

PARLIAMENT OF ZIMBABWE

Thursday, 7th December, 2017

The Senate met at Half-past Two o'clock p.m.

PRAYERS

(THE HON. PRESIDENT OF THE SENATE *in the Chair*)

**ANNOUNCEMENTS BY THE HON. PRESIDENT OF THE
SENATE**

**NON-ADVERSE REPORT RECEIVED FROM THE
PARLIAMENTARY LEGAL COMMITTEE**

THE HON. PRESIDENT OF THE SENATE: I have received a Non-Adverse Report from the Parliamentary Legal Committee on all Statutory Instruments published in the *Gazette* during the month of October 2017.

**ADVERSE REPORT RECEIVED FROM THE PARLIAMENTARY
LEGAL COMMITTEE**

THE HON. PRESIDENT OF THE SENATE: I also have

received an Adverse Report from the Parliamentary Legal Committee, on Statutory Instrument No. 110 (2017), Presidential Powers Temporary Measures, Extension of State Liabilities Act to the Assets of Chitungwiza Municipality Regulations 2017.

CHANGES TO THE STANDING RULES AND ORDERS

COMMITTEE MEMBERSHIP

THE HON. PRESIDENT OF THE SENATE: I wish to inform the Senate of changes to the membership of the Committee on Standing Rules and Orders where Hon. Sen. Shiri replaces Hon. Sen. Masuku following her appointment as Minister of State for Bulawayo Metropolitan Province.

STATE OF SENATORS AND PROPORTIONAL REPRESENTATION

MEMBERS OF THE NATIONAL ASSEMBLY IN THE CDF

COMMITTEES

THE HON. PRESIDENT OF THE SENATE: I wish to clarify a misunderstanding that has come to our attention on the state of Senators

and Proportional Representation (PR) Members of the National Assembly in the Constituency Development Committees. Senators and PR Members of Parliament are *ex-officio* members of the constituency Development Committees by virtue of being Members of Parliament, elected under a party list system of proportional representation. In other words, they hold membership to such committees by right of their offices and promotions, eminent positions. Senators and PR Members are therefore members of all Constituency Development Committees following under their jurisdiction in terms of Article 9 (2) and (3) of the CDF Constitution. They have full voting rights as Members and are accorded the same participatory rights as other members of the CDF. So, you are expected to attend the Committees whenever there are meetings because you are full members of that Committee.

PRESENTATION OF THE 2018 NATIONAL BUDGET

THE HON. PRESIDENT OF THE SENATE: I wish to inform the Senate that the Minister of Finance and Economic Planning will today, Thursday 7th December, 2017 at 3 o'clock p.m. present the 2018

National Budget in the National Assembly. The Senate will view the presentation from the television screens in this Senate Chamber.

HON. SEN. MLOTSHWA: On a point of order Madam President. I would like clarity because it is like you are saying two things. You are saying senators are *ex-officio* Members and at the same time you are saying, they have voting rights in all the constituencies. I do not understand it.

THE HON. PRESIDENT OF THE SENATE: When you are an *ex-officio* member and the Constitution does not actually say as an *ex-officio* member you cannot vote, automatically it is a given that you have voting rights. So, according to the Constitution of the CDF, you do have full voting rights. Mind you, this money is not going to be put in individual Members of the House of Assembly's accounts. As a CDF, there is going to be established bank accounts and Parliament will put money into that bank account. As a member of that Committee, you will have a right to have a voice as to how and where that money is going to be used.

