FROM NATIONAL ASSEMBLY HANSARD
Tuesday 28th June 2016

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**MINISTER’S SECOND READING SPEECH**

**ON**

**LOCAL GOVERNMENT LAWS AMENDMENT BILL [H.B. 1, 2016]**

**THE MINISTER OF LOCAL GOVERNMENT, PUBLIC WORKS AND NATIONAL HOUSING (HON. KASUKUWERE):** The Local Government Laws Amendment Bill has been necessitated by the enactment of the Constitution of Zimbabwe Amendment Act (No. 20) 2013, in particular Section 278 (2) and (3) which provides as follows;

(2) An Act of Parliament must provide for the establishment of an independent tribunal to exercise the function of removing from office mayors, chairperson and councillors but any such removal must be on the grounds of -

(a) inability to perform the functions of that office due to mental or physical incapacity;

(b) gross incompetence;

(c) gross misconduct

(d) Conviction of an offence involving dishonesty, corruption or abuse of office; or

(e) wilful violation of the law, including a local authority by-law.

(3) A mayor, chairperson or councillor of a local authority does not vacate his or her seat except in accordance with this section.

Pending the finalisation of the new Local Government Act which is currently with the Attorney General’s office, there is need to align the Urban Councils Act [Chapter 29:15] and the Rural District Councils Act [Chapter 29:13] – (hereinafter referred to as Acts) to the provisions of the new Constitution. This matter is urgent in light of the increasing number of cases of corruption, mismanagement, insubordination and other ills that are being exposed in various local authorities particularly urban. We are also complying with the Justice Bere judgement whereby he directed that the tribunal be established.

The current Local Government Act, as read with the Constitution, allows for the 45 day suspension of errant councillors but are out of line with the spirit of the new Constitution when it comes to the conclusion of the disciplinary action. This has in essence created a free for all in local authorities.

As we speak, a number of shocking cases of maladministration and corruption have been uncovered by the Ministries following reports from concerned and desperate members of the public and residents associations:-

- A councillor, in connivance with council plumber, has by passed his water meter and those of his cronies, thereby prejudicing his own council of revenue for a service rendered.

- A councillor used funds meant for a council medical aid society to pay for personal university tuition.

- A councillor has awarded himself more than 20 stands in a single term, as yet uncompleted, in office.

- A councillor has sold council land and pocketed the proceeds.

- A councillor who was unlawfully driving a council vehicle and had an accident, framed a driver for the offence.

- Several local authorities are also still operating without approved 2016 Budgets in violation of the Public Finance Management Act. Many are up to four years behind in the audit cycle.

Such acts defy the basic values and principles of public administration as espoused in the Constitution and cannot be left unchecked.

Mr. Speaker, the Constitution provides for Cabinet to prepare, initiate and implement national legislation. As Ministers responsible for the Urban Councils and Rural District Councils Act, it is imperative that, in order to effect the entire Act, provision is made to sanction those who willfully violate parts thereof. There is need to clarify that the establishment of local authorities does not in any way impinge on the constitutional powers of Central Government to enforce compliance to national legislation.

This proposed legislation has put in place measures to ensure the independence of the tribunal by having reputable bodies nominate the members thereof. I must also bring to your attention the fact that where a councillor is aggrieved by a perceived lack of independence of members of the tribunal, she or he has the right to raise this in an appeal.

May I point out that this legislation will cover all 1 958 councillors in the 92 Rural District Councils. Currently, councillors across the political divide, including several from my own party; have cases pending hearing from this tribunal.

To this end, there is an urgent need to amend the respective Acts to restore order, protect the public from abuse and misuse of council property and funds and to restore public confidence in their local authorities.

The Memorandum of Principles for the Local Government Laws Amendment Bill was approved by Cabinet on the 26th of April 2016.

My Ministry has finalised the drafting of the Local Government Laws Amendment Bill incorporating the new constitutional requirements in relation to the discipline of mayors, chairpersons and councillors.

It is in view of the above that I hereby submit the Local Government Laws Amendment Bill for consideration. I therefore, move that the Bill be read a second time.