

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



**REPORT OF THE COMMITTEE ON YOUTH, SPORTS AND  
CULTURE ON THE CREATIVE ARTS INDUSTRY BILL, 2020**

**1.0 INTRODUCTION**

The Creative Arts Industry Bill, 2020 was laid in Parliament and read for the first time on Thursday, 22<sup>nd</sup> October 2020. It was referred to the Select Committee on Youth, Sports and Culture for consideration and report in accordance with Article 103 (3) of the 1992 Constitution and Orders 125 and 187 of the Standing Orders of the Parliament of Ghana. Pursuant to the referral, the Committee met with the Hon. Deputy Minister Arts and Culture, the Chief Director and officials of the Ministry, a representative of the Attorney-General's Department and stakeholders from the creative industry to consider the Bill and reports as follows:

**2.0 REFERENCE DOCUMENTS**

The Committee referred to the following additional documents during its deliberations:

- I. The 1992 Constitution of Ghana
- II. The Standing Orders of the Parliament of Ghana
- III. Reports from the Ministry on previous engagements with stakeholders
- IV. Contributions from Stakeholders ( See list in Appendix I)

**3.0 BACKGROUND**

The regulation of the creative industry in its present stage is be-devilled with challenges. These include fragmentation of creative arts practitioners, lack of adequate data on the creative arts practitioners and their contribution to the economic development of the country and identification of cross-sectoral challenges that militate against creative initiatives. To address these challenges, a committee was tasked to develop an initial policy to regulate the industry and it proposed a quasi-self-regulatory governance policy framework. The proposed governance framework forms the basis of this draft Creative Arts Industry Bill.

The Bill therefore seeks to operationalize the quasi-self-regulatory governance policy, which allows practitioners and enterprise operators in the creative industry, through an established Board, to participate in the development of policies, plans and programmes to regulate their operations when the Bill comes into force. The policies, plans and programmes would be implemented through an Agency to be established and known as the "Creative Industry Agency" with clearly defined functions to promote effective and efficient regulation of the creative industry.

#### **4.0 PURPOSE OF THE BILL**

The purpose of this Bill is to establish a Creative Industry Agency to provide the institutional framework for the development and management of the industry. It seeks to operationalize quasi-self-regulatory governance policy which will allow practitioners and enterprise operators in the creative arts industry, through an established Creative Arts Board, to participate in the development of policies, plans and programmes to regulate their operations when the Bill comes into force. The policies, plans and programmes would be implemented through an Agency to be established and known as the “Creative Industry Agency” with clearly defined functions to promote effective and efficient regulation of the creative arts industry.

The Bill also seeks to address the financing challenge which the creative arts practitioners and operators encounter by providing for the establishment of a Creative Industry Fund to be accessed by creative arts practitioners and operators for financing of projects and programmes in the creative industry.

#### **5.0 DIVISION OF THE BILL**

The Bill has thirty-three (33) clauses which are geared towards achieving the following:

- i. **CLAUSE 1** establishes the Creative Arts Agency as a body corporate.
- ii. **CLAUSE 2** specifies the objects of the Agency. These include creating an enabling environment through direct and indirect support for arts education, artistes, creative arts practitioners and organisations and the co-ordination and facilitation of activities of artistes and creative arts practitioners and organisations nationally and internationally. It is also to grow the creative arts industry nationally and internationally through partnership and industry development assistance that facilitates pathways to commercialisation and innovation. Finally, it is to ensure that market access by practitioners in the creative arts industry is enhanced.
- iii. **CLAUSE 3** provides for the functions of the Agency. These include advising the Ministry on standards for regulation, facilitating the engagement of industry players, encouraging public and private sector interface and alignment, promoting new trends in the industry in relation to organization, and the management of creative enterprises. The Agency is also to oversee cross-sector challenges as they affect the industry and to manage those challenges. It is also to source and manage finance and investment in the creative arts sector and to enable and undertake professional development as well as emerging talents. It is to facilitate the protection of the intellectual property rights of the creative artistes and to develop and promote their labour market activities. In addition to the above, the Agency is to keep a register of industry operators and to ensure the enforcement of each of the constitutions establishing the various associations. The Agency is also to facilitate the provision of infrastructure for the development of the creative industry, to undertake research and documentation, and to ensure the effective organisation and management of the industry. Finally, the Agency is to spearhead an industry-led approach to boost growth and competitiveness.
- iv. **CLAUSE 4** provides for the governing body of the Agency. This is a Board consisting of the Minister responsible for Tourism, Arts and Culture as chairperson, the Executive Secretary of the Creative Industry Agency, institutional representation from identified Ministries and seven

