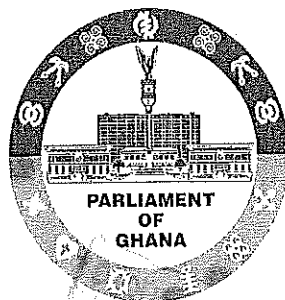


**IN THE THIRD SESSION OF  
THE SIXTH PARLIAMENT OF  
THE FOURTH REPUBLIC OF GHANA**



**REPORT OF THE COMMITTEE ON  
CONSTITUTIONAL, LEGAL AND  
PARLIAMENTARY AFFAIRS**

**ON THE  
MILLENNIUM DEVELOPMENT AUTHORITY  
(AMENDMENT) BILL, 2014**

**JUNE 2015**

Acc No: 1572 C4

Class No: BR/TCPB/14

PARLIAMENT OF GHANA

## **1.0 INTRODUCTION**

1.1 The **Millennium Development Authority (Amendment) Bill, 2014** was presented to Parliament and read the first time on **Wednesday, 12<sup>th</sup> November, 2014**. In accordance with Article 106(4) and (5) of the Constitution and Order 179 of the Standing Orders of the House, the Rt. Hon. Speaker referred the Bill to the Committee on Constitutional, Legal and Parliamentary Affairs for consideration and report.

1.2 The Honourable Minister for Justice and Attorney-General, Mrs. Marietta Brew Appiah-Opong, the Honourable Deputy Minister for Interior, Mr. James Agalga, Officials from the Legal Drafting Division of the Ministry of Justice and Attorney-General's Department, Millennium Development Authority and the National Security were in attendance at the Committee's Meeting to assist in the deliberations.

## **2.0 REFERENCE**

2.1 The Committee referred to the following Documents during its deliberations.

- i. The 1992 Constitution
- ii. The Standing Orders of Parliament

- iii. The Millennium Development Authority Act, 2006 (Act 702)
- iv. The Millennium Development Authority (Amendment) Act, 2006 (Act 709)

### **3.0 BACKGROUND**

3.1 The Millennium Development Authority Act, 2006 (Act 702) was enacted as a result of Ghana's participation in the Development Assistance Programme of the United States of America under the Millennium Challenge Account (MCA) in 2006. Act 702 established the Millennium Development Authority (MDA) as an independent body to implement Ghana Programme's under the MCA for sustainable reduction of poverty through economic growth. The terms and conditions of the Programme were contained in an agreement dubbed Compact I, between the Governments of the Republic of Ghana and the United States of America (USA).

3.2 Activities carried out under Compact I included the implementation of programmes to transform the rural economy through the use of modernised equipment, improvement of social infrastructure in three (3) specific areas, namely the Southern Horticultural area, the Afram Basin and the Northern Agricultural Belt and the construction and rehabilitation of feeder roads to aid

movement of agricultural products and trade. For example, the construction of the George Walker Bush Highway (N1). The First Compact commenced on 16<sup>th</sup> February, 2007 and ended on 10<sup>th</sup> February, 2012.

3.3 The Government of the USA has again selected Ghana to benefit from another development programme under the terms of another agreement termed Compact II. The programme under Compact II will focus on developments in the energy sector. The main purpose of Compact II is to enable the Country carry out development infrastructure involving six (6) projects in the Energy Sector with the aim of improving economic growth and development through the supply of reliable and quality power in the Country. The Projects are as follows:

- i. The Electricity Company of Ghana (ECG) Financial and Operational Turnaround Project
- ii. The National Entrepreneurship Development Company Limited (NEDCO) Financial and Operational Turnaround Project
- iii. The Regulatory Strengthening and Capacity Building Project
- iv. The Access Project

- v. The Power Generation Sector Improvement Project
- vi. The Energy Efficiency and Demand Side Management Project

3.4 In addition to the Projects afore-mentioned, the Programme aims at;

- i. increasing private sector investment;
- ii. increasing employment opportunities for citizens of the Country; and
- iii. raising the earning potential for self-employment and improved social outcomes for the citizens.

