**BILL WATCH 57/2022**

**[2nd December 2022]**

**Legislative Agenda for Fifth Session of This Parliament:**

**December 2022 to July 2023**

The President opened the Fifth Session of the Ninth Parliament of Zimbabwe on 23rd November.  His State of the Nation Address [SONA] *[*[*link*](https://www.veritaszim.net/node/6015)*]*, which was delivered on that occasion, set out the Government’s Legislative Agenda.  Before discussing the new Legislative Agenda, however, we give by way of background a summary of the Fourth Session’s legislative performance.

**Fourth Session Legislative Performance**

The Legislative Agenda for the just ended Fourth Session listed thirty-nine Bills that the Government said it hoped would be passed – see the list in Bill Watch 69/2021 *[*[*link*](https://www.veritaszim.net/node/5310)*].*

By the end of an unusually long session – just under fourteen months instead of the usual twelve months – Parliament had passed only seven of them ­­– the Marriages Bill, Guardianship of Minors Amendment Bill, Pension and Provident Funds Bill, Amendment of State Universities Statutes Bill, Zimbabwe Independent Complaints Commission Bill, Copper Control Amendment Bill and Health Service Amendment Bill; of these – all except the last have been gazetted as Acts.  The session also saw the passage of two Bills for the 2022 National Budget [gazetted as Acts on 31st December 2021] and two Bills for the 2022 Supplementary Budget [gazetted as Acts in October 2022] – but these do not really count, as Budget Bills are not in practice listed in the annual Legislative Agendas].  Thirteen unfinished Bills, however, were still at various stages in their passage through the National Assembly *[see lists below under Fifth Session Legislative Agenda]*.

It would be unfair to blame Parliament for this poor legislative performance.  The Executive must accept a major share of responsibility, because it is up to Ministers to ensure that their Bills move forward to and in Parliament.  For instance: only one of the seven listed “Devolution Bills” in the Legislative Agenda for the Fourth Session under the Ministry of Local Government and Public Works has even been sent to Parliament for printing and gazetting; and major Bills under the Ministry of Finance and Economic Development have apparently stalled on their way through the National Assembly [there has been no activity on the Insurance and Pensions Commission Amendment Bill and Insurance Bill since May and April, respectively]; the Minister of Home Affairs and Cultural Heritage seems to have lost interest in the Police Amendment Bill, which was carried over from the Third Session and restored to the Fourth Session Order Paper a year ago.

**Fifth Session Legislative Agenda**

**#** *sign – indicates uncompleted Bill from Fourth Session that can be restored.*

*Bills without the word “[*[*link*](https://www.veritaszim.net/node/6015)*]” after them are not available in soft copy, so please do not request them from Veritas or expect to find them on the Veritas website.*

Bills are listed in the order the President referred to them

1. Insurance Bill *[link]*  #
2. Labour Amendment Bill *[link]  #*.

*Both the above Bills were introduced during the Fourth Session.  Only limited progress was made on them and they duly lapsed at the end of that session. Parliament can pass a motion to restore them at the stage they lapsed.*

Agriculture Food Systems and Transformation Strategy

*The following Bills are all new to the Legislative Agenda:*

1. Plant Breeders’ Rights Amendment Bill
2. Land Commission Amendment Bill
3. Bees Amendment Bill
4. Fisheries and Aquaculture Bill
5. Agricultural Resources Conservation Bill
6. Agricultural Education Bill
7. Sugar Amendment Bill

Mining sector

1. Mines and Minerals Amendment Bill – *which is currently “awaiting gazetting”*.

Devolution and Decentralisation Programme

1. Provincial Councils and Administration Bill *[*[*link*](https://www.veritaszim.net/node/4890)*] – a Bill with this name was gazetted in March 2021 [during the Third Session] and was roundly criticised by Veritas [*[*link*](https://www.veritaszim.net/node/4954)*].  It was not presented during either the Third or Fourth Session.  Perhaps it has been deservedly abandoned in favour of a later Bill?*
2. Rural District Councils Bill

*Note that there was no mention of an Urban Councils Bill, although it seems essential to devolution.*

1. Regional, Town and Country Planning Bill
2. Disaster Risk Management Bill

ICT

1. Electronic Transactions and Electronic Commerce Bill – *not the first time such a Bill has mentioned in a Legislative Agenda.*
2. Justice System
3. Criminal Law (Codification and Reform) Amendment Bill *[also known as the “Patriots Bill”]*
4. Public Interest Disclosure (Protection of Whistle-blowers) Bill
5. Witness Protection Bill
6. Zimbabwe Human Rights Commission Amendment Bill
7. Legal Aid Amendment Bill

