

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

**REPORT OF THE SELECT
COMMITTEE ON MINES AND
ENERGY**

ON THE

**GHANA GEOLOGICAL SURVEY
AUTHORITY BILL,
2015**

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1.0 INTRODUCTION

The Ghana Geological Survey Authority Bill, 2015 was laid in Parliament on Tuesday, 2nd February, 2016 by the Hon. Minister for Lands and Natural Resources, Mr. Nii Osah Mills in accordance with Article 106 of the 1992 Constitution.

The Bill was subsequently referred to the Select Committee on Mines and Energy by the Rt. Hon. Speaker for consideration and report in accordance with Orders 125 and 188 of the Standing Orders of the House.

2.0 DELIBERATIONS

The Select Committee met with a Deputy Minister of Lands and Natural Resources, Hon. Kwabena Mintah Akando and Officials of the Ministry of Lands and Natural Resources to consider the Bill. In attendance were Officials of the Attorney-General's Department and the Geological Survey Department to assist the Committee in its deliberations.

The Select Committee expresses its profound gratitude to the Officials for their attendance and for making invaluable contributions to enrich its deliberations.

3.0 REFERENCE DOCUMENTS

The Committee made reference to the following documents during its deliberations:

- i. The 1992 Constitution;
- ii. The Standing Orders of Parliament;
- iii. The Minerals and Mining Act, 2006 (Act 703);
- iv. The Patents Act, 2003 (Act 657);
- v. The Survey Act, 1962 (Act 127); and
- vi. The Civil Service Regulations, 1961 (L.I. 139).

4.0 OBJECT OF THE BILL

- 4.1 The object of the Bill is to establish the Ghana Geological Survey Authority with the mandate to advise Government on geoscientific issues relating to mineral resources, environment and hydrogeology.
- 4.2 The Bill also seeks to promote standards of professional conduct and efficiency in geological matters, effective dissemination of information on geological hazards and ensure the effective exploration and exploitation of mineral resources in the country.

5.0 BACKGROUND INFORMATION

- 5.1 The Geological Survey Department (GSD) was established in 1913 by the British Colonial Administration as an offshoot of the then Gold Coast Geological Survey. The functions of the department at the time of its establishment included advising the Colonial Administration on geoscientific issues related to oil and gas, geological mapping, hydrogeology, engineering geology and earthquake monitoring among others. The Department was in 1962 listed as part of the Civil Services under the Civil Service Regulations 1962 (L.I 139).
- 5.2 In the bid to position the GSD to effectively contribute to the developmental agenda of the country, the Department was given a new mandate under the Survey Act, 1962 (Act 127). The new mandate among others gave the GSD certain powers to enable its officials have access to private lands to execute its mandate.
- 5.3 Since its establishment, the Department has made significant contributions to the development of the country's mining and other sectors. About ninety percent (90%) of the country's major mineral deposits such as gold, diamond and bauxite were discovered by the Department. The Department has also provided geoscientific advice to Government for the construction of major infrastructural projects including the construction of the Akosombo, the Kpong and the Bui Hydroelectric Dams, the Accra-Tema Motorway and Tema Harbour.
- 5.4 Despite its significant contribution to the development of the country, the Department continues to contend with a number of challenges due to financial constraints. The Department's only source of funding comes from government through annual budgetary allocations. This has proved to be inadequate with its attendance late releases. The financial difficulties continue to undermine the work of the Department and has led to low remuneration which do not attract the right caliber of technical personnel to discharge the highly technical functions charged to the Department, and also leading to the exodus of qualified

and experienced staff and this has adversely impacted on the work of the Department.

- 5.5 In view of the above challenges and in recognition of the great potential of the GSD to support the developmental agenda of the country through the provision of up-to-date geoscientific data, it has become necessary to establish the Department as a semi-autonomous body. Hence, the laying in Parliament of the Ghana Geological Survey Authority Bill, 2015 by the Hon. Minister for Lands and Natural Resources for its passage.

