

BILL WATCH 31/2019

[21st June 2019]

Progress on Bills 11th – 21st June
Next Sitting of National Assembly: Tuesday 25th June
Next Sitting of Senate: Tuesday 16th July

Both the National Assembly and the Senate sat last week and this week. Two Bills were passed and progress made on two others.

Bills Passed

Consumer Protection Bill

Following the announcement of the PLC's non-adverse report on the extensive Committee Stage amendments made previously, the National Assembly passed the amended Bill on 13th June. The amendments [\[link\]](#) upgrade the proposed Consumer Protection Agency from a department of the Ministry of Industry and Commerce to a fully-fledged Commission called the Consumer Protection Commission that will be independent and not merely part of the Ministry. The Bill was then sent to the Senate.

Microfinance Amendment Bill.

This Bill, too, received a non-adverse report from the PLC on the Committee Stage amendments made previously [\[link\]](#). The National Assembly passed it on 13th June and sent it to the Senate.

As both Bills had been passed by the National Assembly with amendments, Senators were provided with reprinted versions of the Bills incorporating those amendments.

On Tuesday 18th June, in the absence of the responsible Ministers [Industry and Commerce, and Finance and Economic Development] the Minister of Justice, Legal and Parliamentary Affairs steered both Bills through all stages, delivering the Second Reading speeches and moving the required motions. Senators did not raise any substantive issues or engage in debate or suggest amendments but passed both Bills as received from the National Assembly. The Bills will now be prepared for signing by the President and then gazetted as Acts.

Bills Still in the National Assembly – but Making Progress

Zimbabwe Investment and Development Agency Bill [\[link\]](#)

This Bill [the "ZIDA Bill"] was given its First Reading and sent to the Parliamentary Legal Committee [PLC] on 9th May. The PLC's non-adverse report was announced on 13th June. The Second Reading stage started in the National Assembly on Tuesday 18th June, when the Minister of Justice, Legal and Parliamentary Affairs – having just steered two Bills through the Senate as related above, and again standing in for the absent Minister of Industry and Commerce – presented the Second Reading speech outlining the objectives of this Bill in support of the motion that the Bill be read for the second time, i.e., approved in principle. Debate was then adjourned to await the report of the Portfolio Committees on Industry and Commerce and Foreign Affairs and International Trade on their joint public hearings on the Bill held from 3rd to 7th June.

The Bill did not come up for discussion on 20th June.

Continuation of the Second Reading debate is listed as item 1 on the National Assembly's Order Paper for next Tuesday, 25th June.

Education Amendment Bill [\[link\]](#)

The National Assembly devoted most of Tuesday afternoon 11th June to the Second Reading stage of this Bill. The Deputy Minister of Primary and Secondary Education presented the Second Reading speech on behalf of the Minister. He was followed by Hon Misihairabwi-Mushonga, the chairperson of the Portfolio Committee on Primary and Secondary Education, who presented the committee's impressively detailed report [\[link\]](#) on the public hearings held in April. Section 4 of the report lists 16 specific recommendations for amendments to the Bill including:

- barring political parties from engaging in political activities in school premises during school time;
- greater detail on measures to be followed to achieve the realisation of free basic education for all by 2030;
- inclusion of a provision to compel parents to send their children to school;
- an approach to the school feeding programme that does not require parents who cannot afford it to contribute to the costs;
- a clear and categorical statement outlawing all forms of corporal punishment.

Noting that committee members differed greatly on the question of continued school attendance by girls who fall pregnant, the report leaves it to the House to decide what provision should be made on this issue. The report ends with the following conclusion:

"The Committee fully supports the various submissions made by the members of the public and stakeholders in the education sector. However, the Committee still feels that the proposed amendments to the Education Bill are not adequate. Thus, this Committee report is supported by a 'model' Education Amendment Bill, which the Committee feels is ideal and comprehensive to address the gaps in the Bill currently before the House". [This "model" Education Bill will be available on the Veritas website early next week.]

After that, individual MPs started making their contributions to the debate, expressing divergent views on the clauses on corporal punishment and school attendance of pregnant girl scholars. Further contributions by MPs were made on Tuesday 18th June and on Wednesday 19th June, when the House voted to waive Questions Without Notice in order to make progress on the Bill. Finally, on Wednesday the Minister wound up the debate with a speech [\[link\]](#) in which he commended the Portfolio Committee's report and said that he would accept most of its proposed recommendations for amendments to the Bill. The committee's suggestion for a special Education Fund, however, would need further consultation within Government and would have to be the subject of separate legislation. Also, the Minister rejected requests from some MPs to allow corporal punishment, because it would be unconstitutional to do so. The Bill was then given its Second Reading, clearing the way for the Committee Stage and consideration of amendments to individual clauses.

