

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

**REPORT OF THE  
COMMITTEE ON EDUCATION**

*ON THE*

**TECHNICAL UNIVERSITIES  
(AMENDMENT) BILL, 2017**



# **REPORT OF THE COMMITTEE ON EDUCATION ON THE TECHNICAL UNIVERSITIES (AMENDMENT) BILL, 2017**

## **1.0 INTRODUCTION**

The Technical Universities (Amendment) Bill, 2017 was presented and read the first time on Tuesday, 23<sup>rd</sup> January, 2018.

In accordance with Article 106 (4) and (5) of the 1992 Constitution and Order 140(4) and 186 of the Standing Orders of the House, the Rt. Hon Speaker referred the Bill to the Committee on Education for consideration and report.

## **2.0 DELIBERATIONS**

The Committee, in considering the Bill, met with the Hon Minister for Education, Dr. Matthew Opoku Prempeh, the Minister of State in charge of Tertiary Education, Professor Kwesi Yankah, the Executive Secretary to the National Council for Tertiary Education (NCTE), Professor Mohammed Salifu, officials of the Ministry of Education, the Attorney-General's Department and representatives of the following stakeholders:

- i. Conference of Vice Chancellors/Rectors of Technical Universities/Polytechnics (CORP).
- ii. Technical Universities Teachers' Association of Ghana.
- iii. Technical Universities Workers' Association of Ghana.
- iv. Technical Universities Administrators' Association of Ghana.
- v. Ghana National Union of Technical Students.
- vi. Technical Universities Senior Administrators Association of Ghana.

- vii. Teachers and Educational Workers Union of Trades Union Congress.

The Committee expresses its appreciation to the Hon. Minister, his technical team and the stakeholders for their input.

### 3.0 **REFERENCE DOCUMENTS**

The Committee availed itself of the following documents during its deliberations:

- i. The 1992 Constitution of the Republic of Ghana.
- ii. The Standing Orders of the Parliament of Ghana.
- iii. The Technical Universities Act, 2016 (Act 922).
- iv. The National Council for Tertiary Education Act, 1993 (Act 454).

### 4.0 **BACKGROUND INFORMATION**

The Technical Universities Act, 2016 (Act 922) came into force to convert qualified Polytechnics to Technical Universities. This was to enable the Polytechnics provide higher education in engineering, science and technology based disciplines, technical and vocational education and training, applied arts and related disciplines.

In this regard, six (6) Polytechnics namely: Accra Polytechnic, Ho Polytechnic, Koforidua Polytechnic, Kumasi Polytechnic, Sunyani Polytechnic and Takoradi Polytechnic, met the conversion eligibility criteria and were subsequently converted to Technical Universities. The following Polytechnics could not meet the conversion criteria under Act 922:

- a. Bolgatanga Polytechnic.
- b. Cape Coast Polytechnic.

- c. Tamale Polytechnic.
- d. Wa Polytechnic.

A year after the enactment of Act 922, Cape Coast Polytechnic and Tamale Polytechnic met the conversion eligibility criteria and were granted the approval by NCTE to be converted to Technical Universities.

## 5.0 **OBJECT OF THE BILL**

The Technical Universities (Amendment) Bill therefore seeks to amend Act 922 to give legal backing to the conversion of the Cape Coast Polytechnic and Tamale Polytechnic to Cape Coast Technical University and Tamale Technical University respectively. The Bill also seeks to strengthen the conversion process to ensure that the right calibre of staff with appropriate qualifications are engaged or retained to effectively execute the mandate of the Technical Universities.

## 6.0 **HIGHLIGHTS OF THE BILL**

- 6.1 Clause 1 amends section 14 of Act 922 to provide for the harmonisation and uniformity in respect of Statutes for Technical Universities.
- 6.2 Clause 2 amends section 21 of Act 922 to introduce a fixed tenure for the Registrar. In the same vein, clause 3 of the Bill amends section 22 of Act 922 by the substitution of subsection (2) to introduce a fixed tenure for the Director of Finance.
- 6.3 Clause 4 amends paragraph (a) of subsection (1) of section 24 of Act 922. The amendment seeks to ensure that NCTE approves the establishment, variation and supervision of Academic Divisions, Schools, Institutes, Faculties, Departments, Centres and Hostels of Technical Universities.

