

No. 33

PARLIAMENT
OF
ZIMBABWE

VOTES AND PROCEEDINGS OF THE SENATE

THIRD SESSION – EIGHTH PARLIAMENT

WEDNESDAY, 9TH MARCH, 2016

Half past two o'clock pm.

President of the Senate in the Chair.

PRAYERS.

Bhebe M,
Bhobho H,
Buka F,
Carter M.N,
Chabuka K,
Chiduku Chief,
Chifamba J,
Chimanikire A,
Chimbudzi A,
Chimhini D. A,
Chimutengwende C.C.C,
Chipanga T.S,
Chitanga Chief,
Dandawa Chief,

Gampu Chief IV,
Goto R,
Gwenzi Chief,
Jadagu G. T
Juba A,
Khumalo D.T,
Komichi M,
Machingaifa T,
Mabhugu F.E,
Makone T,
Makore J,
Makwarimba C,
Maluleke O,
Manyeruke J,
Marava M,
Marozva Chief,
Mashavakure N,
Masuku A,
Mathuthu T.A,
Matiirira A,
Mavhunga M,
Mawire J,
Mkwebu A,
Mlotshwa S,
Moeketsi V.
Mohadi T.B,
Mtshane Chief,
Mumvuri D.D.E,
Muronzi M,
Musaka M.B,
Musarurwa Chief,
Ncube S,
Ndlovu J,
Nebiri Chief,
Nembire Chief,
Ngungumbane Chief,
Ntabeni Chief,
Nyamukoho Chief,
Nyangazonke Chief,
Sekeramayi T.S,

Sibanda A,
Sibanda B,
Tawengwa C.Z,
Timveos L.

In attendance in terms of section 138(2) and (3) of the Constitution
Hon. Vice President E. D. Mnangagwa.

Printed by Order of the Senate

Absent with Leave

Hon. Sen. Chizema, Hon. Sen. Nyathi, Hon. Sen. Chief Siansali.

1. The President of the Senate informed the House that the sports competitions between Members of Parliament and staff which were scheduled for Friday, 11th March, 2016, from 1300 hours to 1700 hours, at Alexandra Sports Club, in Milton Park, Harare, had been postponed to Sunday, 13th March, 2016
2. Hon. Sen Tawengwa seconded by Hon. Sen. Masuku, moved: That Orders of the Day Nos. 1 and 2 for today, stand over until Order of the Day No.9 has been disposed of.

Motion put and agreed to.

3. Adjourned debate on motion in reply to the Presidential Speech (*Adjourned 5th March, 2016— Hon. Sen. Tawengwa*)

[Time elapsed: 3 hours 22 minutes]

Question again 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. Sen. Tawengwa**.

On the motion of Hon. Sen Tawengwa, seconded by Hon. Sen Masuku: Debate adjourned until tomorrow.

5. Adjourned debate on motion on the Zimbabwe Delegation Report on the the 133rd Assembly of the Inter-Parliamentary Union (IPU) (*Adjourned 3rd March, 2016 – Hon. Sen. Siansali*)

[Day elapsed: 2]

Question again proposed: That this House takes note of the Zimbabwe Delegation Report on the 133rd Assembly of the Inter-Parliamentary Union (IPU) held in Geneva, Switzerland, from 17-23 October, 2015.- **Hon Sen Chief Siansali**

On the motion of Hon. Sen Tawengwa, seconded by Hon. Sen Masuku: Debate adjourned until tomorrow.