Like the ZIDA Bill, this Bill did not come up for discussion on Thursday 20th June, although the Order Paper for the afternoon contained seven pages of amendments to be proposed during the Committee Stage by Hon Misihairabwi-Mushonga as chairperson of the portfolio committee. These amendments are available on the Veritas website [\[link\]](#).

The Committee Stage is listed as item 2 on the National Assembly's Order Paper for next Tuesday, 25th June.

Maintenance of Peace and Order Bill: Still with PLC

This Bill [\[link\]](#) was referred to the PLC on 9th May after its First Reading in the National Assembly. It is still under consideration by the PLC, which has requested an extension of its 26-day reporting deadline.

Meanwhile, joint public consultations were conducted by the National Assembly's Portfolio Committee on Defence, Home Affairs and Security Services and the Senate's Thematic Committee on Peace and Security in all provinces from 3rd to 7th June. The committees were due to consider their joint draft report on the public consultations at a meeting yesterday, 17th June.

Note: The National Assembly's Standing Order 135 states that every Bill, except a Constitutional Bill, must be referred to the appropriate portfolio committee once gazetted. The committee then has 14 business days, excluding Fridays, to prepare a report of "its deliberations and recommendations" on the Bill for consideration by the National Assembly at the Second Reading stage. And it will, in accordance with section 141 of the Constitution, ensure that interested parties are consulted about the Bill, usually by inviting the public to make submissions and conducting public hearings around the country. When the Second Reading stage is reached, the practice is for the committee's chairperson to present the report after the responsible Minister has made the Second Reading speech and before backbenchers begin making their contributions.

Government Gazette 14th June 2019

Collective bargaining agreements

SI 132/2019 is an agreement that "regularises" an arbitral award of a cost-of-living adjustment for the year 2017 in favour of Harare Municipal Undertaking workers. A chart lists basic salaries plus housing allowance [25% of basic] and identical across-the-board water, rates, electricity, education, and transport allowances.

SI 133/2019 corrects an error in SI 251/2018. The preamble to SI 251/2018 will now refer to the National Employment Council [NEC] as being the body representing Zimbabwe Schools Development Associations and Committees in "Government run Schools" only, instead of the erroneous "Government and Council run schools".

Zimbabwe Stock Exchange Listings Requirements Rules

SI 134/2019 [\[link\]](#) contains these long-awaited rules, made by the Zimbabwe Stock Exchange and approved by the Securities and Exchange Commission in terms of section 65 of the Securities and Exchange Act.

Public Finance Management (General) Regulations

SI 135/2019 [\[link\]](#) enacts these regulations, which set out detailed rules fleshing out the broad principles laid down by the Public Finance Management Act. With effect from 14th June 2019, the regulations, according to section 2, "supersede all

regulations and instructions that are inconsistent with these regulations” – an ingenious but decidedly unhelpful substitute for a list specifying regulations and instructions that are intended to be repealed or amended.

These regulations have been too long in the making. The Public Finance Management Act came into operation in April 2010. The Act repealed Acts such as the Audit and Exchequer Act but made provision for the then regulations under the repealed Acts to continue in force, pending new regulations. *[Note: More than seven years ago Veritas noted in Bill Watch 3/2012 of 31st January 2012 [\[link\]](#) that the then Minister of Finance had publicised draft regulations and invited comments on them from stakeholders and the general public. It has taken since then to actually gazette the regulations.]*

The regulations [\[link\]](#) are essential reading for all those involved in finance management in Government Ministries and departments, independent constitutional commissions, local authorities, parastatals and State-owned or controlled enterprises.

Coroner’s Office Bill Gazetted Today

This Bill is in the Government Gazette today, 21st June. It will be on the Veritas website by the end of the day.

Three Bills Being Printed Prior to Gazetting

The four Bills being printed prior to gazetting are listed in the following table showing progress as at 17th June [information courtesy of Parliament] *[please note that the Bills will NOT be available from Veritas until after gazetting].*

Bills Being Printed for Gazetting	
Money Laundering and Proceeds of Crime Amendment Bill	Sent to Government Printer for printing and gazetting 28 May. Bill proofs sent to drafters 17 June.
Freedom of Information Bill	Sent to Government Printer for printing and gazetting 30 May. Bill proofs sent to drafters 04 June.
Marriages Bill	Sent to Government Printer for printing and gazetting 31 May. Bill proofs sent to drafters 12 June.

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