Clause 4 also amends paragraph (a) of subsection (2) of section 24 of Act 922 to ensure that NCTE is responsible for approving agreements or relationships between a Technical University and another Institution, whether academic or non-academic and within or outside the country.

- 6.4 Clause 5 amends section 26 of Act 922 by repealing subparagraph (ii) to enable the Fair Wages and Salaries Commission determine the conditions of service of employees of Technical Universities.
- 6.5 Clause 6 amends section 27 of Act 922 to involve NCTE in the procedure for the enactment of harmonised Statutes for the Technical Universities.
- 6.6 Clause 7 seeks to insert a new section 27A of Act 922 that would require Technical Universities to operate in accordance with the Scheme of Service approved by NCTE.
- 6.7 Clause 8 amends section 31 of Act 922 to ensure that Technical Universities seek the approval of the Minister responsible for Education and consult with NCTE before they acquire and hold movable and immovable property, sell, lease, mortgage or otherwise, alienate or dispose of that property or enter into any other transaction that relates to real property.
- 6.8 Clause 9 amends section 40 of Act 922 to clarify the scope of amendment of the Schedules by Regulations.
- 6.9 Clause 10 amends subsection (6) of section 42 of Act 922 to apply the requirements of the harmonised Statutes and Scheme of Service for the Technical Universities to persons in the employment of a Polytechnic deemed to have been duly employed by the respective Technical Universities.

6.10 Clause 10 also amends section 42 of Act 922 by the insertion of a new sub-clause (6A). The new sub-clause seeks to clarify the status of employees of a Polytechnic whose appointments are based on the Statutes of the Polytechnic.

6.11 Finally, clause 11 amends the First Schedule. The amendment is to increase the list of Technical Universities by the addition of Cape Coast Technical University and Tamale Technical University.

## 7.0 **OBSERVATIONS**

### 7.1 Non-Existence of a Tertiary Education Policy Framework

The Committee observed that as part of government's efforts at fulfilling the provisions of Article 25 of the 1992 Constitution, Public Universities are steadily being expanded to all parts of the country.

The Committee however noted that a broad Tertiary Education Policy Framework that would ensure that public universities in the country have a clearly defined mandate and goals, is non-existent. This has resulted in a diversity in the implementation of educational policies. Most of the public universities have drifted from academic programmes germane to their core mandate. It is worthy of note that tertiary institutions mandated to pursue science programmes are for instance, pursuing business programmes and vice versa.

The Minister of State in charge of tertiary education acknowledged the need for a broad Tertiary Education Policy Framework. To address this situation, he indicated that a Committee has been set up by the Ministry of Education to develop a broad Tertiary Education Policy Framework.

The Committee urges the Ministry of Education to expedite its work on the Policy Document in order to streamline programmes offered by the traditional universities and to also guard against similar development in the Technical Universities.

## 7.2 Autonomy of Governing Councils of Technical Universities

The Committee observed that just as it pertains in the Traditional Universities, powers have been conferred on the Governing Councils of Technical Universities to take major decisions for the purpose of ensuring the effective and efficient running of Technical Universities.

Such powers give Governing Councils the right to enter into agreement or relationship with another institution whether academic or non-academic and within or outside the country, and to make variations in the academic programmes without recourse to the Ministry of Education.

Although the Committee recognises the need to grant Governing Councils some level of autonomy to allow them some flexibility to take decisions on issues affecting the University, it noted that such unregulated autonomy has paved way for some Governing Councils to enter into major financial transactions with financial institutions without consulting the Ministry of Education.

To forestall such situations, the Committee recommends that Governing Councils of Technical Universities should consult and seek the recommendation of NCTE (acting as Technical Advisor to the Minister responsible for Education) before taking any major decision that has financial implications.