6.0 SUMMARY OF PROVISIONS

The Bill contains twenty-nine (29) provisions and is arranged as follows:

- 6.1 Clauses 1 to 4 seek to establish the Ghana Geological Survey Authority and its object and functions.
- 6.2 The governing body of the Authority, tenure of its members and establishment of Committees have been provided for under Clauses 5 – 10.
- 6.3 Clauses 11 and 12 deal with the establishment of Regional and District Offices of the Authority among other administrative matters whilst Clauses 13 to 15 cover matters relating to the approval for the use of data by the Authority and access to geoscientific reports.
- 6.4 Clauses 16 to 22 deal with administrative and financial matters for the Authority. These are followed by Clauses 23 to 27 which deal with the power to request for information and intellectual property rights among others.
- 6.5 Clauses 28 and 29 make provisions for consequential amendments to the Civil Service Regulations, 1961 (L.I.139) and transitional provisions.

7.0 OBSERVATIONS AND RECOMMENDATIONS

The Committee made the following observations and recommendations during its deliberations:

7.1 Nomenclature for the New Entity

As to what informed the decision to describe the new entity as an Authority under Clause 1 of the Bill, Officials of the Attorney-General's Department informed the Committee that it became necessary to do so to bring it into conformity with the requirements of the law. They explained that every statutory

body is required to be classified into a certain category such as a Commission, a Department or an Authority. According to the Officials, an Authority was chosen to reflect the status of a semi-autonomous entity as envisaged by the Bill.

7.2 Provisions regarding funding for the Authority

The Committee also noted that the passage of the Bill would significantly address the funding challenges faced by the GSD. The GSD has been facing difficulties in executing its critical projects due to inadequate funding. Currently, the only source of funding for the GSD is through budgetary allocations which has proved to be inadequate with its attendant release challenges. The Committee is therefore satisfied that the Bill proposes to enhance the sources of funding for the new entity to include a portion of the Minerals Development Fund, the Authority's internally generated funds and other funds to be approved by the Minister for Finance. It is hoped that this new financial regime would help address the financial challenges currently faced by the GSD and improve its performance.

7.3 Protection of the Authority's Intellectual Property

The Committee again noted that adequate provision has been made in the Bill to protect the rights to be acquired by the Authority in respect of its geoscientific data. Per Clause 25 of the Bill, the intellectual property in a discovery, an invention or improvement made by employees of the Authority or other intellectual enterprise funded by the Authority shall be vested in the Authority. Persons who intend to use data produced by the Authority for scientific publications or modification of maps for sale or display will be required to obtain prior written approval from the Sector Minister. The Authority is further empowered to apply for patent in respect of any discovery, invention or improvements when so acquired. These provisions will ensure the full protection of the works of the Authority and enable the Authority to obtain optimum benefit from its intellectual works by charging fees.

7.4 Foreign Activities of the Authority

It was further noted that the passage of the Bill would empower the Authority to expand its activities outside the country. Clause 15 of the Bill seeks to empower the Authority to undertake consultancy services for foreign clients at a fee. The decision to undertake such an exercise will however be subject to the prior approval of the Sector Minister. Again, the terms and conditions of such foreign services shall be subject to the approval of the Minister. This will broaden the scope of activities rendered by the Authority and enhance its financial base and international reputation.

7.5 Composition of the Governing Body of the Authority

It was finally noted that the Bill provides for a governing body to ensure the effective performance of the functions of the Authority (Clause 5 of the Bill). The Committee however noted that though the Bill provides for some relevant stakeholders on the governing body of the Authority, the Minerals Commission which will have a complementary working relationship with the Authority has been inadvertently excluded from the Board. Again, the Committee notes that there is one representation from the erstwhile Ministry of Energy and Petroleum which may create practical challenges in view of its separation into the Ministry of Power and the Ministry of Petroleum. The Committee accordingly proposes amendments in these respects.

8.0 PROPOSED AMENDMENTS

- i. **Clause 3 –Amendment proposed** – Paragraph (e), line 2, after “Board” *insert* “established under section 5”

(Chairman of the Committee)
- ii. **Clause 4 –Amendment proposed** – Head note, *delete* and *insert* “**Promotion of research**”

(Chairman of the Committee)
- iii. **Clause 5 –Amendment proposed** – Sub-clause (1), paragraph (c), sub-paragraph (i), line 2, after “Resources” *insert* “not below the rank of a Director”

(Chairman of the Committee)
- iv. **Clause 5 –Amendment proposed** – Sub-clause (1), paragraph (c), sub-paragraph (ii), *delete* and *insert* the following:

“(ii) the Ministry responsible for Power not below the rank of a Director;
(iii) the Ministry responsible for Energy not below the rank of a Director;

(iv) the Minerals Commission not below the rank of a Director;
and”