6. Adjourned debate on motion calling for rehabilitation and maintenance of War Shrines (*Adjourned 2nd March, 2016 –The Deputy Minister of Media, Information and Broadcasting Services*)

[Day elapsed: 3]

Question again proposed: That this House—

NOTING with pride the immense sacrifice, courage and commitment made by the freedom fighters in their quest to liberate Zimbabwe;

ACKNOWLEDGING that the liberation of our country came at a heavy cost and needs to be selflessly and jealously guarded;

DISTURBED by the utter neglect and dilapidation and continued deterioration of War Shrines in neighbouring countries despite the fact that Government identified and made efforts to rehabilitate war shrines in Nyadzonia, Tembwe, Doroie; Chibawawa and Nyango in Mozambique as well as Freedom Camp, Nyampundiwe, Mulungushi, Mkushi and Kavalamaya in Zambia

CONCERNED that rehabilitation works have not been undertaken at Kabanga, Sinde, Solwezi in Zambia and other sites in Tanzania and Botswana.

FUTHER CONCERNED that to this day the bullet riddled home of His Excellency, the President and the home of the late Joshua Nkomo our founding Fathers have not been declared National Heritage Sites

Now, Therefore, this House calls upon Government to address the rehabilitation of our war shrines and to give due recognition to our departed brave sons and daughters of our liberation struggle. – *Hon. Sen. Mohadi*

On the motion of Hon. Sen Tawengwa, seconded by Hon. Sen Masuku: Debate adjourned until tomorrow.

7. Hon. Sen Tawengwa, seconded by Hon. Sen Masuku, moved: That Orders of the Day Nos. 6 to 9, for today, stand over until Orders of the Day Nos.2 and 1, have been disposed of, in that order.

Motion put and agreed to.

8. Adjourned debate on SECOND READING of the *Criminal Procedure and Evidence Amendment Bill* (H.B. 2B, 2015) - *The Vice President and Minister of Justice, Legal and Parliamentary Affairs.*

Bill read a second time. Committee, with leave, forthwith

(*Senate in Committee*)

Clauses 1 to 49 put and agreed to.

Bill to be reported without amendment

(Senate Resumed)

Bill reported without amendment.

Third reading, with leave, –forthwith.

Bill read the third time.

9. Adjourned debate on SECOND READING - *General Laws Amendment Bill (H.B 3A, 2015 –The Vice President and Minister of Justice, Legal and Parliamentary Affairs.*

Bill read a second time. Committee – Tomorrow.

10. Adjourned debate on motion to congratulate His Excellency, the President Cde. R.G. Mugabe and the Government of Zimbabwe on successfully leading the African Union (AU) and Southern African Development Community (SADC) as Chairperson. *(Adjourned 2nd March, 2016 – Hon. Sen. Chief Musarurwa)*

[Day elapsed: 3]

Question again proposed: That this House—

CONGRATULATES His Excellency the President, Cde. Robert Gabriel Mugabe and the Government of the Republic of Zimbabwe for successfully leading the African Union as its Chairperson;

WARMLY APPRECIATES his distinguished leadership qualities during his tenure in Office, an achievement that has earned the Nation pride;
NOW THEREFORE, resolves that this House conveys its gratitude and sentiments to His Excellency and the Nation as a whole and wishes our President many more years of good leadership and wise counsel. - *Hon. Sen. Chief Musarurwa*

On the motion of the Deputy Minister of Media, Information and Broadcasting Services: Debate adjourned until tomorrow.

11. Adjourned debate on motion on the Zimbabwe Delegation Report on the 38th Plenary Assembly of the SADC-Parliamentary Forum *(Adjourned 2nd March 2016—The Deputy Minister of Media, Information and Broadcasting Services)*

[Day elapsed: 3]

Question again proposed: That this House takes note of the Zimbabwe Delegation Report on the 38th Plenary Assembly of the SADC-Parliamentary Forum, Sea Side Hotel and SPA, Swakopmund, Namibia, 17 to 25 November 2015. – *Hon. Sen. Mohadi*

On the motion of Hon. Sen Mohadi, seconded by Hon. Sen Mumvuri: Debate adjourned until tomorrow.

