**BILL WATCH 17/2021**

**[14th March 2021]**

**Both National Assembly and Senate Sit This Week**

**Coming up in the National Assembly 16th to 18th March**

**Bills**

There is only one change to the list of Bills awaiting the attention of the House – the return of the Pension and Provident Funds Bill after the receipt last week of a non-adverse report from the Parliamentary Legal Committee [PLC].  The Bill is listed as the third item in the line-up of Bills on the National Assembly Order Paper for 16th March, which is as follows:

Forest Amendment Bill *[*[*link*](http://www.veritaszim.net/node/3835)*]* – for the start of the Committee Stage.  Once again, none of the potential amendments mentioned during the Second Reading debate is on the Order Paper.

Cyber Security and Data Protection Bill *[*[*link*](http://www.veritaszim.net/node/4167)*]* – also for the start of the Committee Stage.  See Bill Watch 8/2021 *[*[*link*](http://www.veritaszim.net/node/4763)*]* for more details on this Bill and references to comments on it.  There are copious amendments on the Order Paper, most of them put forward on behalf of the portfolio committee.

Pension and Provident Funds Bill*[*[*link*](http://www.veritaszim.net/node/3970)*]*  This Bill was gazetted a year ago but only formally presented to the House by the Minister of Finance and Economic Development on 18th February this year and referred to the PLC for the essential report on its consistency with the Constitution.  The PLC’s non-adverse report on the Bill was announced on 11th March, clearing the way for the Second Reading stage to begin.  The Minister will start the ball rolling with his Second Reading speech explaining the objectives of the Bill and why it has become necessary for the existing Act on pension and provident funds to be repealed and replaced.  Procedurally, this speech must be followed by presentation of a report by the Portfolio Committee on Finance and Economic Development on the Bill before MPs make their contributions to the Second Reading debate.  The committee has received written submissions on the Bill from pensions and insurance sector stakeholders in response to Parliament’s invitation for submissions, but no public hearings have been held – the virtual public hearings that were to have been held in July last year were cancelled when all Parliamentary activities were suspended in deference to developments in the COVID-19 pandemic.  This may result in the committee’s report being delayed.

Constitution of Zimbabwe Amendment (No. 2) Bill *[*[*link*](http://www.veritaszim.net/node/3887)*]* – for continuation/conclusion of Second Reading debate.  MPs have already, on 9th July last year, heard the Minister’s Second Reading speech and the report on the public hearings on the Bill conducted by the Portfolio Committee on Justice, Legal and Parliamentary Affairs *[*[*link*](http://www.veritaszim.net/node/4301)*]*.  Some individual MPs have made their contributions.Several Constitution Watches containing detailed critical commentary on this Bill, and Veritas’ submissions to the Portfolio Committee, are available on the Veritas website. The main criticism of the Bill from wide cross-section of Zimbabweans had been that most of the amendments serve to increase executive power at the expense of the legislature and judiciary,

Centre for Education, Innovation, Research and Development Bill *[*[*link*](http://www.veritaszim.net/node/4520)*]* – for continuation of the Second Reading stage.  The next step is presentation of the Portfolio Committee’s report on the Bill and the virtual public hearings on it held earlier this month; the committee was due to finalise the report at its meeting last week – so progress may be made.

**Take-note Motions on ZHRC and NPA Reports**

The Minister of Justice, Legal and Parliamentary Affairs has the following items heading the Order Paper for 16th March, all of them carried over from last year:

ZHRC Annual Reports for 2018 and 2019

ZHRC Report on National Inquiry on Access to Documentation in Zimbabwe *[*[*link*](http://www.veritaszim.net/node/4547)*]*  This is a very important report on access to birth certificates and other identity documents.

NPA Annual Report for 2019.

**Other motions**

There are two motions requesting the restoration to the Order Paper of motions that lapsed at the end of the last session:

* motion on the recall of MPs: [this is the motion put down by Hon Mliswa and Hon Misihairabwi-Mushonga calling for the amendment of section 129(1)(k) of the Constitution by requiring political parties, before expelling MPs, to (1) follow due process and (2) obtain a certificate of compliance with due process from the Constitutional Court]. *Our comment on the motion is that constitutional amendments should not be encouraged and that, moreover, observance of due process by political parties before expelling members could be achieved by Act of Parliament without amendment of the Constitution.*
* motion on the inclusion of youths in the socio-economic spheres of the economy.
* There are also several motions to present reports by portfolio committees, including reports on the following subjects:
* school-feeding programme fact-finding visits by the Portfolio Committee on Primary and Secondary Education;
* petition to amend section 6 of the Constitution by including Chikunda in the list of official languages;
* quality assurance in the Higher and Tertiary Education Institutions of Zimbabwe.

