**BILL WATCH 14/2017**

 **[24th April 2017]**

**Parliament is in recess until Tuesday 2nd May**

**Vacancies in Parliament**

**Senate**

MDC-T seat [Bulawayo Province] In GN 170/2017 of 21st April the Zimbabwe Electoral Commission [ZEC] gives notice of the vacancy in the Senate which occurred when Hon Senator Victor Mapungwana of MDC-T died on 17th February. GN 171/2017 of the same date gives notice that MDC-T’s nominee to fill the vacancy is Gideon Shoko and allows a period of 14 days for the lodging of objections to the nomination with the Chief Elections Officer. The last day for lodging of objections is, therefore, Friday 5th May. In the absence of valid objections ZEC will appoint Mr Shoko to fill the vacancy.

**National Assembly**

Mwenezi East by-election result In GN 172/2017 ZEC notifies the official result of the Mwenezi East by-election held on 8th April. The new MP is Omar Joosbi of ZANU-PF, with effect from 9th April – the date of which he was declared the winner of the poll. conducted the day before.

New vacancy in MDC-T party-list seat for Harare An MDC-T proportional representation party-list seat for Harare is vacant following the death of Hon Ronia Bunjira on 15th April. The seat will be filled by another MDC-T nominee in accordance with the procedure laid down in section 39 of the Electoral Act.

New vacancy for Chiwundura constituency The ZANU-PF MP for Chiwundura, Hon Kizito Chivamba, died on 19th April. The vacancy in this Midlands constituency will have to be filled by a by-election. Polling must take place within 90 days of that date, i.e., no later than 18th July *[Constitution, section 158(3), a deadline frequently not observed by the President’s in his by-election proclamations].*

**Update on Status of Bills**

**Senate**

Senators adjourned for Parliament’s Easter break after their sitting on Thursday 6th April.

Two Bills passed

The Senate has passed two Bills, which can now be sent to the President for his assent and gazetting as Acts —

* Public Procurement and Disposal of Public Assets Bill On 4th April the Senate dealt with all stages of this Bill as amended by the National Assembly, and passed it without further amendment. The Bill as amended by the National Assembly will, therefore, go to the President for assent.
* ZEP-RE (Membership of Zimbabwe and Branch Office Agreement) Bill *[link]* This Bill was approved by the Senate on 28th March; no amendments were made by either Houses, so the Bill will go to the President unchanged. *Note: This Bill the provides the legislative framework for ZEP-Re, the PTA Reinsurance Company, whose object is promoting trade, development and integration within the COMESA region through insurance and reinsurance business. The company like other regional/international organisations will enjoy quasi-diplomatic immunities and privileges.*

Bills awaiting completion

Two Bills await further attention from the Senate—

* Land Commission Bill [stalled by PLC adverse report] This Bill hit a surprising snag when the Parliamentary Legal Committee [PLC] gave an adverse report on the amendments put forward by Senator Chief Mtshane and approved by the Senate on 29th March. PLC chairperson Hon Samukange explained the report to the Senate on 4th April, and Senator Chiefs expressed their disagreement with it. It was agreed that Senator Chiefs would discuss the report with all members of the PLC in an attempt to resolve the matter. Unless the report is withdrawn or agreement can be reached on modifications to the amendments, it will be necessary for the Senate in plenary session to decide whether or not to accept the adverse report – i.e. to decide whether the Senate’s amendments would if enacted contravene the Constitution – which is strictly a legal issue, not a political one. If the report is upheld by the full Senate, the Senate must not pass the Bill containing the amendments *[Constitution, Fifth Schedule, paragraph 8(4)]*.

The essence of the PLC’s brief opinion is that the Constitution limits the jurisdiction of the Land Commission to agricultural land [which by definition excludes communal land] and the jurisdiction of traditional leaders to communal land; that the Senate amendments to the Bill would give traditional leaders a say in the administration of agricultural land; and that this would conflict with the Constitution. Senator Chiefs believe that opinion is wrong. They point out that the Constitution also allows Acts of Parliament to confer additional functions on traditional leaders, and also that the Traditional Leaders Act does precisely that by allowing chiefs to be given jurisdiction over resettlement land [which by definition is agricultural land, but not communal land].

*[Available on the Veritas website – a document [*[*link*](http://veritaszim.net/node/2033)*] containing the PLC adverse report, Hon Samukange’s explanation of the report in the Senate on 4th April and an extract from Senator Chief Charumbira’s contribution indicating why Senator Chiefs believe the PLC erred.]*

* National Competitiveness Commission Bill *[*[*link*](http://www.veritaszim.net/node/1982)*]* This was received from the National Assembly on 4th April, but not dealt with before the Easter break. It awaits the Second Reading speech by the Minister of Industry and Commerce .

**National Assembly**

The National Assembly adjourned for its Easter break after close of business on Wednesday 12th April.

Tuesday 11th April saw the House completing the Committee Stage of the Deeds Registries Amendment Bill [during which the Bill was amended to accommodate comments from stakeholders via the Portfolio Committee report, necessitating its referral to the PLC]. It also gave the Movable Property Security Interests Bill its Second Reading.

On Wednesday 12th April, despite objections by Opposition MPs, the House resolved to defer Question Time. In its place, Hon Holder presented his motion on the need to remedy the situation at Shabanie-Mashava Mines. The House then reverted to Government business and completed the Committee Stages of the Judicial Laws Amendment (Ease of Settling Commercial and Other Disputes) Bill and the Movable Property Security Interests Bill; amendments were made to both Bills and both were immediately referred to the PLC for reports on the constitutionality of the amendments.

