

GHANA GEOLOGICAL SURVEY AUTHORITY BILL, 2015

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GHANA GEOLOGICAL SURVEY AUTHORITY BILL, 2015

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BILL

ENTITLED

GHANA GEOLOGICAL SURVEY AUTHORITY ACT, 2015

AN ACT to establish the Ghana Geological Survey Authority and to provide for related matters.

PASSED by Parliament and assented to by the President:

Ghana Geological Survey Authority

Establishment of the Ghana Geological Survey Authority

1. (1) There is established by this Act a body corporate with perpetual succession to be known as the Ghana Geological Survey Authority.

(2) For the performance of its functions, the Authority may acquire and hold movable and immovable property, dispose of property and enter into a contract or any other transaction with the approval of the sector Minister.

(3) Where there is hindrance to the acquisition of property, the property may be acquired for the Authority under the State Lands Act 1962 (Act 125) and the cost shall be borne by the Authority.

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Objects of the Authority

2. The objects of the Authority are to:
- (a) carry out systematic geological mapping, assess, monitor and evaluate geological hazards and risks, collect geoscientific data, manage and disseminate geoscientific information;
 - (b) promote the search for, and exploitation of, minerals in the Republic, undertake research in the field of geoscience and furnish specialized geoscientific services;
 - (c) conduct research into matters of importance for the exploration, exploitation and protection of the nation's geological and geoscientific natural resources; and
 - (d) conduct site, foundation or geotechnical investigations and issue reports as pre-requisites for major construction projects in the country.

Functions of the Authority

3. To achieve the objects, the Authority shall
- (a) advise the Government on matters related to geology, geohazards and the search for and exploitation and development of mineral resources in the country;
 - (b) conduct geological, geochemical, geophysical, seismological, hydrogeological, geotechnical and geo-environmental surveys, mineral exploration, systematic mapping of rocks and other geological or geoscience materials including soil and clays of the country including its offshore areas;
 - (c) develop and maintain a National Seismic Network to monitor earthquakes, tsunamis and mine blasts that have the potential to impact negatively on persons and property in the country and for optimum land-use-planning;
 - (d) serve as a national repository for geoscientific data and information generated by public and private entities including mining and mineral exploration companies which operate in the country;
 - (e) collaborate with relevant local and international bodies on geoscientific matters that the Board considers necessary;
 - (f) conduct site or foundation investigations and issue certified reports prior to major construction works or projects that have the potential to impact on the subsurface structure, socio-economic, cultural and aesthetic environment;

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- (g) conduct ground surveys or airborne surveys, take samples and make borings necessary for the conduct of investigations and the preparation of relevant reports to assist with national development;
- (h) liaise with relevant public agencies involved in land-use planning for sustainable use of the spatial environment in Ghana;
- (i) perform the functions and undertake investigations that the Minister may assign to the Authority; and
- (j) perform any other functions conferred on it by this Act or that are ancillary to the achievement of the objects of the Authority.

Responsibility of the Authority to promote research

4. For the purposes of the promotion of research, the Authority shall
- (a) undertake research in the field of mineral exploration and prospecting on behalf of the Republic, a government institution, a private institution or an individual;
 - (b) carry out geoscientific research such as geological, geochemical, geophysical, seismological, geotechnical, hydrogeological and geo-environmental activities or mapping to meet national development objectives and to also attract investment into the mining and related sectors of the national economy;
 - (c) undertake joint research projects and co-operate with educational institutions and scientific or technical societies for the promotion of the education and training of researchers, technical experts and supporting personnel; and
 - (d) undertake geoscientific investigations or research as the Minister may assign to the Authority.