representatives nominated from the creative arts domain. Members of the Board are to be appointed by the President in accordance with Article 70 of the 1992 Constitution, taking into consideration, the expertise, knowledge and experience of the persons within the industry. The Board is to ensure the proper and effective performance of the functions of the Agency.

- v. CLAUSES 5, 6, AND 7 deal with standard provisions on the tenure of office of members of the Board, the meetings of the Board and the disclosure of interest by members of the Board.
- vi. CLAUSE 8 deals with Committees of the Board. The Board is to have standing committees on finance and administration, research and documentation, programmes, training and development, business and marketing, regulation and standards, fundraising and technology and audit.
- vii. CLAUSE 9 deals with allowances to be paid to members of the Board.
- viii. CLAUSE 10 provides for the Minister giving directives to the Board on matters of policy and the fact that the Board shall comply.
- ix. CLAUSE 11 provides for the Secretariat for the Agency. The Secretariat is to have divisions including the Finance and Administration Division, Research and Documentation Division and Programmes, Training and Development Division. The Secretariat is also to have any other division that the Board considers necessary for the attainment of the objects of the Agency.
- x. CLAUSE 12 provides for the President appointing an Executive Secretary for the Agency in accordance with Article 195 of the 1992 Constitution. The President in doing so, is to have regard to the qualifications, relevant experience and knowledge of that person within industry, as well as the business orientation and proven experience of that person in managing and motivating multi-disciplinary teams of professionals.
- xi. CLAUSE 13 deals with the functions of the Executive Secretary. The Executive Secretary is, among other functions, responsible for the day-to-day administration of the Secretariat of the Agency and is answerable to the Board in ensuring the performance of the functions of the Agency under the provisions of the Bill.
- xii. CLAUSE 14 provides for the staff of the Secretariat.
- xiii. CLAUSE 15 empowers the Board to establish regional and district offices of the Agency in places determined by the Board.
- xiv. CLAUSE 16 provides that Ministries, Departments, Agencies and other public institutions are to collaborate with the Agency in the performance of its functions under the provisions of the Bill.
- xv. CLAUSE 17 provides for an Internal Audit Unit for the Agency, in accordance with the Public Financial Management Act, 2016 (Act 921).
- xvi. CLAUSE 18 deals with the funds of the Agency. The funds of the Agency include monies approved by Parliament, fees and charges that accrue to the Agency in the performance of its functions, donations; grants and gifts, funds accruing from special events and other activities organized by the

Board and any other moneys approved by the Minister responsible for Finance. The moneys for the Agency are to be paid into a bank account for that purpose by the Board with the approval of the Controller and Accountant-General.

- xvii. **CLAUSES 19, 20 AND 21** deal with the standard provisions on bank accounts and audit of the Agency and annual reporting, respectively.
- xviii. **CLAUSE 22** provides for the establishment of the Creative Industry Fund.
- xix. **CLAUSE 22** deals with the object of the Creative Industry Fund. This Fund is to provide funding for projects and programmes in the creative arts industry and in particular creative arts industry productions and exhibitions; research and development activities; professionals development and skills training; documentation and preservation activities; publications; development of innovation; and initiation of sustainable projects and other related areas.
- xx. **CLAUSE 24** provides for sources of money for the Fund. These include monies approved by Parliament, grants and loans, a one percent levy on revenue realized from the sale of products from the creative arts industry, and periodic contributions prescribed by the Board and paid to the Fund by practitioners and operators in the industry.
- xxi. **CLAUSE 25** is on management of the Fund. The Fund is to be administered by the Board and monies for the Fund are to be paid into a bank account opened by the Board for that purpose. The Board is also required to lodge monies paid to the Fund by practitioners and operators in the creative industry into a separate bank account opened by the Board.

