

BUNGE LA TANZANIA

MAJADILIANO YA BUNGE

MKUTANO WA KUMI NA TANO

Kikao cha Hamsini na Nne – Tarehe 27 Juni, 2019

(Bunge Lilianza Saa Tatu Asubuhi)

Naibu Spika (Mhe. Dkt. Tulia Ackson) Alisoma Dua

NAIBU SPIKA: Waheshimiwa tukae. Katibu!

NDG. ATHUMAN HUSSEIN – KATIBU MEZANI:

HATI ZA KUWASILISHA MEZANI

Hati zifuatazo ziliwasilishwa mezani na:-

MWANASHERIA MKUU WA SERIKALI:

Maelezo ya Mwanasheria Mkuu wa Serikali kuhusu Muswada wa Sheria ya Marekebisho ya Sheria Mbalimbali (Na. 3) wa Mwaka 2019 [*The Written Laws (Miscellaneous Amendments) (No.3) Bill, 2019*].

MHE. NAJMA MURTAZA GIGA - MAKAMU MWENYEKITI WA KAMATI YA KUDUMU YA BUNGE YA KATIBA NA SHERIA:

Maoni ya Kamati ya Katiba na Sheria kuhusu Muswada wa Sheria ya Marekebisho ya Sheria Mbalimbali (Na. 3) wa Mwaka 2019 [*The Written Laws (Miscellaneous Amendments) (No.3) Bill, 2019*].

MHE. JOSEPH R. SELASINI K.n.y. MSEMAJI MKUU WA KAMBI RASMI YA UPINZANI BUNGENI KUHUSU WIZARA YA KATIBA NA SHERIA:

Maoni ya Msemaji Mkuu wa Kambi Rasmi ya Upinzani Bungeni kuhusu Wizara ya Katiba na Sheria juu ya Muswada wa Sheria ya Marekebisho ya Sheria Mbalimbali (Na. 3) wa Mwaka 2019 [*The Written Laws (Miscellaneous Amendments) (No.3) Bill, 2019*].

NAIBU SPIKA: Ahsante sana, nimuite Katibu.

NDG. ATHUMAN HUSSEIN – KATIBU MEZANI:

MISWADA YA SHERIA YA SERIKALI

Muswada wa Sheria ya Fedha wa Mwaka 2019 (*The Finance Bill, 2019*)

(Majadiliano Yanaendelea)

NAIBU SPIKA: Waheshimiwa Wabunge, tutaendelea na majadiliano kama ambavyo tulianza jana. Nahitaji nipate majina kutoka kwenye vyama vyenye uwakilishi kama kuna wachangiaji, lakini pia kama hawapo tunaweza kuendelea na ratiba yetu.

Mheshimiwa *Chief Whip*, kuna wachangiaji upande wa Kambi Rasmi ya Upinzani? Hakuna. Upande wa Chama cha Mapinduzi kuna wachangiaji? Hakuna.

Katibu!

NDG. ATHUMAN HUSSEIN – KATIBU MEZANI:

KAMATI YA BUNGE ZIMA

Ibara ya 1

Ibara ya 2

Ibara ya 3

Ibara ya 4

Ibara ya 5

(Ibara zilizotajwa hapo juu zilipitishwa na Kamati ya Bunge Zima bila mabadiliko yoyote)

Ibara ya 6

Ibara ya 7

*(Ibara zilizotajwa hapo juu zilipitishwa na Kamati ya Bunge
Zima pamoja na marekebisho ya Serikali)*

Ibara ya 8

*(Ibara iliyotajwa hapo juu ilipitishwa na Kamati ya Bunge
Zima bila mabadiliko yoyote)*

Ibara ya 9

MWENYEKITI: Mheshimiwa Silinde.

MHE. DAVID E. SILINDE: Mheshimiwa Mwenyekiti, ahsante sana.

Mheshimiwa Mwenyekiti, bahati mbaya hii *schedule* yangu haijasambazwa lakini....

MBUNGE FULANI: Tunayo.

MHE. DAVID E. SILINDE: Imeshasambazwa eeh? *Okay* ahsante sana.

Mheshimiwa Mwenyekiti, kwenye kifungu cha 9 ambacho kipo sehemu ya nne kwenye *amendment of income tax* mimi nilikuwa nimeleta mapendekezo ya kurudisha kifungu ambacho kilikuwepo awali, hapa utaona *the principle act* kuna (a), kuna (b), kwa hiyo mimi nilikuwa ninataka kuongeza kifungu baada ya *paragraph (b)* tuongeze kifungu kipya cha (c) na kwenye hicho kifungu cha (c) *in the second schedule by adding in the appropriate alphabetical order the following paragraph (r)* ambayo ipo kwenye ile *principle act ya income tax*.

Mheshimiwa Mwenyekiti, kwa hiyo ni kwamba nimeomba kuongeza kifungu hiki kwa maana kirudishe kama ilivyokuwa awali. Kwa sababu kifungu cha sasa ambapo kilipo

ni kwamba kiliondolewa sasa na hiki kifungu kinahusu *gratuity* za Waheshimiwa Wabunge ambapo kutokana na maelezo ya Serikali inaonesha kabisa kwamba huu utaratibu mpya ambao Serikali sasa inataka kwenda nao ni kama bado haujakaa sawa. Sasa wakati utaratibu wa sasa wa kuondoa kodi haujakaa sawa, tunataka sasa urudshwe utaratibu wa awali, wakati huo Serikali ikiendelea na utaratibu mwingine.

Mheshimiwa Mwenyekiti, kwa hiyo ninaomba kwamba Bunge likubali kupitisha hiki kifungu cha (r), tukirudishe kama ilivyokuwa awali. Ahsante sana.

MWENYEKITI: *Attorney General?* Mheshimiwa Naibu Waziri wa Fedha na Mipango.

NAIBU WAZIRI WA FEDHA NA MIPANGO: Mheshimiwa Mwenyekiti, nashukuru kwa fursa hii. Lakini naomba niliombe Bunge lako tukufu likubaliane kutokuingiza haya marekebisho yanayoombwa na Mheshimiwa Mbunge kwa sababu mabadiliko haya yalifanyika kwa kuangalia Sheria ya Wastaafu wa Viongozi na kama tulivyoleta mwaka 2016 tulileta maelezo ili kuleta usawa katika makato haya kwenye mafao ya wastaafu wote.

Mheshimiwa Mwenyekiti, kwa hiyo tukisema turejeshe kifungu hiki italeta ubaguzi mkubwa kati ya wastaafu ambao wanastaafu; yapo makundi ambayo yatakuwa yanalipwa na makundi mengine hayatakuwa yanalipwa. Kwa hiyo, kwa ajili ya kurejea katika *equity* naomba kifungu hiki kisikubaliwe na Bunge lako tukufu kuingia hapa. Ahsante sana.

MWENYEKITI: Mheshimiwa Silinde.

MHE. DAVID E. SILINDE: Mheshimiwa Mwenyekiti, ahsante sana.

Mheshimiwa Mwenyekiti, labda nijaribu kueleza Serikali ielewe mantiki ya hoja yangu, jambo la kwanza, kazi ya Ubunge ni kazi ya kimkatiba na kazi ya Ubunge siyo *pensionable* kama kazi nyingine. Watu wengine

wanapostaafu wao watalipwa lakini wataendelea kuwa *pensionable* watalipwa miaka yote na utaratibu wa awali ulivyokuwa huko nyuma, Wabunge walikuwa wameingizwa kwenye utaratibu wa kuwa *pensionable* na moja ya hoja yangu ambayo nilikuwa nataka Serikali ilete ni kuhakikisha Wabunge wanaingia katika mfumo wa *pensionable* kama ambavyo wafanyakazi wengine ili kifungu hiki kirudi kama awali.

Mheshimiwa Mwenyekiti, sasa kifungu hiki ambacho Mheshimiwa Naibu Waziri anakieleza kama ni cha kibaguzi ni kifungu ambacho kimeondoa Wabunge pekee, lakini nafasi nyingine zote zinazohusu wanasiasa zimebaki kama zilivyo. Kwa hiyo, wengine waliobakia hizo nafasi nyingine za kisiasa wenyewe hiki kifungu hakiwahusu, isipokuwa Wabunge pekee, kwa hiyo, hiki kilichofanyika ni ubaguzi zaidi kuliko kifungu chenye kilivyokuwa. (*Makofi*)

Mheshimiwa Mwenyekiti, kwa hiyo mimi nilichokuwa naitaka Serikali, wakati tukitafuta utaratibu mzuri, tukirejeshe kama kilivyokuwa awali ili Serikali ikajipange upya na itengeneze utaratibu ambao sasa utakuwa ni rafiki kwa watu wote. Kwa hiyo, ninaomba Serikali ikubali tu kwa maslahi ya Bunge na Tanzania nzima. Ahsante.

NAIBU SPIKA: Mheshimiwa Waziri wa Nchi.

WAZIRI WA NCHI, OFISI YA WAZIRI MKUU, SERA, BUNGE, KAZI, AJIRA, VIJANA NA WENYE ULEMAVU: Mheshimiwa Mwenyekiti, tunamuelewa Mheshimiwa Silinde na hasa Mheshimiwa Silinde anataka kutizama *welfare* ya Wabunge kwa ujumla wake na anataka kulinganisha uzito wa kazi za Wabunge na mfumo mzima wa namna ya kutunza maslahi ya Wabunge na kila kitu kinachowahusu Waheshimiwa Wabunge.

Mheshimiwa Mwenyekiti, tunafahamu kabisa kwamba kwa mujibu wa Sheria ya Bunge unapokwenda sasa kuyasimamia na kuyashughulikia maslahi ya Wabunge wote ni lazima uione Tume ya Huduma na Utumishi wa Bunge

inajipanga namna gani na inafanya mashauriano ya kutosha. Na mambo mengi sasa hivi yanaendelea kushughulikiwa na Tume ya Utumishi na Huduma kwa Bunge.

Mheshimiwa Mwenyekiti, kwa hiyo kwenye hili lingine la kubagua wanasiasa wengine wasiingie kwenye mfumo huu, hili ni jambo ambalo Serikali inaweza tu kulichukua, hakuna ubishi na kuendelea kulitazama. Lakini kwa hatua ambayo tumekwishakufikia tunaomba sana Bunge lako liridhie tubaki kama tulivyo, hayo mengine ambayo ni *gaps* ama mapungufu ama mtazamo wa kuwahudumia Wabunge kwa ujumla tuache zile taasisi za kisheria ambazo ndizo zinazosimamia masuala hayo kwa ujumla wake ziweze kuendelea kufanya kazi.

MWENYEKITI: Waheshimiwa Wabunge, mwenye hoja hajatoa hoja, kwa hiyo ndiyo nafasi ya pili iliyokuwa imetoka, kwa hiyo nitawahoji kuhusu marekebisho ya Serikali kwenye kifungu hiki.

(Hoja ya Mhe. David E. Silinde Ilikataliwa na Kamati ya Bunge Zima)

(Ibara iliyotajwa hapo juu ilipitishwa na Kamati ya Bunge Zima pamoja na marekebisho ya Serikali)

Ibara ya 10
Ibara ya 11
Ibara ya 12
Ibara ya 13
Ibara ya 14
Ibara ya 15
Ibara ya 16
Ibara ya 17
Ibara ya 18
Ibara ya 19
Ibara ya 20
Ibara ya 21

(Ibara zilizotajwa hapo juu zilipitishwa na Kamati ya Bunge Zima bila mabadiliko yoyote)

Ibara ya 22

*(Ibara iliyotajwa hapo juu ilipitishwa na Kamati ya Bunge
Zima pamoja na marekebisho ya Serikali)*

Ibara Mpya ya 23

Ibara Mpya ya 24

Ibara Mpya ya 25

*(Ibara Mpya zilizotajwa hapo juu zilipitishwa na Kamati ya
Bunge Zima bila mabadiliko yoyote)*

Ibara ya 26

Ibara ya 27

Ibara ya 28

Ibara ya 29

Ibara ya 30

Ibara ya 31

Ibara ya 32

Ibara ya 33

Ibara ya 34

Ibara ya 35

Ibara ya 36

Ibara ya 37

Ibara ya 38

*(Ibara zilizotajwa hapo juu zilipitishwa na Kamati ya Bunge
Zima bila mabadiliko yoyote)*

Ibara ya 39

*(Ibara iliyotajwa hapo juu ilipitishwa na Kamati ya Bunge
Zima pamoja na marekebisho ya Serikali)*

Ibara ya 40

Ibara ya 41

*(Ibara zilizotajwa hapo juu zilipitishwa na Kamati ya Bunge
Zima bila mabadiliko yoyote)*

Ibara ya 42

*(Ibara iliyotajwa hapo juu ilipitishwa na Kamati ya Bunge
Zima pamoja na marekebisho ya Serikali)*

Ibara ya 43

Ibara ya 44

MWENYEKITI: Waheshimiwa Wabunge, inaposomwa kifungu cha 45 maana yake ni kifungu cha 42 iliopo kwenye ule muswada ili twende vizuri kwa sababu kuna vifungu vitatu vimeongezwa na Serikali na tumeviafiki, kwa hiyo namba zile zimesogeza mbele.

*(Ibara zilizotajwa hapo juu zilipitishwa na Kamati ya Bunge
Zima bila mabadiliko yoyote)*

Ibara ya 45

Ibara ya 46

Ibara ya 47

Ibara ya 48

*(Ibara zilizotajwa hapo juu zilipitishwa na Kamati ya Bunge
Zima bila mabadiliko yoyote)*

NDG. LAWRENCE MAKIGI – KATIBU MEZANI: Mheshimiwa Mwenyekiti, natoa taarifa kwamba Kamati ya Bunge Zima imekamilisha kazi yake.

MWENYEKITI: Bunge linarejea.

(Bunge lilirudia)

NAIBU SPIKA: Waheshimiwa tukae, Mtoa Hoja wa taarifa.

NAIBU WAZIRI WA FEDHA NA MIPANGO: Mheshimiwa Naibu Spika, kwa niaba ya Waziri wa Fedha na Mipango naomba kutoa taarifa kwamba Kamati ya Bunge Zima imepitia Muswada wa Sheria ya Fedha wa mwaka 2019 (*The*

Finance Act 2019) kifungu kwa kifungu na kuukubali pamoja na marekebisho yake. Naomba kutoa hoja kwamba taarifa hiyo sasa ikubaliwe rasmi.

Mheshimiwa Naibu Spika, naomba kutoa hoja.

WAZIRI WA HABARI, UTAMADUNI, SANAA NA MICHEZO:

Mheshimiwa Naibu Spika, naafiki.

NAIBU SPIKA: Waheshimiwa Wabunge hoja imeungwa mkono na kwa utaratibu wetu sasa nitawahoji kuhusu Muswada wa Sheria ya Fedha wa mwaka 2019 (*The Finance Bill 2019*).

(Muswada wa Sheria ya Fedha wa mwaka 2019 (The Finance Bill, 2019) Ulipitishwa na Bunge)

NAIBU SPIKA: Waheshimiwa Wabunge, nichukue fursa hii kwa niaba yenu kuipongeza Serikali kwa hatua hii tuliyofikia sasa nitamwita Katibu.

NDG. LAWRENCE MAKIGI - KATIBU MEZANI:

Muswada wa Sheria kwa ajili ya kutunga sheria itakayotoza au kubadilisha baadhi ya kodi, ushuru, tozo na ada mbalimbali, kufanya marekebisho kwenye sheria mbalimbali zinazohusu ukusanyaji na usimamizi wa mapato ya umma (A Bill for an Act to impose and alter certain taxes, duties, levies, fees and amend a certain written laws regarding to collection and management of public revenues)

(Kusomwa Mara ya Tatu)

NAIBU SPIKA: Waheshimiwa Wabunge, kama mjuavyo taratibu zetu Muswada huu sasa baada ya ninyi kuhojiwa umekwisha kupitishwa na Bunge na utaendelea na utaratibu ambao umewekwa Kikatiba katika Ibara ya 97 kwa maana ya kumpelekea Mheshimiwa Rais ili aweze kusaini. Lakini tunaamini hayo yote yataenda vizuri kama ambavyo

yameenda vizuri hapa Bungeni, nichukue fursa hii kuwashukuru sana Waheshimiwa Wabunge kuanzia kwenye Kamati ya Bajeti kwa namna ambavyo wameufanyia kazi muswada huu na tumeona marekebisho mengi sana ambayo Serikali imeyafanya maana yake imechukua mawazo ya Waheshimiwa Wabunge waliokuwa wakihudhuria Kamati ya Bajeti lakini pia mawazo ya Wabunge wakati wakichangia Bajeti Kuu ya Serikali. (Makofi)

Kwa hiyo, niwapongeze sana Waheshimiwa Wabunge na kuwashukuru wale ambao mlipata fursa ya kufanyia kazi muswada huu.

Lakini pia niishukuru Serikali kwa usikivu, kwa kuangalia mambo yale ambayo Wabunge walikuwa wakiyapigia kelele na ninyi mmeyachukua, mmeyafanyia kazi na mmeyaleta kwenye sheria hii. Kwa hiyo tunawashukuru pia kwa usikivu wa kusikiliza maoni ya Waheshimiwa Wabunge pale wanapowashauri. Niwatakie kila la kheri katika utekelezaji wa yale ambayo yamewekwa kwenye hii sheria, yale ambayo Wabunge wamewaongezea na ninyi mliokuwa mmeyaleta tunaamini mnaenda kuyatekeleza vizuri kama ambavyo tunaona kadri tunavyoenda mambo mengi ambayo yalikuwa yakilalamikiwa huko nyuma na Wabunge mnaendelea kuyarekebisha, kwa hiyo, tunaamini utekelezaji wa sheria hii pia utaenda kuondoa changamoto mbalimbali ambazo Wabunge wanazilalamikia.

Waheshimiwa Wabunge, kwa ujumla wake kwa sababu Serikali imekuwa ikiyafanyia kazi maoni yaliyoanza tangu Bunge letu la kwanza la mwaka 2015/2016 na miaka yote naamini hata yale ambayo yametolewa katika Bunge hili la sasa mtaendelea kuyafanyia kazi katika mwaka huu na pengine mwakani mtakuwa mmeshafanya utafiti na mchakato wenu unapoanza wa mabadiliko mtayachukua hata hayo, yako mengi sina haja ya kutaja lakini ninyi mmeyasikia yote na kwa kuwa wataalam wetu wako hapa naamini hayo yote mmeyachukua na Wabunge hawatahitajika kuyarejea tena na tena kwahiyo tunaamini mtaendelea kufanya hivyo.

Waheshimiwa Wabunge, naona kuna wageni lakini matangazo kwa sababu yamezoeleka kuwa saa nne, matangazo yatakapokuja tutawatangaza wageni wetu tulionao.

Kwa hiyo, tutaendelea sasa na ratiba yetu iliyo mbele kwa mujibu wa utaratibu wetu. Katibu.

NDG. ATHUMAN HUSSEIN – KATIBU MEZANI:

MISWADA YA SHERIA YA SERIKALI

Muswada wa Sheria ya Marekebisho ya Sheria Mbalimbali (Na. 3) wa Mwaka 2019 (*The Written Laws (Miscellaneous Amendments)(No.3) Bill, 2019*)

(Kusomwa Mara ya Pili)

NAIBU SPIKA: Waheshimiwa Wabunge, nimuite sasa Mwanasheria Mkuu wa Serikali Mheshimiwa Profesa Adelardus Kilangi.

MWANASHERIA MKUU WA SERIKALI: Mheshimiwa Naibu Spika, kwa unyenyekevu mkubwa na kwa kuzingatia masharti ya Kanuni ya 86 ya Kanuni za Kudumu za Bunge Toleo la mwaka 2016 naomba kutoa hoja kwamba Muswada wa Sheria ya Marekebisho ya Sheria Mbalimbali (Na. 3) wa mwaka 2019 (*The Written Laws (Miscellaneous Amendments)(No.3) Act, 2019*) kama ulivyorekebishwa kwa mujibu wa jedwali la marekebisho sasa usomwe mara ya pili na Bunge lako tukufu lijadili na hatimaye lipitisha Muswada huu kuwa sehemu ya sheria za nchi.

Mheshimiwa Naibu Spika, awali ya yote kabla ya kutoa maelezo kuhusu muswada huu naomba nichukue nafasi hii kumshukuru Mwenyezi Mungu kwa kuniwezesha kusimama mbele ya Bunge lako tukufu kuwasilisha Muswada huu wa Sheria ya Marekebisho ya Sheria Mbalimbali Na.3 wa mwaka 2019.

Mheshimiwa Naibu Spika, kwa ridhaa yako, naomba nitumie nafasi hii pia kumpongeza Mheshimiwa Dkt John Pombe Joseph Magufuli, Rais wa Jamhuri ya Muungano wa Tanzania kwa kuendelea kuiongoza nchi kwa malengo, ujasiri na uzalendo wa hali ya juu. Ninawashauri Watanzania wote tuendeleo kumuunga mkono na pia kumuomba kwa Mwenyezi Mungu.

Pia ninawapongeza Mheshimiwa Samia Suluhu Hassan, Makamu wa Rais wa Jamhuri ya Muungano wa Tanzania, Mheshimiwa Dkt. Ally Mohamed Shein, Rais wa Zanzibar na Mwenyekiti wa Baraza la Mapinduzi na Mheshimiwa Kassim Majaliwa Majaliwa (Mbunge), Waziri Mkuu wa Jamhuri ya Muungano wa Tanzania na Mawaziri wote kwa kazi kubwa wanayoifanya katika kuwaletea maendeleo Watanzania wote katika Jamhuri ya Muungano wa Tanzania. *(Makofi)*

Mheshimiwa Naibu Spika, ninawashukuru Mawaziri wote kwa ushirikiano wanaoipatia Ofisi ya Mwanasheria Mkuu wa Serikali katika utekelezaji wa majukumu yake. Kwa namna ya pekee kuhusiana na Muswada huu ninaomba nimshukuru Waziri wa Katiba na Sheria - Mheshimiwa Dkt. Augustine Mahiga, Waziri wa Fedha na Mipango - Mheshimiwa Dkt. Philip Isdor Mpango, Waziri wa Afya, Maendeleo ya Jamii, Jinsia, Wazee na Watoto - Mheshimiwa Ummu Ally Mwalimu, Waziri wa Habari, Utamaduni, Sanaa na Michezo - Mheshimiwa Dkt. Harrison George Mwakyembe, Waziri wa Ujenzi, Uchukuzi na Mawasiliano - Mheshimiwa *Engineer* Isack Aloyce Kamwelwe, Waziri wa Mambo ya Ndani ya Nchi - Mheshimiwa Kangi Lugola na Waziri wa Viwanda na Biashara - Mheshimiwa Innocent Lugha Bashungwa kwa ushirikiano wao mkubwa walioipatia Ofisi ya Mwanasheria Mkuu wa Serikali katika uandaaji wa muswada huu. *(Makofi)*

Mheshimiwa Naibu Spika, ninakupongeza wewe mwenyewe, pamoja na Spika na Waheshimiwa Wenyeviti wa Bunge kwa kuiongoza na kusimamia vikao na mijadala ndani ya Bunge letu kwa umahiri na kwa kuzingatia Sheria na Kanuni zinazoliongoza Bunge hili. Pia ninawapongeza Waheshimiwa

Wabunge kwa kuendelea kutekeleza ipasavyo wajibu wao wa Kikatiba wa kutunga sheria pamoja na kuisimamia Serikali. Ninaishukuru Ofisi ya Bunge na Wabunge wote kwa ushirikiano mnaoipatia Ofisi ya Mwanasheria Mkuu wa Serikali.

Mheshimiwa Naibu Spika, ninawapongeza watumishi wote wa Ofisi ya Mwanasheria Mkuu wa Serikali wakiongozwa na Naibu Mwanasheria Mkuu wa Serikali - Dkt. Evaristo Emanuel Longopa, kwa kuendelea kutekeleza vyema majukumu na kazi za Ofisi ya Mwanasheria Mkuu wa Serikali, ikiwemo kuandaa Muswada huu ambao ulisimamiwa kwa karibu na Bwana Onorius J. Njole, Mwandishi Mkuu wa Sheria. Tunatambua na tutaendelea kuhakikisha kuwa tunatekeleza majukumu yetu kwa weledi, ufanisi na kwa kuweka mbele maslahi ya nchi yetu. *(Makofi)*

Mheshimiwa Naibu Spika, kuhusu Muswada wa Sheria ya Marekebicho ya Sheria Mbalimbali Na. 3 wa mwaka 2019 ambao uko mbele ya Bunge lako tukufu, ninapenda kuishukuru sana Kamati ya Kudumu ya Bunge ya Katiba na Sheria inayoongozwa na Mwenyekiti wake Mheshimiwa Mohamed Omary Mchengerwa, Mbunge wa Rufiji na Makamu Mwenyekiti - Mheshimiwa Najma Giga (Mbunge wa Viti Maalum) kwa ushirikiano na ushauri waliotupatia wakati wa kupitia muswada huu mbele ya Kamati hiyo.

Kamati hii ilifanya kazi kubwa na nzuri ya kuchambua muswada huu kwa umakini kwa kusikiliza na kuchambua maoni yaliyowasilishwa na wadau mbalimbali walioitwa mbele ya Kamati hiyo na kuishauri Serikali kuboresha muswada huu. Serikali imezingatia ushauri wa Kamati na imeleta Jedwali la Marekebicho kwa kuzingatia ipasavyo ushauri huo muhimu.

Mheshimiwa Naibu Spika, napenda kulifahamisha Bunge lako tukufu kuwa marekebicho yaliyoainishwa kwenye Jedwali la Marekebicho ya Muswada huu kuhusu Sheria ya Haki Miliki, Sura ya 218, Sheria ya Filamu na Michezo ya Kuigiza, Sura ya 230 na Sheria ya Takwimu, Sura ya 351 ni sehemu tu ya matokeo ya kazi nzuri iliyofanywa na Kamati hii.

Marekebisho yaliyopendekezwa na Kamati yanalenga kuboresha na kuimarisha utekelezaji wa sheria hizo kwa kuondoa upungufu ulioonekana wakati wa kuzitumia na kuweka masharti mengine mapya ili kuleta uwiano kati ya sheria zinazorekebishwa na sheria zilizopo.

Mheshimiwa Naibu Spika, Muswada wa Sheria ya Marekebisho ya Sheria Mbalimbali Na. 3 wa mwaka 2019 unapendekeza kufanya marekebisho katika Sheria Nane (8) zifuatazo:

1. Sheria ya Makampuni, (Sura ya 212);
2. Sheria ya Hakimiliki (Sura ya 218);
3. Sheria ya Filamu na Michezo ya Kuigiza (Sura ya 230);
4. Sheria ya Mashirika yasiyo ya Kiserikali,(Sura ya 56);
5. Sheria ya Takwimu (Sura ya 351);
6. Sheria ya Vyama vya Kijamii, (Sura ya 337);
7. Sheria ya Uwakala wa Meli, (Sura ya 415); na
8. Sheria ya Miunganisho ya Wadhamini, (Sura ya 318).

Mheshimiwa Naibu Spika, kwa ujumla madhumuni ya marekebisho kwa kila sheria inayopendekezwa kurekebishwa ni kama ifuatavyo:-

Mheshimiwa Naibu Spika, katika Sheria ya Makampuni, Sura ya 212 marekebisho yanalenga kuondoa mgongano uliopo kati ya Msajili wa Makampuni (*BRELA*) na Msajili wa *NGOs* juu ya usajili na usimamizi wa asasi zinazofanya shughuli kwa lengo la kutogawana faida na ambazo hazina malengo ya kukuza biashara (*promotion of commerce*).

Mheshimiwa Naibu Spika, marekebisho yanalenga kuweka mipaka ya usajili na usimamizi wa asasi hizi tofauti na ilivyo sasa ambapo kila taasisi (*BRELA* na Msajili wa *NGOs*) ina uwezo wa kuzisajili na kuzisimamia kisheria. Marekebisho pia yanalengakuweka namna bora ya usajili, usimamizi na ufuatiliaji wa kampuni zisizo na lengo la kugawana faida zinazosajiliwa chini ya Sheria ya Makampuni na *NGOs* zinazosajiliwa chini ya Sheria ya Mashirika Yasiyo ya Kiserikali.

Katika Sheria ya Haki Miliki, Sura ya 218, marekebisho yana lengo la kuongeza kiwango cha adhabu kwa makosa yaliyoainishwa chini ya Sheria hiyo na kumpa Mtendaji Mkuu uwezo wa kufifilisha makosa (*compounding of offences*).

Katika Sheria ya Filamu na Michezo ya Kuigiza, Sura ya 230, marekebisho yanalenga kuboresha usimamizi na kuweka ubora wa kumbi za sinema na vibanda vinavyoonesha video, kuongeza mapato kupitia maboresho ya usambazaji wa filamu kwa watendaji wa filamu pamoja na kuongeza mapato ya Serikali.

Katika Sheria ya Mashirika yasiyo ya Kiserikali, Sura ya 56, marekebisho yanalenga kuweka wigo wa Mashirika yatakayoruhusiwa kusajiliwa kama *NGOs*. Kwa mujibu wa sheria hiyo, mashirika hayo ni yale tu yanayolenga kunufaisha jamii na sio wanachama wake. Aidha, marekebisho yanayopendekezwa yanakusudia kuwezesha usajili wa Mashirika Yasiyo ya Kiserikali kufanyika chini ya Sheria moja ambayo imeweka misingi imara ya usimamizi na uwazi katika utendaji wa mashirika hayo. Hatua hii itasaidia kuwepo kwa uwazi na uwajibikaji wa mashirika hayo na kuhakikisha kwamba miradi na shughuli zinazotekelezwa na mashirika hayo hapa nchini zinakuwa na tija kwa jamii na Taifa kwa ujumla.

Katika Sheria ya Vyama vya Kijamii, Sura ya 337, marekebisho yanalenga kuondoa mkanganyiko kati ya Msajili wa Jumuiya za Kijamii na Taasisi zingine za Usajili kama vile *NGO*, *BRELA* na kadhalika. Vilevile marekebisho yanayopendekezwa yanakusudia kuhuisha adhabu zilizopitwa na wakati ili ziweze kuendana na hali ya sasa.

Katika Sheria ya Takwimu, Sura ya 351, kama inavyoonekana katika Jedwali la Marekebisho, marekebisho ya jumla yanayopendekezwa katika Sheria hiyo yanalenga kubainisha dhahiri haki ya kuchapisha au kutoa taarifa za kitakwimu kwa umma. Aidha, marekebisho haya yanalenga kuhakikisha kuwa Ofisi ya Taifa ya Takwimu inaangalia utoaji wa taarifa za kitakwimu ili kuhakikisha kuwa taarifa za

kitakwimu zinazotolewa zinakidhi na kuzingatia viwango na miongozo ya kitaifa na kimataifa. Vilevile marekebisho haya yanapendekeza kuanzisha Kamati ya Kitaalam (*Technical Committee*) ambayo jukumu lake itakuwa kupokea na kujadili malalamiko yanayotokana na wadau kuhusu usahihi wa takwimu zilizotolewa kwa umma.

Mheshimiwa Naibu Spika, katika Sheria ya Uwakala wa Meli, Sura ya 415, marekebisho yanayopendekezwa yanalenga kupanua wigo wa matumizi ya Sheria hii kwa lengo la kuliwezesha shirika kutekeleza majukumu yake ya kipekee (*exclusive mandate*) ya uwakala wa forodha kuhusu uingizaji na uondoshaji wa shehena.

Mheshimiwa Naibu Spika, katika Sheria ya Miunganisho ya Wadhamini, Sura ya 318, marekebisho yanayopendekezwa yanalenga kuimarisha, kuratibu na kusimamia watu na bodi zilizochaguliwa na taasisi mbalimbali kusimamia mali za taasisi. Inapendekezwa pia kubainisha kwa uwazi, wajibu kwa mtu au taasisi inayokusudia kuwa bodi ya udhamini kusajiliwa kwa Kabidhi Wasii Mkuu kama Bodi ya Wadhamini.

Mheshimiwa Naibu Spika, mpangilio wa muswada; muswada huu umegawanyika katika sehemu kuu tisa kama ifuatavyo:-

Mheshimiwa Naibu Spika, Sehemu ya Kwanza ya Muswada yenye Ibara ya 1 na 2 inaainisha masharti ya utangulizi, ikiwa ni pamoja na, jina la Sheria inayopendekezwa na tamko la marekebisho ya Sheria mbalimbali zinazokusudiwa kufanyiwa marekebisho kupitia Muswada huu.

Mheshimiwa Naibu Spika, Sehemu ya Pili ya Muswada yenye Ibara ya 3 hadi ya 10 inapendekeza kufanya marekebisho kwenye Sheria ya Makampuni, Sura ya 212 (*The Companies Act, Cap. 212*) ambapo kifungu cha 2 kinafanyiwa marekebisho kwa kutafsiri upya neno "company". Sambamba na tafsiri mpya ya "company"

marekebisho katika kifungu hiki yanapendekeza kutafsiri maneno “ *commercial activities, investment activities and trade*” ambayo ni maneno ya msingi yanayounda tafsiri ya “*company*”.

Mheshimiwa Naibu Spika, tafsiri hizi kwa pamoja zinaweka wigo utakaosaidia katika utambuzi na usajili wa makampuni. Kifungu cha 3A kimeongezwa kwa lengo la kuweka utaratibu wa makampuni kusajiliwa kulingana na malengo au madhumuni ya kuundwa kwa makampuni husika. Aidha, marekebisho haya yanakusudia kuondoa changamoto ambayo imejitokeza miaka ya hivi karibuni ambapo baadhi ya makampuni yamekuwa yakisajiliwa chini ya Sheria ya Makampuni, lakini kutokana na malengo na madhumuni yake, makampuni hayo yangepaswa kusajiliwa kama mashirika yasiyo ya kiserikali chini ya Sheria ya Mashirika yasiyo ya Kiserikali, Sura ya 56.

Mheshimiwa Naibu Spika, hivyo, kwa mujibu wa marebekisho yanayopendekezwa katika ibara ya 5 na 6, makampuni yote yaliyosajiliwa chini ya Sheria ya Makampuni ambayo yanajishughulisha na shughuli za kijamii yatapaswa ndani ya kipindi cha miezi miwili tangu kuanza kutumika kwa marekebisho haya kusajiliwa chini ya Sheria ya *NGOs*. Lengo la marekebisho haya ni kutofautisha usajili wa makampuni na mashirika yasiyo ya kiserikali na makampuni. Aidha, inapendekezwa kurekebisha kifungu cha 32(1) kwa lengo la kuondoa mgongano wa usajili uliopo kati ya Msajili wa Makampuni chini ya Sheria ya Makampuni na Msajili wa Mashirika Yasiyo ya Kiserikali (*NGO's*).

Vilevile inapendekezwa kuongeza kifungu kipya cha 400A kwa lengo la kumpa Msajili wa Makampuni mamlaka ya kuifuta kampuni yoyote pale itakapoonekana kampuni hiyo inajihusisha na masuala ya kijinai au masuala yaliyozuiwa. Lakini mamlaka hayo yataambatana na tahadhari za kisheria kuilinda kampuni husika.

Mheshimiwa Naibu Spika, Sehemu ya Tatu ya Muswada yenye Ibara ya 11 hadi ya 13 inapendekeza

kufanya marekebishokwenye Sheria ya Haki Miliki, Sura ya 218 (*The Copyright and Neighbouring Rights, Cap. 218*) ambapo kifungu cha 42 kinafanyiwa marekebisho kwa lengo la kuongeza kiwango cha adhabu kwa makosa yaliyoainishwa chini ya sheria hii. Sehemu hii pia inapendekeza kuongeza kifungu kipya cha 42A ambacho kinalenga kumpa Mtendaji Mkuu uwezo wa kufifilisha makosa na kuainisha utaratibu utakaofuatwa wakati wa kufifilisha makosa hayo.

Mheshimiwa Naibu Spika, Sehemu ya Nne ya Muswada yenye Ibara ya 14 hadi ya 23 inapendekeza kufanya marekebisho kwenye Sheria ya Filamu na Michezo ya Kuigiza, Sura ya 230 (*The Films and Stage Plays Act, Cap. 230*). Katika mapendekezo hayo, kifungu cha 2 kinarekebishwa kwa lengo la kupanua tafsiri ya baadhi ya misamiati iliyotumika katika Sheria. Aidha, tafsiri ya neno "*theatre*" imefutwa na kuandikwa upya ili kupanua wigo wake kwa kujumuisha kumbi au vibanda vinavyotumika kuoneshea video kusimamiwa na kuratibiwa chini ya sheria hii.

Mheshimiwa Naibu Spika, lengo la marekebisho haya ni kuhakikisha kwamba kumbi na vibanda vinavyotumika kuoneshea video vinapaswa kurasimishwa chini ya kifungu cha 10 cha sheria hii. Sehemu hii pia inapendekeza kuongezwa kwa kifungu kipya cha 6A ambacho kinaweka masharti mapya kuhusu utengenezaji wa filamu nchini.

Mheshimiwa Naibu Spika, kwa mujibu wa kifungu hicho, mtu au kampuni ya kigeni inayotaka kutumia eneo lolote la Tanzania kutengeneza filamu, itapaswa kuwasilisha nakala ya awali iliyotumika kutengeneza filamu husika, kubainisha maeneo ya Tanzania ambayo yametumika katika kuandaa filamu husika na pia kuwasilisha kwa Bodi ya Filamu nakala ya filamu iliyotengenezwa na kuruhusu filamu au kipande cha picha jongevu kutumiwa na Serikali ya Tanzania kutangaza maliasili na utalii, mila na tamaduni za Mtanzania pia. Aidha, mtu au kampuni hiyo itatakiwa kubainisha maeneo ya nchi yanayofaa kwa ajili ya utayarishaji wa filamu pamoja na kujaza fomu maalum kabla ya kuondoka nchini.

Kifungu hiki kinaweka adhabu kwa mtu atakayekiuka masharti hayo.

Mheshimiwa Naibu Spika, marekebisho mengine katika kifungu hiki yanamtaka mtu au kampuni yoyote ya filamu kuhakikisha inawakatia bima watu wote watakaohusika katika kutengeneza filamu.

Mheshimiwa Naibu Spika, inapendekezwa kufutwa kwa kifungu cha 14 na kukiandika upya ili kufanyia maboresho eneo la majukumu ya Bodi ya Filamu kwa lengo la kuimarisha uhusiano na ushirikiano kati ya Bodi ya Filamu na Bodi nyingine za filamu.

Mheshimiwa Naibu Spika, aidha, inapendekezwa kuongeza kifungu kipya cha 31A. Kifungu hiki kinamtaka mtu au kampuni ya filamu ya kigeni kuwasilisha sehemu ya faida (*profit returns*) itokanayo na kazi za filamu zinazotayarishwa nchini. Aidha, kama inavyooneka kwenye Jedwali la Marekebisho, utaratibu wa ukokotoaji wa sehemu ya faida (*profit returns*) utabainishwa katika kanuni zikazotungwa na Waziri.

Mheshimiwa Naibu Spika, vilevile kifungu hiki kinatoa mamlaka kwa Bodi ya Filamu kuratibu na kusimamia idadi ya watendaji kutoka nje ya nchi na kuweka masharti ya kisheria kutumia wazawa katika timu zao za uzalishaji na kuweka taratibu za kutumia au kutembelea maeneo mashuhuri ndani ya nchi kwa ajili ya shughuli za filamu. Lengo la marekebisho hayo ni kuongeza mapato ya Serikali, kutengeneza ajira nchini, kulinda na kutangaza maeneo mashuhuri ya Tanzania kwa ajili ya kutengeneza filamu pamoja na kupata teknolojia mpya kutoka kwa wageni.

Mheshimiwa Naibu Spika, marekebisho yanafanywa kwenye kifungu kidogo cha 38(r) kinachompa mamlaka Waziri mwenye dhamana na masuala ya filamu na michezo ya kuigiza kutunga kanuni za kusimamia taaluma ya filamu na michezo ya kuigiza pamoja na nidhamu kwa watendaji katika sekta ya filamu.

Mheshimiwa Naibu Spika, Sehemu ya Tano ya Muswada yenye Ibara ya 24 hadi ya 32 inapendekeza kufanya marekebisho kwenye Sheria ya Mashirika Yasiyo ya Kiserikali, Sura ya 56 (*The Non-Governmental Organizations Act, Cap. 56*). Marekebisho yanafanywa kwenye kifungu cha 2 kwa lengo la kutoa tafsiri ya maneno ambayo yametumika katika sheria lakini hayakuwa na tafsiri. Marekebisho ya kifungu cha 4 yanalenga kupanua wigo wa majukumu na wajibu wa Mkurugenzi wa Uratibu wa Mashirika yasiyo ya Kiserikali (*NGOs*) ili kumwezesha kuzuia shirika lisilo la kiserikali kutekeleza majukumu yake endapo shirika hilo litakuwa linatekeleza majukumu yake kinyume na sheria na kutathmini shughuli zinazotekelezwa na shirika lisilo la kiserikali.

Mheshimiwa Naibu Spika, kifungu kipya cha 4A kinampa Msajili mamlaka ya kufanya uchunguzi wa mwenendo wa shirika lolote lililo chini yake. Kifungu cha 8A kinaongezwa kwa kuweka masharti ya kufuta usajili wa shirika lisilo la kiserikali (*NGO*) ambalo halikidhi masharti ya usajili. Marekebisho ya kifungu cha 17 yanalenga kuweka ukomo wa vyeti vya usajili na utaratibu wa kuhuisha vyeti hivyo kila baada ya kipindi cha miaka kumi. Marekebisho ya kifungu cha 31 yanaweka masharti kuhakikisha kwamba mashirika yasiyo ya kiserikali yanafuata kanuni za fedha za uwazi na uwajibikaji.

Mheshimiwa Naibu Spika, Sehemu ya Sita ya Muswada yenye Ibara ya 33 hadi ya 50 inapendekeza kufanya marekebisho kwenye Sheria ya Vyama vya Kijamii, Sura ya 337 (*The Societies Act, Cap. 337*) ambapo kifungu cha 2 kinapendekezwa kufanyiwa marekebisho kwa kufuta baadhi ya tafsiri za maneno ambayo hayatumiki tena ndani ya sheria, na baadhi ya tafsiri zimeandikwa upya kwa lengo la kuziboresha ili ziendane na mazingira ya sasa katika jamii.

Mheshimiwa Naibu Spika, inapendekezwa kufutwa na kuandikwa upya kifungu cha 3 na cha 4 kwa lengo la kuweka utaratibu wa usajili wa vyama vya kijamii na pia kuweka utaratibu wa kufutwa kwa vyama vya kijamii vilivyoorodheshwa kwenye rejista, ambavyo ndani ya miezi

miwili baada ya marekebisho haya kuanza kutumika, vitashindwa kukidhi masharti ya kuendelea kuwa vyama vya kijamii kwa mujibu wa sheria hii. Inapendekezwa kufuta na kuandika upya kifungu cha 7 kwa lengo la kuweka masharti ya usajili wa vyama vya kijamii kutoka nje ya nchi na kuainisha kuwa itakuwa ni kosa kwa vyama hivyo endapo vitakiuka masharti ya usajili.

Mheshimiwa Naibu Spika, Vifungu vya 9, 11, 12, 16, na 28 vinapendekezwa kufutwa kutokana na sababu kwamba maudhui ya vifungu hivyo yamepitwa na wakati. Kifungu cha 10 kinafanyiwa marekebisho kwa lengo la kukiboresha ili kusomeka vizuri na kukidhi maudhui yanayokusudiwa katika kifungu hicho. Marekebisho ya vifungu vya 17, 19 na 20 yanafanyika kwa lengo la kuviboresha kiuandishi. Marekebisho katika vifungu vya 25, 26 na 27 yanalenga kuhuisha adhabu ili ziweze kwenda na wakati.

Mheshimiwa Naibu Spika, sehemu ya Saba ya Muswada kama ilivyorekebisha na Jedwali la Marekebisho inapendekeza kufanya marekebisho kwenye Sheria ya Takwimu, Sura ya 351, (*The Statistics Act Cap. 351*). Inapendekezwa kurekebisha kifungu cha 3 kwa kufuta baadhi ya tafsiri na kuziandika upya na kuongeza tafsiri mpya za baadhi ya misamiati iliyotumika ndani ya sheria. Inapendekezwa kuifuta na kuandika upya tafsiri ya “taarifa za kitakwimu” (*statistical information*) kwa lengo la kutoa ufafanuzi wa aina ya taarifa za kitakwimu zinazotokana na sensa, tafiti na takwimu za utawala (*Administrative Data*). Aidha tafsiri ya neno “*survey*” inafutwa na kuandikwa upya kwa lengo la kuondoa mkanganyiko uliokuwa kwenye tafsiri ya awali na kubainisha wigo (*scope*) wa tafiti zinazohusika katika tafsiri hiyo.

Mheshimiwa Naibu Spika, kama inavyoonekana katika Jedwali la Marekebisho, inapendekezwa kufuta vifungu vya 24A na 24B na kuviandika upya, pia kuongeza vifungu vipya vya 24C, 24D, 24E na 24F kwa lengo la kuweka utaratibu wa kutoa matokeo ya takwimu zinazotofautiana na takwimu rasmi zilizotolewa na Serikali. Aidha, marekebisho

hayo yanatoa fursa kwa mtu yeyote kutoa takwimu zinazotofautiana na zilizotolewa na Serikali iwapo atakuwa amezingatia misingi ya kitakwimu iliyowekwa katika miongozo mbalimbali ya kitaifa na kimataifa inayosimamia utoaji wa takwimu. Aidha, marekebisho haya yanapendekeza kuanzisha Kamati ya Kitaalam (*Technical Committee*) ambayo jukumu lake itakuwa kupokea na kujadili malalamiko yanayotokana na wadau kuhusu usahihi wa takwimu zilizotolewa kwa umma.

Mheshimiwa Naibu Spika, sambamba na marekebisho haya inapendekezwa kufuta kifungu cha 37(4) kinachotoa adhabu kwa mtu anayetoa taarifa za kitakwimu bila kupata kibali cha Ofisi ya Taifa ya Takwimu.

Mheshimiwa Naibu Spika, Sehemu ya Nane ya Muswada yenye Ibara ya 58 hadi ya 70 inapendekeza kufanya marekebisho kwenye Sheria ya Uwakala wa Meli Tanzania, (Sura ya 415) (*The Tanzania Shipping Agencies Act, Cap.415*) ambapo kifungu cha 2 kinarekebisha kwa lengo la kupanua wigo wa matumizi ya Sheria hiyo. Wigo mpana unaopendekezwa utaliwezesha Shirika kutekeleza majukumu yake ya kipekee ya uwakala wa forodha ya uingizaji na uondoshaji wa shehena.