Governing body of the Authority

5. (1) The governing body of the Authority is a Board consisting of
- (a) a chairperson;
 - (b) the Director-General of the Authority appointed under section 16;
 - (c) one representative of

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- (i) the Ministry responsible for Lands and Natural Resources;
 - (ii) the Ministry responsible for Energy and Petroleum;
 - (iii) the Attorney-General not below the rank of Principal State Attorney;
- (d) one representative of and nominated by the following:
- (i) Ghana Chamber of Mines;
 - (ii) Ghana Institution of Geoscientists;
 - (iii) public universities not below the rank of a Senior Lecturer; and
- (e) one representative, preferably a woman, nominated by the President of the Republic;

(2) The members of the Board shall be appointed by the President in accordance with article 70 of the Constitution.

(3) The Board shall ensure the proper and effective performance of the functions of the Authority.

Tenure of office of members

6. (1) A member of the Board shall hold office for a period not exceeding three years and is eligible for re-appointment but a member shall not be appointed for more than two terms.

(2) Subsection (1) does not apply to the Director-General of the Authority.

(3) A member of the Board may at any time resign from office in writing addressed to the President through the Minister.

(4) A member of the Board other than the Director-General of the Authority who is absent from three consecutive meetings of the Board without sufficient cause ceases to be a member of the Board.

(5) The President may by letter addressed to a member revoke the appointment of that member.

(6) Where a member of the Board is, for a sufficient reason, unable to act as a member, the Minister shall determine whether the inability would result in the declaration of a vacancy.

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- (7) Where there is a vacancy
 - (a) under subsection (3) or (4) or section 8 (2);
 - (b) as a result of a declaration under subsection (6); or
 - (c) by reason of the death of a member

the Minister shall notify the President of the vacancy and the President shall appoint a person to fill the vacancy.

Meetings of the Board

7. (1) The Board shall meet at least once every three months for the dispatch of business at the times and in the places determined by the chairperson.

(2) The chairperson shall, at the request in writing of not less than one-third of the membership of the Board, convene an extraordinary meeting of the Board at the place and time determined by the chairperson.

(3) The quorum at a meeting of the Board shall be six members of the Board or a greater number determined by the Board in respect of an important matter.

(4) The chairperson shall preside at meetings of the Board and, in the absence of the chairperson; a member of the Board elected by the members present from among their number shall preside.

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

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

Disclosure of interest

8. (1) A member of the Board who has an interest in a matter for consideration by the Board shall

- (a) disclose the nature of the interest and the disclosure shall form part of the record of the consideration of the matter, and
- (b) recuse himself or herself and not participate in the deliberations of the Board in respect of that matter.

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(2) A member ceases to be a member of the Board if that member has an interest in a matter before the Board and

- (a) fails to disclose that interest, or
- (b) fails to recuse himself or herself and participates in the deliberations of the Board in respect of the matter.

Establishment of committees

9. (1) The Board may establish committees consisting of members of the Board or non-members or both to perform a function.

(2) A committee of the Board shall be chaired by a member of the Board.

(3) Section 8 applies to members of committees of the Board.

Allowances

10. Members of the Board and members of a committee of the Board shall be paid the allowances approved by the Minister in consultation with the Minister responsible for Finance.

Regional and district offices of the Authority

11. (1) The Board shall establish regional and district offices of the Authority in each regional capital and in the districts determined by the Board.

(2) A regional or district office of the Authority shall be provided with the public officers that the President shall appoint in accordance with Article 195 of the Constitution.

(3) A regional or district office of the Authority shall perform the functions of the Authority in the region or district in addition to any other function that the Board may direct.

Ministerial directives

12. The Minister may give directives to the Board on matters of policy and the Board shall comply.

Approvals, Powers and Activities of the Authority

Approval of Authority to use data produced by Authority

13. A person who intends to use data produced by the Authority for a scientific publication or modification of maps for sale or display shall be required to pay a prescribed fee.

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Power of Authority to request for report

14. The Authority may request a land user or mineral right owner to provide a geoscientific report or information on their operational areas or activities for proper geoscientific documentation, correlation and assessment.

Activities of the Authority outside Ghana

15. (1) The Authority may, at the request of or with the approval of the Minister in consultation with the Board, undertake consultancy services for individuals and organisations outside this country.

