

PARLIAMENT OF ZIMBABWE

Tuesday, 28th March, 2017

The National Assembly met at a Quarter-past Two O'clock p. m.

PRAYERS

(THE HON. SPEAKER in the Chair)

ANNOUNCEMENT BY THE HON. SPEAKER

INVITATION TO A CATHOLIC CHURCH SERVICE

THE HON. SPEAKER: I also wish to inform the House that there will be a Catholic Service tomorrow, Wednesday, 29th March, 2017 at 1145 hours in the Senate Chamber. All members who are Catholic and non-Catholic are invited.

CONSIDERATION STAGE

PUBLIC PROCUREMENT AND DISPOSAL OF PUBLIC ASSETS

BILL [H.B. 5A, 2016]

First Order read: Consideration: Public Procurement and Disposal of Public Assets Bill [H.B. 5A, 2016].

Amendments to Clauses 2, 29 and 99 put and agreed to.

Bill, as amended, adopted.

Third Reading: With leave, forthwith.

THIRD READING

PUBLIC PROCUREMENT AND DISPOSAL OF PUBLIC ASSETS

BILL [H.B. 5A, 2016]

THE MINISTER OF FINANCE AND ECONOMIC

DEVELOPMENT (HON. CHINAMASA): Mr. Speaker Sir, I move that the Bill be read the third time.

Motion put and agreed to.

Bill read the third time.

SECOND READING

NATIONAL COMPETITIVENESS COMMISSION BILL [H. B.

6, 2016]

Second Order read: Second Reading: National Competitiveness
Commission Bill [H. B. 6, 2016].

Question again proposed.

**THE MINISTER OF STATE IN THE VICE PRESIDENT'S
OFFICE (HON. C. C. SIBANDA):** Thank you Mr. Speaker Sir. I move
that the debate do now adjourn.

Motion put and agreed to.

Debate to resume: Wednesday, 29th March, 2017.

SECOND READING

DEEDS REGISTRIES AMENDMENT BILL [H.B. 3, 2016]

**THE MINISTER OF STATE IN THE VICE PRESIDENT'S
OFFICE (HON. C. C. SIBANDA):** Mr. Speaker Sir, the Government
of Zimbabwe remains devoted to eliminating the problems involved in

doing business in Zimbabwe. The anticipated advancement in the economy and investments would be sustained if we have a favourable working environment. There are quite a number of obstacles that are involved when one wants to set up a business in Zimbabwe. After realisation of the stagnation in business growth, the Ease of Doing Business Project was launched. As a country, we evaluated means of improving on our commercial laws and regulations and their enforcement. In a world that is fast globalising, many of our transactions are not being done electronically thereby making it relatively unfavourable for business to be conducted only through paper records. That is why this Bill seeks to amend the Deeds Registry Act so that registration of property is done electronically and an electronic database is created to promote economic growth, both locally and internationally. The effect of these changes is to ensure that business is promoted by the expedited registration period and electronic database, thereby making savings on both money and time.

Mr. Speaker Sir, I am sure that everyone is affected by the aforementioned challenges which significantly contribute to corruption in Zimbabwe. The unavailability of electronic access to the Deeds Registry's Offices also contributes to delays in export time and reduces exports. The unavailability of access to the Registry's Offices is of great concern as we are in an era of globalisation and digitalisation. It is, therefore, fundamental to ensure that there is smooth transfer of titles and registration of properties to reduce the cost of doing business among other benefits.

Mr. Speaker Sir, at this juncture, I would like to highlight the contents of the Bill before Honourable Members.

Mr. Speaker Sir, Clause 2 seeks to amend section 78 of the principal Act so as to restrict the execution of powers of attorney only to those witnessed and signed by a legal practitioner, notary public or justice of the peace and the signature of such legal practitioner.

Attestations of such powers by "competent witnesses" or commissioners of oaths will no longer be competent for deeds registry purposes. This

new mandatory provision of having a legal practitioner, notary public or justice of the peace attest to approve of the power of attorney is due to the high increase of fraudulent transfers of immovable property based on fake powers of attorney. This new requirement will protect the public from fraudsters who intend to swindle innocent victims.

Mr. Speaker Sir, Clauses 3 and 4 further seeks to permit the digitalisation of the deeds registry and eventual establishment of an electronic deeds registry which will supplement the paper based one, thereby greatly expediting and facilitating deeds registry administration. Access to the electronic registry for the purposes of information gathering and conveyancing work or notarial practice will be subject to certain safeguards against fraud, violations of privacy and other abuses.

THE HON. SPEAKER: Order, our whispers are too loud please.

Hon. Minister if you can carry on.

THE MINISTER OF STATE IN THE VICE PRESIDENT'S OFFICE (HON. C. C. SIBANDA): The Clause will not limit the Deeds Registry Office to Harare and Bulawayo only but will allow for a

centralised electronic database. The Bill will also allow maintenance of the Register to be extended to provide online services which is the new trend in business and allows users not to be physically present at the Registrar's Office, thereby saving and promoting businesses in Zimbabwe. Hon. Members will note that this amendment Bill has addressed the core issues to facilitate ease of doing business in Zimbabwe in terms of the Registrar's Office. The role of the Registrar is expediting the registration and inspection of properties. Registration is fundamental in promoting business in our country. It is high time that we move from paper based systems that are long winding, difficult to access and confined to a specific geographic location. We need to embrace technology and use it as a necessary tool to promote business and attract investors by eliminating obstacles that lengthen the process of registration.

I therefore commend the Deeds Registry Amendment Bill of 2016, to the House and move that the Bill be now read a second time.

THE HON. SPEAKER: I shall not call for a debate because the Portfolio Committee on Justice needs to table their report before we can open the debate to everyone else.

THE MINISTER OF STATE IN VICE PRESIDENT HON. MNANGAGWA'S OFFICE (HON. C. C. SIBANDA): I move that the debate do now adjourn.

Motion put and agreed to.

Debate to resume: Wednesday, 29th March, 2017.

SECOND READING

JUDICIAL LAWS AMENDMENT (EASE OF SETTling COMMERCIAL AND OTHER DISPUTES) BILL [H.B. 4, 2016]

Fourth Order read: Second Reading: Judicial Laws Amendment Bill Amendment (Ease of Settling Commercial and Other Disputes) Bill [H. B. 4, 2016].

THE MINISTER OF STATE IN VICE PRESIDENT HON. MNANGAGWA'S OFFICE (HON. C. C. SIBANDA): Mr. Speaker

Sir, our Government remains committed to removing the difficulties involved in doing business in Zimbabwe. The desired growth in the economy and investment would be sustained if we have an enabling environment. Rigorous business hurdles for setting up and running a business, limited access to credit, limited legal enforcement of business contracts are just but to mention a few challenges we face in Zimbabwe and across Africa. The ease of doing business project is centred on how as a nation we can improve our commercial laws and regulations as well as their enforcement so that we improve economically in the region. Its objective is to eliminate the unnecessary cost and other policy inconsistencies affecting business. Business regulation and enforcement plays a pivotal role in the fulfilling of ZIM ASSET as it contributes towards economic growth. That is why this Bill seeks to amend the High Court Act, the Magistrates' Courts Act and the Small Claims Courts Act so that disputes of a commercial nature are dealt with expeditiously in our courts. It will expedite justice delivery and promote access to justice.

Hon. Members might be aware of our considerable efforts to get rid of stringent business regulations which hinder economic growth, causing unemployment and corruption. This also leads to delays in export time and reduces exports. Court regulations that result in delays in dispute resolution weaken the enforceability of contracts, increase corruption and are associated with inconsistency and unfairness of dispute resolution. Justice delayed is justice denied. A competent court system capable of enforcing business contracts and ensuring a smooth transfer of titles in the event of sale or purchase of property reduces the cost of doing business. Mr. Speaker Sir, this now brings me to the contents of the Bill before Hon. Members.

Clause 3 and 8 seek to introduce ‘virtual sittings’ in our court system. This will enable provision to be made by rules of court for ‘virtual sittings’ of the Court at which all or any of the parties to a civil suit may (by mutual agreement) participate in sittings of the court by electronic means. The virtual sitting will enable court proceedings to take place especially in places where parties involved are outside the

country, in hospital or have failed to attend court due to other commitments. Virtual sittings consist of the judges of the High Court or in matters heard at the Magistrates Court, magistrates, sitting in court or in chambers communicating with all parties. The communication is by the use of any electronic or other means of communication by which all the parties to the proceedings at the sitting can hear and be heard at the same time without being physically present together. Some business previously confined to the civil courts will qualify to be heard by superior judicial offices via telephone and video conferencing.

Mr. Speaker Sir, the parties involved in the suit must consent to the hearing of the case by means of a virtual sitting. The Bill states that the High Court rules of court for virtual sittings apply only to civil proceedings and not criminal proceedings. The Bill does acknowledge the possibility that the Criminal Procedure and Evidence Act may under exceptional and specific circumstances, allow the use of virtual sittings in criminal hearings. In its current form, the Criminal Procedure and Evidence Act does not make provision for virtual hearings. This will

assist in speedy resolution of commercial disputes between parties electronically, without them being necessarily present in court.

