

ADVANCE COPY- UNCORRECTED

No. 80

PARLIAMENT
OF
ZIMBABWE

VOTES AND PROCEEDINGS OF
THE NATIONAL ASSEMBLY

FOURTH SESSION – EIGHTH PARLIAMENT

WEDNESDAY, 26TH JULY, 2017

Quarter past two o'clock pm.

The Speaker in the Chair.

PRAYERS.

Members Present

Budha Masara

Chabaya B

Chakona PM

Chamisa N

Chapfika D

Chasi F

Chibagu G

Chibaya A

Chidhakwa S

Chigudu M

Chigumba CC

Chikomba L
Chikwama B
Chikwinya N
Chimanikire G
Chimedza P
Chimene M
Chinwamurombe A
Chinamasa P
Chinanzvavana C
Chingosho CP
Chinotimba J
Chihota PC
Chipato A
Chirisa F
Chisorochengwe T
Chitembwe VJ
Chitindi C
Chitura L
Chiwetu JZ
Dehwa MW
Dube S
Dutiro P
Gabuza JG
Gangarahwe G
Gava M
Gezi T
Goche NT
Gonese IT
Gumbo S
Guzah KN
Gwanongodza E
Hlongwane M
Holder J
Hugnwa G
Jaboon J
Kachepa N
Kadungure D

Kagonye P
Kanhanga EW
Karoro D
Katsiru L
Kaundikiza M
Kazembe K
Khanye N
Kwaramba G
Langa A
Mavhenyengwa R
Mavhima P
Mawere VM
Mawere RMSN
Mguni N
Mhona FT
Misihairambwi MP
Mkandhla M
Mlilo N
Mliswa T
Mnangagwa A
Moyo L
Mpala M
Mpariwa P
Mpofu B
Mpopfu MM
Mpofu S
Mtingwende T
Muchenje SM
Muchinguri O
Mudambo T
Mudarikwa S
Mudau M
Muderedzwa R
Mudzuri E
Mudyiwa M
Mufunga A
Mugidho M

Mukupe T
Mukwangwariwa F
Mukwena R
Munengami F
Munochinzwa M
Mupereri V
Mupfumi I
Musabayana D
Murai E
Musanhi KS
Musundire AL
Muswaire W
Mutomba W
Mutseyami P
Muzenda TM
Muzondiwa ES
Ncube H
Ncube O
Ndebele A
Ndlovu A
Ndlovu B
Ndlovu DM
Ndlovu N
Nduna D
Nhambu B
Nhema CFD
Nkatazo MM
Nkomo Mail
Nkomo Malaki
Nleya L
Nyamupinga BB
Nyanhongo M
Nyere C
Omaar J
Paradza K
Pedzisayi I
Pemhenhai J

Phiri FP
Porusingazi E
Runzirwayi J
Runesu B
Rungani A
Sansole TW
Saruwaka TJJ
Shamu WK
Shava J
SHongedza E
Shumba DK
Sibanda DS
Sibanda K
Sibanda L
Sibanda M
Sithole JK
Sindi C
Sipane –Hungwe
Tarusenga UD
Tembani SZ
Toffa J
Tshuma D
Tshuma J
Tsomondo C
Uta Kerenia
Utete M
Wadyadyena JM
Watson NJ
Zemura L
Zhou P
Zhou T
Zindi I
Ziyambi Z
Zvidzai S
Zvizvai M

In attendance in terms of Section 138 (2) and (3) and Section 104 (3) of the Constitution.

Hon. Mnangagwa E.D.

Absent with leave

Beremauro
Bhebhe A Bimha MC
Chidhakwa W
Chikukwa M
Chikuni E
Chinomona MM
Chipanga K
Chihwa D
Chombo I
Cross E
Damasane SAE
Dinha MT
Dube TJ
Dziva TM
Gandawa G
Gumbo E
Gumbo JM
Gwanetsa KK
Haritatos P
Kanengoni TR
Kasukuwere S
Khumalo M
Khumalo T
Khupe T
Kuruneri C
Labode Mafoko R
Mabuwa C
Mackenzie I
Madanha M
Madondo T
Madhuveko J
Madhuza T
Makari Z
Marapira D
Matsikinyeri N
Matuke L
Muponora N
Mushohwe C
Musiiwa A
Mutinhiri A
Mzembi W
Ncube A
Ncube DM
Ncube GM
Ncube S
Ndlovu A
Ndorof LF
Nyoni S

Pasade K
 Ruvai E
 Samkange J
 Savanhu T
 Serwmwe B
 Sibanda CC
 Sibanda DP
 Sibanda Z
 Simbanegavi Y
 Tongofa
 Tshuma B
 Undenge S
 Zhanda PT

Printed by Order of the House

1. Questions without Notice
2. Questions with Notice
3. Hon Rungani, seconded by Hon Gonese, moved: That question time be extended.
Motion put and agreed to.
4. On the motion of Hon Rungani , seconded by Hon Mangami, the House adjourned at five o'clock pm until tomorrow

ADV. J.F. MUDENDA

Speaker

THURSDAY, 27TH JULY 2017

NOTICE OF PRESENTATION OF BILL

THE MINISTER OF LOCAL GOVERNMENT, PUBLIC WORKS AND NATIONAL HOUSING

Bill to provide for the amendment of the Shop Licences Act [*Chapter: 14: 17*]; and to provide for matters connected with or incidental thereto. –*Shop Licences Amendment Bill*, (H. B. 10, 2016).

ORDERS OF THE DAY AND NOTICES OF MOTIONS

1. THE MINISTER OF FINANCE AND ECONOMIC DEVELOPMENT

THAT WHEREAS Section 310 (1) of the Constitution of Zimbabwe provides that the Auditor General is appointed by the President with the approval of Parliament;

AND WHEREAS the President has nominated Mr. Michael Ndudzo for appointment as Auditor General;

NOW THEREFORE, in terms of Section 310 (1) of the Constitution of Zimbabwe, this House resolves that the aforesaid proposed appointment of Mr. Michael Ndudzo be and is hereby approved.

2. THE MINISTER OF PUBLIC SERVICE, LABOUR AND SOCIAL WELFARE

THAT WHEREAS, Section 327 (2) (a) of the Constitution of Zimbabwe provides that any convention, treaty or agreement acceded to, concluded or executed by or under the authority of the President with one or more foreign states or governments or international organisations shall be subject to approval by Parliament;

WHEREAS Zimbabwe is a member State of the International Labour Organisation and seeks to eradicate forced labour in all its forms;

AND WHEREAS Cabinet approved of the Ratification of the ILO Protocol to the Forced Labour Convention P029 on the 1st of June 2017;

NOW THEREFORE, in terms of section 327 (2) (a) of the Constitution of Zimbabwe, this House resolves that the aforesaid Protocol be and is hereby approved for acceptance.

3 COMMITTEE: To resume on the *National Peace and Reconciliation Commission Bill*, (H.B. 2, 2017) (*Progress reported 27th June, 2017*)– ***The Vice President and Minister of National Peace and Reconciliation.***

(*Clauses 3 to 19, First and Second Schedules under consideration*)

(*See Notice of Amendments*)

4 COMMITTEE: *Estates Administrators Amendment Bill*, (H. B. 8, 2016) - ***The Vice President and Minister of Justice, Legal and Parliamentary Affairs.***

5. RECOMMITTAL Committee : *Land Commission Bill* (H.B. 2B, 2016)

Clauses 2, New Clause 3 and 36.

6 Hon. Sen. Chief Charumbira
Hon Ziyambi

That this House takes note of the Report of the Privileges Committee on Death Threats to Members of the MDC-T Party [S.C. 21, 2017]

7. Hon. Kazembe
Hon. Chamisa

That this House takes note of the Report of the Privileges Committee on the alleged contempt of Parliament by Mr C. Kuwaza [S.C.22, 2017].

8. COMMITTEE: To resume on consideration of the Adverse Report by the Parliamentary Legal Committee on Statutory Instrument No. 86 of 2016: Plumtree Town Council (Clamping and Tow away By- Laws published in the Gazette during the month of September 2016- *progress reported 6th December 2016*)– **Hon. Samukange**

9. THE MINISTER OF MINES AND MINING DEVELOPMENT

That the *Minerals and Exploration Marketing Corporation Bill* (H.B. 11, 2015) which was superseded by the end of the Third Session of the Eighth Parliament be restored on the Order Paper at the stage it had reached in terms of Standing Order No. 161 (1).