### 7.3 Conversion of Cape Coast and Tamale Polytechnics to Technical Universities

For a Polytechnic to qualify for conversion to a Technical University, it has to meet a set of eligibility criteria as set out in the Second Schedule of Act 922. These eligibility criteria focus on three (3) key areas:

- a. institutional requirements;
- b. academic staff requirements; and
- c. evidence of collaboration with industry partners in the delivery of accredited programmes.

The Committee noted that Cape Coast and Tamale Polytechnics have met the eligibility criteria and qualify to be converted to Technical Universities. The Committee urges the Council of the two (2) institutions to focus on their mandate and adhere to the Technical Universities concept which advocates a strong linkage between technical/vocational education and industry.

### 7.4 Statutes of Technical Universities

Section 27 of Act 922 outlines the procedure for enacting Statutes for Technical Universities. The Committee noted that clause 6 of the Amendment Bill proposes that Statutes of Technical Universities should be harmonised. However, the Committee is of the view that given the peculiarity of each Technical University, it would be difficult to have a harmonised Statute for all the Technical Universities.

Alternatively, the Committee proposes a Standardised Statute for all Technical Universities. In this case, NCTE would be expected to provide core sections of the Statutes which would be applicable to all Technical Universities to ensure consistency. Technical Universities on other hand, would provide the details of other sections of the Statute that are tailored towards their peculiar needs provided they do not

conflict with the core sections (standardised part) of the Statutes or with Act 922.

#### 7.5 Tenure of Office for a Registrar and Director of Finance of Technical Universities

Sections 21 and 22 of Act 922 provide for the appointment and functions of a Registrar and a Director of Finance of Technical Universities respectively. The Committee however observed that Act 922 was silent on the tenure of office for the Registrar and the Director of Finance.

It is worthy of note that the Amendment Bill introduces a fixed term of office for the two officers – a provision which is omitted in Acts establishing all other universities. The Committee therefore urges the Ministry of Education to introduce same amendment to the Acts establishing various universities in the country to ensure consistency and efficiency in the administration of universities.

#### 8.0 **PROPOSED AMENDMENTS**

The Committee, having taken cognisance of the observations made during its deliberations, proposes the amendments in the attached Appendix for consideration and adoption by the House.

#### 9.0 **CONCLUSION AND RECOMMENDATION**

The significance of Technical Universities in providing the requisite manpower needs that would propel Ghana's industrialisation agenda cannot be overemphasised. Technical Universities offer an opportunity for students or professionals with the desire to build their skills and competencies, obtain degrees and other qualifications in disciplines which are not offered in the Traditional Universities.

## APPENDIX

### PROPOSED AMENDMENTS

- i. **Clause 1** - **Amendment proposed** - *Delete* entire Clause.
  
- ii. **Clause 3** - **Amendment proposed** - *Delete* and *insert* the following:  
  
“The principal enactment is amended in section 22 by the insertion after subsection (1) of  
  
(1A) The Director of Finance shall hold office  
  
(a) for a term of four years and is eligible for re-appointment for another term only; and  
  
(b) on the conditions specified in the letter of appointment in accordance with the Statutes of the Technical University.”
  
- iii. **Clause 4** - **Amendment proposed** - Paragraph (a), line 5, *delete* “subject to approval by” and *insert* “on the recommendation of”.
  
- iv. **Clause 4** - **Amendment proposed** - Paragraph (b), line 1, *delete* the cross reference “paragraph (b)” and *insert* “paragraph (a)”.
  
- v. **Clause 4** - **Amendment proposed** - Paragraph (b), lines 4 and 5, *delete* “subject to approval by” and *insert* “on the recommendation of”.
  
- vi. **Clause 6** - **Amendment proposed** - Sub-clause (1), line 2, *delete* “harmonised”.
  
- vii. **Clause 6** - **Amendment proposed** - Sub-clause (2), line 1, *delete* “harmonised”.

