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**IN THE THIRD SESSION OF THE SECOND PARLIAMENT
OF THE FOURTH REPUBLIC**

APPOINTMENTS COMMITTEE

**TWENTIETH REPORT ON MINISTERIAL
NOMINATIONS**

Following reference of the nomination by His Excellency the President of Hon. Rebecca Adotey as Deputy Minister designate for Communications to the Appointments Committee, issue was taken up against the said nomination by the Hon. Minority Leader of Parliament.

The Hon. Minority Leader among other grounds stated that having regard to the pendency of a law suit before the Courts on the validity of Hon. Rebecca Adotey's election as a Member of Parliament for Ayawaso West Wuogon and also in line with the provisions of Standing Order 93(1), it would be impossible to make any reference to the said case in the consideration of Hon. Adotey's nomination. It was argued that this situation would disable the Appointments Committee from fulfilling its constitutional role of examining the nominee, as an important area of the nominee's life would be beyond its scrutiny. The Minority Group, in the circumstances, proposed that Hon. Adotey's nomination should be deferred until the determination of the Ayawaso West Wuogon case.

As a result of this development, the Appointments Committee sat in camera to review the objections from the Minority group on the Committee.

Acc No: 3388

Class No: CR/MN/99

At its deliberations in camera the Committee by majority decided to proceed with the public hearing of Hon. Adotey;s nomination.

Standing Order 93(1) provides as follows:

“Reference shall not be made to any matter on which judicial decision is pending in **such a way as may, in the opinion of Mr. Speaker prejudice the interest of parties to the action**”.
(Emphasis supplied)

The majority decision to proceed with the hearing was based on the fact that Order 93 (1) does not totally close the doors on discussion of matters on which judicial decision is pending. The relevant caution is that such reference must not in the opinion of Mr. Speaker (in this case, the Chairman of the Appointments Committee) “prejudice the interest of parties to the action”.

Attention was also drawn to the provision of Article 79(2) of the 1999 Constitution which states: “A person shall not be appointed a Deputy Minister unless he is a Member of Parliament or is qualified to be elected as a Member of Parliament.”

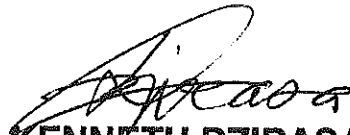
By the understanding of the Majority, the import of the said provision is that Hon Rebecca Adotey could have been appointed a Deputy Minister from outside Parliament, her appointment not being owed necessarily to her being a Member of Parliament.

For the reasons earlier referred to, the Committee by majority decision voted to proceed with the consideration of the nomination of Hon. Rebecca Adotey.

At the hearing, Hon. Rebecca Adotey acquitted herself creditably. It is worth noting that no reference was made to the case pending

before the courts at the hearing. Hon. Adotey is by a majority of the membership of the Committee, proposed to the House for approval.

Respectfully submitted.



**HON KENNETH DZIRASAH
FIRST DEPUTY SPEAKER AND
CHAIRMAN OF THE
APPOINTMENTS COMMITTEE**



MS AMY FORSON
CLERK TO THE COMMITTEE

23RD FEBRUARY, 1999