Mr. Speaker sir, Clauses 2 and 5 of the Bill provides for the creation of divisions in the High Court for specific purposes. The judiciary is set for reformation through specialised extensions of the High Court. This is in line with the Constitution as provided for under Section 171 (3) which stipulates that a law may be made to provide for the High Court to be divided into specialised divisions but every such division must be able to exercise the general jurisdiction of the High Court in any matter that is brought before it.

The High Court will be given some powers to create divisions through a Statutory Instrument where necessary, in this instance the Commercial Division. From time to time, the High Court may create divisions to speed resolution of disputes. This is a positive measure as it will go a long way in breaking the perception that commercial litigation in the country is frustratingly slow while the costs are far too burdensome. The amendment will assist in the fast, efficient and high

quality dispute resolution of disputes and claims of a commercial nature. Cases will be heard by judges with suitable expertise and experience.

The Chief Justice, after consultation with the Judge President, can now cause the creation of a specialised division of the High Court in accordance with Section 171 (3) of the Constitution of Zimbabwe by notice in the *Government Gazette*. The Chief Justice shall specify the name of the division of the High Court concerned; and define or give a statement of the scope or nature of the division's jurisdiction and if necessary or expedient, specify the places and times at which the division shall sit. Specialised divisions of the High Court may be created to specialise in the adjudication of cases in the field of commercial law, family law, mining law, electoral law, revenue law, the law of the deceased and insolvent estates or any other specialised field of law.

Other specialised divisions will include the Fiscal Appeal Court and the Intellectual Property Tribunal. The rules of court applicable to the High Court shall apply to all divisional courts. The Judge President

shall assign at least two judges of the High Court to be judges of a specialised division of the High Court for such period as the Judge President shall specify. This is the practice in other jurisdictions such as Ireland, Tanzania and Britain just to mention a few. Cases are determined in a manner which is just expeditious and likely to minimise the costs of those proceedings.

Mr. Speaker sir, Clauses 4 and 9 introduce an electronic service of litigation in Zimbabwe to enable rules to be made for such matters as the electronic service of process. These proposed amendments will apply equally to the High court as well as the Magistrates' Court. This move will transmute the current paper-based court processes by moving towards computer-based technology. In a bid to expedite court processes, the Bill seeks to allow for:

- the service of process, for example summons and court applications by electronic means;
- the authentication of documents by electronic means, whether executed inside or outside Zimbabwe; and

- the digitisation of the records filed or lodged with the Registra and the conditions of access thereto or for the copying thereof for the purpose of any judicial proceedings.

Mr. Speaker Sir, Clause 5 of the Bill will amend the interpretation section of the Magistrates' Court Act, Chapter 7:10 by adding definitions of business, commercial court and commercial dispute for the avoidance of doubt and the closure of any loopholes when disputes of a commercial nature arise. This will also ensure speedy conclusion of disputes as there will be no need to battle on interpretations of what constitutes a commercial dispute. This has been done for clarity.

Clause 10 of the Bill addresses the decentralisation of the Small Claims Court. The recent decentralisation of the small claims through Statutory Instrument 34 of 2016 has also played a significant role in making the country conducive for business. Every Magistrate Court in Zimbabwe can now sit as a Small Claims Court. This means that Small Claims Courts are now in every province countrywide and in every district where a Magistrate Court can be found. Instead of forking out

fares travelling to and from provincial towns for the small claims, upcoming business people can now walk to their nearest Magistrates' Court for justice.

The definition of person has been extended to juristic persons to allow corporate entities to follow up on their debtors. Formally, they had no locus standing in the small claims court. Artificial personality, juridical personality or juristic personality is the characteristic of a non-living entity regarded by law to have the status of personhood. Statutory Instrument 34 of 2016 has also increased the jurisdictions of the Small Claims Courts from \$250 to \$1000. This was done in order to decongest the Magistrates' Courts in order to facilitate speedy resolution of disputes.

Mr. Speaker Sir, Clause 11 of the Bill seeks to afford parties in a dispute the right to legal representation in the Small Claims Court which was previously non-existent in such courts. Lawyers are now allowed to represent clients in the Small Claims Court in line with the constitutional provision as stipulated under Section 69(1). However, the tariffs should

be governed by the Minister responsible and party to party costs cannot be claimed. The right to legal representation is generally regarded as a constituent of the right to a fair trial. Legal representation is an important tool or means of enforcing one's rights. As a minimum, the right to a fair trial includes, the right to be heard within a reasonable time, the right to counsel and the right to a public hearing just to mention a few. This right is also protected under the Universal Declaration to Human Rights (article 10), International Convention on Civil and Political Rights, ICCPR (article 14), African Charter on Human and People's Rights, ACHPR (articles 3, 7, 26).

Clause 12 of the Bill seeks to shorten the period within which small claims court proceedings may be initiated for speedy conclusion. Currently, for one to commence action in the small claims court, the plaintiff must deliver personally or through registered post, a letter of demand to respond within 14 days. If the defendant fails to respond to the claim within the 14 day period, the plaintiff must request the clerk of the Small Claims Court to issue summons which again must be

responded to within the 14 day period. Hon. Members, the amendment which Clause 11 seeks to introduce has an effect of reducing the 14 day period to seven days for ease of doing business. This again is a positive move in providing speedy conclusion of disputes of commercial nature by reducing the time period of institution of actions in the Small Claims Court.

Mr. Speaker Sir, Hon. Members will note that this amendment Bill has addressed quite a number of issues to facilitate ease of doing business in Zimbabwe. The role of the Judiciary in dealing with insolvency and resolution of other disputes is of considerable importance. There is a significant relationship between the positive and negative between court efficiency in handling debt contracts and total credit. There is also a correlation between procedural formalism of the court system and the duration of resolution. Courts are essential for entrepreneurs because they interpret the rules of the market and protect economic rights. Efficient and transparent courts of law encourage new business relationships.

I therefore commend the Judicial Laws Amendment Bill of 2016 to the House and move that the Bill be now read a second time.

Motion put and agreed to.

THE MINISTER OF FINANCE AND ECONOMIC DEVELOPMENT (HON. CHINAMASA): I move that the debate do now adjourn.

Motion put and agreed to.

Debate to resume: Wednesday, 29th March, 2017.

MOTION

BUSINESS OF THE HOUSE

THE MINISTER OF FINANCE AND ECONOMIC DEVELOPMENT (HON. CHINAMASA): Mr. Speaker Sir, if I could crave the indulgence of the House to move that Orders of the Day, Numbers 5 to 45 be stood over until Order of the Day, Number 46 has been disposed of.

Motion put and agreed to.

HON. CHAMISA: I have a point of order.

THE ACTING SPEAKER: You may go ahead.

HON. CHAMISA: Thank you very much. I did not rise to object to the expediency of dealing with Order Number 46 but my reason for being on my feet is just to seek clarification before the Minister assumes the platform, particularly in the context of the myriad of challenges and problems we are facing in the country when it comes to the queues that are in the banks. We have been waiting for the Minister. If he may also favour us with whether or not he is going to issue a Ministerial Statement on the important issue of availability of cash in the banks.

Hon. Speaker, it is very important. I know it is not directly related to this matter but now that we have the Minister and we have given him the indulgence in allowing him to skip all the other motions. Is he also as a *quid pro quo* and an alternative favour to Parliament, is he going to favour the nation with a statement on the circumstances around the bond notes, their effectiveness or lack thereof and what is being done by

Government? I think we have gone into almost 100 days after the introduction of the bond notes. I thank you Hon. Speaker.

THE MINISTER OF FINANCE AND ECONOMIC DEVELOPMENT (HON. CHINAMASA): Yes, I will do so. I will favour the House with a Ministerial Statement sometime next week. I am not going to be in the country from tomorrow until Saturday. So, I will do so next week.

ANNOUNCEMENT BY THE ACTING SPEAKER

ZANU PF CAUCUS MEETING

THE ACTING SPEAKER: ZANU PF Members of Parliament, there will be a Caucus meeting for ZANU PF Members of Parliament on Wednesday, 29th March, 2017 at the ZANU PF Headquarters at 1000 hours. You will be advised of the agenda. Please attend and be punctual. Thank you.

MOTION

SECOND REPORT OF THE PUBLIC ACCOUNTS COMMITTEE ON
THE ANALYSIS OF THE FINDINGS OF THE AUDITOR GENERAL
ON THE 2013 APPROPRIATION FUND AND STATE
ENTERPRISES AND PARASTATALS ACCOUNTS

Forty-Sixth Order read: Adjourned debate on motion on the
Second Report of the Public Accounts Committee on the Analysis of the
findings of the Auditor-General on the 2013 Appropriation Funds and
State Enterprises and Parastatals Accounts.

Question again proposed.

