**BILL WATCH 21/2017**

**[22nd June 2017]**

**Both Houses of Parliament are sitting this week**

**Update on Constitution Amendment Bill: National Assembly 20th and 21st June**

Much of Tuesday’s long sitting in the National Assembly [the House adjourned just before 7 pm] was devoted to the Committee Stage for the Constitution of Zimbabwe Amendment (No. 1) Bill, following its Second Reading last week *[see below].*   This stage is when the Bill can be discussed in detail, clause by clause, giving MPs opportunity to seek clarification, pose questions and propose amendments.  Opposition MPs challenged every clause that came up yesterday afternoon, finding a great deal to condemn in each of them – clauses 1 (short title), 2 (definition of “the Constitution” for the purposes of this Bill), 3 and 4 (new titles for heads of Labour Court and Administrative Court, replacing the present “Judge President”) and 5 (declaration, “for the avoidance of doubt”, that the Labour Court and Administrative Court are subordinate to the High Court).  Clauses 1 to 5 were nevertheless approved.  [Hon Gonese had made an unsuccessful attempt to call a division – a recorded vote identifying those for and against – on clause 1.  This was overruled by the presiding officer, citing Standing Order 125(2) allowing a call for a division to be rejected if considered unnecessary by the presiding officer.  Also turned down was a request that voting on the Bill should be by secret ballot – on the grounds that it was not allowed by Standing Orders.]

Spirited debate on clause 6 of the Bill was still in full swing when Tuesday’s sitting ended, and did not continue yesterday.  Clause 6, of course, is the most important clause of the Bill because it proposes the new method of appointment of the Chief Justice, Deputy Chief Justice and Judge President.  Clause 6 has to be finished, and clauses 7 and 8 still have to be dealt with.  This may happen today.

**In the National Assembly 13th to 15th June**

**Bills**

Constitution of Zimbabwe Amendment (No. 1) Bill   On 13th June Vice-President Mnangagwa replied at length to the Second Reading debate; the full speech is on our website [*link*](http://www.veritaszim.net/node/2100).  In it he rejected all Opposition objections to the amendments to the procedure for appointing the Chief Justice, the Deputy Chief Justice and the Judge President of the High Court.  The Second Reading motion was then put to the vote.  As the Opposition did not call for a division, ZANU-PF’s MPs’ “ayes” carried the day and the Bill received its Second Reading.  Although this cleared the way for the Committee Stage, there was no further progress on the Bill during the week.

In its report [available on Veritas website [*link*](http://www.veritaszim.net/node/2101)] the Portfolio Committee largely supported the Bill but had two suggestions for change—

* A curious proposal that the Bill should include a provision to rename the Constitution of Zimbabwe Amendment (No. 20) Act, 2013 (Act 1/2013) the “Constitution of Zimbabwe”.  The Vice-President turned this down.  Why was he right and the Portfolio Committee wrong?  The answer is simple: Act 1/2013 is not itself the Constitution; the Constitution is set out in the Schedule to the Act – as the definition of “the Constitution” in clause 2 of the present Bill correctly states.  Indeed, as there is already an adequate definition of “Constitution” in the Interpretation Act, clause 2 of the Bill may not be necessary at all.  [If the correct position as just described has been misunderstood, that does not justify the Committee’s proposal; it would be sufficient to include in the next General Laws Amendment Bill an amendment replacing the Interpretation Act’s definition of “Constitution” with the longer definition used in clause 2 of the present Bill.]
* The Vice-President did not respond to the Portfolio Committee’s comment that the Bill needed clarification as to the function of the Senate if, under the new procedure, the President notifies the Senate that he has made an appointment at variance with the Judicial Service Commission’s advice. The Committee correctly described this notification as “only academic” because the Bill expressly says that such an appointment is nevertheless valid.  The Committee’s suggested remedy was that the National Assembly should be informed rather than the Senate, but did not explain how informing the National Assembly would be any less academic.

