *19* provides for the funds of the Authority.

Clause 20 deals with the bank account of the Authority.

Clause 21 mandates the Board to prepare budget estimates for each financial year and present the estimates for approval by Parliament.

The standard provisions relating to accounts and audit and annual and other reports are provided for in clause 22 and 23 respectively.

Clause 24 specifies the conduct of investigation into road transport systems.

Clause 25 makes provision for the issue of a compliance notice.

Clause 26 enables the Authority to apply to the High Court for the enforcement of a directive of the Authority.

Clause 27 and 28 requires other bodies to collaborate with the Authority in the performance of its functions under the Act.

Clause 29 provides for the coordination and collaboration between the Authority and public and private organisations. *Clause 30* provides for offences and penalties.

Clause 31 is on matters that may require Regulations.

Clause 32 deals with the interpretation of words used in the Bill and clause 33 and 34 provide for repeals and savings and transitional provisions respectively.

6.0 OBSERVATIONS

The Committee found most of the clauses in the Bill acceptable however some needed more clarification. Indeed, the passage of the bill to transform NRSC to an Authority is timely to allow for the efficient and effective performance of the Commission. Unlike the NRSC Act, 1999 (Act 567) where the Commission lacks the mandate to demand compliance with road safety standards or their implementation in the interest of public, the National Road Safety Authority bill when successfully passed, will accord the Authority the power to implement standards, procedures and policies that would impact positively on road traffic safety.

Provision of Funds for the Authority

Under clause 18 of the Bill, the sources of funds for the Authority are specified. However, the Committee questioned the availability and the flow of the funds in the short and medium term. The Committee is of the considered view that the Authority will depend in the short and the medium term on the availability of statutory funds. The Committee noted with satisfaction that unlike the Act 567, all the statutory funding that the Authority will source from the various institutions are clear and indicated in percentages.

The Committee further noted that apart from the statutory funds, NRSA has put in place measures to obtain loan and credit facility subject to section 76 of the Public Financial Management Act, 2016 (Act 921). The financial provision will greatly facilitate the implementation of the various road traffic activities which hitherto, NRSC could not embark on to save lives and properties in the country as the Commission was financially handicapped.

Passage of the Bill will enable NRSA to ensure that standards are met and focused on the fundamental issues relating to road safety. The Committee

observed that the bill would enable Ghana address the potential road traffic threats posed by road agencies and road users.

Stakeholders Consultation

Stakeholders in the Road and Transport Industry such as Ghana Highway Authority (GHA), Drivers, Vehicle Licensing Authority (DVLA), Ghana Police and others have been working with NRSC on the subject of Road Traffic Safety. The Committee noted that through the activities of the Commission, other stakeholders have also been consulted at specially organised fora and interviews conducted and their concurrences have been sought and for the passage of the Bill.

Using ICT Tracking System to Monitor Road Users

Road Traffic monitoring involves the collection of data describing the characteristics of vehicles and their movement through road networks. Such data may be used for one of these purposes such as law enforcement, congestion and accident detection and increasing road capacity.

Road Traffic monitoring can be done manually or through the use of ICT devices. Intelligent transportation systems (ITS) are advanced road traffic monitoring tools, which provides innovative services relating to different modes of transport and traffic management and enable various users to be better informed and make safer, more coordinated, and smarter use of transport networks.

The Committee noted the use of ITS for road traffic monitoring in the modern world. Its usefulness and benefits to road agencies cannot be overemphasised as the user would be able to track road incidents at the touch of a button. In this regard, some transport and road agencies have invested in such tools to promote road safety. The Committee observed that ICT devices in road traffic monitoring should be the way forward for the Commission and advised that they liaise with STC for more information

to that effect, and also ascertain how technology is employed to minimise road traffic incidents.

Duplication of Efforts

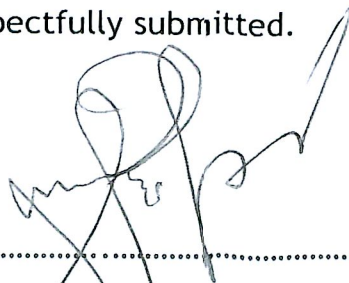
The committee noted that the integration of road transport sector activities will reduce duplication of efforts and investments. As such, efforts should be made to integrate actions for the short, medium and long term. To avoid duplication of efforts, the committee advised that the Commission consult the GHA Act 1997 (Act 560) that established the Ghana Highway Authority. The Act emphasises on road safety, regulation of the road sector, maintenance and other road issues. The Committee found it laudable to consolidate all these issues on road safety.