10. Adjourned debate on motion on the 2016 Annual Budget Review and the 2017 Economic Outlook Statement (*Adjourned 20th July, 2017- The Minister of Finance and Economic Development*)

[Day elapsed: 2]

Question proposed:

THAT WHEREAS, paragraph (a) of subsection 2 of section 7 of the Public Finance Management Act [Chapter 22:17] provides that the Minister of Finance and Economic

Development shall ensure full and transparent accounts are from time to time and not less than annually made to Parliament indicating the current and projected state of the economy, the public resources of Zimbabwe and the fiscal policy of the Government;

WHEREAS paragraph (a) of subsection 1 of section 298 of the Constitution of Zimbabwe provides that there must be transparency and accountability in financial matters;

WHEREAS during the presentation of the Annual Budget 2017, an undertaking was made to provide the House with an update on the performance of the 2016 Budget;

NOW THEREFORE, the House is requested to take note of the 2016 Annual Budget Review and the 2017 Economic Outlook statement as tabled by the Minister of Finance and Economic Development.- **The Minister of Finance and Economic Development**

- 11 Adjourned debate on motion in reply to the Presidential speech. (*Adjourned 21st March, 2017– Hon. Matuke*)

[Time elapsed: 4 hours 48 minutes]

Question proposed: That a respectful address be presented to the President of Zimbabwe as follows:-

May it please you, your Excellency the President:

We, the Members of Parliament of Zimbabwe, desire to express our loyalty to Zimbabwe and beg leave to offer our respectful thanks for the speech, which you have been pleased to address to Parliament. - *Hon. Nyamupinga.*

12. Adjourned debate on motion in reply to the State of the Nation Address (*Adjourned 2nd May 2017– Hon. Matuke*)

[Days elapsed: 24]

Question proposed: That this House conveys its profound gratitude to His Excellency, the President R.G. Mugabe for addressing a Joint Sitting of Parliament on the State of the Nation.

Expresses its commitment to and support for the views contained in his address; and that a respectful address be presented to His Excellency, the President, informing him of the sentiments of the House. - *Hon. Simbanegavi.*

- 13 HON. MASHANGE
HON. CHINANZVAVANA

That this House takes note of the Report of the Delegation of the Portfolio Committee on Environment, Water, Tourism and Hospitality Industry that attended the United Nations Climate Change Conference that was held in Marrakech, Morocco from the 7th to 18th of November 2016.

14. HON. NDUNA
HON. MAONDERA

That this House takes note of the First Report of the Portfolio Committee on Transport and Infrastructural Development on the Enquiry into the Turnaround Strategy for the National Railways of Zimbabwe (S. C. 13, 2017).

15. HON. NDUNA
HON. MAONDERA

That this House takes note of the Second Report of the Portfolio Committee on Transport and Infrastructural Development on the Enquiry into the Turnaround Strategy for the Central Mechanical Equipment Department (S. C. 14, 2017).

16. HON. CHITINDI
HON. GWANETSA

That this House takes note of the Second Report of the Portfolio Committee on Lands, Agriculture, Mechanisation and Irrigation Development on Agricultural Colleges and Command Agriculture.

17. HON. CHAMISA,
HON. D. P. SIBANDA

That this House:

NOTING the disturbing images and video footage of men and women in police uniform beating up innocent civilians

AWARE that the Police Charter rests on the settled principle of *pro lege, pro patria, pro populi* (for the law, for the country, for the people)

WORRIED by the recent behavior and conduct of certain Police details in their handling and beating up of demonstrating and peace loving citizens.

CONCERNED with human rights abuses and rule by law instead rule of law, as instigated by certain police officers or persons masquerading as Police;

PERTUBED that the Minister responsible for the Police or the Commissioner General have not made efforts to censure or discipline the perpetrators who violated the National Constitution.

FURTHER CONCERNED that the bad behavior of a few bad apples among the Police are creating animosity between citizens (people of Zimbabwe) and the Police

ACKNOWLEDGING that His Excellency President Mugabe has publicly condemned the public who were exercising their rights without correspondingly condemning the Police for their abuse of citizen rights and that of the Constitution

NOW THEREFORE, calls upon the Minister of Home Affairs to:

- (a) Investigate the conduct of the Police and report to the Parliament;
- (b) Issue a public apology over the untoward conduct of some of the Police Officers;
- (c) Immediately implement a training of Police on human rights as part of their curriculum in terms of the Constitution;
- (d) Put in place an act of Parliament setting up an Independent Complaints Mechanism for members of the public as contemplated by Section 210 of the National Constitution; and
- (e) That Parliament sets up a Commission of Inquiry to investigate into the conduct of such officers.

18. HON. MISIHAIRABWI-MUSHONGA
HON. TOFFA,

That this House -

ACKNOWLEDGING that Section 18 of the Constitution provides for regional equality and states "The state must promote the fair representation of all Zimbabwe's regions in all institutions and agencies of government at every level;

FURTHER ACKNOWLEDGING that Section 17 provides that “The State must promote full gender balance in Zimbabwean society, and in particular the state must promote the full participation of women in all spheres of Zimbabwean society on the basis of equality with men;

NOTING that both Section 18 and Section 17 place obligations on the state to take specific measures to rectify both regional and gender imbalances in society;

CONCERNED that the process of identifying providers of government services and government tenders are violating Section 17 and Section 18;

NOW THEREFORE resolves to call upon the Executive to ensure that:

- (a) All processes of identifying providers of services to government are conducted in a transparent and accountable manner.
- (b) Awarding of government and parastatal tenders promotes fair regional representation; and
 - (b) A 30% quota of all government tenders are reserved for women.

19. HON. CHAMISA,
HON. GONESE

That this House-

NOTING that it has been exactly one year since the disappearance of Itai Dzamara;

CONSIDERING that the Minister of Home Affairs was ordered to give monthly reports on progress;

PERTURBED that the Government has not been updating the Nation on progress;

COGNISANT of the citizen’s constitutional right and the importance of strengthening the constitutionalism, human rights and consolidation of democracy;

ACKNOWLEDGES the existence of the International Convention on the Protection from Enforced Disappearances as an international human rights instrument.

NOW THEREFORE, Parliament calls upon the Government to:

- (a) Bring finality and closure to investigations leaving no stones unturned;
- (c) Chip in on the social welfare and support to the Dzamara family, particularly the wife and children as restorative and rehabilitative measures;
- (c) Guarantee non repetition of such occurrences and giving assurance in the protection to the right to demonstrate and petition; and
- (d) Ensure all perpetrators of politically motivated violence are prosecuted and that victims receive restorative and rehabilitative justice.

20. HON. BUDHA – MASARA,
HON. MAONDERA

That this House:

DISTURBED by the fact that the rural livelihoods assessment indicated approximately 16% of the rural population is projected to be food insecure for the period of January to March 2016.

WORRIED by the fact that the nation continues to be food insecure yet small grains exhibit the potential to boost food security given their drought – tolerant nature in the event of erratic rains;

FURTHER WORRIED by the failure as a nation, to come up with a deliberate policy on small grains and a national strategy in recognizing the potential of small grains in achieving food security;

CONSCIOUS that the government has a Constitutional duty (Section 15 (c) to encourage and promote adequate and proper nutrition through mass education and other appropriate means;

NOW THEREFORE, this House calls upon the Executive;

- a. To immediately set in motion the crafting of a comprehensive National Small Grains Policy buttressed by a National Strategy on small grains;
- b. To provide innovative solutions in addressing challenges in the entire value chain within the policy;
- c. To extensively address the issue of seed unavailability and improved research on new seed varieties for small grains; and
- d. To review the “Seed Act” and bring to Parliament to approve for
- e. ratification of COMESA Seed Trade Harmonisation Regulations in order to open up new opportunities to small grain farmers.