12. Adjourned debate on motion on the role of Traditional leaders (*Adjourned 2nd March, 2016-Hon. Sen. Mawire*)

[Days elapsed: 5]

Question again proposed: That this House-

ACKNOWLEDGING that Traditional Leaders play a pivotal role and yet they are not given the due respect that they deserve, a situation that has led to many illegal activities perpetrated in their areas of jurisdiction;

CONCERNED that such disrespect for our Traditional Leaders has led to unwanted developments such as moral decadence, environmental degradation and child marriages;

NOW THEREFORE calls upon this Government to revisit policies that give Traditional Leaders their mandate so that they can effectively deal with issues of moral decadence, environmental pollution and degradation, children's rights among communal communities as well as other incidental issues that they may fall under the purview of the Traditional Chiefs' Mandate-*Hon. Sen Mawire.*

On the motion of Hon. Sen. Mawire, seconded by Hon. Sen. Mlotshwa: Debate adjourned until tomorrow.

13. Adjourned debate on motion on the Report of the Parliament of Zimbabwe Delegation to the 7th World Water Conference (*Adjourned 2nd March, 2016—The Deputy Minister of Media, Information and Broadcasting Services*)

[Days elapsed: 11]

Question again proposed: That this House takes note of the Report of the Parliament of Zimbabwe Delegation to the 7th World Water Conference held in Gyeongju, Republic of Korea from the 13th to 16th April 2015- Hon. Sen. Mlotshwa.

On the motion of the Hon. Sen. Mlotshwa, seconded by Hon. A. Sibanda: Debate adjourned until tomorrow.

14. On the motion of the Deputy Minister of Media, Information and Broadcasting Services: The Senate adjourned at twenty-five minutes to six o'clock pm.

E. MADZONGWE
President of the Senate.

THURSDAY, 10TH MARCH, 2016

QUESTIONS FOR ORAL ANSWER.

◆ QUESTIONS WITHOUT NOTICE.

*** QUESTIONS WITH NOTICE.**

- *1. HON. SEN. GOTO: To ask the Minister of Industry and Commerce to state the measures the Ministry has put in place to control fertilizer prices in order to protect consumers from being prejudiced by unscrupulous dealers.

[Deferred from 3rd March, 2016]

- *2. HON. SEN. CHIMBUDZI: To ask the Minister of Industry and Commerce to explain
(a) The advantages of market research;
(b) And to further explain why market research is indispensable; and
(c) How market research assists in the monitoring of growth of companies as well as that of competitors.

[Deferred from 3rd March, 2016]

- *3. HON. SEN. MASHAVAKURE: To ask the Minister of State for Liaising on Psychomotor Activities in Education what steps the government is taking to mainstream visually handicapped students into practical, technical and vocational subjects, especially at primary and secondary levels.

[Deferred from 3rd February, 2016]

- *4. HON. SEN. MASHAVAKURE: To ask the Minister of Home Affairs to state whether it is legal for police officers at road blocks to refuse to display or disclose their Force numbers by, for example, covering them with jerseys.

[Deferred from 3rd February, 2016]

- *5. HON. SEN. CHIMBUDZI: To ask the Minister of Home Affairs to state the Ministry's plans regarding the normalization of relations with neighboring countries that are deporting Zimbabweans for no apparent reason.

[Deferred from 3rd February, 2016]

- *6. HON. SEN. CHIMBUDZI: To ask the Minister of Home Affairs to state when the Ministry will electrify Beitbridge Boarder Post to enable the scanning machines work as expected.

[Deferred from 3rd February, 2016]

- *7. HON. SEN. CHIMBUDZI: To ask the Minister of Home Affairs to state the measures that the Ministry has put in place to curb corruption at Beitbridge and Plumtree border posts.

[Deferred from 3rd February, 2016]

- *8. HON. SEN. CHIMBUDZI: To ask the Minister of Home Affairs to state the steps that the Ministry is taking to deal with human trafficking at our borders.

[Deferred from 3rd February, 2016]

- *9. HON. SEN. TIMVEOS: To ask the Minister of Home Affairs to;
(a) Explain the reasons for the disruption of the peaceful gathering of unnamed war veterans at the City Sport Center on 16 February 2016;
(b) State the name of the person who filed a complaint against the war veterans.
(c) State the measures taken by the Ministry to correct the image created by the

event portraying the police as partisan.