**THE MINISTER OF FINANCE AND ECONOMIC
DEVELOPMENT (HON. CHINAMASA):** Mr. Speaker Sir, allow me
to express my sincere apologies to the august House for the time it has
taken me to respond to this report that was presented in March, 2016; as
well as the other issues that were raised by the august House for my
attention. Let me further assure the House that I will, going forward,
endeavour to submit timely responses to issues raised by the House. For
ease of reference, in my response, I will deal with each of the issues

raised by the Committee. I refer to the Committee's recommendations and also the action taken by the Executive.

	Issue of concern to the Committee	Committee recommendation	Response
1.	Financial Misconduct	Treasury should by the end of June 2016, come up with regulations providing specifically for various acts of financial misconduct.	As indicated in my reponse to the Third public Accounts Report on the Ministry of Finance and Economic Development, the Public Finance Management Regulations are currently being finalised and will be available to the Auditor-General for comment during the first quarter of 2017.
2.	Appointment of Boards and Senior Management of SEPs and declarations of Assets by SEPs Board Members.	That the Executive should, where applicable, constitute Boards and appoint Senior Management to run the affairs of State Enterprises and that all Board Members should declare their assets.	<p>The Executive is finalising a draft corporate Governance Bill for Public Enterprises that will govern the appointment of Board Members and Senior Managers, clarify roles and responsibilities and provide for the declaration of assets by each Public Enterprise Board Member. The Bill should be presented to Parliament during the first half of 2017 as the drafting is at an advanced stage.</p> <p>I also need to point out that in terms of good corporate governance, Ministers and the Executive should not appoint management. Management appointments should be the responsibility of Board Members.</p>
3.	Appointment of Audit Committees	All Accounting Officers must appoint Audit Committees by June 2016 in order to comply with Section 84 of the Public Finance	While the process has taken longer than anticipated, given the requirement to consider conditions of service for Audit

		Management (PFM) Act.	<p>Committee Members, the Treasury in January 2017, directed all Accounting Officers to appoint Audit Committees by 31 March 2017.</p> <p>The framework for these appointments has been resolved and is specified in a letter to all Accounting Officers, headed, “Operationalisation of Public Finance Management Act and Provisions on Establishment of Audit Committees for Government” dated 27 January 2017.</p>
4.	Key Policy Documents	All entities must put in place key policy documents such as IT, Investment and Risk Management Policies by the end of June 2016.	These issues will be adequately addressed in the proposed Governance Bill and will be vigorously pursued when the Bill becomes law.
5.	Failure to manage Cash and Receivables.	Accounting Officers failing to manage cash and receivables should be dismissed.	<p>While I share the Committee’s concerns and Treasury is doing everything in its power to improve the management of these and other Government resources and assets, each case will be treated on its merits with the dismissal of Accounting Officers possibly being considered by the responsible authority as a last resort after appropriate disciplinary procedures have been fully exhausted.</p> <p>I may also wish to add that, training of Accounting Officers is imperative and will be pursued as vigorously as motoring of their performance.</p>
6.	Related party transactions	Related party transactions should be reported on time and failure to do so should be dealt with in terms	I am satisfied that related party transactions are adequately covered in annual reports of Appropriation Accounts and the

		of Section 91 of the PFM Act.	Financial Statements of SEPs, reports that are tabled before this House. Where there are transgressions, these will be fully investigated and appropriate action taken.
7.	Payment of allowances to Executives and Senior Managers	All allowances paid to Senior Executives and Managers should be reflected in the payroll.	All emoluments to Executives and Senior Managers are now fully reflected on the payroll. In addition, these as well as payments to Board Members are now subject to appropriate taxation.
8.	Decentralisation of the procurement function	Government should speed up the effort to decentralise the Procurement Law	Government efforts to reform the Procurement Law are at an advanced stage. As you are all aware, the Bill is going through the Parliamentary approval processes.
9.	Remission of Statutory and Contractual payments	Entities should remit Statutory and Contractual payments to NSSA, ZIMRA and Medical Aid Institutions	I agree with the Committee's recommendations and would advise that, while there are a few exceptions, remission of Statutory and Contractual obligations to these bodies has improved considerably this report was tabled. We continue to work on trying to ensure total compliance.
10.	Result Based Management	All Ministries and Parastatals should implement RBM	Government is fully committed to implementing the RBM Performance Management System. Within different ministries and parastatals, the level of success and commitment has been varied but we continue to work at it.
11.	Loan Agreements	All loans should have loan agreements	I agree with the Committee's recommendations and am pleased to advise this House that all loans now have loan agreements and that all Government guarantees are now

			subject to on-lending agreements between the Government and the ultimate borrower.
12	Strategic plans for all entities	All entities should have strategic plans that are linked to the Results Based Management System	I agree with the Committee's recommendations and advise that the draft Corporate Governance Bill adequately deals with this issue.
13	Proper segregation of duties, monthly reconciliations, separation of Appropriation and Funds Accounts and timely submission of financial statements and supporting returns	All entities should generate timely returns, carry out regular reconciliations and meet deadlines for the submission of financial statements and supporting documents	I have combined a number of issues of a compliance nature that the Committee raised in their report. I agree with the Committee's recommendations on compliance, timeliness and the need for disciplinary measures to be taken where there are transgressions. There has been some improvement, achieved mostly through considerable investment in training at the processing as well as the supervisory level. This, however, remains work-in-progress. Where appropriate, disciplinary action will be taken.
14	Fraudulent activities and abuse or loss of State property	Fraudulent activities and instances of abuse or loss of State property	I agree with the Committee's recommendations and can assure the House that such incidences are fully investigated and disciplinary action taken. As financial management performance improves through training and experience, I expect the occurrence of these incidences to reduce and cases of prosecution to increase.

Once again, I apologise for the delay in responding to the Committee's report and I am sure that as we go forward, there will be increased improvement in the matter. Thank you very much.

HON. MPARIWA: Thank you Hon. Speaker. I rise to give an appreciation to the Minister in terms of the good progress that he has indicated and some of the members including myself have seen that the Minister has gone out of his way with the meager resources that the country has in trying to implement and cushion in terms of departments and parastatals. You may recall, Hon. Speaker, you are a member of the Public Accounts Committee, that we have lost millions of resources in parastatals. We appreciate that the Minister is trying his level best in trying to curb the loopholes as indicated in the reports of the Auditor General.

I may not have done justice if I were to sit down without actually paying tribute to the Auditor General and her department who happen to be the real people in terms of the work that the Public Accounts Committee does and with the reports that they produce. Let me

encourage all members of the House to go through the reports of the Auditor General so that they get an appreciation of where we are getting all these issues and concerns. With that, let me thank Hon. Minister Chinamasa for a job well done.

This is team work and this is what we are calling for as Members of Parliament – to hold the Executive to account so that we have some kind of progress and protect our own resources.

With these few words, I move that this House takes note of the Second Report of the Public Accounts Committee on the Analysis of the Findings of the Auditor-General on the 2013 Appropriations Funds and State Enterprises and Parastatals Accounts.

Motion put and agreed.

MOTION

BUSINESS OF THE HOUSE

HON. MATUKE: Mr. Speaker Sir, I move that we revert to Order Number 14.

HON. MUKWANGWARIWA: I second.

Motion put and agreed to.

MOTION

SECOND REPORT OF THE PORTFOLIO COMMITTEE ON TRANSPORT AND INFRASTRUCTURAL DEVELOPMENT ON THE ENQUIRY IN THE AVIATION INDUSTRY

HON. NDUNA: I move the motion standing in my name that this House adopts the Second Report of the Portfolio Committee on Transport and Infrastructural Development on the inquiry into the Aviation Industry in Zimbabwe.

HON. MAONDERA: I second.

HON. NDUNA: Thank you Mr. Speaker Sir. In the second and third Session, the Committee commenced an enquiry into the operational challenges faced by aviation industry. Pursuant to this, the Committee held oral evidence sessions with the Civil Aviation Authority of Zimbabwe (CAAZ), Air Zimbabwe Board and Management and

National Handling Services. The oral evidence sessions were augmented by site visits to the Harare International Airport and the Victoria Falls Airport. The enquiry was not only motivated by the Committee's desire to uphold Section 119 (3) of the Constitution which explicitly spells out our oversight mandate, but also by the Committee's earnest intention to contribute to the national development agenda in line with Strategic Goal 7 of our Institutional Strategic Plan and the ZIMASSET economic blueprint. The idea was to create value through rejuvenating our flagship carrier, Air Zimbabwe, in particular and the entire aviation industry in general based on the firm belief in the strategic importance of our national airline to the economic revival of Zimbabwe. Air Zimbabwe is, indeed, a strategic unit that can be used by Government in order to grow other sectors. As such, it must not be viewed parochially as a cash cow or as a business entity with the sole mandate to make a profit but rather as an economic driver. To put this into perspective, for example, if an individual flies from Johannesburg to Harare, they are only going to spend USD 300 on airfares which may not translate to much, but they will spend over USD 2 000 when they stay at the Meikles Hotel for a

week. Viewed from this perspective, our national airline is thus a major economic driver whose revival we must resolutely fight for.

