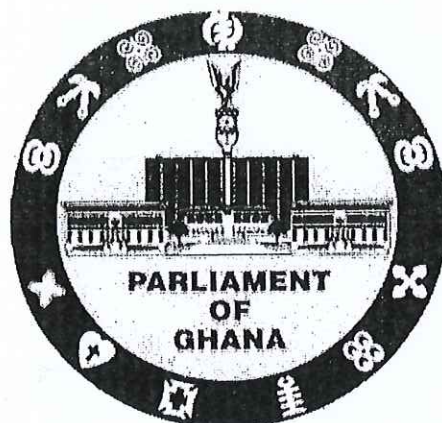


IN THE THIRD MEETING OF THE FOURTH SESSION OF THE EIGHTH PARLIAMENT OF THE
FOURTH REPUBLIC OF GHANA



REPORT OF THE COMMITTEE ON LOCAL GOVERNMENT AND RURAL
DEVELOPMENT ON THE UNIVERSITY OF LOCAL GOVERNANCE AND
DEVELOPMENT BILL, 2024

JULY 2024

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REPORT OF THE COMMITTEE ON LOCAL GOVERNMENT AND RURAL DEVELOPMENT ON THE UNIVERSITY OF LOCAL GOVERNANCE AND DEVELOPMENT BILL, 2024

1.0 INTRODUCTION

The University of Local Governance and Development Bill, 2024 was laid in Parliament by the Minister responsible for Education on behalf of the Minister for Local Government, Decentralisation and Rural Development under a certificate of urgency on Friday, 26th July 2024, in accordance with Article 106(13) of the 1992 Constitution.

The Bill was referred to the Committee on Local Government and Rural Development for a determination of its urgency or otherwise in accordance with Order 160 (2) of the Standing Orders of Parliament. Subsequently, the Committee's report determining the urgency of the Bill was presented to the House and adopted on Monday, 29th July 2024. The Committee consequently considered the University of Local Governance and Development Bill, 2024 and accordingly report to the House.

2.0 DELIBERATIONS

The Committee met with the Chief Director and other Officials of the Ministry of Local Government, Decentralisation and Rural Development and a team from the Institute of Local Government Service and considered the Bill.

The Committee is profoundly grateful to the Officials for attending upon the Committee and assisting in the deliberations.

3.0 REFERENCED DOCUMENTS

The Committee referred to the following documents during its deliberations:

- i. The 1992 Constitution of the Republic of Ghana,
- ii. The Standing Orders of the Parliament of Ghana, 2024

- iii. The Local Governance Act, 2016 (Act 936)
- iv. The Public Financial Management Act, 2016 (Act 921)
- v. Institute of Local Government Studies Act, 2003 (Act 647)
- vi. The Education Regulatory Bodies Act, 2020 (Act 1023)
- vii. The University of Local Governance and Development Bill, 2024

4.0 BACKGROUND INFORMATION

Article 240 of the 1992 Constitution clothes District Assemblies with the deliberative, legislative and executive powers. Assemblies also play administrative, planning, service delivery, rating and budgeting roles in the districts under our decentralisation programme. The success of the process of decentralisation hinges on the capacity of local government functionaries in the performance of their duties, and affords a window of opportunity for citizens to actively participate in the local governance process.

Parliament, pursuant to paragraph (b) of clause (2) of Article 240 of the 1992 Constitution, enacted the Local Governance Act, 2016 (Act 936) to provide the necessary measures to enhance the capacity of local government authorities to plan, initiate, coordinate, manage and execute policies in respect of all matters affecting the people within their local jurisdiction. There is, however, the need to provide the requisite human resource capacity to local government authorities to enable them to formulate policies and implement developmental decisions at the District Assemblies.

Following the enactment of the Institute of Local Government Studies Act, 2003 (Act 647), the Institute has for the past two decades, pursued its mandate with remarkable achievements but has encountered notable challenges. One of such challenges being the lack of clarity of the

character of the Institute which has created room for various interpretations of Act 647 to suit the self-interest of persons and other entities in the application of the law, making it difficult for the Institute to survive.