Mheshimiwa Naibu Spika, kifungu cha 3 kinarekebisha kwa kuongeza tafsiri za maneno ambayo hayakutafsiriwa ndani ya sheria na kuongeza maneno mapya ambayo yameonekana ni muhimu yakatafsiriwa kwa mujibu wa Sheria hii. Pia tafsiri mpya ya neno " *ferry*" imetolewa kwa lengo la kupanua tafsiri ya neno hilo ili kujumuisha vivuko vinavyomilikiwa na Serikali. Lengo la marekebisho haya ni kuondoa utata unaoweza kujitokeza wakati wa utekelezaji wa sheria. Aidha, tafsiri za baadhi ya maneno zimefanyiwa maboresho ili kukidhi madhumuni ya marekebisho yanayopendekezwa.

Mheshimiwa Naibu Spika, sambamba na marekebisho hayo, inapendekezwa kurekebisha kifungu cha 5 kwa kufuta aya za (g) na (h) na kuziandika upya kwa lengo

la kuongeza wigo wa malengo ya shirika kwa ajili ya kukuza huduma zote zinazodhibitiwa chini ya usafirishaji kwa njia ya maji. Sababu za marekebisho haya ni kujumuisha huduma zote zinazodhibitiwa na shirika na sio huduma ya uwakala wa meli pekee kama ilivyokuwa katika aya zilizorekebishwa.

Mheshimiwa Naibu Spika, kifungu cha 7 kinarekebishwa kwa kufuta neno "*arms*" linalojitokeza katika kifungu kidogo cha (1) na badala yake kuweka neno "*firearms*". Sababu za marekebisho hayo ni kuwianisha neno hilo na tafsiri ya neno hilo kama ilivyotafsiriwa kwenye Sheria ya Kusimamia Silaha, Sura ya 223 (*The Firearms and Ammunition Control Act, Cap. 223*).

Mheshimiwa Naibu Spika, vifungu vya 10 na 11 vinarekebishwa kwa kufuta vifungu vidogo vya (1) vya kila kifungu kwa lengo la kuweka wigo sahihi wa Shirika kwenye udhibiti, usalama na ulinzi wa usafiri majini na uzuiaji wa uchafuzi unaotokana na vyombo vya usafiri majini na shughuli za usafiri majini. Sababu za marekebisho haya ni kuweka ufafanuzi wa vifungu hivyo na kuliwezesha shirika kutekeleza majukumu yake kwa ufanisi kwa mujibu wa sheria hii. Kifungu cha 11(1)(b) kinarekebishwa ili kuliwezesha shirika kufanya udhibiti wa meli za Tanzania na meli za nchi za kigeni. Aidha, kifungu cha 13(3) kinarekebishwa kwa kuongeza mwanahisa kwenye orodha ya watu ambao hawawezi kupewa leseni ya kufanya uwakala wa meli. Sababu za marekebisho haya ni kuzuia ushawishi unaoweza kufanywa na mwanahisa katika maamuzi ya kampuni ya uwakala wa forodha na uondoshaji wa mizigo kinyume cha sheria hii.

Mheshimiwa Naibu Spika, kifungu cha 22(1) kinarekebishwa kwa kufuta neno "*senior*" linalojitokeza kwenye aya (g) na (i) ili kupanua wigo wa majukumu ya bodi kwenye uteuzi na hatua za kinidhamu kwa watumishi wa ngazi zote za uongozi. Kifungu pia kinapendekeza marekebisho kwenye aya (h) kwa lengo la kuondoa masuala ya kinidhamu ya watumishi wasio wa kada ya utawala kutoka kwenye wigo wa majukumu ya bodi kwa vile sio mamlaka yao ya uteuzi.

Mheshimiwa Naibu Spika, inapendekezwa kurekebisha kifungu cha 30 kwa kufuta kifungu kidogo cha (5) na kukiandika upya kwa lengo la kuwianisha vigezo na masharti ya ajira ya Mkurugenzi Mkuu wakati wa uteuzi. Marekebisho pia yanafanyika kwenye kifungu cha 31 kwa lengo la kuainisha sifa au vigezo mbadala vya mtu anayefaa kuteuliwa kuwa Msajili chini ya sheria hii.

Mheshimiwa Naibu Spika, aidha, inapendekezwa kurekebisha kifungu cha 46(2) katika aya ya (a) na (b) kwa lengo la kupanua mamlaka ya Afisa wa Shirika aliyeidhinishwa kwa ajili ya kuingia na kufanya ukaguzi wa mawakala wa meli na watoa huduma wengine wanaodhibitiwa chini ya sheria hii ili kuhakikisha uzingatiwaji wa matakwana ya udhibiti. Aidha, marekebisho yanapendekezwa kwenye Jedwali katika aya ya 1(1)(e) kwa lengo la kupanua wigo wa nafasi ya upatikanaji wa uwakilishi katika bodi.

Mheshimiwa Naibu Spika, Sehemu ya Tisa ya Muswada yenye Ibara ya 71 hadi ya 74 inapendekezwa kurekebisha Sheria ya Miunganisho ya Wadhamini, Sura ya 318, (*The Trustees' Incorporation Act, Cap. 318*) ambapo kifungu cha 2(1) kinapendekezwa kurekebishwa kwa kuongeza tafsiri ya baadhi ya maneno ambayo yameonekana ni vyema yakatafsiriwa ili kuweka uelewa wa pamoja ndani ya sheria hii. Marekebisho pia yanalenga kuboresha baadhi ya vifungu kutokana na marekebisho yaliyofanyika kwenye sheria nyingine ili kuwa na uelewa na maana inayofanana ndani ya sheria hizo.

Mheshimiwa Spika, baada ya maelezo haya na kwa mara nyingine tena, ninakushukuru sana kwa kunipa nafasi ya kuwasilisha maelezo ya hoja kuhusu Muswada wa Sheria ya Marekebisho ya Sheria Mbalimbali Na. 3 wa mwaka 2019 (*The Written Laws (Miscellaneous Amendments) No.3 of 2019*) na ninaomba Bunge lako tukufu liujadili na kuupitisha katika hatua ya Kusomwa kwa Mara ya Pili na Mara ya Tatu ili hatimaye uwe sehemu ya Sheria za Nchi.

Mheshimiwa Naibu Spika, naomba kutaa hoja.

THE UNITED REPUBLIC OF TANZANIA

No. 1

30th May, 2019

SPECIAL BILL SUPPLEMENT

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THE WRITTEN LAWS (MISCELLANEOUS AMENDMENTS) (NO.3)
ACT, 2019

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13. Addition of section 42A.

PART IV
AMENDMENT OF THE FILMS AND STAGE PLAYS ACT,
(CAP. 230)

14. Construction.

15. General amendment.
16. Amendment of section 2.
17. Addition of section 6A.
18. Repeal and replacement of section 14.
19. Amendment of section 15.
20. Amendment of section 16.
21. Addition of section 31A.
22. Amendment of section 34.
23. Amendment of section 38.

PART V

AMENDMENT OF THE NON-GOVERNMENTAL ORGANIZATIONS ACT,
(CAP. 56)

24. Construction.
25. Amendment of section 2.
26. Amendment of section 4.
27. Addition of section 4A.
28. Addition of section 8A
29. Amendment of section 11.
30. Amendment of section 17.
31. Amendment of section 29.
32. Amendment of section 31.

PART VI

AMENDMENT OF THE SOCIETIES ACT,
(CAP. 337)

33. Construction.
34. General amendment.
35. Amendment of section 2.
36. Repeal of sections 3 and 4.
37. Repeal and replacement of section 7.
38. Amendment of section 8.
39. Repeal of section 9.
40. Amendment of section 10.
41. Repeal of sections 11 and 12.
42. Amendment of section 14.
43. Repeal of section 16.
44. Amendment of section 17.
45. Amendment of section 19.
46. Amendment of section 20.
47. Amendment of section 25.
48. Amendment of section 26.
49. Amendment of section 27.
50. Repeal of section 28.

PART VII
AMENDMENT OF STATISTICS ACT,
(CAP. 351)

- 51. Construction.
- 52. Amendment of section 3.
- 53. Amendment of section 6.
- 54. Amendment of section 19.
- 55. Amendment of section 24A.
- 56. Repeal and replacement of section 24B.
- 57. Amendment of section 37.

PART VIII
AMENDMENT OF TANZANIA SHIPPING AGENCIES ACT,
(CAP. 415)

- 58. Construction.
- 59. Amendment of section 2.
- 60. Amendment of section 3.
- 61. Amendment of section 5.
- 62. Amendment of section 7.
- 63. Amendment of section 10.
- 64. Amendment of section 11.
- 65. Amendment of section 13.
- 66. Amendment of section 22.
- 67. Amendment of section 30.
- 68. Amendment of section 31.
- 69. Amendment of section 46.
- 70. Amendment of the Schedule.

PART IX
AMENDMENT OF THE TRUSTEE'S INCORPORATION ACT,
(CAP. 318)

- 71. Construction.
- 72. General amendment.
- 73. Addition of section 1A.
- 74. Amendment of section 14.

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NOTICE
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This Bill to be submitted to the National Assembly is published for general information to the public together with a statement of its objects and reasons.

Dodoma,
28th May, 2019

JOHN W.H. KIJAZI,
Secretary to the Cabinet

A Bill

For

An Act to amend certain written laws.

ENACTED by Parliament of the United Republic of Tanzania.

PART I
PRELIMINARY PROVISIONS

- | | |
|-----------------------------------|--|
| Short title | 1. This Act may be cited as the Written Laws (Miscellaneous Amendments) (No. 3) Act, 2019. |
| Amendment of certain written laws | 2. The written laws specified in various Parts of this Act are amended in the manner specified in their respective Parts. |

PART II
AMENDMENT OF THE COMPANIES ACT,
(CAP. 212)

- | | |
|-------------------------|---|
| Construction
Cap.212 | 3. This Part shall be read as one with the Companies Act, hereinafter referred to as the “principal Act”. |
| Amendment of section 2 | 4. The principal Act is amended in section 2, by -
(a) deleting the definition of the term “company” and substituting for it the following:
“company” means a company formed and registered under this Act or an existing company established for investment, trade or commercial activities and |

any other activity as the Minister may, by notice published in the *Gazette*, prescribe;

(b) inserting in the respective appropriate alphabetical order the following new definitions:

“commercial activities” means all activities of industry and trade, including, but not limited to, the buying or selling of commodities and activities conducted for the purpose of facilitating such buying and selling;

“investment activities” means transactions involving sale or purchase of equipment plants, properties, securities, capital, stocks, debentures or other assets generally not held for immediate re-sale and any other activity as the Minister may, by notice published in the *Gazette*, prescribe.

“trade” means the transfer of goods or services from one person or entity to another.”.

Amendment of section 3

5. The principal Act is amended in section 3, by adding immediately after subsection (2) the following-

“(3) A company which is limited by guarantee which intends to promote commerce, investment, trade or any other activity as the Minister may, by notice published in the *Gazette*, prescribe, shall be incorporated or registered under this Act; ”.

Cap. 56

Addition of section 3A

6. The principal Act is amended by adding immediately after section 3 the following:

“Compliance with Act

3A.-(1) A company referred to under section 3(3) which was incorporated or registered prior to the coming into operation of this section shall, within two months from the date of coming into operation of this section, be required to comply with the provisions of this Act.

(2) A company limited by guarantee not having share capital, incorporated or registered under this Act and obtained a certificate of compliance under section 11 of the Non-Governmental Organizations Act, shall, within two months from the date of coming into operation of this section be deemed to have been registered under the Non-Governmental Organizations Act and struck off from the register.”.

Cap. 56

Written Laws (Miscellaneous Amendments)(No.3) Act, 2019

- Amendment of section 12
Cap. 56
- 7.** The principal Act is amended in section 12(1), by inserting at the beginning of paragraph (b) the following-
“Subject to section 3(3).”
- Amendment of section 14
- 8.** The principal Act is amended in section 14, by adding immediately after subsection (5) the following:
“(6) The Registrar shall not register or maintain in the register a company limited by guarantee which does not fall under section 3(3);”.
- Amendment of section 32
- 9.** The principal Act is amended in section 32, by deleting subsection (1) and substituting for it the following-
“(1) Where it is proved to the satisfaction of the Registrar that an association about to be formed as a private company for promoting commerce intends to apply its profits, if any, or other income in promoting its objects, and to prohibit the payment of any dividend to its members, the Registrar may by licence direct that the association may be registered as a private company with limited liability, without the addition of the word “limited” to its name, and the association may be registered accordingly and shall on registration, enjoy all the privileges and, subject to the provisions of this section, be subject to all the obligations of limited companies.”.
- Addition of section 400A
- 10.** The principal Act is amended by adding immediately after section 400 the following-
“Powers of Registrar to strike off a company fraudulently registered or conducting illegal business
400A.-(1) Where the Registrar has reasonable cause to believe that-
(a) a registered company has been fraudulently registered;
(b) a registered company is engaged in criminal activities such as money laundering, human trafficking, drug trafficking; terrorism financing or any other offence punishable by law;
(c) at the time of incorporation, there was misrepresentation or fraud by a registered company;
(d) by operation of law, all

shareholders or directors have been prohibited from entering the country; or

- (e) a registered company is operating contrary to its objectives as prescribed in the memorandum and articles of association,

he shall issue a notice in writing to the company, of his intention to strike the company off the register.

(2) Upon receipt of the notice referred to under subsection (1), the company may, within thirty days provide to the Registrar reasons in writing as to why the company should not be struck off the register.

(3) Where the company fails to provide reasons under subsection (2) within the prescribed time or where the reasons provided are not satisfactory, the Registrar shall strike the company off register, publish in the *Gazette* the name of the company which has been struck off and notify the company accordingly.

(4) Where a company, member or creditor is aggrieved by the decision of the Registrar under subsection (3) shall, within five years from the date of publication in the *Gazette*, apply to the court for restoration of the company in the register:

Provided that, the Registrar shall not, within such period of five years, register another company with the same name.

(5) Upon receipt of the application for restoration, the court may-

- (a) order restoration of the company in the register; and
- (b) give such directions and make such provisions as seem just for placing the company and all other persons in the same position as nearly as may be as if the name of the company had not been struck off.

(6) The company restored under subsection (5) shall be deemed to have continued in existence as if its name had not been struck off, and the court may, by order, give such directions and make such provisions as seem just for placing the company and all other persons in the same position as nearly as may be as if the name of the company had not been struck off.

(7) The Minister may make regulations necessary or convenient for better carrying out or giving effect of this section.”.

PART III

AMENDMENT OF THE COPYRIGHT AND NEIGHBOURING RIGHTS ACT, (CAP. 218)

Construc-
tion
Cap. 218

11. This Part shall be read as one with the Copyright and Neighbouring Rights Act, hereinafter referred to as the “principal Act”.

Amend-
ment of
section 42

12. The principal Act is amended in section 42 by-

(a) in subsection (1), deleting paragraphs (a) and (b) and substituting for them the following-

- “(a) in the case of the first offence in commercial basis, a fine of not less than twenty million shillings or thirty *percentum* of the value of the pirated copyright material, whichever is higher; and
- (b) in case of each subsequent offence in commercial basis, a fine of not less than thirty million shillings or fifty *percentum* of the value of the pirated copyright material, whichever is higher,

in addition, the court may order compensation to the right holder.”.

(b) by adding immediately after subsection (1) the following:

“(1A) In addition to the punishment under subsection (1), where the offender is a legal person regulated by Tanzania Communications Regulatory Authority, the person may be subjected to suspension in accordance with the Tanzania Communications Regulatory Authority Act.”.

Cap.
172

Addition of
section
42A

13. The principal Act is amended by adding immediately after section 42 the following new section-

“Compound-
ing of
offences

42A.-(1) Notwithstanding the provisions of this Act relating to penalties, where a person admits in writing that he has committed an offence under this Act, the Copyright Administrator or a person authorised by him in writing may, at any time prior to the commencement of the proceedings by a court of competent jurisdiction, compound such offence and order such person to pay-

- (a) the sum of money together with all reasonable expenses Copyright Society of Tanzania may have incurred in connection with the offence; and
- (b) all fees and charges which would have been due where the action had been authorised under this Act.

(2) Where an offence is compounded in accordance with subsection (1) and proceedings are brought against the offender for the same offence, it shall be a good defence for such offender to prove to the satisfaction of the Court that the offence with which the offender is charged has been compounded under subsection (1).

(3) Where a person fails to comply with the order issued under this section within the prescribed period, the Copyright Administrator -

- (a) shall, in addition to sum ordered, require the person to pay an interest at the rate prescribed in the regulations; and
- (b) may enforce the order in the same manner as a decree of a court for the payment of the amount stated in the notification."

PART IV
AMENDMENT OF THE FILMS AND STAGE PLAYS ACT,
(CAP. 230)

Construction
Cap. 230

14. This Part shall be read as one with the Films and Stage Plays Act, hereinafter referred to as the “principal Act”.

General
amendment

15. The principal Act is generally amended by deleting the words “Central Censorship Board” and “Regional Censorship Board” wherever they appear in the Act and substituting for them the words “Tanzania Film Board” and “Regional Film Board” respectively.

Amendment
of section 2

16. The principal Act is amended by-

(a) inserting in their appropriate alphabetical order the following new definitions:

““classification and certification” means a motion picture content rating system designated to classify films with regard to suitability for audiences in terms of issues such as sex, violence, substance abuse, profanity, impudence or other type of mature content;

“film association” means any group, network or federation dealing with matters related to film and stage plays;

“film industry” comprises the technological and commercial institutions of film making film, production companies, film studios, filming and photographic agents and fixers, cinematography, animation, film product, screen writing, pre-production, film festivals, distribution and actors, film directors and other film crew personnel;

“Board” means the Tanzania Film Board;”

(b) deleting the definition of the term “theatre” and substituting for it the following:

“theatre” means any building, premise, venue, video exhibition centres or place at which a film is publicly exhibited or a stage play is publicly performed;” and

(c) deleting the words “censorship of” appearing in the definition of the term “Minister”.

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Addition of
section 6A

17. The principal Act is amended by adding immediately after section 6 the following new section:

“Requirem
ent for
foreign
production
company

6A.-(1) Any foreign production company or individual using Tanzania scene, content and location for filming the whole or any part of a film, advertisement, documentary or program, shall-

- (a) submit to Tanzania Film Board raw footage;
- (b) acknowledge all physical locations used for filming;
- (c) submit a copy of a finished film, advertisement, documentary or program;
- (d) sign a prescribed clearance form before exiting Tanzania and submit the same to the Tanzania Film Board or any other authority appointed by the Board;
- (e) grant rights to the government of Tanzania to use content for the purposes of promoting Tanzania and its potential resources, tourism, photographic location and cultural attraction which are distributed through public broadcasts, cable programs, sound or visual recordings or any other digital platform used by public broadcaster:

Provided that, such use is compatible with fair practice and that the source and the name of the executive producer and production company are mentioned in the film, documentary or advertisement.

(2) Any person who contravenes subsection (1) shall, upon conviction, be liable to a fine of not less than five *per centum* of the production cost of the film, advertisement, documentary or program.

(3) Every film producer shall include insurance policy in every contract he signs with actors and crew.

(4) Any person who contravenes subsection (3) shall, upon conviction, be liable to a fine of not less than one *per centum* of the production cost of the film.”

Repeal and replacement of section 14

18. The principal Act is amended by repealing section 14 and replacing for it the following:

“Functions of Film Boards

14.-(1) The Film Board and every Regional Film Board shall have the following functions:

- (a) to regulate film industry and stage plays, foreign and local motion pictures, television, radio and stage plays’ practitioners and dealers; stage plays production and performances;
- (b) to monitor the quality of motion pictures and stage plays;
- (c) to license distribution, exhibition, motion pictures, stage plays’ exhibition venues, libraries, studios, production and distribution companies and individuals, online distribution and exhibition infrastructures;
- (d) to accredit, classify and register practitioners and dealers of motion pictures, television plays, radio plays and stage plays;
- (e) to coordinate and promote development of film sector, local and international markets, motion picture festivals and awards, talent identification, talent promotion, activities and events related to film and stage plays;
- (f) to classify and certify motion pictures, video films and stage plays;
- (g) to advise the government and stakeholders on matters of or related to the film sector in Tanzania;

- (h) to solicit for opportunities and investments in motion pictures and stage plays;
- (i) to supervise and regulate professionalism, ethics and etiquettes in the film industry and stage play; and
- (j) to perform any other functions related to motion pictures and stage plays.

(2) Without prejudice to subsection (1), it shall be the duty of every film Board to examine every film, and every poster or description thereof, submitted to it under this Act, with a view to deciding whether, and if so in what manner, it should be approved for exhibition:

Provided that, and notwithstanding the provision of section 18, if the Board so decides, it may approve a film or poster for exhibition to the public without examining it.

(3) There shall be film boards established in every district which shall be appointed by Tanzania Film Board.

(4) The films boards appointed under subsection (3) shall perform duties as may directed by the Tanzania Film Board."

Amendment of section 15

19. The principal Act is amended in section 15(1), by deleting the word "censorship" appearing in paragraph (c) and substituting for it the words "classification and certification".

Amendment of section 16

20. The principal Act is amended in section 16, by deleting subsection (1) and substituting for it the following:

"(1) A person shall not display or advertise or cause or permit to be displayed or advertised in a public place, so as to be visible from a public place, any poster unless a Film Board has first approved a poster for public display through any platform or media display."

Addition of section 31A

21. The principal Act is amended by adding immediately after section 31 the following:

"Profit returns

31A.-(1) The Board shall obtain profit returns from foreign film production

companies or individuals in order to contribute to the national economy as well as local film industry.

(2) The Board shall regulate a number of foreign crew entering the country for motion picture activities.

(3) The Board shall set guidelines and procedures for accessing famous filming locations.”.

Amendment of section 34

22. The principal Act is amended in section 34(2), by deleting the word “negative” appearing in paragraph (a) and substituting for it the words “footage clip or any material used to make such film.”.

Amendment of section 38

23. The principal Act is amended in section 38, by-

- (a) adding immediately after paragraph (q) the following:
 - “(r) prescribing the code of conduct and discipline, professional ethics and etiquettes in the film industry and stage play”;
- (b) renumbering paragraph (r) as paragraph (s).

PART V

**AMENDMENT OF THE NON-GOVERNMENTAL ORGANIZATIONS ACT,
(CAP. 56)**

Construction
Cap.56

24. This Part shall be read as one with the Non-Governmental Organizations Act, hereinafter referred to as the “principal Act”.

Amendment of section 2

25. The principal Act is amended in section 2, by deleting the definition of the term “Non-Governmental Organisation” and substituting for it the following:

“Non-Governmental Organization” also known by its acronym "NGO" and which includes Community Based Organisation (CBO) means a voluntary grouping of individuals or organizations which is, non-partisan or non-profit sharing established and operates for the benefit or welfare of the community or public organized at the local, national or international levels for the purpose of enhancing or promoting economic, environmental, social or cultural development or protecting environment,

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- lobbying or advocating on such issues; but does not include:
- Cap. 212 (a) a company formed and registered under the Companies Act,
 - Cap. 318 (b) a trust formed and registered under the Trustees' Incorporation Act;
 - Cap. 366 (c) a trade union formed and registered under the Employment and Labour Relations Act;
 - Cap. 211 (d) a religious or faith propagating organisation;
 - (e) a cooperative society formed and registered under the Cooperative Societies Act;
 - (f) an agricultural association formed and registered under any written law other than this Act;
 - Cap. 337 (g) a society formed and registered under the Societies Act;
 - Cap. 258 (h) a political party formed and registered under the Political Parties Act;
 - Act No. 10 of 2018 (i) a microfinance group (VICOBA) registered under the Microfinance Act;
 - Cap. 49 (j) a sports association formed and registered under the National Sport Council of Tanzania Act; and
 - (k) any organisation which the Minister may, by order published in the *Gazette*, declare not to be a non-governmental organisation for the purpose of this Act;

Amend-
ment of
section 4

26. The principal Act is amended in section 4(1), by-

(a) inserting immediately after paragraph (h) the following:

“(i) to suspend the operation of any Non-Governmental Organization which violates the provisions of this Act pending determination of the Board;

(j) to conduct monitoring and evaluation of Non-Government Organizations activities on quarterly basis and report to the Board;” and

(b) renumbering paragraph (i) as paragraph (k).

Addition of
section 4A

27. The principal Act is amended by adding immediately after section 4 the following:

“Power to
investi-
gate

4A.-(1) The Registrar may, in implementing the duties under section 4 and in collaboration with law enforcement organs,

investigate any matter as required.

(2) The Registrar may require any law enforcement organ or public entity to provide such facilities and services of its employees as may be deemed necessary to assist the registrar in performing the functions under this Act.

(3) It shall be the duty of every person, law enforcement organ or public entity to afford the Registrar the cooperation and assistance necessary to enable the performance of his functions under this Act or any other written laws.”

Addition of section 8A

28. The principal Act is amended by adding immediately after section 8 the following:

“De-registration of Non-Government Organization

8A. An Organization registered under this Act, and which does not fit to be a Non-Governmental Organization by virtue of section 2 shall, after expiration of two months from the date of coming into operation of this section, be deemed to have been de-registered.”.

Amendment of section 11

29. The principal Act is amended in section 11, by deleting subsections (3), (4), (5) and (6).

Amendment of section 17

30. The principal Act is amended in section 17, by adding immediately after subsection (2) the following:

“(3) A certificate of registration issued under this section shall be valid for a period of ten years.

(4) An application for renewal of certificate of registration shall be made six months before the expiry date of its registration.

(5) The Board shall renew a certificate of registration upon being satisfied that the organization has complied with the requirements of registration under this Act and any other written laws.

(6) Notwithstanding subsection (5), the Board shall, in deciding whether to renew or refuse renewal of certificate of registration, adhere to the conditions stated under section 14 of this Act.”.

Amendment of section 29

31. The principal Act is amended in section 29(1), by adding at the end of paragraph (b) the words “and shall be made available to

the public”.

Amendme
nt of
section 31

- 32.** The principal Act is amended in section 31, by-
- (a) adding immediately after paragraph (b) the following-
“(c) to adhere to the principles of financial transparency and accountability as prescribed under other written laws;”
and
 - (b) renumbering paragraph (c) as paragraph (d).

PART VI

AMENDMENT OF THE SOCIETIES ACT,
(CAP. 337)

Construc-
tion
Cap.337

- 33.** This Part shall be read as one with the Societies Act, hereinafter referred to as the “principal Act”.

General
amend-
ment

- 34.** The principal Act is amended generally, by -
- (a) deleting the words “local society” wherever they appear in the Act and substituting for them the words “society”;
 - (b) deleting the words “order and good government” wherever they appear in the Act and substituting for them the words “order, morality and good governance”; and
 - (c) deleting the word “President” wherever it appears in the Act except under sections 5 and 8, and substituting for it the word “Registrar”.

Amend-
ment of
section 2

- 35.** The principal Act is amended in section 2, by-
- (a) deleting the definition of the terms “exempted society” and “local society”; and
 - (b) deleting the definition of the word “society” and substituting for it the following:

“society” means a non-partisan and non-political association of ten or more persons established for professional, social, cultural, religion or economic benefits or welfare of its members, formed and registered as such under this Act, but does not include-

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- (a) a company formed and registered under the Companies Act;

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- (b) a trust formed and registered under the Trustees’ Incorporation Act;

- Cap. 366 (c) a trade union formed and registered under the Employment and Labour Relations Act;
- Cap. 211 (d) a religious or faith propagating organisation;
- (e) a cooperative society formed and registered under the Cooperative Societies Act;
- Cap. 258 (f) an agricultural association formed and registered under any written law other than this Act;
- Cap. 56 (g) a political party formed and registered under the Political Parties Act;
- Act No. 10 of 2018 (h) a non-governmental organisation formed and registered under the Non-Governmental Organisations Act;
- Cap. 49 (i) a microfinance group (VICOBA) registered under the Microfinance Act;
- (j) a sport association formed and registered under the National Sport Council of Tanzania Act; and
- (k) any society which the Minister may, by order published in the *Gazette*, declare not to be a society for the purpose of this Act;
- (c) deleting the definition of the words “unlawful society” and substituting for them the following-
“unlawful society” means any society declared as such pursuant to section 8”.
- Repeal of sections 3 and 4
- 36.** Sections 3 and 4 of the principal Act are hereby repealed and replaced with the following:
- “Registra- tion of association
- 3.** An association shall not operate as a society within the meaning of this Act, unless it is registered with the Registrar in accordance with the provisions of this Act.”
- Cessation of registered society
- 4.** An association registered under this Act, and which does not fit to be a society by virtue of section 2 shall, after expiration of two months from the date of coming into operation of this section, be deemed to have been de-registered.”
- Repeal and replacement of section 7
- 37.** The principal Act is amended by repealing section 7 and replacing for it the following:
- “Registra- tion of
- 7.-(1)** A foreign society intending to operate in Tanzania shall comply with

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- societies registration requirements under this Act.
(2) It shall be an offence for any society which is not registered in accordance with the provisions of this Act to carry out its business as a society in Tanzania.”
- Amendment of section 8 **38.** The principal Act is amended in section 8, by-
(a) deleting subsection (2) and substituting for it the following:
(2) Any society declared by order of the Minister to be a society dangerous to the good governance of Tanzania, shall be declared to be unlawful under the provisions of this section and every such order made under the provisions of this section shall continue in force until revoked under this Act.
(b) deleting the words "or deemed to be made" appearing in subsections (3) and (4);
(c) deleting subsection (6) and substituting for it the following:
“(6) Any society against which an order under this section is made, shall be de-registered.”
- Repeal of section 9 **39.** The principal Act is amended by repealing section 9.
- Amendment of section 10 **40.** The principal Act is amended in section 10, by-
(a) deleting marginal note and substituting for it the following “Provisions on de-registration”;
(b) deleting subsection (1) and substituting for it the following:
“(1) The provisions of this section shall apply to any society whose registration has been cancelled under this Act.”
- Repeal of sections 11 and 12 **41.** The principal Act is amended by repealing sections 11 and 12.
- Amendment of section 14 **42.** The principal Act is amended in section 14, by deleting the opening words and substituting for them the following:
“The Registrar shall not register a society if-”

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- | | |
|-------------------------|---|
| Repeal of section 16 | 43. The principal Act is amended by repealed section 16. |
| Amendment of section 17 | 44. The principal Act is amended in section 17, by deleting the words “effected under section 12” appearing in the opening phrase and substituting for them the words “registered under the provisions of this Act” |
| Amendment of section 19 | 45. The principal Act is amended in section 19, by deleting the words “section 8 is in force” and substituting for them the words “sections 8, 14 and 17”. |
| Amendment of section 20 | 46. The principal Act is amended in section 20, by-
(a) deleting the words “or exempted society” appearing in subsection (1); and
(b) deleting the words “or exempted society, as the case may be” appearing in subsection (2). |
| Amendment of section 25 | 47. The principal Act is amended in section 25, by-
(a) in subsection (1), deleting the words “not exceeding ten thousand shillings” and substituting for them the word “not less than one million shillings but not exceeding ten million shillings”;
(b) in subsection (2), deleting the phrase "subordinate court presided over by a District magistrate of a Resident Magistrate" appearing in subsection (2) and substituting for it the words "District Court presided over by Resident Magistrate;" |
| Amendment of section 26 | 48. The principal Act is amended in section 26, by deleting the words “not exceeding five thousand shillings” and substituting for them the words “not less than two hundred thousand shillings but not exceeding two million shillings”. |
| Amendment of section 27 | 49. The principal Act is amended in section 27, by deleting the words “not exceeding five thousand shillings” and substituting for them the word “not less than two hundred thousand shillings but not exceeding two million shillings”. |
| Repeal of section 28 | 50. Section 28 of the principal Act is hereby repealed. |

PART VII
AMENDMENT OF STATISTICS ACT,
(CAP. 351)

Construc-
tion
Cap. 351

51. This Part shall be read as one with the Statistics Act, hereinafter referred to as the “principal Act”.

Amend-
ment of
section 3

52. The principal Act is amended in section 3, by

(a) deleting the definitions of the terms “statistical information” and “survey” and substituting for them the following:

“statistical information” means any organized data obtained from censuses or surveys; and

“survey” means a method of collecting data from a sample of persons with a national, regional or district level coverage;”

(b) inserting in its appropriate alphabetic order the following:

““publish” means release or disseminate statistical information to the public in any form or media;

“international standards” means guidelines for producing official statistics used by United Nations Statistics Division and other recognized international organisation;

“national standards” means guidelines for producing official statistics used by Bureau;

“non-official statistics” means statistics produced without the authority of the Bureau.”

Amend-
ment of
section 6

53. The principal Act is amended in section 6, by-

(a) inserting immediately after paragraph (f) the following:

“(g) coordinate publishing of statistical information;”

and

(b) renaming paragraphs (g) and (h) as paragraphs (h) and (i) respectively.

Amendme
nt of
section 19

54. The principal Act is amended in section 19, by inserting the words “and publish” between the words “collect” and “official”.

Amendme
nt of
section

55. The principal Act is amended in section 24A, by-

(a) deleting subsection (2) and substituting with the following:

“(2) A person who has different findings from statistics disseminated by the Bureau shall, subject to consultation with the Bureau, have the right to challenge such statistics:

Provided that, the consultation shall involve discussion on the methodology used, data sources, analysis and data interpretation.

(3) Where upon consultation under subsection (2), it is established that the findings intended to be published pursuant to subsection (2) are incorrect, the Bureau shall advise the person concerned to revise such findings accordingly before publication; and in case of disagreement on revision, the Bureau shall refer the matter to the Technical Committee for determination.

(4) Where the Technical Committee determines that-

- (a) the findings referred to it under subsection (3) are correct, it shall direct the findings to be published;
- (b) the statistics disseminated by the Bureau are correct and also the findings are correct it shall direct both to be published;
- (c) the statistics disseminated by the Bureau are correct but the findings are incorrect, it shall direct the findings not be published;
- (d) the statistics disseminated by the Bureau are incorrect and the findings are correct it shall declare as such and direct the findings be published; and
- (e) both the statistics disseminated by the Bureau and the findings are incorrect, it shall declare the statistics unpublished and the findings incorrect.

(5) Notwithstanding subsection (4)(d), where the statistics disseminated by the Bureau is found to be incorrect due to some discrepancies, the Bureau shall use standard statistical practices to correct the discrepancies of such statistics.

(6) The Technical Committee referred to under this section shall be formed by the Minister and shall be

composed of members who are conversant with and possess expertise on matters relating statistics and the subject to be determined.

(7) In the performance of its functions, the Technical Committee referred to under subsection (6) shall be guided by accepted National and International standards on statistics.

(8) For the purpose of subsection (1), the term “process” means to make an in-depth or further analysis of official statistics that may involve some adjustment or modification, including weighting schemes, method of imputing missing values or cross-checking techniques and relevant characteristics of specific approach applied.

(9) The Minister may make regulations prescribing for the composition, appointment of members and better carrying out of the functions and responsibilities of the Technical Committee. ”

Repeal and replacement of section 24B

56. Section 24B is repealed and replaced by the following:

“Dissemination of non-official statistics

24B.-(1) A person shall not publish non-official statistics without consultation with the Statistician General.

(2) The consultation referred to under subsection (1) shall involve discussion on data sources, methodology used, data sources, analysis, data interpretation and results to be published.

(3) Where data sources and methodology referred to under subsection (2) are found to meet acceptable national and international standards, such non-official statistics shall be published.

(4) Where data sources and methodology referred under subsection (2) do not meet the acceptable national or international standards due to some discrepancies, the Bureau may advise the person concerned to correct the discrepancies before publication.

(5) Where the non-official statistics submitted to the Statistician General for approval do not meet acceptable national or international standards, such information may

be published with a clear disclaimer statement that the information is not official.

(6) Where a person is not satisfied with the decision of the Statistician General under this section he may refer the matter to the Technical Committee for determination.

(7) Notwithstanding subsection (1), the following statistical information may be published without consultation-

- (a) surveys or researches in natural sciences, technology or innovation conducted by recognised academic and research institutions such as universities and other academic and research institutions;
- (b) researches conducted using administrative data or statistics from Government institutions such as ministries, independent departments, authorities and regional administration;
- (c) surveys or researches conducted for programmes by international organisations, regional bodies, intergovernmental organisations, bilateral institutions, diplomatic missions or international development organisations; and
- (d) surveys or researches conducted purely for internal or personal use by institutions or organisations which are not intended to be published.”

Amend-
ment of
section 37

57. The principal Act is amended in section 37, by deleting subsection (4) and substituting for it the following-

“(4) Any person who publishes non-official statistics contrary to the provisions of this Act, commits an offence and shall, upon conviction by a competent court, be liable -

- (a) in the case of an individual, to a fine of not less than one million shillings but not exceeding five million shillings or to imprisonment for a term of not less than six months but not exceeding twelve months or to both; and

(b) in the case of an institution, to a fine of not less than ten million shillings but not exceeding fifty million shillings.”

PART VIII
AMENDMENT TANZANIA SHIPPING AGENCIES ACT,
(CAP. 415)

Construc-tion
Cap.415 **58.** This Part shall be read as one with the Tanzania Shipping Agencies Act hereinafter referred to as the “principal Act.”

Amend-ment of
section 2 **59.** The principal Act is amended in section 2, by deleting the words “at sea ports and inland waterways ports”.

Amend-ment of
section 3 **60.** The principal Act is amended in section 3, by-
““airport” means a defined area on land or water including any building, installations and equipment intended to be used either wholly or in part for the arrival, departure and surface movement of aircraft with facilities for passengers and cargo;

Cap. 223
Cap. 392
Cap. 283 “airway bill” means a document that accompanies goods shipped by an international air courier providing detailed information about the shipment;

Cap. 123
Cap. 392 “ammunition” shall have the meaning ascribed to it under the Firearms and Ammunition Control Act;

Cap. 392 “consignment note” means a document prepared by a consignor and countersigned by the carrier as a proof of receipt of consignment for delivery at the destination;

“dry port” means an inland common user facility which is directly linked to a maritime port by road or railway, having appropriate infrastructure, equipment and storage facilities operating as a centre for transshipment of sea bound cargo and containers to and from inland destinations and includes Inland Clearance Depot and Empty Container Depot;

“export” means to take or cause goods to be taken out of Mainland Tanzania;

“ferry” includes a boat or ship, whether owned by the government or private person, for conveying passengers or goods in a passage over any river, arm of the sea, lake or part of a lake from any place to which the public have access to any other place but does not include a boat or a ship owned or operated by security forces;

“firearm” shall have meaning ascribed to it under Firearms and Ammunition Control Act;

“gas” shall have the meaning ascribed to it under the Petroleum Act;

“Government trophy” means the Government trophy as referred to under the Wildlife Conservation Act;

“import” means to bring or to cause goods to be brought into Mainland Tanzania from a foreign country;

“live animal” means any kind of live vertebrate and invertebrate animal and the young and egg thereof;

“mineral” shall have the meaning ascribed to it under the Mining Act;

“oil” shall have the meaning ascribed to it under the Petroleum Act;

“petroleum” shall have the meaning ascribed to it under the Petroleum Act;

“port services” means any service rendered by a port terminal operator within a port in any manner including loading and unloading of goods on board vessels, shore handling of goods, storage of goods, handling of passengers carried on vessels and handling of refined petroleum products, edible oils and natural or liquidified gases on vessels;

“ship” means a floating vessel which is self-propelled and capable of carrying passengers or cargo;

“vessel” includes any ship, boat, sailing vessel, ferry or other vessel of any description used in navigation;”

- (b) inserting the words “ports, pipelines, airports border-post” between the words “through,” and “customs” appearing in the definition of the words “clearing and forwarding”;
- (c) deleting the definition of the word “consignee” and substituting for it the following-

““consignee” means the party to whom goods accepted for carriage on board are addressed and that party is named as such in the bill of lading, airway bill or consignment note;”

(d) deleting the definition of the word “port” and substituting for it the following-

“port” means a sea port or inland waterways port of Mainland Tanzania, whether on the coast or elsewhere and in relation to execution of exclusive mandate and shipping agency under this Act, a port shall include airport;

(e) adding the words “airway bill or consignment note” between the words “lading” and “as party” appearing in the definition of the word “shipper”.

Amend-
ment of
section 5

61. The principal Act is amended in section 5, by deleting paragraph (g) and (h) and substituting for them the following-

“(g) promoting competition in the maritime transport services;

(h) entering into contractual obligations with other persons or body of persons in order to secure the provision of quality and efficient shipping services and maritime environment, safety and security, whether by means of concession, joint venture, public private partnership or other means and to delegate its own functions of providing shipping services and maritime environment, safety and security to one or more parties.”

Amend-
ment of
section 7

62. Section 7 of the principal Act is amended-

(a) in subsection (1) by-

(i) deleting the word “arms” appearing in paragraph (a) and substituting for it the word “firearms;”

(ii) adding between the words “trophies” and “or” appearing in paragraph (a) the following words “fertilizers, industrial sugar, domestic sugar, edible cooking oil, wheat, oil products, gas, liquidified gas and chemicals or any other liquid related products ”;

(iii) adding immediately after paragraph (c) the following new paragraph-

“(d) shipping agency functions in relation to-

(i) tanker ships, pure car carriers vessel, cruise vessel, exhibition vessel, casual caller, chartered vessel and military ship;

- (ii) minerals, mineral concentrates, machineries, equipment, products or extracts related to minerals and petroleum, firearms and ammunition, live animals, Government trophies, fertilizers, industrial and domestic sugar, edible or cooking oil, wheat oil products, gas, liquidified gas and chemicals or any other liquid related products"; or
- (iii) any other goods as the Minister may by order published in the *Gazette* prescribe.”; and
- (b) by inserting immediately after sub section (1), the following-
- “(1A) For the purpose of subsection (1)(d), the term “tanker ship” means a ship designed to transport liquids or gases in bulk including oil products, gas, liquidified gas and chemicals or any other liquid related products. ”
- Amend-
ment of
section 10
- 63.** The principal Act is amended in section 10, by deleting subsection (1) and substituting for it the following-
- “(1) The Corporation shall regulate maritime transport services, maritime safety, maritime security and prevention of pollution from ships and maritime activities in accordance with the provisions of this Act.”
- Amend-
ment of
section 11
- 64.** The principal Act is amended in section 11, by-
- (a) deleting the opening phrase to subsection (1) and substituting for it the following-
- “(1) The functions of the Corporation in relation to regulation of maritime administration, maritime safety, maritime security and prevention of pollution from ships and maritime activities shall be to:-”
- (b) deleting paragraph (b) and substituting for it the following-
- “(b) exercise flag state control on Tanzanian ships and port state control on foreign ships;”.
- Amend-
ment of
section 13
- 65.** The principal Act is amended in section 13, by deleting subsection (3) and substituting for it the following-
- “(3) Notwithstanding the provisions of subsection (2), the Director General shall not issue a licence for shipping agency if the applicant or its shareholder is ship owner, ship operator, ship charterer, dry port operator or clearing and forwarding agent.”
- Amendme
- 66.** The principal Act is amended in section 22(2), by-

Written Laws (Miscellaneous Amendments)(No.3) Act, 2019

nt of
section 22

- (a) deleting the word “senior” appearing in paragraph (g);
- (b) inserting the word “management” between the words “of” and “staff” appearing in paragraph (h); and
- (c) deleting the word “senior” appearing in paragraph (i);

Amend-
ment of
section 30

67. The principal Act is amended in section 30, by deleting subsection (5) and substituting for it the following-

“(5) The Director General shall serve for a term of five years renewable once on such terms and conditions as shall be set out in the scheme of service and letter of his appointment.”

Amend-
ment of
section 31

68. The principal Act is amended in section 31(3), by-

- (a) adding the word “or” at the end of paragraph (a); and
- (b) deleting paragraph (b) and substituting for it the following-
“(b) is a holder of a first degree from a recognized university and a Master Mariner or Chief Engineer Officer in accordance with the International Convention on Standard of Training, Certification and Watch keeping for Seafarers (STCW Reg. II/2 or III/2) with seagoing service; and”

Amend-
ment of
section 46

69. The principal Act is amended in section 46, by-

- (a) deleting the words “business of shipping agency” appearing in paragraph (a) and substituting for them the words “regulated service”; and
- (b) deleting paragraph (b) and substituting for it the following:
“(b) inspect and take copies of any record required under this Act to be kept in respect of regulated service or any other records relating to such service,”

Amend-
ment of the
Schedule

70. The principal Act is amended in the Schedule by deleting the words “shipping agency” appearing after the word “for” appearing in paragraph 1(1) in item (e) and substituting for it the word “maritime transport.”

PART IX
AMENDMENT OF THE TRUSTEES’ INCORPORATION ACT,
(CAP.318)

Written Laws (Miscellaneous Amendments)(No.3) Act, 2019

Construc-
tion
Cap.318

71. This Part shall be read as one with the Trustees' Incorporation Act, hereinafter referred to as the "principal Act".

General
amend-
ment

72. The Principal Act is amended generally by deleting the designation "Registrar-General" wherever it appears in the Act and replacing it with the designation "Administrator-General".

Addition of
section 1A

73. The Principal Act is amended by adding immediately after section 1 the following:

"Interpretation

1A. In this Act, unless the context requires otherwise-

"trust" means a legal relationship created by personal acts, by an order of the court or operation of the law, when specified property or interests are placed under the control and management of a trustee or trustees for the benefit of another party or parties, called a beneficiary or beneficiaries, or for purposes specified under section 2(1), and excludes:

Cap. 56

(a) a non-governmental organization registered under the Non-Governmental Organizations Act;

Cap. 212

(b) a company registered under the Companies Act;

Cap. 337

(c) a society registered under the Societies Act;

(d) a trade union formed and registered under the Trade Unions Act;

(e) an agricultural association formed and registered under any written law other than this Act;

Cap. 258

(f) political party registered under the Political Parties Act;

Cap. 49

(g) a sports association or club registered under the National Sports Council of Tanzania Act;

Act No.
10 of 2018

(h) a microfinance group (VICOBA) registered under the Microfinance Act;

(i) a cooperative society formed and registered under the Cooperative Societies Act; and

(j) any trust which the Minister may, by

order published in the *Gazette*, declare not to be a trust for the purpose of this Act;

“trustee” means a person who holds, controls and manages property or any other interests for the benefit of a beneficiary or beneficiaries, or for purposes specified in section 2(1).”

Amend-
ment of
section 14

74. The Principal Act is amended in section 14(2) by deleting the words “a police officer of the rank of Inspector or above” appearing in paragraph (e) and substituting for them the words “other relevant investigation authorities”.

OBJECTS AND REASONS

This Bill proposes amendments to Eight laws, namely; the Companies Act, Cap. 212, the Copyright and Neighbouring Rights Act, Cap. 218, the Films and Stage Plays Act, Cap. 230, the Non-Governmental Organizations, Act Cap. 56, the Societies Act, Cap. 337, the Statistics Act Cap.351, the Tanzanian Shipping Agencies, Act Cap.415 and the Trustees' Incorporation Act Cap.318.

The proposed amendments intend to keep the respective laws with changes so far observed in their implementation.

This Bill is divided into Nine Parts. Part I deals with preliminary provisions which includes the title of the Bill and the manner in which the laws proposed to be amended, are amended in their respective Parts.

