

**IN THE FIRST MEETING OF THE FOURTH SESSION OF THE FIFTH
PARLIAMENT OF THE FOURTH REPUBLIC OF GHANA**

**REPORT OF THE COMMITTEE ON CONSTITUTIONAL, LEGAL AND
PARLIAMENTARY AFFAIRS ON THE GHANA AIDS COMMISSION
(AMENDMENT) BILL**

1.0 INTRODUCTION

The Ghana Aids Commission (Amendment) Bill was presented and read the first time in Parliament on Tuesday, 23rd February 2010. The Rt. Hon. Speaker subsequently referred the Bill to the Committee on Constitutional, Legal and Parliamentary Affairs for consideration and report pursuant to article 106(4) and (5) of the Constitution and Order 179 of the Standing Orders of the House.

2.0 DELIBERATION

The technical team from the Ghana Aids Commission led by the Ag. Director-General, Mr. Richard Amenyah, was in attendance at the invitation of the Committee to assist in deliberations. The Committee is grateful to them for their attendance and input.

3.0 REFERENCE DOCUMENTS

The Committee availed itself of the under-listed documents during deliberations on the Bill:

- a) The 1992 Constitution of the Republic
- b) The Standing Orders of the House
- c) Ghana Aids Commission Act, 2002 (Act 613)
- d) Ghana Aids Commission (Amendment) Bill

4.0 BACKGROUND

The Ghana Aids Commission was established to formulate HIV/AIDS policy,

direct and co-ordinate national activities in the fight against the HIV/AIDS pandemic. Up until the year 2000, the Ministry of Health was responsible for the control of the affairs of the Commission. In the year 2000 and upon the coming into force of the Ghana Aids Commission Act, 2002 (ACT 613), it became evident that, HIV/AIDS was no longer a health issue but rather a developmental one which is multi-sectorial.

The Ghana Aids Commission operates under the Office of the President and currently there are forty-seven members on the Board which includes the President and the Vice President of the Republic.

The largeness and unwieldy nature of the membership of the Commission necessitated the introduction of the amendment bill to reconstitute the governing board.

5.0 **OBJECT OF THE BILL**

The object of the Bill is to reconstitute the governing body of the Commission and to provide for related matters.

6.0 **PROVISIONS OF THE BILL**

The Bill seeks to amend the Ghana Aids Commission Act, 2002 (ACT 613) to reduce the membership of the governing body of the Ghana Aids Commission.

7.0 **OBSERVATIONS**

It came to the attention of the Committee that, the Ghana Aids Commission directly reports to the Office of the President and not the Ministry of Health since HIV/AIDS is not only a health issue but a national developmental issue; a critical component of economic growth. The functions of the Commission therefore cut across several sectors of government involving key Ministries and institutions

which are relevant in the fight against the pandemic. Consequently, tying the Commission down to one Ministry would stifle its rapid progress.

The Committee observed that, most of the activities of the Commission are funded by donor agencies which also call for counterpart funding in terms of total support from government. This necessitated the inclusion of some Ministers on the board of the Commission. However, the continuous absence of some of these Ministers at board meetings created a difficulty hence the need for a downward review of the 47-member board.

The Committee further observed that, the current number of forty-seven (47) members of the Board does not provide for efficient and effective decision-making. The Bill seeks to reconstitute the governing body of the Commission and reduce the current membership to twenty-three (23).

The Committee took note of the fact that, the reduction to twenty-three (23) members would be on the high side and accordingly recommends that membership of the governing board be reduced to thirteen (13). In addition, the Committee further recommends the inclusion of two (2) Members of Parliament. This is to provide an effective linkage between the governing Board and the legislator to help facilitate the work of the Commission.

PROPOSED AMENDMENTS

The Committee proposes the following amendments for consideration by the House:

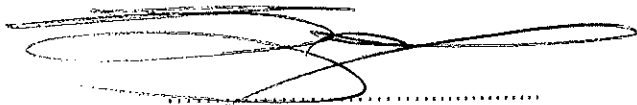
- i. Clause 1 – amendment proposed – paragraph (a), sub paragraph (iii) delete "Information and National Orientation" and insert "Education"
- ii Clause 1 – amendment proposed – paragraph (a), sub paragraph (vi) delete

- iii. Clause 1 – amendment proposed – paragraph (e), delete
- iv. Clause 1 – amendment proposed – paragraph (i), delete
- v. Clause 1 – amendment proposed – paragraph (j), delete
- vii. Clause 1 – amendment proposed – paragraph (l), sub paragraph (i) delete
- viii. Clause 1 – amendment proposed – paragraph (l), sub paragraph (ii) delete
- ix. Clause 1 – amendment proposed – paragraph (l), sub paragraph (iii) delete
- x. Clause 1 – amendment proposed – paragraph (l), sub paragraph (iv) delete

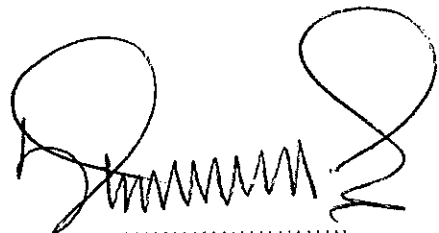
8.0 **RECOMMENDATION AND CONCLUSION**

The Committee has examined the provisions of the Bill and is satisfied that they are in conformity with the Constitution and the Ghana Aids Commission Act 2002, (Act 613). The Committee accordingly recommends the Ghana Aids Commission (Amendment) Bill, 2009 for passage by the House.

Respectfully submitted.



HON. EMMANUEL K. BANDUA
CHAIRMAN, COMMITTEE ON
CONSTITUTIONAL, LEGAL AND
PARLIAMENTARY AFFAIRS



EBENEZER AHUMAH DJIERROR
PRINCIPAL ASSISTANT CLERK,
COMMITTEE ON CONSTITUTIONAL,
LEGAL AND PARLIAMENTARY
AFFAIRS