21. HON. NDEBELE,
HON. MARIDADI

That this House –

NOTING that the process of digital migration as outlined by the International Telecommunications Union (ITU) has surgically changed and transformed the broadcasting industry in terms of the spectrum size and management in Zimbabwe;

CONCERNED that the current legislation is inadequate in its scope in addressing emerging issues resulting from this process;

ALSO NOTING that the Ministry of Information Media and Broadcasting has conceded and acknowledged that the Broadcasting Services Act and the Access to Information and Protection of Privacy Act need to be amended in line with the emerging trends born out of the digital migration process and the dynamics of listenership and readership of the media products;

DISTURBED that despite the provisions of the Broadcasting Services Act in Section 61(3) which guarantee freedom of establishment of broadcasting media subject to licensing conditions that are necessary, Zimbabwe still does not have the 3-tier broadcasting system fourteen years after the promulgation of the Act;

COGNISANT that the many community broadcasters are eagerly expecting invitations for license applications as evidenced by the existence of different local communities that have been awaiting that development;

WORRIED that Section 10 of the Act is prohibitive as it gives discretionary powers to decide when to call for licenses without necessary safeguards to curb abuses that may be detrimental to some classes of licenses as is currently the case with community broadcasters;

AWARE that the Constitution of Zimbabwe (2013) provides for freedom of Expression, the media; and the right of access to information under section 62, Hence the need for the revision of legislation that regulates broadcasting;

CONCERNED that under the Act the appointment process of the BAZ Board undermines best practices and requirement that State Licensing Authority and procedures should be independent of control by government, political or commercial interests.

FURTHER CONCERNED that the appointment procedures and processes under the Broadcasting Services Act are not sufficiently transparent to guarantee the independence of BAZ Board and its decisions.

NOW, THEREFORE, calls upon the Executive to:

- (a) urgently table a Bill to comprehensively amend or repeal the Act;
- (b) facilitate public participation in the processes, as outlined in regional and international instruments on broadcasting; and
- (c) clearly state what percentage of the broadcasting fund goes to local content production.

22. HON. NDUNA,
HON. R. MPOFU

That this House -

NOTING with concern that at least 10 percent of the 13 million Zimbabweans have some form of disability;

CONCERNED that despite various awareness programmes initiated by both the Government and non-governmental organisations, people living with disabilities are still subject to stigma and discrimination;

FURTHER CONCERNED that there's no institutionalised deliberate inclusion strategy from primary education to tertiary level to support students with disabilities.

ACKNOWLEDGING the various initiatives taken by Government in post-independence Zimbabwe to empower and improve the lot of people living with disabilities such as the introduction of vocational training centres for people living with disabilities and the enactment of the Disabled Persons Act in 1992;

RECOGNISING the tax concessions extended to people living with disabilities such as the suspension of Customs Duty on certain specified motor vehicles imported by physically handicapped persons for their own use.

DISTURBED that such noble concessions do not extend to critical equipment such as wheelchairs, hearing aids, braille and crutches for use by people living with disabilities;

WORRIED that as a result of the taxes levied on wheelchairs, braille and crutches they are beyond the reach of the majority of people living with disabilities who are poor;

FURTHER WORRIED that sign language which caters for the deaf and dumb and Braille for the blind has not been allowed to take root from primary education level for no fee in line with section 75 of the constitution calling for education for all.

NOW, THEREFORE, CALLS UPON THE GOVERNMENT TO:

- (a) Introduce tax concessions starting from the 2017 Budget for critical equipment such as wheelchairs, braille and crutches to ensure that they are affordable to the majority of people living with disabilities;
- (b) Make sign language and Braille all inclusive and compulsory for all institutions of learning to provide, a well-rounded education system for people living with disabilities and needing such learning and education.
- (c) Urgently Harmonize our laws in line with the United Nations Conventions of Persons Living with Disabilities and the new Constitution to improve the lives of the affected disabled persons; and,
- (d) Increase the allocation for disability services in the national budget to Cover the essential basic needs for all disabled people in Zimbabwe.

23. HON. M. S. NDLOVU ,
HON. MATANGIRA

That this House;

EXPRESSES its profound shock and sorrow at the untimely death of a revolutionary par excellence on Friday 25 November, 2016, the Commandant of the Cuban Revolution, Fidel Castro and places on record its supreme appreciation of the sterling services rendered in support of the just struggle of the African Liberation Forces, inspiration and exemplary leadership.

RESOLVES, that its cardinal sympathy and heartfelt condolence, be conveyed to the family of the deceased and the entire peace loving people of Cuba on this sad loss.

24. HON. M. S. NDLOVU ,
HON. MKANDLA

That this House:

DISMAYED by the plight of Home owners who are bonded to accommodation at their work places in companies such as the National Railways of Zimbabwe (NRZ), Hwange Colliery, Mashava Mines, Kamativi Tin Mine and Municipalities in various towns;

DISTURBED that after the death of the bread winners who are the employees of such companies their dependents are not accommodated at all and cannot inherit the houses that they may have occupied for the greater part of their lives;

NOTING that the situation is exacerbated by lack of title deeds to the properties making even the married couples vulnerable as they cannot access such properties on the death of their spouses.

NOW, THEREFORE the Government is called upon to enact comprehensive legislation which protects home occupants of such companies from manipulation on the basis that they do not have title deeds to the said properties.

25. HON. NYAMUPINGA ,
HON. MASAMVU

That this House -

CONCERNED at the plight of Women in polygamous matrimony who are denied their social status, property and conjugal rights;

DESIROUS to minimize the suffering of such women as the practice erodes their self-esteem and results in emotional and psychological abuse which results in broken relationships and families;

DSTURBED that the results of such abusive relationships fuels unwanted pregnancies and diseases which lead to untold suffering to the immediate families;

NOW THEREFORE calls upon Government to enact legislation that

- (a) Protects women in polygamous marriages from all forms of abuse;
- (b) Ensures that women are not deprived of their rights to the estate of their spouses at the time of their deaths;
- (c) That the number of wives that a man may enter into marriage union with, be limited to a certain number; and
- (d) Those who pledge women into polygamous relationships be prosecuted

26. HON. NYAMUPINGA,
HON ZINDI

That this House expresses its heartfelt sorrow on the untimely death of an illustrious daughter of Zimbabwe, the first woman Vice Chancellor in post independent Zimbabwe, and educationist par excellence, Professor Primrose Kurasha;

Celebrates the life of an icon and gender activist who advanced the rights of women in the country;

Conveys its profound condolences to the family of the deceased.

27. HON. SHAMU,
HON. NDORO

That this House;

MINDFUL that the World Radio Day is celebrated through the bringing together of Community radio enthusiasts to share best practices, exhibit and exchange ideas among professionals of the radio industry;

COGNIZANT that the radio promotes the diversity of cultures and continues to play a pivotal role as it did during the days of our liberation struggle where broadcasts completely defeated enemy propaganda;

ACKNOWLEDGING that the radio is not just a means of communication but is an emotional, spiritual and physical nourishment to the generality of the population all over the world;

FURTHER ACKNOWLEDGING that the World Radio Day was successfully celebrated in Zimbabwe on behalf of the entire SADC Region on 13 February, 2017 under the theme “Radio is You”

NOW THEREFORE, calls upon this House to

- (a) Congratulate the Ministry of Information, Media and Broadcasting Services, ZBC, Star F.M., Zi F.M. and all other stakeholders for successfully celebrating World Radio Day;
- (b) Applaud Government’s progressive policy which encourages 75% local content thereby motivating promoting and empowering our local artists;
- (c) Embrace all modern technology that enhances digitalization.

28. HON. NYAMUPINGA,
HON. CHIRISA

That this House;

APPRECIATING the work done by women over the years dating as far back as days of the first Chimurenga, as clearly demonstrated by heroines of the calibre of Mbuya Nehanda;

DESIROUS to uphold the values and dignity of women in our day to day lives;

MINDFUL that women are not only the back bone of our economy, but are the role models of successful homes hence the need to give them the honour befitting of their stature;

Now, therefore calls upon this House to:

- (a) Congratulate our women on the occasion of the International Women’s Day;
- (b) Declare the International Women’s Day a public holiday;
- (c) Join hands with all other progressive forces in uplifting the status of our women folk, who until our attainment of independence, were marginalized.

29. HON. GUZAH
HON. PARADZA

That this House -

PURSUANT to the adoption of the SADC Gender Protocol on Gender Development;

ACKNOWLEDGING that the Constitution of Zimbabwe envisages full participation of women in political, social and economic spheres on the basis of equality;

NOTING that the current mining legislation is inadequate in its scope and prescription to deal with gender parity;

CONCERNED, that women are incapacitated to actively engage in all mining activities;

DISTURBED that despite government initiatives and programmes to promote participation of women in mining the sector continues to be male dominated despite the fact that this sector is a centre piece for economic development and growth;

NOW, THEREFORE, calls upon Government to:

- (a) Introduce quota systems that obligate mining companies to incorporate women in their system;
- (b) Provide support through training, educational grants and workshops as a strategy to capacitate women in the mining sector;
- (c) Engage in awareness campaigns through the media and affirmative action groups.