Part II proposes to amendments to the Companies Act, Cap. 212. It is proposed to re-define the term “company” and introduce the definitions of other terms such as commercial activities, investment activities and trade in order to restrict the scope of operation of companies within such activities. It is further proposed to amend section 3 to restrict the scope of operation companies limited by guarantee to promotion of commerce, investment and trade. The amendment are meant to clearly differentiate companies limited by guarantee from other entities such as NGO, Trusts and Societies.

Section 12(1) is amended in paragraph (b), the purpose of this amendment is that the existence of the said paragraph renders

the organization with such status to be of the same meaning with the non-governmental organization. The amendment of such paragraph renders the company limited by guarantee and not having share capital to be registered under the Companies Act, Cap.212.

Amendment of section 14 intends to introduce new subsections (5) and (6) for the purposes of removing overriding roles between the Registrar of Companies and Registrar of NGOs regarding registration of charity organizations. The amendments also intend to outline and retain in the register of companies, a company with objectives of promoting commerce after obtaining approval from Registrar of NGO's certifying that intended objectives do not fall under the Non-Government Organizations Act.

Section 32 is amended by deleting sub section (1) and instead thereto a new subsection is inserted. The purpose of this amendment is to clear overlapping functional powers between the Registrar of Companies and Registrar of NGO's.

The additional of new section 400A is intended to empower the Registrar of Companies to strike a company off register where the company has been found to involve itself in criminal offences or illegal transactions.

Part III proposes amendments to the Copyright and Neighbouring Rights Act, Cap. 218, whereby section 42 is amended for the purpose of enhancing the penalty for the contravention of the provisions of the Act. This Part also proposes addition of new section 42A which aims at empowering the Chief Executive Office of Copyright Society of Tanzania to compound offences committed under the Act and procedures to compound. This Part further empowers the Minister to make

regulations prescribing types of offences which may be compounded under the Act.

Part IV proposes amendments to the Films and Stage Plays Act, Cap. 230. The amendments to section 2 intend to broaden the scope of meaning of the terms used in the Act. This Part introduces a new section 6A which requires any foreign production company or individual using Tanzania scene, content and location for filming whole or any part of a film, advertisement, documentary or program to submit to Tanzania Film Board raw footage, acknowledge all physical locations used for filming; submit a copy of a finished film, advertisement, documentary or program, and sign a prescribed clearance form before exiting Tanzania and submit the same to Tanzania Film Board or any other authority appointed by the Board. Subsection (2) provides for penalty for any contravention of subsection (1), while subsection (3) requires every film producer to include insurance policy in every contract signed with actors and crew. The aim of this amendment is to widen the scope and regulating film sector in Tanzania.

Amendment of section 10 intends to formalize informal film and video exhibition centers to widen platforms for exhibition, distribution and marketing. It also provides standards suitable for the establishment and running of video exhibition centres. This amendment intends to increase revenue of the Board, producers and local government through the introduction of a new source of income. Amendment of section 14 with the view to elaborate and list the functions of the Board, and it is further amended to strengthen the relationship and coordination between the Tanzania Film Board and other film Boards.

This Part also proposes amendment to section 31A for the purpose of increasing government revenue through profit returns;

it also intends to increase employment and income opportunities to the local film practitioners and crew. This amendment also intends to impart new technology to the local practitioners and crew.

Lastly amendment to section 38(r) is intended to empower the Minister to make regulations which shall regulate and supervise discipline, professional ethics and etiquettes in the film industry and stage play.

Part V proposes amendment to the Non-Governmental Organization, Cap. 56. Among other things, the amendments redefine the term “Non-Governmental Organization (NGO)” with a view to clearly stating in the definition essential elements that differentiate an NGO from other entities registered under other written laws. Further to that, the definition clearly specifies entities that are not NGOs. Amendment of section 4 is intended to widening the scope of the functions and duties of the Registrar of NGOs which includes the ability to suspend operation of the Non-Governmental Organization which operates contrary to the provisions of the Act. The Registrar of NGOs is also empowered to conduct evaluation of the activities carried out by an NGO. The additional of new section 4A is intended to give the Registrar powers of conducting investigations under this Act. Section 11 is amended by deleting subsections (3), (4), (5) and (6). The reasons for such amendment are to restrict the requirement for compliance which were under the existing law, whereby, an organization which was registered or established under any other written law could make an application for compliance under the Act.

Amendment of section 17 is intended to provide for the period for which the certificate of registration shall be valid and the procedure for renewal of such certificates.

Amendment of section 29 is intended to require every NGO to make available to the public the prepared annual audited reports. Amendment of section 31 requires the NGOs to have a duty to adhere to the principles of financial transparency and accountability.

Part VI proposes amendment to the Societies Act, Cap. 337, whereby section 2 is amended in order to redefine the term “society” by stating its essential features and excluding entities that do not qualify to be society. Apart from the amendments that intend to differentiate a society from other entities, the Societies Act is proposed to be amended in various provisions in order to eliminate some anomalies that have been noted in the Act. Such anomalies include unharmonised powers of Registrar of Societies, Minister and the President whereby certain provisions in the Act subject powers of the President to the Minister.

Part VII proposes amendment to the Statistics Act., Chapter 351, where section 3 provides definitions of some new terms. The definition of “*non-official information*” intends to elaborate the type of information gathered through surveys and censuses whose dissemination require consultation with the Statistician General before they are disseminated. The definition of “*survey*” is intended to clear confusion that was caused by the previous definition and to clearly state the scope of surveys whose results need consultation with the Statistician General before they disseminated to the public. The definition of the term “*publish*” is meant to elaborate the proper use of the concept of publishing of statistical information.

Amendment of section 6 is intending to introduce a new function of the National Bureau of Statistics that is to coordinate the dissemination of statistical information. The intention of the

amendment is to make sure the disseminated statistical information meet the required standards and do not mislead the public.

Amendment of section 19 intends to extend the scope of the powers afforded to government institutions to collect official statistics to include powers to disseminate the same.

Amendment of section 24A intends to introduce the procedures of disseminating statistics that are different from those published by the government. Furthermore, the section introduces the procedures for a person who is not satisfied with the conclusion reached after the consultation to seek intervention from the higher levels. The amendment further suggests to introduce a new definition of the words “*to process*” with the intention to provide the meaning intended under section 24A(1). It is also proposed to repeal section 24B(1) as its contents are covered under the proposed new section 24B(2). The proposed amendments under section 24B(2) intends to introduce the procedures to be followed for anyone intending to publish non-official information.

Amendments proposed under section 37(4) intend to state that it is an offence for anyone to disseminate any statistical information contrary to provisions of this Act, and it states the respective penalties.

Part VIII proposes amendments to the Tanzania Shipping Agencies Act, Cap. 415. Section 2 is amended by deleting the words “*at sea ports and inland waterways ports*”. The reason for this amendment is to broaden the scope of the application of the Act which was limited to sea port and inland waterways port. This broader scope will enable the Corporation to perform the clearing and forwarding function stipulated under section 7(1)(a)

using other modes of transport such as road, border posts, airports and pipelines.

Section 3 is amended by introducing new definitions of new terms which were not defined in the Act or were found to be necessary to be defined. The purpose of such amendment is to provide definition of the new term used in the Act for clarity and consistency. This section also proposes amendment of some existing definitions to clear ambiguities which were found during the implementation of the Act. This section also re-defining the term “ferry” with the view to widening the definition of ferry to include government owned ferries.

Section 5 is also amended by improving paragraph (g) and (h) so as to extend the objectives of the Corporation to promote all regulated services under the maritime transport services. The reason for such amendment is to cover all intended regulated services under the Act and not shipping agency business only.

Section 7 is amended by deleting the word “arms” appearing in subsection (1) and substituting for it the firearms” so as to harmonize the term with the definition provided in the Firearms and Ammunitions Control Act, Cap. 223. This section is further amended by adding a new words “fertilizers, industrial and domestic sugar, edible or cooking oil and wheat, oil products, gas, liquidified gas and chemicals or any other liquid related products appearing in paragraph (a) in order to control dumping of products, insure conformity and compliance with the Tanzania Food and Drugs Authority (TFDA) requirements, safeguard domestic industry and increase Government revenue. This section is further amended by adding a new paragraph (d) with the view to extend exclusive mandate of the Corporation to enable control of malpractices of importation and exportation of products transported by tanker ships, pure car carriers vessel,

cruise vessel, exhibition vessel, casual caller, chartered vessel and military ship which include minerals, mineral concentrates, machineries, equipment, products or extracts related to minerals and petroleum, firearms and ammunition, live animals, Government trophies, fertilizers, industrial and domestic sugar, edible or cooking oil and wheat, oil products, gas, liquidified gas and chemicals or any other liquid related products, increase its revenue, control illegal immigrants and enhance safety and security of the country.

Sections 10 and 11 are amended by deleting subsections (1) in respect of each section with the view to provide proper role of the Corporation on regulating maritime safety, maritime security and prevention of pollution from ships and maritime activities. The provision is amended for clarity and for enabling the Corporation to perform effectively its regulatory role on maritime safety, maritime security and prevention of pollution from ships and maritime activities. Section 11(1)(b) is further amended to enable the Corporation to carry out flag state control on Tanzanian ships and port state control on foreign ships.

Section 13(3) is amended by adding shareholders in the list of persons who shall not be entitled for shipping agency licence. The purpose is to avoid any influence which might be caused during clearance of goods by having the same shareholder in the company as well as in the clearing and forwarding company contrary to this Act.

Section 22(1) is amended by deleting the word “*senior*” appearing in paragraph (g) and (i) so as to widen the scope of the Board’s role on the appointment and disciplinary action to all managerial positions. This section also proposes amendment to paragraph (h) in order to exclude disciplinary matters of other

staff from the scope of the Board's role as it is not their appointing authority.

Section 30 is amended to ensure that the source of the terms and conditions of the Director General during appointment as provided under sub section (2) are aligned with the terms and conditions during renewal as provided in sub section (5). The section is further amended in order to remove the reference to the Board and the Minister as they are not appointing authorities of the Director General. The purpose of amendments to this section is to avoid unnecessary confusion during implementation.

Section 46(2) is amended in paragraphs (a) and (b) in order to expand the mandate of an authorized officer of the Corporation to enter and inspect shipping agents and other regulated service providers under this Act to ensure compliance with the regulatory requirements by all service providers.

Lastly, this Part also proposes amendment to the Schedule, whereby paragraph 1(1)(e) is amended in order to designate the Ministry referred to under that paragraph as the Ministry responsible for maritime transport. The purpose is to ensure that a member of the Board under paragraph 1(1)(e) is appointed from the Ministry responsible for maritime transport.

Part IX proposes to amend the Trustees' Incorporation Act, Cap.318 in order to give a clear definition the terms "trust" and "trustees". Amendments also proposed to ensure that some term defined are in conformity with the provisions of other laws.

MADHUMUNI NA SABABU

Muswada huu unapendekeza marekebisho katika Sheria Nane zifuatazo: Sheria ya Makampuni, (Sura ya 212), Sheria ya Hakimiliki, (Sura ya 218), Sheria ya Filamu na Michezo ya Kuigiza, (Sura ya 230), Sheria ya Mashirika yasiyo ya Kiserikali, (Sura ya 56), Sheria ya Vyama vya Kijamii, (Sura ya 337), Sheria ya Takwimu (Sura ya 351), Sheria ya Uwakala wa Meli, (Sura ya 415) na Sheria ya Muunganisho wa Wadhamini, (Sura ya 318).

Mapendekezo ya marekebisho yanalenga kuondoa mapungufu ambayo yamejitokeza katika Sheria hizo wakati wa utekelezaji wa baadhi ya masharti katika Sheria husika.

Muswada huu umegawanyika katika Sehemu Tisa. Sehemu ya Kwanza inahusu masharti ya utangulizi ambayo yanajumuisha jina la Muswada na namna ambavyo masharti mbalimbali ya sheria yanavyopendekezwa kurekebishwa.

Sehemu ya Pili inapendekeza kufanya marekebisho kwenye Sheria ya Makampuni, Sura ya 212, (the Companies Act, Cap. 212) ambapo vinaongezwa vifungu vya 10(4) na 10A kwa lengo la kuweka utaratibu wa makampuni kusajiliwa kulingana na malengo au madhumuni ya kuundwa kwa kampuni husika. Aidha, marekebisho haya yanakusudia kuondoa changamoto ambayo imejitokeza miaka ya hivi karibuni ambapo baadhi ya makampuni yamekuwa yakisajiliwa chini ya Sheria za Makampuni lakini malengo na madhumuni yake yangepaswa kusajiliwa kama mashirika yasiyo ya kiserikali chini ya Sheria ya Mashirika yasiyo ya Kiserikali, Sura ya 56. Hivyo, kwa mujibu wa marebekisho yanayopendekezwa katika ibara ya 5,

makampuni yote yaliyosajiliwa chini ya Sheria ya Makampuni ambayo yanajishughulisha na shughuli za kijamii yatapaswa ndani ya kipindi cha miezi mitatu kusajiliwa chini ya Sheria ya NGO. Lengo la marekebisho haya ni kutofautisha usajili wa makampuni na mashirika yasiyo ya serikali. Aidha, inapendekezwa kurekebisha kifungu cha 32(1) kwa lengo la kuondoa mgongano wa usajili uliopo kati ya Msajili wa makampuni chini ya Sheria ya Makampuni na Msajili wa Mashirika yasiyo ya Kiserikali (NGO's).

Inapendekezwa kuongeza kifungu kipya cha 400A kwa lengo la kumpa Msajili wa makampuni mamlaka ya kuifuta kampuni yoyote pale itakapoonekana kampuni hiyo inajihusisha na masuala ya kijinai au masuala yaliyozuiwa.

Sehemu ya Tatu inapendekeza kufanya marekebisho kwenye Sheria ya Haki Miliki, Sura ya 218 (the Copyright and Neighbouring Rights, Cap. 218), ambapo kifungu cha 42 kinafanyiwa marekebisho kwa lengo la kuongeza kiwango cha adhabu kwa makosa yaliyoainishwa chini ya Sheria hii. Sehemu hii pia inapendekeza kuongeza kifungu kipya cha 42A ambacho kinalenga kumpa Mtendaji Mkuu uwezo wa kufifilisha makosa na kuainisha utaratibu utakaofuatwa wakati wa kufifilisha makosa hayo.

Sehemu ya Nne inapendekeza kufanya marekebisho kwenye Sheria ya Filamu na Michezo ya Majukwaani, Sura ya 230 (the Films and Stage Plays Act, Cap. 230). Katika mapendekezo hayo, kifungu cha 2 kinarekebishwa kwa lengo la kupanua tafsiri ya baadhi ya misamiati iliyotumika katika Sheria. Sehemu hii inapendekeza kuongezwa kwa kifungu kipya cha 6A ambacho kinaweka masharti mapya kuhusu utengenezaji wa filamu nchini. Kwa mujibu wa kifungu hicho, mtu au kampuni ya kigeni inayotaka kutumia eneo lolote la Tanzania kutengeneza filamu

itapaswa, kuwasilisha mali ghafi iliyotumika kutengeneza filamu husika; kubainisha maeneo ya Tanzania ambayo yametumika katika kuandaa filamu husika; na pia kuwasilisha kwa Bodi ya Filamu nakala ya filamu iliyotengenezwa na kuruhusu filamu au kipande cha picha jongevu kutumiwa na Serikali ya Tanzania kutangaza mali asili na utalii, mila na tamaduni za Mtanzania. Aidha, mtu au kampuni hiyo itatakiwa kubainisha maeneo ya nchi yanayofaa kwa ajili ya utayarishaji wa filamu; pamoja na kujaza fomu maalum kabla ya kuondoka nchini. Kifungu hiki kinaweka adhabu kwa mtu atakayekiuka masharti hayo. Marekebisho mengine katika kifungu hiki yanamtaka mtu au kampuni yoyote ya filamu kuhakikisha inawakatia bima watu wote watakaohusika katika kutengeneza filamu.

Kifungu cha 10 cha Sheria hii kinarekebishwa kwa kuongeza kumbi/vibanda vinavyoonyesha video katika usimamizi na uratibu wa kumbi za sinema na vibanda vinavyoonyesha video. Lengo la kuongeza vibanda au kumbi za kuonyesha video katika kifungu hiki ni kurasimisha kumbi hizo ambazo awali hazikupewa masharti ya kisheria. Marekebisho hayo yanakusudia kuboresha usimamizi na kuweka viwango vya ubora wa maeneo hayo, kuongeza kipato kupitia maboresho ya usambazaji wa filamu kwa watendaji wa filamu pamoja na kuongeza mapato ya Serikali kwa kuongeza chanzo kipya cha mapato.

Kifungu cha 14(2) cha Sheria hii kinafanyiwa marekebisho eneo la majukumu ya Bodi ya Filamu kwa lengo la kuimarisha uhusiano na ushirikiano kati ya Bodi ya Filamu na Bodi nyingine za filamu.

Mapendekezo haya yanaongeza kifungu kipya cha 34A. Kifungu hiki kinamtaka mtu au kampuni ya filamu ya kigeni kuwasilisha sehemu ya faida (*profit returns*) itokanayo na kazi za filamu zinazotayarishwa nchini. Kifungu hiki kinatoa mamlaka

kwa Bodi ya Filamu kuratibu na kusimamia idadi ya watendaji kutoka nje ya nchi na kuweka masharti ya kisheria kutumia wazawa katika timu zao za uzalishaji na kuweka taratibu za kutumia au kutembelea maeneo mashuhuri ya nchini kwa ajili ya shughuli za filamu. Lengo la kifungu hiki ni kuongeza mapato ya Serikali, kutengeneza ajira nchini, kulinda na kutangaza maeneo mashuhuri ya Tanzania kwa ajili ya kutengeneza filamu pamoja na kupata teknolojia mpya kutoka kwa wageni kupitia ajira.

Marekebisho yanafanywa kwenye kifungu kidogo cha 38(r) kinachompa mamlaka Waziri mwenye dhamana na masuala ya Filamu na Michezo ya Majukwaani kutunga kanuni za kusimamia taaluma ya Filamu na Michezo ya Majukwaani pamoja na nidhamu kwa watendaji katika sekta ya filamu.

Sehemu ya Tano inapendekeza marekebisho kwenye Sheria ya Mashirika yasiyo ya Kiserikali, Sura ya 56. Marekebisho yanafanywa kwenye kifungu cha 2 kwa lengo la kutoa tafsiri ya maneno ambayo yametumika katika sheria lakini hayakuwa na tafsiri. Marekebisho ya kifungu cha 4 yanalenga kupanua wigo wa majukumu na wajibu wa Mkurugenzi wa Uratibu wa NGO ili kumwezesha kuzuia shirika lisilo la kiserikali kutekeleza majukumu yake endapo shirika hilo litakuwa linatekeleza majukumu yake kinyume na Sheria, na kutathmini shughuli zinazotekelezwa na NGO. Kifungu kipya cha 4A kinampa Msajili mamlaka ya kufanya uchunguzi wa mwenendo wa shirika lolote lililo chini yake. Kifungu cha 11 kinarekebishwa ili kuwianisha masharika ya Sheria ya NGO na marekebisho yaliyofanyika katika Sheria ya Makam

puni, Sheria ya Vyama vya Kijamii na Sheria ya Miunganisho ya Wadhamini ambapo sheria hizi zote sasa zinatambua usajili utakaofanywa chini ya Sheria ya NGO. Marekebisho ya kifungu cha 17 yanalenga kuweka ukomo wa leseni ya usajili na utaratibu wa kuomba upya leseni inayoisha

wakati wake. Marekebisho ya kifungu cha 29 yanalenga kulitaka kila shirika lisilokuwa la kiserikali kuhakikisha kwamba taarifa za ukaguzi za mahesabu za mwaka zinawekwa wazi kwa umma. Marekebisho ya kifungu cha 31 yanayataka mashirika yasiyo ya kiserikali kuhakikisha kwamba wanafuata kanuni za fedha za uwazi na uwajibikaji.

Sehemu ya Sita inapendekeza kurekebisha Sheria ya Vyama vya Kijamii, Sura ya 337, (the Societies Act, Cap. 337), ambapo kifungu cha 2 kinapendekezwa kufanyiwa marekebisho ili kuyatambua ndani ya Sheria hii mashirika au taasisi zote zilizoanzishwa chini ya Sheria ya Mashirika yasiyo ya Kiserikali na hivyo kuyafanya yawajibike chini ya Sheria ya NGO.

Sehemu ya Saba inapendekeza kufanya marekebisho kwenye Sheria ya Takwimu, Sura ya 351, katika kifungu cha 3 kwa kutoa tafsiri mpya ya baadhi ya misamiati. Tafsiri ya misamiati taarifa za kitakwimu “*statistical information*” yana lenga kutoa ufafanuzi wa aina ya taarifa za kitakwimu zinazotokana na sensa na tafiti ambazo usambazaji wake kwa umma unahitaji majadiliano na Mtakwimu Mkuu wa Serikali. Aidha tafsiri ya neno “*survey*” inalenga kuondoa mkanganyiko uliokuwa kwenye tafsiri ya awali na kubainisha wigo (*scope*) wa tafiti ambazo matokeo yake yanahitaji majadiliano na Mtakwimu Mkuu wa Serikali kabla ya kusambazwa. Tafsiri ya msamiati kusambaza “*publish*” inalenga kutoa ufafanuzi wa matumizi sahihi wa dhana ya uchapishaji wa taarifa za kitakwimu.

Marekebisho ya kifungu cha 6 yanapendekeza kuongeza jukumu jipya kwa Ofisi ya Taifa ya Takwimu la kuratibu utoaji wa taarifa za kitakwimu. Lengo la marekebisho haya ni kuhakikisha kuwa taarifa za kitakwimu zinazotolewa zinakidhi viwango na hazipotoshi umma.

Marekebisho ya kifungu cha 19 yanalenga kupanua wigo kwa taasisi za Serikali zilizopewa mamlaka ya kukusanya takwimu kwa mujibu wa Sheria kuweza kusambaza takwimu hizo.

Marekebisho ya kifungu cha 24A yanalenga kuweka utaratibu wa kutoa matokeo ya takwimu zinazotofautiana na takwimu zilizotangazwa na Serikali. Aidha, kifungu hiki kinaweka utaratibu wa kumwezesha mtu ambaye hakuridhika na matokeo ya majadiliano kuchukua hatua zaidi ili kufikia muafaka. Marekebisho pia kwenye kifungu hiki yanapendekeza kutoa tafsiri mpya ya maneno “*to process*” kwa lengo la kutoa ufafanuzi sahihi wa neno hilo kama ilivyokusudiwa katika kifungu cha 24A(1). Vilevile kifungu cha 24B(1) kinapendekezwa kufutwa kutokana na sababu kwamba maudhui ya kifungu hiki yamezingatiwa katika mapendekezo ya maboresho ya kifungu cha 24B(2). Kifungu cha 24B(2) kinarekebishwa kwa lengo la kuweka utaratibu wa kusambaza taarifa za kitakwimu zinazotokana na tafiti au sensa ambazo zinatoa uwakilishi wa ngazi ya Wilaya, Mkoa au Taifa. Marekebisho haya pia yanalenga kuainisha takwimu zinazoweza kutolewa au kuchapishwa bila hitaji la kufanya majadiliano na Mtakwimu Mkuu wa Serikali.

Sehemu ya Nane inapendekeza kufanya marekebisho kwenye Sheria ya Wakala wa Meli Tanzania, (Sura ya 415) (the Tanzania Shipping Agencies Act, Cap. 415) ambapo kifungu cha 2 kinarekebishwa kwa lengo la kupanua wigo wa matumizi ya Sheria. Wigo mpana unaopendekezwa utaliwezesha Shirika kutekeleza majukumu yake ya kipekee ya uwakala wa forodha na uondoshaji wa shehena.

Kifungu cha 3 kinarekebishwa kwa kuongeza tafsiri za maneno ambayo hayakutafsiriwa ndani ya Sheria na kuongeza maneno mapya ambayo yameonekana ni muhimu yakatafsiriwa

kwa mujibu wa Sheria hii. Pia tafsiri mpya ya neno “*ferry*” imetolewa kwa lengo la kupanua tafsiri ya neno hilo ili kujumuisha vivuko vinavyomilikiwa na Serikali. Lengo ni kuondoa utata unaoweza kujitokeza wakati wa utekelezaji wa Sheria. Aidha, tafsiri za baadhi ya maneno zimefanyiwa maboresho ili kukidhi madhumuni ya marekebisho yanayopendekezwa.

Kifungu cha 5 pia kinarekebishwa kwa kuboresha aya (g) na (h) ili kuongeza wigo wa malengo ya Shirika kwa ajili ya kukuza huduma zote zinazodhibitiwa chini ya usafirishaji kwa njia ya maji. Sababu za marekebisho haya ni kujumuisha huduma zote zinazodhibitiwa na Shirika na sio huduma ya uwakala wa meli pekee kama ilivyokuwa katika haya hiyo.

Kifungu cha 7 kinarekebishwa kwa kufuta neno “*arms*” linalojitokeza katika kifungu kidogo cha (1) na badala yake kuweka neno “*firearms*”. Sababu za marekebisho hayo ni kuwianisha neno hilo na tafsiri ya neno hilo kama ilivyotolewa kwenye Sheria ya Kusimamia Silaha, Sura ya 223 (*the Firearms and Ammunitions Control Act, Cap. 223*). kinarekebishwa pia kwa kuongeza maneno mapya “*fertilizers, industrial and domestic sugar, edible or cooking oil and wheat, oil products, gas, liquidified gas and chemicals or any other liquid related products,*” kwenye aya (a) ili kuzuia kingizwa nchini kwa bidhaa ambazo hazina ubora pamoja na kuzingatia matakwa ya TFDA. Kifungu kinarekebishwa pia kwa kuongeza aya mpya ya (d) kwa lengo la kulipa Shirika mamlaka ya kipekee ya kufanya uwakala wa meli ili kusimamia udanganyifu unaoweza kujitokeza wakati wa uagizaji na usafirishaji wa shehena za bidhaa zinazosafirishwa kwa njia ya meli za kusafirisha gesi na vimiminika vinavyojumuisha mafuta, bidhaa za mafuta, gesi, kemikali na bidhaa nyingine zinazohusiana, kuongeza pato la Serikali,

kudhibiti uhamiaji haramu na kuongeza ufanisi kwenye ulinzi na usalama wa nchi.

Vifungu vya 10 na 11 vinarekebisha kwa kufuta vifungu vidogo vya (1) vya kila kifungu kwa lengo la kuweka wigo sahihi wa Shirika kwenye udhibiti, usalama na ulinzi wa usafiri majini na uzuiaji wa uchafuzi unaotokana na vyombo vya usafiri majini na shughuli za usafiri majini. Sababu za marekebisho haya ni kuweka ufafanuzi wa vifungu hivyo na kuliwezesha Shirika kutekeleza kwa ufanisi kwa mujibu wa Sheria hii. Kifungu cha 11(1)(b) kimerekebisha ili kuliwezesha Shirika kufanya udhibiti wa meli za Tanzania na meli za nchi za kigeni.

Kifungu cha 13(3) kinarekebisha kwa kuongeza mwanahisa kwenye orodha ya watu ambao hawawezi kupewa leseni ya kufanya uwakala wa meli. Sababu ni kuzuia ushawishi unaoweza kufanywa na mwanahisa katika maamuzi ya kampuni ya uwakala wa forodha na uondoshaji wa mizigo kinyume cha Sheria hii.

Kifungu cha 22(1) kinarekebisha kwa kufuta neno “senior” linalojitokeza kwenye aya (g) na (i) ili kupanua wigo wa majukumu ya Bodi kwenye uteuzi na hatua za kinidhamu kwa watumishi wa ngazi zote za uongozi. Kifungu pia kinapendekeza marekebisho kwenye aya (h) kwa lengo la kuondoa masuala ya kinidhamu ya watumishi wasio wa kada ya uongozi kutoka kwenye wigo wa majukumu ya Bodi kwa vile sio mamlaka yao ya uteuzi.

Kifungu cha 30 kimerekebisha ili kuhakikisha kwamba msingi wa vigezo na masharti ya ajira ya Mkurugenzi Mkuu wakati wa uteuzi kama yalivyoainishwa kwenye kifungu kidogo cha (2) yanauwiana na vigezo na masharti ya ajira wakati wa kuongeza muda wa ajira kama ilivyoainishwa kwenye kifungu kidogo cha (5). Kifungu kinarekebisha pia ili kuondoa rejea ya

Bodi na Waziri kwa vile siyo mamlaka za uteuzi wa Mkurugenzi Mkuu. Sababu ya marekebisho ya kifungu hiki ni kuepuka mkanganyiko unaoweza kujitokeza wakati wa utekelezaji.

Marekebisho pia yanafanyika kwenye kifungu cha 31 kwa lengo la kuainisha sifa/vigezo mbadala vya mtu anayefaa kuteuliwa kuwa Msajili chini ya Sheria hii.

Kifungu 46(2) kinarekebisha katika aya za (a) na (b) kwa lengo la kupanua mamlaka ya Afisa wa Shirika aliyeidhinishwa kwa ajili ya kuingia na kufanya ukaguzi wa mawakala wa meli na watoa huduma wengine wanaodhibitiwa chini ya Sheria hii ili kuhakikisha uzingatiwaji wa matakwa ya udhibiti.

Sehemu ya Tisa inapendekeza kurekebisha Sheria ya Miunganisho ya Wadhamini, Sura ya 318, (the Trustees' Incorporation Act, Cap. 318) ambapo kifungu cha 2(1) kinapendekezwa kifanyiwe marekebisho kwa kuongeza tafsiri ya baadhi ya maneno ambayo yameonekana ni vyema yakatafsiriwa ili kuweka uelewa wa pamoja ndani ya Sheria hii. Marekebisho pia yanapendekeza kuboresha baadhi ya vifungu kutokana na mabadiliko kwenye sheria nyingine ili kuwa na maana inayofanana ndani ya sheria hizo.

Dodoma,
25 Mei, 2019

ADELARDUS L. KILANGI,
Mwanasheria Mkuu wa Serikali

SCHEDULE OF AMENDMENTS TO BE MOVED BY THE HON. ADELARDUS L. KILANGI THE ATTORNEY GENERAL AT THE SECOND READING OF THE BILL ENTITLED “THE WRITTEN LAWS (MISCELLANEOUS AMENDMENTS)(NO.3) ACT, 2019”

Made under S.O. 86(10)(b)

The Bill entitled “The Written Laws (Miscellaneous Amendments) (No.3) Act, 2019” is amended as follows:

- A:** In Clause 4, by deleting the words "or entity" appearing in the definition of the word "trade";
- B:** In Clause 6, by-
- (a) deleting the words “section 11” and substituting for it the words “the provisions of”;
 - (b) adding immediately after the proposed subsection (2), the following:
 - “(3) Notwithstanding the provisions of this section, the Minister may, upon application, extend the time within which the company has to shift to its appropriate registry.
 - (4) The Minister shall, when extending time applied for under subsection (3), transmit the information for such extension to the Minister under whom the registry in which the company required to register belongs.
- C:** In Clause 10,-
- (a) by deleting the phrase "any other offence punishable by law” appearing in paragraph (b) and substituting for it the words “or any other offence as may be prescribed by the Minister upon consultation with the relevant authorities.”;
 - (b) by deleting subsection (2) and substituting for it the following:
 - “(2) Upon receipt of the notice referred to under subsection (1), the company may, within thirty days-
 - (a) provide to the Registrar reasons in writing as to why the company should not be struck off the register; or
 - (b) challenge the notice of intention to strike the company off register by making an application to the court of competent jurisdiction”;
 - (c) at the end of the proposed subsection (3), by deleting the word “accordingly” and substituting for it the words “of its decision and the reasons thereof;”;
 - (d) deleting the word “of” appearing in proposed subsection (7) and substituting for it the word “to”;

D: By inserting immediately after Clause 11, the following new Clauses:

<p>“Amendment of section 4</p>	<p>11A. The principal Act is amended in section 4, by deleting the definition of the word “Court” and substituting for it the following: ““court” means the court of competent jurisdiction;”;</p>
<p>Amendment of section 9</p>	<p>11B. The principal Act is amended in section 9, by-</p> <ol style="list-style-type: none"> (a) inserting immediately after paragraph (h) the following:

- “(i) right to benefit from re-sale;”
- (b) renaming paragraph (i) and (j) as paragraphs (j) and (k) respectively;”;

Addition of section 15A

11C. The principal Act is amended by adding immediately after section 15 the following-

“Requirement for authorization

15A. Any person who intends to use any right protected pursuant to the provisions of this Act, shall be obliged to seek authorization from the copyright’s holder.”;

E: In Clause 12, by deleting the proposed paragraphs (a) and (b) and substituting for them with the following:

- “(a) in the case of the first offence in commercial basis, a fine of not less than twenty million shillings or thirty *per centum* of the value of the pirated copyright material, whichever is higher or to imprisonment for a term of not less than six months but not exceeding three years or to both; and
- (b) in case of each subsequent offence in commercial basis, a fine of not less than thirty million shillings or fifty *per centum* of the value of the pirated copyright material, whichever is higher or to imprisonment for a term of not less than twelve months but not exceeding five years or to both, in addition, the court may order compensation to the right holder.”;

F: In Clause 13, by-

- (a) inserting the word “criminal” between the words “and” and “proceedings” appearing at the proposed section 42A(2);
- (b) adding immediately after the proposed section 42A(3) the following:
 - “(4) Where an offence is compounded under this section, the payment of sum of money shall not exceed twenty million shillings.”;

G: By inserting immediately after Clause 13 the following:

“Amendment of section 47

13A. The principal Act is amended in section 47, by inserting the word “contracts” between the words “works,” and productions” appearing in paragraph (b).”;

H: In Clause 16, by inserting a coma (,) immediately after the words “film making” and deleting a coma (,) after a word “film” appearing in the definition of the words “film industry”;

I: In Clause 17, by-

- (a) adding the word "and" at the end of paragraph (d);
- (b) deleting subsection (3) and substituting for it the following:
 - “(3) Every foreign film producer shall include a public liability insurance policy and insurance policy in every contract he signs with actors and crew.”;

- K:** In Clause 18, by-
- (a) deleting a letter “s” appearing in the word “Boards” appearing in the marginal note;
 - (b) deleting the words “and every Regional Film Board” appearing in the open phrase;
 - (c) deleting the word “boards” appearing in the proposed subsections (3) and (4) and substituting for it the word “committee”;
- J:** In Clause 20, by inserting the word “film” between the words “any” and “poster” appearing in the proposed subsection (1);
- K:** In Clause 21, by deleting the proposed (1) and (2), the following-
- “(1) The Board shall, for every usage, sale, and re-sale of contents filmed in Tanzania by a foreign film producer, be entitled to a prescribed benefits.
 - (2) The Minister may make regulations prescribing for-
 - (a) determinations of benefits referred to under subsection (1);
 - (b) terms and conditions for acquisition of producers’ filming permits issued pursuant to section 5.”
- L:** In Clause 25, in the definition of the words “Non-Government Organization”-
- (a) deleting a coma (,) appearing after the word “is” appearing between the words “which” and “non-partisan”;
 - (b) inserting a coma (,) after the word “public” appearing before the word “organized”;
 - (c) inserting the word "community" between the words "a" and "microfinance" appearing in paragraph (i) ;
 - (d) inserting immediately after the word “environment” the words “good governance, law and order, human rights and.”;
- N:** In Clause 26, by adding immediately after paragraph (b) the following:
- “(c) adding immediately after section (2) the following:
 - "(3) Notwithstanding subsection (1)(i), the registrar shall, before suspending the operations of a Non-Governmental Organization, give such Organization, a notice of thirty days to show cause as to why its operations should not be suspended, and report to the Board accordingly.
 - (4) The Minister may issue guidelines which are necessary for monitoring and evaluating the operations of the Non-Governmental Organizations.”;
- O:** In Clause 27, by deleting the word "registrar" appearing in the proposed subsection (2) and substituting for it the word "Registrar";
- P:** In Clause 28, by-
- (a) designating the contents of the proposed section 8A as (1);
 - (b) adding immediately after the designated subsection (1) the following:
 - “(2) Notwithstanding the provisions of subsection (1), the Minister may, upon application, extend the time within which an organization has to shift to its appropriate registry.
 - (3) The Minister shall, when extending time applied for under subsection

(2), transmit the information for such extension to the Minister under whom the registry in which the organization required to register belongs.”;

Q: In Clause 30, by-

(a) deleting subsection (3) and substituting for it the following:

“(3) A certificate of registration issued under this section shall be subject to renewal after a period of ten years.”;

(b) deleting the proposed subsection (7) and substituting for it with the following:

“(7) The Minister may make regulations for better carrying out the provisions of this section.”;

R: In Clause 35, by-

(a) deleting paragraph (d) of the proposed definition of the word “society”;

(b) renaming paragraphs (e) to (k) as paragraphs (d) to (j) respectively;

(c) inserting the word "community" between the words "a" and "microfinance" appearing in the proposed paragraph (i); and

(d) adding a letter "s" in the word "sport" appearing in paragraph (j) of the proposed definition of the word “society”;

S: In Clause 36, by adding immediately after the proposed section 4 the following:

"Power of
Minister to
extend time

5.-(1) Notwithstanding the provisions of this Act, the Minister may, upon application, extend the time within which the association has to shift to its appropriate registry.

(2) The Minister shall, when extending time applied for under section (1), transmit the information for such extension to the Minister under whom the registry in which the organization required to register belongs.”

T: In Clause 37, by adding immediately after the proposed subsection (2) the following:

“(3) For the purpose of this section, "foreign society" means a society registered outside of the United Republic and operates in the country”;

U: In Clause 38, by deleting the word "Minister" appearing in the proposed subsection (2) and substituting for it the word "President.”;

V: In Clause 52, by-

(a) deleting the definitions of the terms “statistical information” and “survey” and substituting for them the following:

““statistical information” means any organized data obtained from census, surveys or administrative data;

“survey” means method of collecting data from a sample of population with a national, regional or district level coverage.””;

(b) inserting in their appropriate alphabetical order the following:

““international standards” means standards or guidelines for producing statistical information prescribed in the African Charter on Statistics, 2009, the

Fundamental Principles of Official Statistics of the United Nations, other standards issued by recognized international organizations and includes international best practices;

“national standards” means standards or guidelines for producing statistical information issued by the Bureau”;

W: Deleting Clauses 55 and 56 and substituting for them the following:

“Repeal and replacement of sections 24A and 24B

55. The principal Act is amended by repealing sections 24A and 24B and replacing for them the following:

“Establishment of Technical Committee

24A.-(1) There shall be established a Committee to be known as the Statistics Technical Committee which shall be responsible for determination of matters referred to it pursuant to the provisions of this Part.

(2) The Technical Committee shall work on *ad hoc* basis and shall be composed of the following members who shall be appointed by the Minister:

- (a) Chairman;
- (b) two members who are knowledgeable on statistics from higher learning institutions or research institutions, one of whom shall be from outside the Country; and
- (c) two other members who are conversant with and possess expertise on matters relating to statistics and the subject to be determined, one of whom shall be from outside the Country.

(3) For the purposes of this section, the Minister may make regulations prescribing-

- (a) modality of referring matters to the Technical Committee; and
- (b) mode of publication of the findings of the Technical Committee;
- (c) appointment of members referred to under subsection (2)(c);
- (d) procedures for conducting proceedings of the Technical Committee.

(4) In discharging its mandate, the Technical Committee shall abide with the international standards, national standards and provisions of this Act.

Principles guiding collection and dissemination of statistical information

24B.-(1) Every person shall, subject to the provisions of this Act, have a right to collect and disseminate statistical information.

(2) Any person who intends to disseminate collected statistical information pursuant to this section shall abide with international standards, national standards and the provisions of this Act governing statistical information.

(3) Without prejudice to the generality of subsection (2), a person intending to disseminate statistical information shall, before disseminating

such information, take into consideration-

- (a) professional considerations, scientific principles and professional ethics on the methods and procedures for the collection, processing, storage and presentation of statistical data;
- (b) the duty to present information in accordance with scientific standards on the sources, methods and procedures of statistics; and
- (c) the duty of ensuring objectivity and impartiality in reporting the results of statistical information.

Right of Bureau to challenge statistical information from other sources

24C.-(1) Notwithstanding the provisions of sections 24B, the Bureau shall have the right to challenge the misuse or misinterpretation of statistical information disseminated by any other person if such statistical information contains fundamental errors or does not abide with the principles specified under section 24B(3).

- (2) In exercising the right under subsection (1), the Bureau may-
 - (a) make a statement to the public pointing out the fundamental errors identified and principles not abided with; or
 - (b) refer the matter to the Technical Committee for determination.

Right to challenge statistics produced by Bureau

24D. Every person shall have the right to challenge official statistics produced by the Bureau by, subject to the procedure specified in the regulations, referring the matter to the Technical Committee for determination

Right to publish findings

24E.-(1) A person who has different findings from official statistics disseminated by the Bureau shall, subject to the provisions of this Act, have the right to publish such findings and submit such findings to the Bureau.

- (2) Where the Bureau disagrees with the findings published under subsection (1), may challenge such official statistics by-
 - (a) publishing a statement pointing out all areas of disagreement; or
 - (b) referring the matter to the Technical Committee for determination.

Determination by Technical Committee

24F.-(1) Upon receipt of any matter referred to it pursuant to this Part, the Technical Committee shall determine and publish its findings accordingly.

- (2) The determination of the Technical Committee referred to under subsection (1) of the Technical Committee shall be final and conclusive.
- (3) Notwithstanding subsection (1), where, before the Technical

Committee determines the matter brought before it, the author of the information decides to withdraw publication of such information or agrees to correct the information to the extent of disagreement, the Technical Committee shall-

- (a) in the case of withdrawal, direct the author to publish his decision to withdrawal and give the reasons thereof; and
- (b) in the case of correction, cause the corrections made to the information be published.”;

X: Deleting Clause 57, and substituting for it the following:

“Amendment of section 37

57. The principal Act is amended in section 37, by-

(a) deleting subsection (4); and

(b) renumbering subsection (5) as subsection (4).”;

Y: In Clause 60, by inserting immediately after the open phrase the following:

“(a) inserting in its alphabetical order the following new definitions:”;

Z: In Clause 61, by adding the word "and" at the end of the proposed paragraph (g);

AA: In Clause 62, by-

(a) deleting the open phrase and substituting for it with the following:

62. The principal Act is amended in section 7, by-”;

BB: In Clause 73, by inserting the word "community" between the words "a" and "microfinance" appearing in proposed paragraph (h);.

Dodoma,
....., 2019

A.L.K.
AG

(Hoja iliitolewa ili iamuliwe)

WAZIRI WA HABARI, UTAMADUNI, SANAA NA MICHEZO:

Mheshimiwa Naibu Spika, naafiki.

NAIBU SPIKA: Waheshimiwa Wabunge, hoja imeungwa mkono tutaendelea na utaratibu wetu nimuite sasa Mwenyekiti wa Kamati ya Katiba na Sheria, namuona Mheshimiwa Najma Murtaza Giga, Makamu Mwenyekiti wa Kamati ya Katiba na Sheria.

MHE. NAJMA MURTAZA GIGA - MAKAMU MWENYEKITI WA KAMATI YA KUDUMU YA BUNGE KATIBA NA SHERIA:

Mheshimiwa Naibu Spika, ahsante sana.

Mheshimiwa Naibu Spika, kwa heshima kubwa naomba kuwasilisha maoni na ushauri wa Kamati ya Katiba na Sheria kuhusu muswada wa sheria ya Marekebisho ya sheria Mbalimbali namba tatu wa mwaka 2019 (*The Written Laws (Miscellaneous Amendments) No.3 of 2019*) kwa mujibu wa 86(5) ya Kanuni za Kudumu za Bunge.

Mheshimiwa Naibu Spika, katika kutekeleza masharti ya Kanuni ya 84(1) Kamati ilikutana na Serikali katika Ukumbi Namba Tisa uliopo jengo la utawala katika ofisi ya Bunge Dodoma mnamo tarehe 20 Juni, 2019 ili kupokea maelezo kuhusu muswada husika. Katika kikao hicho Mwanasheria Mkuu wa Serikali na Waziri wa Katiba na Sheria walijulisha Kamati kuwa muswada huu unakusudia kufanya marekebisho katika sheria nane ili kuondoa upungufu ambao umebainika wakati wa utekelezaji wa sheria hizo kwa lengo la kuongeza ufanisi kwa taasisi zinazosimamia utekelezaji wa sheria hizo.

Mheshimiwa Naibu Spika, maelezo ya Serikali yalionyesha kuwa Muswada ya Sheria ya Marekebisho Mbalimbali Na. 3 ya mwaka 2019 unapendekeza kufanya marekebisho ya sheria nane kama zinavyoonekana katika taarifa hii.

Mheshimiwa Naibu Spika, baada ya kupokea maelezo hayo Kamati ilizingatia masharti ya kanuni ya 84(2) ya Kanuni za Kudumu za Bunge na kutoa matangazo kwa kuwaalika wadau mbalimbali wafike mbele ya Kamati kwa lengo la kuisaidia katika uchambuzi wa muswada huu. Kwa tangazo hilo jumla ya Asasi za kiraia 31 pamoja na Asasi tatu za kidini ziliwakilishwa na jumla ya wadau zaidi 315 kutoka Asasi. Wadau hao walipewa fursa ya kusikilizwa wakiwakilisha maoni na wengine waliwasilisha maoni yao kwa njia ya maandishi na orodha ya baadhi ya taasisi hizo ni kama inavyoonekana katika taarifa yetu.

Mheshimiwa Naibu Spika, napenda kuchukua fursa hii kuwashukuru kwa dhati wadau wote kwa ushirikiano wao na Bunge lako tukufu ambao kwa nyakati tofauti waliwasilisha maoni yao kuisadia Kamati kuboresha muswada huu. Nakiri kuwa michango ya wadau imewezesha wajumbe kufikia hatua hii.

Mheshimiwa Naibu Spika, maoni na ushauri wa Kamati; baada ya kuzungumzia masuala ya awali katika utangulizi wa taarifa hii, napenda kuwasilisha mbele ya Bunge lako tukufu maoni ya Kamati ambayo yametokana na maelezo ya Serikali pamoja na uchambuzi wa Kamati katika sehemu na ibara mbalimbali za muswada na ambayo sehemu kubwa imezingatiwa na Mwanasheria Mkuu wa Serikali.

Mheshimiwa Naibu Spika, maelezo ya jumla kuhusu uchambuzi wa muswada; Kamati ilipitia na kufanya uchambuzi wa ibara zote 74 na vifungu vyote vya sheria vinavyopendekezwa kurekebishwa uchambuzi. Uchambuzi huo ulizingatia mfumo wa sasa wa sheria yaani *legal framework* na kitaasisi yaani *institutional framework* katika kusimamia sekta zinazoguswa na muswada huu. Njia ya kulinganisha na mifumo ya kisheria ya nchi nyingine kwa mfano Uganda, Rwanda, Sierra Leone na Zambia ilitumika nakuwezesha Kamati kujielekeza ipasavyo katika busara ya mapendekezo yaliyowasilishwa.