**Bills amended during Committee Stage and now under consideration by PLC** As a result of all the above activity, there are four such Bills—

* Estate Administrators Amendment Bill *[referred to PLC on 4th April]*
* Deeds Registries Amendment Bill *[referred to PLC on 11th April]*
* Judicial Laws Amendment (Ease of Settling Commercial and Other Disputes) Bill *[referred to PLC on 12th April]*
* Movable Property Security Interests Bill *[referred to PLC on 12th April]*

**Bills awaiting Second Reading speeches from Ministers**

Two Bills being handled by the Vice-Presidents are listed for commencement of the Second Reading stage on 2nd May—

* National Peace and Reconciliation Commission Bill *[Vice-President Mphoko, who is responsible for the Ministry of National Peace and Reconciliation]* [*[link]*](http://www.veritaszim.net/node/1976)
* Constitution of Zimbabwe Amendment (No.1) Bill *[Vice-President Mnangagwa, who is responsible for the Ministry of Justice, Legal and Parliamentary Affairs] [see fuller note below].*

**Ministerial Statements by Minister of Finance**

There have been three such statements in the National Assembly since the beginning of April, on the following subjects All are available on the Veritas website or will be there soon—

* Current Cash Shortages *[6th April] [*[*link*](http://www.veritaszim.net/node/2027)*]*
* Issuance of Treasury Bills and Bonds *[11th April] [*[*link*](http://www.veritaszim.net/node/2031)*]*
* Bi-Annual Report of the Bank Use Promotion and Suppression of Money-Laundering Unit *[12th April]*

**Constitution of Zimbabwe Amendment (No. 1) Bill**

The Bill *[*[*link*](http://www.veritaszim.net/node/1940)*]* duly received its First Reading when it was presented by Vice-President Mnangagwa in the National Assembly on 6th April. Unlike the general run of Bills, it did not require clearance from the Parliamentary Legal Committee [PLC] before being listed for the next stage, the Second Reading *[Constitution, Fifth Schedule, paragraph 8(2)]*. But although its Second Reading stage was listed on the Order Papers for the 11th and 12th April, it was not dealt with before the House adjourned for the Easter break at close of business on 12th April.

Second Reading The Second Reading stage is now listed as item 2 on the National Assembly’s Order Paper for Tuesday 2nd May, after the National Peace and Reconciliation Commission Bill. This stage will begin with Vice-President Mnangagwa moving the motion that the Bill be read the second time and backing this up with a speech explaining the problem the Bill is designed to address and how Bill will deal with it. *[The Bill is available on the Veritas website at this* [*link*](http://www.veritaszim.net/node/1940) *Our critical commentary on the Bill is available on the Veritas website at this* [*link*](http://www.veritaszim.net/node/1956)*, as is our bulletin arguing that the Bill is unnecessary, and certainly not urgent* [*link*](http://www.veritaszim.net/node/2026)*.]*

Portfolio Committee’s report on public consultations After the Vice-President’s speech, the chairperson of the Portfolio Committee on Justice, Legal and Parliamentary Affairs, if ready to do so, will present the committee’s report on the Bill. This report is expected to include comments and representations made by the public at the series of public hearings on the Bill held in February and in written representations in response to Parliament’s earlier [23rd January] press advertisements inviting comments from the public at large. [Details of these (1) public hearings and (2) press advertisements are available on the Veritas website at [*link 1*](http://www.veritaszim.net/node/1978) and [*link 2*](http://www.veritaszim.net/node/1950).] MPs will then have the chance to make their contributions to the debate.

This public consultation was essential if Parliament was to comply with section 328(4) of the Constitution—

*“(4) Immediately after the Speaker has given notice of a Constitutional Bill in terms of subsection (3), Parliament must invite members of the public to express their views on the proposed Bill in public meetings and through written submissions, and must convene meetings and provide facilities to enable the public to do so.”*

This provision underlines how essential it is for members of the National Assembly to have a clear and reliable picture of public reaction to the Bill. The portfolio committee report is the means by which that picture will be presented to all members of the National Assembly when it decides in plenary session whether or not to give the Bill its Second Reading. The committee, therefore, has an obligation to present a faithful, fair and objective report it when it reports back to National Assembly. Parliament allowed the public until Friday 24th March to submit their comments, and as the portfolio committee has recently been busy with public hearings on other Ministry of Justice, Legal and Parliamentary Affairs Bills. It is to be hoped that the committee members have had sufficient time to produce a report befitting the seriousness of its subject matter.

**Government Gazette 7th to 21st April 2017**

**Insolvency Bill**

This massive Bill [156 A4 pages] was gazetted on 14th April and is available on the Veritas website *[*[*link*](http://veritaszim.net/node/2032)*].*

**Statutory Instruments**

*[All gazetted on 7th April unless otherwise stated]*

Notifiable diseases in animals SI 49/2017 amends the Animal Health (General) Regulations of 1994 by substituting an entirely new Third Schedule listing notifiable diseases.

Estate Administrators SI 50/2016 contains an amendment to the Estate Administrators (Registration and Examination) Rules affecting fees and charges *[available on the Veritas website by using this* [*link*](http://www.veritaszim.net/node/2029)*]*.

Collective bargaining agreements SI 48/2017 deals with the Baking Sector of Food and Allied Industries, and SI 51/2017 with the Manufacturing Sector of the Tobacco Industry. SI 52/2017 of 14th April deals with the Engineering and Iron and Steel Industry (Skilled Worker and Graded Job Categories or Employees) and provides for deeming fixed-term contract employees employed for up to 3 years to be permanent employees

New Customs and Excise Tariff SI 53/2017 of 21st April is the new Customs and Excise (Tariff) Notice, 2017. *[Not available from Veritas]*

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