The establishment of the University of Local Governance and Development as a specialised university to provide consistent and relevant capacity-building intervention; appears to be the way forward towards strengthening capacities for local governance. Currently, the Institute is affiliated with the Kwame Nkrumah University of Science and Technology, Kumasi, for the award of its degree. The Education Regulatory Bodies Act, 2020 (Act 1023) provides under section 40(1) that an affiliated institution shall meet the conditions for the award of a charter within four years of the coming into force of Act 1023. It has therefore become imperative that the Institute obtains its charter since the four-year moratorium would end on 14th August 2024.

5.0 OBJECT OF THE BILL

The object of the Bill is to establish the University of Local Governance and Development as a specialised public degree-awarding, research and professional local government training institution and to provide for related matters.

The Bill seeks to establish the University of Local Governance and Development to operate under the Ministry of Local Government, Decentralisation and Rural Development, and the regulatory supervision of the Ghana Tertiary Education Commission. The Bill also seeks to grant the University the autonomy to design, organise, regulate and deliver mandatory professional training for staff and members of local government authorities.

These programmes are to be structured and career-oriented, as envisaged under paragraph (b) of clause (2) of Article 240 of the 1992 Constitution.

6.0 SUMMARY OF THE PROVISIONS OF THE CONTENTS OF THE BILL

The University of Local Governance and Development Bill, 2024 consists of forty-six (46) clauses and one (1) schedule.

Clauses 1 to 10 provide for the establishment of the University of Local Governance and Development with its objects. This is followed by the establishment of the campuses of the University, award of degrees, diplomas and certificates, the University Council, its functions, general powers and tenure of office of the members of the Council as well as meetings of the Council and related matters.

The next set of provisions deals with administration of the University in respect of disclosure of interest, establishment of committees, allowances, principal officers of the University, appointments of the Vice-Chancellor, Pro Vice-Chancellors, the Registrar, other staff of the University as well as Composition and functions of the Academic Board (**Clauses 11 to 23**).

Clauses 24 and 25 seek to establish Committees of the Academic Board and its meetings. Also, internal organisation of the University, funds of the University, borrowing powers, and annual budget of the University are provided under **Clause 26 to 29**.

Matters relating to Internal Audit Unit, Accounts and audits, Annual report and other reports, Exemptions from taxes, duties and other charges are contained in **Clause 27 to 33**.

Clause 34 to 46 covers miscellaneous provisions including Statutes of the University, Convocation, Matriculation, Congregation, Student governance Intellectual property, Anti-discrimination, Dispute settlement, Regulatory requirements, Distance and online programmes, Interpretation, Repeal and savings, and transitional provisions.

7.0 OBSERVATIONS AND RECOMMENDATIONS

The Committee made the following observations during its deliberations:

7.1 PROVISION OF SPECIALISED TRAINING FOR LOCAL GOVERNMENT STAFF

The Committee noted that the University of Local Governance and Development would promote academic and professional excellence in local governance and development in a quest to deepen Ghana's decentralisation programme.

The Committee is of the view that granting the Institute a university status to meet current demands will help the University achieve its aim of providing varied forms of academic and professional training for staff of the District Assemblies and Unit Committee members. This will enable them to effectively discharge their responsibilities under the Local Governance Act 2016, (Act 936) and other legislations.

7.2 GRANTING OF FINANCIAL AUTONOMY

The Committee was informed that the Institute has over the past years operated as a public management development and local government professional institution without annual subvention from Government.

In view of this, granting the Institute a university status would clothe it with financial autonomy and retention of one hundred per cent of its internally

generated funds to ensure the sustainability of the operations of the University. Additionally, the new status would enhance the ability to receive funding from the annual allocations of the District Assemblies Common Fund as approved by Parliament.