Mheshimiwa Naibu Spika, naomba kuthibitisha kuwa yapo masuala mbalimbali yaliyobainishwa na Kamati ambao kwa maoni ya Kamati Bunge lako tukufu linaweza kuyazingatia wakati wa kupitia ibara kwa ibara masuala ambayo yanahusu mfumo wa usimamizi na uratibu wa usajili wa makampuni, taasisi na asasi za kijamii, za kiraia na zisizo za kiserikali.

Mheshimiwa Naibu Spika, kwa muda mrefu nchi yetu imekuwa na mfumo wa kisheria wa kusimamia na kuratibu kampuni, taasisi na Asasi za kijamii (CBOs) na zisizo za kiserikali (AZAKI) usiotofautisha mipaka ya mashirika na taasisi hizo na hivyo kuleta sitofahamu ya mwingiliano kwa taasisi na Asasi hizo na mamlaka husika za kiusimamizi. Hali hii imekuwa ikipunguza ufanisi uliokusudiwa miongoni mwa taasisi husika za Serikali kwa manufaa mapana ya nchi yetu. Kwa mfano kukosekana kwa mfumo rasmi wa kisheria wa kuuisha leseni za mashirika, taasisi na Asasi hizo umechangia ugumu kwa Serikali kujiridhisha kuhusu uhai wa taasisi hizo kwa sababu za kukosekana misingi wa kisheria wenye kuainisha wajibu wa kutekeleza masharti hayo.

Mheshimiwa Naibu Spika, ni kwa msingi huo marekebisho yanayopendekezwa katika Sheria ya Makampuni Sura ya 212, Sheria ya Haki Miliki Sura ya 218, Sheria ya Mashirika Yasiyo ya Kiserikali Sura 56, Sheria ya Vyama vya Kijamii Sura 337 pamoja na Sheria Muunganisho wa Wadhamini sura 318 yanakuwa na mantiki. Kwa maoni ya Kamati marekebisho hayo yamejielekeza kwenye changamoto hizo.

Mheshimiwa Naibu Spika, ili kujiridhisha kuhusu uhalisia wa mapendekezo ya kutatua changamoto hizo Kamati ilitumia uzoefu wa nchi nyingine kama vile Rwanda, Uganda, Siera Leone na Zambia.

Mheshimiwa Naibu Spika, Kamati imebaini kuwa Uganda, Siera Leone na Zambia nchi hizo uzoefu unaonesha kuwa Sheria za Usajili wa Asasi Zisizo za Kiserikali (AZISE) umewekewa muda mahsusi wa matumizi ya vyeti vya usajili

ambapo kwa nchi ya Rwanda ni miaka mitano, Uganda ni miaka mitano, Siera Leone ni miaka miwili na Zambia ni miaka mitano. Wakati hapa kwetu Tanzania Sheria zetu haziainishi muda wa uhai wa leseni za usajili wa taasisi hizo na hivyo Serikali na Wadau husika kukosa wajibu wa Kisheria wa kutathmini uhai na ufanisi wa Taasisi husika kwa kuzingatia miongozo iliyowekwa.

Mheshimiwa Naibu Spika, Naomba kuwatoa hofu Waheshimiwa Wabunge, Wadau na Watanzania kwa ujumla kuwa Marekebisho ya Sheria hizi kuhusu Kampuni Asasi za Kiraia (*SOs AZAKI*) Asasi Zisizo za Serikali (*NGO's*) Taasisi za Kijamii (*CBOs*) zikiwemo Taasisi za Kidini na Madhehebu Mbalimbali ya Kidini ndani na nje ya nchi yaliyosajiliwa na yatakayoendelea kusajiliwa hapa nchini hayalengi kuzifuta. Ukweli ni kuwa Kamati imejiridhisha pasipo shaka kwamba Marekebisho yanayopendekezwa na Serikali katika jumla ya Sheria nane kama zilivyoainishwa hapo juu hayalengi kuzuia taasisi na asasi kutekeleza majukumu yake hapa nchini, bali ni kuboresha muktadha na uendeshaji ili kupata tija kwa muono mpana zaidi.

Mheshimiwa Naibu Spika, aidha marekebisho haya yamezingatia misingi ya Katiba ya Jamhuri ya Muungano wa Tanzania ya Mwaka 1977 na marekebisho yake na yanalenga kuboresha mfumo wa kisheria kiusimamizi na kiutaratatibu uliopo sasa kwa kuongeza udhibiti na kuweka mipaka ya majukumu ya kila taasisi, asasi na shirika husika ili lifanye majukumu yake kwa kuzingatia sheria na malengo ya kusajiliwa au kuanzishwa kwake.

Mheshimiwa Naibu Spika, Uchambuzi wa Kamati umebaini kuwa kumekuwepo na ombwe kubwa kwa muda mrefu katika mfumo wa kisheria kwa usimamizi wa filamu, michezo, sanaa za ufundi na haki miliki nchini. Dosari hiyo imesababisha changamoto mbalimbali ikiwemo kuchangia wasanii nchini kuendelea kuwa masikini licha ya ubunifu wao ambao umeendelea kuwanufaisha watu wengine na Serikali kuendelea kupoteza mapato.

Mheshimiwa Naibu Spika, ni kwa msingi huo sekta hiyo imekosa mchango stahiki kwenye uchumi wa nchi na maendeleo kwa ujumla. Ni maoni ya Kamati kuwa wakati umefika ambapo Sheria zinazosimamia na kuratibu sekta husika zioanishwe na masharti ya Sheria ya Ulinzi na Raslimali za Nchi [*The natural wealth and resources (permanent sovereignty) Act, 2017*] ili sekta ya sanaa nchini kwa ujumla wake isimamiwe na kuratibiwa ipasavyo kwa maendeleo endelevu ya wadau husika pamoja na taifa kwa ujumla.

Mheshimiwa Naibu Spika, Kwa maoni hayo Kamati inakubaliana na nia njema ya Muswada huu unaopendekeza marekebisho katika sheria nane pamoja na kupendekeza marekebisho machache katika Muswada huu. Mapendekezo hayo kwa ujumla yamepokelewa kama inavyoonekana katika jedwali lililoletwa na Serikali.

Mheshimiwa Naibu Spika, Kwa ujumla Kamati inaipongeza Serikali kwa kubainisha upungufu katika mfumo wa kisheria nchini na kuandaa mapendekezo ya kuboresha yaliyowasilishwa katika Muswada huu.

Mheshimiwa Naibu Spika, Maoni na Mapendekezo kwa kila Ibara. Ili kulisaidia Bunge lako Tukufu kupitia Ibara kwa Ibara na kufanya uamuzi bora wa Kibunge Kamati ilifanya mapitio ya Ibara zote 74 katika sehemu 9 za Muswada huu. Matokeo ya hatua hii kwenye ngazi ya Kamati ni pamoja na kubaini baadhi ya Ibara za Muswada huu ambazo zinafaa kuboreshwa zaidi. Kwa kuzingatia masharti ya Kanuni ya 84 (3) ya Kanuni za Kudumu za Bunge Kamati ilishauri ipasavyo kwa mtoa hoja. Naomba kutoa taarifa kuwa ushauri huo umechangia kuwasilishwa kwa jedwali la Marekebisho yaliyotolewa na mtoa hoja.

Mheshimiwa Naibu Spika, Kwa ujumla Mapendekezo ya Kamati ni kama ifuatavyo:-

Mheshimiwa Naibu Spika, Mapendekezo ya Marekebisho ya Kiuandishi. Kamati imebaini jumla ya Ibara 19 zenye dosari mbalimbali za Kiuandishi ambazo ni Ibara ya

4, 6, 10, 16, 17, 18, 20, 25, 27, 35, 36, 42, 47, 50, 52, 55, 61, 62 na 73 na kutoa mapendekezo yake ambayo yote yamekubaliwa na Serikali kama yalivyoainishwa katika Jedwali la Marekebisho.

Mheshimiwa Naibu Spika, Mapendekezo ya Marekebisho ya Msingi. Pamoja na kubaini dosari za kiuandishi pia Kamati ilibaini baadhi ya Ibara za Muswada kuwa na dosari zinazohitaji marekebisho ya msingi ili kuziwezesha sheria hizi kuleta mantiki iliyokusudiwa na kurahisisha utekelezaji wake. Hivyo Kamati inapendekeza Marekebisho yafanyike katika Ibara hizo kama ifuatavyo:-

Mheshimiwa Naibu Spika, Ibara ya 6(3)(a)(1), chini ya Sheria ya Makampuni inayopendekeza muda wa miezi mitatu kwa taasisi za kiraia, mashirika yasiyo makampuni kuwa yamesajiliwa kwenye sheria husika badala ya miezi miwili iliyopendekezwa na Serikali ili kuzipa muda taasisi zilizosajiliwa chini ya Sheria ya Makampuni kukamilisha mchakato wa kuhamia katika sheria zinazowahusu. Aidha kifungu kitoe mamlaka kwa Waziri mwenye dhamana kuongeza muda kwa taasisi itakayowasilisha maombi ya kuongezewa muda pale itakaposhindwa kukamilisha mchakato wa kutekeleza matakwa ya Sheria hii ndani ya muda uliopangwa.

Mheshimiwa Naibu Spika, Ibara ya 10 chini ya Sheria ya Makampuni inayoongeza kifungu cha 400(a)(1) kirekebishwe kwa kuweka masharti yanayomtaka Msajili kuifuta kampuni kwa makosa yaliyotajwa baada ya kujiridhisha na ushahidi kutoka kwenye vyombo vya usimamizi wa sheria kwamba makosa hayo yametendeka na maneno, *any other offence punishable by law*, katika kifungu cha 400(a)(1)(b) yafutwe kwa sababu yanaweka wigo mpana kwa makosa ambayo yanaweka adhabu kwa mujibu wa sheria mbalimbali za nchi, hali ambayo inaweza kusababisha changamoto wakati wa utekelezaji wa Sheria hii.

Mheshimiwa Naibu Spika, Katika Ibara ya 12 chini ya Sheria ya Haki Miliki inapendekezwa kuwa kurejeshwe

adhabu ya kifungo iliyopo kwenye sheria ya sasa ili kuwezesha vyombo vya utoaji haki kuwa na wigo mpana wa kufanya maamuzi kulingana na uzito wa kosa na pia kiongezwe kifungu kipya kinachohusu haki ya bidhaa ya sanaa kuuzwa tena, (*re-sale right*) ili kulinda haki za wasanii na wabunifu wa kazi za sanaa ambao kwa muda mrefu wamekuwa hawanufaiki na ubunifu wao.

Mheshimiwa Naibu Spika, Ibara ya 17 chini ya Sheria ya Filamu na Michezo katika kifungu cha 6(a)(3) kuhusu *film producers* ambapo sheria haitaji sharti la bima kwa wazalishaji wa filamu kutokana na athari zinazoweza kusababishwa na kazi zao, hivyo Kamati inapendekeza kuwa marekebisho yafanywe kwa kufuta kifungu cha 6(a)(3) na kukiandika upya kama ifuatavyo; naomba inukuu hivyo:- " 6- A._(3) *Every film producer shall include insurance policy in every contract he signs with actors and crew.*"

Mheshimiwa Naibu Spika, sababu ya mapendekezo hayo ni kuhakikisha kuwa pale ambapo uharibifu unafanywa na makampuni hayo katika mali za umma katika kufanya shughuli zake bima iweze kufidia uharibifu huo, na marekebisho yafanyike katika kifungu 6A._(1)(c) ili kuainisha madhumuni ya sharti la kuwasilisha kwenye bodi ya filamu, *raw footage* na nakala ya sinema iliyokamilika yaani *finished for film*.

Mheshimiwa Naibu Spika, Katika Ibara ya 26 chini ya Sheria ya Mashirika yasiyo ya Kiserikali inayopendekeza kumpa Msajili mashirika yasiyo ya Kiserikali (*NGOs*) mamlaka ya kuratibu masuala mbalimbali ya mashirika hayo ikiwemo mamlaka ya kuzifuta. Kamati inapendekeza kuongeza katika Sheria masharti yafuatayo:-

(i) Kumtaka Msajili kutumia vyombo vyenye mamlaka ya kufanya uchunguzi kuhusu taasisi kuvunja sheria kabla ya kusitisha shughuli zake;

(ii) Kumtaka Msajili kutoa onyo kwa *notice* ya muda wa siku 30 itakayoitaka taasisi husika kurekebisha kasoro au

makosa iliyoyafanya kabla ya kuchukua hatua ya kusimamisha shughuli zake na kulijulisha baraza la NGOs na Congo kuhusu hatua hiyo; na

(iii) Kuongeza kipengele kinachomtaka Waziri kutengeneza mwongozo (*guidelines*) kuhusu utaratibu wa kufanya ufuatiliaji na tathmini (*monitoring and evaluation guidelines*).

Mheshimiwa Naibu Spika, Katika Ibara ya 28 chini ya Sheria ya Mashirika Yasiyo ya Serikali inayoongeza kifungu cha 8(a) kwenye Sheria hii kinachotoa sharti la muda wa miezi miwili kwa taasisi ambazo si za Serikali kutekeleza matakwa na mapendekezo ya Sheria hii Kamati inapendekeza ifuatavyo:-

(i) Muda huo hadi miezi mitatu ili kuzipa muda taasisi hizo kukamilisha mchakato wa kuhamia katika Sheria zinazowahusu.

(ii) Kifungu kitoe mamlaka kwa Waziri mwenye dhamana kuongeza muda kwa taasisi itakayowasilisha maombi ya kuongezewa muda pale itakaposhindwa kukamilisha mchakato na kutekeleza matakwa ya Sheria hii ndani ya muda uliopangwa.

Mheshimiwa Naibu Spika, Ibara ya 30 chini ya Sheria ya Mashirika Yasiyo ya Serikali inayorekebisha kifungu cha 13(3) kwa kupendekeza ukomo wa leseni ya Mashirika ya Kiraia kuwa miaka 10 tu bila kuainisha haki ya kuhuisha leseni hizo; Kamati inapendekeza kama ifuatavyo:-

(i) Sheria hii iweke masharti yanayotaka cheti cha usajili kutakiwa kuhuishwa kila baada ya miaka 10 hivyo kifungu hicho kisomeke kama ifuatavyo:-

17_(a) A certificate of registration issued under this section shall be subject to renewal after a period of ten years,

(ii) Kuongezwe kifungu kipya cha 17(7) ili kuonesha sharti la Waziri kutunga Kanuni za utekelezaji wa kifungu cha 13(3) na kupendekeza kiandikwe kama ifuatavyo:-

17._(7) The Minister may make regulation for better quelling out of the provision of this section.

Mheshimiwa Naibu Spika, Ibara ya 36 chini ya Sheria ya Vyama vya Kijamii inayopendekeza muda wa miezi miwili kwa taasisi kuwa zimekamilisha mchakato wa kutekeleza masharti yanayopendekezwa na Sheria hii Kamati inapendekeza kuwa:-

(i) Muda uliowekwa katika Ibara hiyo inayofuta Kifungu cha 3 na cha 4 kuhusu usajili wa vyama vya kijamii na ukomo wa usajili wa vyama kijamii uongezwe kuwa miezi mitatu badala ya miezi miwili ili kuzipa muda taasisi hizo kukamilisha mchakato wa kuhamia katika sheria zinazowahusu. Hii ni kwa kuzingatia ukweli kwamba zipo taasisi ambazo zinamiliki rasilmali nyingi zenye kuhitaji mchakato mrefu wa kuzihamisha ili ziendane na matakwa ya Sheria.

(ii) Kifungu kitoe mamlaka kwa Waziri mwenye dhamana kuongeza muda kwa taasisi itakayowasilisha maombi ya kuongezewa muda pale itakaposhindwa kukamilisha mchakato wa kutekeleza matakwa ya Sheria hii ndani ya muda uliopangwa.

Kuhusu Ibara ya 51 hadi 57 zinazopendekeza Marekebisho mbalimbali katika Sheria ya Takwimu Sura ya 351, Kamati sehemu hiyo inashauri iandikwe upya kama inavyoonekana kwenye jedwali la Maraekbisho ili kuweka maudhui ya Sheria yenye kujenga mazingira rafiki baina ya Serikali na Wadau wa maendeleo wakati wa utekelezaji wa masharti ya Sheria hii kwa manufaa mapana ya nchi yetu.

Mheshimiwa Naibu Spika, Mapendekezo kwa Ujumla. Kamati ilibaini masuala mbalimbali ya jumla ambayo muhimu yakaboreshwa kwa lengo la kuleta ufanisi wa kutosha kwenye Sekta husika kama ifuatavyo:-

(i) Kwa kuwa Kamati imebaini kukosekana kwa sera mahsusi kwenye tasnia ya filamu na michezo ya kuigiza pamoja na sanaa ya ufundi nchini ambayo imeajiri idadi kubwa ya Watanzania, na kwa kuwa uwepo wa sera ni muhimu katika utekelezaji bora wa sheria; Hivyo basi Kamati inashauri kuwa Serikali ikamilishe mchakato wa sera hiyo ili kuwepo mfumo rasmi wa usimamizi na utaratibu wa tasnia hiyo kwa manufaa ya wadau wote na taifa kwa ujumla.

(ii) Kwa kuwa, Kamati imebaini kuwa Marekebisho yaliyopendekezwa katika Sheria ya Filamu na Michezo pamoja na Sheria ya Haki Miliki inajibu sehemu tu ya changamoto nyingi zinazohusu ulinzi na usalama wa raslimali za ubunifu pamoja na raslimali za kiutalii nchini; na kwa kuwa nchi na wasanii wetu hapa Tanzania wamekuwa wakipoteza fedha nyingi kwa kudhulumiwa haki zao, hali inayopelekea kuendelea kuwa maskini ikiwa na kusababisha Serikali kupoteza mapato; Hivyo basi Kamati inashauri kuwa mara tu baada ya kukamilisha mchakato wa Sera husika Serikali iandae sheria shirikishi itakayotoa majibu ya changamoto zote kuhusu masuala ya sanaa za ufundi, filamu na michezo na haki miliki nchini kwa lengo la kukuza uwekezaji wa ndani katika tasnia hizo kwa manufaa ya wasanii wa ndani wawekezaji na taifa kwa ujumla.

(iii) Kwa kuwa Kamati imebaini uwepo wa mchakato wa Sera ya Usimamizi na Uratibu wa Mashirika ya Kiraia Nchini ambao haujakamilika, na kwa kuwa uwepo wa Sera hiyo utasaidia kuwa na sheria imara na jumuishi kwa manufaa ya wadau wote na taifa kwa ujumla; Hivyo basi, Kamati inashauri kuwa Serikali ikamilishe mchakato wa Sera hiyo ili ianze kutumika kwa lengo la usimamizi na uratibu bora wa masuala yote ya Mashirika ya Kiraia nchini.

(iv) Kwa kuwa Kamati imebaini changamoto ya ushirikishwaji wa wadau katika mchakato ya uandaaji wa miswada mbalimbali ya sheria hususan miswada ya dharura; na kwa kuwa maoni ya Wadau ni muhimu kwa hatua zote za mchakato wa kutunga sheria zenye tija katika sekta husika, wadau hao ndio wanaojua changamoto za sekta husika na

namna bora ya kuondoa changamoto hizo. Hivyo basi Serikali iendeleeze utamaduni wake wa kushirikisha wadau wote wakati wa kuandaa miswada mbalimbali ya sheria kwa lengo la kuliwezesha Bunge kutunga sheria zenye mawazo jumishi kwa ustawi wa nchi pamoja na kupunguza changamoto zisizo za lazima wakati wa utekelezaji wa sheria hizo miongoni mwa Wadau wanaoguswa na sheria hizo.

Mheshimiwa Naibu Spika, Hitimisho. Kwa mara nyingine naomba nikushukuru sana wewe kwa kutoa kibali ili Kamati ya Katiba na Sheria iweze kufanya kazi zake, lakini pia nikushukuru wewe binafsi kwa kunipa nafasi hii ya kuweza kutoa taarifa hii.

Mheshimiwa Naibu Spika, Naomba niwatambue na kuwashukuru wadau mbalimbali waliofika na kutoa maoni na ushauri wao kwa Kamati ambao umesaidia kuboresha taarifa hii.

Mheshimiwa Naibu Spika, Naomba kumtambua na kumshukuru Mwanasheria Mkuu wa Serikali Mheshimiwa Profesa Adelardus Kilangi, Waziri wa Wizara ya Katiba na Sheria Mheshimiwa Balozi Dkt. Augustine Mahiga pamoja na Watendaji wote wa Ofisi ya Mwanasheria Mkuu wa Serikali kwa ushirikiano wao wa dhati uliowezesha Kamati kukamilisha uchambuzi wa Muswada huu kwa wakati. Aidha Kamati inatambua na kumshukuru Waziri na Watendaji wake waliofika mbele ya Kamati kwa lengo la kuisaidia Kamati kukamilisha kazi yake kwa ufanisi mkubwa na kwa wakati.

Mheshimiwa Naibu Spika, Kwa namna ya pekee kabisa naomba niwashukuru Wajumbe wa Kamati ya Katiba na Sheria kwa weledi na umahiri wao waliouonesha wakati wa kuchambua Muswada na hatimaye kutoa mapendekezo ya msingi ya kuuboresha. Naomba majina yao yaingizwe kwenye *hansard* yote pamoja.

Mheshimiwa Naibu Spika, Nawashukuru Watumishi wote wa Ofisi ya Bunge hususan Katibu wa Bunge ndugu Stephen Kagaigai kwa uongozi thabiti ambao umerahisisha

utendaji wa kazi za Kamati. Aidha, namshukuru Mkurugenzi wa Idara ya Kamati za Bunge Ndugu Athuman Hussein, Mkurugenzi Msaidizi Ndugu Gerald Magili, Mkurugenzi Msaidizi wa Kitengo cha Huduma ya Kisheria Bungeni Ndugu Leocardo Kapongwa, Wanasheria Wasaidizi wa Bunge Ndugu Maria Mdulugu, Ndugu Mossy Lukuvi na Ndugu Evelyne Shibandiko. Vile vile makatibu wa Kamati ambao ni ndugu Stanslaus Kagisa, Angela Henry Shekifu na Mkuta Ally Masoli pamoja na Msaidizi wa Kamati Ndugu Rahel Masima waliofanikisha kazi ya uchambuzi na uratibu wa shughuli za Kamati kwa kuwezesha Kamati kutekeleza majukumu yake ipasavyo na kukamilisha taarifa hii kwa wakati.

Mheshimiwa Naibu Spika, naomba kuwasilisha na ninaunga kabisa mkono taarifa ya Kamati, ahsante. *(Makofi)*

HOJA YA DHARURA

NAIBU SPIKA: Mheshimiwa Amina Mollel.

MHE. AMINA S. MOLLEL: Mheshimiwa Naibu Spika, Nakushukuru sana. Kwa unyenyekevu mkubwa ninasimama mbele yako kwa Kanuni ya 46(1)(2), lakini pia 49(2)(3).

Mheshimiwa Naibu Spika, Watoto ni maua, watoto ni Baraka kutoka kwa Mwenyezi Mungu na Mahakama ndicho chombo cha kupata haki kwa kila mwananchi. Hata hivyo inasikitisha sana pale ambapo haki na hasa kwa wanyonge inapodhulmiwa, inapopokonywa na vyombo vilivyopewa dhamana.

Mheshimiwa Naibu Spika, kwa masikitiko makubwa nikiwa kama mama, kama mwanamke ninasimama kwa ajili ya kusimamia haki ya mtoto ambaye amekosa haki katika Mahakama ya Arusha.

Mheshimiwa Naibu Spika, mtoto huyu alikuwa kwa muda mrefu akibakwa na baba yake mzazi na ameingiliwa mbele na nyuma. Mtoto huyu ameharibika kwa kiasi kikubwa.

Mheshimiwa Naibu Spika, lakini, pamoja na yote hayo, pamoja na Mkuu wa Wilaya kujitahidi kwa kadiri ya uwezo wake kuwaita wazazi mpaka viongozi wa dini kuzungumza nao na kurekodi ushahidi akiwa nao.

Mheshimiwa Naibu Spika, kwa Mkurugenzi pia shauri hili lipo, vilevile Ofisi ya Mkuu wa Mkoa shauri hili lipo, hatimaye kesi imekwenda Mahakamani, lakini jambo la kusikitisha ni kwamba yule mtoto amekosa haki, baba mzazi ameshinda.

Mheshimiwa Naibu Spika, baadhi ya Mawakili waliokuwa wakitetea haki hiyo na naomba kwa sababu leo wanasheria mko hapa, Mheshimiwa Waziri wa Katiba na Sheria, Mheshimiwa Mwanasheria Mkuu wa Serikali, baadhi ya matamshi yaliyokuwa yakitolewa na na mmoja wa Mawakili ni ndugu wa huyu baba aliyekuwa akimbaka huyu mtoto. Sasa kesi ya nyani tunawezaje kuipeleka kwa tumbili, haiwezekani.

Mheshimiwa Naibu Spika, mmoja wa Mawakili alimwambia mwalimu ambaye amesimamia hili suala mpaka kulileta huku Bungeni kuonana na Wabunge, wewe Mwalimu Naomi unasimamia hii kesi, unajidai king'ang'anizi mbona wapo watu ambao wanafanya mapenzi na mbwa na hakuna lolote linalofanyika? Kama Wanasheria wamefikia mahali hapo pasipo kusimamia haki ya huyo mtoto Taifa hili tunalipeleka wapi? Nasimama kama mwanamke moyo wangu unaniuma sana. *(Makofi)*

Mheshimiwa Naibu Spika, naomba ninukuu barua inayohusu huku ya Shauri la Jinai la mtoto Angel, nisinukuu yote, ni Shauri Na.339/2017, Mahakama ya Hakimu Mkazi, Arusha. Barua hii inatoka Ofisi ya Mkuu wa Mkoa na imeandikwa tarehe 9 Januari 2019. Barua inasema: "Husika na somo la habari hapo juu. Ofisi imeendelea kufuatilia kwa ukaribu shauri tajwa hapo juu dhidi ya mtoto wa miaka 11 ambaye shauri lake lilisikilizwa na Mahakama ya Hakimu Mkazi Mkoa wa Arusha na hatimaye kutolewa hukumu mnamo tarehe 14/12/2018".

Mheshimiwa Naibu Spika, barua hiyo naendelea kusema: “Katika shauri hilo mtuhumiwa Bwana Aristariki Tawala Silayo alikutwa na hatia na Mahakama dhidi ya ubakaji lakini kwa kutumia kifungu cha 235 cha Sheria ya Makosa ya Jinai, Mheshimiwa Hakim Mwanakunga alimwachia huru mtuhumiwa. Ofisi hii inashauri Ofisi ya Mwanasheria Mkuu wa Serikali kuipitia kwa makini hukumu hiyo ili Jamhuri iweze kukata rufaa ndani ya siku 45”. Rufaa haijakatwa kwa sababu yule baba anatishia watu hakuna anayekwenda Mahakamani kukata rufaa.

Mheshimiwa Naibu Spika, inaendelea kusema: “Aidha, wananchi waliofika Ofisi ya Mkuu wa Mkoa Arusha wamewalalamikia baadhi ya Mwakili watatu ambao ni Wakili Grace, Mary pamoja na Silayo ambaye ni ndugu wa mshtakiwa”.

NAIBU SPIKA: Mheshimiwa Amina Mollel, majina hayo yanayotajwa kwenye hiyo barua, hiyo barua ni nani aliyeandikiwa?

MHE. AMINA S. MOLLEL: Mheshimiwa Naibu Spika, barua hii ni kutoka Ofisi ya Mkuu wa Mkoa.

NAIBU SPIKA: Ikielekea wapi?

MHE. AMINA S. MOLLEL: Mheshimiwa Naibu Spika, kwa Ofisi ya Mwanasheria Mkuu wa Serikali.

NAIBU SPIKA: Ahsante sana, nimeshakuelewa hoja yako.

MHE. AMINA S. MOLLEL: Mheshimiwa Naibu Spika, barua nyingine, naomba nimalizie.

NAIBU SPIKA: Waheshimiwa Wabunge, amesimama Mheshimiwa Mollel kwa ajili ya kulieleza Bunge jambo la dharura japokuwa ametaja Kanuni ya 46 nadhani alikusudia kusema Kanuni ya 47. Ametoa maelezo kwa kirefu ambayo sina haja ya kuyarejea lakini anaelezea habari ya mtoto

ambapo maelezo yake anayasoma kwenye barua ambayo ameandikiwa Mwanasheria Mkuu wa Serikali.

Mheshimiwa Mbunge ametoa maelezo marefu yanayosema kwamba huyu mtoto alikuwa anabakwa lakini pia analawitiwa na baba yake. Kwa maelezo aliyoyatoa hapa ni kwamba kuna namna ambayo huyu baba alikutwa na hatia lakini bado akaachiwa. Sasa ameeleza kwamba ni jambo la dharura kwa sababu kuna mtoto anahusika hapo ambaye amepitia adha hiyo.

(Hapa baadhi ya Wabunge walizungumza bila kufuata utaratibu)

NAIBU SPIKA: Waheshimiwa Wabunge, tuwe tunasikilizana, mwenzetu tumemsikiliza tusikilize Kiti kinasema nini kuhusu jambo hili.

Waheshimiwa Wabunge, kwa hivyo amaetoa maelezo na baadaye akaanza kunukuu mambo yaliyoandikwa kwenye barua ambayo ameandikiwa Mwanasheria Mkuu wa Serikali kuonesha kwamba pengine kuna namna ambayo Serikali iingilie kati jambo hili. Kwa maelezo ya barua yake aliyoisoma ambayo mimi sijaona inaonekana ni Mahakama ya Hakimu Mkazi ilimkuta na hatia ya huo ubakaji na ulawiti lakini bado ameachiwa.

Waheshimiwa Wabunge, sasa mtu amekutwa na hatia halafu akaachiwa sisi hiyo hukumu hatuko nayo hapa wala mimi sijaona. Kwa taratibu zetu za kisheria kama kesi imeamuliwa na Hakimu Mkazi inazo ngazi nyingine za kukata rufaa. Huo ndiyo utaratibu wa kawaida kabisa. Kama kesi ingekuwa imeamuliwa na Makama ya Rufani pale ndiyo mwisho inabidi uchukue taratibu nyingine sasa za kuitaka Mahakama hiyo iangalie upya ile hukumu iliyotoa. Kwa kuwa hukumu imetolewa na Hakimu Mkazi utaratibu wa kisheria upo wa kukata rufaa. *(Makofi)*

Wahehimiwa Wabunge, pamoja na hayo nami naungana na Mheshimiwa Amina kwa uhalisia wa jambo hilo

kwamba kuna mtoto ambaye amefanyiwa vitendo vya ukatili. Kwa sababu kama navyosema sina namna ya kusema ni baba aliyefanya ama mtu yeyote yule aliyefanya lakini kimsingi ni kwamba haya si mambo mazuri kutokea katika jamii yetu. Mara zote huwa tunazungumza kwamba kuna ukatili dhidi ya watoto lakini ukatili dhidi ya wanawake na yako mazingira ambayo wababa wachache pia wanaweza kufanyiwa ukatili lakini ukatili mwingi kwenye jamii ni dhidi ya watoto na wanawake. *(Makofi)*

Waheshimiwa Wabunge, nitoe wito na rai kwa wanaume, wanawake huko mtaani wako wengi waacheni watoto wakue. Huyu baba kama ni kweli kwamba kamfanyia mtoto wake lakini hata kama si yeye basi yuko mtu mwingine ambaye amemfanyia mtoto huyu vitendo kama hivi. Vitendo kama hivi vinaumiza na huyu mtoto hawezi kukua katika hali ya kawaida kama watoto wengine. *(Makofi)*

Waheshimiwa Wabunge, lakini sisi kama wawakilishi na sisi tuwe mfano bora kwa jamii, moja na pili tujaribu kwa wale tunaowawakilisha kuongea nao haya mambo ili waone kwamba kama jamii ni lazima tubadilike. Hata kama ni mambo yanayohusiana na ushirikina hatutakiwi kufanya hivyo kwa watoto wetu.

Kwa hiyo, Mheshimiwa Amina kama barua hiyo imeandikwa kwa Mwanasheria Mkuu wa Serikali hatua zile zinazopaswa zitachukuliwa. Kwa kuwa umelizungumzia hapa ndani na Mheshimiwa Mwanasheria Mkuu wa Serikali yuko hapa, naamini utaratibu wa kawaida kabisa wa kukata rufaa utachukuliwa. Hata hivyo, umezungumza kuhusu hizo siku 45, wala zisikutishe, utaratibu wa kisheria upo hata kama siku zimepita bado anaweza kuchukuliwa hatua. Kwa hiyo, hilo lisikutishe, utaratibu wa kisheria upo wa kuomba rufaa nje ya wakati na Mahakama zinatoa fursa hiyo. *(Makofi)*

Waheshimiwa Wabunge, kwa hiyo, jambo hilo litafanyiwa kazi kwa mujibu wa taratibu za kisheria zilizopo. *(Makofi)*

Wahehimiwa Wabunge, baada ya kusema hayo na kwa muda wetu unavyokwenda, niwatangaze kwanza wageni wetu kabla sijamwita Msomaji wa Kambi Rasmi ya Upinzani atakayetusomea maoni kuhusu Muswada huu.

Waheshimiwa Wabunge, tunao wageni mbalimbali walioko Bungeni siku ya leo lakini tutaanza na wageni walilopo Jukwaa la Spika. Wa kwanza ni Ndugu Seraphine Lusala ambaye ni mgeni wangu, huyu ni Mkurugenzi wa Mauzo na Masoko, Hotel ya Serena Dar es Salaam. Karibu sana Bungeni. *(Makofi)*

Waheshimiwa Wabunge, pia ninao wageni 68 ambao ni watumishi 11 na walimu 57 kutoka Chuo cha Uandishi wa Habari na Utangazaji Dodoma *(Dodoma Media College)* wakiongozwa na Makamu Mkuu wa Chuo hicho anayeshughulikia Mipango, Fedha na Utawala, Ndugu Happy Mwajunga. Karibuni sana. *(Makofi)*

Tunae pia mgeni wa Mheshimiwa Joseph Mbilinyi ambaye yuko Jukwaa la Spika na huyu ni mwanaye anaitwa Sasha Mbilinyi. Sasha simama kidogo. Mheshimiwa Mbilinyi anaongea Kiingereza tu nini huyu, karibu sana Bungeni. *(Makofi/Kicheko)*

Waheshimiwa Wabunge, tunao pia wageni wa Wabunge mbalimbali kwanza ni wageni 37 wa Mheshimiwa Selemani Jafo ambaye ni Waziri wa Nchi, Ofisi ya Rais-TAMISEMI na hawa ni Wahadhiri wa Chuo cha Serikali za Mitaa Hombolo na Waandishi wa Mikutano kutoka Halmashauri mbalimbali. Karibuni sana. *(Makofi)*

Tunao pia wageni 20 wa Mheshimiwa Elias Kwandikwa ambaye ni Naibu Waziri wa Ujenzi, Uchukuzi na Mawasiliano, ambao ni wakulima wa *Saweka Amcos Limited* kutoka Ushetu, Mkoa wa Shinyanga wakiongozwa na Mwenyekiti wao Ndugu Edward Ituluma. Karibuni sana. *(Makofi)*

Tunao pia wageni wawili wa Mheshimiwa Mwitwa Waitara ambaye ni Naibu Waziri wa Nchi, Ofisi ya Rais-

TAMISEMI ambao ni wanafunzi wa Chuo Kikuu cha Dodoma wanaotokea jimboni kwake Ukonga, Jijini Dar es Salaam. Hawa ni Ndugu Neema Wambura na Rebeca Wambura. Karibuni sana. *(Makofi)*

Waheshimiwa Wabunge, tunao pia wageni wawili wa Mheshimiwa Dkt. Steven Kiruswa ambao ni Mwenyekiti wa Kijiji cha Ngereyani, Ndugu Jackson Keriangi, ameongozana na Kiongozi wa Mila, Laigwanani Opendo Mafuta Laizer kutoka Longido, Mkoa wa Arusha. Karibuni sana.

Tunao pia wageni 20 wa Mheshimiwa Flatei Massay ambao ni Wachungaji na wahudumu wa Kanisa la KKKT kutoka Mbulu Vijijini, Mkoa wa Manyara wakiongozwa na Ndugu Marko Shauri. Karibuni sana. *(Makofi)*

Tunao pia wageni 40 wa Mheshimiwa Yahaya Massare ambao ni wanafunzi wanaosoma vyuo vikuu mbalimbali vilivyopo Mkoa wa Dodoma wanaotokea Mkoa wa Singida. Karibuni sana. *(Makofi)*

Tunao pia wageni watano wa Mheshimiwa Anne Kilango Malechela ambao ni wanafunzi wa Chuo Kikuu cha Dodoma wakiongozwa na Ndugu Zefania Kilango. Nadhani hawajapata fursa ya kuingia.

Pia tunao wageni 60 wa Mheshimiwa Emmanuel Papian ambao ni wanafunzi kutoka Shule ya Msingi ya St. Philips iliyopo Kiteto Mkoa wa Manyara wakiongozwa na Mchungaji Grace Madeha. Karibuni sana. *(Makofi)*

Waheshimiwa Wabunge, tunao pia wageni saba wa Mheshimiwa Allan Kiula ambao ni viongozi wa CCM Kata, UWT na UVCCM kutoka Mkalama, Mkoa wa Singida wakiongozwa na Mjumbe wa Mkutano Mkuu wa CCM, Ndugu Marko Kilengi. Karibuni sana. *(Makofi)*

Tunaye pia mgani wa Mheshimiwa Cosato Chumi ambaye ni mdogo wake Dkt. Geoffrey Mdede kutoka Songea. Karibu sana. *(Makofi)*

Tunao pia wageni sita wa Mheshimiwa Mussa Azzan Zungu ambao ni Mabalizi wa Usalama Barabarani Tanzania (*Road Safety Ambassadors – RSA*). Karibuni sana. (*Makofi*)

Wageni wanne wa Mheshimiwa Jitu Soni kutoka Jumuiiko la Wadau wa Wanyamapori wakiongozwa na Ndugu Florentina Julius. Nadhani hawa nao pia hawajapa nafasi ya kuingia.

Tunao wageni watatu wa Mheshimiwa Mwantumu Dau ambao ni ndugu zake kutoka Jijini Dar es Salaam wakiongozwa na Ndugu Asha Mtambalike. Karibuni sana. (*Makofi*)

Tunao pia wageni waliopo Bungeni kwa ajili ya mafunzo nao ni wanafunzi 90 na walimu tisa (9) kutoka Shule ya Msingi Martin Luther ya Dodoma wakiongozwa na Mwalimu Paulo Shila. Karibuni sana. (*Makofi*)

Waheshimiwa Wabunge, hao ndiyo wageni tulionao leo, tutaendelea na ratiba yetu. Sasa nimwite Msemaji wa Kambi Rasmi ya Upinzani kuhusu Wizara ya Katiba na Sheria, Mheshimiwa Salome Makamba.

MHE. SALOME W. MAKAMBA - K.n.y MSEMAJI MKUU WA KAMBI RASMI YA UPINZANI KWA WIZARA YA KATIBA NA SHERIA: Mheshimiwa Naibu Spika, nakushukuru na mimi niungane na wewe na Wabunge wote kwa niaba ya Kambi kukemea unyanyasi wa wanawake na watoto katika nchi yetu. (*Makofi*)

Mheshimiwa Naibu Spika, yafuatayo ni maoni ya Msemaji wa Kambi Rasmi ya Upinzani Bungeni wa Wizara ya Katiba na Sheria kuhusu Muswada wa Sheria ya Marekebisho ya Sheria Mbalimbali Na. 3 wa 2019 [*The written Laws (Miscellaneous Amendment) Act, No.3, 2019*].

Mheshimiwa Naibu Spika, naomba hotuba yangu yote iingie kwenye *Hansard* kama ilivyoandikwa.

Mheshimiwa Naibu Spika, Muswada wa Sheria ya Marekebisho ya Sheria Mbalimbali Na.3 wa mwaka 2019 ulichapishwa kwenye Gazeti la Serikali la tarehe 30 Mei, 2019. Muswada huu unapendekeza marekebisho ya sheria mbalimbali 9. Sheria hizo ni pamoja na Sheria ya Makampuni; Sheria ya Haki Miliki; Sheria ya Filamu na Michezo ya Kuigiza; Sheria ya Mashirika yasiyo ya Kiserikali; Sheria ya Vyama vya Kijamii; Sheria ya Takwimu; Sheria ya Uwakala wa Meli; na Sheria ya Muunganisho wa Wadhamini.

Mheshimiwa Naibu Spika, sheria zilizotajwa hapo juu zinagusa na kuathiri maisha ya Watanzania katika tasnia mbalimbali. Japo sheria zinaruhusu Bunge kujadili na kupitisha sheria kwa Hati ya Dharura, Kambi Rasmi ya Upinzani, inalishauri Bunge lako Tukufu kutoa muda wa kutosha wa kuchambua Miswada na kushirikisha wadau ili kuepuka utungaji wa sheria zisizotekelezeka lakini pia kuepusha dhana ya nia ovu (*ill will*) ambayo imekuwa ikitafsiriwa na wengi. (*Makofi*)

Mheshimiwa Naibu Spika, kumekuwa na desturi ya Bunge letu Tukufu kutunga sheria zisizotekelezeka na hivyo kurudishwa Bungeni katika kipindi kifupi ili kufanyiwa marejeo. Kambi Rasmi ya Upinzani Bungeni inatafsiri desturi hii kama ni udhalilishaji wa Bunge na Wabunge na kwamba wanapokuwa wanafanya kazi yao ya kikatiba wanakosa umakini wa kutosha na hivyo kupoteza bure fedha za walipa kodi wa nchi hii.

Mheshimiwa Naibu Spika, ni wazi mapendekezo haya yanahusu sheria nyingi na muhimu zinazogusa jamii moja kwa moja na ni sheria ambazo zinatoa nafasi kwa sekta binafsi kuisaidia Serikali katika kutimiza wajibu wake kwa wananchi. Sio hilo tu, ni sheria zinazotoa mwanya kwa Serikali kujitathmini katika utendaji wake wa kila siku.

Mheshimiwa Naibu Spika, vifungu vinavyopendekezwa kurekebisha katika sheria hii siyo tu vinaleta mkanganyiko katika utendaji wa kazi bila sababu ya maana na mtazamo wa Kambi Rasmi ya Upinzani ni

kwamba marekebisho ya vifungu hivyo yamelenga kudhibiti sekta binafsi kushiriki katika shughuli mbalimbali za kikatiba na maendeleo.

Mheshimiwa Naibu Spika, wadau kadhaa walitoa wito kwa Muswada huu kusogezwa mbele kwa sababu hawakuona hata sheria moja iliyokuwa ikihitaji uharaka wa kufanyiwa marekebisho na badala yake Muswada uletwe kikao kinachofuata lakini Serikali ilitia pamba masikioni.

Mheshimiwa Naibu Spika, utunzi wa sheria ni jambo takatifu hivyo halitakiwi kufanywa kwa nia oву ndani yake. Kitendo cha kutunga sheria kwa kuangalia jinsi ya kumdhibiti mtu fulani au kukomoa kundi fulani kinaondoa heshima nzuri ya watunga sheria walioaminiwa na Watanzania. Kambi Rasmi ya Upinzani ya Bunge lako Tukufu inaamini kwamba utaratibu wa kuleta marekebisho mengi ya sheria nyingi namna hii katika Muswada mmoja unalinyima Bunge lako Tukufu muda na uwezo wa kujadili kwa kina na kuyaelewa mapendekezo haya ya Serikali kabla ya kuyapitisha na kuwa sheria ya nchi ya nchi yetu. Tukitilia maanani kuwa Wabunge wamekaa katika kazi hapa Dodoma kwa muda mrefu na hivyo wengi wao ushiriki wao unakuwa ni hafifu.

Mheshimiwa Naibu Spika, pia uharaka uliofanywa na Serikali bado kwa mfano Sheria ya Takwimu iliyorudishwa ikabidi au kulazimika Serikali ikae tena na wadau wakubwa wa Benki ya Dunia na Shirika la Fedha Duniani (*IMF*) na kuondoa mapendekezo yote yaliyowasilishwa ili kuleta mengine mapya kukidhi vigezo vya taasisi hizo muhimu kama pia vitakuwa vimefikiwa.

Mheshimiwa Naibu Spika, matokeo ya utaratibu huu sio tu kulidhalilisha Bunge bali pia ni kuligeuza Bunge lako Tukufu kuwa *rubber stamp* ya kuhalalisha maamuzi ya Serikali. Jambo hili linapelekea kupitisha sheria mbovu zinazoathiri haki za wananchi wetu na ustawi wa Taifa letu na kusababisha migongano isiyokuwa ya lazima katika vyombo vya utekelezaji vya umma. (*Makofi*)

Mheshimiwa Naibu Spika, baada ya kutoa utangulizi huo, naomba kupitia baadhi ya vifungu kwenye marekebisho yanayoletwa na Serikali ili Bunge liweze kuridhia na kuwa sheria.

Mheshimiwa Naibu Spika, Marekebisho ya Sheria ya Makampuni, Sura ya 212; Kifungu cha 4 cha Muswada kinachorekebisha Kifungu cha 2 cha sheria mama kinatoa tafsiri mpya ya neno *company*kwamba: *means a company formed and registered under this Act or an existing company established for investment, trade or commercial activities and any other activity as the Minister may, by the notice published in the Gazette, prescribe.* Pia Muswada ukatoa tafsiri ya maneno *commercial activities, Investment activities* na *trade.*

Mheshimiwa Naibu Spika, kwa mujibu wa Muswada kuwa kampuni ikiwa inafanya shughuli zake nje ya tafsiri iliyotolewa katika hizo nyanja tatu, maana yake hiyo kampuni haistahili kupewa usajili wake kwa mujibu wa Sheria ya Makampuni. Ni ukweli ulio wazi kuwa kampuni haiwezi kufutwa kwa tamko la Waziri, bali kampuni inafutwa kwa kitu kinachoitwa *resolution* ya Wakurugenzi wa Bodi ya hiyo kampuni. Hivyo kinachotakiwa kufanywa na mapendekezo haya ni kuondoa taasisi zote za kiraia katika mfumo wa kampuni na kuziweka chini ya Msajili wa Asasi za Kiraia ili kuwa rahisi kuzifuta. (*Makofi*)

Mheshimiwa Naibu Spika, kampuni ili isajiliwe inatakiwa kuwa na *Articles and Memorandum of Association.* Hizi nyaraka zinakuwa na mawanda mapana ya biashara ambazo zinaweza kufanywa na kampuni inayoomba usajili na hivyo sio lazima mawanda yote ya biashara yaliyomo kwenye nyaraka hizo, biashara zote zikafunguliwa kwa muda mmoja. Jambo la muhimu ni kuwa kati ya biashara zilizomo kwenye *Articles of Association* na *Memorandum*, kila moja inaombewa leseni kutoka katika mamlaka husika. Kama Kampuni inayoendesha na kumiliki shule lakini leseni ya kuendesha lazima itolewe na mamlaka husika na sio Msajili wa Makampuni.

