**BILL WATCH 60/2015**

**[30th December 2015]**

**Both Houses of Parliament sat on 15th, 16th and 17th December**

**They then adjourned until Tuesday 2nd February 2016**

Both the Senate and the National Assembly resumed sitting on Tuesday 15th December.  Over the next three days

* four Bills *[see further information below]* were passed:
	+ Budget Bills [Appropriation (Supplementary) Bill, Appropriation (2016) Bill, Finance (No. 2) Bill]
	+ Banking Amendment Bill
* two international loan agreements were approved in terms of section 327(3) of the Constitution [17th December]:
	+ with Export-Import Bank of India for a $87 million line of credit for renovation and upgrading of Bulawayo Thermal Power Plant
	+ with OPEC Fund for International Development for a $20 million line of credit for construction of 12 primary and 8 secondary schools in the 8 rural provinces, in areas resettled under the Land Reform Programme
* the Zimbabwe National Defence University Bill, presented by the Minister of Defence, was given its First Reading and immediately referred to the Parliamentary Legal Committee [PLC]
* a vacancy in the National Assembly seat for Mhondoro-Mubaiwa was announced by the Speaker following his receipt of notification from ZANU-PF that the previous holder, Sylvester Nguni, ceased to be a member of the party on 1st December. *[Note: The President has since ordered the necessary by-election – see SI 136/2015.]*

**Fast-Tracking of Bills Approved**

An early item of business in both Houses was the passing of motions suspending various Standing Orders to permit the fast-tracking of the Finance (No. 2) Bill, the Appropriation Supplementary Bill, the Appropriation (2016) Bill and the Banking Amendment Bill.  This meant that to enable those Bills to be passed speedily: private member’s business would not take precedence on Wednesday [in the National Assembly] and Thursday [in the Senate]; the Houses would sit after 7 pm [and 1 pm on Friday] if necessary; successive stages of Bills would be taken on the same day; the normal reporting deadlines for the Parliamentary Legal Committee [PLC] would not apply.  It was, therefore, clear the Government wished Parliament to have the three Budget-related Bills and the Banking Amendment Bill passed by both Houses before the end of the week.

*Note:  Mr Gonese stated that the Opposition appreciated the need for expeditious action this time round, but warned that in future it  would press for the National Assembly to have more time to deal with Budget proposals.*

**Dealing with the Budget Bills**

**In the National Assembly**

**Opposition objections to Estimates on constitutional grounds**

Hon Gonese, supported by Hon Chamisa, raised points of order based on alleged violations of the Constitution in the Budget papers presented by the Minister:

1. the failure to provide separate votes for the Council of Chiefs and some of the constitutional commissions in the Estimates of Expenditure *[Constitution, section 305]*
2. the failure to allocate 5% of national revenues to provinces and local authorities *[Constitution, section 301]*
3. the failure to seek condonation of unauthorised expenditure covered in the Supplementary Estimates for the current year *[Constitution, section 307].*

The Minister conceded points 1 and 3 and said he would take corrective action.  On point 2, he insisted that it would be premature for the Budget to allocate a percentage of national revenues to provinces and local authorities, because the re-alignment of laws exercise has not yet produced a separate Act of Parliament, as required by section 301, providing for the allocation of revenues between provincial and local tiers of government; if the Opposition disagreed, he said, they were welcome to go to the Constitutional Court. Prompted by the Speaker, the Minister added that he would urge Vice-President Mnangagwa, who is responsible for the realignment exercise, to expedite the process on this issue. On that basis the Speaker ruled that proceedings could continue.

**Replacement of Supplementary Estimates and Appropriation (Supplementary) Bill**

The National Assembly also approved the Minister’s request for permission to withdraw the previously supplied Supplementary Estimates of Expenditure for 2015, and the associated Appropriation (Supplementary) Bill, and to substitute correct texts. *[Note: This was part of the Minister’s corrective action in response to point 3 above raised by Hon Gonese; a Financial Adjustments Bill will be needed to complete it].*

**The Budget Debate**

The rest of Tuesday afternoon and evening was taken up by presentation of portfolio committee reports.  Hon Chapfika, chairperson of the Finance and Economic Development committee began with his committee’s report.  While complimenting the Minister on the wide and productive consultations conducted by his Ministry, the committee voiced criticisms [e.g., on the lack of detail on how the Government’s wage bill could be brought under control, and the proposed $100 police fine for minor road traffic offences – described as *“too much for an already traumatised populace”* and likely to lead to corruption on the highways] and made recommendations [including one for scrapping retention of revenues by Government departments, to allow all revenues to reach the Consolidated Revenue Fund for effective allocation to critical priority areas by Treasury].  Chairpersons of other portfolio committees followed with their reports on the allocations of funds for the Ministries under their supervision.  All committees mentioned underfunding of their Ministries.  Proceedings were abruptly halted when the House was obliged to adjourn at 8.55 pm for lack of a quorum [only 47 MPs were present, 23 short of the quorum of 70 specified in Standing Orders].