7.3 RATIONALE OF THE UNIVERSITY OPERATING UNDER THE AUSPICES OF THE MINISTRY OF LOCAL GOVERNMENT, DECENTRALISATION AND RURAL DEVELOPMENT

The Committee noted the requirements under clause 2 of the Bill which stipulates that the University would operate under the Ministry of Local Government, Decentralisation and Rural Development but collaborate with the Ministry of Education and the Ghana Tertiary Education Commission. The Committee was informed by the sponsors of the Bill that awarding the institute a university status while maintaining its specialised nature as a public degree awarding, research and professional local government training institution would deepen the quest for Ghana's decentralisation system pursuant to Article 240 of the 1992 Constitution.

The Committee, however, expressed concern about the explanation provided by the officials that the University of Local Governance and Development be under the supervision of the Ministry of Local Government, Decentralisation and Rural Development instead of the Ministry of Education. It was the view of the Committee that the position taken by the sponsors of the Bill would create room for potential interference with the autonomy and governance structure of the University.

The Committee therefore recommended that the whole clause 2 of the Bill be deleted as well as subclause 2 of clause 7.

7.4 MAINTAINING ITS SPECIALISED STATUS

The Committee expressed concern about the possibility that in future the University of Local Governance and Development may deviate from its core mandate and instead of focusing and providing specialisation in local governance studies, venture into other areas of study such as law, medicine, among others.

The officials of the Institute of Local Government Studies assured the Committee that the institute would stay focused and deliver on its mandate of strengthening capacities for local governance in the country hence the insistence to be under the supervision of the Ministry.

The Committee commended the Institute for incorporating plans to extend its services of providing higher education in local governance and development-based disciplines, professional education and training programmes to other persons interested in governance and development.

7.5 PROPOSED AMENDMENT TO ACT 936

The Committee was informed that there are about forty thousand professional staff, nine thousand four hundred elected and appointed members and thirty-one thousand Unit Committee Members working at District Assemblies who need specialised training to effectively discharge their constitutionally mandated duties.

The sponsors of the Bill proposed for an insertion into the Bill a new clause that would require the University to have the sole responsibility of training staff of all the agencies of the Ministry of Local Government, Decentralisation and Rural Development in local governance and development. The rationale for the proposed insertion would prevent

undue competition from other tertiary institutions that provide similar academic and training programmes.

The Committee, however, was of the view that the University cannot legislate to compel the Ministry to seek the training needs of its staff solely from the University. It was proposed that to achieve this aim, section 54 of the Local Governance Act, 2016 (Act 936) which mandates the Governing body to develop policy guidelines relating to recruitment, training and promotion as well as ensuring coordination of training plans of the District Assemblies be amended.

The Committee recommends the amendment should require that staff of agencies under the Ministry pursue their professional training needs at the University, for progression.

8.0 PROPOSED AMENDMENTS

8.1 During its deliberations, the Committee proposed the attached amendments to strengthen the provisions of the Bill.


9.0 CONCLUSION

The Committee acknowledges passage of the Bill would grant the University the autonomy to design, organise, regulate and deliver mandatory professional training for staff and members of local government authorities. The passage of the Bill would afford the University the opportunity to expand its programmes, not only for staff of agencies under the Ministry, but also, to other persons who may be interested in enhancing their capabilities in governance.

In this regard, the Committee recommends to the House to adopt and approve its Report and pass the University of Local Governance and Development Bill, 2024 in accordance with Article 106 of the 1992 Constitution.

Respectfully submitted

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MRS GIFTY JIAGGE-GOBAH
CLERK, COMMITTEE ON LOCAL
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HON EMMANUEL AKWASI GYAMFI
CHAIRMAN, COMMITTEE ON LOCAL
GOVERNMENT AND RURAL
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UNIVERSITY OF LOCAL GOVERNANCE AND DEVELOPMENT BILL, 2024
PROPOSED AMENDMENTS AT COMMITTEE MEETING HELD ON SUNDAY, 28TH
JULY, 2024 AT AH HOTEL, EAST LEGON

1. **Clause 2 – Amendment proposed** - delete

Rationale - The clause purports to place the supervision of the University under the Ministry of Local Government, Decentralisation and Rural Development instead of Ministry of Education

2. **Clause 3 – Amendment proposed** – Paragraph (d)(iii), line 1, insert “actors” after “other State”

Rationale: To prevent ambiguity.