30. HON. GUZAH
HON. PARADZA

That this House-

Noting that the country has a soaring unemployment rate of over 85%;

MINDFUL that despite the enactment of Statutory Instrument No. 66 of 2013, indigenous people continue to be side lined by foreigners who get preferential treatment in reserved spheres of the economy;

CONCERNED that there is no monitoring and evaluation mechanism to ensure businesses are compliant with the indigenization law which deals with matters of investment;

ACKNOWLEDGING the initiatives taken by the state to ensure compliance with the law;

DISTURBED that notwithstanding the Statutory Instrument No. 66 of 2013 new companies and firms have entered the reserved areas without due regard for the requirements that are applicable in these areas;

COGNISANT that the reserved areas are less capital intensive for the indigenous Zimbabweans to penetrate, contribute and benefit from the business economy.

NOW, THEREFORE, calls upon Government to

- (a) Establish a task force to monitor, evaluate and follow up on non-compliance and prosecute offenders;
- (b) Train and sensitise the indigenous business people to be conversant with the business environmental laws; and
- (c) Hold awareness symposiums with a view to encouraging the citizens to tap into the reserved areas so that they fully benefit from available resources.

31. HON. MARIDADI,
HON. MISHAIRABWI-MUSHONGA

That this House

NOTING that Zimbabwe is a signatory of the SADC Protocol on Industrialisation and has acceded to the Industrialisation Strategy and Roadmap 2015-2063;

ACKNOWLEDGING industrialisation as a champion of economic, technological and social transformation;

REALISING that Zimbabwe is endowed with abundant and diverse natural resources as well as world class human capital;

WORRIED that Zimbabwe is an exporter of raw materials and primary goods;

NOTING that the industrialisation strategy aims at reversing this trend in order to achieve sustainable development for the country through value addition and beneficiation of our products and thus increase returns from the export of our natural resources; and

CONCERNED that the manufacturing sector is suffering as a result of imports that find their way on the local market in contravention of Statutory Instruments that prohibit the importation of such ready-made goods;

NOW THEREFORE resolves that this House calls upon Government to take deliberate steps to:

- (a) To domesticate the SADC Protocol on Industrialisation;
- (b) Craft and implement a value addition and beneficiation policy in line with the SADC Protocol on Industrialisation; and
- (c) Enforce statutory instruments that prohibit the importation of goods that do not require value addition locally.

32. HON. MLILO
HON. MPALA

That this House;

MINDFUL that Section 35 of the Constitution of Zimbabwe provides for, citizenship by birth, descent or registration;

AWARE that Zimbabwean citizens are entitled to the rights, privileges and benefits of citizenship and are equally also to the duties and obligations of citizenship;

COGNISANT that provisions of the Constitution entitle citizens to dual citizenship, which they easily circumvent national obligations such as National Service and the evasion of taxation by simply raising foreign nationality in such circumstances and yet benefit from the protection, travel documents and any other primary documents whenever it suits them;

DISTURBED dual citizenship can be abused;

NOW THEREFORE, calls upon:

- (a) The Executive to put in place a law regulating dual citizenship by descent and registration; and
- (b) The Registrar General to explain to citizens the benefits of obligations of acquiring citizenship.

33. HON. MAJOME,
HON MAONDERA

That this House -

RECALLING THAT on 5 February 2014 I moved a motion for stiff mandatory sentences for rape and other gender based violence crimes, scientific investigation of rape and the implementation of the National Gender Based Violence Strategy.

DISMAYED that only the Ministers of Justice, Legal and Parliamentary Affairs and Women Affairs, Gender and Community Development responded to the motion, while the Ministers of 1) Health and Child Care, 2) Home Affairs, 3) Finance and Economic Development and 4) Higher and Tertiary Education, Science and Technology Development did not respond to the motion, causing me to move to re-instate it on the Order Paper upon its lapse with the prorogation of 2 sessions.

NOTING THAT the 16 days of activism against gender based violence began on 25 November and ended on 10 December 2015, the International Human Rights Day whose theme was *'From Peace in the Home to Peace in the World: Make Education safe for all'*;

STILL DISTURBED by the high rate of gender based violence in Zimbabwe, i.e. against women and girls who have been raped from 2013-2015;

STILL CONCERNED by the low rate of apprehension, conviction and sentencing of perpetrators of gender based violence;

STILL CONCERNED by the absence and lack of crime forensic experts in Zimbabwe, as well as the lack of forensic rape investigation kits;

COGNISANT that at the launch of the 16 days of activism campaign of 2012 government launched the National Gender Based Violence Strategy 2012-2015 whose four key result areas are Prevention, Service Provision, Research,

Documentation, Evaluation and Coordination;

Now therefore resolve that;

- (a) There be legislated a mandatory sentence for rape, including statutory rape, of not less than thirty years and appropriate sentences for other forms of gender based violence.
- (b) The government immediately engages adequate services of forensic scientists for purposes of investigating rape.
- (c) The government immediately and continually equip all police stations with forensic investigation rape kits.
- (d) The government immediately implements with stakeholders the “Zimbabwe National Gender Based Violence Strategy: 2012-2015”.

34. HON. TOFFA ,
HON. MISIHAIRABWI MUSHONGA

That this House-

ACKNOWLEDGING that Section 29 (1), of the Constitution of Zimbabwe provides that the State must take all practical measures to ensure the provision of basic, accessible and adequate health services throughout Zimbabwe ;

AWARE that Section 35 (c) of the Constitution of Zimbabwe stipulates that Zimbabwean citizens are entitled to birth certificates and other primary documents issued by the State;

DISTURBED by the fact that children are being deprived of their right to identity as a result of hospitals holding back their birth records because of unpaid maternity fees;

COGNISANT that parents are encountering challenges in enrolling their children in schools due to lack of records;

DEEPLY CONCERNED by the fact that the situation is worsened by unemployment and cash shortages in Zimbabwe resulting in women failing to meet the high maternity fees;

NOW THEREFORE, calls upon the Executive;

- (a) To formulate and implement a user friendly maternity fee policy as government;
- (b) To abandon the practice of detaining women at public health institution due to failure to settle maternity fees;
- (c) Stop forthwith withholding children’s birth records;
- (d) Review the birth registration fees for children born outside the country; and
- (e) Implement the laws that give effect to a right to identity.

35. HON. MUKUPE,
HON. DR. MASHAKADA

That this House -

ACKNOWLEDGING that judicial management is provided for as an alternative to winding up in terms of sections 299-314 of the Companies Act (Chapter 24:03).

FURTHER ACKNOWLEDGING that censorship and the winding of banking institutions is provided for under part X of the Banking Act (Chapter 24:20)

NOTING that curatorship incorporates many of the fundamental provisions of judicial management

FURTHER NOTING that curatorship and judicial management have the effect of staying all legal proceedings and the execution of all writs, summons and other legal proceedings against the Companies or banking institutions concerned

FURTHER NOTING the object of a judicial management order is to avoid the drastic remedy of winding up a company that is in financial difficulties but that there is a reasonable probability that under more careful controlled management it will surmount its difficulties

DISTURBED by a High Court ruling that removed the veil that protects companies under judicial management from having their arrests attached to recover investments WORRIED that there is going to be an uncontrolled withdrawal our removal of funds or assets from companies and or financial institutions whose precarious financial position could be remedied our resolved

NOW, THEREFORE, Parliament calls upon the Minister of Justice in consultation with the relevant line Ministers to –

- a) To immediately set in motion through the Presidential Powers Act a Bill to temporarily set aside the High Court Ruling
- b) Urgently take a Bill(s) to comprehensively amend the Companies Act regarding judicial management.

36. HON. NDUNA
HON. CROSS

That this House;

AWARE that the African Union has declared the year 2017 a year of “*Harnessing the Demographic Dividend Through Investment in the Youth*”

DEEPLY CONCERNED that Sub Saharan Africa continues to suffer the highest youth poverty rates globally, at almost 70 percent and the highest youth unemployment rates.