(2) Subject to subsection (3), the provisions of this Act apply to the exercise by the Authority of its powers in accordance with this section as if the country in which the powers are exercised were within this country.

(3) Despite any provision to the contrary, geoscientific research and the performance of generic geological functions under subsection (1) shall be

- (a) undertaken on the terms and conditions that may be agreed upon by the Board and the person, institution, government or administration on whose behalf the research and performance of functions are undertaken; and
- (b) as approved by the Minister.

Administrative and financial provisions

Appointment of Director-General

16. (1) The President shall, in accordance with Article 195 of the Constitution, appoint a Director-General of the Authority.

(2) The Director-General shall hold office on the terms and conditions specified in the letter of appointment.

Functions of the Director-General

17. (1) Subject to the directives of the Board, the Director-General shall be responsible for the day to day administration of the affairs of the Authority in the performance of functions under this Act.

(2) The Director-General shall perform other functions determined by the Board.

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(3) The Director-General may delegate a function to an officer of the Authority but shall not be relieved from the ultimate responsibility for the performance of the delegated function.

(4) The Director-General shall ensure the effective implementation of the decisions of the Board.

- (5) To achieve the objects of the Authority, the Authority may
- (a) hire or let services against payment;
 - (b) produce and sell reports, maps, and other intellectual property which the Authority generates in the course of its research; and
 - (c) perform any other functions that are ancillary to the objects of the Authority.

Appointment of other staff

18. (1) The President shall in accordance with Article 195 of the Constitution appoint other staff of the Authority that are necessary for the proper and effective performance of its functions.

(2) Other public officers may be transferred or seconded to the Authority or may otherwise give assistance to the Authority.

(3) The Authority may engage the services of advisors on the recommendation of the Board.

Funds of the Authority

19. (1) The funds of the Authority shall include

- (a) moneys approved by Parliament;
- (b) donations, grants and contributions;
- (c) at least five percent of the net annual contribution from the Minerals Development Fund and the interest accrued on the amount;
- (d) internally generated funds accruing to the Authority in the course of the performance of its functions under this Act;
- (e) investments approved by the Board;
- (f) loans granted to the Authority by Government; and
- (g) any other moneys that are approved by the Minister responsible for Finance.

(2) Income received on behalf of the Authority shall be deposited in a bank account opened by the Authority for the purpose with the approval of the Controller and Accountant-General.

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Expenses of the Authority

20. The expenses of the Authority shall be paid from moneys approved by Parliament for the Authority under Section 19.

Accounts and audit

21. (1) The Board shall keep books of account and proper records in relation to them in the form approved by the Auditor-General.

(2) The Board shall submit the accounts of the Authority to the Auditor-General for audit within three months after the end of each financial year.

(3) The Auditor-General shall, not later than three months after the receipt of the accounts, audit the accounts and forward a copy of the audit report to the Minister.

Annual report and other reports

22. (1) The Board shall, within one month after the receipt of the audit report, submit an annual report to the Minister covering the activities and operations of the Authority for the year to which the report relates.

(2) The annual report shall include the report of the Auditor-General.

(3) The Minister shall, within one month after receipt of the annual report, submit the report to Parliament with a statement that the Minister considers necessary.

(4) The Board shall also submit to the Minister any other report which the Minister may require in writing.

Miscellaneous Provisions

Request for information

23. (1) The Director General of the Ghana Geological Survey Authority and every officer of the Ghana Geological Survey Authority shall have the power to

- (a) go to any part of the surface of any land or any underground passages or workings in order to make surveys, take samples, make borings and do and cause to be done all things necessary for carrying out the geological or any geoscientific surveys on the land or for making any report in respect of the land; or

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- (b) call for the production of, inspect and make copies or extracts from any books, papers, plans and documents dealing with exploration, prospecting or mining operations on any land which is the subject of a mining concession.