Elections

1. Electoral Amendment Bill *[*[*link*](https://www.veritaszim.net/node/6005)*]* – *given that the 2023 General Election is only months away, the* *Minister of Justice, Legal and Parliamentary Affairs is likely to present this Bill soon.  The Bill has already been gazetted and Veritas has commented  on it [*[*link*](https://www.veritaszim.net/node/6019)*].*

Outstanding Bills from Fourth Session to be expedited

At the end of the Legislative Agenda the President said that *“outstanding Bills from the Fourth Session of the Ninth Parliament must be expedited”*.  Bills 1 and 2 above fall within this category and he named two more:

1. Child Justice Bill *[*[*link*](https://www.veritaszim.net/node/5374)*] Veritas Commentary [*[*link*](https://www.veritaszim.net/node/5687)*].*
2. Judicial Laws Amendment Bill *[*[*link*](https://www.veritaszim.net/node/5623)*] Veritas Commentary [*[*link*](https://www.veritaszim.net/node/5687)*].*

Finally, we add the following Bill which the President included in the “outstanding Bills” despite the fact that, strictly speaking, it had not yet started on its passage through Parliament, did not lapse and does not qualify for restoration to the Order Paper in this session

1. Prisons and Correctional Service Bill *[*[*link*](https://www.veritaszim.net/node/5927)*]* – *only gazetted in November, this Bill is due to be presented in the National Assembly next week by the Minister of Justice, Legal and Parliamentary Affairs*.

**TOTAL 24**

**Outstanding Bills Not Mentioned in the Legislative Agenda**

There were other Bills that are also *“outstanding Bills from the Fourth Session”* and still need to be completed by the National Assembly

* Private Voluntary Organisations Amendment Bill – *as extensively amended by the National Assembly during the Committee Stage.  The National Assembly still has to consider the non-adverse Parliamentary Legal Committee report on the amendments, after which the Bill may be given its Third Reading and sent to the Senate*.  *If, however, the Government has had second thoughts about the Bill, it could always be withdrawn or recommitted to Committee Stage to be subjected to further amendments.*
* Insurance and Pensions Commission Amendment Bill *[*[*link*](https://www.veritaszim.net/node/5475)*] – which has only just started on its Committee Stage.*
* National Security Council Bill *[*[*link*](https://www.veritaszim.net/node/6015)*]– for Veritas comments see [*[*link*](https://www.veritaszim.net/node/5475)*].*
* Children’s Amendment Bill *[*[*link*](https://www.veritaszim.net/node/4891)*]  – for Veritas comments see [*[*link*](https://www.veritaszim.net/node/5475)*].*
* Labour Amendment Bill *[*[*link*](https://www.veritaszim.net/node/5475)*] – for Veritas comments see [*[*link*](https://www.veritaszim.net/node/5475)*].*
* Electricity Amendment Bill *[*[*link*](https://www.veritaszim.net/node/5821)*] – Veritas Commentary 1 [*[*link*](https://www.veritaszim.net/node/5475)*] Commentary 2 [*[*link*](https://www.veritaszim.net/node/5475)*]*
* Medical Services Amendment Bill *[*[*link*](https://www.veritaszim.net/node/5475)*]* – *Veritas has commented on the Bill [*[*link*](https://www.veritaszim.net/node/5475)*]].*

**TOTAL 7**

**Bills Not Dealt with in Last Session but which Cannot be Restored**

* Police Amendment Bill *[*[*link*](https://www.veritaszim.net/node/5475)*] – as this Third Session Bill has already been restored to the Order Paper once for the Fourth Session, Standing Order 171(4) prohibits a second restoration.  The effect is that a new Bill will have to be introduced to replace it.*
* Public Finance Management Amendment Bill *[*[*link*](https://www.veritaszim.net/node/5475)*] – as this Third Session Bill has already been restored to the Order Paper once for the Fourth Session, Standing Order 171(4) prohibits a second restoration.  The effect is that a new Bill will have to be introduced to replace it.*

**General Comment**

Once again both the Executive has set Parliament an almost unachievable Legislative Agenda to be accomplished in what must inevitably be an unusually short session, given its very late start and its necessarily early ending before the end of July 2023 when the 2023 General Election must take place.

In fact, if the 2018 General Election is anything to go by, Parliament is likely to cease sitting much earlier in order to allow for adequate time for election campaigning.  In 2018, when polling took place at the very end of July, Parliament adjourned for the last time when Parliament’s last sitting of the session was on 7th June.

It must also be borne in mind that the 2023 National Budget has already been presented on 24th November and is likely to keep Parliament busy for a couple of weeks starting on Tuesday 6th December, when both Houses will next sit.

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