[Deferred from 3rd March, 2016]

- *10. HON. SEN. TIMVEOS: To ask the Minister of Home Affairs to inform the House;
(a) The maximum amount that can be collected by police officers.
(b) Clarify the use of P65 forms used by the traffic police; and
(c) State measures the public can take when a police officer fails to issue a P65 form

[Deferred from 3rd March, 2016]

- *11. HON. SEN. TIMVEOS: To ask the Minister of Home Affairs to update the House on progress made to establish the whereabouts of Itai Dzamara.

[Deferred from 3rd February, 2016]

- *12. HON. SEN. MOHADI: To ask the Minister of Environment, Water and Climate to state the measures the Ministry is taking to adapt to the effects of drought especially in the lowveld.

[Deferred from 25th February, 2016]

- *13. HON. SEN. GOTO: To ask the Minister of Environment, Water and Climate to state whether the Ministry is carrying out water treatment works using chloride of lime in protected wells in Wedza area, in view of the fact that the communities in this area are concerned about sanitation of the water that they are drinking.

[Deferred from 25th February, 2016]

- *14. HON. SEN. MAVHUNGA: To ask the Minister of Environment Water and Climate to explain measures being taken by government to help communities to benefit from their local wildlife conservancies.

[Deferred from 3rd March, 2016]

- *15. HON. SEN. MOHADI: To ask the Minister of Public Service, Labour and Social Welfare to state government's plan to distribute food aid to drought stricken areas of the country.

[Deferred 3rd March, 2016]

- *16. HON. SEN. TIMVEOS: To ask the Minister of Justice Legal and Parliamentary Affairs to state measures taken by the Ministry to ensure that the administration of the voters Roll formerly under the purview of the Registrar General is completely taken over by the Zimbabwe Electoral Commission as provided for in the Constitution.

[Deferred from 3rd March, 2016]

- *17. HON. SEN. MAVHUNGA: To ask the Minister of Defence to explain how provinces without resident army units can benefit from developmental projects undertaken by the Zimbabwe National Army (ZNA) when the country is at peace.

[Deferred from 3rd March, 2016]

- *18. HON. SEN. MAVHUNGA: To ask the Minister of Primary and Secondary Education whether there are plans to improve adult education in Zimbabwe.

[Deferred from 3rd March, 2016]

ORDERS OF THE DAY

1. Adjourned debate on motion on the Zimbabwe Delegation Report on the 133rd Assembly of the Inter-Parliamentary Union (IPU) (*Adjourned 9th March, 2016 – Hon. Sen. Tawengwa*)

[Days elapsed: 3]

Question proposed: That this House takes note of the Zimbabwe Delegation Report on the 133rd Assembly of the Inter-Parliamentary Union (IPU) held in Geneva, Switzerland, from 17-23 October, 2015.- **Hon Sen Chief Siansali**

2. Adjourned debate on motion calling for rehabilitation and maintenance of War Shrines (*Adjourned 9th March, 2016 – Hon Sen Tawengwa*)

[Days elapsed: 4]

Question proposed: That this House—

NOTING with pride the immense sacrifice, courage and commitment made by the freedom fighters in their quest to liberate Zimbabwe;

ACKNOWLEDGING that the liberation of our country came at a heavy cost and needs to be selflessly and jealously guarded;

DISTURBED by the utter neglect and dilapidation and continued deterioration of War Shrines in neighbouring countries despite the fact that Government identified and made efforts to rehabilitate war shrines in Nyadzonja, Tembwe, Doroie; Chibawawa and Nyango in Mozambique as well as Freedom Camp, Nyampundiwe, Mulungushi, Mkushi and Kavalamaya in Zambia

CONCERNED that rehabilitation works have not been undertaken at Kabanga, Sinda, Solwezi in Zambia and other sites in Tanzania and Botswana.