National Peace and Reconciliation Commission Bill   Also on 13th June Vice-President Mphoko wound up the Second Reading debate on this Bill, with a speech giving his detailed responses to criticisms of the Bill, but conceding nothing apart from promising an amendment to clause 8(3) of the Bill to prevent the Commission from investigating matters already the subject of court proceedings, whether civil or criminal. The Bill received its Second Reading without a division but the Committee Stage was not taken during the rest of the week.  By week’s end the Order Paper for its Committee Stage listed not only the Vice-President’s amendment to clause 8(3) but also a large number of amendments proposed by Hon Gonese of MDC-T.

Estate Administrators Amendment Bill   The Bill had its Second Reading on 6th June, but the Committee Stage did not start during the week.  In closing the Second Reading stage, Vice-President Mnangagwa mentioned the possibility of Committee Stage amendments.  No draft amendments have yet appeared on the Order Paper.

ZEP-RE (Membership of Zimbabwe and Branch Office Agreement) Bill   The Order Paper item for consideration of the President’s reasons for refusing to assent to the Bill was not dealt with during the week.

**Motions**

Auditor-General’s Findings on 2010/2011 Accounts for Bulawayo City Council  On 13th June Public Accounts Committee chairperson Hon Mpariwa presented the Committee’s report on the Auditor-General’s findings on these accounts.  She was able to tell MPs that the City Council had already taken steps to correct most of the defects noted.

Report on International Conference of Islamic Consultative Assembly of Iran in support of Palestinian Uprising  On 15th June Hon Paradza presented the report of the Zimbabwe delegation to the conference held in February this year *[*[*link*](http://www.veritaszim.net/node/2103)*]*.  The conference’s main objective was to mobilise Muslim and Arab governments against Israel in support of a free self-rule Palestine, with a subsidiary objective of enlisting support from non-Muslim but pro-Palestinian governments and organisations across the globe.  In the lively debate that followed ruling party MPs supported a pro-Palestinian stance for Zimbabwe but MDC-T MPs and Hon Mliswa advocated a non-aligned approach putting Zimbabwe’s own interests first.

Violence by political parties  There was debate on Hon Mandipaka’s motion, with sharply differing views expressed on the involvement of different parties.  It was suggested that Hon Chamisa’s separate motion on the same subject, which has not yet been moved, could instead be moved as an amendment to Hon Mandipaka’s motion, resulting in an amalgamated debate.

**Question Time [Wednesday]**  The two halves of Question Time accounted for the whole of the shorter than usual 14th June sitting, which ended at 4.05 pm.  On delays in implementing Special Economic Zones, the Minister of Industry and Commerce said his Ministry is ready but waiting for the Ministries of Finance and Economic Development and Macro-Economic Planning and Investment Promotion to finalise their programmes.

**In the Senate 13th to 15th June**

This was a week of short sitting.

**Bills**

Land Commission BillDebate on the Parliamentary Legal Committee [PLC]’s adverse report on the Senate’s amendments to the Bill was postponed until Tuesday 20th June.  There was no explanation.  For a detailed note on the problems caused by the PLC report, please see Bill Watch 19/2017 *[*[*link*](http://www.veritaszim.net/node/2094)*]*.

No other Bills reached the Senate during the week.

**Motions** Hon Tawengwapresented the report *[*[*link*](http://www.veritaszim.net/node/2102)*]* of the Thematic Committee on Indigenisation and Empowerment on the Non-Establishment of Community Share Ownership Trusts in Mudzi and Mutoko districts.

**Coming up in the National Assembly This Week**

**Bills**

Bills are listed for attention in the following order—

Constitution of Zimbabwe Amendment (No. 1) Bill *[*[*link*](http://www.veritaszim.net/node/1940)*]* [for Committee Stage]

Estate Administrators Amendment Bill *[*[*link*](http://www.veritaszim.net/node/1963)*]*   [for Committee Stage]

National Peace and Reconciliation Commission Bill *[*[*link*](http://www.veritaszim.net/node/1976)*]*  [for Committee Stage]  The proposed amendments that will be put forward to the Bill by Vice-President Mphoko and Hon Gonese – referred to above – are available on the Veritas website *[*[*link*](http://www.veritaszim.net/node/2099)*]*

ZEP-RE (Membership of Zimbabwe and Branch Office Agreement) Bill  [for reconsideration in the light of the President’s refusal to assent to the Bill as previously passed by Parliament.  The Minister of Finance and Economic Development has tabled a replacement preamble *[*[*link*](http://www.veritaszim.net/node/2104)*]* to the Bill which probably answers the President’s point, but still contains an incomplete paragraph.]