Mheshimiwa Naibu Spika, kumbukumbu zinaonesha kuwa taasisi iliyokuwa inajulikana kama BAWATA (Baraza la Wanawake Tanzania) ilifutwa kama vile kuzima moto wa karatasi kwa kuwa ilikuwa chini ya Msajili. Baada ya kufungua kesi ikaonekana kuwa makosa yalifanyika lakini madhara tayari yalikiwishatokea kwa taasisi hiyo. Sasa kinachopendekezwa katika marekebisho ya Sheria hii ya Makampuni ni Serikali kuwa na udhibiti wa Asasi zote Zisizo za Kiserikali ili iwe rahisi kuzifuta. Kambi Rasmi ya Upinzani inasema kuwa Bunge likiridhia marekebisho haya ni hatari sana kwa mustakabali wa Asasi Zisizo za kiserikali ambazo ni washirika wakuu wa Serikali wa ndani katika maendeleo. Hivyo basi ni rai yetu marekebisho haya yanayopendekezwa yasikubaliwe ili kwanza mjadala wa kina ufanyike. *(Makofi)*

Mheshimiwa Naibu Spika, Kifungu cha 6 cha Muswada kinachoongeza Kifungu kipya cha 3A kinachohusu *compliance*. Kuwa, ndani ya miezi miwili tangu matumizi ya sheria hii basi ni lazima kampuni zote ziwe zimesajiliwa kabla na ziwe zimetimiza masharti ya marekebisho kama inavyopendekezwa. Kambi Rasmi inaungana na maoni ya wadau waliokuja kutoa maoni Bungeni kuwa kifungu hiki kiandikwe upya na kufanya zoezi la uhamishaji wa makampuni haya kwenda kwenye *NGO* kiwe ni cha moja kwa moja ndani ya Serikali yenyewe kwa maana ya Msajili wa makampuni kuhamishia taarifa kwa Msajili wa *NGO*. Hii itapunguza ukiritimba wa kusajili upya, lakini pia itaondoa usumbufu kwa watu ambao walifuata sheria na kuamini Serikali inawatambua na hawakutegemea usumbufu wa aina yoyote (*concept of Legitimate expectation*). Kama Serikali itaamua kushikilia msimamo wake wa kuwataka wamiliki wa makampuni kubadili wenyewe kwenda kwenye *NGO*, basi mchakato huo ubadilike badala ya miezi miwili iwe ni miezi 24. *(Makofi)*

Mheshimiwa Naibu Spika, Kifungu cha 10 cha Muswada kinachoongeza kifungu cha 400A, kinampa mamlaka Msajili ya kufuta kampuni katika daftari la usajili. Kifungu hiki kimekwenda mbali na kutoa mamlaka hayo Msajili kwa kutegemea hisia zake binafsi bila kushauriwa na

mtu yeyote, bodi ya usajili wala wataalam wake. Hii inatengeneza mazingira ya matumizi mabaya ya madaraka kwa Msajili wa Makampuni. Kambi Rasmi ya Upinzani inashauri kifungu hiki kiboareshwe kwa kuandika barua kwa kampuni husika ijieleze kwa nini isiondolewe kwenye Daftari la Usajili (*to show cause*) na majibu ya kampuni yajadiliwe na Bodi kumshauri Msajili.

Mheshimiwa Naibu Spika, Kifungu 10 cha Muswada kimeongeza Kifungu cha 400A(1)(b) ambacho kinampa mamlaka Msajili kufuta jina la kampuni kwenye daftari kwa sababu mbalimbali mojawapo ikiwa ni kosa lolote linaloadhibiwa kisheria (*any other offence punishable by law*). Makosa yanayoadhibiwa kisheria ni mengi na wakati mwingine yanaweza kuwa yamefanywa na mtumishi wa kampuni mwenyewe (*in his own capacity*) au akiwa anatekeleza wajibu wake katika kampuni. Kifungu hiki kimekuwa cha jumla sana na kinaweza kutumika vibaya. Moja kati ya kanuni ya utunzi wa sheria ni kuhakikisha sheria haiachi maswali mengi kwa wanaoitafsiri na wala haiteti utata, Kambi Rasmi ya Upinzani Bungeni inashauri sentensi hii ifutwe.

Mheshimiwa Naibu Spika, Kambi Rasmi ya Upinzani Bungeni pia inashauri kifungu (c) katika mabadiliko haya ya Sheria ya Makampuni kifutwe kinazidi kudhihirisha kuwa Msajili wa Makampuni anapaswa kushauriwa kabla ya kuamua kuifuta kampuni sababu kinaongelea mambo ya udanganyifu (*mis-representational and fraud*) ambayo ili kuuthibitisha lazima uthibitishwe nia oву (*Mens rea*)

Mheshimiwa Naibu Spika, kifungu (d) cha marekebisho kinasema *where the Registrar has a reasonable cause to believe that (d) by operation of the law, all the shareholders or directors have been prohibited from entering the country; he shall issue a notice in writing to the company of his intention to strike the company off the register.*

Mheshimiwa Naibu Spika, Kambi Rasmi ya Upinzani Bungeni na Watanzania kwa ujumla wangependa kujua ni

mazingira gani hayo ambayo tutafikia kuwazuia wamiliki wote wa kampuni moja hata watumishi wake kuingia nchini. Je Serikali haioni kwa kuweka kifungu hiki wanatishia mazingira bora ya uwekezaji nchini? Kwa kweli kifungu hiki ni hatari sana kwa wawekezaji wa kigeni. Kukaa kwake kama ilivyokaa japo sheria inasema maneno *by operational of the law*, lakini kinaweza kutumika vibaya kwa taratibu za kisheria kufanywa, lakini kulenga watu maalum ili kuzifilisi kampuni zao. Ni hatari, tunaamini kitawakimbiza wawekezaji wa kigeni. Tulidhani kipaumbele cha Serikali ni kuboresha viwanda hivyo kutunga sheria rafiki zenye kuwavutia wawekezaji wa nje. Kambi Rasmi ya Upinzani inashauri kipengele hiki kiboreshwe au kuondolewa kabisa kwenye mabadiliko haya ya sheria.

Mheshimiwa Naibu Spika, Sheria ya Filamu na Michezo ya Kuigiza; Kifungu cha 17 cha Muswada kinachoongeza Kifungu kipya cha 6A kwenye sheria, kinachoweka matakwa ya kampuni ya kigeni ambayo itafanya uzalishaji wa filamu hapa nchini, Kambi Rasmi ya Upinzani inaona kuwa matakwa hayo kuyaweka kwenye sheria ni kuwafanya wahusika wasije kufanya kazi hiyo hapa Tanzania. Kwani masharti hayo sio wezeshi na jambo hilo badala ya kukuza tasnia linaifanya isiwe ya Kimataifa na hiyo kwa kuinyima nchi yetu na wasanii wetu fursa ya soko la Kimataifa na mapato. Serikali haikuja na maelezo ya kutosha kwa Kamati ya Katiba na Sheria kuonesha ni nchi zipi masharti kama hayo yapo na kuwepo kwake kumekuwa na uhasi au uchanya katika kuimarisha tasnia ya filamu ambayo ni moja katika uchumi mkubwa duniani.

Mheshimiwa Naibu Spika, kwa mfano, haieleweki ni vipi kampuni ya filamu inayokuja kufanya filamu nchini kwetu ikitakiwa kuacha inayoitwa *raw footage* hata iwapo hiyo ni kopi bila ya kuwa na uhakika wa usalama wake, kuweza kutumika au kuuziwa mtu au kampuni nyingine. Au kuwataka wapiga filamu waendeleo kuipa Tanzania faida kadri ambavyo watakuwa wanapata au kuwataka wapiga filamu wairuhusu Tanzania imege vipande katika filamu yao ili vitumike na Serikali katika matangazo kama vile utalii, kwa sababu tu filamu hiyo imepigwa Tanzania. Katika hili ilifaa

lipewe mifano ya *good practices* kutoka mataifa mbalimbali ili iwepo mizania ya kusaidia kupima umuhimu wa vifungu hivyo kubakia.

Mheshimiwa Naibu Spika, pia Kifungu cha 17 cha Muswada kinachoingia katika Kifungu kipyua cha 6A(2) kinataka kutozwa faini isiyopungua 5% kwa kampuni ambayo itafanya makosa katika upigaji wake picha wakiwa nchini bila ya kutaka kuona hicho ni kiasi kikubwa sana kwa bajeti za makampuni makubwa na bila ya kutenganisha ukubwa wa makosa ambayo yanaweza kutokea. Kwa mfano, kuweka mpaka baina ya makosa ya kuhatarisha usalama na yale kwa mfano ya kushindwa kuwakatia bima wafanyakazi wa ndani waliojiriwa. Ni rai ya Kambi Rasmi ya Upinzani kwamba, matakwa hayo yangewekwa kwenye kanuni na miongozo baada ya mashauriano ya kina na wadau wa ndani. Tunaamni kuwa wadau wa nje wanakuja hapa baada ya kualikwa na wadau wa ndani.

Mheshimiwa Naibu Spika, Kifungu cha 18 cha Muswada kinachofuta na kuandika upya Kifungu cha 14 cha Sheria ya Bodi ya Filamu kuwa kila mkoa utakuwa na Bodi ya Filamu, kwanza jambo hili halina uhalisia wowote kutokana na ukweli kuwa tasnia hii sio kubwa kiasi hicho. Jambo hili linaongeza gharama za utawala badala ya kuwa ni chachu ya maendeleo ya tasnia.

Mheshimiwa Naibu Spika, Kifungu cha 20 cha Muswada kinachofuta na kuingiza upya Kifungu kidogo cha 16(1) cha Sheria kinachosema:

" A person shall not display or advertise or cause or permit to be displayed or advertised in a public place, so as to be visible from a public place, any poster unless a Film Board has first approved a poster for public display through any platform or media display."

Mheshimiwa Naibu Spika, Kambi Rasmi ya Upinzani inaona kuwa kifungu hiki ni hatari kwani kinatoa katazo kuwa hakuna mtu yeyote atakayeweka picha au video kama

tangazo kwenye sehemu za umma au kwenye vyombo vya habari, sharti apewe idhini na Bodi ya Filamu. Kwa kifungu hiki ni kuwa mtu haruhusiwi kutengeneza *promotional video* au *social media banner* ya aina yoyote ile na kuisambaza kwa umma bila kupata kibali cha Bodi ya Filamu. Katika zama hizi za uwazi na dijitali kulimbikiza mamlaka kama haya katika vyombo vya dola kuna tafsiri moja tu, kubana nafasi ya umma katika ushiriki wa harakati za kutoa habari na kufikia umma kwa hali ya uhuru bila ya vikwazo. Pia kiuhalisia Bodi haitakuwa na nguvukazi ya kusimamia matakwa haya ya sheria.

Mheshimiwa Naibu Spika, Kifungu cha 21 cha Muswada kinachoongeza Kifungu kipyua cha 31A kinachohusu mapato, kuwa Bodi ya Filamu itapata mapato kutoka kwa wazalishaji wa filamu kutoka nje sambamba na wasanii wa ndani na hivyo kuchangia katika uchumi wa nchi. Aidha, katika kufanya hivyo itaratibu idadi ya wageni wanaoingia kwa shughuli hiyo. Kambi Rasmi ya Upinzani inaona hoja ya msingi hapa ni kuwa:

(1) The Board shall encourage foreign film production companies or individuals to use Tanzania as a filming location.

(2) The Board shall keep record of foreign crews entering the country for motion picture activities.

(3) The Board shall facilitate access famous filming locations for these companies or individuals.

Mheshimiwa Naibu Spika, kwa kufanya hivyo, tunaamini hicho kitakuwa ni kivutio kikubwa kwa wageni kuja kufanya shughuli zao na hivyo lengo la kuongeza mapato litafanikiwa na sio kuweka vikwazo huku mnahitaji fedha zao. Ila ieleweke kuwa *famous filming location* sio jambo la kudumu au la kila siku. Maana yake watengeneza filamu kila siku wanatafuta *location* mpya au zile zinazofaa kwa mchezo wao. Yaani ni kusema tusjidanganye kuwa kila wapiga filamu watataka kwenda kwenye maeneo maarufu.

Mheshimiwa Naibu Spika, ubaya zaidi juu ya Sheria hii ambayo imeharakishwa inakuja wakati Sera hivi sasa iko ngazi ya Baraza la Mawaziri ambapo, tunganidhani hili la kufanya kuna udharura lingesubiri Sera halafu sheria ifuate. Ila Bunge letu halioni hilo kubwa na litakuwa tayari kupokea mabadiliko miezi michache ijayo.

Mheshimiwa Naibu Spika, Sheria ya Mashirika Yasiyo ya Kiserikali; sote tunafahamu kuwa Serikali iliendesha mchakato maalum wa maboresho ya Sera ya namna ya kusajili, kuratibu na kuendesha Mashirika Yasiyo ya Kiserikali mpaka mwaka jana 2018. Wakati Bunge linasubiri kwa hamu maboresho hayo, leo Serikali hiyo hiyo imeutelekeza mchakato mzima na kuja na marekebisho machache ya sheria. Kambi Rasmi ya Upinzani inataka kujua, kwa nini Serikali imeutelekeza mchakato mzima wa maboresho ya sheria ambayo kimsingi ndiyo ungeleta mwelekeo wa nini kibadilishwe au kuboreshwa kwenye Sheria hii ya Mashirika Yasiyo ya Kiserikali. Kambi Rasmi ya Upinzani Bungeni inaiona nia ovu ya Serikali kwanza, kwa kutumia pesa za walipakodi kukusanya maoni ya wadau juu ya Sera na kuutelekeza mchakato huu njiani. Pili, nia ovu hiyo inaonekana pale Serikali inapoamua kuleta marekebisho hayo nusu nusu jambo linalotumia vibaya muda wa Bunge na rasilimali za Taifa.

Mheshimiwa Naibu Spika, Kifungu cha Muswada kinachorekebisha Kifungu cha 2 cha sheria mama; sitakisoma kwa sababu muda, lakini tafsiri hii ya Mashirika Yasiyo ya Kiserikali ina upungufu, kwani ni lazima mawanda yake yawe makubwa zaidi na hivyo kujumuisha utoaji wa elimu juu ya haki za binadamu na utawala bora. Hata hivyo, tafsiri hii ya *NGO* haipanui uwezo wa *NGO* kusajiliwa na kufanya kazi kimataifa. Huku ni kusahau kuwa Tanzania imekuwa mlezi wa kidemokrasia wa nchi nyingi duniani na hivyo tunao mchango mkubwa tunaoweza kuutoa kwa nchi hizo kwa kutumia taasisi hizi ikiwa zitakuwa zimesajiliwa nchini.

Mheshimiwa Naibu Spika, Kifungu cha 27 cha Muswada kinachorekebisha Kifungu cha 4 cha sheria mama kwa kuongeza Kifungu kipyua cha 4A kinachotoa nguvu kwa

Msajili kufanya uchunguzi. Kambi Rasmi inaona kuwa kifungu hiki kinasahau kuwa haki ya kufanya uchunguzi imekasimiwa kwa taasisi nyingine zilizoundwa kisheria kwa ajili ya kufanya kazi hiyo. Hivyo basi, jukumu la Msajili iwe ni kutoa taarifa kuhusu wasiwasi wake na vyombo vilivyoundwa maalum kwa ajili ya kufanya uchunguzi vifanye kazi hiyo ili kuondoa upendeleo katika mchakato mzima wa uchunguzi. Hii ni hatua nyingine ya Serikali kuingilia *public space*.

Mheshimiwa Naibu Spika, Kifungu cha 28 cha Muswada kinachoongeza Kifungu kipya cha 8A kuhusu kujifuta usajili wa *NGO*, kama ikishindwa kutimiza matakwa ndani ya miezi miwili ya sheria hii kuanza kutumika. Kambi Rasmi ya Upinzani inasema kipindi hicho ni kifupi sana na tunashauri kipindi cha miezi 36 kama ambavyo wadau wameshauri. Sheria hii sio ya Serikali bali ni ya wadau, kwa hiyo ni busara kutunga sheria ambayo muafaka umefikiwa baina ya wasimamizi na watumiaji wa sheria.

Mheshimiwa Naibu Spika, Marekebisho ya Sheria ya Vyama Vya Kijamii, Sura ya 337. Kifungu cha 35 cha Muswada kinachofanya marekebisho Kifungu cha 2 cha sheria mama, kwa kutoa tafsiri mpya ya neno *society*, nitakisoma kwamba; *society means a non-partisan and non-political association of ten or more persons established for professional, social, cultural, religion or economic benefits or welfare of its members, formed and registered under this Act, but does not include.*

Mheshimiwa Naibu Spika, hata hivyo, ukisoma Kifungu kidogo cha (d) kinasema kuwa, hiyo tafsiri haitahusisha *a religious or faith propagating organization*. Pia Kifungu kidogo cha (k) kinachosema *any society which the Minister may, by order publish in the Gazette, declare not to be a society for the purpose of this Act*. Kambi Rasmi ya Upinzani inaona tafsiri hii inaleta mkanganyiko usiokuwa na sababu.

Mheshimiwa Naibu Spika, Kifungu cha 36 kinachofuta vifungu vya 3 na 4 vya sheria mama na kuviandika upya, Kifungu cha 4 kinatoa muda wa miezi miwili tu kwa *association*

kuwa *society*, kama haitatimiza matakwa kwa mujibu wa sheria pindi itakapokuwa imeanza matumizi itakuwa imejifuta yenyewe. Kambi Rasmi inaona muda uliotolewa ni mdogo kulingana na hali halisi ya taasisi zetu pamoja na ukiritimba wa ofisi za Serikali zinavyofanya kazi. Hivyo muda muafaka uwe ni miezi 24 mara tu baada ya sheria hii kuanza.

Mheshimiwa Naibu Spika, Kifungu cha 37 kinachofuta na kuandika upya Kifungu cha 7(1) cha sheria mama kuhusu usajili wa chama cha kijamii kutoka nje, kwamba lazima kifuate matakwa ya usajili kwa matakwa ya sheria hii. Kambi Rasmi inaona kama matakwa ya usajili ni yale ambayo chama chochote cha ndani kinatakiwa kuyafuata, hivyo hakutakuwa na chama kutoka nje kwani masharti ya usajili hayatenganishi baina ya vyama vya ndani na nje.

Mheshimiwa Naibu Spika, Kifungu cha 38 cha Muswada kinachorekebisha Kifungu cha 8 cha sheria mama kwa kufuta Kifungu kidogo cha 2 na kukiandika upya kuwa:

“Any Society declared by order of the Minister to be a society dangerous to the good governance of Tanzania, shall be declared to be unlawful.

Mheshimiwa Naibu Spika, Kambi Rasmi ya Upinzani inaona kuwa maneno ya kuwa (*dangerous to the good governance of Tanzania*) ni maneno tata kwani hayana tafsiri kwenye Muswada na uhatari huo kwa utawala bora wa Tanzania Waziri anauonaje au ataupima vipi? Hivyo, tunashauri kutokutunga sheria kwa hisia bali kuwe na vigezo na kifungu hiki kinaweza kutumika kwa manufaa binafsi au kwa *personalities* dhidi ya taasisi husika na hivyo kuleta mgongano usiokuwa na sababu yoyote.

Mheshimiwa Naibu Spika, Marekebisho ya Sheria ya Takwimu, Sura 351; Kifungu cha 52 cha Muswada kinachofanyia marekebisho Kifungu cha 3 cha sheria kwenye tafsiri ya maneno na hapo imetolewa tafsiri ya maneno *National standards* kuwa ni *guidelines for producing official statistics used by Bureau.*

Mheshimiwa Naibu Spika, kwa tafsiri isiyo rasmi ni kwamba, viwango vya kitaifa ni takwimu zinazozalishwa kwa kufuata mwongozo unaotumiwa na *NBS* na hivyo takwimu zinakuwa na rasmi. Aidha, katika tafsiri ya *non-official statistics* kuwe ni *statistics produced without the authority of the Bureau*. Kwa kuwa, utaratibu na kanuni za kufanya tafiti bila kupata takwimu hazibishaniwi na kanuni hizo ziko wazi kabisa kwa kundi lolote linalozalisha takwimu. Hapa hoja ya msingi ni kuwa kama kuna mwongozo unaofuatwa na *NBS* ili kupata takwimu za viwango vya kitaifa, ni kwa nini mwongozo huo usiwe wazi kwa watafiti wote ili kuondoa hiki kinachoitwa *non-official statistics*? (Makofi)

Mheshimiwa Naibu Spika, kwa tafsiri kuwa *non-official statistics* ni pale unapozalisha takwimu bila kibali cha *NBS*, huu ni ukiritimba mkubwa na haitakiwi kutunga sheria zenye lengo au nia ovu kama iliyojificha hapa katika tafsiri hii ya takwimu zisizo rasmi. Hizo takwimu zisizo rasmi zitatumika wapi? Ni taasisi gani itafanya utafiti kwa kutumia rasilimali watu, muda na fedha na mwisho kuzalisha takwimu zisizo rasmi? Kambi Rasmi ya Upinzani inasema ili kuondoa mkwamo huu usio na sababu za msingi, mwongozo unaotumiwa na *NBS* katika kuzalisha takwimu za viwango vya kitaifa uwe wazi kwa taasisi zingine zinazofanya tafiti na kuzalisha takwimu, jambo ambalo linaondoa utata wa takwimu zisizo rasmi.

Mheshimiwa Naibu Spika, Kifungu cha 55 cha Muswada kinachokifanyia marekebisho Kifungu cha 24A cha sheria mama kwa kufuta Kifungu kidogo cha (2) na kukiandika upya. Ili kuweka kumbukumbu sawa ni kwamba tarehe 9 Septemba, 2018, Kambi Rasmi ikiwasilisha maoni yake kwenye Muswada wa Marekebisho ya Sheria mbalimbali Na.3 wa Mwaka 2018, ilisema wazi kuwa kifungu cha 24 kifutwe sambamba na kifungu cha 24B kwani vifungu hivyo vilikuwa na nia ovu. Hata hivyo, maoni yetu yakabezwa, sasa hivi hata mwaka mmoja haujapita vifungu hivyo vimefutwa. Naomba ninukuu kile tulichokisema:-

“Mheshimiwa Naibu Spika, Kifungu cha 24A(2) kama kilivyorekebishwa na kusomeka kwamba, kifungu cha (2)

kinasema a person who has a different finding from statistics disseminated by the Bureau shall prior to communicating such findings to the public consult the Bureau."

Mheshimiwa Naibu Spika, kifungu hiki kinamlazimisha mtafiti yeyote kabla ya kutoa matokeo ya utafiti wake lazima afanye mashauriano na Ofisi ya Takwimu. Kambi Rasmi katika hili la mashauriano inaona kuna uwezekano mkubwa kuwa ikawa ni kumwambia mtafiti kurekebisha matokeo ya utafiti uendane na matakwa ya Ofisi ya Takwimu au kufutwa kwa utafiti husika. Kwa ujumla kifungu hiki kina nia ovu na utafiti utakaokuwa unafanywa hapa nchini.

Mheshimiwa Naibu Spika, lengo la utafiti ni kutafuta suluhisho la tatizo na sio kushindana na Serikali, hivyo wasiwasi wa Serikali unatoka wapi? Hii inazidi kutupa mashaka kwamba kuna uwezekano mkubwa kwamba takwimu zinazotolewa na Ofisi ya Takwimu zina upungufu ambao hawataki Watanzania waufahamu. *(Makofi)*

Mheshimiwa Naibu Spika, Kifungu cha 24B(1) ambacho kina utata sana kimepingwa sana na wadau wengi lakini kwa kuangalia au kusoma vifungu vyote viwili *harmoniously* utagundua kuwa kifungu cha pili kinachosomeka kuwa: "*a person shall not disseminate or otherwise communicate to the public any statistical information which is intended to invalidate, distort or discredit official statistics*",

Mheshimiwa Naibu Spika, kifungu hiki hakina maana na hakitakiwi kuwepo kwani tayari kimo ndani ya Kifungu cha 24A(1) kwenye maneno *shall or before*.

Mheshimiwa Naibu Spika, kama Mwanasheria Mkuu wa Serikali anaona ni muhimu kifungu hiki kuwepo kinazusha hoja kubwa ambacho je, kuna utafiti unaofanywa kwa lengo maalum la kupingana na tafiti za Serikali au kuzifanya takwimu za Serikali zionekane hazifai? Kambi Rasmi ya Upinzani inaona kuwa mawanda ya kifungu hiki yanalenga bayana maendeleo chanya katika mustakabali wa nchi yetu.

Mheshimiwa Naibu Spika, ni rai ya Kambi Rasmi ya Upinzani kuwa kifungu hiki kipya kifutwe kwani msingi wake ni kudhibiti watafiti wetu. Ukisoma kwa tafakuri vifungu hivi vilivyorekebishwa yaani cha 55 kwa 24A pamoja na kile cha 56 kwa 24B dhana yake haina tofauti na vile vilivyofutwa.

Mheshimiwa Naibu Spika, kama ambavyo tumesema hapo awali kuweka makundi ya takwimu rasmi na zile zisizo rasmi ni njia tu ya kutaka kuonesha ukuu katika eneo hili japo kwenye tafiti ambazo zinafanyika miaka yote jambo la msingi ni kufuatwa kwa kanuni wakati wa ukusanyaji wa takwimu ambazo ziko miaka yote, ila ule mwongozo tu ambao *NBS* hawataki kuuweka wazi ili taasisi yoyote inayofanya utafiti kuhakikisha inauzingatia. Ndiyo jambo ambalo linatakiwa kuwekwa kwenye sheria ili kuondoa utata ambao umekuwa ukijitokeza pasipo sababu za msingi. (*Makofi*)

Mheshimiwa Naibu Spika, baada ya kusema hayo, kwa niaba ya Kambi Rasmi ya Upinzani Bungeni, naomba kuwasilisha. (*Makofi*)

NAIBU SPIKA: Ahsante sana.

**MAONI YA MSEMAJI WA KAMBI RASMI YA UPINZANI
BUNGENI, WIZARA YA KATIBA NA SHERIA, KUHUSU MUSWADA
WA SHERIA YA MAREKEBISHO YA SHERIA MBALIMBALI (NA. 3)
WA 2019 [THE WRITTEN LAWS (MISCELLANEOUS
AMENDMENTS) (NO. 3) ACT, 2019 KAMA
YALIVYOWASILISHWA MEZANI**

(Kanuni ya 86(6) ya Kanuni za Kudumu za Bunge, 2016)

1.0 UTANGULIZI

Mheshimiwa Spika, Muswada wa Sheria ya Marekebisho ya Sheria Mbalimbali (Na. 3), 2019, ulichapishwa kwenye Gazeti la Serikali la tarehe 30 Mei, 2019, Muswada huu unapendekeza marekebisho ya sheria mbalimbali tisa. Sheria hizo ni pamoja na Sheria ya Makampuni (Sura ya 212), Sheria ya Hakimiliki (Sura 218), Sheria ya Filamu na Michezo ya Kuigiza

(Sura ya 230), Sheria ya Mashirika Yasiyo ya Kiserikali (Sura ya 56), Sheria ya Vyama vya Kijamii (Sura ya 337), Sheria ya Takwimu (Sura ya 351), Sheria ya Uwakala wa Meli, (Sura ya 415) na Sheria ya Muunganisho wa Wadhamini (Sura ya 318).

Mheshimiwa Spika, sheria zilizotajwa hapo juu zinagusa na kuathiri maisha ya Watanzania katika tasnia mbalimbali. Japo sheria zinaruhusu Bunge kujadili na kupitisha sheria kwa hati ya dharura, Kambi Rasmi ya Upinzani Bungeni inashauri Bunge lako tukufu kutoa muda wa kutosha wa kuchambua Miswada na kushirikisha wadau ili kuepuka utungaji wa sheria zisizotekelezeka lakini pia kuepusha dhana ya nia ovu (ill will) ambayo imekuwa ikitafsiriwa na wengi.

Mheshimiwa Spika, kumekuwa na desturi ya Bunge letu tukufu kutunga sheria zisizotekelezeka na hivyo kurudishwa Bungeni katika kipindi kifupi ili kufanyiwa marejeo na Kambi Rasmi ya Upinzani Bungeni inatafsiri desturi hii kama ni udhallishaji kwa Bunge na Wabunge na kwamba wanapokuwa wanafanya kazi yao ya kikatiba wanakosa umakini wa kutosha na hivyo kupoteza bure fedha za walipa kodi wa nchi hii.

Ni wazi, Mheshimiwa Spika, kwamba mapendekezo haya yanahusu sheria nyingi na muhimu zinazogusa jamii moja kwa moja, na ni sheria ambazo zinatoa nafasi kwa sekta binafsi kuisaidia Serikali katika kutimiza wajibu wake kwa wananchi. Na sio hilo tu ni sheria zinazotoa mwanya kwa Serikali kujitathmini katika utendaji wake wa kila siku.

Sio hivyo tu, vifungu vinavyopendekezwa kurekebisha katika sheria hizo sio tu vinaleta mkanganyiko katika utendaji wa kazi bila sababu ya maana, kwa mtazamo wa Kambi Rasmi ya Upinzani ni kwamba marekebisho ya vifungu hivyo yamelenga kudhibiti sekta binafsi kushiriki katika shughuli mbalimbali za kikatiba na maendeleo.

Wadau kadhaa walitoa wito kwa Muswada huo kusogezwa mbele kwa sababu hawakuona hata sheria moja iliyokuwa ikihitaji uharaka wa kufanyiwa marekebisho na badala yake

muswada uletwe kikao kinachofuata, lakini Serikali ilitia pamba masikioni.

Mheshimiwa Spika, utunzi wa sheria ni jambo takatifu hivyo halitakiwi kufanywa kwa nia ovu ndani yake, kitendo cha kutunga sheria kwa kuangalia jinsi ya kumdhibiti fulani au kukomoa kundi fulani kinaondoa heshima nzuri ya watunga sheria walioaminiwa na watanzania.

Kambi Rasmi ya Upinzani ya Bunge lako tukufu inaamini kwamba utaratibu wa kuleta marekebisho mengi ya sheria nyingi namna hii katika Muswada mmoja unalinyima Bunge lako tukufu muda na uwezo wa kuyajadili kwa kina na kuyaelewa mapendekezo ya Serikali kabla ya kuyapitisha na kuwa sheria za nchi yetu. Tukitilia maanani kuwa wabunge wamekaa katika kazi hapa Dodoma kwa muda mrefu na hivyo wengi wao ushiriki unakuwa ni hafifu.

Mfano hasi wa uharaka uliofanywa na Serikali ni kule kuona kuwa hakutokea hata mdau mmoja wa Sheria ya Uwakala wa Meli na badala yake imefahamika wanatafuta njia nyingine nje ya kuja kutoa maoni kwenda kupinga mabadiliko hayo yaliofanywa na Serikali.

Pia kwa uharaka uliofanywa na Serikali bado kwa mfano Sheria ya Takwimu iliyorudishwa ikabidi au kulazimika Serikali ikae tena na wadau wakubwa Benki ya Dunia (WB) na Shirika la Fedha Duniani (IMF) na kuondoa mapendekezo yote yaliyowasilishwa ili kuleta mengine mapya kukidhi vigezo vya taasisi hizo muhimu, kama pia vitakuwa vimefikiwa.

Mheshimiwa Spika, Matokeo ya utaratibu huu sio tu kulidhalilisha Bunge bali pia ni kuligeuza Bunge lako tukufu kuwa “rubber stamp” ya kuhalalisha maamuzi ya Serikali, jambo hili linapelekea kupitisha sheria mbovu zinazoathiri haki za wananchi wetu na ustawi wa taifa letu na kusababisha migongano isiyokuwa ya lazima katika vyombo vya utekelezaji vya umma.

Mheshimiwa Spika, baada ya kutoa utangulizi huo, naomba kupitia baadhi ya vifungu kwenye marekebisho yanayoletwa na Serikali ili Bunge liweze kuridhia na kuwa sheria.

2.0 MAREKEBISHO YA SHERIA YA MAKAMPUNI SURA 212

Mheshimiwa Spika, kifungu cha 4 cha muswada kinachorekebisha kifungu cha 2 cha sheria mama kinatoa tafsiri mpya ya neno "Company" kwamba;

" means a company formed and registered under this Act or an existing company established for investment, trade or commercial activities and any other activity as the Minister may, by notice published in the Gazette, prescribe;"

Pia muswada ukatoa tafsiri ya maneno " commercial activities, Investment activities, na trade"

Mheshimiwa Spika, kwa mujibu wa muswada kuwa kampuni ikiwa inafanya shughuli zake nje ya tafsiri iliyotolewa katika hizo Nyanja tatu, maana yake hiyo kampuni haistahili kupewa usajili wake kwa mujibu wa sheria ya makampuni. Ni ukweli uliowazi kuwa kampuni haiwezi kufutwa kwa tamko la Waziri bali kampuni inafutwa kwa kitu kinachoitwa "resolution" ya Wakurugenzi wa Bodi ya hiyo kampuni. Hivyo kinachotaka kufanywa na mapendekezo haya ni kuondoa taasisi zote za kiraia katika mfumo wa kampuni na kuziweka chini ya Msajili wa Asasi za Kiraia ili kuwa rahisi kuzifuta.

Mheshimiwa Spika, kampuni ili isajiliwe inatakiwa kuwa na "articles and memorandum of association" hizi nyaraka zinakuwa na mawanda mapana ya biashara ambazo zinaweza kufanywa na kampuni inayoomba usajili, na hivyo sio lazima mawanda yote ya biashara yaliyomo kwenye nyaraka hizo, biashara zote zikafunguliwa kwa muda mmoja. Jambo la muhimu ni kuwa kati ya biashara zilizomo kwenye "Articles of Association" kila moja inaombewa leseni kutoka katika mamlaka husika. Kama Kampuni inayoendesha na

kumiliki mashule lakini leseni ya kuendesha ni lazima itolewe na mamlaka husika na sio Msajili wa Makampuni.

Mheshimiwa Spika, kumbukumbu zinaonesha kuwa taasisi iliyokuwa inajulikana kama BAWATA-Baraza la Wanawake – Tanzania ilifutwa kama vile kuzima moto wa karatasi kwa kuwa ilikuwa chini ya Msajili lakini baada ya kufungua kesi na ikaonekana kuwa makosa yalifanyika lakini madhara tayari yalikiwishatokea kwa taasisi hiyo. Sasa kinachopendekezwa katika marekebisho ya Sheria hii ya Makampuni ni Serikali kuwa na udhibiti wa asasi zote zisizo za Kiserikali ili iwe rahisi kuzifuta, Kambi Rasmi ya Upinzani inasema kuwa Bunge likiridhia marekebisho haya ni hatari sana kwa mustakabali wa asasi zisizo za kiserikali ambazo ni washirika wakuu wa Serikali wa ndani katika maendeleo. Hivyo basi ni rai yetu marekebisho haya yanayopendekezwa yasikubaliwe ili kwanza mjadala wa kina ufanyike.

(Serikali hatimae imesikiliza kilio cha wadau kwa kubakisha tafsiri inayokubaliwa dunia nzima ya kampuni, na angalau kusafisha fikra za wadau kuwa kulikuwa na nia ovu.) ...kama Kambi itakihitaji

Mheshimiwa Spika, kifungu cha 6 cha muswada kinachoongeza kifungu kipya cha 3A kinachohusu “compliance” kuwa ndani ya miezi miwili tangu matumizi ya sheria hii basi ni lazima kampuni zote zilizokuwa zimesajiliwa kabla ziwe zimetimiza masharti kama marekebisho yanavyopendekeza. Kambi Rasmi ya Upinzani inaungana na maoni ya wadau waliokuja kutoa maoni Bungeni kuwa kifungu hiki kiandikwe upya na kufanya zoezi la kuhamisha makampuni haya kwenda kwenye NGO kiwe ni cha moja kwa moja ndani ya Serikali yenyewe kwa maana ya Msajili wa makampuni kuhamishia taarifa kwa Msajili wa NGO. Hii itapunguza ukiritimba wa kusajili upya lakini pia itaondoa usumbufu kwa watu ambao walifuata sheria na kuamini Serikali inawatambua na hawakutegemea usumbufu wa aina yoyote (concept of Legitimate expectation).

Mheshimiwa Spika, kama Serikali itaamua kushikilia msimamo wake wa kuwataka wamiliki wa makampuni kubadili

wenyewe kwenda kwenye NGO basi mchakato huo urahisishwe na ufanyike ndani ya miezi 24 tangu sheria hii itakapoanza kutumika badala ya miezi 2 kama inavyopendekezwa na Serikali. (sasa ni miezi mitatu lakini pia kutakuwa na kanuni kuwa usajili utaendelea hata baadae) kama utaona Kambi inaweza kukitumia

Mheshimiwa Spika, Kifungu cha 10 cha muswada kinachoongeza kifungu cha 400A kinampa mamlaka ya kufuta kampuni katika daftari la usajili, kifungu hiki kimekwenda mbali kwa kutoa mamlaka hayo Msajili kwa kutegemea hisia zake binafsi bila kushauriwa na mtu yeyote, bodi ya usajili wala wataalamu wake hii inatengeneza mazingira ya matumizi mabaya ya madaraka kwa Msajili wa Makampuni. Kambi Rasmi ya Upinzani Bungeni inashauri kifungu hiki kiboreshwe kwa kuandika barua kwa kampuni husika ijieleze kwa nini isiondolewe kwenye Daftari la Usajili (To show cause) na majibu ya kampuni yajadiliwe na Bodi kumshauri Msajili.

Mheshimiwa Spika, Kifungu 10 cha muswada pia kimeongeza kifungu cha 400 A (1) (b) ambacho kinampa mamlaka Msajili kufuta jina la kampuni kwenye daftari kwa sababu mbalimbali na mojawapo ikiwa ni kosa lolote linaloadhibiwa kisheria (any other offence punishable by law).

Mheshimiwa Spika, makosa yanayoadhibiwa kisheria ni mengi, na wakati mwingine yanaweza kuwa yamefanywa na mtumishi wa kampuni mwenyewe (in his own capacity) au akiwa anatekeleza wajibu wake katika kampuni, Kifungu hiki kimekuwa cha jumla sana na kinaweza kutumika vibaya. Moja kati ya kanuni ya utunzi wa sheria ni kuhakikisha sheria haiachi maswali mengi kwa wanaotafsiri na wala halleti utata, Kambi Rasmi ya Upinzani Bungeni inashauri sentensi hii ifutwe. (Hapa Serikali imesema taratibu zitakwenda kwa mujibu wa Sheria na vitawekwa vipengele vya taratibu za kufanywa ili kampuni ipewe haki kabla ya kufutwa)

Mheshimiwa Spika, Kambi rasmi ya upinzani Bungeni pia inashauri kifungu C katika mabadiliko haya ya Sheria ya

Makampuni kinazidi kudhihirisha kuwa Msajili wa Makampuni anapaswa kushauriwa kabla ya kuamua kuifuta kampuni sababu kinaongelea mambo ya udanganyifu (Mis-representational and Fraud) ambao ili kuuthibitisha ni lazima uthibitisha nia ovu (Mensrea)

Mheshimiwa Spika, Kifungu d cha marekebisho kinasema *“where the Registrar has a reasonable cause to believe that-(d) by operation of the law, all the shareholders or directors have been prohibited from entering the country; he shall issue a notice in writing to the company, of his intention to strike the company off the register”*.

Mheshimiwa Spika, Kambi Rasmi ya Upinzani Bungeni na watanzania kwa ujumla wangependa kujua ni mazingira gani hayo ambayo tutafikia kuwazuia wamiliki wote wa kampuni moja hata watumishi wake kuingia nchini. Je Serikali haioni kwa kuweka kifungu hiki wanatishia mazingira bora ya uwekezaji nchini?

Kwa kweli kifungu hiki ni hatari sana kwa wawekezaji wa kigeni. Kukaa kwake kama kilivyokaa, japo sheria inasema maneno by *“operational of the law”* lakini kinaweza kutumika vibaya kwa taratibu za kisheria kufanywa lakini kulenga watu maalum ili kuwafilisi kampuni zao...ni hatari na tunaamini kitawakimbiza wawekezaji wa kigeni.

Mheshimiwa Spika, tulidhani kipaumbele cha serikali hii ya awamu ya Tano ni kuboresha viwanda na hivyo kutunga sheria rafiki zenye kuwavutia wawekezaji wa nje, kambi rasmi ya upinzani Bungeni inashauri kipengele hiki kiboreshwe au kuondolewa kabisa kwenye mabadiliko haya ya sheria.

3.0 SHERIA YA FILAMU NA MICHEZO YA KUIGIZA (SURA YA 230)

Mheshimiwa Spika, Kifungu cha 17 cha muswada kinachoongeza Kifungu kipya cha 6A kwenye sheria, kinachoweka matakwa kwa kampuni ya kigeni ambayo itafanya uzalishaji filamu hapa nchini, Kambi Rasmi ya

Upinzani inaona kuwa matakwa hayo kuyaweka kwenye sheria ni kuwafanya wahusika wasije kufanya kazi hiyo hapa Tanzania kwani masharti hayo sio wezeshi na jambo hilo badala ya kukuza tasnia linaifanya isiwe ya kimataifa na hiyo kwa kuinyima nchi yetu na wasanii wetu fursa ya soko la kimataifa na mapato.

Serikali haikuja na maelezo ya kutosha kwa Kamati ya Katiba na Sheria kuonyesha ni nchi zipi masharti kama hayo yapo na kuwepo kwake kumekuwa na uhasi au uchanya katika kuiimarisha tasnia ya filamu ambayo ni moja katika uchumi mkubwa duniani.

Kwa mfano haieleweki ni vipi kampuni ya filamu inayokuja kufanya filamu nchini kwetu itakiwe kuacha inayoitwa "raw footage" hata iwapo hiyo ni kopi bila ya kuwa na uhakika wa usalama wake, kuweza kutumika au kuuziwa mtu au kampuni nyingine. Au kuwataka wapiga filamu waendeleo kuipa Tanzania faida kadri ambavyo watakuwa wanapata au kuwataka wapiga filamu wairuhusu Tanzania imege vipande katika filamu yao ili vitumike na Serikali katika matangazo kama vile utalii, kwa sababu tu filamu hiyo imepigwa Tanzania.

Katika hili Mheshimiwa Spika ilifaa Bunge lipewe mifano ya good practices kutoka mataifa mbalimbali ili iwepo mizania ya kusaidia kupima umuhimu wa vifungu hivyo kubakia.

Pia kifungu cha 17 cha muswada kinachoingia kifungu kipya cha 6A(2) kinataka kutozwa faini isiyopungua 5% kwa kampuni ambayo itafanya makosa katika upigaji wake picha wakiwa nchini bila ya kutaka kuona hicho ni kiasi kikubwa sana kwa bajeti za makampuni makubwa na bila ya kutenganisha ukubwa wa makosa ambayo yanaweza kutokea, kwa mfano kuweka mpaka baina makosa ya kuhatarisha usalama na yale kwa mfano ya kushindwa kuwakatia bima wafanyakazi wa ndani waliojiriwa.

Mheshimiwa Spika, ni rai ya Kambi Rasmi ya Upinzani kwamba matakwa hayo yangewekwa kwenye kanuni na miongozo

baada ya mashauriano ya kina na wadau wa ndani. Tunaamni kuwa wadau wa nje wanakuja hapa baada ya kualikwa na wadau wa ndani.

Mheshimiwa Spika, Kifungu cha 18 cha Muswada kinachofuta na kuandika upya Kifungu cha 14 cha sheria kwa kuweka majukumu ya Bodi ya Filamu, kuwa kila Mkoa utakuwa na Bodi ya Filamu, kwanza jambo hili halina uhalisia wowote kutokana na ukweli kuwa tasnia hii sio kubwa kiasi hicho, na jambo hili linaongeza gharama za utawala badala ya kuwa ni chachu kwa maendeleo ya tasnia.

Mheshimiwa Spika, kifungu cha 20 cha muswada kinachofuta na kuingiza upya kifungu kidogo cha 16 (1) cha sheria kinachosema kwamba;

“(1) A person shall not display or advertise or cause or permit to be displayed or advertised in a public place, so as to be visible from a public place, any poster unless a Film Board has first approved a poster for public display through any platform or media display”

Kambi Rasmi ya Upinzani inaona kuwa kifungu hiki ni hatari kwani kinatoa katazo kuwa hakuna mtu yeyote atakayeweka picha au video kama tangazo kwenye sehemu za umma au kwenye vyombo vya habari, sharti apewe idhini na Bodi ya Filamu. Kwa kifungu hiki ni kuwa mtu haruhusiwi kutengeneza promotional video au social media banner ya aina yoyote ile na kuisambaza kwa umma bila kupata kibali cha Bodi ya Filamu.

Katika zama hizi za uwazi na dijitali kulimbikiza mamlaka kama haya katika vyombo vya dola kuna tafsiri moja tu: kubana nafasi ya umma katika ushiriki wa harakati za kutoa habari na kufikia umma kwa hali ya uhuru bila ya vikwazo. Pia kiuhalisia Bodi haitakuwa na nguvu kazi ya kusimamia matakwa haya ya sheria

Mheshimiwa Spika, kifungu cha 21 cha muswada kinachoongeza kifungu kipya cha 31A kinachohusu mapato,

kuwa Bodi ya Filamu itapata mapato kutokana kwa wazalishaji wa filamu kutoka nje sambamba na wasanii wa ndani na hivyo kuchangia katika uchumi wa nchi. Aidha, katika kufanya hivyo itaratibu idadi ya wageni wanaoingia kwa shughuli hiyo. Kambi Rasmi ya Upinzani inaona hoja ya msingi hapa ni kuwa;

“(1) The Board shall encourage foreign film production companies or individuals to use Tanzania as a filming location

(2) The Board shall keep record of foreign crews entering the country for motion picture activities.

(3) The Board shall facilitate access famous filming locations for these companies or individuals”.

Mheshimiwa Spika, kwa kufanya hivyo tunaamini hicho kitakuwa ni kivutio kikubwa kwa wageni kuja kufanya shughuli zao na hivyo lengo la kuongeza mapato litafanikiwa na sio kwa kuweka vikwazo huku mnahitaji fedha zao. Ila ieleweke kuwa “famous filming locations” sio jambo la kudumu au la kila siku. Maana yake watengeza filamu kila siku wanatafuta locations mpya au zile zinazofaa kwa mchezo wao, yaani ni kusema tusijidanganye kuwa kila wapiga filamu watataka kwenda kwenye maeneo maarufu.

Mheshimiwa Spika ubaya zaidi juu ya Sheria hii ambayo imeharakishwa inakuja wakati Sera hivi sasa iko ngazi ya Baraza la Mawaziri ambapo tungedhani hili la kufanya kuna udharura lingesubiri Sera halafu sheria ifuate. Ila Bunge letu halioni hilo kubwa, na litakuwa tayari kupokea mabadiliko miezi michache ijayo.