1.2 The afore-stated enquiries confirmed, regrettably, that though Air Zimbabwe is a strategic national asset which is still very much viable and will, if handled correctly, always be viable, the aviation industry was fraught with both intrinsic and extrinsic challenges. The enquiry into the operations of the CAAZ in particular revealed that the aviation industry requires funding in excess of US\$50 million for construction and upgrading of airports infrastructure as well as the modernisation of Air Traffic Control communication systems and air navigation aids. Given such a scenario, it was little wonder then that Zimbabwe continues to maintain such an enviable safety record in the region and beyond in the face of such challenges. The Committee believes that this admirable safety record is attributable to the professionalism and dedication of the foot soldiers- pilots and air traffic controllers- even though the resources are insufficient to the extent that at one time these diligent men and women worked for three years

without pay. The Committee thus resolved to extend its enquiry in the Fourth Session to the operational level, to the pilots and air traffic controllers themselves- the men and women responsible for maintaining safe, expeditious and orderly movement of aeroplanes in our skies- to hear from ‘the horse’s mouth’ as it were, the situation obtaining in the industry. This report, therefore, outlines the Committee’s findings in that enquiry.

2.0 Submissions by Air Traffic Controllers

2.1 Prioritisation of non- core activities by CAAZ

The Air Traffic Controllers averred that in spite of the challenge of inadequate resources, the bulk of the resources were being committed to non- priority areas at the expense of core activities. For example, CAAZ financed non-core activities such as Customer Service Celebrations over procurement of standby communication radios. Not celebrating customer service week has no effect on the safety of aircraft whereas loss of communication with aircraft may result in loss of property, lives and stretches the nation’s fiscal space through litigation.

2.2 Expeditious Procurement and Implementation of Secondary Surveillance Radar (SSR) and Automatic Dependent Surveillance Broadcast (ADS-B).

The Air Traffic Controllers submitted that with ADS-B and SSR operational across the country, pilots in equipped aircraft would have access to services that provide a higher level of safety and efficiency. Aircraft will enjoy more efficient spacing and optimal routing. This will enhance the Air Traffic Controller's awareness of aircraft in the airspace and enables controllers to identify and resolve potentially hazardous situations quickly and effectively. It also improves the ability to perform life-saving search and rescue missions. Air traffic controllers tracking aircraft will have information that is more accurate about last reported positions, helping to take the "search" out of search and rescue, thereby reducing the critical window of time involved in search and rescue operations.

2.3 Outdated, Moribund and Antiquated Equipment

2.3.1 The Air Traffic Controllers stated that if the current situation

prevails, the country is not guaranteed of continuous provision of efficient and effective air navigation service. They pointed out that the Communication Navigation Surveillance/Air Traffic Management equipment has outlived its lifespan. The radios breakdown frequently and, in some cases, pilots have to resort to use of cell phones to talk to controllers. Basic equipment like microphones, headsets and handsets are in a sorry state and in short supply. There are no backup communication systems in the event of a breakdown of the equipment.

2.3.2 As a result, aircraft flying in the lower air space are flying with very limited radio contact with Air Traffic Control. This may lead to collision due to lack of traffic information and traffic avoidance advice. Lack of radio surveillance in the lower airspace may also result in security infringement and delayed or no rescue in the case of a crash. A case in point is the helicopter that entered Zimbabwean airspace and crashed in the Gwanda area in 2014.

2.3.3 The Air Traffic Controllers highlighted the following critical issues:

- Lack of emergency escape routes for Control Towers at Harare, J.

M. Nkomo, Victoria Falls, Kariba, and Charles Prince Airports

- Outdated Aeronautical Charts resulting in pilots using inaccurate data;

- Absence of wind direction and speed indicators at Hwange National Park airport;

- Absence of a standby generator at Hwange National Park airport resulting in limited VHF radio range when mains power fails; and,

- Unserviceable crash alarm at Victoria Falls Airport

2.4 Refresher Training Programmes for ATC Staff

CAAZ was encouraged by the Committee to prioritise training of Air Traffic Control personnel in the mainstream of the organisation's programs. They contended that ATC training programs are afforded minimal funds in favor of non-core activities that include but are not

limited to golf tournaments, football tournaments, secretaries' and office orderlies' retreats. The Air Traffic Controllers pointed out that there are some officers that were last trained over 20 years ago and have not received any further refresher training since their basic ATC training. Thus, the air traffic controllers are not abreast with modern trends in the industry.

2.5 Implementation of Safety Management Policy

2.5.1 The Committee called upon CAAZ to implement the Safety Management Policy in full. They noted, for instance, that in 2010, the nation lost an MA60 aircraft owned by Air Zimbabwe in a runway accident at Harare airport involving warthogs. While wildlife remained a looming threat at airports such as Victoria Falls, Buffalo Range, Hwange and Kariba, the authority had not put in place robust measures to mitigate accidents similar to the one that occurred at Harare airport. They pointed out that simple, inexpensive measures like grass cutting, bush clearance and allocation of vehicles and personnel for the sole purpose of clearing identified wildlife were not being implemented by

management. This resulted in aircraft delays and increased workload on the pilots and controllers due to aborted landings and takeoffs.

2.5.2 In addition, the runway rehabilitation at Harare airport remains incomplete more than a decade after it began. Consequently, a significant stretch along the runway has a rough surface, which has the potential to damage aircraft. Moreover, there is no lighting on the runway centerline and all taxiways. The airfield lighting cannot be switched on/off from the tower and the brilliance cannot be adjusted from the control tower as well. This is particularly important in harsh weather conditions when aircraft on final approach request that lights be turned on or brilliance be increased or decreased at that instant.

Coordinating with an electrician with that capability is not instantaneous and usually the aircraft lands without any of the requested action complied with which is very dangerous and exposes the aircraft to risks of bad landings and accidents.

3.0 Submissions by Pilots

It is imperative to highlight that though the oral evidence sessions

with pilots and air traffic controllers were held separately and on different days altogether, the striking similarities in their submissions were very revealing, particularly on the need for a secondary surveillance radar and modern state-of-the-art equipment. Over and above the issues raised by air traffic controllers, the pilots also noted the following issues of concern:

3.1 Governance Structure

3.1.1 Air Zimbabwe had no substantive management for over three years with the Chief Executive Officer holding the post in an acting capacity. This had crippled the CEO's ability to make substantive policy decisions and created an untenable corporate governance scenario of 'responsibility without authority.' The implication of this scenario was that the acting CEO could not make decisions without consulting the parent Ministry thus resulting in inordinate delays in decision-making due to bureaucratic red tape.

3.1.2 The pilots further submitted that due to the specialised nature of the aviation industry, it would be prudent to appoint board members

with a modicum of understanding of the industry as opposed to the prevailing situation wherein ‘professional ignoramuses’ were appointed to the board. In addition, the board members were constantly and consistently chopped and changed at the discretion of the Minister resulting in a dearth of continuity in operations and, ultimately, a disconnect between the Ministry and the airline’s vision.

3.2 Fleet Modernisation

The pilots observed that the economic lifespan of an aircraft is at most 20 years. Beyond that, the aircraft would have exceeded their sell-by date resulting in huge maintenance costs. Accordingly, they proposed that new aircraft be purchased to enhance efficiency, attract customers and reduce operational costs.

3.3 Resuscitation of the Harare- London Route

The pilots submitted that the Harare- London route which had been abandoned due to operational challenges, was a latent cash cow which needed to be resuscitated as a matter of urgency. They contended that

owing to the huge number of Zimbabweans residing in the diaspora, airlines plying that route such as Ethiopia and Emirates airlines were almost always full to capacity. Re-introducing a direct flight between Harare and London would recapture all those customers who had to endure long transit hours along that route.

3.4 Conditions of Service

3.4.1 The pilots noted with concern the lack of job security arising from the fact that they did not have proper working contracts but were paid what was termed a “working allowance.” This had resulted in an unbridled brain drain of skilled and experienced pilots and engineers. In addition, there was no visible commitment from management to retain the skilled manpower.

3.4.2 The underlying frustration from poor working conditions was exacerbated by the apparent lack of engagement at policy level which had resulted in policy decisions which neither protected nor promoted the national airline. For instance, where other airlines are jealously protected by their governments, Zimbabwe had granted licences to new

airlines to ply exactly the same routes that Air Zimbabwe plies which was unheard of in the industry. All national airlines are protected by their governments and are given the first right of refusal rather than just putting a direct competitor on the same route.

4.0 Committee's Findings

The Committee noted the following:

4.1 There was generally low morale among both pilots and air traffic controllers who felt that the importance of their profession was not being given due recognition and support. This was exacerbated by management's apathetic attitude towards staff welfare issues typified by delayed responses to the concerns of staff.

4.2 While the Committee acknowledged that the purchase of state-of-the-art aviation equipment requires resources, CAAZ and Air Zimbabwe management were not proactive in resolving those issues that do not require huge capital investments such as grass-cutting and bush clearance at airports;

4.3 Sharing of equipment such as microphones and headsets

poses serious health hazards to ATC personnel;

4.4 Air Zimbabwe and CAAZ management have not created sufficient platforms for engagement with operational staff with the result that there is no shared vision of the direction both organisations should take nor are there common values.

