

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

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

PARLIAMENT OF GHANA LIBRARY

ON THE

COVID-19 NATIONAL TRUST FUND BILL, 2020

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**REPORT OF THE COMMITTEE ON CONSTITUTIONAL, LEGAL AND
PARLIAMENTARY AFFAIRS ON THE COVID-19 NATIONAL TRUST
FUND BILL, 2020**

1.0 INTRODUCTION

- 1.1 The COVID-19 National Trust Fund Bill, 2020 was laid in Parliament by the Hon. Attorney-General and Minister for Justice, Miss Gloria Afua Akuffo on Wednesday, 1st April, 2020 in accordance with Article 106(13) of the 1992 Constitution.
- 1.2 Consequently, the Bill was referred to the Committee on Constitutional, Legal and Parliamentary Affairs for consideration and report pursuant to Order 199 of the Standing Orders of the House.
- 1.3 The Committee firstly considered the urgency of the Bill and submitted its Report to the House on Thursday 2nd April, 2020, stating its determination that the Bill is of urgent nature and same was adopted by the House.

2.0 DELIBERATIONS

- 2.1 The Committee met with the Hon. Attorney-General and Minister for Justice, Miss Gloria Afua Akuffo and Officials of the Ministry and considered the Bill.
- 2.2 The Committee expresses its profound gratitude to the Hon. Attorney-General and the Officials for their attendance and for assisting the Committee in the deliberations.

3.0 REFERENCE DOCUMENTS

The Committee referred to the following documents during the deliberations:

- i. The Constitution, 1992;
- ii. The Standing Orders of Parliament;
- iii. The Imposition of Restrictions Act, 2020 (Act 1012);
- iv. The Public Financial Management Act, 2016 (Act 921);

- v. The Internal Audit Agency Act, 2003 (Act 658); and
- vi. The Report of the Committee on Constitutional, Legal and Parliamentary Affairs on the Determination of the Urgency of the COVID-19 National Trust Fund Bill, 2020.

4.0 BACKGROUND

- 4.1 On Wednesday, 11th March, 2020, the Director-General of the World Health Organisation (WHO), Dr. Tedros Adhanom Ghebreyesus declared COVID-19 a pandemic, pointing to over 118,000 cases in over 110 countries around the world and the risk of further global spread.
- 4.2 The first two cases of the disease were reported and confirmed in Ghana on Friday, 13th March, 2020, followed by 6 cases on Sunday, 15th March, 2020, involving persons who had travelled into the country. As at Thursday, 2nd April, 2020, the total confirmed cases in Ghana stood at 204.
- 4.3 As part of government's response to the pandemic, a number of measures have been taken. Some of these measures include the passage of the Imposition of Restrictions Act, 2020 (Act 1012), and the issuance of two Executive Instruments by H.E. the President to combat the pandemic.
- 4.4 Since the implementation of the above measures, scores of public-spirited individuals, groups and corporate bodies have been giving donations, gifts and other voluntary contributions to complement the efforts of the Government to combat COVID-19.
- 4.5 It therefore become imperative to establish a Fund to properly receive and manage the donations for the intended objective of complementing Government's efforts at combating COVID-19 and to assist in the welfare of the needy and the vulnerable who have been afflicted or impacted by the COVID-19 pandemic.

5.0 Summary of Provisions of the Bill

- 5.1 The Bill consists of twenty-six (26) Clauses.

- 5.2 The introductory provisions for the establishment of the COVID-19 National Trust Fund under Clauses 1 to 5.
- 5.3 Clauses 6 to 13 cover matters relating to the governance of the Bill while Clauses 14 to 18 outline administrative matters for the Fund.
- 5.4 Financial Matters are covered under Clauses 19 to 22 while miscellaneous provisions are covered under 23 to 26.

6.0 OBJECTS OF THE BILL

The purpose of the Bill is to establish the COVID-19 National Trust Fund to complement the efforts of Government in the fight against the COVID-19 pandemic and to support the needy and the vulnerable who have been afflicted or impacted upon by the pandemic and for related matters.

7.0 OBSERVATIONS

The Committee made the following observations during the deliberations:

7.1 Justification for the Establishment of the Fund

The Hon. Attorney-General informed the Committee that the establishment of the Fund was to receive and manage contributions and donations from well-meaning individuals, groups and corporate bodies. She explained that the moneys accruing to the Fund would be used among other things to support persons including frontline medical personnel and volunteers engaged in the combat of the COVID-19 pandemic and to support the vulnerable and the needy affected by the pandemic.

7.2 Sources of Moneys for the Fund

The Committee noted that the Fund would be funded from three main sources. The first source would be donations, gifts and other voluntary contributions by individuals, groups and corporate bodies. The other sources include moneys that may become lawfully due to the Fund and other moneys that the Board of Trustees of the Fund may determine in consultation with the Minister responsible for Finance. The moneys accruing to the Fund would be paid into a bank account to be opened for the Fund.

7.3 Governing body for the Fund

The Committee observed that the Fund would be managed by a Board of Trustees to be appointed by the President. The membership of the Board is proposed to be comprised of a chairperson and six (6) persons, one of whom would be a woman. The President would be required to take into consideration the integrity, knowledge, expertise and experience of the members when making the appointments. The specific functions of the Board would be to monitor and evaluate the operations and performance of the Fund, define appropriate procedures for the management of the Fund, prepare guidelines for the disbursement of moneys from the Fund and perform other functions incidental to the attainment of the objects of the Fund.