3.5 Although the Authority is mandated to carry out functions as required by subsequent investment programmes, some provisions of Millennium Development Authority Act, 2006 (Act 702) and the Millennium Development Authority (Amendment) Act, 2006 (Act 709) are restricted to Compact I only. For example, the Provisions limit the composition and tenure of the Board and Management as well as the powers and functions of the Authority. Hence the need to expand the objectives and functions of the Authority in accordance with the proposals under the new Compact.

#### **4.0 OBJECT OF THE BILL**

4.1 The Bill seeks to amend the Millennium Development Authority Act, 2006 (Act 702) to expand the objectives and functions of the Authority for it to have the legal backing to enable it implement the terms of Compact II and any other development programme of a similar nature.

#### **5.0 OBSERVATION**

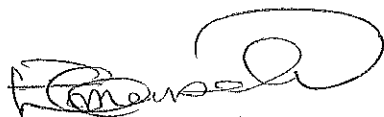
5.1 The Committee observed that the Bill broadens the objective of the Millennium Development Authority to cover programmes under the Millennium Challenge Account. The provisions of Clauses 2 and 3 of the Bill remove the restriction placed on the Authority to ensure poverty reduction through modernisation of agriculture. Consequently, Section 3(b) of the Act 702 which places emphasis on reduction of poverty through "modernisation of agriculture" has been deleted and "economic growth" inserted. This is for the reason that economic growth encompasses a wider function of the Authority than modernisation of agriculture.

5.2 The amendment therefore expands the functions of the Authority to make it responsible for the Programmes executed under Compact I and those to be undertaken under Compact II and other similar Programmes.

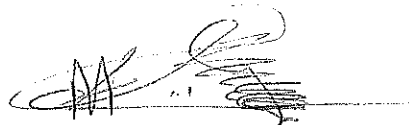
## **6.0 CONCLUSION**

6.1 The Committee notes that the implementation of Compact II will go a long way to assist Ghana to address some of the challenges confronting its Energy Sector and therefore recommends to the House to adopt its Report and pass the Bill subject to the amendments proposed in the Attachment.

Respectfully submitted.



**ERIC OWUSU-MENSAH**  
Clerk, Committee on  
Constitutional, Legal and  
Parliamentary Affairs



**HON. MAGNUS K. AMOATEY**  
Chairman, Committee on  
Constitutional, Legal and  
Parliamentary Affairs

***JUNE 2015***

## APPENDIX

### **AMENDMENTS PROPOSED TO THE MILLENNIUM DEVELOPMENT AUTHORITY (AMENDMENT) BILL, 2014**

- i. Clause 2 – Section 2 – Amendment proposed – Delete paragraph (b) and substitute the following:

“(b) to secure the proper and effective utilisation of funds granted to Ghana under each Compact and any other relevant agreement.”

- ii. Clause 3 – Section 3 – Amendment proposed – Delete paragraph (b) and substitute the following:

“(b) Provide programmes and projects as determined by the Board within the terms of the applicable agreement.”

- iii. Clause 4 – Section 7 – Amendment proposed – Delete sub-clause (1), paragraph (a), sub-paragraph (iv) and substitute the following:

---

“(iv) One representative of the private sector elected by the Private Enterprises Foundation.”

---



- iv. Clause 4 – Section 7 – Amendment proposed – Delete sub-clause (1), paragraph (a), sub-paragraph (v) and substitute the following:

“(v) One representative elected by relevant non-governmental organisations.”

- v. Clause 4 – Section 7 – Amendment proposed – Delete sub-clause (5).

- vi. Clause 5 – Section 8 – Amendment proposed – Delete paragraph (b) and substitute the following:

“(b) ensure adequate accountability to the stakeholders in compliance with the terms of each Compact and any other relevant agreement.”

- vii. Clause 8 – Section 19 – Amendment proposed – Delete sub-clause (1), paragraph (d) and substitute the following:

“any moneys that are approved by Parliament ”

- viii. Clause 13 – Section 25 – Amendment proposed – Delete “facilities” after “infrastructure” in paragraph (a), line 1.