7.0 RECOMMENDATIONS AND CONCLUSION

The National Road Safety Authority needs to be established to help reduce the incidence of road crashes, fatalities and injuries through the promotion of road safety, the development and coordination of policies in relation to road safety and the implementation of road safety standards as the National Road Safety Commission in its current form lacks the mandate to demand compliance with the existing road safety standards.

The Committee unanimously recommends to the House to approve its report and pass the National Road Safety Authority Bill, 2019 subject to the attached Amendments.

Respectfully submitted.



.....
HON. SAMUEL AYEH-PAYE
CHAIRMAN, COMMITTEE ON ROADS AND
ROADS TRANSPORT



.....
MR. ASANTE AMOAKO-ATTA
CLERK, COMMITTEE ON
AND TRANSPORT

APPENDIX
PROPOSED AMENDMENTS TO THE NATIONAL ROAD SAFETY
AUTHORITY BILL, 2019

- Clause 1 - Amendment Proposed - Subclause (1) delete and insert the following: “There is established by this Act the National Road Safety Authority as a body corporate with perpetual succession”.
- Clause 1 - Amendment proposed - Subclause (2) lines 1 and 2 delete “movable and immovable”.
- Clause 1 - Amendment proposed - Subclause (3) delete “immovable” wherever it appears and insert “landed”.
- Clause 3 - Amendment proposed - In the opening statement to subclause (1), delete the words “perform the following functions”.
- Clause 3 - Amendment proposed - In paragraph (d) of subclause (1), insert, at the beginning of the paragraph, “collaborate with other relevant agencies to”.
- Clause 3 - Amendment proposed - In paragraph (g) of subclause (1), insert, at the beginning of the paragraph, “collaborate with other relevant agencies to”.
- Clause 3 - Amendment proposed - In paragraph (h) of subclause (1), delete the words “certificates and licences” and insert “a certificate and a licence”.
- Clause 3 - Amendment proposed - In subclause (1), insert a new paragraph as follows: “() ensure institutional compliance with procedures and standards related to road safety”.
- Clause 4 - Amendment proposed - In paragraph (b) of subclause (1), insert “the” at the end of the opening statement.

- Clause 4 - Amendment proposed - In subparagraph (i) of paragraph (b) of subclause (1), delete “the” before “Ministry”.
- Clause 4 - Amendment proposed - In subparagraph (ii) of paragraph (b) of subclause (1), delete “the” before “Ministry”.
- Clause 4 - Amendment proposed - In subparagraph (iii) of paragraph (b) of subclause (1), delete “the” before “Ministry”.
- Clause 4 - Amendment proposed - In subparagraph (iv) of paragraph (b) of subclause (1), delete “the” before “office”.
- Clause 4 - Amendment proposed - Paragraph (d) of subclause (1) was flagged.
- The issue was whether a representative of the Inspector-General of Police serving on the Board of the proposed Authority should be nominated by the Minister responsible for the Interior instead of the Inspector-General of Police.*
- Clause 4 - Amendment proposed - In paragraph (e) of subclause (1), insert “from the” at the end of the opening statement.
- Clause 4 - Amendment proposed - In subparagraph (i) of paragraph (e) of subclause (1), line 1, delete “from the”.
- Clause 4 - Amendment proposed - In subparagraph (ii) of paragraph (e) of subclause (1), line 1, delete “from the”.
- Clause 4 - Amendment proposed - In subparagraph (ii) of paragraph (e) of subclause (1), lines 1 and 2, delete “Driver and Vehicle Licensing Authority” and insert “Minister responsible for Transport”.
- Clause 4 - Amendment proposed - In subparagraph (iii) of paragraph (e) of subclause (1), line 1, delete “of the”.

- Clause 4 - Amendment proposed - In subparagraph (iii) of paragraph (e) of subclause (1), line 1, delete “Service” and insert “Minister responsible for Local Government”.
- Clause 4 - Amendment proposed - In subparagraph (i) of paragraph (f) of subclause (1), line 1, delete “the” before “Ghana”.
- Clause 4 - Amendment proposed - In subclause (3) line (1), delete “the appointments” and insert “an appointment”.
- Clause 4 - Amendment proposed - In subclause (3), line 2, delete “persons” and insert “person”.
- Clause 5 - Amendment proposed - In subclause (3), line 1, insert “by letter” before “addressed”.
- Clause 5 - Amendment proposed - In subclause (7), lines 1 and 2 of the closing statement, delete the words “a person to fill the vacancy” and insert “another person for the unexpired term in accordance with this Act”.
- Clause 6 - Amendment proposed - In subclause (3) delete “at” and insert “for”.
- Clause 8 - Amendment proposed - Insert a new subclause as follows: “() A committee composed of members and non-members of the Board shall be chaired by a member of the Board”.
- Clause 10 - Amendment proposed - In the headnote, delete “Ministerial” and insert “Policy”.
- Clause 11 - Amendment proposed - In subclause (2), insert a new paragraph as follows:
“() any other directorate that the Board may determine”.
- Clause 15 - Amendment Proposed - In subclause (2), line 2, delete “any” before “premises”.