4.5 Clearance of the debt to IATA will unlock value for Zimbabwe by enabling Air Zimbabwe to create strategic partnerships with other airlines.

4.6 Air Zimbabwe's governance structure should be modeled in a way that enables management to make quick and viable decisions in a short space of time. The rather lengthy consultation chain involving management, the board and the parent Ministry hinders expeditious decision making in this cut-throat industry.

5.0 Recommendations

5.1 Purchase radar and surveillance equipment, radios, headsets, control units and a standby communication system by end of June 2017.

5.2 Training of staff must be inculcated in the broader human resources strategy of CAAZ to ensure that air traffic control personnel

are up-to-date with modern trends and developments in the aviation industry by end of June 2017.

5.3 Rehabilitation of the runway at the Harare International Airport and installation of airfield lighting must be done immediately.

5.4 The air navigation system should be computerised and integrated by end of June 2017.

5.5 Management must create platforms for engagement and consultation with operational staff and provide timeous feedback on staff welfare issues by end of June 2017.

5.6 Government, in the current budget, must prioritise the clearance of the IATA debt to enable Air Zimbabwe to actively pursue strategic partnerships and alliances with other airlines which will facilitate the revival of the national airline through opening up more routes.

5.7 In view of the prevailing challenges, Air Zimbabwe needs to

streamline its work force to ensure that it is not overstaffed in the wrong areas and understaffed in critical areas. Critical revenue generating processes must be prioritised in the process by end of June 2017.

5.8 Air Zimbabwe management must explore other previously unexplored lucrative local routes such as Harare-Beitbridge by end of June 2017.

5.9 A representative of pilots and engineers must be drafted as a permanent member of the board to ensure not only that they are represented at the policy making level but also that the board comprises personnel with extensive knowledge of the aviation industry by end of April 2017.

5.10 Government should consider giving Air Zimbabwe the 5% incentive on all tickets sold outside the country by end of April 2017.

HON. CROSS: Mr. Speaker Sir, this report is extremely important and I must say every one of us who are regular fliers must have heard this report with a great deal of concern. Flying an aircraft in the skies is not an amateur's job. This is a task that has to be conducted by experts

and has to be managed properly or else it puts at risk everybody who does so. What we have heard this afternoon is a litany of failure by the Ministry of Transport and the Air Zimbabwe Board. I want to raise in terms of the cost of doing business in Zimbabwe, the question of landing fees and departure taxes which were not raised by the Committee. In my view a departure tax of fifty dollars per passenger is simply outlandish and there is absolutely no way that we can provide a cost effective aircraft service or landing fees here at this rate. We have got to be competitive internationally when it comes to landing fees if we are going to attract air transport services.

In addition to that, this question of airport communications and control; this is not something you can play with. This is either done properly or it is not done at all and to have heard this afternoon that the equipment is antiquated, that many aircraft controllers simply do not have the basic equipment to do their jobs and, that radar systems are not working Mr. Speaker, is an issue which needs urgent attention. I think

and I would hope that we will demand that the Minister of Transport make an early response to this report.

When it comes to the questions of dysfunctional management, I think this has been an issue for a long time and I think this requires the Minister's urgent attention. I know the new Minister is doing his best and I really think that he should put this matter to rest as soon as possible. These proposals by the Committee that senior members of staff should be incorporated into the Board from both the technical and the flying staff I think, is a very good one and would help improve the quality of the management team.

When it comes to procuring equipment Mr. Speaker, there is no problem in the aviation industry in getting credit in terms of buying new equipment but what the sellers of new equipment look for is credible management that we can provide and a sound balance sheet. I think the Minister of Finance could restructure the balance sheet to meet the requirement. Good international insurance cover; we can arrange that in no time at all and a sound business plan which could be put to bed by a

team of local consultants together with management. That includes the question of vigorous promotion and advertising and good financial management. Mr. Speaker Sir, all those issues are under our control and I believe that we could put together a respectable, functional and cost effective air services in Zimbabwe under Air Zimbabwe's control without any difficulty and in short order.

The recommendations of the Committee I think needs to be followed up without exception and I will just point out to the House Mr. Speaker that, the question of management moral is very much a product of management itself and the question of the Board. It is not difficult to manage people who want to work for you and provided we do the right things. Even if pay is not adequate, we can find highly motivated people who would work to put Air Zimbabwe back on its feet. When it comes to procurement, I believe that we put together a team today in Zimbabwe, consisting of our better business persons. We could in fact organise procurement of new equipment across the board of extensive credit terms. Every airline in the world well does this. You do not have

to buy equipment for cash. When it comes to provision of essential equipment, what we heard this afternoon Mr. Speaker is not a hugely expensive list of requirements. Earphones and microphones; for heaven's sake, these are minor equipment. This should be petty cash in terms of an institution like Air Zimbabwe and the Ministry of Transport.

These matters need to be attended to immediately. There should be no delay whatsoever. Then there is the question of vision. Mr. Speaker, surely, we as a nation can sort this out tomorrow. It is not difficult to give an organisation a vision of where it needs to go. I think that the Minister needs to address this urgently.

When it comes to the debt to IATA of \$4.5 million, I cannot understand why this is not being settled. You cannot fly internationally if you do not pay IATA. You cannot sell tickets through the international systems without paying IATA. It makes complete business sense for the Minister of Finance and Economic Development to find this small amount of money and settle this obligation immediately. This really is petty cash.

When it comes to management review, we have all heard in the past the fact that Air Zimbabwe has numerous directors. They have a tor heavy management staff. Surely a review of management and conditions of employment and of general staff, is long overdue and that should be attended to. None of these issues requires external assistance or external intervention. None of these issues require donors' assistance. These are things we can do ourselves and we can do it tomorrow. I think as this august House, we must demand that the Minister appears before this House and give a full ministerial statement in response to this report. I thank you.

HON. MATUKE: I move that the debate do now adjourn.

HON. MPARIWA: I second.

Motion put and agreed to.

Debate to resume: Wednesday, 29th March, 2017.

MOTION

BUSINESS OF THE HOUSE

HON. MATUKE: I move that we revert to the Order of the Day Number 24.

HON. MAJOME: I second.

Motion put and agreed to.

MOTION

STATE OF URBAN ROADS

HON. MAJOME: I move the motion in my name that this House: CONCERNED that the state of the capital city Harare's and other urban roads are in an appallingly dilapidated state that is not only car-worthy but is hazardous to life, limb and property.

RECALLING that the Zimbabwe National Roads Administration (ZINARA) took over from Harare City Council and other municipalities the collection of termly vehicle licensing fees, 10% of which revenue would be retained by municipalities for road maintenance.

FURTHER recalling that municipalities were able to fund the maintenance of roads then, but disconcerted that the state of municipal

roads deteriorated steadily since ZINARA took over the revenue collection, and even more sharply in the last four years.

CONCERNED that ZINARA fails to disburse to Harare City Council sufficient money to maintain roads, despite the bulk of the nation's vehicle fleet being domiciled in Harare.

FURTHER disturbed by the lack of transparency, inequity in disbursement and misappropriation of revenues from motorists by ZINARA, which is not in the national interest, as exemplified by the recent purchase of snow ploughs.

AFFIRMING and encouraged by the imperative in Section 264(f) of the Constitution to *'transfer responsibilities and resources from national government in order to establish a sound financial base for each provincial council and local authority'* and

MANDATED by the duty of Parliament in Section 119(2) of the Constitution to, *'ensure that the provisions of this Constitution are upheld and that the State and all its institutions and agencies of*

government at every level act constitutionally and in the national interest'

NOW THEREFORE this House resolves that;

- (a) ZINARA ceases to collect termly motor vehicle licence fees thereby restoring that function to Harare City Council and all other respective municipalities and local authorities.
- (b) Harare City Council and the respective municipalities and other local authorities retain 100% of the resultant revenues from termly motor vehicle licences and suspend remittances to ZINARA until all their roads are in a demonstrably recovered state.
- (c) ZINARA disburses to Harare City Council by July 2017 all the arrears it had undertaken to pay, and by December 2017 to all other local authorities.
- (d) ZINARA accounts be audited for the past 5 years for its revenues and comparative disbursements to local authorities and its expenditure, and such audit be tabled to the Public

Accounts Committee.

HON. MAONDERA: I second.

HON. MAJOME: I thank the indulgence of the House in allowing me to debate this motion right now. I rise to move this motion on behalf of all other Hon. Members of Parliament and other members of the public on the appalling and alarming state of our roads. Not a single person who is in this room or an outsider who possesses a motor vehicle or even rides in a motor vehicle has not ever had the experience of being stopped by the police, in our numerous road blocks and having their car combed through with a fine tooth comb for un-roadworthiness. We are a nation that is, for lack of a better term, obsessed with roadworthiness of cars.

The police holds microscopes and magnifying glasses to check if our cars are roadworthy or not. Some people have even been arrested for keeping their cars dirty because in terms of the law, you cannot have a dirty car. However, we are so fastidious about making sure that our cars are roadworthy but unfortunately, while we are doing that, we are

not at all making any effort to ensure that the roads that our cars travel on are car-worthy. Our roads are not worthy of having any modern motor vehicle travelling on them.