On Wednesday 16th November the debate continued with the last committee report and a number of thoughtful contributions from backbenchers, nearly all of whom, regardless of party, acknowledged that the Minister had done a good job in an extremely difficult situation.

The Minister then wound up the debate, responding in detail to the committee reports and individual contributions.  On the vexed question of police fines for minor traffic offences he said a $20 fine was not enough to ensure *“the rule of law on the roads”*, but acknowledged that the hike from $20 to $100 was too steep, and said the Attorney-General would look into implementing a reasonable increase.  On underfunding, he said this was inevitable in the prevailing situation and affected all Ministries and entities, including Parliament.  The Minister also noted the non-partisan nature of most contributions from MPs.

**Bills** **passed**

The National Assembly then approved the introduction of the Budget bills and proceeded to approve, in fast-track mode, the Finance (No. 2) Bill, the Estimates for 2016 [with adjustments to ensure separate votes for commissions and other entities in accordance with section 305 of the Constitution], and the two Appropriation Bills.  The Finance (No. 2) Bill was amended at the Minister’s request by the addition of a new final clause dealing with VAT [clause 15].  All the Bills received prompt non-adverse reports from the PLC and, once finally passed by the National Assembly, were transmitted to the Senate, to be dealt with on Thursday.

**In the Senate**

On Thursday the Senate dealt expeditiously with all three Bills and passed them without exercising its constitutional right to suggest changes to the Bills [as pointed out in an earlier bulletin the Senate has no power to make amendments to Money Bills, but may propose changes for consideration by the National Assembly].  Senators did, however, keep the Minister busy with a large number of questions.

**Banking Amendment Bill Extensively Amended and Passed**

**National Assembly**  Having disposed of the Budget Bills, the National Assembly sat until 11.39 pm on Wednesday 16th December to complete work, at long last, on the Banking Amendment Bill, starting with the Committee Stage, during which many of its clauses were amended as proposed by the Minister of Finance and Economic Development, and, in a few instances, by the Portfolio Committee on Finance and Economic Development.  The amended Bill received a non-adverse report from the PLC, was given its final reading in the National Assembly and sent to the Senate.

**Senate** The Senate dealt with the Bill on Thursday 17th December, after approving the two international loan agreements and passing the three Budget Bills.  The Minister of Finance and Economic Development explained that the extensive amendments made at his request during the Committee Stage in the National Assembly had been formulated to accommodate representations received from stakeholders.  Senators approved the Bill without further amendment.

**Other Business in Parliament 15th to 17th December**

**A baby in the National Assembly**  On 16th December Hon Priscilla Misihairabwi-Mushonga diverted MPs by bringing a baby into the chamber of the National Assembly to emphasise her point of order about the absence of Parliamentary facilities for breast-feeding women MPs.  The Speaker agreed that such facilities need to be provided.

**Question Time in the Senate**  On 17th December Senators made use of an unexpected Question Time to grill Ministers on a variety of issues while waiting for the Minister of Finance and Economic Development to complete his National Assembly assignments [the loan agreements] before coming over to the Senate to guide them through approval of the loan agreements, the Budget Bills and the Banking Amendment Bill.

**Matter of definite public importance in the National Assembly**  On 17th December, invoking a seldom-used procedure for raising an issue without prior notice, Hon Maridadi asked for and was granted leave to move the adjournment of the House on a matter of definite public importance, namely, the burial alive underground of several artisanal miners in the Chegutu area as a result of official action to enforce a High Court order for their eviction from the mining location concerned.  The somewhat confused ensuing debate ended on the basis that appropriate personnel from the Ministry of Mines and Mining Development were at the scene to ascertain the correct facts and take necessary action.

**Adjournment until 2nd February 2016**

At the conclusion of business on Thursday 17th December [at 5.15 pm in the National Assembly, at 7.19 pm in the Senate] both Houses adjourned until Tuesday 2nd February 2016.

**In our Next Bulletin**

Our last Bill Watch of 2015 will cover: the current status of Acts of 2015; Bills still on their way through Parliament [including the General Laws Amendment Bill and the Criminal Procedure and Evidence Amendment Bill, which cannot now be passed until February next year]; Bills awaiting presentation; and recent Government *Gazettes*.

*Veritas makes every effort to ensure reliable information, but cannot take legal responsibility for information supplied*

*To subscribe or unsubscribe from this mailing list please email* ***billwatch@mango.zw***

*If you wish to contact Veritas please email* ***veritas@mango.zw***

*If you are requesting legislation please email* ***veritas@mango.zw*** *or look for it on* [***www.veritaszim.net***](http://www.veritaszim.net)