Minerals Exploration and Marketing Corporation Bill *[*[*link*](http://www.veritaszim.net/node/1534)*]*   [for consideration of motion to restore this lapsed Bill to the Order Paper]  The Minister is expected to explain whether or not he intends to persist with the Bill in its present form, following the reminder given to him at an earlier sitting that the Portfolio Committee’s report on this Bill expressed opposition to the amalgamation of exploration and marketing functions under one corporation.

**Bill awaiting PLC report**

Mines and Minerals Amendment Bill *[*[*link*](http://veritaszim.net/node/1778)*]*  The PLC still has this very large Bill under consideration.

**Motions**

Police beating-up of innocent civilians   Hon Chamisa’s motion, already referred to above under last week’s National Assembly entry, is No 8 on the Order Paper, after four motions asking the House to take note of reports by Parliamentary delegations that travelled to a variety of international conferences.

**Coming up in the Senate This Week**

**Land Commission Bill**   Perhaps there will at last be progress.  For a detailed note on the problem that has been holding up this Bill for so long, please see Bill Watch 19/2017 *[*[*link*](http://www.veritaszim.net/node/2094)*]*.

**Motions**   Debate is due to continue on motions already moved, including Hon Tawengwa’s motion on the report of the Thematic Committee on Indigenisation and Empowerment on the non-establishment of community share ownership trusts in Mudzi and Mutoko districts *[*[*link*](http://www.veritaszim.net/node/2102)*]*.

**Bills Passed by Parliament but not yet Gazetted as Acts**

*[no change to list since last bulletin]*

Three Bills were sent to the President for his assent on 5th June—

* National Competitiveness Commission Bill  *[*[*link*](http://veritaszim.net/node/1851)*]*
* Deeds Registries Amendment Bill *[*[*link*](http://veritaszim.net/node/1804) *to Bill;* [*link*](http://veritaszim.net/node/2039) *to amendments]*
* Judicial Laws Amendment (Ease of Settling Commercial and Other Disputes) Bill *[*[*link*](http://www.veritaszim.net/node/1803) *to Bill,* [*link*](http://www.veritaszim.net/node/2040) *to amendments]*

Two Bills are still being prepared for submission to the President—

* Movable Property Security Interests Bill *[*[*link*](http://www.veritaszim.net/node/1922) *to Bill,* [*link*](http://veritaszim.net/node/2038) *to amendments]*
* Public Procurement and Disposal of Public Assets Bill *[*[*link*](http://www.veritaszim.net/node/1897)*]*

**Government   Gazettes**

**Gazette Extraordinary 9th June**

Blend fuel – level increased to 15%  Released too late on 9th June for inclusion in our last bulletin was this Gazette containing GN 293/2017 notifying the increased of the level of mandatory blending to 15%,

**Statutory Instruments** **16th June** *[only one SI gazetted]*

Collective bargaining agreement: Commercial Sectors  SI 75/2017 is an agreement amending the principal agreement for the Commercial Sectors of Zimbabwe, which dates from 1993.  Like several other recent amending agreements, it provides for the point at which successive stipulated-term contracts of employment become a contract of employment without limitation of time.

**General Notices 16th June**

Electoral Act – Designation of magistrates for political violence/intimidation cases  GN 297/2917 from the Judicial Service Commission notifies the designation of five named magistrates, in terms of section 133J of the Electoral Act, to try cases involving politically-motivated violence and intimidation in Midlands Province.  They are stationed at Gweru, Mvuma, Zvishavane and Kwekwe.  *[Reminder: Polling in the Chiwundura by-election in Midlands Province will be on Saturday 15th July.]*

Compulsory acquisition of agricultural land under Constitution  GN 302/2017 is a notice in terms of section 72 of the Constitution acquiring  176.3 hectares of land in Lupane District.

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