What I am seeking to persuade Hon. Members of this august House is not anything new. I have researched and found beyond doubt ever since I came into this Parliament the reason why - particularly our urban roads are in that state. I represent Harare West Constituency.

With your indulgence, I am going to ask Hon. Members to be shown the state of roads that are in Harare West Constituency, in the capital city of Harare, Zimbabwe. I have been travelling all over the country and the roads in Harare are not in a different state from the other ones. I have found that the sole cause of this terrible state of our roads is the lack of funding to Harare Municipality in particular. They are not accessing the money that is required in order not only to repair our roads but to keep them in a state of repair.

Hon. Members of the august House will remember that the state of our roads started deteriorating very rapidly from around 2010. Before

that, our roads might not have been the best in the world but they were certainly not in the state that they are in. Their decline has been precipitating and escalating. Recently, with cyclone Dineo, it is even worse now. What it means therefore is that local authorities and particularly Harare City Council is failing to maintain the roads because it cannot cope with the rate of wear and tear and it does not have the money. It is no coincidence that our roads started to decline more around 2010 but there is something very particular around the financing of infrastructure that happened there. In that fateful year of 2010, in October, Government made a fateful decision to take away the collection of revenue for car licences that we pay on a termly basis, in its wisdom. I am sure Government had good intentions by taking away licencing from local authorities and directing it straight to ZINARA. From that time on, our roads descended into the deep potholes that they are now.

My motion is designed to plead with Hon. Members of this august House across the political divide to; for once do something that is in the common national interest and put aside our party suspicions, but do

something that is in the interest of the public of Zimbabwe and do something in this august House where we use the powers that we have as legislators, to make, guide and influence good policies for the good governance of this country. In particular, to specifically move to reverse that very unfortunate decision that has resulted in municipalities, in particular, I will speak of Harare Municipality because that is what I have researched on. This will allow them to access funding that we pay for motor vehicle licences so that our roads can be repaired. I make this impassioned plea to Hon. Members because this is not the first time that this august House has done something that I am pleading with the Hon. Members to agree to resolve. A short while ago, in the Seventh Parliament, on 20th January 2009, a similar motion was moved and indeed passed by this august House in order to save the nation from the suffering that was there. In that motion of 2009, Hon. Larry Mavima, seconded by Hon. Hlongwane, moved a motion that was carried by this august House because of the love that Hon. Members of Parliament have for the people of Zimbabwe and for the people they serve. They moved

a motion to stop the Zimbabwe National Water Authority's revenue collection of water and put it back to council.

Mr. Speaker Sir, you will recall in 2009, cholera was wreaking havoc in our country and no less than 4 000 people died because of cholera. At that point, the management of water systems had been taken away from municipalities and had been given to the ZINWA. The House noted at Hon. Mavima's instigation that ZINWA did not have the capacity or resources to provide safe drinking water and that municipalities used to be able to do that before. Indeed, Mr. Speaker Sir, this august House did work across the political divide and resolved to pass the motion by Hon. Mavima for municipalities to have back their water revenue so that they could manage water supplies.

Mr. Speaker Sir, what I seek to do is to plead with the Hon. Members to repeat history, that they work according to their consciences and agree that for the good management of our country and of our roads in particular, that Hon. Members move and agree that the licences that we pay for the maintenance of roads, go back to municipalities so that

they have money in their hands to fix the roads that are in their districts, in terms of the Constitution. That is the essence of my motion Mr. Speaker Sir.

I did a bit of research about the origin of motor vehicle licensing and our good friend Wikipedia gave me the definition that a motor vehicle licence is required for a motor vehicle to be legally permitted to be used or kept on a public road in the jurisdiction. There is a brief history about the origins of motor vehicle licensing. Zimbabwe uses a system that we inherited from the United Kingdom, rightly or wrongly but our system of motor vehicle licensing was borrowed from there. When motor vehicle licensing started somewhere in 1870 and there was something called the Tramways Act of 1870 that was passed. It tried to develop infrastructure in the local authorities. There was a Motor Act of 1903 that introduced a registration fee for each motor vehicle that was not the news for trade and the pricing were according to the weight of the vehicle.

It was established that in 1920, there was need to maintain roads and it was developed to ensure that the money goes to the use of roads. Therefore, Mr. Speaker Sir, there was a road fund that was established after the Great War. That localised the collection of revenue for municipalities to fix roads in their localities. This is essentially, what we inherited and the system has been working extremely well. I did find out why it is that this decision was made and I could find no clear answer. I was also told that when the Zimbabwe National Roads Authority collects this revenue, it is meant to remit and give back the revenue to municipalities. I have established in Harare City Council in particular, that right now for Harare City Council to have its roads fixed, it needs a phenomenal amount of money that goes into millions but what has been disbursed by ZINARA from 2009, from the time they started up to 2015, is only \$9 292 000. I am going to show you slides of the roads that we have so that we see and remember what it is exactly that we are dealing with. So that we do not forget that as legislators, have a responsibility to represent our constituents so that they can live better lives.

Mr. Speaker Sir, I started more or less in First Street, Harare but I realised that from the minute that I gave notice of my motion, I was very pleasantly surprised Mr. Speaker Sir, about two days later, which I want to think that it was a happy coincidence, I heard an announcement that the Government has declared the roads in Harare to be in a state of disaster. I was encouraged and also amused because I thought to myself, why are we in a state of disaster? I said to myself, honestly, from the history of the revenue collection and management that this is surely a state of disaster that we have created for ourselves by taking a disastrous policy decision where we deprive ourselves of revenue and our roads are not repaired, they are in a state of disaster.

(Showing slides of the state of roads.)

Mr. Speaker Sir, those on the screen are roads in Harare West Constituency. The first one was in Kirkan Road near Warren Hills Golf Club. These are plush suburbs that Harare West must have invested their life savings to build houses and every quarter they pay, on those roads, for licenses. That is Good Hope road in Good Hope and that is

not hopeful at all Mr. Speaker Sir. There are craters in the middle of the roads and the communities are suffering.

This is the plush suburb of Marlborough in Harare and that road is called Campbell Town road. Mr. Speaker Sir, I ran contest of the worst road in Harare West Constituency on my facebook profile, to hear from Harare Westners which roads they consider – Mr. Speaker Sir, that is nothing less than a disgrace. I want to remind Hon. Members that the state of our roads does cost us lives.

This young man was called Delan Dzimunya. He perished on 18th March, 2013 on Harare Drive. Those Hon. Members who use Harare Drive will know that there is an Engen Garage just before you get to the Lomagundi Road. Young Delan Zimunya was a Grade 7 pupil at Hallingbury School. He was knocked down on trying to cross Harare Drive Road. He was knocked down because while there is a pedestrian crossing that has been designated for the longest time, that pedestrian crossing, because of the lack of funding to roads, is invisible to motorist. A child who wanting to cross the road can see some faint zebra stripes

but a motorist who is passing by cannot see them at all. This young child died on the way to Parirenyatwa Hospital, a needless loss of life.

Mr. Speaker Sir, I am particularly moved and inspired in the memory of Delan Zimunya that this august House does think about the safety of road users. Signage road markings are poor or missing or the paint that is used is so faint that even if they paint it, three months down the line, it is gone. This has cost lives. Brilliant young minds and loses to families that would have done something for Zimbabwe. I do implore upon Hon. Members to do the right thing and resolve that licensing be taken back to municipalities because I know that if roads are funded, we will avoid such needless loss of lives. May His soul rest in peace.

On the issue of traffic safety, I am glad that members of the Transport Committee are here. In the Harare West that I represent, there are cycle tracks that had long been built alongside roads for children even to cycle their bicycles out of the road. What you see on the screen is in Sawlely Way in Marlborough and this is near Marlborough Primary School. On the right, there used to be a cycle track that school children

could use bicycles and it was very safe but there is nothing like that anymore. On the same road, the humps are missing and it is a tale of horror. Our roads are extremely dangerous because there is no funding on roads. Apart from the potholes, the issue of traffic safety is gone. In terms of traffic lights, there should be robots that should work but they are never working. These signs are so dilapidated and are causing a danger because there is no funding.

Mr. Speaker Sir, while we are here, I have talked a lot about Harare West but let us talk about the capital City of Harare. That should be the jewel in our crown. We talk day in day out about ease of doing business and investor confidence. Mr. Speaker Sir, what you see on the screen there in fact is a crater that has been at the corner of nowhere else other than the corner of First Street and Nelson Mandela Avenue, the very street that this Parliament is built.

Mr. Speaker Sir, I feel ashamed. I think even in the memory of Nelson Mandela, it does not do right to the memory of people that we want to honour to have the roads that we name after them deteriorate to

that level because we have taken away revenue for their maintenance.

That is the Central Business District of Harare and in fact of the capital city of Zimbabwe. No investor will take us seriously if we continue to make decisions and keep on along a disastrous path or disastrous and potholed road.