CONSCIOUS that the ILO’s World Employment and Social Outlook Report for the 2016 has established that an estimated 20% of youths in Zimbabwe may never be able to secure gainful employment owing to the prevailing economic challenges;

RECOGNISING AND APPLAUDING those enterprising Zimbabwean youths who have taken the initiative to start their own businesses and have become a major driving force behind job creation, poverty reduction, wealth creation, income distribution and reduction in income disparities;

WORRIED that while many young entrepreneurs in Zimbabwe have got cogent ideas with the latent potential to make meaningful social impact and drive local socio-economic development, these youths face significant obstacles in gaining access to start-up investment capital to launch their businesses and to enable them to thrive and expand;

ACKNOWLEDGING that Section 20(c) of the Constitution of Zimbabwe obliges the State and all institutions and agencies of government at every level to take reasonable measures, including affirmative action programmes, to ensure that youths are afforded opportunities for employment and other avenues to economic empowerment;

NOW THEREFORE, call upon the Executive to:

- a) Establish a Youth Bank similar to the Women's Bank which will provide start-up investment capital to enterprising youths to launch their business.
- b) Create precipitous conditions for youths to expeditiously access investment capital from the Youth Bank to ensure that economic opportunities are not lost to bureaucracy and red tape;
- c) Introduce entrepreneurship into the education curriculum at an early age to create a nation of creative employers.

37. HON. MUDYIWA,
HON. ZEMURA

That this House:

AWARE that the veld fire season begins from the end of July to the end of October; MINDFUL that frequent burning has serious implications on the environment, wildlife habitat, human health and livelihoods;

RECALLING that the impacts of veld fires range from severe environmental degradation to loss of property and life;

NOTING that the growth of vegetation countrywide translates to high fuel load with a high probability of veld fire outbreaks during the dry season;

ACKNOWLEDGING that the fire prediction for 2017 season indicates 80% of high to extreme fire risk;

CONCERNED that human activities increase the frequency, extent and pattern of veld fires;

NOW, THEREFORE, calls upon the Executive to-

- a) Amend the legislative framework that deals with veld fires so that it provides for stiffer custodial sentences for people who start fires;
- b) Take steps to ensure that court cases on environmental crimes are resolved speedily.

38. Adjourned debate on motion on the Report on the Role of the Pan African Parliament in Promoting the Free Movement of People and the African Passport. (*Adjourned 18th July, 2017 – Hon. Rungani*)

[Day elapsed: 4]

That this House takes note of the Report on the Role of the Pan African Parliament in Promoting the Free Movement of People and the African Passport. – **Hon. A. Mnangagwa**

39. Adjourned debate on motion on the Third Report of the Public Accounts Committee on the 2014 and 2015 Appropriation and Funds Accounts for the Ministry of Transport and Infrastructural Development (S. C. 12, 2017) (*Adjourned 27th June, 2017- Hon. Rungani*)

[Day elapsed: 2]

Question proposed: That this House adopts the Third Report of the Public Accounts Committee on the 2014 and 2015 Appropriation and Funds Accounts for the Ministry of Transport and Infrastructural Development (S. C. 12, 2017)- **Hon. Mpariwa**.

40. Adjourned debate on motion on the Report of the 40th Plenary Session of the SADC-Parliamentary Forum held in Harare, Zimbabwe from the 3rd to the 15th of November 2016. (*Adjourned 22nd June, 2017-Hon. Rungani*)

[Days elapsed: 5]

Question proposed: That this House takes note of the Report of the 40th Plenary Session of the SADC-Parliamentary Forum held in Harare, Zimbabwe from the 3rd to the 15th of November 2016).-**Hon. Dr. Mukanduri**.

41. Adjourned debate on motion on the First Report of the Portfolio Committee on Lands, Agriculture, Mechanisation and Irrigation Development on the Utilisation of the Brazilian Mechanisation Facility and Livestock Situation in Zimbabwe. (S.C. 2, 2017). (*Adjourned 6th June, 2017-Hon. Matuke*)

[Days elapsed: 13]

Question proposed: That this House takes note of the First Report of the Portfolio Committee on Lands, Agriculture, Mechanisation and Irrigation Development on the Utilisation of the Brazilian Mechanisation Facility and Livestock Situation in Zimbabwe. (S.C. 2, 2017).-**Hon. Chitindi**.

42. Adjourned debate on motion on the First Report of the Portfolio Committee on Land, Agriculture, Mechanisation and Irrigation Development on Cotton Sector Production (*Reinstated 2nd May, 2017-Hon. Chitindi*)

[Days elapsed: 28]

Question proposed: That this House takes note of the First Report of the Portfolio Committee on Land, Agriculture, Mechanisation and Irrigation Development on Cotton Sector Production (S. C. 16, 2015- **Hon. Chitindi**).

43. Adjourned debate on motion on the First Report of the Portfolio Committee on Lands, Agriculture, Mechanisation and Irrigation Development on the operations of

the Agriculture and Rural Development Authority (ARDA) and Cold Storage Company (C. S. C.) (*Reinstated 2nd May, 2017- Hon. Chitindi*).

[Days elapsed: 30]

Question proposed: That this House takes note of the First Report of the Portfolio Committee on Lands, Agriculture, Mechanisation and Irrigation Development on the operations of the Agriculture and Rural Development Authority (ARDA) and Cold Storage Company (C. S. C.) (S. C. 3, 2016) - **Hon. Chitindi**.

44. Adjourned debate on motion on the First Report of the Portfolio Committee on Mines and Energy on the Consolidation of Diamond Mining Companies (S. C. 9, 2017). (*Adjourned 22nd June, 2017- Hon. Matuke*).

[Days elapsed: 21]

Question proposed: That this House takes note of the First Report of the Portfolio Committee on Mines and Energy on the Consolidation of Diamond Mining Companies (S. C. 9, 2017). - **Hon. Dr. Shumba**.

45. Adjourned debate on motion on the Second Report of the Public Accounts Committee on the findings of the Auditor General on the 2010 and 2011 Accounts for the Bulawayo City Council (S. C. 1, 2017)- (*Adjourned 13th June, 2017- Hon. Matuke*).

[Days elapsed: 10]

Question proposed: That this House adopts the Second Report of the Public Accounts Committee on the Findings of the Auditor General on the 2010 and 2011 Accounts for the Bulawayo City Council (S. C. 1, 2017)- **Hon Mpariwa**.

46. Adjourned debate on motion on acts of violence and terror against innocent people (*Adjourned 15th June 2017- Hon. Rungani*)

[Days elapsed: 12]

Question proposed: That this House-

AWARE that Zimbabwe is a peace loving nation;

DISTURBED by recent acts of violence and terror on innocent people by some political parties;

WORRIED by vicious attacks on police officers and security agents;

CONCERNED by the looting and destruction of property and infrastructure in Greater Harare;

NOW THEREFORE calls upon Parliament to resolve to:

Strongly condemn political parties perpetrating acts of violence on our nation;

- (b) Calls upon the Zimbabwe Republic Police to arrest all those rowdy youths

involved in acts of violence and to facilitate their prosecution; and

- (c) Asks the Minister of Home Affairs to make a statement on the state of affairs with regards to recent political violence and to assure the nation of its safety and security- **Hon. Mandipaka**.

47. Adjourned debate on motion on the closed Shabani – Mashava Mines (SMM) (*Adjourned 12th April, 2017 –Hon. Matuke*).

[Days elapsed: 23]

Question proposed: That this House:

RECALLING that the Shabani – Mashava Mines (SMM) closed more than 15 year ago and prejudiced over two thousand employees due to non-payment of salaries and wages, poor service delivery as well as deteriorating living standards as a result of poor maintenance of basic facilities such as sanitation, sewer and water reticulation system, roads and infrastructure among others;

NOTING that the credit status of the company has been getting worse since the closure of the mine;

COGNISANT that the company was a big contributor to the economy and that it is deteriorating;

CONCERNED at the consequences of not been reopened

WORRIED that the workers may never get what is due to them and also that the prospects of the re – opening of the mine may never dawn;

NOW, THEREFORE, this House resolves that:

- (a) Through the government, a board be set to run the affairs of the Mines
- (b) through a properly structured administration;
- (c) The board secures a new investor to resuscitate the Mines and that it be
- (d) revived in line with dictates of the ZIMASSET Blueprint;
- (e) The welfare of the Mining community and the workers of these mines be improved.
- (f) The flagship of the town be raised- **Hon. Holder**.