3. **Clause 3 – Amendment proposed** – Paragraph (d)(iv), line 1, after “person” delete “or institution”.

Rationale: A “person” as defined in the Interpretation Act, 2009 (Act 792) includes “institution”.

Also, in line 2, after “development”, insert “including foreign nationals”.

Rationale: To offer opportunity for persons from other countries who are interested in studying Local Governance and Development to attend the University.

4. **Clause 6 – Amendment proposed** – Subclause (1), paragraph (i), line 1, after “one” insert “elected”. Also, after “University” delete “elected” and insert “nominated”

Rationale: To avoid ambiguity.

5. **Clause 6 – Amendment proposed** – Subclause (1), paragraph (j), line 1, after “one” insert “elected”. Also, after “University” delete “elected” and insert “nominated”

Rationale: To avoid ambiguity.

6. **Clause 6 – Amendment proposed** – Subclause (1), paragraph (k), delete and insert “one representative of the University Teachers Association of Ghana;”
Rational: When the Institution charters, it becomes a member of UTAG hence, they will need a representative.

7. **Clause 7 – Amendment proposed** – Subclause (1), paragraph (a), after “policies” insert “and effective”

Rationale: For purposes of clarity.

8. **Clause 7 – Amendment proposed** – Subclause (1), paragraph (g), line 1, delete “proper” and insert “effective and efficient”

Rationale: For purposes of clarity.

9. **Clause 7 – Amendment proposed** – Subclause (1), paragraph (o), line 3, after “faculties” insert “schools, colleges”

Rationale: To cater for future creation of such divisions.

10. **Clause 7 – Amendment proposed** – Subclause (2) - delete

Rationale: Consequential.

11. **Clause 12 – Amendment proposed** – Insert the following two new subclauses before subclause (2):

“(2) A Committee that consists entirely of non-members of the Council is advisory only”.

(3) A Committee that consists of members and non-members of the Council shall be chaired by a member of the Council.”.

Rationale: It is a standard provision in other tertiary education legislation.

12. **Clause 15 – Amendment proposed** – Subclause (6), line 2, after “present” insert “and in the absence of the Chancellor, the Chairperson of the Council shall preside”

Rational: To avoid ambiguity.

13. **Clause 17 – Amendment proposed** – Subclause (6), line 2, before “efficient” insert “effective and”

Rationale: For purposes of consistency with other provisions in the Bill.

14. **Clause 18 – Amendment proposed** – Headnote, delete “Vice-Chancellors” and insert “Vice-Chancellor”

Rationale: The Committee agreed for the provision of one Pro Vice-Chancellor for the University and not more than one.

15. **Clause 18 – Amendment proposed** – Subclause (1), after “have” insert “a”. Also, delete “Vice-Chancellors” and insert “Vice-Chancellor”

Rationale: Consequential.

16. **Clause 18 – Amendment proposed** – Subclause (2), line 1, after “appoint” insert “a”. Also, line 2, delete “Vice-Chancellors” and insert “Vice-Chancellor”

Rationale: Consequential.

17. **Clause 18 – Amendment proposed** – Subclause (3), line 1, delete “Vice-Chancellors” and insert “Vice-Chancellor”

Rationale: Consequential.

18. **Clause 18 – Amendment proposed** – Insert the following new subclause (4) after subclause (3):

“(4) The Pro Vice-Chancellor shall hold office for a term of three years and is eligible for reappointment for another term only.”

Rationale: It is a standard provision in other related legislation.

19. **Clause 18 – Amendment proposed** – Subclause (4), line 1, after “Pro” delete “Vice-Chancellors” and insert “Vice-Chancellor”

Rationale: Consequential.

20. **Clause 18 – Amendment proposed** – Subclause (5), line 1, delete “most senior”

Rationale: Consequential.

21. **Clause 18 – Amendment proposed** – Subclause (6), line 1, delete “A” and insert “The”

Rationale: Correction of a grammatical error.