The Board is also to arrange for the effective and efficient sourcing of monies earmarked for the Fund, identify other sources of funding, co-ordinate and ensure total and timely accountability of the Fund, prepare and publish procedures for disbursement of the Fund, formulate general financial strategies and policies for the growth of the Fund, and finally, evaluate and approve projects in need of funding from the Fund. Subclause 4 of this clause provides that the provisions on accounts and audit, annual reports and other reports, as specified in the Bill, apply to the Fund.

- xxii. **CLAUSE 26** deals with the eligibility criteria for accessing the Fund. The clause provides that a person is eligible for a grant from the Fund if that person is an industry practitioner or an operator in the industry, or an organization or a domain association that is recognized by the Board and duly registered with the Registrar General's Department.
- xxiii. **CLAUSE 27** mandates the Minister to prescribe the procedures for application for a grant of monies from the Fund.
- xxiv. **CLAUSE 28** deals with payments from the Fund. The Board is to invest the Fund's monies in a manner approved by the Board and, also in consultation with the Minister, to reinvest any of the investments of the Board. The Board is however prohibited from investing in Government securities. The clause requires the Board to develop the modalities for disbursements from the Fund.
- xxv. **CLAUSE 29** requires persons who intend to establish a creative arts enterprise to incorporate that enterprise in accordance with the Companies Act, 2019 (Act 992) or register the enterprise in the

Registration of Business Names Act, 1962 (Act 151) or the Incorporated Private Partnership Act, 1962 (Act 152) and other laws that are relevant to the establishment of the enterprise.

- xxvi. **CLAUSE 30** requires a person who intends to operate a creative arts enterprise to register with the Agency after incorporation or registration of the business, but before commencement of operations.
- xxvii. **CLAUSE 31** deals with Regulations and empowers the Minister responsible for creative arts to, on the recommendation of the Board, make Regulations for the efficient and effective implementation of provisions of the Bill, and to prescribe operating standards for enterprises in the creative arts industry as well as to prescribe the conditions for private sector investment in the creative arts industry.
- xxviii. **CLAUSE 32** deals with the interpretation of some words used in the Bill.
- xxix. **CLAUSE 33** provides for transitional provisions and requires a person who operates a creative arts enterprise, before the coming into force of the provisions of the Bill, to register that enterprise with the Agency within one year of the date of coming into force of the Bill.

## **6.0 OBSERVATIONS AND RECOMMENDATIONS**

- I. The Committee, in its discussions with the Ministry and stakeholders observed that there are existing laws that currently guide the industry. These include the Copyright Act, 2005 (Act 690), Patents Act, 2003 (Act 657), Industrial Designs Act, 2003 (Act 663), Development and Classification of Films Act, 2016 (Act 935) and the Acts of Parliament establishing National Dance Company, National Symphony Orchestra, Abibigroma, Pan African Writers Association, Bureau of Ghana Languages and the National Commission on Culture among others. These existing laws however, do not adequately address the issues relating to the Creative industry in a holistic manner, making it difficult to effectively and efficiently regulate the activities and operations of the industry. This Bill when passed into Law therefore, will create the necessary legal framework to address the needs of all the industry players.
- II. The Committee also observed that one of the key objectives of the Bill is to make the Agency the regulatory body for effective organization and management of the creative industry. This will ensure adherence to prescribed standards and practices, on the part of all players within the industry, without stifling creativity.

## **7.0 PROPOSED AMENDMENTS BY THE COMMITTEE**

As a result of its engagements with all stakeholders, and matters arising from the consideration of the Bill, the Committee proposes the following amendments:

- I. **HEADING**  
Delete "Arts"

II. **CLAUSE 1 – ESTABLISHMENT OF THE CREATIVE ARTS AGENCY**

- a. Headnote: delete “Arts”
- b. Subclause (1), line 1, “Arts”.
- c. Subclause (2), line 3, after “other” delete “transaction”.
- d. Sub-Clause (2), delete and insert the following  
“The Agency may, for the performance of the functions of the Agency, acquire and hold property, dispose of property and enter into a contract or any other related transaction.”
- e. Sub-Clause (3), lines 1 and 2, delete “Landed Property and insert “Land”.