The Board would be empowered to hold regular and extraordinary meetings to make decisions relating to the management of the Fund. To ensure that the Board continue to hold meetings at all times including emergencies, the Committee proposes to empower the chairperson of the Board to be able to determine the manner for the holding of meetings of the Board which may be by electronic or other means.

7.4 Transparency Arrangements

The Committee also observed a number of transparency arrangements in the Bill including auditing of the Fund and reporting on the activities of the Fund. The Fund would be required to establish an internal audit unit to be headed by an Internal Auditor, who shall be responsible for the internal audit of the Fund. The Internal Auditor would further submit reports to the Board with copies to the Minister responsible for the Fund and the Auditor-General.

8.0 PROPOSED AMENDMENTS

The Committee has made the attached proposed amendments to further strengthen the provisions of the Bill.

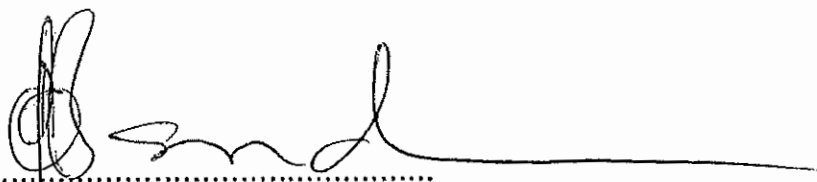
9.0 RECOMMENDATION AND CONCLUSION

The Committee highly commends the donations of public-spirited individuals, groups and corporate bodies to complement the efforts of Government in combating the COVID-19 pandemic.

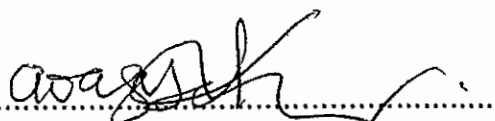
The Committee also believes that the establishment of the Fund with the necessary transparency Clauses in the Bill would give further impetus to the country's ongoing efforts to combat the pandemic and ameliorate the plight of the poor and vulnerable in society.

In that regard, the Committee recommends to the House to adopt this Report and pass the COVID-19 National Trust Fund Bill, 2020 in accordance with the provisions of Article 106 of the Constitution.

Respectfully submitted.



HON. BEN ABDALLAH BANDA
(CHAIRMAN OF THE COMMITTEE)



AKUA DUROWAA OWUSU AGYEKUM
(HEAD, LEGAL COMMITTEES)

ANNEXURE

PROPOSED AMENDMENTS TO THE COVID-19 NATIONAL TRUST FUND BILL, 2020

- i. **Clause 1-** **Amendment proposed** – Subclause (1), line 1, after “Act” delete “a body corporate to be known as” and after “Fund” add “as a body corporate”.
- ii. **Clause 2-** **Amendment proposed** – Opening sentence after “are” add “to”.
- iii. **Clause 2-** **Amendment proposed-** Subclause (1), line 1, before “complement” delete “to”.
- iv. **Clause 2-** **Amendment proposed-** Subclause (1), line 2, after “individuals” insert “,groups” and in line 3, delete “funds” and insert “moneys” and delete “the virus” and insert “COVID-19”.
- v. **Clause 2-** **Amendment proposed-** Subclause (2), delete.
- vi. **Clause 2-** **Amendment proposed-** Subclause (3), line 1, before “receive” delete “to” and after “any” delete “funds” and insert “other moneys”.
- vii. **Clause 2-** **Amendment proposed** – Renumber the subclauses as paragraphs.
- viii. **Clause 3-** **Amendment proposed** – In headnote, delete “moneys” and insert “money”.
- ix. **Clause 4-** **Amendment proposed-** Line 2, delete “bank account” and insert “a bank account”.
- x. **Clause 5-** **Amendment proposed-** Subclause (1), paragraph (b), line 1, delete “the needy and the vulnerable” and insert “needy and vulnerable persons”.
- xi. **Clause 5-** **Amendment proposed-** Subclause (2), line 1, delete “distributed” and insert “disbursed”.
- xii. **Clause 5-** **Amendment proposed-** Subclause (3), line 2, after “(2)” insert “subject to the approval of the Minister”.

- xiii. **Clause 6- Amendment proposed-** Subclause (3), lines 1 and 2, delete "until their appointment is otherwise revoked by the President" and insert "on terms and conditions specified in the letter of appointment".
- xiv. **Clause 7- Amendment proposed-** Subclause (2), paragraph (e), line 1, delete "functions assigned under this Act and" and insert "function".
- xv. **Clause 9- Amendment proposed-** Subclause (1), lines 1 and 2, delete "the time and place" and insert "a time, place and manner".
- xvi. **Clause 9- Amendment proposed-** Subclause (2), line 3, delete "the place and time" and insert "a time, place and manner".
- xvii. **Clause 12- Amendment proposed-** Line 2, after "paid" delete "the".
- xviii. **Clause 13- Amendment proposed-** In headnote, delete "Ministerial" and insert "Policy".
- xix. **Clause 16- Amendment proposed-** Subclause (1), line 2, delete "proper and effective" and insert "effective and efficient".
- xx. **Clause 16- Amendment proposed-** Subclause (4), line 2, delete "advisors and consultants" and insert "an advisor or a consultant".
- xxi. **Clause 21- Amendment proposed-** Subclause (3), line 3, after "Board" insert "of Trustees".
- xxii. **Interpretation- Amendment proposed-** Delete the definition of "COVID-19" and insert ""COVID-19" means an infectious disease caused by the severe acute respiratory syndrome coronavirus 2;"