FURTHER CONCERNED that to this day the bullet riddled home of His Excellency, the President and the home of the late Joshua Nkomo our founding Fathers have not been declared National Heritage Sites

Now, Therefore, this House calls upon Government to address the rehabilitation of our war shrines and to give due recognition to our departed brave sons and daughters of our liberation struggle. – **Hon. Sen. Mohadi**

3. Adjourned debate on motion to congratulate His Excellency, the President Cde. R.G. Mugabe and the Government of Zimbabwe on successfully leading the African Union (AU) and Southern African Development Community (SADC) as Chairperson. (*Adjourned 9th March, 2016 – The Deputy Minister of Media, Information and Broadcasting Services*)

[Days elapsed: 4]

Question proposed: That this House—

CONGRATULATES His Excellency the President, Cde. Robert Gabriel Mugabe and the Government of the Republic of Zimbabwe for successfully leading the African Union as its Chairperson;

WARMLY APPRECIATES his distinguished leadership qualities during his tenure in Office, an achievement that has earned the Nation pride;

NOW THEREFORE, resolves that this House conveys its gratitude and sentiments to His Excellency and the Nation as a whole and wishes our President many more years of good leadership and wise counsel.- *Hon. Sen. Chief Musarurwa*

4. Adjourned debate on motion on the Zimbabwe Delegation Report on the 38th Plenary Assembly of the SADC-Parliamentary Forum (*Adjourned 9th March 2016—Hon. Sen Mohadi*)

[Days elapsed: 4]

Question proposed: That this House takes note of the Zimbabwe Delegation Report on the 38th Plenary Assembly of the SADC-Parliamentary Forum, Sea Side Hotel and SPA, Swakopmund, Namibia, 17 to 25 November 2015. – *Hon. Sen. Mohadi*

5. Adjourned debate on motion on the role of Traditional leaders (*Adjourned 9th March, 2016-Hon. Sen. Mawire*)

[Days elapsed: 6]

Question proposed: That this House-

ACKNOWLEDGING that Traditional Leaders play a pivotal role and yet they are not given the due respect that they deserve, a situation that has led to many illegal activities perpetrated in their areas of jurisdiction;

CONCERNED that such disrespect for our Traditional Leaders has led to unwanted developments such as moral decadence, environmental degradation and child marriages;

NOW THEREFORE calls upon this Government to revisit policies that give Traditional Leaders their mandate so that they can effectively deal with issues of moral decadence, environmental pollution and degradation, children's rights among communal communities as well as other incidental issues that they may fall under the purview of the Traditional Chiefs' Mandate-*Hon. Sen Mawire.*

6. Adjourned debate on motion on the Report of the Parliament of Zimbabwe Delegation to the 7th World Water Conference (*Adjourned 9th March, 2016— Hon. Sen. Mlotshwa*).

[Days elapsed: 12]

Question proposed: That this House takes note of the Report of the Parliament of Zimbabwe Delegation to the 7th World Water Conference held in Gyeongju, Republic of Korea from the 13th to 16th April 2015- **Hon. Sen. Mlotshwa**.

7. COMMITTEE: *General Laws Amendment Bill (H.B 3A, 2015)–The Vice President and Minister of Justice, Legal and Parliamentary Affairs*
(See Notice of Amendments)
8. Adjourned debate on motion in reply to the Presidential Speech (*Adjourned 9th March, 2016—Hon. Sen. Tawengwa*)

[Time elapsed: 3 hours 22 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. Sen. Tawengwa**.