III. **CLAUSE 2 – OBJECTS OF THE AGENCY**

- a. Paragraph (a), line 1, delete “arts” and do same wherever it appears in the clause.
- b. In paragraph (c), line 1, delete “co-ordinate and facilitate the activities of” and insert “promote collaboration with”

IV. **CLAUSE 3 – FUNCTIONS OF THE AGENCY**

- a. Paragraph (a), line 2, delete “arts” and do same wherever it appears in the clause.
- b. Paragraph (c), delete and insert the following “advise the Government on matters relating to standards for the regulation of the creative industry”
- c. Delete paragraph (g).
- d. Paragraph (j), line 1, before “facilitate” insert “collaborate with relevant institutions to”.
- e. Paragraph (l), line 1, after keep, insert “maintain and publish”
- f. Delete and insert a new paragraph (q) “establish a disciplinary code and enforce the disciplinary code among members of the creative industry”
- g. Delete paragraph (r).

V. **CLAUSE 4 – GOVERNING BODY OF THE AGENCY**

- a. Subclause (1) Paragraph (a), line 1, delete “the Minister” and insert “a person with experience in the creative industry”.
- b. Sub-Clause (1) paragraph (b) after “Secretary” add “of the Creative Industry Agency”
- c. Sub-Clause (1), paragraph (c) line 1, after “domain” insert “three of whom shall be women”.
- d. Sub-Clause (1), paragraph (d) line 1, delete “from each of” and insert “each from”
- e. Subclause (1) Paragraph (d) insert a new subparagraph (iiii) as follows:

*“Ministry responsible for Finance not below the rank of a Director nominated by the Minister responsible for Finance;”*

- f. Sub-Clause (1), add a new paragraph (e) as follows:

*“one legal practitioner of not less than ten years standing at the Bar, nominated by the Ghana Bar Association”.*

- g. Sub-Clause (3), delete and insert the following:

*“The President shall, in appointing a person under sub-clause 1, paragraphs (d), sub-paragraphs (i) and (ii), have regard to the knowledge and competence of the person in matters related to the creative industry”*

#### **VI. CLAUSE 5 – TENURE OF OFFICE OF MEMBERS OF THE BOARD**

- a. Sub-Clause (1), line 2, delete “re-appointment, but a member shall not be appointed for more than two terms” and insert “re-appointment but for another term only”
- b. Sub-Clause (3), delete and insert the following “A member of the Board may, at any time, resign from the office in writing addressed to the President through the Minister”.
- c. Sub-Clause (4), line 2 delete “reasonable cause” and insert “a sufficient reason”
- d. Sub-Clause (5), line 2, delete “that” and insert “the”

#### **VII. CLAUSE 6 – MEETINGS OF THE BOARD**

- a. Sub-Clause (3), after quorum, delete “at a” and insert “for a”
- b. Subclause (4), line 3, delete “Director” and insert “Secretary”.

#### **VIII. CLAUSE 7 – DISCLOSURE OF INTEREST:**

- a. Sub-Clause (1), delete all and insert the following
1. A member of the Board who has an interest in a matter for consideration
- (a) shall disclose in writing the nature of that interest and the disclosure shall form part of the record of the consideration of the matter; and
- (b) is disqualified from being present at, or participating in the deliberation or determination of the Board in respect of that matter.
- b. Sub-Clause (4), line 2, after “recover” delete “the ” and insert “any” and further delete “a” and insert “that”

#### **IX. CLAUSE 9 – ALLOWANCES**

- a. Line 2, delete “approved” and insert “determined” In line 2, after “paid” delete “the”.
- b. Line 2, after “Minister” insert “responsible”

X. **CLAUSE 10 – POLICY DIRECTIVES:**

Sub-Clause (10), after Minister, delete “shall” and insert “may”

XI. **CLAUSE 11 – SECRETARIAT OF THE AGENCY**

Subclause (2), after paragraph insert a new paragraph (d) as follows”

“(....) *Regulation and Standards Division:*”.