Mr. Speaker Sir, I want Hon. Members to pay attention to this video that I filmed in First Street at exactly the corner of Nelson Mandela Avenue and First Street, the Central Business District of Zimbabwe. That is a Mercedes Benz that is getting right into the crater and another vehicle on the other side and pedestrians that are at the centre of that island. We now need 4 x 4s, to go through the streets of Harare, First Street and Nelson Mandela Avenue. If you noticed, there was an island in the middle of the street. Actually, on that day, I was moved to record that video because I was almost knocked over because when you stand in the centre of the island, cars come inside to the centre towards the island to avoid the crater.

Needless to say Mr. Speaker Sir, traffic lights were simply not working again because of this issue of roads. My question is, why do we as a country insist on taking policy decisions that harm us. We saw the young life of Delaney Zimunya gone needlessly. The policies harm ourselves, our lives and those of our future citizens and not only our vehicles. The cost of doing business and the amount of money that individuals spend on maintaining vehicles, Mr. Speaker Sir, this cannot be said.

Yesterday there was commissioning of a plant for motor vehicles through Willowvale Mazda Motor Industries. I think we are doing very well by seeking to attract business but if we were to ask those Engineers who assemble those vehicles and ask them to give us a report, they will tell you that the motor vehicles that are being assembled are meant for what is called tarmac roads or roads that are paved. They are not meant for what we see there. This is along Hopley Road. Mr. Speaker Sir, this cannot be allowed to go on. Property values are deteriorating in that area. Our beautiful city and other cities across the country are like that.

While we are on the issue of licencing, if it is said that power corrupts and absolute power corrupts absolutely, what we did is to channel all the revenue and flood ZINARA. We took away vehicle licences and flooded them at ZINARA and ZINARA is swimming and drowning in money and it does not know what to do with it any more. Mr. Speaker Sir, this has been tabled in this House. There is an article from *The Newsday* that appeared some time in 2015. There was a report that ZINARA bought snow ploughs for roads. Yes, it has been said. They are trying to give the excuse that they are multi-functional but seriously speaking, if we are to be resourceful and try and also use the snow ploughs to grade roads, they were created as snow ploughs. We do not have snow in Zimbabwe and this decision is not a good decision.

Our municipalities are crying out loud for funding to fix roads and yet ZINARA is not doing right and is not disbursing that money to municipalities, it has deficits. Mr. Speaker Sir, ZINARA is blaming heavy taxes for bad roads and it is really alarming that they receive money and like I said, they are looking for excuses. They are

suffocating and drowning in money that they do not know what to do with. Let us save, not only our roads, but let us also save ZINARA by giving it what it can manage. Let ZINARA continue collecting revenue for the trunk roads but for the municipalities and the cities, the crafters of our Constitution found it fitting that we devolve and decentralise power and resources to municipalities. What we have done there now needs to be reversed for the sake of our lives and our economy.

Mr. Speaker Sir, the Hon. Minister of Transport and Infrastructural Development said we need \$24 billion to repair our roads. My simple plea is that if we had not made this disastrous decision of removing revenue from municipalities and starving them, our roads could not have deteriorated so badly that we now need \$24 billion to repair them. This august Parliament can put a stop to this unhappy state of affairs. I am sure no one likes the deterioration of vehicles and even danger to life. We need to stop this. Hon. Minister Kasukuwere said the roads are in a state of disaster and indeed they are in a state of disaster but this is a man-made disaster. I am happy that no women were part of that

decision. If it was, it is time this Parliament has an opportunity in this House to solve this state of affairs.

We do not need to look for money from investors from outside to fix our roads. Each month we pay those termly licence vehicle fees. That is a lot of money. All that we need to do is to take that money and channel it straight to the roads and the local authorities are best suited for that. While I was on that, there are alarming reports that have been produced by the Auditor-General's office about opaqueness and lack of transparency and apparently also misappropriation of money by ZINARA because it simply has got too much money. There are procurements that are done that are not substantiated at all. I am looking for a specific set of accounts that is still pending. I am glad that the Public Accounts Committee has taken an interest in it. I got that from the Public Accounts Committee's reports and I want to salute the Committee, led by Hon. Mpariwa for doing a sterling job and exposing these distortions and foibles.

Mr. Speaker Sir, there are successive reports that councils are indeed crying about. In 2014, the Auditor-General found that ZINARA operates in a system of weak financial controls and that in 2014 they have made payments amounting to \$4 157 937 which were not supported at all by authorised payment vouchers. Mr. Speaker Sir, if you give me \$4 157 937, I can tell you what I will do with the roads in Harare West. For example, I will just repair Lomagundi Road, widen it and I would also widen Kirkman Road. Anyone who lives in the Western suburbs of Harare will see how these roads are now no longer fit for the population of Harare. There are plans to widen them through byways and pass ways. We could do wonders with that.

Speaking about Lomagundi Road Mr. Speaker Sir, I note with sadness that His Excellency the President hails from Zvimba in Mashonaland West. Mr. Speaker Sir, the way to Zvimba right now, I would want to believe it is impassible by the Presidential motorcade. Driving there day in day out, I do not see His Excellency's Mercedes Benz being able to pass by and actually travel and go at the speed that is

required. That is the road that is the gateway to Mashonaland West. Mr. Speaker Sir, we cannot allow this. The money that has been given to ZINARA should just come straight back and repair our roads.

Further on, in 2014 again, ZINARA procured 40 motorised graders through a tender of \$8 040 800. In Harare, we do not need graders. We just want our roads to be resurfaced and paved. I am sure that other places would also want graders and even rural authorities would also benefit from that money from licences that they also get from their surroundings. They did not at all go to tender in using that shocking amount of \$8 040 800. ZINARA deals in huge sums of money – it is awash in funding and choking in it and this decision to keep on giving them the money that we need for our roads is a bad decision and we need to secure it.

Mr. Speaker Sir, they did not even go through the State Procurement Board that was there before we started debating the Procurement Act that we are debating. They also proceeded to engage exactly the same supplier who they had engaged without going to tender

again, to develop a \$54 million vehicle licencing system. Mr. Speaker Sir, why pay \$54 million to licence vehicles when those licences that we are paying are meant to go down on to the roads. They are not meant to pay some obscure and dubious supplier who has not been approved by the State Procurement Board.

Further on Mr. Speaker Sir, in 2015, again ZINARA was caught with its hands in the cookie jar. They failed to account for \$2 million and it is only millions and millions and those millions can do a lot of work if they get back onto our roads. There was \$2 201 660 difference between their disbursements and their financial statements and they failed to provide a reconciliation on how the difference arose. The Auditor-General said, “I therefore could not confirm the correct revenue figure for the year.”

Mr. Speaker Sir, this is the revenue that we pay for licences. Mr. Speaker Sir, I want to remind Hon. Members that our duty in terms of the Constitution is to ensure that the Constitution is upheld and followed. We do have that power for a very good reason. We represent

those people who are having their vehicles mangled. I saw Hon. Chibaya sitting there and he has left – just about two weeks ago, there was a story in our national newspapers to the effect that a family of three people was killed instantly when the kombi that they were riding in was swerved to avoid a pothole.

These are matters of life and death and we can solve this problem for the sake of our nation. We do not need to keep on shoveling money to ZINARA. It can still have money as it can do all sorts of other things but, in terms of lives and the expenses, and even in terms of savings per household, if we want to grow the economy, we need to put money back to the local authorities. We have an Auditor-General who has stringent methods of monitoring. If we are worried that the local authorities might abuse the money, I do not think that Zimbabwe is short of auditing brains that can put in place vigorous methods to ensure that money is not abused. Even using ICT, it would be possible to track how much money has been used.

Mr. Speaker Sir, I want to end by winding up and plead with Hon. Members of this august House that can we use the hopes of the people that we represent and do the right thing and move this motion and pass it to ensure that the licencing fees that are actually meant for repairing the roads comes straight to our roads. That in particular, our Constitution requires that local authorities be given the authority and it will not disempower anyone but it will be a good way of prudent financial management. Let money be used for its purposes and let it be directed by the shortest route. If money goes round and round in ZINARA bank accounts and graders, it will get lost. It is getting lost and it is not getting to our roads.

Mr. Speaker Sir, on that note, I want to wind up and plead with Hon. Members of this august House to support this motion so that we use the money that we are paying everyday so that it goes right back on to our roads. I thank you Mr. Speaker Sir.

***HON. MAONDERA:** Thank you Mr. Speaker for giving me the opportunity to make my contribution on the motion raised by Hon.

Majome. It is a very pertinent and important motion. I support all that she has said and we say this motion is not partisan. It is not ZANU PF and it is not MDC-T but it affects all the people of Zimbabwe because when we are looking at these issues which have a bearing on our lives, we have to support them just like we supported the motion raised by Hon. Khupe when she talked of cancer. We all supported it because it has a bearing on our lives. Hence, we also have to support this motion on the state of our roads because it affects us all.