4.0 SHERIA YA MASHIRIKA YASIYO YA KISERIKALI

Mheshimiwa Spika, sote tunafahamu kuwa Serikali iliendesha mchakato maalumu wa maboresho ya Sera ya namna ya kusajili, kuratibu na kuendesha mashirika yasiyo ya Kiserikali mpaka mwaka jana 2018. Wakati bunge likisubiri kwa hamu maboresho hayo leo Serikali hiyo hiyo imeutelekeza mchakato mzima na kuja na marekebisho machache ya sheria.

Kambi Rasmi ya Upinzani Bungeni inataka kujua ni kwa nini Serikali imeutelekeza mchakato mzima wa Maboresho ya Sera ambayo kimsingi ndiyo ungeleta mwelekeo wa nini kibadilishwe au kuboreshwa kwenye Sheria hii ya mashirika yasiyo ya kiserikali.

Mheshimiwa Spika, Kambi Rasmi ya Upinzani Bungeni inaiona nia ovu ya Serikali kwanza kwa kutumia pesa za walipakodi kukusanya maoni ya wadau juu ya Sera na kuutelekeza mchakato huu njiani na pili nia ovu hiyo inaonekana pale Serikali inapoamua kuleta marekebisha hayo nusu nusu jambo linalotumia vibaya muda wa Bunge na rasilimali za Taifa.

Mheshimiwa Spika, Kifungu cha 25 cha Muswada kinachorekebisha kifungu cha 2 cha sheria mama kinasema kuwa;

“Non- Governmental organisation” also known by its acronym NGO and which includes Community Based Organisation (CBO) means an voluntary grouping of individuals or organisation which is, non partisan or non profit sharing established and operates for the benefit or welfare of the community or public organized at the local, national or international levels for the purpose of enhancing or promoting economic, environmental, social or cultural development of protecting environment”

Mheshimiwa Spika, tafsiri hii ya Mashirika yasiyo ya kiserikali ina mapungufu, kwani ni lazima mawanda yake yawe makubwa zaidi na hivyo kujumuisha utoaji wa elimu juu ya haki za binadamu na utawala bora. Mhe Spika, hata hivyo tafsiri hii ya NGO haipanui uwezo wa NGO kusajiliwa na kufanya kazi kimataifa huku ni kusahau kuwa Tanzania imekuwa Mlezi wa Kidemokrasia kwa nchi nyingi duniani na hivyo tunao mchango mkubwa tunaoweza kuutoa kwa nchi hizo kwa kutumia taasisi hizi ikiwa zitakuwa zimesajiliwa nchini.

Mheshimiwa Spika, Kifungu cha 27 cha Muswada kinachorekebisha kifungu cha 4 cha sheria mama kwa kuongeza kifungu kipyua cha 4A kinachotoa nguvu kwa msajili

kufanya uchunguzi. Kambi Rasmi ya Upinzani inaona kuwa kifungu hiki kinasahahu kuwa haki ya kufanya uchunguzi imekasimiwa kwa taasisi zingine zilizoundwa kisheria kwa ajili ya kufanya kazi hizo. Hivyo basi jukumu la msajili liwe ni kutoa taarifa kuhusu wasiwasi wake na vyombo vilivyoundwa maalumu kwa ajili ya kufanya uchunguzi vifanye kazi hiyo ili kuondoa “bias” katika mchakato mzima wa uchunguzi. Hii ni hatua nyingine ya Serikali kuingilia public space.

Mheshimiwa Spika, Kifungu cha 28 cha Muswada kinachoongeza kifungu kipya cha 8A kuhusu kujifuta usajili wa NGO, kama ikishindwa kutimiza matakwa ndani ya miezi miwili baada ya sheria hii kuanza kutumika. Kambi Rasmi ya Upinzani inasema kipindi hicho ni kifupi sana hivyo tunashauri kipindi cha miezi 36 kama ambavyo wadau wameshauri. Sheria hii sio ya Serikali bali ni ya wadau kwa hiyo ni busara kutunga sheria ambayo mwafaka umefikiwa baina ya wasimamizi na watumiaji wa sheria.

5.0 MAREKEBISHO YA SHERIA YA VYAMA VYA KIJAMII-SURA YA 337

Mheshimiwa Spika, kifungu cha 35 cha muswada kinachofanyia marekebisho kifungu cha 2 cha sheria mama, kwa kutoa tafsiri mpya ya neno “society” kwamba;

“society” means a non-partisan and non-political association of ten or more persons established for professional, social, cultural, religion or economic benefits or welfare of its members, formed and registered under this Act, ... but does not include”

Lakini ukisoma kifungu kidogo cha **(d)** kinasema kuwa hiyo tafsiri haitahusisha *“a religious or faith propagating organization”*, pia kifungu kidogo cha **(k)** *any society which the minister may, by order publish in the Gazette, declare not to be a society for thr purpose of this Act.*

Kambi Rasmi ya Upinzani inaona tafsiri hii inaleta mkanganyiko usiokuwa na sababu.

Mheshimiwa Spika, kifungu cha 36 kinachofuta vifungu vya 3 na 4 vya sheria mama na kuviandika upya, kifungu cha 4 kinatoa muda wa miezi miwili tu kwa “association” kuwa society kama haitatimiza matakwa kwa mujibu wa sheria pindi itakapokuwa imeanza matumizi kuwa imejifuta yenyewe. Kambi Rasmi ya Upinzani inaona kuwa muda uliotolewa ni mdogo kulingana na hali halisi ya taasisi zetu pamoja na ukiritimba wa ofisi zetu za Serikali zinavyofanya kazi, hivyo muda mwafaka uwe ni miezi ishirini na nne mara tu baada ya sheria hii kuanza kutumika.

Mheshimiwa Spika, kifungu cha 37 kinachofuta na kuandika upya kifungu cha 7(1) cha sheria mama kuhusu usajili wa chama cha kijamii kutoka nje, kwamba ni lazima kifuatake matakwa ya usajili kwa matakwa ya sheria hii. Kambi Rasmi inaona kama matakwa ya usajili ni yale yale ambayo chama chochote cha ndani kinatakiwa kuyafuata, hivyo hakutakuwa na chama kutoka nje kwani masharti ya usajili hayatenganishi baina ya vyama vya ndani na nje.

Mheshimiwa Spika, kifungu cha 38 cha muswada kinachorekebisha kifungu cha 8 cha sheria mama kwa kufuta kifungu kidogo cha 2 na kukiandika upya kuwa;

“Any Society declared by order of the of Minister to be a society dangerous to the good governance of Tanzania, shall be declared to be unlawful.....”

Kambi Rasmi ya Upinzani inaona kuwa maneno ya kuwa “dangerous to the good governance of Tanzania” ni maneno tata kwani hayana tafsiri kwenye muswada na uhatari huo kwa utawala bora wa Tanzania Waziri anauonaje au ataupima vipi? Hivyo tunashauri kutokutunga sheria kwa hisia bali kuwe na vigezo na kifungu hiki kinaweza kutumika kwa manufaa binafsi au kwa “personalities” dhidi ya taasisi husika na hivyo kuleta mgongano usiokuwa na sababu yoyote.

6.0 MAREKEBISHO YA SHERIA YA TAKWIMU, SURA YA 351

Mheshimiwa Spika, kifungu cha 52 cha muswada kinachofanyia marekebisho kifungu cha 3 cha sheria kwenye

tafsiri ya maneno, na hapo imetolewa tafsiri ya maneno “*National standards*” kuwa ni;

“*Guidelines for producing official statistics used by Bureau*”;

Kwa tafsiri isiyo rasmi ni kwamba, viwango vya kitaifa ni takwimu zinazozalishwa kwa kufuata mwongozo unaotumiwa na NBS na hivyo takwimu zinakuwa na rasmi.

Aidha, katika tafsiri ya “non-official statistics” kuwa ni; “*statistics produced without the authority of the Bureau*”.

Kwa kuwa, utaratibu na kanuni za kufanya tafiti ili kupata takwimu hazibishaniwi na kanuni hizo ziko wazi kabisa kwa kundi lolote linalozalisha takwimu. Hapa hoja ya msingi ni kuwa kama kuna mwongozo unaofuatwa na NBS ili kupata takwimu za viwango vya kitaifa, ni kwa nini mwongozo huo usiwe wazi kwa watafiti wote ili kuondoa hiki kinachoitwa “non-official statistics”?

Mheshimiwa Spika, kwa tafsiri kuwa **non-official statistics** ni pale unapozalisha takwimu bila kibali cha NBS, huu ni ukiritimba mkubwa na haitakiwi kutunga sheria zenye lengo au nia ovu kama iliyojificha hapa katika tafsiri hii ya takwimu zisizo rasmi. Hizo takwimu zisizo rasmi zitatumika wapi? Ni taasisi gani itafanya utafiti kwa kutumia rasilimali watu, muda na fedha na mwisho kuzalisha takwimu zisizo rasmi?

Kambi Rasmi ya Upinzani inasema ili kuondoa mkwamo huu usio na sababu za msingi, mwongozo unaotumiwa na NBS katika kuzalisha takwimu za viwango vya kitaifa uwe wazi kwa taasisi zingine zinazofanya tafiti na kuzalisha takwimu, jambo ambalo linaondoa utata wa takwimu zisizo rasmi.

Mheshimiwa Spika, kifungu cha 55 cha muswada kinachokifanyia marekebisho kifungu cha 24A cha sheria mama kwa kufuta kifungu kdogo cha 2 na kukiandika upya.

Mheshimiwa Spika, ili kuweka kumbukumbu sawa ni kwamba tarehe 09 Septemba, 2018 Kambi Rasmi ya Upinzani

ikiwasilisha maoni yake kwenye Muswada wa Marekebisho ya Sheria Mbalimbali Namba 3 wa mwaka 2018, ilisema wazi kuwa kifungu cha 24A kifutwe sambamba na kifungu cha 24B kwani vifungu hivyo vilikuwa na nia ovu, lakini maoni yetu yakabazwa, sasa hivi hata mwaka mmoja haujapita vifungu hivyo vimefutwa. Naomba ninukuu kile tulichokisema;

“Mheshimiwa Spika, kifungu cha 24A(2) kama kilivyorekebisha na kusomeka kwamba;

“(2) A person who has different findings from statistics disseminated by the Bureau shall, prior to communicating such findings to the public, consult the Bureau.”

Kifungu hiki kinamlazimisha mtafiti yeyote kabla ya kutoa matokeo ya utafiti wake ni lazima afanye mashauriano na Ofisi ya Takwimu. Kambi Rasmi ya Upinzani, katika hili la mashauriano inaona kuna uwezekano mkubwa kuwa ikawa ni kumwambia mtafiti kurekebisha matokeo ya utafiti uendane na matakwa ya Ofisi ya Takwimu au kufutwa kwa utafiti husika. Kwa ujumla kifungu hiki kina nia ovu na utafiti utakaokuwa unafanywa hapa nchini.

Mheshimiwa Spika, lengo la utafiti ni kutafuta suluhisho la tatizo na sio kushindana na Serikali, hivyo wasiwasi wa Serikali unatoka wapi? Hii inazidi kutupa mashaka kwamba kuna uwezekano mkubwa kwamba takwimu zinazotolewa na Ofisi ya Takwimu zina mapungufu ambayo hawataki watanzania wayafahamu.

Mheshimiwa Spika, kifungu cha 24B (1) ambacho kina utata sana na kimepingwa sana na wadau wengi, lakini kwa kuangalia au kusoma vifungu vyote viwili **“harmoniously”** utagundua kuwa kifungu cha pili kinasochomeka kuwa;

“A person shall not disseminate or otherwise communicate to the public any statistical information which is intended to invalidate, distort or discredit official statistics”

Kifungu hiki hakina maana na hakitakiwi kuwepo kwani tayari kimo ndani ya kifungu cha 24A(1) kwenye maneno, ".....shall before....., obtain an authorization from the Bureau."

Mheshimiwa Spika, na kama Mwanasheria Mkuu wa Serikali anaona ni muhimu kifungu hicho kiwepo, kinazusha hoja kubwa, ambayo ni, je kuna utafiti unaofanyika kwa lengo maalum la kupingana na tafiti za Serikali au kuzifanya takwimu za Serikali zionekane hazifai? Kambi Rasmi ya Upinzani inaona kuwa mawanda (scope) ya kifungu yanalengo baya maendeleo chanya katika mustakabali wa nchi yetu".

Mheshimiwa Spika, ni rai ya Kambi Rasmi ya Upinzani kwamba kifungu hiki kipya cha 24A na 24B vifutwe kwani msingi wake ni wa kudhibiti watafiti wetu katika kututafutia suluhisho la matatizo yaliyopo katika jamii zetu. Sisi tunaamini kuwa maendeleo ya nchi yanategemea sana tafiti zitakazofanyika ziwe, "*Scientific au Social Science Research*".

Mheshimiwa Spika, ukisoma kwa tafakuri vifungu hivi vilivyorekebishwa yaani 55 kwa 24A pamoja na kile cha 56 kwa 24B kwenye muswada dhana yake haina tofauti na vile vilivyofutwa, kwani inaonesha bado nia ya kudhibiti takwimu ambazo chimbuko lake sio NBS, hivyo basi Kambi Rasmi ya Upinzani inaona bado nia ovu iko pale pale.

Mheshimiwa Spika, kama ambavyo tumesema hapo awali kwamba kuweka makundi ya takwimu rasmi na zile zisizo rasmi (Official and non official) ni njia tu ya kutaka kuonesha "ukuu" katika eneo hilo, japokuwa kwenye tafiti ambazo zinafanyika miaka yote jambo la msingi ni kufuatwa kwa kanuni wakati wa ukusanyaji wa takwimu ambazo zipo miaka yote, ila ule mwongozo (guideline) tu ambao NBS hawataki kuuweka wazi ili taasisi yoyote inayofanya tafiti kuhakikisha kuwa inauzingatia ndio jambo ambalo linatakiwa kuwekwa kwenye sheria ili kuondoa utata ambao umekuwa ukijitokeza pasipo sababu ya msingi.

Mheshimiwa Spika, baada ya kusema hayo kwa niaba ya Kambi Rasmi ya Upinzani, naomba kuwasilisha.

.....
Salome W. Makamba, (Mb)

**K.N.Y MSEMAJI MKUU WA KAMBI RASMI YA UPINZANI-
WIZARA YA KATIBA NA SHERIA.**

27.06.2019

NAIBU SPIKA: Waheshimiwa Wabunge, yupo mgeni mmoja ambaye hakupata fursa ya kutambulishwa na huyu ni Ndugu Semindu Pawa, Mbunge Mstaafu wa Morogoro Kusini Mashariki. Karibu sana mzee wetu, huyu ni mgeni wa Mheshimiwa Omary Mgumba ambaye ni Naibu Waziri wa Kilimo. (*Makofi*)

Waheshimiwa Wabunge, tunaendelea na utaratibu wetu, lakini niliseme jambo moja kwa sababu tunaenda kwenye mjadala. Ninayo mawili, moja ni la kullita Bunge kuwa ni *rubber stamp*. Waheshimiwa Wabunge, mimi kama mmojawapo wa watafiti, wale watu wanaofanya utafiti wao huruhusiwa kusema mambo fulani kwa mujibu wa taratibu na wao utafiti wake amepata majibu gani wakati huo sisi tukisoma, watu wengine wa nje ya Bunge ndiyo waliokuwa wanaweza kulisema Bunge kwa namna Fulani, lakini safari hii inavyoonekana sisi wenyewe tuko humu ndani na sisi wenyewe hatuelewi nini tunafanya, hivyo inasikitisha sana.

Inasikitisha kwa sababu Waheshimiwa Wabunge, Miswada inavyoletwa hapa na Serikali, Bunge ndiyo kazi yake kutunga sheria na inapopelekwa kwenye Kamati, kule kwenye Kamati wale wamekasimiwa kwa niaba yetu sote. Sasa tukifika mahali tukaona kwamba kuna namna ambayo Serikali inaleta Muswada halafu sisi tunapiga muhuri, sheria inaenda kutumika hivyo, sio sawasawa. Bunge inafanya kazi yake kupitia Kamati na sisi hapa ndani tumekaa leo hii kwa ajili ya shughuli. Pungufu ya hapa maana yake tunapoteza muda na sidhani kama tupo hapa kwa ajili ya kupoteza muda.

Kwa hiyo Bunge linafanya kazi yake kama ambavyo Serikali inafanya kazi yake. Sisi kazi yetu ya msingi kabisa ni kutunga sheria. Tusifike mahali tukaona hii kazi tumeiachia Serikali ama mtu mwingine yeyote, hapana! Sisi ni Wabunge, kazi yetu ni kutunga sheria. Kwa hiyo tusifike mahali, tukaona kwamba pengine kwa namna fulani taasisi hii haifanyi kazi yake. Si sawasawa na si sawasawa zaidi pale ambapo sisi wenyewe Wabunge ndiyo tuna ojipiga risasi wenyewe kwenye miguu ambayo inatusimamisha.

Waheshimiwa Wabunge, kwa hiyo tunavyoendelea na huu mjadala tufahamu hapa ndani sisi tunafanya nini na tunalipwa kwa ajili ya kazi gani. Hilo lilikuwa moja.

La pili, ili kuondoa, kwa sababu mimi ni mmojawapo kati ya viongozi ambao huwa tunapata malalamiko mbalimbali humu Bungeni kuhusu Kambi za watu kutokupata fursa za kuchangia humu ndani. Mheshimiwa *Chief Whip* Kambi ya Upinzani, Mheshimiwa Zitto Kabwe naona ametokeza kwenye orodha ya CHADEMA jambo ambalo si baya, lakini nafasi zingine zote anazozipata haji kwa nafasi ya CHADEMA, anaomba yeye kama chama chake. Maana yake ni nini na kwa nini nimelisema?

Waheshimiwa Wabunge, ni kwa sababu muda wetu huwa tunatoa kwa kadri majina yanavyoletwa na vyama, wakati mwingine kwa upande wa Chama cha *ACT* na Chama cha *NCCR Mageuzi*, kiti hutoa fursa kulingana na zile nafasi mtu alizozipata za kuchangia. Leo hii CHADEMA imeleta jina la Zitto Kabwe, ni jambo jema, lakini nataka kusema hivi; wakati mwingine itakapotokea majina yanakuja hapa muwe mnaangalia na hivyo vyama ambavyo mko navyo kwenye Kambi Rasmi ya Upinzani, kwa sababu isitokee lawama zikaja kwa Kiti kwamba mtu huyu ameitwa mara nyingi kwa sababu anatumia njia mbalimbali za kutafuta nafasi ya kuchangia.

(Hapa baadhi ya Wabunge walizungumza bila kufuata utaratibu)

NAIBU SPIKA: Kuna shida kwa sababu mimi nimesema kama mmojawapo wa viongozi, malalamiko hayaji kwenu, yanakuja huku. Kwa sababu hiyo, hili mlifahamu na mliweke sawasawa kwenye kumbukumbu ili lisije kuleta shida baadaye.

Waheshimiwa Wabunge, nimesema hili ili lisije kuleta shida baadaye. (*Makofi*)

Tunaanza na wachangiaji wetu na majina yameletwa hapa mbele. Tutaanza na Mheshimiwa Emanuel Mwakasaka, atafuatiwa na Mheshimiwa Christopher Chiza na Mheshimiwa Najma Giga ajiandae.

MHE. EMANUEL A. MWAKASAKA: Mheshimiwa Naibu Spika, ahsante kwa kunipa nafasi ya kuanza kuchangia hoja. Kwanza nimpongeze Mwanasheria Mkuu wa Serikali kwa kutuletea hii Sheria ya Marekebisho ya Sheria Mbalimbali Na.3 (*Written Laws Amendment Bill of 2019*).

Mheshimiwa Naibu Spika, kwa upande wangu kwanza naona haya marekebisho kama yalikawia kidogo. Huu ndiyo wakati wake muafaka kuletewa haya marekebisho, kwa hiyo naipongeza sana Serikali. (*Makofi*)

Mheshimiwa Naibu Spika, kabla sijaanza kuchangia moja kwa moja, nilikuwa nasoma maoni ya Kambi Rasmi ya Upinzani Bungeni kuhusu Muswada huu nikianza na pale alipotoa mifano msomaji kwamba Muswada huu kwa uharaka wake haukupata baadhi ya maoni ya wadau na akawataja wale ambao ni Wakala wa Meli.

Mheshimiwa Naibu Spika, naomba nimkumbushe msoma taarifa wa Kambi Rasmi ya Upinzani kwamba kwa mujibu wa Ibara ya 64 (1) ya Katiba yetu ya Nchi, Bunge ndiyo lenye mamlaka ya kutunga sheria mbalimbali kwa niaba ya wananchi, lakini pia kwa mujibu wa Kanuni yetu ya 84 ya Kanuni za Kudumu za Bunge, Kamati hailazimiki kupokea hayo maoni ya wadau kama ambavyo ameanisha yeye, lakini pia kwa taarifa yake tu ni kwamba tulipata maoni ya wadau

wengi sana ikiwemo na Benki ya Dunia ilileta mwakilishi.
(Makofi)

Mheshimiwa Naibu Spika, naipongeza pia Serikali kwamba imekuwa sikivu sana kwenye ushauri wa Kamati. Kwenye sehemu mbalimbali ya Muswada huu, Serikali imeridhia maoni mengi ya Kamati, kwa mantiki hiyo, naipongeza sana Serikali. Nikianza na suala la *definition* kwenye Sheria ya Makampuni, Sura 212, Kamati ilikuwa imependekeza kwamba kuwe na ile tafsiri ya zamani kwa ajili ya kuweka wigo mpana kwenye masuala ya biashara, lakini nashukuru pia kwamba Serikali imeweza kuchukua maoni mengi ya Kamati.

Mheshimiwa Naibu Spika, ukiangalia Kifungu hiki cha 6 ambacho kinahusiana na suala la ku-*comply* kwa makampuni yale ambayo yalikuwa *registered* chini ya Sheria ya Makampuni na yanatakiwa kuhamia kwenye sheria zingine, ule muda wa miezi miwili, Kamati sisi tulipendekeza iwe miezi mitatu kwa sababu ni suala tu la *compliance* kwamba wafuate sasa taratibu ambazo zinawaondoa kwenye Sheria ya Makampuni kwenda kwenye sheria zingine kwa mfano *Non-Government Organization Act*. Kama kampuni itakwenda kule basi Kamati tulipendekeza kwamba kuwe na suala tu la Mheshimiwa Waziri kuweza kuweka kwenye *schedule of amendment* ili yule mtu ambaye anahamia kwenye sheria zingine aweze kupata muda wa kutosha. (Makofi)

Mheshimiwa Naibu Spika, sitaongelea vifungu vingi ili na wenzangu waweze kuchangia, nitakwenda katika vifungu vichache na hasa vile vilivyopata malalamiko mengi. Kwa mfano, ukienda kwenye kifungu cha 10 cha Sheria ya Makampuni, Sura 212 ambayo imelalamikiwa sana kuanzia kwenye Kifungu 400(1), Serikali pia katika sehemu hii tunashukuru ilipokea mapendekezo yetu. Pia kuna *terminology* ambayo imekuwa imeleta shida sana ambayo ukisoma ile 400A(1) hili neno *reasonable cause to believe* lilileta shida sana kwamba pengine maeneo haya Msajili anaweza kuwa *biased*, Msajili anaweza tu kuamua

anavyotaka yeye, lakini Serikali katika kifungu hiki ilituhakikishia kwamba kutakuwa na *room* ambayo yule ambaye hakuridhika na kile ambacho kipo pale anaweza kukata rufaa na hiyo inakwenda mpaka kwenye kifungu 400A(2)-(7), vifungu hivyo vitamfanya Yule ambaye hakuridhika aweze kukata rufaa. Katika hili kama Kamati tuliomba Ibara ya 13(6)(a) iweze kuzingatiwa ili yule ambaye atakuwa anakata rufaa aweze kuona amepata haki.

Mheshimiwa Naibu Spika, kuna sheria hii ambayo inausiana na taasisi zisizokuwa za Kiserikali, (*Non-Government Organization*), *Cap. 56*, hili suala pia hapa lilileta shida sana kwenye mjadala wa Kamati kwa sababu wengi wa wadau walikuja na hoja ya kwamba miaka 10 kusiwepo na hiyo *renew ya registration*, lakini wadau wale kwa sababu walikuwa wanajirudiarudia tuliwaomba pia watupe *best practice* ya nchi zingine katika hili kwamba je, wanataka sheria hiyo idumu moja kwa moja kwamba mtu asiwe hata anakuwa *reviewed* na vitu kama hivyo. Wadau wengi katika sehemu hii walishindwa kufafanua *best practice* kwamba ni nchi gani hizo ambazo zinaaachia tu mtu anakwenda kwa sababu alisajili *NGO*, basi hata kama anakwenda kinyume cha matakwa basi aendelee kuachiwa tu. Wadau wengi walishindwa kufafanua, kwa hiyo sisi kama Kamati, eneo hili tunaiunga mkono kabisa Serikali kwa marekebisho ambayo wameleta. (*Makofi*)

Mheshimiwa Naibu Spika, kuna suala hili la Sheria za Takwimu, Sura 351. Kuna kifungu kile 37(4) ambacho kinapendekeza adhabu kwa mtu yeyote ambaye atatoa takwimu ambazo hazijapata kibali kutoka Ofisi ya Takwimu ya Taifa. Sisi Kamati tunaunga mkono eneo hili kwa sababu bila kudhibiti hizi takwimu zinaweza kutuletea madhara makubwa sana...

(Hapa kengele ililia kuashiria kwisha kwa muda wa mzungumzaji)

NAIBU SPIKA: Ahsante sana Mheshimiwa, kengele ya pili imeshagonga. Mheshimiwa Christopher Chiza, atafuatiwa

na Mheshimiwa Njma Murtaza Giga na Mheshimiwa Saed Kubenea ajiandae.

MHE. ENG. CHRISTOPHER K. CHIZA: Mheshimiwa Naibu Spika, ahsante sana. Naomba nianze kwa kumpongeza Mwanasheria Mkuu kwa kutuletea mabadiliko haya ya sheria mbalimbali. Kwanza naomba niseme kwamba mabadiliko haya ya mara kwa mara tumekuwa Bungeni humu muda mrefu wala sio mabaya, ni jambo la kawaida tu.

Mheshimiwa Naibu Spika, nimemsikiliza Msemaji wa Kambi Rasmi ya Upinzani akiwa na wasiwasi kwa nini kila mara tunafanya mabadiliko katika sheria hizi. Katiba zinabadilika, sheria zinabadilika kulingana na wakati, kwa hiyo haya mabadiliko yanapokuja wala hayalengi mtu fulani kwa sababu yanakwenda na wakati ule na mabadiliko yaliyoko kwa wakati huo. Sheria sio msahafu, kwa hiyo kwa kweli haya mabadiliko ambayo Mheshimiwa Mwanasheria Mkuu ametuletea, nayaunga mkono na nina sababu za kusema hivyo. Nina maeneo machache ambayo ningependa niyazungumzie.

Mheshimiwa Naibu Spika, kwanza nizungumzie Sheria ya Makampuni. Nimepitia Sheria ya Makampuni na mimi kama Mbunge kule kwangu wako watu ambao wangependa sana kurasimisha biashara zao, lakini unakuta wakati mwingine wakitaka kurasimisha biashara zao kutokana na mabadiliko ya kila mara kwa mfano sasa hivi ukitaka kurasimisha biashara yako, sharti ambalo *BRELA* wametuwekea ni lazima uwe na kitambulisho cha Utaifa. Hata hivyo, vitambulisho hivi ni wangapi wanavyo?

Mimi mwenyewe nimeuliza swali hili hapa Bungeni kama mara mbili hivi, hatujaweza kuwafikia Watanzania wengi kuwapa vitambulisho hivi. Sasa unapoweka kipengele kama hiki kwamba usipokuwa na kitambulisho cha Taifa, huwezi kurasimisha biashara yako na mtu yuko vijijini, yuko Kakonko au Nachingwea huko anataka kurasimisha biashara yake na hajapata kitambulisho, mtu huyu hawezi kurasimisha biashara yake hata kama alikuwa na lengo zuri.

Mheshimiwa Naibu Spika, na sasa hivi tunataka kuingia katika uchumi wa kati, ambao ni pamoja na kuanzisha makampuni na viwanda. Sasa nilazima tuangalie, sheria hizi tunapoziweka, tuwe na *flexibility*. Baadhi ya mambo ambayo yanaweza kukwamisha tuyarekebishe. (Makofi)

Mheshimiwa Naibu Spika, liko suala la *BRELA*, nadhani, tunahiaji *BRELA* nayo kidogo i-*extendtentacles*zake. Nilikuwa naongea naMheshimiwa WaziriMstaafu kwamba, hivi *BRELA* sasa hivi, *area* yake ya *operations*, mahali pake, ofisi ziko wapi mpaka sasa! Hadi sasa kama niko sawasawa, sijakosea, *BRELA* haija-*extend* mpaka huko mikoani, yenyewe iko kwenye kanda tu. Sasa unawata watu walioko kwenye wilaya huko, watoke huko wote wakarundikane au wakasafiri kwenda kumfuata *BRELA*, ama kwenye kanda au Dar es Salaam. Urasimishaji unakuwa mgumu, hata kutengeneza *returns* wakati mwingine inakuwa ni vigumu.

Mheshimiwa Naibu Spika, kwa hiyo, naomba Mheshimiwa Mwanasheria Mkuu, katika sheria hii, tuliangalie jambo hili tunapotaka watu waweze kutekeleza, wafanye shughuli zao za biashara, wapeleke *returns* kwa wakati tuwape *flexibility* wasipate matatizo katika kutekeleza matakwa ya sheria.

Mheshimiwa Naibu Spika, naomba nije kwenye suala la Sheria ya Mashirika Yasiyo ya Kiserikali. Mimi nafikiri, kama alivyosema Mwanasheria Mkuu, kwa kweli hizi *NGO's* lazima ziwe *regulated*. Hatuwezi kuwa na utitiri wa *NGO's* nyingi, zinazo-*operate* katika nchi hii yetu ambazo hazina *regulation*, tutashindwakuzidhibiti. (Makofi)

Mheshimiwa Naibu Spika, kama wananchi wa kawaida tu wanakuwa *regulated*, sasa itakuwaje *NGO's* zisiwe *regulated*?Kwa hiyo, mimi nafikiri, kwa kweli tunahitaji kuwa na utaratibu, na ninakubaliana na Mwanasheria Mkuu, lazima tuzi *regulate* na nina sababu kama tatu.

Mheshimiwa Naibu Spika, moja, ziko *NGO's* ambazo, sitaki kuzitaja, utaiona *NGO* imekuja, inaingia mpaka hata

vijijini, inajinasibu kwamba inapeleka misaada inakwenda kuwanufaisha jamii inayohusika, lakini unapofika kule mwisho wa siku unakuta fedha zile zilizoletwa, labda waliozichukua ni walewale waliovaa *t-shirt* za *NGO*, waliozichukua ni wale wale waliozileta na wengine kama ni *international NGO*'shizi, fedha zile kwa wingi zinarudi huko zilikutoka. Sasa ukija kutazama, zimenufaishaje ile jamiihuoni. Kwa hiyo, mimi nakubaliana kabisa na Mheshimiwa Mwanasheria Mkuu kwamba lazima tuzi-*regulate*.

Mheshimiwa Naibu Spika, lakini liko suala lingine ambalo mimi nimelishuhudia mwenyewe, nalo ni kwenye fedha zinazokwenda moja kwa moja kwenye halmashauri zetu. Sijui kama kiutamam mnaiziita *defunds* au nini. Nimeshuhudia mahala pengine, miradi ambayo tumeipanga kuitekeleza kupitia kwenye halmashauri zetu miradi hiyo hiyo inapata fedha kupitia kwenye *NGO*.

Mheshimiwa Naibu Spika, lakini kwa sababu *NGO*'shizi nyingine zinakwenda moja kwa moja mpaka kwenye halmashauri, zinapeleka fedha zao wakati mwingine ukija Wizarani hata hawana habari hiyo, kwamba *NGO* fulani imepeleka fedha kiasi gani na inatekeleza mradi gani.

Mheshimiwa Naibu Spika, sasa athari yake ni nini; mimi sina tatizo kwamba *NGO*'s zisipeleke fedha, lakini kuna mahali pengine; mimi niko katika Kamati ya *LAAC*; unakuta mradi huo huo umekasimiwa fedha za Serikali, lakini mradi huo huo kuna fedha za *NGO* zilizokwenda kwa utaratibu mwingine; sasa wengine wanaweza hata waka-*take advantage*, maana fedha zimekuja mara mbili, zinatumiwa kwa mradi huo huo, inakuwa *double accounting*, kumbe zingeweza zikatumiwa mahali pengine. Sasa kama *NGO* imepeleka fedha ingekuwa inajulikana basi Serikali ingeelekeza fedha zake mahala pengine. (*Makofi*)

Mheshimiwa Naibu Spika, la mwisho linalofanana na hilo ni katika mambo ya *regulation*. Mimi nakumbuka nilipokuwa mkurugenzi ndani ya Serikali niliwahi kukutana na miradi kama miwili inayotekelezwa na *NGO*'s; imetekelezwa

na imekamilika lakini katika viwango visivyokubalika. Unajua hata katika kutekeleza miradi lazima kuna viwango; katika *designs* kuna *engineering standards*. Sasa unakuta NGO imekwenda, wamefika wameongea na wananchi, wameanza kutekeleza mradi, unapokuja sasa kufanya *auditing* ya mradi, mradi ule hauna viwango, haukidhi viwango vinavyotakiwa kwa maana ya viwango vya kiserikali. (Makofi)

Mheshimiwa Naibu Spika, kwa hiyo, hapa ndipo ninaposema, kwa kweli, mimi nakubaliana kabisa kwamba NGO's hizi, kwa nia njema kabisa lazima ziwe *regulated* na Serikali.

Mheshimiwa Naibu Spika, baada ya kusema haya, naomba kuunga mkono hoja kwa asilimia 100. (Makofi)

NAIBU SPIKA: Ahsante, Mheshimiwa Najma Murtaza Giga, atafuatiwa na Mheshimiwa Saed Kubenea, Mheshimiwa Amina Mollel ajandae.

MHE. NAJMA MURTAZA GIGA: Mheshimiwa Naibu Spika, ahsante sana kwa kunipatia nafasi, na mimi ningependa kuchangia katika muswada huu ambao umekuja kwa hati ya dharura katika maeneo matatu, Sehemu ya pili, ya tatu na ya nne.

Mheshimiwa Naibu Spika, kwanza kabisa ni sehemu ya pili ambayo inahusiana na masuala ya kampuni. Kwa muda mrefu sana nchi yetu imekuwa na kampuni, taasisi binafsi ambazo si za Serikali, pamoja na taasisi nyingine za kijamii, bila kuwa na mfumo uliokuwa sahihi katika kuzisajili hizi taasisi. Kwa hiyo kuletakwa muswada huu wa dharura sijambo la ajabu, kwa sababu kama kuna jambo linaweza kuharibika katika nchi basi kuja kwa dharura siyo tatizo, na hii ni kazi yetu Wabunge. (Makofi)

Mheshimiwa Naibu Spika, kwa hiyokuletwa kwa Muswada huu mbele yetu kunakuja kuweka sasa usajili uliokuwa rasmi. Hapo nyuma unakuta kampuni imesajiliwa

lakini malengo yake si ya kibiashara hivyo inabidi iende ku-*fall under NGO's Act*;na zile ambazo zimesajiriwa na zinafanya kazi ya kibiashara basi inabidi ziende kwenye *Company's Act*. Kwa hiyo hiki ndicho kilicholetwa na Serikali, si jambo baya; ni dhamira njema ya kuweka mfumo uliokuwa unafaa katika nchi ili kuweka sawa mambo yaende kwa lengo la kusaidia Watanzania, hilo ndilo jambo muhimu na wala siyo baya na ninaomba watanzania waamini hivyo. (Makofi)

Mheshimiwa Naibu Spika,hakuna *NGO* ambayo itakuwa inafanya kazi zake kwa mujibu wa utaratibu ikafutwa, wala kampuni ambayo itakuwa inafanya kazi zake kwa mujibu wa utaratibu ikafutwa, hayo ni dhana potofu za watu wasiopenda maendeleo ya nchi yetu. Hilo ni moja. (Makofi)

Mheshimiwa Naibu Spika, I la pili, malengo ambayo yamekusudiwa katika hizi taasisi je, yanatekelezwa. Tumeshuhudia *NGO's* nyingi latika taifa letu zinasajiriwa kwamalengo yaliyopangwa, zinafanya kazi malengo mengine kabisa;hayo hayatakiwi wala hayafai katika nchi hii kwa maslahi au usalama pamoja na maslahi ya Watanzania wenyewe. (Makofi)

Mheshimiwa Naibu Spika, nitoe mfano mmoja;taasisi inasajiriwa kwa ajili ya kuhubiri mambo ya dini inakwenda kuhubiri siasa, wapi na wapi?(Makofi)

Mheshimiwa Naibu Spika, hiyo ni mifano midogo tu michache, hatuwezi kuachilia nchi inakwenda hovy hovy kama hivyo, nchi ina watu wenyewe na ni wananchi, ambao sisi humu ndani tunawawakilisha leo hii. Kwa hyo, hilo haliwezi kukubalika. (Makofi)

Mheshimiwa Naibu Spika, lakini pia hizi taasisi, zinaingiza ma-*Trillions of money*, kwenye nchi yetu, je, zinatumika kwa maslahi ya Watanzania waliokusudiwa?(Makofi)

Mheshimiwa Naibu Spika,*so transparence*, uwazi katika kuziangalia hizi taasisi zetu ambazo zinaendeshwa bila

ya kuingia na Serikali ziwe zinafuatiliwa na kuwa *monitored* kuangaliwa kwamba je, yale malengo yanakusudiwa, lakini je kile kinachoringia kwa maslahi ya Watanzania kinatumika kwa walengwa au kinapenya pembeni na kwenda kwa wanufaika wachache?Hiloni muhimu sana katika nchi yetu kuzingatia na wala haina ubaya na mimi naomba Watanzania waelewe hivyo, na wala halina tatizo. (Makofi)

Mheshimiwa Naibu Spika, sehemu ya tatu, kuhusu *Copy Right*(Haki Miliki). Watu wengi wanatushanga duniani, tuache mataifa ya nje kabisa yaliyoendelea sana kama Marekani;wana mifumo mizuri ya kuweka sheria za kudhibiti haki miliki za sanaa zao, filamu zao, kuzilinda, kuhakikisha kwamba zinaleta manufaa katika nchi zao.

Vilevile nchi nyingine za Afrika pia watatushangaakwa sababu Tanzania hatuna mfumo bora. Vijana wetu waKitemania wanajitahidi sana katika tasnia ya filamu.Wanatunga michezo, wanafanya mambo mengi, wanachora, wanachonga, wanaimba nyimbo nzuri zinazopendwa mpaka nje ya Tanzania; lakini je, haki miliki ya sanaa zao imedhibitiwa na kutunzwa?(Makofi)

Mheshimiwa Naibu Spika, kwa hiyo, sheria hii inakwenda kuwalinda vijana wetu wa Tanzania ambao wanajitolea kujiajiri kwa kufanya kazi za sanaa. Mimi nitaiomba sana Serikali iweze kuangalia katika utengenezaji wa sera zake ziwe mbili ambazo zinakwenda kudhibiti haya mambo ya *NGO* pamoja na mambo ya Sanaa na Filamu. Tuwe makini katika kutengeneza sera zilizo borana imara zitakazoweza kutudumisha nchi yetu kwa miaka mingi mbele katika kusaidia tasnia hizi mbili. (Makofi)

Mheshimiwa Naibu Spika, nasema hivi kwasababu, mtu anachonga kinyago chake hapaTanzania kizuri kabisa, kikishatoka nje ya nchi ndiyo amekwisha, hana faida nyingine yoyote. Watakwenda ku-*duplicate*, wataengeneza wanavyoweza wao, faida ya haki miliki ya yule mtengenezaji wa kwanza iko wapi?Wenzetu wana *brands* zao ikishatoka nje inalipwa na kulipwa ma-*Trillions* yanaingia. Kwa hiyo hilo

ndilo kusudio na lengo la sheria hii iliyokuja kwa hati ya dharura. *(Makofi)*

Mheshimiwa Naibu Spika, nakuja sehemu ya nne, hii Sheria ya Filamu na Michezo ya Kuigiza. Sheria inakuja vizuri kabisa, inakuja kulinda maslahi ya hawa vijana wetu wanaoendesha hizi kazi. Hiyo ni moja, lakini pia inakuja kuweka mfumo bora wa kulinda utamaduni wa nchi yetu. Hakuna upotoshaji hapo utakaokwenda kupotosha tamadi za nchi yetu. Nikitolea mfano, labda vibanda hivi vya filamu ambavyo vinaonyesha, tukiweka udhhibiti wa hivi vibanda, tutaweka mfumo bora ambao hata wanafunzi hawatatoroka shule kwenda kuangalia filamu. *(Makofi)*

Mheshimiwa Naibu Spika, lakini pia tutaweza kudhibiti maudhui yanayotolewa kwenye vile binada. Tumegundua kwamba watoto wanaangalia, vijana wanaangalia, lakini pia ukiingia kwenye mabasi ambayo tunapanda, yanayosafiri mikoani, filamu zinawekwa baba yuko pale mtoto yuko pale lakini ukitazama maudhui yaliyopo; tunaburudisha, *of course* mimi sikatai watu waburudike; lakini utakuta maudhui, mavazi yaliyokuwamo ndani, hayawezi kukidhi utamaduni wa Watanzania. *(Makofi)*

Mheshimiwa Naibu Spika, kwa hiyo, naomba sana Serikali, itakapokwenda kutengeneza sera na kuweza kurekebisha sheria katika masuala hayatuzingatie na maadili ya nchi yetu. *(Makofi)*

Mheshimiwa Naibu Spika, muda wangu umekwisha.

MBUNGE FULANI: Bado, endelea.

MHE. NAJMA MURTAZA GIGA: Mheshimiwa Naibu Spika, bado, ahaa, maana hawa wananchanganya hapa wananiambia umeisha.

Mheshimiwa Naibu Spika, kwa hiyo, kwa heshima kubwa kabisanasema tena, narudia kwa mara nyingine, kwamba kazi ya Bunge ni kusimamia wananchi wetu na

kuwawakilisha, lakini kazi yetu nyingine ni kutunga sheria, hata iwe ya dharura iwe yoyote, kwa hiyo wananchi tusichoke na tusikate tamaa. Kuna watu wana dhana kwamba ikishakuja sheria hapa ndiyo ije imetimia. Nasema hivi, sheria si Vitabu Vitakatifu vya Mungu, sheria zinatakiwa kubadilika kwa kadri ya mahitaji yanapohitajika. *(Makofi)*

Mheshimiwa Naibu Spika, hata ikiwa kwamba Mheshimiwa Rais atakuwa amesaini leo nabaada ya miezi mitatu ikaonekanahuko nje imegonga inarudi hapa tunarekebisha.Hilo halina mjadala, kwanini tunakuwa wakaidi? Tusiwe wavivu Waheshimiwa Wabunge katika kufanya kazi zetu, hilo ndilo linalohitajika, kwa sababu sheria hizi siyo za kudumu, mahitaji yanabadilika...*(Makofi)*

MBUNGE FULANI: Siyo amri ya Mungu.

MHE. NAJMA MURTAZA GIGA: Siyo amri ya Mungu, kama hivyo unavyosema.

Mheshimiwa Naibu Spika, kwa hiyo mimi ninaomba sanasana sanatuipokee sheria hii, tuifanyie kazi, tuiptishe leo hii, kwa maslahi mapana ya nchi yetu na si kwa lengo lingine lolote. Mwenye mawazo tofauti huyo kwa kweli anapotosha watu, aondoke katika hisia hizo arudi tujenge Serikali yetu. Wapinzani nawaomba muingine na nyinyi muunge mkono hii hapa, iende ili tuweze kunufaika, ninyi pamoja na sisi na watanzania wote.*(Makofi)*

Mheshimiwa Naibu Spika, baada ya kusema hayo naunga mkono yote na naomba Muswada huu uweze kupita kwa heshima zote. *(Makofi)*

NAIBU SPIKA: Mheshimiwa Saed Kubenea atachangia dakika kumi atafuatiwana Mheshimiwa Esther Michael Mmasi, Mheshimiwa Pascal Haonga ajiandae.

Naona hayupo, Mheshimiwa Esther Michael Mmasi, atafuatiwa na Mheshimiwa Pascal Haonga, Mheshimiwa Ally Saleh ajiandae.

MHE. ESTER M. MMASI: Mheshimiwa Naibu Spika, ninasimama kwa heshima na unyenyekevu mkubwa katika Bunge lako Tukufu ili nami niweze kuchangia Muswada huu wa Sheria kama ulivyowasilishwa na wawasilishaji.

Mheshimiwa Naibu Spika, kwanza nitapenda pia kurudi nyuma, hasa nikirejea Ripoti ya Kambi Rasmi ya Upinzani Bungeni, na hasa alipoishia Mheshimiwa Giga pale kwamba, wenzetu hawa wanasema, wanatulaumu kwamba pengine sisi tumekuwa ni watu wa kuleta miswada ya dharura na tumekuwa ni watu wa kukaa vikao visivyokwisha kwenye mapitio.

Mheshimiwa Naibu Spika, mimi ninafahamu vitabu viwili ambavyo havipashwi kuwa na mabadiliko yoyote. Sijui cha wapagani sijakisoma, lakini Quran Takatifu pamoja na Biblia Takatifu ni vitabu ambavyo havihitaji *any kind of amendment*.

Mheshimiwa Naibu Spika, kwenye kitabu changu mimi ninachokiabudu, yaani kitabu cha kanisa langu, kimeandikwa mahali, sikumbuki mlango; imesema hivi, yeyote atakayeondoa hata yodi moja katika hiki basi na mapigo yake yataongezwa hivyo hivyo. (*Makofi*)

Mheshimiwa Naibu Spika, kwa hiyo, kitabu hiki hakina mabadiliko, lakini vitabu vyote vilivyobakia, vinahitaji mabadiliko, kwa sababu kama alivyosema Mheshimiwa Giga, na nakumbuka mwalimu wangu mmoja alinifundisha *Kibosho Girls* sakaniambia, Mmasi sikiliza, dunia ikiwa inageuka inazunguka nawe zunguka, ukismama itakukata mtama. Kwa hiyo tuacheni nasisi tuzunguke na dunia, na hivi ndivyo inavyohitajika twende. (*Makofi*)

Mheshimiwa Naibu Spika, tumeambiwa kwamba eti sheria hi imekuja kwa ajili ya kukomoa kundi fulani au watu Fulani; nimesikitika sana kwa sababu hiyo ni ripoti ya kambi rasmi ya upinzani Bungeni; huu ni upotoshaji mkubwa. Tunapoangalia na rafiki yangu Salome pale, yeye ni msomi, mbobezi mzuri wa sheria. Sheria hii imelenga ku-*strengthen*

rules of engagement and procedures kwenye *operation* nzima masuala haya ya NGO na taasisi zake. (Makofi)

Mheshimiwa Naibu Spika, nikianze *Section 400(a)* *page 7* tunaona kwamba Msajiri wa NGOs anapewa mamlaka ya kusimamisha na si kufuta, kwa sababu wengi wamesema wanasema kwamba amepewa mamlaka ya kufuta NGOs, lakini tunasema hapana, kilicholetwa mbee yetu, Msajiri wa NGOs ana mamlaka ya kusimamisha *operations* zote za NGO pale ambapo itasadikika imeenda kinyume na *objectives* zake au na kusudiola uanzishwaji wake nchini Tanzania.

