

GHANA AIDS COMMISSION ACT, 2002, (ACT 613).

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THE SIX HUNDRED AND THIRTEENTH

ACT

OF THE PARLIAMENT OF THE REPUBLIC OF GHANA

ENTITLED

THE GHANA AIDS COMMISSION ACT, 2002

AN ACT to establish a Commission to formulate a national HIV/AIDS policy; to develop programmes for the implementation of the policy and direct and co-ordinate the programmes and activities in the fight against HIV/AIDS and to provide for related purposes.

DATE OF ASSENT: 16th January, 2002

BE IT ENACTED by Parliament as follows:

PART 1-ESTABLISHMENT, OBJECT AND FUNCTIONS OF THE GHANA AIDS COMMISSION

Section 1-Establishment of the Commission

- (1) There is established by this Act a Commission to be known as the Ghana AIDS Commission.
- (2) The Commission shall have perpetual succession, a common seal and may sue and be sued in its own name.
- (3) The Commission may for the discharge of its functions acquire and hold any movable or immovable property and enter into any contract or other transaction.
- (4) The Commission shall operate under the Office of the President.

Section 2-Object and Functions of the Commission

- (1) The object of the Commission is to formulate HIV/AIDS policy and direct and co-ordinate national activities in the fight against HIV/AIDS.
- (2) For the purpose of subsection (1) the Commission shall
 - (a) formulate comprehensive policies and strategies and establish programme priorities;
 - (b) provide high level advocacy for HIV/AIDS prevention and control;
 - (c) provide effective leadership in national planning, supervision and support of HIV/AIDS programmes;
 - (d) expand and co-ordinate the national response to HIV/AIDS;
 - (e) mobilise, control and manage resources available for the achievement of its object and monitor their allocation and utilisation;
 - (f) foster linkages among stakeholders;
 - (g) promote issues relating to research, documentation and dissemination on HIV/AIDS; and

(h) monitor and evaluate HIV/AIDS programmes.

Section 3-Membership of the Commission

(1) The Commission shall consist of-

(a) a chairperson who shall be the President of the Republic;

(b) a vice chairperson who shall be the Vice President of the Republic;

(c) the following Ministers of State responsible for:

(i) Finance;

(ii) Health;

(iii) Education;

(iv) Manpower Development and Employment;

(v) Local Government and Rural Development;

(vi) Youth and Sports;

(vii) Tourism;

(viii) Roads and Transport;

(ix) Food and Agriculture;

(x) Defence;

(xi) Women and Children's Affairs;

(xii) Interior;

(xii) Justice;

(xiv) Trade and Industry; and

(xv) Information;

(d) the heads of each of the following:

(i) Trades Union Congress;

(ii) Christian Council;

(iii) National Catholic Secretariat;

(iv) National House of Chiefs;

- (v) Christian Health Association of Ghana;
 - (vi) Ghana Medical Association;
 - (vii) Ghana Registered Nurses Association;
 - (viii) Ghana Registered Midwives Association;
 - (ix) Ghana Traditional Healers Association;
 - (x) National Population Council;
 - (xi) Ahmadiyya Mission;
 - (xii) Federation of Muslim Councils;
 - (xiii) Ghana HIV/AIDS Network (GHANET);
 - (xiv) National Union of Ghana Students (NUGS);
 - (xv) Ghana AIDS Foundation;
 - (xvi) Ghana Pentecostal Council;
 - (xvii) Council of Independent Churches;
 - (xviii) Statistical Services;
 - (xix) National AIDS Control Programme;
 - (xx) Noguchi Memorial Institute for Medical Research;
 - (xxi) Ghana Employers Association; and
 - (xxii) FIDA, Ghana;
- (e) a representative of organisations of People Living with HIV/AIDS;
- (f) two members of Parliament;
- (g) four other persons with special expertise relating to HIV/AIDS at least two of whom are women; and
- (h) the Director-General of the Commission.

(2) Members of the Commission other than the President and Vice President shall be appointed by the President acting in consultation with the Council of State.

Section 4-Tenure of Office of Members

(1) A member of the Commission other than an ex-officio member shall hold office for a period not exceeding

four years and is on the expiration of that period eligible for re-appointment but no member shall be appointed for more than two consecutive terms.

(2) Where a member of the Commission resigns, dies, is removed from office or is for any reason unable to act as a member, the President shall acting on the advice of the nominating authority, where applicable and in consultation with the Council of State, appoint another person to hold office for the unexpired portion of the member's term of office.

(3) A member of the Commission other than an ex-officio member may at any time resign his or her office in writing addressed to the President.

(4) A member of the Commission who is absent from three consecutive meetings of the Commission without sufficient cause ceases to be a member of the Commission.

(5) The President shall by letter addressed to a member nominated by a body as its representative on the Commission revoke the appointment of that member at the request of that body.

Section 5-Meetings of the Commission

(1) The Commission shall meet for the despatch of business at such times and in such places as the chairperson may determine but shall meet at least once every quarter.

(2) The chairperson shall at the request in writing of not less than one-third of the membership of the Commission convene an extraordinary meeting of the Commission at such place and time as the chairperson may determine.