(2) Every officer of the Ghana Geological Survey Authority whose duties may include

- (a) the survey of minerals, rocks, soils, water, clays or geological material that may suitably fall within the purview of this Act;
- (b) geotechnical investigations;
- (c) seismological assessment, monitoring and evaluation

and who is authorised by the Director General of the Authority shall have the power to go to any part of the surface of any land in order to make survey, make borings, dig, take samples and do and cause to be done all things necessary for carrying out a survey on the land or making any report in respect of the land.

(3) A reasonable notice in writing of an intention to exercise any of the powers mentioned in paragraphs (a) (b) and (c) of subsection (2) of this Act shall be given to the land owner, mineral right owner, local or traditional authorities in the area who, in turn, shall inform as appropriate, the owner or the person in possession of the land or mineral right.

Offences

24. A person who

- (a) without reasonable excuse obstructs, resists or interferes with the Director-General or an officer in the performance of a duty under section 23 of this Act; or
- (b) refuses or neglects to produce any documents as appropriate under this Act,

commits an offence and is liable on summary conviction to a fine of not less than one hundred penalty units and not more than one hundred and fifty penalty units or to a term of imprisonment of not less than six months and not more than twelve months or to both.

Intellectual property rights

25. (1) Subject to subsections (6) and (7), the intellectual property right in a discovery, an invention or improvement in respect of the processes, apparatus and machines made by

- (a) an employee of the Authority or other persons employed by the Republic who have been placed at the disposal of the Authority,
- (b) persons assisting the Authority with an investigation or research, or
- (c) other intellectual enterprise funded or otherwise undertaken with resources of the Authority

shall vest in the Authority, unless otherwise agreed

(2) A person who intends to use data produced by the Authority for scientific publications or modification of maps for sale or display shall obtain the prior written approval of the Minister.

(3) The Board may make the discovery, invention or improvement referred to in subsection (1) and the rights which are vested in the Authority, available for use in the public interest subject to the conditions and the payment of the fees or royalties as the Board may determine.

(4) Where the rights in a discovery, invention or improvement are vested in the Authority in terms of subsection (1), the Board may

- (a) award to the person responsible for the discovery, invention or improvement a bonus that the Board may consider appropriate, and
- (b) make provision for financial participation by the person in the profits derived from the discovery, invention or improvement to the extent that the Minister may determine with the concurrence of the Minister responsible for Finance.

(5) The Board may, on behalf of the Authority, apply for a patent in respect of any discovery, invention or improvement contemplated in subsection (1) and the Authority shall, for the purpose of the Patents Act, 2003 (Act 657) be regarded as the assignee of the discoverer or inventor in question.

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(6) The intellectual property right in a discovery, invention or improvement made by an employee of the Authority in the course of an investigation for or on behalf of another person, government or administration shall vest in the Authority unless agreed otherwise by the parties concerned.

(7) The provisions of this section do not apply in respect of a discovery, invention or improvement referred to in subsection (1) if, in the opinion of the Board, the discovery, invention or improvement was made by the person concerned other than

- (a) in the course of that person's employment as an employee of the Authority;
- (b) during the performance of functions as an adviser or consultant to the Authority;
- (c) in the course of an investigation or research conducted by the Authority with assistance from that person; or
- (d) in the course of a research funded by the Authority or conducted with resources of the Authority and which is not connected to the employment, investigation or research.

Regulations

26. The Minister may, on the advice of the Board by legislative instrument, make Regulations to provide for

- (a) standards and codes of practice related to geoscientific issues including geology, geochemistry, geophysics, geotechnical, hydrogeology, stratigraphy, exploration and small-scale mining;
- (b) the categories of large scale geological maps;
- (c) the exploration of mineral resources to pre-feasibility study stage;
- (d) the geological information for users in respect of which licensing Agreements are required;
- (e) the category of geoheritage to be declared as Geological Heritage Sites under the World Heritage Convention; and
- (f) any other matter necessary for the effective implementation of the provisions of this Act.