Mheshimiwa Naibu Spika, na tumesema tume-*layout rules of procedures* kwenye hili; kwamba lazima msajiri atatoa siku 30 kuwaomba hawa ambao wameenda *contrary to their objectives* kuweza kujielezani kwanini wameenda kinyume. Masharti haya yako wazi, *grounds* ziko wazi, tumeelezwa masuala ya *frauds, money laundering, human trafficking* na *drugs trafficking*, yote haya tumesema hizo *criminal activities*, hatuwezi kuzivumilia.

Mheshimiwa Naibu Spika, pamoja na hizi *rules of procedures*, mimi ninakumbuka kwamba kwenye *appealing*, nilivyosoma hii sheria, pia kuna *rules* za ku-*appeal* na *appealing* hii inafanyika kwenye bodi. Hata hivyo kwenye bodi wako watu tisa, ambapo watano wanatoka Serikalini na wanne wanatoka kwenye Baraza la NGOs nchini Tanzania; na kwenye *apex* kuna watu 30, 26 wanatoka nchi nzima Tanzania, na wanne wanakuwa *elected* kuingia kwenye hilo Baraza; kwa hiyo hapa kutakuwa na *fair game*, sioni tatizo katika hili, sioni *delicacy* yoyote katika hii *provision*.

Mheshimiwa Naibu Spika, nikienda moja kwa moja *page 16*, ibara ya 26, tumeongelea masuala ya *monitoring and evaluation*. Hili ni suala muhimu sana, kwa sababu ya *venerability* ya sekta yenyewe.

Mheshimiwa Naibu Spika, nitaoma mkipata kwa muda wenu tusome. Mtakumbuka *Waste Gate Scandal*,

*Waste Gate*ya Kenya. Ukisoma kwenye mitandao, mimi nimesoma kwenye mitandao lakini pia nime-*enquire* taarifa hizi kutoka kwa rafiki zangu Wabunge kule. *NGOs* 15 zilisadikika kushiriki kwenye *Scandal ya Waste Gate* nchini Kenya, nani anataka haya yajirudie nchini Tanzania? Imetoka *alert* juzi hapa watu walitembea bila viatu Dar es Salaam hawa hawakuwepo. Kwa hiyo jamani hili suala ni la muhimu sana. (*Makofi*)

Mheshimiwa Naibu Spika, mimi niko kwenye *RCC* ya Mkoa wa Kilimanjaro, pale Kilimanjarokuna kipindi, na wenzangu wapo, chama cha upinzani wapo pale wananisikiliza, ikiwa naongea uongo waniambie ninaongea uongo; alisimama Mheshimiwa *DC* mmoja akasema anasikitika Kilimanjaro kwa mara ya kwanza, wamebaini kuna taasisi ambao wana- *promote LGBTI activities! This is so sad! This is so sad indeed!* Kwa nini tuisimame hapa tukatetea huu muswada upite kwa haraka?

Mheshimiwa Naibu Spika, Muswada huu umekuja kwa wakati mwafaka, na ninaomba wale wenzangu tunaokaa kwenye kikao cha *RCC*, *both* upinzani na Chama Cha Mapinduzi, tuukubali Muswada huu. Ni aibu! Katika historiaya nchi hii Kilimanjaro ina historia nzuri sana kwenye masuala ya elimu.

Mheshimiwa Naibu Spika, mimi niko kwenye *group* moja la *social loophuko* huko Kilimanjaro, bahati mbaya wamenileftisha (*to left*), sikujua lakini tunajuana wenyewe huko. Alitokea mkubwa wa kanisa la KKKT akatuuliza pele kwenye *group*, hebu niambieni nasikia na makanisa nayo inabidi tu-*submit repots* zetu za hesabu, halikupatikana jibu, kwa sababu nimeleftishwa (*to left*), nashindwa nimjibu wapi, nitaongea hapa.

Mheshimiwa Naibu Spika, muswada huu wa *NGO*, ni Muswada wa *NGO'S Cap 56* wa mwaka 2002, lakini masuala haya yote ya kanisa yanasomeka kwenye *Society Act, Cap 337* ya mwaka 2002.

Mheshimiwa Naibu Spika, Muswada huu wa *NGO*, ni Muswada wa *NGO's Act, Cap. 56* wa mwaka 2002 lakini masuala ya Kanisa yanasomeka kwenye *Society Act, Cap. 337* ya mwaka 2002. Kwa hiyo, hakuna maingiliano hapa na masuala ya Kanisa, tunachoongelea hapa ni masuala mazima ya *NGO*, utaratibu wake na namna ambavyo tunaweza kuyaratibu.

Mheshimiwa Naibu Spika, naenda moja kwa moja kwenye masuala haya ya *law enforcement* ambapo Msajili atakapoonna kwamba sekta hii iko *vulnerable* au taasisi hii iko *delicate* kwa maana kwamba uendeshwaji wake unakiuka misingi ya uanzishwaji basi ana mamlaka ya kutumia *enforcement organ* katika kufanya *checks and balance*, hili ni suala zuri sana. Nasema hilli ni suala zuri kwa sababu sisi Tanzania ni wanachama *Eastern and Sourthen Africa Anti-Money Laundering Group*, ni Umoja wa Kupambana na Fedha Haramu na Ufadhili wa Ugaidi na Tanzania ndiyo *founder members*. Mwaka 2009 tulipata hati chafu kwa sababu kwenye *NGO* ilionekana kuna changamoto nyingi na hakuna *any law enforcement agency*, kwa hiyo, kipengele hiki ni muhimu sana na tunaomba kila mtu aunge mkono hoja. (*Makofi*)

Mheshimiwa Naibu Spika, mimi niko kwenye Kamati ya *PAC*, juzi tulikuwa na semina hapa tuliambiwa pamoja na sababu za kijioografia lakini Hoima tume-*win* ile *opportunity* kwa sababu pia ya masuala ya kiusalama. Leo hii tunapoanza kukataa na kuona kwamba eti ooh Msajili anatumia vyombo labda vya sheria, vya dola kuweka watu ndani, kufuta, ku-*suspend*, nadhani muda umepita jamani, masuala haya ni muhimu sana. Naomba na nashawishi Waheshimiwa Wabunge wenzangu wote tuunge mkono hoja kwa sababu haya masuala yana mashiko makubwa katika kutunza amani ya nchi yetu, katika ku-*promote* wawekezaji waingie kwa wingi vijana wetu wapate ajira na vitu kama hivyo. (*Makofi*)

Mheshimiwa Naibu Spika, nitaenda moja kwa moja kwenye *page 30* ambapo tunaongelea *TASAC*. Ibara ya 67(5) inasema hivi: "*The Director General shall serve for a term*

of five years renewable once on such terms and conditions as shall be set out in the scheme of service and letter of his appointment". Hili suala limepitwa na wakati, hawa wenzetu wa TASAC ambao wako katika nyumba hii tunapenda tuwafahamishe au tukumbushane tu kwamba TASAC ni shirika ambalo tumelitengeneza na tulipouhisha sheria hapa tulitaka lijiendeshe kibiashara, huwezi leo kujiendesha kibiashara unategemea *scheme of service*. Tunasema mkataba wa DG hata kama ni miaka mitano uwe *renewable subject to satisfactory performance* lakini siyo *subject to scheme of service or any other governance document*.

Mheshimiwa Naibu Spika, kwa hiyo, badala ya *scheme of service* au kwenye *terms* za *letter of his engagement* isomeke *upon satisfactory performance* kwa sababu tunataka tukimbie labda wenzetu hawajachoka ule muziki wa kutumbuliwa, sisi hatupendi haya yatokee, tunataka watu wa-*perform*, kwa hiyo, tuondoke huku. Mkienda na *life as usual*/hatufiki. Hili shirika tunataka li-*perform* na liweze kushindana, likae kiushindani, tutoke kwenye zile *bureaucracy* zetu za kiserikali, *life as usual*, tulishahama huko tusahau. (Makofi)

Mheshimiwa Naibu Spika, napenda pia atakapokuja Mwanasheria Mkuu wa Serikali anisaidie pale kwenye *page 29*, Ibara ya 65, inasema: "*The principal Act is amended in section 13, by deleting subsection (3) and substituting for it the following- "(3) Notwithstanding the provisions of subsection (2), the Director General shall not issue a licence for shipping agency if the applicant or its shareholder is ship owners, ship operator, ship charterer, dry port operator or clearing and forwarding agent"*

Mheshimiwa Naibu Spika, nilitaka kufahamu *what is the gist of this* kwa sababu sielewi, tunaambiwa eti kama mtu ukiwa mwanahisa kwenye shirika au kwenye taasisi ya *clearing and forwarding*, ukiwa ni una hisa yoyote hata kama ni ndogo au kubwa kwenye *dry port kind of institution or company* basi hutakiwi kupata *license*. Naomba kupata ufahamu wa ziada Mheshimiwa Mwanasheria Mkuu wa

Serikali *what is the gist of this provision?* Sielewi ni mazingira gani yanampa *DG* mamlaka ya kutokumpa leseni mtu ambaye *whether* ana *own clearing and agent company* au ni mwanahisa mahali popote? Naomba kufahamu na nikifahamu hapo basi nafikiri tutakuwa vizuri na tutaweza ku-support.

Mheshimiwa Naibu Spika, baada ya kusema hayo, naunga mkono hoja kwa asilimia 100, Muswada huu una tija, utazalisha ajira kwa sababu wawekezaji watakuja, nchi itakuwa na amani na nchi itatawalika.

Mheshimiwa Naibu Spika, baada ya kusema hayo, naomba kukaa, ahsante sana. (*Makofi*)

NAIBU SPIKA: Ahsante sana. Mheshimiwa Pascal Haonga, atafuatiwa na Mheshimiwa Susan Kolimba na Mheshimiwa Ally Saleh ajjandae.

MHE. ALLY SALEH ALLY: Mheshimiwa Naibu Spika, Mheshimiwa Haonga hayupo, *do I proceed.*

NAIBU SPIKA: *Sure.*

MHE. ALLY SALEH ALLY: *Thank you.*

Mheshimiwa Naibu Spika, ahsante sana. Kama walivyosema watu kwamba huu Muswada umekuja kwa dharura lakini sikubaliani na wengi wanaosema kwamba hakuna madhara ya dharura. Madhara ya dharura yapo kwa sababu hatukupata muda wa umakini wa kuupitia. Hata hapa msemaji wa mwisho, Mheshimiwa Ester alimalizia kwa kuuliza swali kwa nini hajui kama ukiwa wewe ni *owner* huwezi kupata leseni lakini kwa bahati mbaya wadau wa eneo hili hatukupata hata mmoja.

Kwa hivyo, anayesema kwamba Kanuni inasema kwamba hata bila wadau tunaweza kuendelea madhara yake ndiyo kama haya hatupati mawazo ya kutusaidia ili tuweze kufanya maamuzi.

Mheshimiwa Naibu Spika, lakini pili dharura hii baada ya kufikiri mimi naona imekuja kwa sababu moja muhimu, ni kwa sababu *IMF* na *World Bank* walikuja kuuchangia hapa kwenye Muswada wa Takwimu. Dharura ile ikaonekana hata Mwanasheria Mkuu alitumbia kwenye Kamati kwamba ilibidi wa-*withdraw the whole part* ya *Statistics* wakaiandike upya ambayo sasa imekuja *a better version* baada ya kuwasikiliza *IMF* na *World Bank*. Kwa hivyo, nahisi hiyo ndiyo ilikuwa moja ya dharura kwa sababu tulikuwa tumefika mahali tumekwama na ilikuwa lazima hawa watu tuzungumze nao na wamekuja na kuna *slight improvement* ya sehemu ya *statistics*. (Makofi)

Mheshimiwa Naibu Spika, mimi nitachangia sehemu mbili au tatu. Kwanza ni Sheria ya *Copyright and Neighboring Right*, eneo hili nimefurahi kwamba sasa imekaziwa kidogo kwa watu wanaofanya *piracy* ingawa kama Kambi ilivyosema hii sheria imetungwa wakati sera bado iko kwenye *cabinet*. Wengine tulikuwa tunafikiri kwamba sera ifanyiwe kazi halafu tuje na *a more compressive law* ya *copyright* na *neighboring right*. Wameweka hapa namna ya kudhibiti na faini, naziunga mkono na nakubaliana nazo itabaki kwenye utekelezaji.

Mheshimiwa Naibu Spika, lakini la pili kwenye Sheria ya *Neighboring Right* wamezungumza habari ya *resale*, naona hapa imewekwa kama kupachikwa tu hakuna umuhimu wa kuonekana *re-sale* hiyo tutailinda vipi ambayo iko nje ya nchi. Katika Kamati kitu kikubwa ambacho tulikuwa tunalilia ni kwamba Serikali *presentation* yake ya kuleta sheria ni *updated* kwa sababu wanasema madhumuni na malengo *very shallow, I am sorry to say*, haina taarifa ya kutosha. Waheshimiwa Wabunge hata katika dhana mpya hatupitishwi *through* tukaona kwamba dhana mpya zinafanya kazi vipi.

Mheshimiwa Naibu Spika, unasema unataka kulinda haki ya Mtanzania kuhusu *re-sale* lakini hujamwezesha Mbunge wako ajue duniani wanafanyaje *resale*. Imezungumzwa habari ya kinyago lakini kuilinda haki yako

huko duniani unafanya vipi na *best practice* ziko vipi? Kuna makosa mengi ya *best practice* ambapo tumeshindwa kuyafanya.

Mheshimiwa Naibu Spika, nikienda kwenye Sheria ya *Film*, nilipiga kelele sana ya kukosa *best practices* na taarifa za kutosha katika maeneo haya. Ni namna gani utamwezesha mtu wa *Hollywood* akuachie *raw footage*, wapi inafanyika mtu akuachie *raw footage* hata kama ni *copy* atajuaje usalama wake.

Mheshimiwa Naibu Spika, lakini nilitaka *best practice* nyingine kwamba eti ukishamalizana naye akiendelea kupata faida na wewe unapata faida katika filamu yake. Ina maana kaja hapa umemtoza kila kitu bado wewe unataka uendeleo kupata faida anapouza filamu, wapi inafanyika na *how best can we protect our country* katika eneo hilo.

Mheshimiwa Naibu Spika, pia Serikali haikuja na maelezo ya kutosha kutuambia eti baada ya kuisha kulipana kila kitu wewe uwe na haki ya *copyright* yake yeye uweze kuwa unaitumia kwa kumega vipande unavyoona vitamu uvitumie kwa ajili ya matangazo wakati wewe umeshamalizana naye. Wapi wengine wanaruhusu ili na sisi tuweze kujiridhisha? Serikali haikuja na maelezo ya wapi hili linatekelezeka.

Mheshimiwa Naibu Spika, lingine ni habari ya makosa, nilisema hapa kwamba watu wanaweza wakafanya makosa lakini tumeweka faini moja kubwa sana ya 5%, Serikali haikurudi kufanya marekebisho. Tunajua hawa watu wakija wanawekeza *billions* ingawa pengine akija hapa huwezi kujua undani wa bajeti yake lakini bado mtu ambaye anafanya filamu ya shilingi 1,000,000,000 halafu unamwambia kafanya makosa pengine makosa yale si makosa makubwa kama ya kuhatarisha nchi lakini pengine hakuwakatia watu leseni unaweka 5%. Kwa maoni yangu faini hiyo ni kubwa sana na ni mbaya na haitusaidii.

Mheshimiwa Naibu Spika, halafu lingine ni kwenye Sheria ya Kampuni, hapa pana *improvement* kidogo kwa sababu hoja ilikuwa kwamba kwa nini usipate fursa ya *challenge* ile sheria na ilikuwa ile sheria kabla ya kufutiwa lakini hapa kuna tatizo. Pia kulikuwa na tatizo ambalo bado lipo juu ya habari ya kutumia watu ambao wamekuwa *prohibited immigrant*. Tuna wasiwasi sehemu hii kama haikukaziwa vizuri ingawa inasema *by operation of law* yaani kama mtu amepitia taratibu zote za kisheria, amefukuzwa nchini kampuni yake ifutwe lakini tunajua kwamba inaweza ikatumika vibaya ama kwa watu kutoka kampuni au watu ambao wana ushindani hao kutengeneza mazingira ya watu hawa kufukuzwa nchini. Hii inaweza ikatishia wawekezaji na wakaanza kujiuliza, je, usalama wao uko vipi ikiwa kwa kufukuzwa nchini pamoja na kwamba sheria inasema anaweza mtu akaenda mahakamani baada ya miaka mitano akasajiliwa tena upya lakini bado kuna utata katika hili.

Mheshimiwa Naibu Spika, kingine ni suala la takwimu, eneo hili lina *improvement* ndogo. Hoja kubwa hapa ilikuwa uhuru wa kutoa takwimu kwa mtu yeyote bila ya kwanza kuipeleka *NBS* ili wa-*verify* halafu iwe *publishable*. Eneo hili lime-*improve* kidogo kwa sababu nafikiri tumewasikiliza *IMF* na *World Bank* wadau wakubwa wa maslahi ya *statistics* dunia nzima na tumeweka vipengele vime-*improve* kidogo. (Makofi)

Mheshimiwa Naibu Spika, kwa mfano, sheria ya sasa inatenganisha baina ya *statistic information* na *survey*, hili lilikuwa na utata. Pia tumejaribu kuweka *international* na *national standard*. Hili la *national standard* ziwepo lakini zisiende kinyume sana na *international standard* kwa sababu takwimu kama sayansi ina vigezo vilevile popote pale ambavyo unaweza kuvitumia kama *social science*.

Mheshimiwa Naibu Spika, kingine ni namna ambavyo sasa hivi mtu yeyote anaruhusiwa kutoa takwimu na *NBS* watakuwa na haki au fursa ya kujibu takwimu hizo. Pia Serikali imefanya jambo lingine zuri la kutengeneza *technical*

committee ambayo itakuwa inatizama kama takwimu zile zinakwenda sawa au haziendi sawa siyo kwa maana ya *right* au *wrong* lakini kwa maana ya kwamba zimetimiza masharti ya kisayansi. Inawezekana ukawa umetimiza masharti ya kisayansi ukatoa matokeo ambayo Serikali haiyapendi lakini muhimu ni *methodology* unayoitumia ambapo Serikali imejibana katika sheria imeweka vigezo vitakavyotumika ni pamoja na vya Afrika na vya UN.

Mheshimiwa Naibu Spika, kwa ujumla tunaona kwamba sheria hizi zilivyokuja zimetunyima fursa kama kwenye Kamati yetu ya Sheria. Nakubaliana na ukweli kwamba Serikali inaweza kuleta sheria wakati wowote lakini ili *urgency* imekuwa kubwa sana kiasi tumejadili sheria nane kwa siku mbili lakini sheria nane kwa wadau mbalimbali waliokuja kiasi ambacho ilikuwa ni *a bit of pressure*. Mimi sikuona sababu ya kufanya hivyo kwa sababu vitu vingine vingeweza kuja baaaye.

Mheshimiwa Naibu Spika, mtu hapa akisema kwamba wapinzani wanapinga hizi sheria au wanapinga mabadiliko haya *just for the sake of* kupinga hatutendewi haki. *We want to have a better laws* ambazo zitasaidia wawekezaji wetu na sisi ndani. Kwa hivyo, tukiinuka kwenye Kamati na Bunge hatupingi kwa sababu Muswada huu umeletwa na CCM, Muswada huu umeletwa na Serikali na Serikali ni yetu sote. Tunataka kutengeneza mazingira ili kwanza tusirudi tena hapa kutengeneza sheria hiihii. Pili, tutengeneze mazingira ili wawekezaji, tunasema tunataka Tanzania ya viwanda, Tanzania ambayo ina wawekezaji tutengeneze sheria ambazo zitakuwa *friendly* kwa wawekezaji na hicho tunachopigania. (*Makofi*)

Mheshimiwa Naibu Spika, kwa mfano, kuhusu Sheria ya Filamu nimesema tunataka *international standards* ili tuweze kuona *Bollywood, Hollywood* na nchi zingine zinafanya nini? Tumekuwa tukiambiwa kwa maneno pale kwamba nchi hizi zipo, hatukuweza kuona.

Mheshimiwa Naibu Spika, napenda pia nishauri Serikali katika hili kwamba unakuwa na *generation* mpya ya Wabunge ambao wanahoji sasa, Wabunge ambao wanaweza ku-*Google*, kufanya utafiti na kadhalika. Kwa hivyo, Serikali ibadilike katika mtazamo wake namna ya kuleta Miswada, ije na taarifa za kutosha ili iweze kutusaidia.

Mheshimiwa Naibu Spika, ahsante. (*Makofi*)

NAIBU SPIKA: Nakushukuru sana. Mheshimiwa Susan Kolimba atafuatiwa na Mheshimiwa Amina Mollel, Mheshimiwa Salome Makamba ajiandae.

MHE. DKT. SUSAN A. KOLIMBA: Mheshimiwa Naibu Spika, nakushukuru kwa kunipa nafasi na mimi niweze kuchangia hoja iliyoko mbele yetu ya Muswada ya Marekebisho ya Sheria Mbalimbali, Na. 3 ya mwaka 2019.

Mheshimiwa Naibu Spika, niseme kwa ujumla kwamba mambo mengi ambayo nilitaka kuyakazia na kuyasemea baadhi ya Wajumbe wa Kamati yetu wameyazungumzia na baadhi ya Waheshimiwa Wabunge wamechangia kabla ya mimi wameyasema. Nachotaka kusema ni kusisitiza kwa yale ambayo yalikuwa yanaonekana yanajirudia na hata wakati tunapokea maoni ya wadau mbalimbali yalikuwa yanajirudia.

Mheshimiwa Naibu Spika, la kwanza ni lile linalohusu kuweka wigo wa mashirika yatakayoruhusiwa kusajiliwa katika mashirika ya *NGO*. Marekebisho yaliyoletwa yanaweka utaratibu mzuri wa kuweza kusimamia jambo hilo na kuhakikisha kwamba kila shirika lisimamiwe na sheria husika.

Mheshimiwa Naibu Spika, mimi nasema kwamba marekebisho haya ni sahihi, ya kujenga nchi, yanaleta uwazi ambao unaweza ukawasaidia wale ambao wanasimamia mashirika haya ya *NGO* kuweza kufanya kazi zao vizuri. Kwa sababu sisi wote ni waelewa unakuta kwamba hizi taasisi au mashirika haya ya kijamii ambayo siyo ya Kiserikali yalikuwa yanasajiliwa kwa kutumia sheria za aina tofauti kama tatu.

Serikali inapokuwa imeleta marekebisho haya sasa hivi na kutaka kila shirika lisajiliwe kwa sheria husika naona kwamba marekebisho haya ni sahihi na yamekuja kwa wakati husika. (Makofi)

Mheshimiwa Naibu Spika, lakini lingine ni lile linalompa Msajili Mamlaka ya kuweza kufanya utaratibu na kuhakikisha kwamba mashirika haya yanatoa taarifa ya utekelezaji wa shughuli wanazozifanya katika mashirika yao ya kijamii. Wanapoleta taarifa maana yake ni kwamba wale wanaowasimamia kwa maana ya Msajili anaweza kujua kwamba zile shughuli ambazo wao wamesajiliwa nazo zinatekelezwa kama walivyoelezwa. Kwa namna ilivyo sasa hivi ilikuwa siyo rahisi kwa sababu yanasajiliwa kwa sheria tofauti, pale Msajili anapotaka kujua labda NGO hii inafanya nini unakuta kwamba pengine imesajiliwa kwenye sheria nyingine tofauti. Mimi nafikiri kwamba marekebisho haya yamekuja mahali sahihi.

Mheshimiwa Naibu Spika, lakini lingine nilikuwa nataka kusema tu kwamba kuna hofu ambayo imejengwa katika jamii na kwenye mitandao na baadhi ya wadau wamejaribu kupotosha umma kusema kwamba sheria zilizoletwa za Marekebisho haya, Na.3 ya mwaka 2019 yatasababisha kufutwa kwa madhehebu mbalimbali ya kidini yakiwemo madhehebu ya Kikristo, Kiislamu na mengineyo. Kama Kamati ilivyosema kwenye taarifa yake tunataka tuwahakikishie kwamba katika kupitia Muswada ulioletwa mbele yetu tumeona wazi kabisa kwamba nia siyo hiyo, madhehebu ya dini mbalimbali yataendelea kuwepo kwa sababu Muswada ulioletwa mbele yetu siyo wa kufuta madhehebu haya ya kidini. Kwa hiyo, nilikuwa nataka kuzungumzia pia hilo. (Makofi)

Mheshimiwa Naibu Spika, lakini lingine ni lile suala la kuhusu takwimu, imezungumzwa hapa na Kambi Rasmi ya Upinzani na baadhi ya Waheshimiwa Wabunge wamechangia lakini pale mnaposema kwamba lazima tuweke sawa kwa sababu sisi tulikuwa kwenye Kamati tuseme kwamba Serikali imekuwa ni sikivu. Huu Muswada wa takwimu

haujaletwa tu kwa sababu ya *World Bank*. Tunaposema tunatengeneza sheria yoyote katika nchi hii au nchi nyingine yoyote ni sheria ambayo lazima iwe inashughulika na masuala la wadau husika.

Kwa hiyo, hatuwezi kutenganisha kati ya wadau wa maendeleo au wadau wengine wowote hata wananchi. Nadhani kwamba Sheria hii ya Takwimu inagusa sio tu kwenye masuala ya wadau wa Kimataifa, lakini hata wadau wa ndani ya nchi kwa sababu, hata Serikali yenyewe pia, imekuwa tifu, wakati tukiwa kwenye Kamati yetu ya Katiba na Sheria tuliishauri na yenyewe imerudi na marekebisho mnayaona. Sasa hivi wameweza kuweka tofauti kati ya takwimu za *statistics* pamoja na *survey*, lakini vilevile wametenganisha kati ya *statistics* ambazo zinatengenezwa na nchi na zile za *ki-international* kwa maana ya kuangalia *guidelines* na sheria husika. Kwa hiyo, sisi tuwapongeze sana kwa jambo kama hilo.

Mheshimiwa Naibu Spika, lingine ni lile tunalotaka sisi kama Kamati tulikuwa tumeiomba Serikali kwamba, ihakikishe kwamba, Waziri mwenye dhamana aweke kipengele ambacho kinaweza kutengeneza *guideline* au mwongozo ambao utasaidia uratibu wa kufanya ufuatiliaji wa utekelezaji wa majukumu ya Mashirika haya Yasiyo ya Kiserikali. Hilo tunalisisitiza sana.

Mheshimiwa Naibu Spika, lingine na-*support* pamoja na kama tulivyokuwa tumekubaliana katika Kamati kwamba, kwa mtu ambaye anafanya makosa, ilipwe ikatwe kama asilimia tano kwa sababu, tulielezwa na Serikali ndani ya Kamati kwamba, huwezi ukasema kwamba, labda asilimia moja kwa sababu, makosa haya yaliyotajwa ni kaosa makubwa sana. Kwa hiyo, nadhani pamoja na kwamba nai-*support* Kamati, lakini pia na Serikali, ile asilimia tano waliyoweka nadhani iko sahihi.

Mheshimiwa Naibu Spika, lingine ni ushauri ambao ulitolewa kwenye Kamati wa kuiomba Serikali kuweza ku-*include* lile suala la *resale* kwenye mambo ya *Neighbouring*

Rights Act kwamba, wasanii wanapotengeneza kazi zao za sanaa, zinapokuwa zinakuja kuuzwa tena waweze kupata kufaidika nazo kwa sababu, sasa hivi hawafaidiki nazo. Kwa hiyo, hiyo nai-support.

Mheshimiwa Naibu Spika, lingine ni lile la kuweka ukomo wa usajili wa leseni za Mashirika haya Yasiyo ya Kiserikali. Naona kwamba, liko sahihi na hata katika Kamati wakati tulikuwa tunaulizana kwamba, je, hii imeweza kufanyika katika nchi nyingine au wenzetu wanafanyaje? Inaonekana kwamba, Tanzania sisi tunasema kwamba, haya Mashirika Yasiyo ya Kiserikali yanapokuwa yanasajiliwa yanakuwa yamepewa miaka 10 kuweza kuja tena kujisajili tena upya, lakini katika nchi nyingine unakuta kwamba, muda huo ni mfupi zaidi. Kwa hiyo, Serikali ilipoweka ukomo wa miaka 10, nafikiri kwamba, iko *reasonable* na sidhani kama kuna mtu anaweza akapinga hilo.

Mheshimiwa Naibu Spika, mwisho kabisa, niseme tu kwamba, Kambi Rasmi ya Upinzani inasema kwamba, Serikali ilipoleta mabadiliko haya ya Marekebicho ya Sheria Mbalimbali ni kama inaleta uonevu. Niseme kwamba, sio uonevu kwa sababu, yote yaliyosemwa yanafuata kanuni na sheria na tumepewa nafasi sisi kama wadau na watunga sheria kujadili na kutoa mapendekezo yetu. Mapendekezo yale ambayo tuliona kwamba, hayako sahihi sisi kama Kamati yamechukuliwa na Serikali na kwa namna ya kipekee niipongeze sana Serikali na Mwanasheria Mkuu wa Serikali kwa kufanya kazi nzuri. (*Makofi*)

Mheshimiwa Naibu Spika, nashukuru sana. (*Makofi*)

NAIBU SPIKA: Ahsante sana. Mheshimiwa Amina Mollel, atafuatiwa na Mheshimiwa Salome Makamba, Mheshimiwa Joseph Mhagama ajiandae.

MHE. AMINA S. MOLLEL: Mheshimiwa Naibu Spika, nakushukuru kwa kunipa nafasi nami niweze kuchangia. Nitajikita zaidi katika Sheria ya Filamu pamoja na Sheria ya Haki Miliki na kidogo kwenye makampuni.

Mheshimiwa Naibu Spika, naishukuru sana Serikali kwa kuleta Muswada huu, pamoja na kwamba, tulihitaji sana sera, lakini sheria hii ni muhimu kabla hata ya hiyo sera. Muswada huu unakwenda kuleta haki kwa wasanii kufaidika na kile ambacho wamekuwa wakikifanya na ni kilio cha wasanii kwa muda mrefu.

Mheshimiwa Naibu Spika, nakumbuka wakati nikiwa mdogo, ulikuwa ukisikia ngoma tu za Mzee marehemu Moris Nyunyusa unajua kabisa kwamba, ni taarifa ya habari ya Redio Tanzania. Mpaka leo hii yule mzee ametangulia mbele ya haki, Mwenyezi Mungu amrehemu, tukiuliza kwamba, familia yake inafaidika vipi au yeye amefaidika vipi hakuna chochote.

Mheshimiwa Naibu Spika, sio hao tu, tukiangalia marehemu Maalim Gurumo ambaye amekuwa ni msanii kwa muda mrefu tangu *NUTA Jazz*, akaja baadaye *JUWATA Jazz*, hatimaye Msondo Ngoma, amepitia bendi mbalimbali, lakini mzee yule amekufa maskini. Ni kutokana na sheria zetu ambazo kwa kweli, ziliwanyima haki, lakini sasa hapa ndipo ambapo naipongeza Serikali yetu kwa sababu, imedhamiria kwa dhati kuhakikisha kwamba, kila mmoja anafaidika na kile anachokifanyia kazi.

Mheshimiwa Naibu Spika, nianze tu kwa kuelezea katika kipengele ambacho kimefanyiwa marekebicho, hasa kwenye filamu. Napongeza sana kwa mfano Kipengele cha 16 cha Sheria Mama ambacho kinafanyiwa marekebicho katika Kifungu kidogo cha (1) ambacho kinamkataza mtu yeyote au taasisi kutoonesha maudhui yoyote ya filamu ambayo hayajaidhinishwa na Bodi ya Filamu.

Mheshimiwa Naibu Spika, umekuwa ni utaratibu msanii katoa kazi nzuri, kazi hiyo kabla hata yeye mwenyewe hajairuhusu kuiruhusu, yani kui-*release*, tayari kazi ile tunaiona kwenye vibanda au tunaiona maeneo mengine ambayo yanakwenda kumnyima haki kwa sababu, wananchi wanapooona kabla msanii wetu hajairuhusu yeye mwenyewe na kuweka mikataba ambayo ingeweza kumsaidia, basi

kipengele hiki kimewanyima sana haki ya msingi wasanii wa filamu. Naipongeza sana Serikali kwa kweli, kwa marekebisho haya ya sheria.

Mheshimiwa Naibu Spika, *National Geographical* ambao wamekuwa wakionesha mbuga zetu za wanyama, kwa mfano tunaona kabisa kwamba, pale ni Serengeti, tunaona kabisa kwamba, pale ni *Olduvai* ambayo ni alama ya pekee, huwezi kuipata sehemu nyingine. Hapo ndipo tunapouliza kwamba, je, Serikali yetu imefaidika vipi? Kwa sheria hii ni dhahiri kabisa kwamba, Serikali itaifaidika na rasilimali tulizonazo na hata wasanii wetu pia, kwamba, sheria hii inakwenda kuwalinda zaidi.

Mheshimiwa Naibu Spika, marekebisho haya ya sheria kipengele kile ambacho wanapokuja kurekodi katika hifadhi zetu, katika vivutio vyetu, wanatakiwa wanapotoka kule kwenye kufanya hiyo kazi waje wa-*submit footage* zile ambazo wame-*record*. Hii ni muhimu sana kwa sababu tutaweza kushuhudia kwamba, ni vitu gani ambavyo yeye ame-*record* katika maeneo ambayo tuliweza kuyaainisha kulingana na sheria hii na atakapoondoka kwa sababu, yale *material* tayari tutakuwa nayo na tutakuwa tume-*preview* kuona hawezi kwenda kuyatumia kinyume na endapo tutaona kwamba, ametumia maeneo mengine Serikali yetu itakuwa na haki ya kudai kwa sababu, tayari sheria tunayo na imeweza kuainisha matukio hayo.

Mheshimiwa Naibu Spika, pia kabla ya kuondoka hapa nchini kwetu kwa sababu, tayari atakuwa ameshajaza *clearance form*, *form* hii itatusaidia sisi. Yeye mwenyewe kwanza ataji-*commit* kueleza ni kipi ambacho ame-*record*, lakini pia kutokana na yale *material* hata atakapoondoka ni rahisi kwa *form* ile kuweza kumshtaki msanii au kampuni yoyote ambayo imekuja kufanya *production* hapa nchini kwetu. Kwa hiyo, sheria hii kwa kweli Serikali, nampongeza sana Mwanasheria Mkuu wa Serikali na Rais wetu, kwa kuleta sheria hii ambayo itakwenda sasa kuwafuta wasanii wetu machozi ambayo kwa kweli, wamekuwa maskini kwa muda mrefu, wanalilia haki zao. Tunaona kazi zao, filamu zao ni nzuri

sana, lakini hawafaidiki kadri ya jinsi ambavyo walipaswa kufanya hiyo kazi kupata malipo.

Mheshimiwa Naibu Spika, mfano mzuri tu ni marehemu Kanumba. Leo hii nikiuliza kwamba, mama yake anafaidika vipi na filamu ambazo mwanae ameweza kuzifanya hapa, jibu ni kwamba, hakuna na wala hatuwezi kujua. Kwa hiyo, sheria hii itakapokwenda kusimamia kikamilifu na sisi Wabunge tutakapoipitisha itawasaidia sana wasanii hawa.

Mheshimiwa Naibu Spika, katika Sheria ya Haki Miliki; naishauri Serikali iende mbali zaidi kwa kuangalia kwamba, watunzi ambao, wako watunzi filamu tunamwona sana msanii akiwa ameigiza, lakini kumbe wakati mwingine nyuma yuko mtu ambaye amefanya hiyo kazi ya kutunga hiyo kama ni *story*, lakini pia kuandika *script* na hatimaye msanii yeye anapangiwa na *producer* aweze kucheza hiyo filamu. Sasa naishauri Serikali kuona kwamba, ni kwa jinsi gani sheria hii itamlinda pia yule mtunzi ambaye amefanya kazi hiyo, sio wasanii wote watunzi, wapo wasanii ambao ni mahiri sana wanapopewa kazi kuimba stejini (*stage*) au kucheza, lakini nyuma wapo watu ambao ni watunzi wazuri sana. Kwa hiyo, naomba kuona kwamba, ni kwa jinsi gani sheria hii itawaangalia hawa watunzi ambao na wao wamekuwa wakitunga hiyo kazi na hawafaidiki.

Mheshimiwa Naibu Spika, lakini pia haki na mikataba ya wasanii. Mfano mzuri, kama tukiweka utaratibu mzuri katika sheria hii kuona kwamba, msanii anapoinjia mkataba na taasisi au kampuni yoyote ile, wawepo watu ambao watasimamia ile mikataba kwa sababu, sio wote wanaojua kusoma. Mikataba mingi imewapeleka pabaya na kwa mfano mzuri tu namzungumzia Saida Karoli ambaye miaka ya 2000 alifanya kazi nzuri sana kwa mara ya kwanza, kama msanii yeye peke yake, alijaza Uwanja wa Taifa Dar-es-Salaam kwa *show* zake alizokuwa akifanya. Hata hivyo, mpaka leo hii tukiuliza Saida Karoli bado yuko pale na ni maskini bado hajafaidika na zile kazi. Kwa hiyo, mikataba hii iwekwe kanuni na sheria kuona kwamba, ni kwa jinsi gani itawasimamia wote hawa wawili, ili basi wanapoinjia

mikataba wasiingie na mikataba ambayo itawafunga na haitawanufaisha wao kama wasanii.

Mheshimiwa Naibu Spika, lingine ambalo ningependa kuzungumzia ni kwamba, dunia sasa hivi ni kijiji na kama dunia ni kijiji, mtu kaingia mkataba na kampuni au taasisi mojawapo, lakini ile kazi anakwenda kuiweka mpaka *online* kwenye *You Tube* na kule anapata malipo. Sijaona kipengele ambacho endapo basi malipo yale atakayokuwa anapata kule *You Tube* yatamsaidia vipi huyu msanii mwenye hiyo kazi ambayo tayari alikuwa ameshaitoa. Kwa hiyo, naomba sana kama halipo kwenye sheria, basi tuje kuliweka kwenye kanuni ili kuona kwamba, sheria hizi hata ile kazi inayokwenda kuwekwa *online*, ambapo siku hizi *google* wanalipa vizuri sana, basi msanii huyo pia aweze kunufaika.

Mheshimiwa Naibu Spika, pia tunapoingia kwa mara ya kwanza kwenye mkataba na makampuni yanayokuja ku-*record* hapa nchini, kazi ile inakwenda kuoneshwa kule. Tumeingia mkataba mara ya kwanza, lakini kuwepo pia na sheria ambayo akienda kuitumia kwingine, kile anachokipata Serikali yetu na yenyewe pia iweze kunufaika katika hizo kazi, sio kwamba, ameingia mkataba na ameshalipa hapa, lakini ile kazi atauza maeneo mbalimbali na kuingia na makampuni mengi, Serikali yetu iweze kunufaika.

Mheshimiwa Naibu Spika, hii nchi ni tajiri. Nchi hii ina vivutio vingi ambavyo Mataifa mengine yote wanajivunia kwa hiyo, hata kama kukiwa na hizi sheria kwa sababu ya uhitaji, bado watakuja tu kwa sababu ya rasilimali tulizonazo.

Mheshimiwa Naibu Spika, mwisho kabisa kwa sababu ya muda, Sheria hii ya Takwimu. Nashukuru kwa kipengele hicho kwa sababu, naomba tu ninukuu tarehe 26 mwezi wa Nne mwaka 2012 na kama tunavyofahamu mwaka huo tulikuwa na sensa na hii inaonesha umuhimu wa takwimu kuweza kupata kibali kabla hazijawa *published*. Kituo kimoja kilitangaza takwimu ambazo zilionesha idadi ya watu kwa dini zao. Takwimu hizi zilileta mtafaruku mkubwa sana. Na wapo watu ambao kwa kweli, mpaka walifikia kususia sensa,

hawakuweza kuhesabiwa. Kwa hiyo, kipengele hiki kwa kweli, naona ni muhimu sana kuona kwamba, ni kwa jinsi gani kabla ya hizo takwimu hazijawa *published* Serikali yetu iweze kuzipitia na hatimaye basi ziweze kuwa *published* wakati Serikali ikiwa imejiridhisha, ili kuondoa mikanganyiko ambayo inaweza kutokea.

Mheshimiwa Naibu Spika, mfano mwingine tu wa mwisho, hivi karibuni...

(Hapa kengele illia kuashiria kwisha kwa muda wa Mzungumzaji)

NAIBU SPIKA: Muda umeisha Mheshimiwa, kengele ya pili imeshagonga. Mheshimiwa Salome Makamba, atafuatiwa na Mheshimiwa Joseph Mhagama, Mheshimiwa Zitto Zuberi Kabwe, ajiandae.

MHE. SALOME W. MAKAMBA: Mheshimiwa Naibu Spika, nakushukuru. Nianze kwa kuwakumbusha Wabunge wenzangu kwamba, ndani ya Bunge hili tuko Wabunge 395, kama sijakosea, lakini leo tumeletewa sheria tisa. Kazi ya kwanza ya Bunge kwa mujibu wa Katiba ni Kutunga Sheria, ndio kazi yetu ya kwanza. Sasa katika Wabunge 395 leo tumeletewa sheria tisa ambazo tutazijadili kuanzia saa 4.00 kamili mpaka Saa 7.00 kamili, saa nne tu.

Mheshimiwa Naibu Spika, katika mjadala huo CCM wamepewa nafasi Wabunge wasiozidi kumi au kumi na mbili, CHADEMA wamepewa Wabunge wawili, ACT hajapewa hata Mbunge mmoja, CUF imepewa nafasi moja, NCCCR hawajapewa nafasi. Mheshimiwa Zitto amelazimika kupewa nafasi moja ya CHADEMA ili na yeye aweze kutoa mchango kwa niaba ya ACTWazalendo. *(Makofi)*

Mheshimiwa Naibu Spika, sasa niseme hivi naheshimu sana mchango mkubwa uliofanywa na wenzetu walioko kwenye Kamati ya Katiba na Sheria.

MHE. JULIUS K. LAIZER: Taarifa.

MHE. SALOME W. MAKAMBA: ...kwa sababu wamejitahidi kadiri ya uwezo wao kufanya kazi mpaka Jumapili kuweza kupata maoni ya wadau.

NAIBU SPIKA: Mheshimiwa Salome Makamba, kuna Taarifa.

MHE. JULIUS K. LAIZER: Mheshimiwa Naibu Spika, nataka tu nimpe mzungumzaji Taarifa kwamba, kinacho-*determine* kiwango cha Wabunge kuchangia ni idadi ya Wabunge kulingana na vyama. Kwa hiyo, hakuna upendeleo, wanachangia kulingana na idadi yao. (*Makofi*)

NAIBU SPIKA: Mheshimiwa Salome Makamba, unaipokea Taarifa hiyo?

MHE. SALOME W. MAKAMBA: Mheshimiwa Naibu Spika, angenisikiliza tu angenielewa, twende polepole.

Mheshimiwa Naibu Spika, naheshimu mchango mkubwa wa Kamati ya Katiba na Sheria kufanya kazi mpaka Jumapili kuweza kujadili sheria hizi tisa, lakini Kamati ya Katiba na Sheria haizidi Wabunge 25, wako kama 25 hivi, haifiki hata robo ya Wabunge wote tulioko humu ndani. Sasa kwa mazingira haya ninayoyasema mimi tunawezaje kuepuka kuitwa kwamba, sisi Wabunge tumekuja kuidhinisha mapendekezo ya Serikali na sio kuyajadili? Tunawezaje kuepuka... (*Makofi*)

MBUNGE FULANI: Taarifa

MHE. SALOME W. MAKAMBA: ...hiyo, kama kama jambo la muhimu...

MHE. AMINA S. MOLLEL: Mheshimiwa Naibu Spika, Taarifa.

MHE. SALOME W. MAKAMBA: ...sheria za muhimu ninazokwenda kuzichambua sasa hivi zinaidhinishwa na

Bunge hili badala ya kujadiliwa kama ambavyo Bunge linataka? *(Makofi)*

NAIBU SPIKA: Naomba ukae kidogo, Mheshimiwa Salome Makamba naomba ukae kidogo, Mheshimiwa Amina Mollel pia naomba ukae kidogo.

Mheshimiwa Salome Makamba nimetoa maelezo kwa kirefu. Ukizungumza wewe kama Mbunge kwamba, Bunge hili zima kama ulivyosema la Wabunge 393 ambalo wewe ni mmojawapo limekuja hapa ili liidhinishe kilicholetwa na Serikali, kule Kamati inafanya kazi gani? Muda wote ambao Kamati, wewe mwenyewe umekiri hapo ilikuwa inakesha, ilikuwa inakesha ikifanya nini na marekebisho yaliyoletwa na Serikali ni nani ameiambia? *(Makofi)*

Hii sheria tunayotunga hapa ni Bunge limetunga sio Serikali, Serikali ilishatoka kwao. Kwa hiyo, hiyo hoja ya Bunge kwamba, linakuja hapa kuidhinisha, Mheshimiwa Salome tuko hapa Bungeni na sisi kama taasisi tunafanya kazi yetu. Maoni yako yanaruhusiwa, lakini hapa ndani toa maoni yanayofuata utaratibu; maoni yako ukishatoka nje ya hili jengo unaweza kusema chochote kwa sababu, unaweza ukasema kwa mazingira haya mimi sio Mbunge, kule kaseme, lakini hapa ndani hilo sitaruhusu kwa sababu, mimi mwenyewe unanifanya ni sehemu ya chombo kinachoidhinisha mambo yaliyoletwa na Serikali wakati Bunge hili limekaa tangu, wewe mwenyewe ulivyosema hapo, ni muda gani Kamati imefanya kazi kwa niaba ya Bunge? Sasa wanafanya kazi gani?

Hakuna namna ambayo Bunge hili kanuni zetu zimesema zimeelekeza kwamba, Bunge hili litafanya kazi kwa kutumia Kamati, sasa wewe unataka kuiletea dharau Kamati ya watu ishirini sijui na nane, sijui shirini na ngapi kwamba, wao kule hawajafanya kazi yoyote isipokuwa humu ndani ndio tungefanya kazi kubwa, hapana, si sawasawa.

