

BILL WATCH 67/2019

[6th December 2019]

Both Houses Are Due to Sit Again on Tuesday 10th December

Bill Watch 65/2019 contained speculation that Parliament would, as it has done in past years, have a ten-day break to allow ZANU PF MPs to attend to their party obligations in connection with the ZANU PF Annual Conference. [This is scheduled to run from 10th to 15th December including travelling time to and from the conference venue at Goromonzi.] Both Houses have, however, decided to sit on Tuesday 10th December, and may well sit on 11th and 12th December, in order to complete Budget business and, if possible, more of the pending Bills.

This bulletin highlights the main Parliamentary activities occurring during this week's sittings, i.e., from Tuesday 3rd to Thursday 5th December. A separate bulletin will outline the programme for next week's sittings.

Progress on Bills Made This Week

Zimbabwe Investment and Development Agency [ZIDA] Bill

This Bill, as amended by the National Assembly, was dealt with by the Senate on Wednesday afternoon 4th December, starting with the Second Reading stage. Hon Ziyambi - The Minister of Justice, Legal and Parliamentary Affairs explained the purpose of the Bill and the amendments made by the National Assembly last week. These amendments were discussed in Bill Watch 65/2019 and were reflected in a reprint of the Bill made available to Senators just before the debate. Two Senators made brief contributions to the debate, and the House moved on to the Committee Stage, using much of the two-hour sitting to question the Minister on matters of detail.

Senators paid particular attention to the Government decision to downgrade the ZIDA Board to a purely advisory Board and the Minister repeated the explanation he had offered in the National Assembly. Senators also pointed out typographical errors that had occurred in the reprint of the Bill as a result of renumbering of clauses following the insertion of an additional clause by the National Assembly. The Minister said these errors did not require formal amendment, but could be attended to as part of the editing process to which the Bill would be subjected in preparing it for signature by the President and gazetting as law.

Finally, the Bill received its Third Reading, meaning that Parliament has passed it. The Bill can now go to the President for assent and gazetting as an Act..

Note: Standing Order 147 allows minor errors, such as spelling or obvious grammatical mistakes, typographical errors and necessary re-numbering of clauses, to be corrected by the Clerk of Parliament under the direction of the Speaker. Errors of substance though, cannot be corrected except by Parliament.

Money Laundering and Proceeds of Crime Amendment Bill Amended

On Tuesday 3rd December the Parliamentary Legal Committee [PLC] returned a non-adverse report on this Bill, as amended last week by the National Assembly [the amendments will be on our website soon]. The Bill with these amendments was then sent to the Senate, which dealt with it on Thursday afternoon.

Senator Chief Siansali proposed changing one of the National Assembly's amendments. This amendment had removed the Zimbabwe Anti-Corruption Commission [ZACC] and the National Prosecuting Authority [NPA] from the list of authorities able to apply to the High Court for Unexplained Wealth Orders [UWOs] – leaving only the police and the Zimbabwe Revenue Authority [ZIMRA] able to apply to the High Court for [UWOs].

The Senate's amendment was supported by Minister Ziyambi and adopted – thus restoring powers to NPC and removing those of the police to obtain UWOs. This would mean only ZIMRA and NPA would have these powers – not ZAAC and not the police. Chief Siansali's amendment was sent to the Parliamentary Legal Committee [PLC] to report on the constitutionality of his amendment. A non-adverse report is expected next week.

When cleared by the PLC and finally passed by the Senate, the amended Bill will have to be referred back to the National Assembly for its approval of the Senate's amendment – this is likely as it has the backing of Minister Ziyambi. These steps could be completed on Tuesday 10th December or the next day, when both Houses will be sitting – and if that happens, the Bill will have been finally passed by Parliament in the amended form and could be sent to the President for assent and gazetting as law.

Coroner's Office Bill

The Second Reading stage of this Bill resumed on Tuesday 3rd December with the presentation of the Portfolio Committee on Justice, Legal and Parliamentary Affairs' report on the Bill and the public hearings conducted by the committee. Debate continued on Thursday 5th December and the Bill was given its Second Reading, following immediately by the Committee Stage. The House approved amendments to clauses 7 and 14 of the Bill proposed by the Minister of Justice, Legal and Parliamentary Affairs following suggestions made by the Portfolio Committee and during the Second Reading debate. The amended Bill was then referred to the PLC, which – as the Bill is being fast-tracked in accordance with the motion approved last week – will probably report on Tuesday 10th December. If the report is non-adverse, the Bill could be finally approved and transmitted to the Senate on that day.