48. Adjourned debate on motion on the State of Harare and other urban roads (*Adjourned 28th March, 2017 –Hon. Matuke*).

[Days elapsed: 26]

Question proposed: 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. Majome**

49. Adjourned debate on motion on the Second Report of the Portfolio Committee on Transport and Infrastructural Development on the Inquiry into the Aviation Industry in Zimbabwe (S. C. 3, 2017). (*Adjourned 28th March 2017- Hon. Matuke.*)

[Days elapsed: 26]

Question proposed: That this House adopts the Second Report of the Portfolio Committee on Transport and Infrastructural Development on the enquiry into the Aviation Industry in Zimbabwe (S. C. 3, 2017).- **Hon. Nduna.**

50. Resumption of debate on motion on the First Report of the Portfolio Committee on Defence, Home Affairs and Security Services on Service Delivery by the Registrar General's Department (*Interrupted 21st February, 2017*)

[Days elapsed: 29]

Question proposed: That this House takes note of the First Report of the Portfolio Committee on Defence, Home Affairs and Security Services on Service Delivery by the Registrar General's Department (S.C. 18, 2016)- **Hon. A. Mnangagwa**

51. Adjourned debate on motion on the First Report of the Portfolio Committee on Transport and Infrastructural Development on the Familiarisation Tour of Victoria Falls and Harare Airports and the Plumtree-Mutare Road Project. (*Adjourned 21st March 2017- Hon. Matuke*)

[Days elapsed: 30]

Question proposed: That this House adopts the First Report of the Portfolio Committee on Transport and Infrastructural Development on the Familiarisation Tour of Victoria Falls and Harare Airports and the Plumtree-Mutare Road Project (S.C. 25, 2016)- **Hon. Nduna.**

52. Adjourned debate on motion on the First Report of the Portfolio Committee on Health and Child Care on the Deployment, Roles and Responsibilities of the Village Health Workers/ City Health Promoters in the Provision of Primary Health Care in Zimbabwe, (S. C. 21, 2016) (*Adjourned 16th March 2017–The Minister of Small and Medium Enterprises Development and Cooperative Development*).

[Days elapsed: 31]

Question proposed: That this House takes note of the First Report of the Portfolio Committee on Health and Child Care on the Deployment, Roles and Responsibilities of the Village Health Workers/ City Health Promoters in the Provision of Primary Health Care in Zimbabwe (S. C. 21, 2016))- **Hon. Dr. Chimedza.**

53. Adjourned debate on motion on the Second Report of the Portfolio Committee on Transport and Infrastructural Development on the Operations of the National Railways of Zimbabwe (*Reinstated 1st December, 2016 –Hon Nduna*).

[Days elapsed: 72]

Question proposed: That this House takes note of the Second Report of the Portfolio Committee on Transport and Infrastructure Development on the Operations of the National Railways of Zimbabwe, (S.C. 21, 2015)- **Hon. Nduna.**

54. Adjourned debate on motion on the First Report of the Portfolio Committee on Defence, Home Affairs and Security Services on the Immigration Department at the Forbes Border Post (S.C 20, 2015). (*Reinstated 28th February, 2017 – Hon. Chiwetu*)

[Days elapsed: 73]

Question proposed: That this House takes note of the First Report of the Portfolio Committee on Defence, Home Affairs and Security Services on the Immigration Department at the Forbes Border Posts (S.C 20, 2015) **Hon. C.C Sibanda**

55. Adjourned debate on motion on the Second Report of the Portfolio Committee on Defence, Home Affairs and Security Services on the Attempted Jail Break from

Chikurubi Maximum Prison (S.C. 22, 2015) (*Reinstated 28th February, 2017- Hon. Chiwetu*).

[Days elapsed: 65]

Question proposed: That this House takes note of the Second Report of the Portfolio Committee on Defence, Home Affairs and Security Services on the Attempted Jail Break from Chikurubi Maximum Prison (S.C. 22, 2015) –*Hon. Chiwetu*

56. Adjourned debate on motion on the First Report of the Portfolio Committee on Local Government, Public Works and Urban Development on Service Delivery by Local Authorities. (*Adjourned 5th April, 2017–Hon. Rungani*)

[Days elapsed: 49]

Question proposed: That this House takes note of the First Report of the Portfolio Committee on Local Government, Public Works and Urban Development on Service Delivery by Local Authorities. (S.C. 23, 2016)–*Hon. Zindi*.

57. Adjourned debate on motion on the First Report of the Portfolio Committee on Local Government, Rural and Urban Development on Service Delivery by City of Harare (S. C. 5, 2015). (*Reinstated 12th April, 2017- Hon. Zindi*)

[Days elapsed: 48]

Question proposed: That this House takes note of the First Report of the Portfolio Committee on Local Government, Rural and Urban Development on Service Delivery by City of Harare (S. C. 5, 2015).) - *Hon. Zindi*.

58. Adjourned debate on motion on the First Report of the Portfolio Committee on Information Communication Technology, Postal and Courier Services on the Mobile Telecommunications Sector in Zimbabwe. (*Reinstated 28th February, 2017–Hon. Chamisa.*)

[Days elapsed: 47]

Question proposed: That this House takes note of the First Report of the Portfolio Committee on Information Communication Technology, Postal and Courier Services on the Mobile Telecommunications Sector in Zimbabwe. (S.C. 7, 2016).–*Hon. Chamisa*.

59. Adjourned debate on motion on the First Report of the Public Accounts Committee on the findings by the Auditor General on the 2014 and 2015 Appropriation Accounts for the Ministry of Industry and Commerce and Funds Accounts under its purview. (S.C. 24, 2016). (*Adjourned 20th, December 2016- Minister of Finance and Economic Development*).

[Days elapsed: 46]

Question proposed: That this House takes note of the First Report of the Public Accounts Committee on the findings by the Auditor General on the 2014 and 2015 Appropriation Accounts for the Ministry of Industry and Commerce and Funds Accounts under its purview. (S.C. 24, 2016). - *Hon. Mpariwa*.

60. Adjourned debate on motion on the First Report of the Portfolio Committee on Youth, Indigenization and Economic Empowerment on Marange-Zimunya

Community Share Ownership Trust. (*Adjourned 24th October, 2016 –Hon. Matuke*).

[Days elapsed: 89]

Question proposed: That this House takes note of the First Report of the Portfolio Committee on Youth, Indigenization and Economic Empowerment on Marange-Zimunya Community Share Ownership Trust (S.C. 22, 2016). – **Hon. Wadyajena**.

61. Adjourned debate on motion on the First Report of the Committee on Public Accounts on the examination of the Grain Marketing Board (GMB) Value for Money Audit Report. (S.C. 1, 2015). (*Reinstated 1st December, 2016 - Hon. Mpariwa*)

[Days elapsed: 88]

Question proposed: That this House takes note of the First Report of the Portfolio Committee on Public Accounts on the examination of the Grain Marketing Board (GMB) Value for Money Audit Report and Audited Accounts for the Financial years ended March 2011/ 2012, 2012/ 2013 and 2013/ 2014. (S.C.1, 2015). – **Hon. Mpariwa**

62. Adjourned debate on motion on the Report of the 45th Session of the African Caribbean and Pacific Parliamentary Assembly (ACP) and Intercessional meetings of the ACP – EU Joint Parliamentary Assembly held in Brussels, Belgium from 21st to 24th March 2017. (*Adjourned 8th June, 2017- Hon. Matuke*)

[Days elapsed: 11]

Question proposed: That this House takes note of the Report of the 45th Session of the African Caribbean and Pacific Parliamentary Assembly (ACP) and Intercessional meetings of the ACP – EU Joint Parliamentary Assembly held in Brussels, Belgium from 21st to 24th March 2017-**Hon. Dr. Shumba**.

63. Adjourned debate on motion on the Report of the Zimbabwe delegation to the 6th International Conference by the Islamic Consultative Assembly of the Islamic Republic of Iran (*Adjourned 15th June, 2017-Hon. Rungani*)

[Days elapsed: 9]

Question proposed: That this House takes note of the Report of the Zimbabwe delegation to the 6th International Conference by the Islamic Consultative Assembly of the Islamic Republic of Iran, in support of the Palestinian Uprising, held in Teheran in Iran from the 21st to the 22nd of February, 2017- **Hon. Paradza**.

64. Adjourned debate on motion on the Report of the Parliament of Zimbabwe delegation to the China International Travel Mart, held from the 11th to the 13th November, 2016 - (*Adjourned 20th June, 2017- The Vice-President and Minister of Justice, Legal and Parliamentary Affairs*).

[Days elapsed: 8]

Question proposed: That this House takes note of the Report of the Parliament of Zimbabwe delegation to the China International Travel Mart, held from the 11th to the 13th November, 2016. – **Hon.S. Mpofu**.

WEDNESDAY 2ND AUGUST, 2016

QUESTIONS FOR ORAL ANSWERS

◆ **QUESTIONS WITHOUT NOTICE.**

* **QUESTIONS WITH NOTICE.**

- *1. HON. MAJOME: To ask the Minister of Health and Child Care to inform the House when the Ministry would replace the one and only Gas Chromatograph machine which packed up in 2004, in view of the fact that this is affecting forensic pathology in public hospitals.