HON. SEN. MLOTSHWA: It will never happen

THE HON. PRESIDENT OF THE SENATE: What do you mean it will never happen? If you do not go to the meetings – it is not just the Members of Parliament who are going to be members of this committee. Actually, I want to urge you to read the Constitution of this CDF. This Committee is not just made up of Members of Parliament; it will have other persons from the Constituencies. It will be the Member of the National Assembly, the Senate – as you know you cover three, four or five constituencies – that means you are going to be a member on each one of those that fall under you. If they are three or four, you are going to be a member of those three or four and you will be expected to have an input into how that money is used. You do not have to worry, it is quite different from the previous one. I know the older Senators who have been in the 7th Parliament know what happened, this is totally different, the money is controlled from Parliament. If I may say, we have the Chairperson right here. So, the Member of Parliament is not going to just do what he wants with that money. The Committee has to

agree and Parliament has to go and see whether you all agree as to where that money should go; whether it is going to go to the refurbishment of the classroom, refurbishment of the school or to the refurbishment of the clinics. So, please Senators, it is your right. Make sure you sit in on all those Committees so that you are also part of what is going to take place. It is quite different from what happened during the Seventh Parliament. You are more empowered this time as Senators.

HON. SEN. MOHADI: On a point of order Madam President. It is really disappointing because at the Standing Rules and Orders, the last meeting that we had, this issue was deliberated on and it was explained. Finally, it was agreed that an MP is an MP, whether it is a proportional Member or a Senator, they remain an MP. As a result, we have more than 350 MPs here who are liable to get the CDF and the same issue was discussed when we were in Victoria Falls. It was agreed upon that the issue is over. The MPs who were there, I think they can witness. I read that Constitution, it says that Senators and Proportional Representation are ex-officio members. An ex-officio member, from the little

knowledge that I have is just an ex-officio member. You do not have the voting right and you do not have any say on that. They can even do it alone without us and we cannot report anywhere.

THE HON. PRESIDENT OF THE SENATE: Hon. Senator, I explained the legalities of the ex-officio. How else can I put it? You are ex-officio but you have voting rights. If it were stated in the Constitution that ex-officio means you have no voting rights, then you would not but it is not stated, so you have the rights. You have to exercise your rights, please do not run away from your rights. Exercise your right and help build the constituencies that you cover. As for what was agreed at SROC and at Victoria Falls, right now we are looking at the 2017 Budget. So this is what is happening in as far as the 2017 Budget is concerned. Please, let us be found doing something. We want to come back after 2018 as Senators. If you are going to be missing – please be there, be involved. The constituents that you represent need to know that you as their senators had something to say about the way this

money is going to be used. It is not going to any person's account, the money is going into your committee's accounts.

HON. SEN. MOHADI: Anyway, I just rest my case but I am not happy.

+THE HON. PRESIDENT OF THE SENATE: I hope we are together. We want people from our constituencies to know that we are members of the committees and that we contributed. *We want our people to know that we represent them whether they have rural constituencies or urban. What we want is to see where the money is going. We are there as MPs, we sit in committees and we have other people from the communities who will be members of that committee. So we will work together as a team but what is important is to value and ensure that your voice has been heard, you were part of what was done so that they do not think that the Senator did not do anything for them. People in our constituencies should know that we represent them as we work together with the elected Members of the National Assembly.

HON. SEN. MLOTSHWA: But the Chairpersons will develop wings.

+THE HON. PRESIDENT OF THE SENATE: The money is controlled by Parliament; it is not one person who is going to control the funds.

HON. SEN. MLOTSHWA: The money was not deposited into anyone's account. It was deposited into the CDF account because they were supposed to open an account, but it created problems in terms of that.

THE HON. PRESIDENT OF THE SENATE: It is different.

HON. SEN. MLOTSHWA: There is nothing new because you were to open an account even in the Seventh Parliament and it was controlled by Parliamentary Affairs. The attitudes and actions that are going to be in the constituencies – you know the Chairpersons of the CDFs are going to develop wings, I tell you. It will be difficult when the ex-officio part is not explained in the document.

THE HON. PRESIDENT OF THE SENATE: If you want to advocate for failure, we shall fail. If you want to advocate for success, we shall succeed. It is up to you as an individual Senator. That is all I can say because it is clear; you have to be involved, you have a voting right, exercise your right please. Thank you.

On the motion of **THE MINISTER OF HEALTH AND CHILD CARE (HON. SEN. DR. PARIRENYATWA)**, *the Senate adjourned at Ten Minutes to Three o'clock p.m. until Tuesday, 19th December, 2017.*