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**REPORT**

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**PORTFOLIO COMMITTEE ON ENERGY AND POWER DEVELOPMENT**

**REPORT ON**

**THE PUBLIC HEARINGS ELECTRICITY AMENDMENT BILL**

**[H.B. 7, 2022]**

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**FIFTH SESSION - 9<sup>TH</sup> PARLIAMENT**

**FEBRUARY, 2023**

## **1. INTRODUCTION**

1.1 The Portfolio Committee on Energy and Power Development conducted nationwide public hearings from 6-8 February on the Electricity Amendment Bill which seeks to amend the Electricity Act [ Chapter 13:19]. The public hearings were conducted in compliance with Section 141 of the constitution which stipulates that Parliament **must**;

*(a) facilitate public involvement in its legislative and other processes and in the processes of its Committees;*

*(b) ensure that the interested parties are consulted about bills being considered by parliament unless such consultation is inappropriate or impracticable..."*

Therefore, public participation and involvement in law making processes remains a central mandate of Parliament and complies with its vision of "...people driven" Parliament.

## **2. METHODOLOGY**

2.1 The Committee engaged the Ministry of Energy and Power Development to unpack the bill. It further conducted public consultations on virtual platforms such as zoom and radio. Three sessions were conducted on Zoom platform and two on different radio stations with a national coverage (see appendix 1). This report therefore summarizes the inputs received from the people of Zimbabwe with regard to the Electricity Amendment Bill.

## **3. GENERAL SUBMISSIONS**

3.1 The majority agreed to the proposals in the Bill. The public highlighted that the Bill must also protect both the service provider and the clients. They further indicated the need for the Bill to clarify the responsible authority for replacing vandalised infrastructure. ZESA should be obligated to ensure the security and protection of electricity infrastructure given that only skilled personnel have the capacity to vandalise the infrastructure. The public also advocated for the formulation of a database which will be used to record all the transformers in the country as well as a tracking mechanism for stolen transformers.

- 3.2 The public also highlighted that there are fluctuations in voltage transmissions which is damaging electric gadgets. They recommended that ZESA should control its supply voltage as well as compensate the public for damaged electric gadgets. It was also mentioned that transformers should have localised live power, to avoid theft during load shedding hours.
- 3.3 The public also noted with concern that reported cases are not well handled by ZESA. They recommended that ZESA should have a clear recording system on all reported cases on faulty areas. Additionally, they suggested that the Bill should provide penalties for ZESA employees that demand communities to contribute money towards the replacement of stolen or faulty electricity infrastructure. ZESA should also compensate individuals or communities that replace or install electricity infrastructure on its behalf.
- 3.4 The public recommended for provision of incentives to encourage whistle blowing of perpetrators of vandalism. It was further recommended that the Bill should provide punishment for law enforcement agents who accept bribes from those found guilty of vandalism or illegal transportation of electricity infrastructure. Some suggested that the law enforcement agents should be imprisoned and relieved off their duties.
- 3.5 It was proposed that the Bill should also include penalties liable to electricity bill defaulters.
- 3.6 The participants also expressed the need for ZESA to publicise the loadshedding schedule.
- 3.7 The public bemoaned the lack of legal framework to protect other renewable energy sources in the proposed Bill. They recommended that the Bill should also protect renewable energy equipment prone to vandalism and illegal transportation.
- 3.8 It was indicated that the government should implement strategies that encourage the participation of private players in power production in order to curb power shortages and load shedding that end up encouraging theft of infrastructure.
- 3.9 The public was worried about the wording in the Bill that created vagueness and room for misinterpretation and corruption when establishing the crime.

3.10 It was proposed the Bill should remove legal representation for guilty persons.

#### **4. SPECIFIC SUBMISSIONS ON THE PROPOSED AMENDMENTS**

##### **4.1 Clause 1: Short title of the bill**

4.1.1 There was no objection raised concerning the title of the bill.

##### **4.2 Clause 2: Amendment of section 60A of Cap 13:19**

###### **4.2.1 Abstraction or diversion of any electric current**

4.2.2 The participants proposed that in a case where the client had reported to ZESA about faulty meters and ZESA fails to respond in time, the client must not be charged with diverging electric current.

4.2.3 The public emphasised that the Bill should clarify from which point does it make it illegal to divert any electric current.

4.2.4 The public also proposed for the Bill to clarify what constitutes the “special circumstances” where one can be exempted from stiffer penalty, as stipulated in clause 2.

###### **4.2.2 Vandalism**

4.2.2.1 The public recommended for the mandatory sentence for anyone found guilty of this offence to average between 15 to 35 years for ordinary citizens. It was proposed that ZESA employees that are found guilty of this offense should be imprisoned for 30 to 40 years or life in prison.

4.2.2.2 Some members of the public queried the effect of a longer mandatory sentence on increasing corrupt activities such as bribes. As such they recommended for the mandatory sentence to be maintained at 5 years to curb corruption caused by guilty persons that attempt to evade the longer sentence.

4.2.2.3 The public proposed that the Bill should remove “special circumstances”.

4.2.2.4 It was recommended that the Bill should also provide for repossession of stolen property and other property of the guilty persons as a mechanism to compensate for their crime in addition to the prison time.

4.2.2.5 It was also suggested that the mandatory sentence should be conditional upon the value of the vandalised or stolen electricity infrastructure.

4.2.2.6 Some suggested for the guilty persons to have their ears removed as well as shoot to kill on site for those caught in the act of the crime.

4.2.2.7 The public recommended for the Bill to remove the provision for fine for guilty persons.

### **4.3 Clause 3: Amendment of section 60C of Cap 13:19**

#### **4.3.1 Transportation of material used in connection with generation, transmission, distribution or supply of electricity.**

4.3.1.1 The public recommended that the clause should also introduce stringent measures to deal with the end users of the materials.

4.3.1.2 The public also proposed that there should be two penalties for illegal transportation and failure to disclose end users of the materials.

## **5. COMMITTEE OBSERVATIONS**

- a) The nature of the bill does not generate much excitement among members of the public.
- b) The public was in consensus that the Bill should also protect the consumers of electricity apart from the provider.
- c) The bill should have further amended the Electricity Act [Cap 13:19] to include the punishment liable to ZESA when it fails to supply basic minimum power to consumers.

## **6. COMMITTEE RECOMMENDATIONS**

- a) The Ministry should copy from the Stock Theft Act which has no room for special circumstances that can mitigate mandatory sentence.

- b) The bill should provide definitions of terms for ‘illegal connections’, ‘special circumstances’ and ‘diverting electric current’.
- c) The mandatory sentence should be a minimum of 10 years. However, those that vandalize more valuable infrastructure such as transformers should receive a longer sentence.
- d) The Ministry should implement an asset management register that can be used as a tracking mechanism for stolen transformers. It will also assist in ensuring that all electricity infrastructure in the country is insured and easily replaced.

## 7. CONCLUSION

7.1 Electricity is vital for economic development hence passing the bill with the proposed amendments will help legislate the sector in a manner that improves service delivery. However, the Committee is of the view that law should not be regarded as the panacea to challenges it seeks to address such as vandalism. ZESA should be pro-active in ensuring that electricity infrastructure in the country is well secured and durable.

### Appendix 1: Venues of public Hearings

<b>Date</b>	<b>Platform</b>	<b>Time of Public Hearing</b>
06/02/2023	Zoom Platform 1	1000-1200hrs
06/02/2023	Zoom Platform 2	1400-1600hrs
06/02/2023	Star FM	1830-1930hrs
07/02/2023	National FM	1400-1500hrs
08/02/2023	Zoom Platform 3	1000-1200hrs