22. **New Clause 20 – Amendment proposed** – Insert the following new clause after clause 19:

“20. (1) The Council shall appoint a Director of Finance for the University.

(2) The Director of Finance shall perform functions as prescribed in the Statutes of the University.

(3) The Director of Finance is responsible to the Vice-Chancellor in the performance of the functions of the Director of Finance.”

Rationale: It is a standard provision in other related legislation.

23. **Clause 22 – Amendment proposed** – Paragraph (b), delete “Chancellors” and insert “Chancellor”

Rationale: Consequential.

24. **Clause 22 – Amendment proposed** – Paragraph (e), after “Schools” insert “Colleges”

Rationale: For purposes of consistency with other provisions of the Bill.

25. **Clause 25 – Amendment proposed** – Subclause (1), line 2, after “and” delete “in a”

Rationale: For purposes of clarity.

26. **Clause 26 – Amendment proposed** – Subclause (1), paragraph (a), after “Schools” insert “Colleges”

Rationale: Consequential.

27. **Clause 27 – Amendment proposed** – Subclause (1), paragraph (b), delete

Rationale: It offends the Supreme Court’s decision in Benjamin Komla Kpodo and Richard Quarshie v Attorney General.

28. **Clause 27 – Amendment proposed** – Subclause (1), paragraph (c), delete and insert “internally generated funds;”

Rationale: They all form part of the internally generated funds.

29. **Clause 27 – Amendment proposed** – Subclause (1), paragraph (e), after “endowments” insert “grants”

Rationale: To place them in the same category.

30. **Clause 27 – Amendment proposed** – Subclause (1), paragraph (f), delete “source” and insert “sources”

Rationale: To correct a grammatical error.

31. **Clause 27 – Amendment proposed** – Subclause (3), line 1, after “school” insert “college”

Rationale: For purposes of consistency with other provisions of the Bill.

32. **Clause 27 – Amendment proposed** – Subclause (5), delete

Rational: It is only Parliament that is empowered to allow an institution retain 100 per cent of its own non-tax revenues.

33. **Clause 28 – Amendment proposed** – Line 1, before “Financial” insert “Public”

Rationale: To correct an error with regards to the title of the legislation.

34. **Clause 31 – Amendment proposed** – Subclause (4), after “and” delete “another member of Council” and insert “Director of Finance”

Rationale: It is a standard provision in related legislation.

35. **Clause 35 – Amendment proposed** – Subclause (1), line 2, after “Convocation” delete “shall be” and insert “as”

Rationale: To correct a grammatical error.

36. **Clause 35 – Amendment proposed** – Subclause (6), line 1, after “Convocation” insert “shall”

Rationale: To correct a grammatical error.

37. **Clause 37 – Amendment proposed** – Subclause (1), line 1, after “and” delete “in a”

Rationale: For purposes of clarity.

38. **Clause 44 – Amendment proposed** – Interpretation for “Appeals Board” – Line 1, after “and” delete “Local”

Rationale: To correct a grammatical error.

39. **Clause 44 – Amendment proposed** – Interpretation for “Chancellor” – Line 1, after “section” delete “1” and insert “15”

Rationale: For appropriate cross referencing.

40. **Clause 44 – Amendment proposed** – Interpretation for “Council” – Delete “for” and insert “of”

Rationale: To correct a grammatical error.

41. **Clause 44 – Amendment proposed** – Interpretation for “local governance” – Line 1, after “state” insert “actors”

Rationale: To prevent ambiguity.

42. **Clause 44 – Amendment proposed** – Interpretation for “Pro Vice-Chancellor” – Line 1, after “means” delete “the” and insert “a”. Also, line 2, delete “a” and insert “the”.

Rationale: To correct a grammatical error.

43. **Clause 44 – Amendment proposed** – Add the following interpretation
““Registrar” means a person appointed under subsection (2) of section 19 to the office of the Registrar of the University;”.

Rationale: For purposes of consistency.

44. **Schedule – Amendment proposed** – delete 18(5) and insert 18(6)

Rationale: To correct a wrong cross referencing.