- viii. **Clause 6** - **Amendment proposed** - Sub-clause (2), line 2, after “compiled”, *insert* “and standardised”.
- ix. **Clause 6** - **Amendment proposed** - Sub-clause (3), line 2, after “draft”, *insert* “standardised”.
- x. **Clause 6** - **Amendment proposed** - Sub-clause (3), line 2, after the second occurrence of “draft”, *insert* “standardised”.
- xi. **Clause 6** - **Amendment proposed** - Sub-clause (4), line 1, before “Statutes”, *insert* “draft standardised”.
- xii. **Clause 6** - **Amendment proposed** - Sub-clause (4), line 3, before “Statutes”, *insert* “draft standardised”.
- xiii. **Clause 6** - **Amendment proposed** - Sub-clause (4), line 4, after “the” *insert* “draft standardised”.
- xiv. **Clause 6** - **Amendment proposed** - Sub-clause (4), line 8, after “draft”, *insert* “standardised”.
- xv. **Clause 6** - **Amendment proposed** - Sub-clause (4), line 8, *delete* “amendments” and *insert* “amendment”.
- xvi. **Clause 6** - **Amendment proposed** - Sub-clause (5), line 2, before “Statutes”, *insert* “draft standardised”.
- xvii. **Clause 6** - **Amendment proposed** - Sub-clause (5), lines 2 and 3, *delete* “amendments” and *insert* “amendment”.
- xviii. **Clause 6** - **Amendment proposed** - Sub-clause (5), lines 3 and 4, *delete* “harmonisation” and *insert* “standardisation”.
- xix. **Clause 6** - **Amendment proposed** - Sub-clause (6), line 1, *delete* “harmonised” and *insert* “draft standardised”.

xx. **Clause 6** - **Amendment proposed** - Sub-clause (6), line 4, before “Statutes”, *insert* “draft standardised”.

xxi. **Clause 8** - **Amendment proposed** - Sub-clause (1), *delete* and *insert* the following:

“(1) A Technical University may, in consultation with the National Council for Tertiary Education and subject to approval by the Minister, acquire and hold movable and immovable property, sell, lease, mortgage or otherwise alienate or dispose of that property.”

xxii. **Clause 10** - **Amendment proposed** - Sub-clause (6), line 3, *delete* “harmonised”.

xxiii. **Clause 10** - **Amendment proposed** - Sub-clause (6A), *delete* and *insert* the following:

“(6A) Despite subsection (6), a Key Officer of a Polytechnic whose appointment is based on the Statutes of a Polytechnic shall be deemed as an employee, subject to the

(a) approval of the Statutes for the Technical University;  
and

(b) appointment of substantive officers by the Council of the Technical University in accordance with the Statutes.”

xxiv. **New Clause** **Amendment proposed** - Add the following new definition:

“Standardised Statutes” means administrative guidelines enacted by the Council of a Technical University in consultation with the National Council for Tertiary Education and in accordance with this Act to govern the internal operations of a Technical University.

“Key Officer” refers to the Vice Chancellor, the Pro Vice Chancellor, the Registrar and the Director of Finance.

xxv. **Long Title** - **Amendment proposed** - line 3, after “for” *delete* “harmonised” and *insert* “standardised”.

xxvi. **Long Title** - **Amendment proposed** - line 7, *delete* “harmonised” before “Statutes” and *insert* “standardised”.

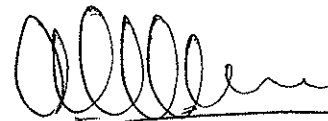
It is therefore important to ensure that the law governing Technical Universities render the study of applied science and vocational education and training more attractive, and also ensure that the right calibre of staff, and with appropriate qualifications, are engaged to effectively execute the mandate of Technical Universities.

Accordingly, the Committee recommends to the House to adopt its Report on the Technical Universities (Amendment) Bill, 2017.

Respectfully submitted.



**STEVENS SIAKA (HON.)  
(CHAIRMAN, COMMITTEE ON  
EDUCATION)**



**ABIGAIL ABA ANSO  
(CLERK TO THE COMMITTEE)**

MAY 2018





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