(Chairman of the Committee)

v. **Clause 5 –Amendment proposed** – Sub-clause (1),
paragraph (d), opening phrase, after “representative” *insert* “each”

(Chairman of the Committee)

vi. **Clause 7 –Amendment proposed** – Sub-clause (3), line 1,
delete “six” and *insert* “seven” and in lines 2 and 3 *delete* “or a
greater number determined by the Board in respect of an important
matter”

(Chairman of the Committee)

vii. **Clause 9 –Amendment proposed** – Sub-clause (1), lines 1
and 2, *delete* “of the Board or non-members or both to perform a
function” and *insert* the following:

“only or members and non-members to perform a function of the
Authority”

(Chairman of the Committee)

viii. **Clause 13 –Amendment proposed** – Head note, *delete* “of
Authority to use data produced by” and *insert* “**to use data
by the**”

(Chairman of the Committee)

ix. **Clause 13 –Amendment proposed** – Line 1, *delete* “A” and
insert “Subject to subsection (2) of section 25, a”

(Chairman of the Committee)

- x. **Clause 19 –Amendment proposed** – Sub-clause (1), paragraph (c), line 1, *delete* “five” and insert “eight” and in lines 2 and 3, *delete* “and the interest occurred on the amount”
- (Chairman of the Committee)
- xi. **Clause 19 –Amendment proposed** – Sub-clause (1), paragraph (f), line 1, *delete* “granted to the Authority” and *insert* “guaranteed”
- (Chairman of the Committee)
- xii. **Clause 20 –Amendment proposed** – Lines 1 and 2, *delete* “paid from the moneys approved by Parliament for” and *insert* “charged on the funds of”
- (Chairman of the Committee)
- xiii. **Clause 21 –Amendment proposed** – Sub-clause (3), line 3, *delete* “Minister” and *insert* “Board”
- (Chairman of the Committee)
- xiv. **Clause 26 –Amendment proposed** – *Add* the following new paragraph after paragraph (e):
- “(f) administrative penalties and other penalties; and”
- (Chairman of the Committee)
- xv. **Clause 26 –Amendment proposed** – Paragraph (e), line 2, at end, *delete* “and”
- (Chairman of the Committee)
- xvi. **Clause 27 –Amendment proposed** – Interpretation of “Minister” *delete and insert* the following:

“Minister” means the Minister designated in writing by the President of the Republic as the Minister responsible for the Authority;”

(Chairman of the Committee)

- xvii. **Clause 27 –Amendment proposed** – Add the following new interpretation:

“major construction works” mean any construction work that has the potential to impact on the subsurface structure, socio-economic or cultural environment;”

(Chairman of the Committee)

- xviii. **Clause 28 –Amendment proposed** – Head note, *delete* “**to Civil Service Regulations, 1961 (L.I 139)**”

(Chairman of the Committee)

- xix. **Clause 28 –Amendment proposed** – Add the following new sub-clause:

“(2) A reference to the Geological Survey Department in any enactment existing before the coming into force of this Act shall be construed as a reference to the Ghana Geological Survey Authority”

(Chairman of the Committee)

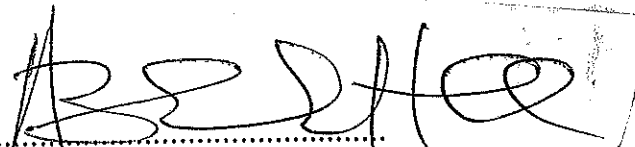
9.0 CONCLUSION

- 9.1 The Committee has duly scrutinized the Bill and is of the view that the passage of the Bill subject to the proposed amendments will lead to improvement in the country’s geoscientific research and investigations. This will partly help in the discovery of new mineral deposits to diversify the mineral resource base from the traditionally exploited minerals such as gold, bauxite and manganese. Besides, the passage of the Bill would provide the framework for the promotion of standards of professional conduct and efficiency in geological matters as well

as data acquisition to guide effective management of natural disasters, water resources and environmental management in the country.

- 9.2 The Committee therefore recommends to the House to adopt its Report and pass the Ghana Geological Survey Authority Bill, 2015 in accordance with Article 106 of the Constitution.

Respectfully submitted.



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HON. ALHAJI AMADU B. SOROGHO
CHAIRMAN, COMMITTEE ON
MINES AND ENERGY



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PEACE FLAWOYIFE (MS.)
CLERK TO THE COMMITTEE

MAY, 2016