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Interpretation

27. In this Act, unless the context otherwise requires,
- “Authority” means the Ghana Geological Survey Authority established under section 1;
 - “Board” means the governing body of the Authority established under section 5;
 - “borings” means the act or process of making or enlarging a hole;
 - “core” means a long cylindrical sample of soil, rock or ice collected with a drill to study the strata of material that are not visible from the surface;
 - “engineering geology” means geology as applied to engineering practice in mining and civil engineering;
 - “environment” means the external factors and conditions which may influence an organism or a community;
 - “geo-environmental” means the relationship or interface between geology or earth science and the environment;
 - “foundation investigations” means below-ground investigations by boring, sampling, and testing the soil strata to establish its compressibility, strength, and other physical characteristics likely to influence a construction project, and prepare a subsurface profile and soil report;
 - “geochemical” means the state of the chemical composition of the earth and its rocks;
 - “geochemistry” means the science that deals with the chemical composition of and chemical changes in the solid matter of the earth or a celestial body;
 - “geohazard” means a naturally occurring or man-made geological condition or phenomenon that presents a risk or is a potential danger to life and property in the form of landslide, flood, earthquake, tsunami, ground subsidence, coastal and beach erosion, dam leakage and failure, mining disaster, pollution and waste disposal and seawater intrusion;

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- “geoheritage” means sites declared under the World Heritage Convention as heritage sites because of their educational significance;
- “correlation” is the method by which various relationships (e.g. age, depth, nature of material, etc. are established between various strata of the earth’s crust;
- “geological information” means information on minerals, rocks, fossils, waterfalls, caves, mountain ridges and platforms;
- “geological mapping” means mapping of rock nature, rock distribution and rock age relationship;
- “geophysical” means of or concern with geophysics;
- “geophysics” means related to the study of the earth’s physical properties and of the processes acting upon, above and within the earth.
- “geoscience” means the science of the earth and its origin and history, the investigation of the earth’s environment and its constituent soils, rocks, minerals, fossil fuels, solids, and fluids, and the study of the natural and introduced agents, forces, and processes that cause changes in and on the earth.
- “geoscientific” means of or concerned with geosciences.
- “geotechnical investigation” means the process of collecting information and evaluating the conditions of the site for the purpose of designing and constructing the foundation for a structure, a plant or bridge;
- “hydrogeology” means the science that deals with subsurface waters and with related geological aspects of surface waters and geology related to ground water only;
- “land use planning” means the process by which lands are evaluated and assessed to become a basis for decisions involving land disposition and utilization;
- “mineral exploration” means the process of finding ore (commercially viable concentrations of minerals) to mine;

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- “mineral resources” means the types of geological or geoscience resources that can be made useful;
- “Minister” means the Minister responsible for Lands and Natural Resources;
- “national repository” means a national centre for the storage of geoscientific data and information including drilled core samples;
- “national seismic network” means the network designed to monitor earthquakes, tsunamis and mine blasts in the country;
- “offshore area” means area located at a distance from the shore or the comparatively flat region of submerged land extending seaward from beyond the region where breakers form to the edge of the continental shelf.
- “pre-feasibility study” means the preliminary assessment of project viability that usually takes place in the identification stage of the project cycle;
- “seismic” means the vibration of the earth including artificially induced vibration;
- “site investigation” means a process of site exploration consisting of boring, sampling and testing so as to obtain geotechnical information for a safe, practical and economical geotechnical evaluation and design; and
- “stratigraphy” means a branch of geology that studies rock layers and layering, especially the distribution, deposition and age of sedimentary rocks and is a scientific discipline concerned with describing rock successions and interpreting them in terms of a general time scale.

Consequential amendment to Civil Service Regulations, 1961 (L.I. 139)

28. The Civil Service Regulations, 1961 (L.I. 139) is hereby amended by the deletion in Part I of the First Schedule of “Geological Survey Department”.