XII. **CLAUSE 12 – EXECUTIVE SECRETARY**

Subclause (2), paragraph (a), line 2, delete “arts”.

XIII. **CLAUSE 14 – APPOINTMENT OF OTHER STAFF**

Subclause (1), line 1, delete “may” and insert “shall”.

XIV. **CLAUSE 17 – INTERNAL AUDIT UNIT**

Subclause (5), line 3, delete “Registrar” and insert “Executive Secretary”.

XV. **CLAUSE 18 – FUNDS OF THE AGENCY**

Delete paragraph (b) of subclause (2).

XVI. **HEADING – CREATIVE ARTS INDUSTRY FUND**

In heading, delete “Arts”.

XVII. **CLAUSE 22 – ESTABLISHMENT OF THE CREATIVE ARTS INDUSTRY FUND**

a. In the Headnote delete “Arts”.

b. In line 1, delete “Arts”.

XVIII. **CLAUSE 23 – OBJECT OF THE FUND**

a. Subclause (1), line 2, delete “arts”.

b. Subclause (1), paragraph (a) of delete “arts”.

XIX. **CLAUSE 24 – SOURCES OF MONEY FOR THE FUND**

Paragraph (c), line 2, delete “arts”.

XX. **CLAUSE 26 – ELIGIBILITY CRITERIA**

Paragraph (a), delete “arts” wherever it appears in the paragraph.

XXI. **CLAUSE 28 – PAYMENTS FROM THE FUND**

Subclause (1), Paragraph (b) lines 1 and 2, delete “administrative oversight” and insert “creative industry activities”.



**XXII. HEADING – CREATIVE ARTS ENTERPRISE**

In the heading, delete “Arts”.

**XXIII. CLAUSE 29 – ESTABLISHMENT OF CREATIVE ARTS ENTERPRISE**

- a. In the headnote, delete “arts”.
- b. Line (1), delete “arts”;
- c. Line 2, delete “arts”.

**XXIV. CLAUSE 30 – REGISTRATION OF CREATIVE ARTS ENTERPRISES WITH THE AGENCY**

- a. In the headnote, delete “arts”.
- b. Subclause (1), line 1, delete “arts”.

**XXV. CLAUSE 32 – INTERPRETATION**

- a. In the definition of “Agency” – delete “Arts” and insert “Industry”.
- b. In the definition of “creative arts enterprise” – line 1, delete “arts”
- c. In the definition of “creative arts industry” – line 1, after “creative” delete “arts”.
- d. In the definition of “creative arts domain” – lines 1 and 2, delete “arts”
- e. In the definition of “creative arts domain” paragraph (f), delete “Drama”
- f. In the definition of “creative arts domain” delete paragraph (g)
- g. In the definition of “creative arts domain” in paragraph (o), line 1 delete “School of Performing Arts and”.
- h. In the definition of “creative arts labour market” line 1, delete “arts”; in line 3, delete “arts”.
- i. In the definition of “creative arts industry operator”, line 1, delete “arts”
- j. In the definition of “creative arts practitioner”, line 1, 2, and 3, delete “arts”.
- k. In the definition of “Fund” line 1, delete “Arts”.
- l. In the definition of “Minister”, line 1, delete “Tourism”.

**XXVI. CLAUSE 33 – TRANSITIONAL PROVISIONS**

- a. In subclause (1), line 1, delete “arts”
- b. In subclause (2), line 2, delete “arts”.

**XXVII. LONG TITLE**

Long title, line 1, delete “Arts” and insert “Industry”.

**XXVIII. SHORT TITLE**

In short title, delete, “ARTS”.

**8.0 CONCLUSION**

Ghana has hitherto been depending, to a large extent, on travel tourism for its tourism revenue. The covid-19 pandemic however, has negatively affected this source of revenue and painted a picture of a very gloomy future should this continue to be so. It is therefore imperative that our creative industry, which plays a vital role in tourism, as a matter of urgency, be given the needed push to take its rightful position as a revenue earner.