We are talking about ZINARA and the maintenance of the roads. When you talk of local authorities about why they are not repairing and maintaining the roads, they will tell you that we are not receiving anything from ZINARA. Yet, when you go to ZINARA and say why are we not repairing our roads which are so full of potholes, they will tell you that we are sending all the monies to the local authorities and we find ourselves in a blame game. As stated in the motion by Hon. Majome, we need to take back the process where councillors were collecting vehicle taxes and levies. This way, we will be able to confront

local authorities if our roads are still bad. I am sure that we were all watching on the screens in this House when we were shown the state of the roads and cars having problems in maneuvering these roads. When you are travelling along Highglen Road getting to the roundabout in Glen Norah up to a place called *Masimbi* in Glen Norah, this is the road which feeds into Simon Mazorodze and also goes via Glen Norah and Kuwadzana up to Bulawayo Road. This road is in a bad state. Again, when you look at Glen Norah, we also have a road called State House where recently a learner from Ruveneko School was hit by a car because the road signs which were showing the state of the road and humps had been vandalised. This pupil was fortunate in that whereas she was injured, she was not killed. We are saying, let us put our heads together and solve this problem.

When you talk to the local authorities in Harare, they will tell you that they were given less than \$2 million to repair the roads yet the taxes from cars in Harare can give an amount of \$9 million. So the question to be asked is, we have paid \$9 million and we are only given \$2 million

– where is the \$7 million going to. Even if you were to look at the amount which is collected by Mutare, Zvimba or any other local authorities, you will ask yourself the question that these monies have been collected from motorists residing in those particular areas but, where are these taxes taken to.

We are always saying that we want to lure foreign business ventures to come into this country, but whenever they come into the country; they do not feel comfortable with investing in a country which has a problem with its roads, communications and water; yet when these people alight from the aeroplane at the Harare International Airport and travel along the Joshua Mquabuko Nkomo road, which is the Airport road, it is so beautiful and it gives them the comfort that Zimbabwe has good roads. But to their surprise, they will find that the roads are so bad. The road was constructed by a company which was given \$70 million yet we know that the road did not cost that much and they did not complete the project. It had to be completed by the local authorities or the Government at a lesser amount than what has been stated. That is

why I am saying the investor comes into the country, travels along Joshua Mqabuko or Airport Road, the road is good but when they get into the city centre, they find that the roads are in a bad state and full of pot holes. How can we lure foreign investors?

We need to be very careful. If we look at the report of the audited results of ZINARA, the Auditor General (AG) revealed that there was recklessness in handling of finances at ZINARA. How do the people of Zimbabwe feel if they pay a lot of money and yet the roads are not maintained? This is tormenting because when you pay your money, you expect to get good service.

ZINARA was founded so that it could rehabilitate the roads but instead of serving this purpose, the problems are multiplying. The same goes for the animosity between the police and the people of Zimbabwe. If we were to go on an opinion poll and ask the people of Zimbabwe about the performance of ZINARA, they will tell you that ZINARA is an organisation that the country can do without because it is not properly utilising the money meant for road maintenance. Motorists incur huge

bills resulting from hitting pot holes. The suspension, wheels and shocks of vehicles are being damaged and yet people pay licences but ZINARA abuses the funds. At times people are involved in accidents. As a result people are now asking what they have done wrong to the Government to deserve such an imposition which is now tormenting them.

We are a democratically elected Government which is empowered by the people. Let us put our heads together. ZINARA should confine itself to collecting toll fees only and let local authorities tax the vehicles in their vicinity. If the Government does not want to give back the licence fees to local authorities, then let us craft a law which does not compel local authorities to maintain and construct roads. We need to consult ZINARA and the local authorities to come and give us a clear picture of who is responsible for repairing, maintaining and constructing our roads because the blame game is too much. We may not make a decision as to where our finances are going to.

We have been told that in the procurement of products and services, we hear that ZINARA will simply decide without consultation and purchase equipment for repairing roads. As far as we are concerned, this is just a scapegoat for abusing these funds. If we go to China and buy that equipment, you will find that we are being short changed. One will only notice this after thorough calculations have been done. I am pleading with the people of Zimbabwe that we talk to Government so that licence fees for cars be collected by local authorities and not ZINARA.

Our roads are bad especially when we compare to the state they were in, in 2009. From 2009 to 2017, there was nothing comprehensive done on the maintenance and repair of roads. This is what has led to our roads being declared a national disaster.

As far as the bad state of our roads is concerned, it is of our own making. We were watching whilst the situation got bad. This is unlike the cyclones which just come all of a sudden and cause destruction. I feel we need to get a response from the responsible Minister of Local

Government or Minister of Transport and Infrastructural Development.

The collection of vehicle licences should be taken away from ZINARA and returned to the local authorities. If this is not solved, this is going to have an effect in the next coming election.

***HON. GANGARAHWE:** Thank you Mr. Speaker Sir for giving me the opportunity to make my contribution on the motion raised by Hon. Majome. There are some points where I agree with her and where I do not agree. Let me now explain myself clearly.

Thank you Hon. Majome for informing us that ZINARA is collecting licence fees. Local authorities in Harare are also collecting money but Hon. Majome did not talk about it. Cars are parked for eight hours in town and they are charged one dollar per hour. That money is collected by the local authority. One car pays eight dollars per day.

How many cars are parked per day? Why should the local authority start clamouring for money from ZINARA when they cannot account for the parking fees they collect. Some of the areas where these cars are parked are bad but people still pay a dollar per hour.

At Mbare Musika, the buses pay \$15 for coming into the terminus. How much money is collected per day? I think it adds up to \$1 000 per day. The travelers' sheds at Mbare Musika are all dilapidated and vandalized. The local authority is not doing anything about it. Why are they not repairing that market place?

The local authorities are also collecting money for water. What is happening to that money which is collected on behalf of ZINWA? If one checks on the reservoirs, we find that the water is now murky because the pumping systems are so bad. They do not suit the current population. If the pipes were good enough to allow all the water coming in, we would not see frogs coming out on the pipeline.

Airport Road which is being referred to as a good road, it was in bad shape until it was taken over by the local authority of Harare. I am not opposing that ZINARA should hand over the payment of licence fees to local authorities but what I am saying is that Harare City Council should account for all the monies that they are collecting so far so that we can judge them on their performance. If you look at Mutare-

Plumtree road, the road was maintained and reconstructed. It is now a smooth road and even the toll gates which were erected are collecting money for the maintenance of that road. If we were to ask ZINARA about the fees collected, you can have the tangible example that ZINARA is doing a very good job.

HON. MAJOME: On a point of order. My point of order is that my motion pertains to municipal roads and local authority areas. I am not talking about ZINARA generally and the toll gates. My motion simply deals with the issue of vehicle licencing fees paid by road users in their locality; it is not at all about revenue for that. – [HON.

MEMBERS: *Inaudible interjections.*] –

***THE TEMPORARY SPEAKER (HON. MARUMAHOKO):**

Order, order! Hon Member, please confine yourself to the motion raised by Hon. Majome. Do not talk about other authorities. You can give examples in your contributions but please stick to Harare *versus* ZINARA.

***HON. GANGARAHWE:** Thank you Mr. Speaker Sir. I was giving examples of the revenue collected by Harare City Council. Most of the bad roads are found in Harare. When we go to the City of Bulawayo, there are very good roads and yet they are the same people who are saying ZINARA should give them the chance to re-collect licence fees.

When we look at the salary bills, they are paying themselves huge salaries. When we look at the materials used to repair roads, 50kg of bitumen which can patch up to five potholes costs \$20.00. Vehicles pay \$8.00 each per day, so for a week that car will have paid \$40.00 and above. They can buy a lot of bitumen to seal those roads. This is only showing us that there is abuse of funds by the local authorities. I still emphasise that Harare City Council should account for the taxes they collected from vehicles on the roads.

As far as I am concerned, there is abuse of funds by the City of Harare. Even if Harare is to say they were allocated \$1.2 million, if we were to look at the materials used to seal the potholes, we will be

surprised at the amount which they used to buy those materials. I am saying City of Harare is being reckless in the use of money. They should account for the levies that they are collecting so that we can judge them from what they are saying.

I come from Mhondoro where we do not pay any amount but our roads are being maintained, even though they are gravel. The Ministry is sending graders to maintain and repair our roads. I would like to thank the Government for such an effort and ZINARA for giving us money to repair our bridges. I am saying, we should not give Harare back the responsibility of collecting vehicle licence fees because they cannot account for the parking fees which they are collecting. There should be a condition that in order for them to be considered for any return of service, they should account for the monies they collect from parking.

Also at Mbare Musika terminus, they should account for the \$15.00 they collect per bus. Why are they not repairing the travellers' sheds at Mbare Musika. As far as I am concerned, City of Harare is a

council which has not been properly run. I am also told that the directors at Harare City Council had their salaries cut on the back of a directive by the Government that they were getting mega salaries. Now they want to strike so that the salaries revert back to the era of mega salaries which were inappropriate. I thank you.

HON. MATUKE: I move that the debate do now adjourn.

HON. RUNGANI: I second.

Motion put and agreed to.

Debate to resume: Wednesday, 29th March, 2017.

*On the motion of **HON. MATUKE** seconded by **HON.***

RUNGANI, *the House adjourned at Ten Minutes to Five o'clock p.m.*