[Deferred from 3rd May, 2017]

- *2. HON. KWARAMBA: To ask the Minister of Health and Child Care to inform the House of the measures that government has put in place to ensure that people living with disabilities have access to relevant information in pictorial and braille formats as a way of disseminating information on HIV voluntary testing, treatment and condom use in view of the fact that these people are usually left out.

Deferred from 3rd May, 2017]

- *3. HON. KWARAMBA: To ask the Minister of Health and Child Care to explain the government position as regards the formulation and implementation of user friendly disability policies and to also give statistics on the numbers of HIV positive people living with disabilities.

Deferred from 3rd May, 2017]

- *4. HON. TSHUMA D.: To ask the Minister of Health and Child Care to consider adopting the system of non-payment of all non-curable diseases and HIV / AIDS to the stages of diagnosis and treatment instead of picking out diabetes in view of the debilitating impact that these diseases have on human capital.

Deferred from 17th May, 2017]

- *5. HON. KHUMALO M.: To ask the Minister of Health and Child Care to explain to the House how the sum of \$23 000 earmarked for the construction of Dongamuzi Clinic, which was deposited in the District Account in 2014 was utilised.

[Deferred from 17th May, 2017]

- *6 HON. KHUMALO M. To ask the Minister of Health and Child Care to explain how the amount of \$200 000 and \$250 000 which was allocated to the Ministry on the 2016 and 2017 budgets respectively for the construction of Dongamuzi Clinic in the Lupane West Constituency was used.

[Deferred from 14th June, 2017]

- *7. HON. MANGAMI: To ask the Minister of Health and Child Care to inform the House what government policy is regarding the issuance of travel insurance cover by medical insurance companies when individuals travel outside the country.

[Transferred from 7th June, 2017]

- *8. HON MAJOME: To ask the Minister of Health and Child Care the measures government has put in place to ensure that no one is denied emergency medical treatment at any health institution as demanded by Section 29 (2) and Section 76 (3) of the Constitution.

[Deferred from 21st June, 2017]

- *9. HON. MASUKU P.: To ask the Minister of Justice, Legal and Parliamentary Affairs to inform the House of government's plan to curb food shortages in Zimbabwe Prisons.

[Deferred from 28 June, 2017]

- *10. HON. MASUKU P.: To ask the Minister of Justice, Legal and Parliamentary Affairs to inform the House why government is not introducing Command Agriculture in all prison farms.

[Deferred from 28 June, 2017]

- *11. HON. MAJOME: To ask the Minister of Home Affairs to notify the house when the Registrar – General of Zimbabwe, Mr Tobaiwa Mudede was born and if he is above the age of 65 years, why has he not retired from the Civil Service.

[Deferred from 28 June, 2017]

- *12 HON MAJOME: To ask the Minister of Home Affairs;
- a) To confirm whether or not the Registrar General, Mr Tobaiwa Mudede addressed a ZANU PF party caucus at the ZANU PF Headquarters on 10 May 2017, urging the party to amend the Constitution to ban dual citizenship despite Section 196 (3) (a) requiring Public Officers to be objective and impartial.
 - b) To inform the House if the Minister and the Registrar General have any respect for the Constitution.
 - c) To inform the House if the Registrar General will address the MDC – T. and MDC about the constitutional amendment on dual citizenship

- *13 Hon Majome: To ask the Minister of Home Affairs to Inform the House on what steps the Ministry has taken to ensure that police at their stations are taught sign language in order to assist the deaf people.

- *14. HON MASUKU P: To ask the Minister of Home Affairs to explain the policy regarding the issuance of birth records to mothers delivering at government hospitals considering that some do not get the birth records due to failure to settle their hospital bills.

- *15. HON. MANGAMI: To ask the Minister of Environment, Water and Climate whether Tokwe – Mukorsi Dam has been allocated land around it as a green belt in order to protect it from siltation and possibly destruction and if so, how many hectares.

[Deferred from 28 June, 2017]

- *16. HON MASUKU P: To ask the Minister of Information, Media and Broadcasting Services to
- (a) Explain why radio and television licenses are so high compared to other regional trends.
 - (b) State the method used by the national television to check whether the content resonate with the public.

[Deferred from 28 June, 2017]

NOTICE OF AMENDMENTS

National Peace and Reconciliation Commission Bill, (H.B. 2, 2017)

Preamble

BY HON. GONESE:

In line 10 on page 3 of the Bill, to delete the words “WHEREAS sections 251 to 253 of the Constitution provide as follows:” and to substitute:

“WHEREAS Zimbabwe must seek a departure from a past of violence and gross violation of human rights, and a transition from fear and hatred, and instead must embrace the call to dialogue and truth, seeking a new path to a future of peace and respect for human rights, a future of hope and love, a new culture of justice and accountability;

AND WHEREAS the Constitution provides that path to justice, dialogue and restoration, to truth-telling and the making of amends, to support and rehabilitation of victims, and offers new tools for the construction of a society of sustainable peace through the establishment of the National Peace and Reconciliation Commission;

AND WHEREAS sections 251 to 253 of the Constitution provide as follows:”.

Clause 1

BY HON. GONESE:

In line 47 on page 4 of the Bill, to delete “, 2017,”.

Clause 2

BY HON. GONESE:

Between lines 12 and 13 on page 5 of the Bill, to insert the following definition:

““human-rights violation” means an infringement of any right protected as a fundamental human right by the Constitution or customary international law or by an international convention, treaty or agreement to which Zimbabwe is a party;”.

Clause 3

BY HON. GONESE:

In line 38 on page 5 of the Bill, in paragraph (a) of subclause (2) to delete the words “to conduct” and to substitute “on its own initiative or on receipt of a complaint or at the instigation of any person, to conduct”.

Between lines 40 and 41 on page 5 of the Bill, to insert the following paragraphs after paragraph (a) of subclause (2), the remaining paragraphs being renumbered accordingly:

- “(b) to conduct its investigations in whatever manner, formally or informally and inside or outside Zimbabwe, as the Commission considers appropriate in the circumstances; and
- (c) to secure the resolution of disputes through arbitration or mediation or any other means that the Commission considers will best achieve justice, healing and reconciliation; and
- (d) to develop and operate programmes to provide support victims of human-rights violations and other persons affected by such violations, including—
 - (i) rehabilitation, counselling and medical treatment; and
 - (ii) providing them with opportunities to relate their experiences; and
 - (iii) measures to restore their human dignity;
 and
- (e) to collect and preserve information, whether in documents or in digital or other form, regarding human-rights violations, conflicts and disputes and the Commission’s activities; and
- (f) subject to any other law, to ensure that the information referred to in paragraph (e) is accessible to the public; and”.

Clause 6

BY HON. GONESE:

Between lines 21 and 22 on page 6 of the Bill, to insert the following subclause, the remaining subclauses being renumbered accordingly:

- “(3) The Commission shall take all measures necessary to ensure that victims of human-rights violations, as well as their families and representatives, have full access to the Commission and are treated with compassion and respect for their dignity.”.

Clause 8

BY THE VICE PRESIDENT AND MINISTER OF NATIONAL HEALING, PEACE AND RECONCILIATION:

On page 7 of the Bill, in line 13, after the words “Civil”, insert the words, “and criminal”.

New Clause after Clause 8

BY HON. GONESE:

After line 14 on page 7 of the Bill, to insert the following clause after clause 8, the remaining clauses to be renumbered accordingly:

“1. Gender

- (1) The Commission shall establish a Gender Unit to provide for—
- (a) The development of specific guidelines and rules on how the Commission will incorporate gender into its work;
 - (b) The development of strategies to encourage the participation of women, girls and other marginalised groups in the work of the Commission
 - (c) Gender equity in the structure of the Commission, its secretariat and any other committees that the Commission may set up
 - (d) Mainstreaming of gender imperatives into every aspect of the Commission’s work
 - (e) Ensuring that all organs of the Commission shall consider and address the gender implications of their activities
 - (f) Developing protocols for statement taking, collection and analysis of gender and sex-disaggregated data, the conduct of interviews and hearings and other operational matters to ensure that gender concerns are fully addressed
 - (g) Monitoring gender related practices within the Commission and advice on best practice and principle.
 - (h) Investigating the use of sexual crimes as a weapon during and after conflicts
 - (i) Reaching out to and identify victims of gender based violations and provide such victims an opportunity, in private or public, to relate their own accounts of the violations or harm they have suffered and to set out their needs;
 - (j) Holding specific public or private hearings on the gendered nature and context of violence and marginalization; and investigate the causes of such violence and marginalization;
 - (k) Assessing the needs of victims of gender based violations and marginalization and make recommendations which may include urgent interim measures, as to the appropriate measures required to redress such violations and marginalization, including the policy which should be followed or measures which should be taken to restore the human and civil dignity of such victims;
 - (l) Ensuring that every report of the Commission shall carry a specific Chapter on gender

(2) The Commission shall appoint or second a dedicated gender focal person to every Unit, Committee or Body that it may establish for the purposes of this Act.