The Committee believes the passage of this Bill, subject to the proposed amendments, and its effective implementation, will finally streamline and rationalize the activities of the various players in the creative industry. Indeed, the Creative Industry, as discussed above, is a cornucopia of innovation and has the unique ability to drive the economy, if the right measures are put in place.

The Committee therefore recommends to the House to adopt its Report and pass the Creative Industry Bill into law, in accordance with Article 106 of the Constitution and Orders 126 and 127 of the Standing Orders of the House.

**RESPECTFULLY SUBMITTED.**



**HON. ALEX KOFI AGYEKUM  
(CHAIRMAN, COMMITTEE ON YOUTH, SPORTS AND CULTURE)**



**SHEBA NANA AGRYIE OSEI  
(CLERK, COMMITTEE ON YOUTH, SPORTS AND CULTURE)**

## APPENDIX I – STAKEHOLDERS THAT ATTENDED ON THE COMMITTEE

1. Ministry of Tourism, Arts and Culture (MOTAC)
2. Institute of African Studies Professor/Ghana Culture Forum
3. Musicians Union of Ghana (MUSIGA)
4. National Fashion Designers Unions of Ghana
5. National Film Authority
6. Ghana Music Rights Organisation (GHAMRO)
7. Creative Arts Council
8. Film Producers Association of Ghana
9. Screen Actors Guild of Ghana
10. Ghana Association of Visual Artists (GAVA)
11. Dance Association of Ghana
12. Ghana Academy of Film and Television Arts (GAFTA)
13. Ghana Hairdressers and Beauticians Association
14. Women in Film and Television
15. National Commission on Culture
16. Song Writers Association
17. Ghana Culture Forum – representing the following groups
  - I. Professional Musicians Association of Ghana (PROMAG)
  - II. Veterans Musicians Association of Ghana (VEMAG)
  - III. Pan – African Youth Orchestra (PAYO)
  - IV. African Youth Choir – Ghana
  - V. National Spinners Association Ghana (NASAG)
  - VI. Ghana Actors Guild (GAG)
  - VII. Concert Parties Union of Ghana
  - VIII. Ghana Union of Theatre Societies
  - IX. Actresses Association of Ghana
  - X. Osagyefo Theatre Company Limited
  - XI. Helen O’Grady Drama Academy
  - XII. Peace Concert Party
  - XIII. Ghana Dance Association
  - XIV. Domand Cultural Consultancy
  - XV. Kuyum Arts Investigation
  - XVI. Women in Performing Arts (WIPA)
  - XVII. Ghana Book Publishers Association (GBPA)
  - XVIII. Ghana Association of Writers (GAW)
  - XIX. Ehalakasa
  - XX. Mode Conceptz
  - XXI. Sub-Saharan Publishers
  - XXII. Namebooks Publishing & Studio Company
  - XXIII. Cook Art
  - XXIV. Royal Organic Clinic (Organic Hills)
  - XXV. Ghana Association of Visual Artists (GAVA)
  - XXVI. Foundation for Contemporary Art – Ghana (FCA-GH)
  - XXVII. Vakpo Artisans Guild
  - XXVIII. Women Love Association
  - XXIX. Ghana Academy of Film and Television Arts (GAFA)
  - XXX. Film Producers Association of Ghana (FIPAG)
  - XXXI. Film Directors Guild of Ghana
  - XXXII. Film Crew Association of Ghana
  - XXXIII. J.A. Films
  - XXXIV. Accra Films School

- XXXV. Black Star International Film Festival
- XXXVI. Women's Arts Institute Africa (Ghana)
- XXXVII. Foundation for Female Photo Journalists
- XXXVIII. SPINnet Textile & Garment Cluster
- XXXIX. Association of Ghana Apparel Manufacturers
- XL. Ghana Fashion Designers Association
- XLI. Fashion Forum Africa/Ghana
- XLII. MCPR Africa Limited
- XLIII. Spice Events & Models Limited
- XLIV. Models Union of Ghana (MODUGA)