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Transitional Provisions

29. The rights, assets, properties, obligations, liabilities held for or on behalf of the dissolved Geological Survey Department and the persons employed for or by the dissolved Geological Survey Department shall be vested and transferred respectively to the Ghana Geological Survey Authority established under this Act.

Date of *Gazette* notification: 29th December, 2015.

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MEMORANDUM

The purpose of this Bill is to establish a Ghana Geological Survey Authority to advise government on geoscientific issues related to mineral resources, environment and hydrogeology. Other related purposes are to promote standards of professional conduct and efficiency in geological matters, promote effective dissemination of information on geological hazards and risks and ensure the full and effective exploitation of mineral resources in the country.

The Geological Survey Department is an offshoot of the Gold Coast Geological Survey established in 1913 by the British Colonial Administration. The basic functions of the Department at that time included advising the Governor on geoscientific issues related to mineral exploration and evaluation including oil and gas, geological mapping, hydrogeology, engineering geology and earthquake monitoring. In 1962, the Geological Survey Department, as it was renamed, was given a new mandate under the Survey Act of 1962 (Act 127).

The Department has, for the past one hundred years, made many achievements by providing geoscientific information to the mining sector as well as other sectors of the economy. About 90% of mineral deposits including gold, diamond, bauxite, manganese and iron ore found in the country were discovered by the Department.

However, since the early 1980's, the Department has been facing many challenges in the area of inadequate and late release of government funding, inadequate infrastructural facilities and low remuneration packages among others. This has led to the mass exodus of qualified staff to other organisations and the inability to carry out sustainable research and investigations.

Government recognises that for the Department to be an internationally recognised organisation and to contribute fully to the developmental agenda of the country through the provision of up-to-date geoscientific data, there is the need to establish the Department as a semi-autonomous body.

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Clause 1 of the Bill establishes the Ghana Geological Survey Authority as a body corporate with perpetual succession. *Clauses 2 and 3* deal with the objects and functions of the Authority, respectively. The objects of the Authority are to carry out systematic geological mapping, site, foundation or geotechnical investigations, monitor and evaluate geological hazards and risks, collect geoscientific data, manage and disseminate geoscientific information, promote the search for, and exploitation of minerals in the Republic, undertake research in the field of geoscience, furnish specialised geoscientific services and conduct research into matters of importance for the exploitation and protection of the geological natural resources of the nation.

The functions of the Authority are, among other things, to advise the Government generally on matters relating to geology and geoscience, geohazards and the search for and exploitation and development of mineral resources in the country. The Authority is to conduct geological, geochemical, geophysical, seismological, hydrogeological, geotechnical and geo-environmental surveys, mineral exploration, systematic mapping of rocks and other geological or geoscience materials including soil and clays of the country including its offshore areas.

Additionally, the Authority is further required to develop and maintain a National Seismic Network to monitor earthquakes, tsunamis and mine blasts and to collaborate with relevant local and international bodies on geoscientific matters that the Board considers necessary.

The Authority is further required by its functions to conduct site or foundation investigations, conduct ground surveys or airborne surveys and take samples and make borings necessary for the conduct of investigations and the preparation of relevant reports to assist with national development. In addition, the Authority is required to perform the functions and undertake the investigations that the Minister may assign to the Authority.

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The Authority is given responsibility for the promotion of research in *clause 4*. Its functions as regards research encompass undertaking research on behalf of the Republic, a government institution, a private institution or an individual. The Authority is also required to undertake joint research projects in the field of mineral exploration and prospecting and co-operate with educational institutions and scientific or technical societies, for the promotion of the education and training of researchers, technical experts and supporting personnel as well as undertake geoscientific investigations or research as the Minister may assign the Authority.

Clause 5 provides for the governing body of the Authority which is a Board consisting of the chairperson, the Director-General of the Authority, representatives from the Ministry of Lands and Natural Resources, the Ministry of Energy and Petroleum and the Ghana Institution of Geoscientists. Other members are representatives from the public universities not below the rank of a Senior Lecturer, the Ghana Chamber of Mines, the Attorney-General's Department not below the rank of Principal State Attorney, and one representative, preferably a woman, nominated by the President of the Republic.