Freedom of Information Bill [\[link\]](#)

At the end of Thursday afternoon's sitting at 6.45 pm the Minister Ziyambi standing in for the Minister of Information, Publicity and Broadcasting Services,

delivered a brief speech explaining the purpose of the Bill and commencing the Second Reading Stage. In the absence of the chairperson of the relevant Portfolio Committee to present the committee's report on the Bill, the House then adjourned the debate until Tuesday 10th December; the practice is that presentation of this report is the next step after the Minister's speech.

PLC Non-Adverse Reports on Bills

On Thursday 5th December the Speaker announced that the PLC had submitted non-adverse reports on the following Bills:

- Reserve Bank of Zimbabwe Amendment Bill
- Veterans of the Liberation Struggle Bill
- Constitutional Court Bill.

Note: A non-adverse report on a Bill normally take the form of a two-sentence letter to the Speaker or the President of the Senate, whichever is appropriate, reporting the date of the PLC meeting and the Committee's opinion that the Bill is not in contravention of the Constitution. No reasons for the opinion are given.

Privileges Committee's Report on Allegations of Soliciting Bribe by Four MPs

In February this year a Committee of Privileges, chaired by Senator Chief Charumbira, was established to inquire into allegations of soliciting a bribe against four members of the National Assembly, all of them members of the Portfolio Committee on Mines and Mining Development at the relevant time. On Wednesday 4th December Senator Chief Charumbira presented a motion asking the National Assembly to take note of the committee's report on the matter. The lengthy report concludes that: there was no breach of privilege or contempt of Parliament but that their meeting with the Goddard Team (Messrs. Goddard, Tundiya and Steyn who later accused them of soliciting a bribe) outside the parameters of official Committee business at night and by further engaging in a discussion on a matter that was before the Committee (a mining contract at Hwange) created an impression of impropriety. Therefore the Committee recommended disciplinary measures for their actions inconsistent with Parliamentary decorum, i.e., that the four Members should be prohibited from sitting in the Portfolio Committee on Mines and Mining Development for the rest of the 9th Parliament; they should prepare and deliver a statement of apology to Parliament; and they should forfeit one sitting allowance. Debate on Chief Charumbira's take note motion was adjourned, to be resumed on a later date.

Appointment of Privileges Committee to Investigate MDC-A MPs' Conduct

On 3rd December the Speaker announced that the Committee on Standing Rules and Orders had nominated a Privileges Committee as called for by the

National Assembly's resolution of the 14th November, referred to in Bill Watch 62/2019 [\[link\]](#). The full text of the announcement is available on the Veritas website [\[link\]](#); it sets out the background to the appointment of the committee, the names of the nominated committee members and the committee's terms of reference. Immediately after the Speaker's announcement Hon Priscilla Misihairabwi-Mushonga of MDC-T told him that she wished to decline the nomination on the ground that she was "conflicted". The Speaker accepted this, and on 5th December the Speaker announced that the CSRO had nominated Hon Priscilla Moyo to take the vacant place on the committee.

Hon Samukange, a lawyer, chairs the committee, and the other members are now Hons Joseph Chirongoma, Omega Hungwe, Cecil Kashiri, Stars Mathe, Levi Mayihlome, Priscilla Moyo, Kindness Paradza and Algenia Samson; all are ZANU PF, and four of them are women.

Vacancy in the National Assembly

On Tuesday 3rd December the Speaker informed the House that Hon Alice Ndlovu, a ZANU PF proportional representation MP from Matabeleland South province had died. MPs observed a minute's silence in her memory. The vacancy does not require a by-election. As the late Hon Ndlovu was a proportional representation [women's quota] MP, her seat will be filled in accordance with section 39 of the Electoral Act – by another woman nominated by ZANU PF and, in the absence of valid objection, appointed to be an MP by the Zimbabwe Electoral Commission.

Progress on the Budget Debate

The Budget debate proceeded in fits and starts during the week – beginning with presentation of the report of the Portfolio Committee on Budget, Finance and Economic Development, and followed by reports from all other Portfolio Committees. The last report was presented during Thursday's sitting, and individual MPs then started making their contributions to the debate, to be continued next week.

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