Clause 9

BY HON. GONESE:

Between lines 39 and 40 on page 7 of the Bill, to insert the following subclause, the remaining subclauses being renumbered accordingly:

“(5) The Commission may recommend to the Director of the Legal Aid Directorate that any person who—

- (a) is about to give or is giving evidence before the Commission; or
- (b) is a victim of a human-rights violation or is a representative of such a victim;

should be provided with legal aid, and the Director shall take action on such a recommendation as if it had been made by a court in terms of section 10 of the Legal Aid Act [*Chapter 7:16*].”.

Clause 10

BY HON. GONESE:

In lines 23 to 25 on page 9 of the Bill, to delete from the proviso to subclause (3) the words “is arraigned on a charge of perjury as defined in terms of section 183 of the Criminal Law (Codification and Reform) Act [*Chapter 9:23*]” and to substitute “is charged with a contravention of section 9(11)”.

Clause 11

BY HON. GONESE:

In line 34 on page 9 of the Bill, to delete from subclause (1) “The Commission shall” and to substitute “The Commission may”.

Between lines 36 and 41 on page 9 of the Bill, to repeal subclause (2).

New Clause after Clause 11

BY HON. GONESE:

After line 44 on page 9 of the Bill, to insert the following clause after clause 11, the remaining clauses to be renumbered accordingly:

“12 Witness protection programme

(1) The Commission shall establish a witness protection programme to provide protection for—

(a) persons who intend to give evidence to the Commission or any of its committees or who are giving or have given such evidence; and

(b) members of the families or households of the persons referred to in paragraph (a);

where there are reasonable grounds to believe they may be subjected to intimidation or harm arising from such evidence.

(2) The Minister and all public officers shall provide the Commission, on request, with all reasonable assistance in the establishment and implementation of the witness protection programme referred to in subsection (1).

(3) As soon as practicable after establishing a witness protection programme, the Commission shall prepare a report outlining the programme and its costs, and the Minister shall without delay lay it before the Senate and the National Assembly.”.

Clause 12

BY HON. GONESE:

Between lines 4 and 6 on page 10 of the Bill, to delete paragraph (a) of the clause.

New Clause after Clause 15

BY HON. GONESE:

Between lines 14 and 15 on page 12 of the Bill, to insert the following new clause in Part IV after clause 15:

“16 Implementation of Commission’s reports

Within six months after the Commission’s annual report for any year has been laid before National Assembly, the Minister shall present to the Assembly a report indicating clearly—

- (a) which of the recommendations in the Commission’s report the Government intends to implement, and the way they are to be implemented; and
- (b) which of the recommendations in the Commission’s report the Government does not intend to implement, and the reasons for not implementing them;

and the National Assembly shall debate the Minister’s report on one of the fifteen days on which it sits after the report was presented.”.

New Clauses after Clause 18

BY HON. GONESE:

Between lines 4 and 5 on page 19 of the Bill, to insert the following clauses after clause 19:

“20 Immunity from prosecution

(1) Subject to this section, the Commission may grant an immunity from prosecution to any particular person who has given evidence before the Commission and who—

- (a) has acknowledged responsibility for any offence which constitutes a human-rights violation; and
- (b) in the Commission’s opinion, has shown remorse for his or her involvement in the human-rights violation:

Provided that the Commission shall not grant immunity in respect of —

- (a) murder; or
- (b) any conduct that constitutes genocide for the purpose of the Genocide Act [*Chapter 9:20*]; or
- (c) any offence that constitutes a war crime or a crime against humanity under any international convention, treaty or agreement to which Zimbabwe is a party; or
- (d) a sexual crime specified in sections 65 to 75 of the Criminal Law (Codification and Reform) Act [*Chapter 9:23*]; or
- (e) an offence involving the abuse of a child.

(2) For the purpose of granting an immunity from prosecution, the Commission shall establish a committee, to be known as the Clemency Committee, consisting of five persons of whom—

- (a) the majority shall have had experience in working with victims of human-rights violations; and
- (b) at least two shall themselves be victims of human-rights violations;

and when considering a grant of immunity, the Commission shall take due account of the Committee’s recommendations made after hearing representations from any victims of the human-rights violation committed by the person concerned.

(3) A grant of from prosecution by the Commission shall be in writing and shall specify clearly the offence for which immunity is granted, and the grant shall give the person to whom it is granted a complete defence in any prosecution in which he or she is charged with that offence.

21 Commission to have access to information

(1) In this section—

“public officer” means—

- (a) a member of a statutory body; or
- (b) a person holding a paid office in the service of the State or a statutory body;

“statutory body means—

- (a) a Commission established by the Constitution; or
- (b) a provincial or metropolitan council or local authority; or
- (c) a body corporate established directly by or under an Act of Parliament for special purposes specified in that Act, whose membership consists wholly or mainly of persons appointed by the President, a Vice-President, a Minister, a Deputy Minister, another statutory body or by a Commission established by the Constitution.

(2) On request by the Commission, all public officers shall without delay provide the Commission with any information in their custody which the Commission may reasonably require for the purpose of carrying out its functions under the Constitution or this Act.

(3) Any person who fails or refuses, without just cause, to comply with a request by the Commission in terms of subsection (2) shall be guilty of an offence and liable to a fine not exceeding level six or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment.

22 Reference of disputes to arbitration or mediation

(1) Where the Commission is called upon to resolve any dispute among communities, organisations, groups or individuals, it may refer the dispute for resolution by arbitration or mediation.

(2) Subject to this section, the Arbitration Act [*Chapter 7:15*] shall apply to a dispute referred to arbitration in terms of subsection (1).

(3) Before referring a dispute to arbitration or mediation, the Commission shall afford the parties a reasonable opportunity of making representations on the matter.

(4) In referring a dispute to arbitration or mediation, the Commission, after consultation with the parties to the dispute, shall determine the arbitrator’s or mediator’s terms of reference.

(5) In referring a dispute to arbitration or mediation, the Commission shall appoint as an arbitrator or mediator a person whose name appears on a list of arbitrators or mediators, as the case may be, referred to in subsection (6).

(6) The Minister, in consultation with the Judicial Service Commission, shall from time to time prepare—

- (a) a list of arbitrators; and
- (b) a list of mediators;

consisting of persons whom they consider to be experienced or qualified in arbitration or mediation, as the case may be.

(7) In hearing and determining any dispute, an arbitrator shall have the same powers as the Administrative Court.

(8) At the conclusion of an arbitration under this section the arbitrator shall submit sufficient certified copies of his or her arbitral award to each of the parties affected by it.

(9) Any party to whom an arbitral award relates may submit for registration the copy of it furnished to him in terms of subsection (8) to the Registrar of the High Court.

(10) Where arbitral award has been registered in terms of subsection (9) it shall have the effect, for purposes of enforcement, of a civil judgment of the High Court.

(11) Any person who, without just cause—

- (a) refuses to appear before an arbitrator or mediator when called upon to do so by the Commission; or
- (b) hinders or obstructs an arbitrator or mediator in the exercise of his or her functions under this section;

shall be guilty of an offence and liable to a fine not exceeding level twelve or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.”.

First Schedule

BY HON. GONESE:

Between lines 26 to 29 on page 14 of the Bill, to delete the proviso to paragraph 2(5).

BILL UNDER CONSIDERATION BY THE PARLIAMENTARY LEGAL COMMITTEE

1. *Mines and Minerals Amendment Bill, (H. B. 19, 2015)- The Minister of Mines and Mining Development (Referred 11th May, 2017).*
2. *ZEP – RE (Membership of Zimbabwe and Branch Office Agreement) Bill (H.B. 9A, 2016) – The Minister of Finance and Economic Development (Referred 18th July 2017)*
3. *Insolvency Bill (H.B.11, 2016) – The Vice President and Minister of Justice Legal and Parliamentary Affairs.(Referred 20th July 2017)*