The standard provisions on tenure of office of members of the Board, meetings of the Board, disclosure of interest, establishment of committees and allowances are dealt with in *clauses 6 to 10*.

Clause 11 provides for the establishment of regional and district offices of the Authority in regional capitals and districts such as would be determined by the Board. The functions of these entities are also determined by the Board.

Clause 12 deals with Ministerial directives.

Clauses 13, 14 and 15 deal with approval of the Authority to use data produced by the Authority, power of the Authority to request for reports and activities of the Authority outside Ghana.

Clauses 16 to 22 deal with administrative and financial matters. *Clause 16* provides for the appointment of the Director-General of the Authority whilst *clause 17* deals with the functions of the Director-General. *Clause 18* provides for the appointment of other staff.

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Clause 19 enumerates the funds of the Authority which are moneys to be approved by Parliament; donations, grants and contributions; at least five percent of the net annual contribution from the Minerals Development Fund and the interest accrued on the amount; internally generated funds accruing to the Authority in the course of the performance of its functions under this Act; investment approved by the Board; loans granted to the Authority by Government and any other moneys that are approved by the Minister responsible for Finance.

Clause 20 deals with the expenses of the Authority. The expenses of the Authority are to be paid from moneys approved by Parliament provided for the Authority under clause 19.

Standard provisions on accounts and audit and annual report and other reports to be submitted to Parliament are dealt with in *clauses 21 and 22*.

Clauses 23 to 28 deal with miscellaneous matters. *Clause 23* deals with request for information. The Director-General or an authorised officer of the Authority may, in writing, request any person to give information necessary for the purposes of the Act.

Clause 24 deals with offences.

Clause 25 deals with intellectual property rights. All intellectual property rights in a discovery, an invention or improvement in respect of the processes, apparatus and machines made by an employee of the Authority or persons placed at the disposal of the Authority, or persons assisting the Authority with an investigation or research or other intellectual enterprise funded or otherwise undertaken with resources of the Authority must, unless otherwise agreed, vest in the Authority. This does not derogate from the power of the Board to award to the person responsible for the discovery, invention or improvement, a bonus that the Board considers appropriate or to make provision for the financial participation by the person in the profits derived from the discovery, invention or improvement to the extent that the Minister may determine with the concurrence of the Minister responsible for Finance.

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The *clause* also makes provision for a person who intends to use data produced by the Authority for scientific publications or modification of maps for sale or display to obtain the prior written approval of the Minister. The Board may also make the discovery, invention or improvement along with the rights vested in the Authority, available for use in the public interest subject to the conditions and payment of such fees or royalties as the Board may determine.

The Board is further empowered to apply for a patent in respect of any discovery, invention or improvement on behalf of the Authority and for the purposes of the Patents Act, 2003 (Act 657) the Board is regarded as the assignee of the inventor.

Clause 26 empowers the Minister to, on the advice of the Board by legislative instrument, make Regulations to provide for, amongst others, standards and codes of practice related to geoscientific issues including geology, geochemistry, geophysics, geotechnical, hydrogeology, stratigraphy, exploration and small-scale mining; the exploration of mineral resources to pre-feasibility study stage and any other matter necessary for the effective implementation of the provisions of this Act.

Clause 27 deals with interpretation of words and expressions and *clause 28* deals with the consequential amendment of the Civil Service Regulations, 1961 (LI. 139) by the deletion in Part I of the First Schedule of “Geological Survey Department.”

Clause 29 is on transitional provisions. Rights, assets, properties, obligations and liabilities held for or on behalf of the dissolved Geological Survey Department and the persons employed for the Geological Survey Department are vested and transferred respectively to the Authority established under the Act.

HON. NII OSAH MILLS
Minister for Lands and Natural Resources

Date: 16th December, 2015.