**Question Time [17th March]**

The seven questions currently listed for Wednesday afternoon include the following:

For the Minister of Primary and Secondary Education

* Why there is a shortage of science laboratories at schools in the Matabeleland Region yet all three State universities in the region are science-oriented [Hon Mayihlome]
* Whatmeasures are being taken by the Ministry to ensure non-Government schools do not increase school fees without the permission of the Permanent Secretary of the Ministry, in breach of section 21 of the Education Act [Hon Misihairabwi-Mushonga]

For the Minister of Justice, Legal and Parliamentary Affairs

* What is Government policy on conditions of service for members of Independent Commissions who, unlike their chairpersons and deputy chairpersons, have no access to official vehicles for their use; and whether such a scenario does not compromise their work and undermine the importance and integrity of their offices [Hon B. Dube]

For the Minister of Local Government and Public Works

* Why the Ministry has released budgetary allocations to Provincial Councils without adequate structures as envisaged by section 268 of the Constitution [Hon Mliswa].

**Coming up in the Senate 16th to 18th March**

**Bills**

The situation remains as it was when the Senate adjourned nearly two weeks ago.  The National Assembly has still not completed any Bills and transmitted them to the Senate.  So there is only one Bill on the Order Paper:

Marriages Bill *[*[*link*](http://www.veritaszim.net/node/3599)*]*This is a Bill from the previous Parliamentary session.  The Senate is waiting for the Minister of Justice, Legal and Parliamentary Affairs to complete his response to the Second Reading debate – the point reached on 30th June last year.  More detail is provided in Bill Watch 8/2021 *[*[*link*](http://www.veritaszim.net/node/4763)*]*.

*Note on the Constitution of Zimbabwe Amendment (No. 1) Bill, 2017  This Bill does not feature on the Order Paper.  Whether or not it will ever return depends on the Constitutional Court, whose final decision is still awaited on the re-taking of the Senate’s Third Reading vote, following the court’s decision of March 2020 that the 2017 vote was invalid.*

**Motions**

Take-note motions on ZHRC and NPA reports  The Minister of Justice, Legal and Parliamentary Affairs has two new motions down for Tuesday 16th March, both referring to report already before the National Assembly:

·     ZHRC Report on National Inquiry on Access to Documentation in Zimbabwe *[*[*link*](http://www.veritaszim.net/node/4547)*]*

·     NPA Annual Report for 2019.

Motion on the President’s Speech at the Opening of the Current Session   Hon Mohadi and Hon S. Hungwe will move a motion to suspend, in relation to this particular motion, Standing Orders 43 and 105 relating to the removal of long-running motions from the Order Paper after 21 days.  The adoption of this motion will resolve the procedural problem that arose when the Senate last sat, when it became apparent that several Senators wished to contribute to the debate on the President’s speech but were not yet ready to do so.  A similar solution was adopted by the National Assembly last week in relation to its own motion on the President’s speech.

New motion on the country’s roads  Senators Chimbudzi and Mathuthu have a new motion on the Order Paper calling on the Ministry of Transport and Infrastructural Development to embark on a massive road rehabilitation programme countrywide by 20th September 2021, to include prioritising strategic roads that promote tourism, the conveyance of goods and essential services and the continuous clearing of shrubs and tall grasses along highways to reduce the prevalence of accidents caused by poor visibility.

*Comment: This motion has, to some extent, been pre-empted by* *the President’s declaration of the state of the country’s road infrastructure network as a State of Disaster under the Civil Protection Act – see Civil Protection (Declaration of State of Disaster: Rural and Urban Areas of Zimbabwe) (Road Infrastructure Network) Notice, 2021, SI 47/2021 [*[*link*](http://www.veritaszim.net/node/4778)*], gazetted on 23rd February. Parliament could always contribute to this truly national problem by stepping up its oversight of the role entrusted to the Minister by SI 47 to ensure that timely and effective action is taken.*

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