(3) The quorum at a meeting of the Commission shall be one-third of the members of the Commission.

(4) A meeting of the Commission shall be presided over by the chairperson or in the absence of the chairperson by the vice-chairperson or in the absence of both by a member of the Commission elected by the members present from among their number.

(5) Matters before the Commission shall be decided by a majority of the members present and voting and in the event of equality of votes the person presiding shall have a second or casting vote.

(6) The Commission may co-opt a person to attend its meeting but that person shall not vote on any matter for decision by the Commission.

(7) The proceedings of the Commission shall not be invalidated by reason of a vacancy among the members or a defect in the appointment or qualification of a member.

(8) Subject to this section, the Commission may determine the procedure for its meetings.

Section 6-Disclosure of Interest

(1) A member of the Commission who has interest in any contract, application or other transaction for consideration by the Commission shall disclose in writing the nature of that interest and is disqualified from participating in any deliberation of the Commission in respect of the contract, application or other transaction.

(2) A member who infringes subsection (1) shall be removed from the Commission.

Section 7-Appointment of Committees

- (1) The Commission may appoint committees consisting of members of the Commission and non-members to perform any of its functions.
- (2) A committee of the Commission shall be chaired by a member of the Commission.
- (3) The Commission shall determine the functions of each committee.

Section 8-Allowances

Members of the Commission and members of a committee of the Commission shall be paid such allowances as may be approved by the chairperson in consultation with the Minister responsible for Finance.

Section 9-Regional and District Offices of the Commission

- (1) The Commission shall establish regional and district offices of the Commission in each Region and in such Districts as the Commission may determine.
- (2) A regional or district office of the Commission shall be provided with such public officers as the President acting in accordance with the advice of the Commission given in consultation with the Public Services Commission shall determine.
- (3) A regional or district office of the Commission shall perform such functions of the Commission in the Region or District as the Commission may direct.

PART II-ORGANISATION AND ADMINISTRATION OF THE COMMISSION

Section 10-Director-General

- (1) The Commission shall have a Director-General who shall be the chief executive and shall be appointed by the President acting in accordance with the advice of the Commission given in consultation with the Public Services Commission.
- (2) The Director-General shall, subject to the general direction of the Commission be responsible for the implementation of the policies of the Commission and for the efficient organisation of the Commission.
- (3) The Director-General may delegate the functions of office to an officer of the Commission but shall be relieved from ultimate responsibility for the discharge of the delegated function.

Section 11-Divisions and Directors of the Divisions

- (1) The Commission shall have such divisions as may be necessary for the effective implementation of its functions.
- (2) Each division shall be headed by a Director who shall be appointed by the President in accordance with the advice of the Commission given in consultation with the Public Services Commission.
- (3) A Director shall perform such functions in relation to a division as the Commission may determine.

Section 12-Secretary to the Commission

The Commission shall have a secretary who shall be appointed by the President acting in accordance with the advice of the Commission given in consultation with the Public Services Commission to perform such functions as the Director-General or the Commission may direct.

Section 13-Other Staff of the Commission

- (1) The Commission shall have such other officers and staff as may be necessary for the effective discharge of its functions.
- (2) The officers and staff shall be appointed by the President on such terms and conditions determined in accordance with the advice of the Commission given in consultation with the Public Services Commission.
- (3) Other public officers may be transferred or seconded to the Commission or may otherwise give assistance to it.
- (4) The Commission may engage the services of consultants and advisers.

Section 14-Delegation of Appointment

The President may in accordance with article 195(2) of the Constitution delegate the power of appointment of public officers under this Act.

Section 15-Funds of the Commission

The sources of money for the discharge of the functions of the Commission shall include:

- (a) subvention from the Government;
- (b) donations and grants; and
- (c) loans contracted and guaranteed by Government.

Section 16-Accounts and Audit

- (1) The Commission shall keep books of account and proper records in relation to them in a form approved by the Auditor-General.
- (2) The accounts of the Commission shall be audited by the Auditor-General within six months after the end of each financial year.
- (3) The financial year of the Commission shall be the same as the financial year of the Government.

Section 17-Annual Report and Other Reports

- (1) The Commission shall as soon as practicable after the end of each financial year but within eight months after the end of the year submit to Parliament an annual report covering the activities and the operations of the Commission for the preceding year to which the report relates.
- (2) The annual report submitted under subsection (1) shall include the report of the Auditor-General.

(3) The Commission shall also submit to Parliament such other reports as Parliament may request.

Section 18-Regulations

(1) The Commission may, by legislative instrument make Regulations on HIV/AIDS policy and generally to give effect to the provisions of this Act.

(2) The exercise of the power to make Regulations shall be signified under the hand of a Minister of State designated by the President.

Section 19-Interpretation

In this Act, unless the context otherwise requires,

"AIDS" means Acquired Immune Deficiency Syndrome;

"Commission" means the Ghana AIDS Commission established under section 1; and

"HIV" means Human Immunodeficiency Virus.

Date of Gazette Notification: 25th January, 2002.