NOTICE OF AMENDMENTS

GENERAL LAWS AMENDMENT BILL (H.B 3A, 2015)

1. BY: THE VICE PRESIDENT AND MINISTER OF JUSTICE, LEGAL AND PARLIAMENTARY AFFAIRS

PART XX

CRIMINAL LAW (CODIFICATION AND REFORM) ACT [Chapter 9:23]

1. On page 22 of the Bill line 41 delete “section 195A” and substitute with “section 196(1)”.
 2. On page 24 of the Bill line 18 delete “subsection (3)” and substitute with “subsection (2)”.
 3. On page 24 of the Bill line 20 delete “(3)” and substitute with “(2)”.
 4. On page 22 of the Bill after line 17 insert a new section as follows—
 - “15(1) By the repeal of section 96 .”.
 - (2) By the deletion of the word “criminal defamation” in the Second, Fourth and Fifth Schedules.
2. BY: THE VICE PRESIDENT AND MINISTER OF JUSTICE, LEGAL AND PARLIAMENTARY AFFAIRS
 1. On page 54 of the Bill, by the deletion of PART CVII.

2. On page 55 of the Bill, by the deletion of PART CIX.
3. On page 56 of the Bill, by the deletion of PART CXII.
4. On page 56 of the Bill, by the deletion of PART CXIII.
5. On page 57 of the Bill, by the deletion of PART CXIV.
6. On page 57 of the Bill, by the deletion of PART CXV.
7. On page 58 of the Bill, by the deletion of PART CXVI.
8. On page 58 of the Bill, by the deletion of PART CXVII.
9. On page 59 of the Bill, by the deletion of PART CXVIII.

3. BY: HON. SEN. CHIEF MTSHANE KHUMALO

**AMENDMENT OF PART CXXV1
TRADITIONAL LEADERS ACT [Chapter 29:17]**

On page 63 line 33 of the bill delete subsection (4) and substitute with-

“(4) Subject to this section and to subsections (5), (6) and (7), the Chiefs Council as it is constituted on the date of the dissolution of Parliament continues in office and to function as such until a new Council is elected in terms of the Electoral Act [Chapter 2:13].”

MEETINGS OF COMMITTEES

Thursday, 10th March, 2016

At 0900 hours in Committee Room 4.

Peace and Security: Hon. Sen. Mumvuri D.D.E - (*Chairperson*) Hon. Sen. Carter M, Hon. Sen. Chabuka K., Hon.Sen. Charumbira Chief, Hon. Sen. Chiduku Chief, Hon. Sen. Chimbudzi A, Hon. Sen. Gampu Chief, Hon. Sen. Hlalo M, Hon. Sen. Jadagu G.T, Hon. Sen. Komichi M, Hon. Sen. Makore J, Hon. Sen. Makone T, Hon. Sen. Marava M, Hon. Sen. Mawire J, Hon. Sen. Mohadi T.B, Hon. Sen. Musaka M.B, Hon. Sen. Musarurwa Chief, Hon. Ncube S., Hon. Sen. Nembire Chief, Hon. Sen. Ngungumbane Chief, Hon. Sen. Rtd Gen. Nyambuya M, Hon. Sen. Nyamukoho Chief, Hon. Sen. Ntabeni Chief, Hon. Sen. Sibanda A, Hon. Sen. Sinampande H.M, Hon. Sen. Timveos. (*Committee Clerk—Mr. A. Kunzwa*)

At 1000 hours in the Government Caucus Room.

Indigenisation and Empowerment: Hon. Sen. Chizema M- (*Chairperson*), Hon. Sen. Bhebe M, Hon. Sen. Bhobho H. Hon. Sen. Chief Chitanga, Hon. Sen. Dandawa Chief, Hon. Sen. Goto R, Hon. Sen. Juba A, Hon. Sen. Maluleke O. M, Hon. Sen. Marozva Chief, Hon. Sen.

Mashavakure N, Hon. Sen. Matiriira A, Hon Sen. Mavhunga M, Hon. Sen. Mlotshwa S, Hon. Sen. Ndlovu J, Hon. Sen. Chief Nembire, Hon. Sen. Nyamukoho Chief, Hon. Sen. Nyangazonke Chief, Hon. Sen. Nyathi R, Hon. Sen. Tawengwa C.Z. (*Committee Clerk—Mrs. E. Mafuruse*)