- Clause 15 - Amendment proposed - In subclause (2), line 2, insert “road” before “transport”.
- Clause 15 - Amendment proposed - In paragraph (a) of subclause (2), insert “of road transport operators” at the end of the paragraph.
- Clause 15 - Amendment proposed - In the opening statement to subclause (4), delete “subregulation (2)” and insert “subsection (2)”.
- Clause 15 - Amendment proposed - In subclause (43), delete paragraph (c).
- New Clause - Amendment proposed - Insert a new clause after clause 15 as follows:
 Qualification of road safety inspectors
 “A person is qualified for appointment as a road safety inspector if that person holds a bachelor’s degree in
- i. transport planning,
 - ii. transport management,
 - iii. engineering,
 - iv. business administration,
 - v. public administration,
 - vi. statistics,
 - vii. economics,
 - viii. industrial management, or
 - ix. any other related programme that the Board may determine from an accredited tertiary institution”.
- Clause 18 - Amendment proposed - In paragraph (a), delete the words “for the Authority” at the end of the paragraph.
- Clause 18 - Amendment proposed - Paragraph (c) to (e)
- Clause 18 - Amendment proposed - In paragraph (d), delete the words “Authority and the National Insurance Commission” and insert “National Insurance Commission, Insurers Association and the Authority”.
- Clause 18 - Amendment proposed - In paragraph (f), insert

“responsible for Finance” at the end of the paragraph.

- Clause 18 - Amendment proposed - Delete paragraph (h).
- Clause 18 - Amendment proposed - Delete paragraph (i) and insert the following:
“(i) internal generated funds.”
- Clause 19 - Amendment proposed - At the end of the clause, insert “responsible for Finance.”
- Clause 20 - Amendment proposed - In the clause, insert the words “by the Board” before “for”.
- Clause 22 - Amendment proposed - In subclause (3), line 2, delete “and” and insert “submit the report to Parliament and” before “forward”.
- Clause 24 - Amendment proposed - Delete subclause (2) and insert the following:
“(2) The Authority may, in collaboration with other agencies, investigate road traffic crashes that the Authority considers necessary to establish the contributory lapses in road safety operational standards and make recommendations to the Minister for implementation.”
- Clause 25 - Amendment proposed - In paragraph (a) of subclause (1), delete “environment” and insert “reservation”.
- Clause 25 - Amendment proposed - In subparagraph (ii) of paragraph (a), insert “activities” before “or.”
- Clause 25 - Amendment proposed - In the closing statement to subclause (1), line 2, delete “institution or organisation responsible”.
- Clause 25 - Amendment proposed - In the closing statement to subclause (1), line 3, delete “institution or organisation responsible”.

- Clause 25 - Amendment proposed - In subclause (2), line 1, delete “institution or organisation”.
- Clause 25 - Amendment proposed - In paragraph (b) of subclause (2), line 2, delete “institution or organisation”.
- Clause 27 - Amendment proposed - Flagged
- Clause 29 - Amendment proposed - Delete the headnote and insert “public education”.
- Clause 30 - Amendment proposed - In subclause (2), lines 2 to 4, delete all the words after “than” and insert “two hundred and fifty penalty units and not more than five hundred penalty units or to a term of imprisonment of not less than one year and not more than three years or to both the fine and the term of imprisonment”.
- Clause 3- - Amendment proposed - In subclause (3), delete paragraphs (d) and (e).
- Clause 30 - Amendment proposed - In subclause (5), line 1, delete “public or private organisation that” and insert “person who”.
- Clause 30 - Amendment proposed - In subclause (5), line 3, insert “a” before “fine”.
- Clause 31 - Amendment proposed - Delete the opening statement to the clause and insert the following:
 “The Minister shall, within twelve months from the date of coming into force of this Act, on the recommendation of the Board, by legislative instrument, make Regulations to”.
- Clause 32 - Amendment proposed - In the definition of the word “crash response agency”, insert the following new paragraph:
 “() National Disaster Management Organisation;”

Clause 32 - Amendment proposed - Delete the definitions for the following words:

- i. fatality; and
- ii. injury.

Clause 32 - Amendment proposed - Delete the definition for the word “road transport service provider” and insert the following:
““road transport service provider” means public or private organisation which provides passenger and road freight””