Endelea na mchango wako, habari ya Bunge kuidhinisha ya Serikali haipo. *(Makofi)*

MHE. SALOME W. MAKAMBA: Mheshimiwa Naibu Spika, tunabishana kwa hoja tu, ni hoja tu. Mimi nimetoa hoja yangu, kama haitakubaliwa ni sawa, tunabishana kwa hoja na nitaendelea. *(Makofi)*

NAIBU SPIKA: Hiyo ya kwako sio hoja Mheshimiwa Salome. Tukae vizuri tu, sio hoja kwa sababu, Bunge hili huwezi wewe kwa mawazo yako ukaliweka kwa namna ambayo unataka kuonesha watu wote hatufanyi kazi, hapana. Kama hamfanyi ama wewe hukupata nafasi ya kufanya hiyo kazi, basi Kamati imepata nafasi ya kufanya kazi kwa niaba ya Bunge na sisi hapa leo tumeisikiliza Kamati inasema nini na tunatumia hayo maoni ya Kamati kuishauri Serikali. Ndicho tunachokifanya hapa ndani, lakini kama wewe ama na wengine wote hawajafanya kazi yao, halilifanyi Bunge kwamba, halijafanya kazi yake, hapana. *(Makofi)*

MHE. SALOME W. MAKAMBA: Mheshimiwa Naibu Spika, naomba unitunzie muda wangu, Watanzania wataamua kama tumefanya Bunge au amefanya nani.

NAIBU SPIKA: Mheshimiwa Salome, naona leo umejiandaa sana kubishana, naomba ukae. *(Makofi)*

Mheshimiwa Joseph Mhagama, atafuatiwa na Mheshimiwa Zitto Kabwe, Mheshimiwa Boniface Mwita Getere atafuatia.

MHE. JOSEPH K. MHAGAMA: Mheshimiwa Naibu Spika, na mimi nikushukuru sana kwa kupata hii nafasi muhimu kuweza kuchangia Muswada huu uliopo mbele yetu.

Mheshimiwa Naibu Spika, nianze tu na kusema na iingie kwenye *records* kwamba naunga mkono Muswada huu ugeuke kuwa sheria. *(Makofi)*

Mheshimiwa Naibu Spika, naomba pia niondoe upotoshaji mdogo unaoendelea wa kwamba tunashughulika na sheria 9. Muswada ni mmoja na unafanya marekebisho kwenye Sura 8. Natambua wadau wengi humu ni wanasheria,

watalichukua hili kama maelezo sahihi, hakuna sheria 9, Muswada huu ni mmoja una Sura 8 na hizo ndizo tunazozifanyia kazi. *(Makofi)*

Mheshimiwa Naibu Spika, pia niendeleo kukupa *comfort...*

T A A R I F A

MHE. SALOME W. MAKAMBA: Mheshimiwa Naibu Spika, taarifa.

MHE. JOSEPH K. MHAGAMA: Niendeleo kukupa *comfort* kwamba...

NAIBU SPIKA: Mheshimiwa Mhagama, kuna taarifa, Mheshimiwa Salome.

MHE. SALOME W. MAKAMBA: Mheshimiwa Naibu Spika, napenda kumpa taarifa mzungumzaji kuwa Muswada huu unajadili mabadiliko ya sheria 9 ambazo ni Sheria ya Makampuni, Sura 212; Sheria ya Hakimiliki, Sura 218; Sheria ya Filamu na Michezo ya Kuigiza, Sura 230; Sheria ya Mashirika Yasiyo ya Kiserikali, Sura 56; Sheria ya Vyama vya Kijamii, Sura 333; Sheria ya Takwimu, Sura 351; Sheria ya Uwakala wa Meli, Sura 415 na Sheria ya Muunganisho wa Wadhamini, Sura 318. *(Makofi)*

NAIBU SPIKA: Mheshimiwa Mhagama, unaipokea taarifa hiyo?

MHE. JOSEPH K. MHAGAMA: Mheshimiwa Naibu Spika, ahsante, nasikitika kwamba siwezi kuipokea hii taarifa...

(Hapa baadhi ya Wabunge walizungumza bila kufuata utaratibu)

MHE. JOSEPH K. MHAGAMA: Ni kwa sababu kama ambavyo yeye mwenyewe alishakiri kwamba Kamati imekaa *weekend* nzima kufanya kazi hii, ina uwezo wa kutofautisha

katiya Sura 8 na sheria 9. Hatujadili sheria kamili, tunajadili Sura katika sheria hiyo. *(Makofi)*

(Hapa baadhi ya Wabunge walizungumza bila kufuata utaratibu)

MHE. JOSEPH K. MHAGAMA: Mheshimiwa Naibu Spika, kwa maslahi ya Watanzania naomba nitumie muda wangu uliobaki kuishauri Serikali. Moja nianze na kuipongeza kwamba tunazo *principle* tatu ambazo mimi ninazitumia katika maisha. *Principle* ya kwanza ni ku-*focus*, ya pili ni ku-*sustain efforts* na tatu ni ku-*concentrate resources*. Kama taifa tumejikita kwenye kujenga Tanzania ya viwanda na ili tuijenge Tanzania ya viwanda tunahitaji kujenga mazingira bora ya makampuni yanayoshiriki katika kukuza biashara nchini. Makampuni haya tukiyaacha yamekaa holela holela kiasi ambacho hatuwezi kutofautisha kati ya kampuni ambayo ni *guaranteed* na *shareholding*, hatuwezi kuona namna gani tunaweza tukaratibu biashara nchini.

Mheshimiwa Naibu Spika, kwa hiyo, kwa Sheria hii ya Makampuni, Sura ya 212 ambayo Serikali inapendekeza marekebisho yake naiunga mkono kwa asilimia 100 kwa sababu inaenda kuisaidia Serikali kwanza kujua walipa kodi ni wangapi kama makampuni. Kwa sababu tuna makampuni yamesajiliwa kama makampuni lakini yanafanya kazi yenye malengo yasiyo ya faida. Sasa kwenye makampuni kama hayo hatuwezi kwenda kuchukua kodi. *(Makofi)*

Mheshimiwa Naibu Spika, kwa hiyo, ieleweke kwamba lengo la kuyaratibu haya, yale makampuni ambayo yanakwenda kufanya shughuli ambazo siyo za kifaida/ kibiashara yabadilishe utaratibu yakajisajili chini ya Sheria ya *NGO*, Na. 56 itakuwa ni utaratibu mzuri, sasa tutajua nani analipa na nani halipi kodi.

Mheshimiwa Naibu Spika, pia nitajikita kwenye maeneo ambayo pengine wajumbe waliotangulia hawakuyagusa. La pili, hii ajenda ya *NGO* kwa maana ya Mashirika Yasiyo ya Kiserikali imeleta kelele nyingi sana na

pengine imepeleka *message* ovu ambayo Serikali haikukusudia kwa wadau. Kwanza, ieleweke kwamba Mashirika yasiyo ya Kiserikali nchini ni wadau muhimu sana kwa maendeleo ya Taifa letu. Mashirika haya yanatusaidia kufanya tafiti mbalimbali, yanachangia Serikali, Halmashauri zetu za Wilaya, yanashirikiana na wakulima na maendeleo makubwa ambayo tumeyapata mpaka sasa huwezi kuondoa mchango wa taasisi zisizo za Kiserikali na hii Serikali inalijua. Kwa hiyo, wenzetu wasipeleke *message* tofauti. (Makofi)

Mheshimiwa Naibu Spika, Mashirika haya ya Kiserikali yametusaidia sana katika masuala ya sera. Zipo sera nyingi ambazo zimefikiwa na zimekubaliwa ambazo zinaongoza shughuli mbalimbali za nchi yetu, zina mchango mkubwa sana wa wadau ambao ni *NGOs*. Kwa hiyo, mchango wa *NGO* nchi hii ni mkubwa sana na baadhi ya wadau humu ndani tusiwapotoshe wananchi na wala tusiyakatishe tamaa Mashirika yasiyo ya Kiserikali yanayofanya kazi nzuri sana katika nchi yetu. (Makofi)

Mheshimiwa Naibu Spika, sheria hii inalenga kuziratibu hizi *NGOs*, kuzijengea mazingira rahisi ya kufanya kazi ili pale ambapo wanakutana na vikwazo kama *NGOs* waweze kusaidiwa. Sasa imechukuliwa tu upande mmoja kana kwamba Serikali inataka izifute, hakuna mahali ambapo katika Miswada hii yote tuliyopita pamekusudia kuifuta *NGO* inayotekeleza wajibu wake kwa mujibu wa sheria. (Makofi)

Mheshimiwa Naibu Spika, katika eneo hili, nilikuwa tu na ushauri. Moja, tunayoyaona katika *NGOs*, kama nilivyosema zipo *NGOs* zinafanya kazi nzuri sana lakini zipo *NGOs* kama vichaka vya wala fedha za wafadhili. Sasa Serikali ina wajibu wa kuona kwamba fedha zinazolingia nchini kwa malengo ya kusaidia iwe utafiti, masuala ya sera, wananchi, wakulima wadogowadogo, kwenye maeneo ya elimu, vyuo vikuu ili mradi kwamba fedha hii ni ya wafadhili na inalenga kuboresha maeneo hayo, ifanye kazi zilizokusudiwa. (Makofi)

Mheshimiwa Naibu Spika, utaratibu uliokuwa huko mwanzo, ulikuwa ni kila mwaka *NGO* hizi zina-*submit financial reports* zikiwa *audited*. Utaratibu wa sasa umeboresha tu kwamba tuisubiri baada ya mwaka mzima, tuwe na *quarterly reports* ambazo zinaonesha kwamba nini kimefanyika katika kipindi hiki cha miezi mitatu, nani wamenufaika, wamenufaikaje, fedha kiasi gani kimetumika, kuna ubaya gani katika jambo hili? Ni utaratibu wa kawaida ni *transparency*. (Makofi)

Mheshimiwa Naibu Spika, kama ambavyo tunazitaka Halmashauri zetu za Wilaya zifanye kazi kwa kuzingatia *transparency*, kama ambavyo tunaitaka Serikali Kuu ifanye kazi kwa *transparency* na vyombo vyote vingine vinavyoisadia Serikali zikiwemo *NGOs* lazima kuwe na *transparency*. Mimi ninaamini wadau wengi wanajua umuhimu wa *transparency*, hili halitawasumbua. (Makofi)

Mheshimiwa Naibu Spika, nimpongeze sana Mheshimiwa Umyy Mwalimu alipokuja kwenye Kamati alifafanua aina gani ya *reports* zinatakiwa kila miezi mitatu na kama wadau watapata nafasi na mashaka, watumie nafasi hii kujelimisha kupitia mamlaka husika zitatusaidia kuelewa.

Mheshimiwa Naibu Spika, kwa maslahi ya muda nilikuwa na mchango mrefu kidogo lakini basi niishie hapo na naunga mkono hoja, ahsante. (Makofi)

NAIBU SPIKA: Ahsante sana. Nilikuwa nimemuita Mheshimiwa Zitto Zuberi Kabwe atafuatiwa na Mheshimiwa Boniphace Mwita Getere na Mheshimiwa Innocent Bashungwa ajiandae.

MHE. KABWE Z. R. ZITTO: Mheshimiwa Naibu Spika, nakushukuru kwa kunipa nafasi ya kuchangia.

Mheshimiwa Naibu Spika, naomba kwa ruksa yako kabla sijaanza kuchangia, nitoe taarifa kwamba na nimeshamjulisha Waziri wa Mambo ya Ndani kwamba juzi

usiku aliyekuwa msaidizi wangu Ndugu Raphael Ongangi ametekwa na watu wasiojulikana. Tumetoa taarifa Polisi lakini mpaka sasa hatujafahamu alipo.

Mheshimiwa Naibu Spika, kuanzia leo tumeanza kuona *social media accounts* zangu zote; *Twitter, Facebook, Instagram* na nyingine ziki-*tweet* mambo ambayo ni tofauti na ambayo mimi nayaamini. Kwa hiyo, hii inadhihirisha kwamba watu ambao wamemteka Ndugu Raphael, lengo lao wala halikuwa Raphael, lengo lao lilikuwa mimi. Nachowaomba ni kwamba wamuachie Raphael endelee na maisha yake, waniteke mimi ili niweze ku-*deal* nalo mimi mwenyewe. *(Makofi)*

Mheshimiwa Naibu Spika, leo ni moja ya siku mbaya sana kwenye historia ya nchi yetu kwa sababu kwa mara nyingine tena ndani ya Bunge hili la Kumi na Moja na katika uhai wa Bunge la Kumi na Moja tunakwenda kutunga sheria ambazo zinaendelea kuminya haki za watu. Tulianza na *Media Services Act*, Sheria ya Vyama vya Siasa, Sheria ya Pensheni ambayo ilileta matatizo makubwa kwenye kikokotoo cha pensheni na haki za wafanyakazi, Sheria ya Takwimu na sasa tunaleta Sheria hii ambayo ni muendelezo wa juhudi za Serikali ya Awamu ya Tano kukandamiza haki za msingi za raia wa Jamhuri ya Muungano wa Tanzania. *(Makofi)*

Mheshimiwa Naibu Spika, ni bahati mbaya kwamba raia wengi wa nchi hii ni maskini kwa hiyo mambo ambayo wakiyazungumza na hata Wabunge wao wakiyazungumza, hayasikilizwi. Tulizungumza hapa Sheria ya Takwimu, kifungu cha 24(a) na (b) ambacho kilikuwa kinaweka matatizo makubwa na vizingiti na haki za watu kuweza kushughulika na mambo ya takwimu, hatukusikilizwa. Juzi Benki ya Dunia imezuia fedha zaidi ya Dola za Kimarekani bilioni 1.15, Benki ya Dunia wamesikilizwa. *(Makofi)*

Mheshimiwa Naibu Spika, kiufupi kwa maneno ya mtaani tungesema Serikali ya Awamu ya Tano chini ya Rais John Pombe Joseph Magufuli imeufyata mbele ya

mabeberu. Hii ni kwa sababu sheria ambayo tuliika sisi ndani ya Bunge na ikapigiwa kelele na watu walewale waliosimama kuunga mkono Sheria ya Takwimu ambao leo wanasimama kuunga mkono mabadiliko haya, sheria ile imebadilishwa hata haijaitimiza mwaka. Leo watu walewale wanasimama kuiambia Serikali ni Serikali sikivu. Wala usihangaika na takwimu, nina barua za Ikulu, barua kutoka Wizara ya Fedha kumuomba Rais aruhusu kabla ya Mkutano huu wa Bunge, Sheria ya Takwimu irekebishwe na mmetii, mmeleta imerekebishwa. Mnawasikiliza zaidi mabeberu kuliko wananchi wenu walioikataa sheria hii. (Makofi)

Mheshimiwa Naibu Spika, tunafanya mabadiliko ya Sheria ya Makampuni, sheria ambayo ina muendelezo wa tafsiri ya nini kampuni dunia nzima. Sisi ni *a Commonwealth country*, nchi zote za Jumuiya ya *Commonwealth* zinatafsiri yake ya kampuni. Sheria ambayo tunaletewa leo hapa inaenda kuunganisha kampuni na mwenye kampuni kuwa kitu kimoja jambo ambalo tutachekwa duniani. Hakuna mtu atakayekuja nchi hii kuleta fedha yake kuwekeza ili kutengeneza ajira na kulipa kodi akiona kifungu cha 400A cha Sheria ya Makampuni ambayo Serikali inakileta hapa. (Makofi)

Mheshimiwa Naibu Spika, kifungu hiki pamoja na marekebisho ambayo Serikali imeyaleta, mimi nafahamu Serikali inahangaika na *ACACIA*, wanataka kupambana na *ACACIA*; nendeni mkapambane na kampuni moja kwa taratibu zake za kiutalawa, msiharibu nchi yetu kwa sababu ya ugomvi wa kampuni moja. (Makofi)

Mheshimiwa Naibu Spika, *section* hiyo 400A inasema kwamba *shareholders* wakizuiwa kuingia nchini, kampuni inafutwa. Kweli sisi hatujui tofauti ya kampuni na *shareholders*? Hatujui kama kampuni ni *a legal entity* inayojitegemea na *shareholders*? Leo wewe ukiwa *shareholder* wa kampuni au ukiwa *director* wa kampuni, ukifanya makosa kampuni inaadhibiwa? Kwa nini mnatutia aibu duniani kwa kuleta sheria za hovy hovy namna hii, kwa nini? (Makofi)

Mheshimiwa Naibu Spika, halafu mnampa Wizara kijana wetu Inno, kijana mzuri kabisa *smart*, mnampa Wizara kwenda kuhangaika na mambo ya kijingajinga kama haya?
(*Makofi*)

KUHUSU UTARATIBU

WAZIRI WA NCHI, OFISI YA WAZIRI MKUU, SERA, BUNGE, KAZI, VIJANA, AJIRA NA WENYE ULEMAVU: Mheshimiwa Naibu Spika, kuhusu utaratibu.

NAIBU SPIKA: Mheshimiwa Jenista Mhagama.

WAZIRI WA NCHI, OFISI YA WAZIRI MKUU, SERA, BUNGE, KAZI, VIJANA, AJIRA NA WENYE ULEMAVU: Mheshimiwa Naibu Spika, kwa mujibu wa Kanuni ya 64(1)(f) na (g), Mheshimiwa Zitto unapitiliza, hatuwezi kukubali maneno ya namna hii.
(*Makofi*)

Mheshimiwa Naibu Spika, haya maneno ni ya kuudhi, kudhalilisha Bunge hili lakini unafahamu mfumo wa utendaji kazi ndani ya Serikali umetawaliwa na wataalam wabobezi na wazoefu wanayo heshima kubwa ndani ya nchi yetu na nje ya Taifa letu lakini maneno anayoyatumia Mheshimiwa Zitto Kabwe hapana, hapana. (*Makofi*)

WABUNGE FULANI: Yataje.

WAZIRI WA NCHI, OFISI YA WAZIRI MKUU, SERA, BUNGE, KAZI, VIJANA, AJIRA NA WENYE ULEMAVU: Mheshimiwa Naibu Spika, wote tumeyasikia, kwa heshima niliyonayo siwezi kuthubutu kuyarudia maneno haya na wote tumeyasikia.

WABUNGE FULANI: Aaaaa.

WAZIRI WA NCHI, OFISI YA WAZIRI MKUU, SERA, BUNGE, KAZI, VIJANA, AJIRA NA WENYE ULEMAVU: Mheshimiwa Naibu Spika, watu watacheka, watadhihaki, nasimama kama *Chief Whip* nasema Zitto Kabwe amepitiliza kwa kutumia lugha ya kuudhi ndani ya Bunge. (*Makofi*)

Mheshimiwa Naibu Spika, nakuomba arekebishe maneno hayo, aendelee na mchango wake, atumie utaalam wake kuishauri Serikali lakini hatuwezi kukubali. *(Makofi)*

NAIBU SPIKA: Waheshimiwa Wabunge, kila wakati tunakumbushana matumizi ya Kanuni yetu ya 64. Nyakati zote wale waliotangulia huwafundisha waliofuata na hii Kanuni ipo tangu Bunge lililopita. Kwa hiyo, Mheshimiwa Zitto hiki anachokifanya, anafanya kusudi kwa sababu Kanuni anazijua. *(Makofi)*

Mheshimiwa Zitto lazima ufike mahali pa kuheshimu watu wengine, kuheshimu mawazo ya watu wengine kama ya kwako ambavyo huwa yanaheshimika. Haiwezekani kikaletwa kitu hapa ama ikaletwa kama hivi tunao Muswada unaojadiliwa unasema kwamba Serikali imeleta jambo la hovy, eeh, jambo la kijinga, haya ni mambo ya ajabu sana.

Waheshimiwa Wabunge, hii ina maana kwamba wewe peke yako mtu mmoja una akili sana kuzidi Kamati yetu ya Bunge ambayo ina watu zaidi ya 23. Wewe peke yako umezidi mawazo yote ya hizo taasisi zote zilizotajwa kwenye Muswada huu. *(Makofi)*

Unazungumza hapo kuhusu Serikali kwamba kwa mabadiliko haya Serikali, kwa lugha yako ya mtaani ambapo wewe unajua huo mtaa mnaokwendaga imeufyata. Mheshimiwa Zitto unafahamu lugha kama hiyo unapomwambia mtu mwingine ameufyata, unamaanisha nini?

(Hapa baadhi ya Wabunge walizungumza bila kufuata utaratibu)

NAIBU SPIKA: Waheshimiwa Wabunge, tusikilizane na nawakumbusha siku zote nikisimama Kanuni tulizojitungia wenyewe zinawataka mnisikilize, ndiyo maana ya neno *Speaker*, halina maana nyingine, maana yake *when I am speaking you should not speak, that is what it means*. *(Makofi)*

Mheshimiwa Esther Matiko na ukitajwa hapa huwa una malalamiko, unapenda sana kuongea, sikiliza na wenzio. Si lazima uzungumze kila wakati, unaweza kunyamaza pia. *(Makofi)*

Waheshimiwa Wabunge, matumizi ya Kanuni hizi yanataka humu ndani tuheshimiane na kazi ya mtu anayekaa hapa mbele kuongoza mkutano wa Wabunge ni kuhakikisha humu ndani tunajadili kwa heshima na kwa mujibu wa Kanuni tulizojiwekea. Tusifikie mahali pa kudharau mtu mwingine humu ndani, mheshimu, sema hoja yako kwa lugha ya staha. Ndiyo maana Kanuni ya 64 inakataza maneno ya dharau, maneno yasiyo na staha kwa mtu mwingine na maneno yanayoudhi, tafadhali. *(Makofi)*

MHE. KABWE Z. R. ZITTO: Mheshimiwa Naibu Spika, nashukuru kwa maelekezo yako na natambua maoni ya *Chief Whip* wa Serikali. Nayarudia vile nilivyosema nikirekebisha ili niseme kwa lugha ambayo itaonekana kwamba ni ya staha.

(Hapa baadhi ya Wabunge walizungumza bila kufuata utaratibu)

NAIBU SPIKA: Waheshimiwa Wabunge, tusikilizane. Nimetoa maelekezo, lugha ya kuchangia ni yenye staha, isiyoudhi watu wengine, isiyoleta dharau, Mheshimiwa Zitto Kabwe.

MHE. KABWE Z. R. ZITTO: Mheshimiwa Naibu Spika, nashukuru na ninatii maelekezo yako. *(Makofi)*

Mheshimiwa Naibu Spika, Sheria ya Makampuni ambayo inabadilishwa ina vifungu kadhaa lakini mimi *focus* yangu ni kifungu cha 400A peke yake ambacho nakiona kwamba ni kifungu ambacho kitahatarisha sana hali ya uwekezaji katika nchi yetu kwa sababu ni kifungu ambacho kinaweza kutumika vibaya kuwafanya watu wasiweke mitaji yao katika nchi yetu.

Mheshimiwa Naibu Spika, kwa mfano kifungu hiki kinaunganisha kwa pamoja kama nilivyoieleza, mwenye kampuni na kampuni, kitu ambacho *principally* hakikubaliki. Mtu yeyote ambaye amesoma Sheria ya Makampuni, *economics, accounts* anajua kwamba kampuni na mwenye kampuni ni vitu viwili tofauti. Naomba eneo hilo liweze kurekebisha.

Mheshimiwa Naibu Spika, lakini pili, sheria inasema kwamba Msajili wa Makampuni anaweza akaifuta kampuni kwa sababu ilisajiliwa *fraudulently*. Hii inaondoa kabisa *principle* ya kinachoitwa *conclusiveness of certificate of incorporation*. *Certificate of incorporation* ikishatolewa ni *conclusive*, kwa hiyo, kama kulikuwa kuna tatizo kwenye usajili wake, taratibu za kisheria zinaweza zikafuatwa na uondoaji wa usajili ule ukaweza kufanyika kwa mujibu wa sheria. (Makofi)

Mheshimiwa Naibu Spika, inazungumzia kuhusu *misrepresentation* kwenye usajili. Sheria ya sasa ya Makampuni, kifungu cha 472 tayari kinatoa adhabu kwa kosa hilo lakini kifungu ambacho Serikali inakileta kinasema kwamba kampuni hiyo itafutwa.

Mheshimiwa Naibu Spika, pia ifahamike kwamba makampuni haya yanafanya kazi, yana *creditors* na mikopo na kadhalika, ikitokea Mkurugenzi mmoja amefanya kosa ukafuta kampuni unazungumzia nini maslahi ya *creditors* wa kampuni hiyo? Kwa hiyo, naomba jambo hili litazamwe upya na kifungu chote cha 400A cha Muswada huu kifutwe kwa sababu ni kifungu ambacho kitatuletea matatizo makubwa katika nchi yetu na hakuna mtu atakayekuja kufungua kampuni Tanzania. Tutajikuta tuna *branches* za makampuni ya kimataifa na hapatakuwa na kampuni itakayosajiliwa Tanzania kwa sababu ya kifungu hiki. (Makofi)

Mheshimiwa Naibu Spika, pointi yangu ya mwisho ni kuhusu *trusts*. Sheria hii inakwenda kutafsiri upya maana ya *trust*. Leo hii tukipitisha sheria hii *Tulia Trust* inafutwa, *Mwalimu Nyerere Foundation* inafutwa kwa sababu tafsiri mpya...

T A A R I F A

MHE. MOHAMED O. MCHENGERWA: Taarifa.

MHE. KABWE Z. R. ZITTO: Tafsiri mpya ya *trust* ni ku-
manage properties.

MHE. MOHAMED O. MCHENGERWA: Taarifa.

MHE. KABWE Z. R. ZITTO: *Tulia Trust* inasaidia shule na kadhalika, sheria mpya inazuia. Sheria mpya inazuia *Benjamin Mkapa Foundation* kufanya kazi.

NAIBU SPIKA: Mheshimiwa Zitto Kabwe, kuna taarifa, Mheshimiwa Mchengerwa.

MHE. MOHAMED O. MCHENGERWA: Mheshimiwa Naibu Spika, michango ya ndugu zetu inatudhalilisha sisi wengine ambao tulitumia muda wetu mwingi kufanya kazi kwenye eneo hili.

(Hapa baadhi ya Wabunge walizungumza bila kufuata utaratibu)

MHE. MOHAMED O. MCHENGERWA: Waheshimiwa Wabunge, niwaombe watambue kwamba ni vyema wanapokuja kuchangia wakasoma vizuri taarifa ya Kamati lakini pia wakapitia marekebisho ambayo Mheshimiwa Mwanasheria Mkuu wa Serikali ameyafanya kutokana na mapendekezo ya Wajumbe wa Kamati. *(Makofi)*

Mheshimiwa Naibu Spika, katika sheria hii hakuna sehemu yoyote ambapo Msajili wa Makampuni au Msajili wa *NGO* ana mamlaka ya kufuta *NGO* au kampuni, akaamka tu mwenyewe akaenda kufuta, hayo maneno ni ya uongo na hayapo kabisa kwenye sheria hizi. Pia sheria hii inakwenda tu kuweka utaratibu wa namna gani ya kusajili *trust* pamoja na *NGO* na makampuni na ni utaratibu wa kawaida kama ambavyo unatumika katika nchi zote za Jumuiya ya Madola. *(Makofi)*

NAIBU SPIKA: Mheshimiwa Zitto Kabwe, unaipokea taarifa hiyo?

MHE. KABWE Z. R. ZITTO: Mheshimiwa Naibu Spika, siipokei taarifa hiyo kwa sababu Mheshimiwa Mwenyekiti wa Kamati hana *credibility* tena ndani ya Bunge, ameshawahi kukataa taarifa yake ya Kamati ndani ya Bunge. (*Makofi*)

T A A R I F A

MHE. DKT. GODWIN O. MOLLEL: Taarifa.

MHE. KABWE Z. R. ZITTO: Nina Muswada na *Schedule of Amendments*.

MHE. DKT. GODWIN O. MOLLEL: Taarifa.

MHE. KABWE Z. R. ZITTO: Mheshimiwa Naibu Spika, naomba nimalize, muda wenyewe umebakia dakika mbili tu, naomba nimalize.

MHE. DKT. GODWIN O. MOLLEL: Taarifa.

MHE. KABWE Z. R. ZITTO: Mheshimiwa Naibu Spika, naomba nimalize.

NAIBU SPIKA: Mheshimiwa Dkt. Mollel.

MHE. DKT. GODWIN O. MOLLEL: Mheshimiwa Naibu Spika, nataka tu nihoji *credibility* ya Mheshimiwa Zitto...

(Hapa baadhi ya Wabunge walizungumza bila kufuata utaratibu)

MHE. DKT. GODWIN O. MOLLEL: Mheshimiwa Naibu Spika, nataka nimpe taarifa kwamba hata yeye tuna-*doubt credibility* yake baada ya yeye kuwa Mwenyekiti wa PAC na madudu yaliyoko NSSF na akatulia na hakusema chochote na mpaka leo hasemi. (*Makofi*)

NAIBU SPIKA: Mheshimiwa Zitto Kabwe.

MHE. KABWE Z. R. ZITTO: Mheshimiwa Naibu Spika, hiyo hata kujibu sihitaji kujibu.

Mheshimiwa Naibu Spika, nina Muswada na *Schedule of Amendments*, Muswada una-define trust kama ku-keep properties alone. Kwa hiyo, hata kazi ambazo zinafanywa na wastaafu wetu kuunda taasisi baada ya kustaafu zitazuiwa na sheria hii ambayo tunaitunga. (*Makofi*)

Mheshimiwa Naibu Spika, *point* yangu ya mwisho, kuna suala zima la *NGOs* kusajiliwa upya kila baada ya miaka kumi. Naomba jambo hili tuliboreshe, tutofautishe *certificate of incorporation* na leseni ya kazi. Leseni inaweza ikawa-renewed kila baada ya muda, wanaweza wakaweka *regime* kwamba baada ya *NGO* kusajiliwa ipewe leseni ya kufanya kazi, ile leseni inaweza ikawa-renewed...

KUHUSU UTARATIBU

MHE. JOHN W. HECHE: Kuhusu utaratibu.

MHE. KABWE Z. R. ZITTO: Lakini siyo *board corporate* kila baada ya miaka kumi ife ...

NAIBU SPIKA: Mheshimiwa Zitto, kuna Kanuni inavunjwa.

MHE. JOHN W. HECHE: Mheshimiwa Naibu Spika, kuhusu utaratibu. Wakati Mheshimiwa Zitto anaongea hapa kuna mtu amesimama anatoa taarifa anasema Mheshimiwa Zitto alifanya madudu kwenye *PAC* na amekuwa na utaratibu wa kushambulia watu kila siku na inaachwa hivyo hivyo.

Mheshimiwa Naibu Spika, kwa kutumia Kanuni ya 64(1)(f) aseme hayo madudu ambayo watu walifanya kwa sababu hili Bunge haliwezi kutumika kama chombo cha kudhalilisha watu na maneno ya mtaani tu yanaingizwa humu na yanaachwa, athibitisha.

NAIBU SPIKA: Waheshimiwa Wabunge, alikuwa akichangia Mheshimiwa Zitto akasimama Mheshimiwa Dkt. Mollel na akasimama Mheshimiwa Zitto kuendelea na mchango wake. Amesimama Mheshimiwa Heche akieleza kwamba Kanuni ya 64 utaratibu umevunjwa na Mbunge aliyezungumza kabla Mheshimiwa Zitto hajazungumza.

Waheshimiwa Wabunge, kwa ajili ya muda wetu ili mchangiaji aweze kumalizia; Kanuni hii inataka unapozungumza kuhusu utaratibu wa mtu ambaye ameshapita kabla mwingine hajasimama, Kanuni hii siyo unaweza kutumia sanasana ungeweza kusimama kuomba mwongozo baadaye kama jambo alilolifanya linaruhusiwa kwa taratibu zetu za Bunge. Sasa kwa sababu umesimama kuhusu utaratibu, anayeweza kuambiwa anavunja Kanuni ni Mheshimiwa Zitto kwa sababu alikuwa ameshasimama. Ndiyo maana nikasema Mheshimiwa Zitto kuna Kanuni inavunjwa.

Mheshimiwa Zitto, endelea. (*Makofi*)

MHE. KABWE Z. R. ZITTO: Mheshimiwa Naibu Spika, nashauri kwamba Serikali ilete *schedule of amendments* kutofautisha kati ya cheti cha usajili kwa sababu cheti cha usajili kwa mujibu wa sheria ni *perpetual* na leseni ya kufanya kazi ili leseni iweze kuwa-*renewed*.

Mheshimiwa Naibu Spika, namalizia kwa kusema kwamba sheria hii ni sheria mbaya, Muswada huu wa sheria na naomba niwe *on record* ndani ya Bunge hili kwamba nimekataa kuunga mkono Muswada huu, ni sheria mbaya, leo ni *one of the darkest days in our democracy*. Tunakwenda kutunga sheria ya kuendelea kudhibiti watu na kuwanyima uhuru wao kama tulivyofanya kwenye Sheria ya Vyama vya Siasa na Sheria ya Vyombo vya Habari na ni mwendelezo. Hii ndiyo imekuwa sifa kubwa ya Serikali ya Awamu ya Tano kukandamiza raia wake, kunyima haki raia wake na kwa uwezo wa Mwenyezi Mungu yana mwisho haya, mtaondoka madarakani na sheria hizi hizi zitatumika kuwanyonga ninyi. (*Makofi*)

MHE. JOHN W. HECHE: Mwongozo.

NAIBU SPIKA: Mheshimiwa Heche, naomba ukae.

Mheshimiwa Mwita Getere, atafuatiwa na Mheshimiwa Innocent Bashungwa, Mheshimiwa Dkt. Harrison Mwakyembe ajiandae.

MHE. BONIPHACE M. GETERE: Mheshimiwa Naibu Spika, nakushukuru kwa kunipa nafasi. Nimshukuru Mwanasheria Mkuu wa Serikali, Kamati za pande zote, wamefanya kazi nzuri. Niwashukuru Wabunge wote waliozungumza mambo ya kisheria na yasiyo ya kisheria. Niseme wazi tu kwamba kutunga na kubadilisha sheria siyo *rigid* kama walivyosema wengine, siyo Biblia, inaweza kubadilika wakati wowote.

Mheshimiwa Naibu Spika, mtakumbuka kwamba unaweza ukafanya jambo baya leo kesho ukalifanya kuwa zuri. Miaka michache iliyopita tulishuhudia hapa mkwarema wetu hapa Mheshimiwa Zitto akifukuzwa na CHADEMA kwa nguvu zote lakini leo CHADEMA wamemkodi kuwasemea mambo hayo wanayotaka wao. Kwa hiyo, kwa lugha rahisi ni kwamba leo CHADEMA imefyata mkia kwa Mheshimiwa Zitto, amekuwa mtu wao kwa lugha hiyo ambayo anazungumza nayo.

T A A R I F A

MHE. TUNZA I. MALAPO: Mheshimiwa Naibu Spika, taarifa.

MHE. BONIPHACE M. GETERE: Mheshimiwa Naibu Spika, niendeleo kwa kusema kwamba mashirika haya yaliyopo sasa hivi...

NAIBU SPIKA: Mheshimiwa Getere, kuna taarifa.

MHE. TUNZA I. MALAPO: Mheshimiwa Naibu Spika, nakushukuru kwa kunipa nafasi. Naomba nimpe taarifa mzungumzaji, CHADEMA hatujamkodi Mheshimiwa Zitto, ana

haki ya kuzungumza kama Mbunge yeyote kwenye Bunge hili, achange sheria zilizopo Mezani asitafute umaarufu kupitia kwa watu wengine.

NAIBU SPIKA: Mheshimiwa Getere, endelea na mchango wako.

MHE. BONIPHACE M. GETERE: *Mheshimiwa Naibu Spika, huyu ameshachoka na akili yake, tuendelee na mambo mengine hapa. [Maneno Haya Siyo Sehemu ya Taarifa Rasmi za Bunge]*

Mheshimiwa Naibu Spika, niseme tu wazi...

MHE. TUNZA I. MALAPO: *Umechoka wewe, mtu mzima hovyoy! [Maneno Haya Siyo Sehemu ya Taarifa Rasmi za Bunge]*

MHE. KABWE Z. R. ZITTO: Mheshimiwa Naibu Spika, *no*, hii lugha si sahihi, naomba afute hii lugha.

NAIBU SPIKA: Mheshimiwa Zitto, nafurahi kwamba umesimama wakati wamezungumza wote wawili, ungenyoosha huku ukanyoosha na huku, kwa nini unaonesha upande mmoja? Nyoosha mikono pande zote mbili ili uonekane unatenda haki, siyo unaona upande mmoja halafu jicho lako moja halitaki kuona.

(Hapa baadhi ya Wabunge walizungumza bila kufuata utaratibu)

NAIBU SPIKA: Mheshimiwa Getere, akili yake hajjachoka lakini pia Mheshimiwa Getere siyo hovyoy kwa hiyo maneno hayo yote yanaondoka kwenye Taarifa Rasmi za Bunge. *(Kicheko)*

MHE. BONIPHACE M. GETERE: Mheshimiwa Naibu Spika, mimi niseme tu kutoka kwenye roho yangu, kwanza kuna sheria nyingi sana zimetungwa hapa, kuna mtu amehoji kuhusu Miswada au sheria tisa kuzungumzwa hapa sijui ni

Kanuni gani imevunjwa, kama hakuna Kanuni inayovunjwa hata tungezungumza Miswada au sheria 18 au 30 hakuna kosa kwa sababu vitabu vyote viwili vimeeleza vizuri, cha Upinzani na kitabu cha Mwanasheria na cha CCM kwenye upande wa Kambi ya Upinzani.

Mheshimiwa Naibu Spika, nashukuru sana ...

T A A R I F A

NAIBU WAZIRI, OFISI YA RAIS, TAWALA ZA MIKOA NA SERIKALI ZA MITAA (MHE. MWITA M. WAITARA): Mheshimiwa Naibu Spika, taarifa.

NAIBU SPIKA: Mheshimiwa Waitara.

NAIBU WAZIRI, OFISI YA RAIS, TAWALA ZA MIKOA NA SERIKALI ZA MITAA (MHE. MWITA M. WAITARA): Mheshimiwa Naibu Spika, naomba nimpe taarifa Mheshimiwa Boniphace Mwita Getere, Mbunge wa Bunda, kwamba Mheshimiwa Zitto Kabwe alifukuzwa CHADEMA na aliyekuwa amepewa jukumu la kumshughulikia ni Mheshimiwa John Heche na ndiyo maana alivyoshinda Uenyekiti wa Vijana Kafullila aliondolewa akapewa Mheshimiwa Heche na leo bahati nzuri ndiyo anamtetea Mheshimiwa Zitto, kwa hiyo hiyo ndiyo siasa.

Mheshimiwa Naibu Spika, ahsante, ilikuwa ni taarifa tu Waheshimiwa Wabunge. *(Kicheko)*

(Hapa baadhi ya Wabunge walizungumza bila kufuata utaratibu)

NAIBU SPIKA: Mheshimiwa Getere, endelea na mchango wako.

MHE. BONIPHACE M. GETERE: Mheshimiwa Naibu Spika, taarifa nimeipokea, mimi nasema kwamba haya Mashirika Yasiyo ya Kiserikali yana faida kubwa sana katika nchi yetu na yanafanya kazi nzuri lakini Bunge hili na hasa Bunge la Awamu ya Nne na baadhi ya Wabunge wamekuwa

mawakala wa kutetea mambo ya hovy katika nchi yetu. Haiwezekani tukawa na mashirika yalitoka nje, kwa mfano, shirika limekuja hapa limesajiliwa labda kwenye Mkoa wa Mwanza, ni mkoa mzima, lakini shirika linajikita kwenye eneo moja tu, linafanya kazi zilezile. (*Makofi*)

Mheshimiwa Naibu Spika, kwa bahati mbaya hata Wabunge hawaelewi hapa, hata sisi Wabunge tunaibiwa na mashirika hapa. Yanakuja mashirika hapa yanafundisha mambo ya *good governance*, utawala bora, wanakuja kufundisha Bunge zima wanakuja na fedha wanaita Wabunge 20 wanawafundisha wanakula hela wanaondoka, hata Wabunge sisi tunaibiwa hapa.

Mheshimiwa Naibu Spika, kwa hiyo, tumetengeneza sheria ambayo itatufanya sisi hapa tuishi na mashirika ambayo yanafuata sheria, yanakuja na matumizi bora na miradi inayoeleweka. Siyo mtu anakuja na shirika lake, na mradi wake anaoujua yeye, mashirika mengine yamekuja hapa badala ya kufanya shughuli zilizowaleta hapa wanafanya mambo ya kisiasa.

TAARIFA

MHE. JOHN W. HECHE: Taarifa.

MHE. BONIPHACE M. GETERE: Kwa hiyo, tuache Rais Dkt. John Pombe Magufuli atunyooshe nchi ilikuwa imeoja.

NAIBU SPIKA: Mheshimiwa Getere, kuna taarifa, Mheshimiwa Heche.

MBUNGE FULANI: Na mimi ninayo.

MHE. JOHN W. HECHE: Mheshimiwa Naibu Spika, naomba nimpe taarifa Mheshimiwa Getere na kwa sababu kuna watu wamechangia hapo kwenye taarifa yake...

NAIBU SPIKA: Mpe anayechangia, usianze watu wamechangia kwenye taarifa yake.

MHE. JOHN W. HECHÉ: Mheshimiwa Naibu Spika, ndiyo. Nataka nimpe taarifa Mheshimiwa Getere kwamba siku hiyo ya Kikao ambacho kimezungumzwa hapa cha Kamati Kuu ya kwetu tunamuondoa Mheshimiwa Zitto, kuna mtu aliyehusika kuandika mkakati wa mabadiliko ambaye alikuwa anaitwa *M1* na yeye siku ile alikuwa anatetemeka mpaka kidogo ajikojolee kwa sababu alijua Mheshimiwa Zitto atamtaja. (*Kicheko*)

NAIBU SPIKA: Waheshimiwa Wabunge, mimi nashindwa kuelewa, tena Mheshimiwa Heche unapenda sana kutumia maneno *double standard*, sijui kama huwa unasoma Kanuni. Sasa hivi jirani yako hapo hicho ulichosema anachekelea wakati sasa hivi kuna mtu kaitwa neno ambalo yeye mwenyewe alikuwa amekasirika. Sasa wewe utasemaje mtu amekasirika anatetemeka anataka kujikojolea, wewe unaona unaweza kuzungumza hizo habari Bungeni? Mheshimiwa Heche, tumieni maneno yenye heshima na staha, hata wewe ungeambiwa hapa unataka kujikojolea usingefurahi.

HOJA YA KUTENGUA KANUNI

NAIBU SPIKA: Waheshimiwa Wabunge, kwa mujibu wa Kanuni ya 28, nakusudia kuongeza muda ili Bunge likamilishe shughuli zake. Sasa nitawahoji.

(Hoja ilitolewa iamuliwe)
(Hoja Iliamuliwa na Kuafikiwa)

NAIBU SPIKA: Hoja ya kuongeza muda imekubaliwa, tunaendelea na uchangiaji, Mheshimiwa Getere, endelea.

MHE. BONIPHACE M. GETERE: Mheshimiwa Naibu Spika, wakati fulani mimi niliombe Bunge lako hapa, ile sheria iliyokuwa inaruhusu kuangalia vyeti feki na vyeti safi walete humu Bungeni ili tujue wa Darasa la Saba ni yupi na aliyesoma ni yupi.

MHE. SAED A. KUBENEA: Taarifa.

NAIBU SPIKA: Naambiwa hapa ameshapewa taarifa tatu Mheshimiwa Getere. Mheshimiwa Getere.

MHE.BONIPHACE M. GETERE: Mheshimiwa Naibu Spika, nimalizie kwa kusema kwamba Mashirika Yasiyo ya Kiserikali yasiogope kufanya kazi sahihi ndani ya Tanzania, waje wafanyekazi sahihi ndani ya Tanzania, wasiogope maneno na kama ni wezi, hatuwataki kwenye nchi yetu.

Mheshimiwa Naibu Spika, ahsante nanaunga mkono.

NAIBU SPIKA: Ahsante sana Mheshimiwa Innocent Bashungwa, atafuatiwa na Mheshimiwa Mwakyembe.

WAZIRI WA VIWANDA NA BIASHARA: Mheshimiwa Naibu Spika, nakushukuru kwa kunipa nafasi ili niweze kuchangia hii hoja. Kwanza nianze kwa kumpongeza Mheshimiwa AG, Mheshimiwa Waziri wa Katiba na Kamati kwa kuleta Muswada mzuri ambao unalenga kuboresha utendaji wa Serikali katika maeneo ambayo hoja hii ya kubadilisha sheria imegusa.

Mheshimiwa Naibu Spika, pia ni-*acknowledge*, kwa upande wa Kambi ya Upinzani Mheshimiwa Ally Saleh alipongeza eneo la Miswada hii la takwimu kwamba Serikali imesikia na imefanya maboresho mazuri. Kwahiyo si kwamba Serikali haijasikia kuna maeneo ambayo wamesema na Serikali imerekebisha kwa hiyo tuna-*acknowledge* hizo pongezi.

Mheshimiwa Naibu Spika, ningependa kuchangia maeneo matatu. Nianze na suala la marekebisho ya Sheria ya Makampuni. Waheshimiwa Wabunge ukiangalia Sheria iliyokuwa ya zamani ilikuwa imechanganya majukumu ya kibiashara na majukumu ya NGOs. Sasa sheria hii inafanya Wizara ya Viwanda na Biashara ijikite kwenye majukumu ya kibiashara naya viwanda, lakini jukumu la NGO liende kwenye eneo ambalo litashughulikiwa vizuri na kusaidia NGO kufanya majukumu yao.

Mheshimiwa Naibu Spika, kwa hiyo jambo hili nashangaa kwa nini wale ambao wanapinga hawalielewi, sisi Wizara ya Viwanda na Biashara kazi yetu ni kusimamia Sera na Sheria na Kanuni za biashara na viwanda. Sasa mambo ya *NGO* kuwepo kwenye Wizara ya Viwanda na Biashara ilikuwa ni kukosea tu-*beginwith*. Ssa sheria hii inafanya marekebisho ili *NGO* iende kwenye eneo ambalo tutasimamia *NGO* kwa mujibu wa sheria na katiba za nchi, kwahiyo hili jambo nadhani kuna watu watakuwa wamefanya *lobbying* kutaka kuleta sintofahamu, kwahiyo ningependa Waheshimiwa Wabunge muelewe kwamba nia ya Serikali ni njema, sisi majukumu ya viwanda na biashara ambayo mmetupa tuyasimamie na mambo ya *NGO* yaende mahali ambapo panahusika.

Mheshimiwa Naibu Spika, jambo lingine, ukiangalia kwa hali ilivyokuwa *NGO* zikiwa kwenye Wizara ya Viwanda na Biashara kulikuwa kuna usumbufu sasa sheria hii inaleta ufanisi, sheria ya *NGO* ya kutaka *NGO* ziwe na *compliance certificate* ilikuwa ni *duplication* ya *efforts*, lakini marekebisho ya sheria yatasaidia *NGO* zisiwe na huu usumbufu ambao ulikuwepo wa kuandikisha *BRELA*, lakini sambamba na hilo kutakiwa kuwa na *certificate of compliance*. Kwahiyo, ningependa kuwatoa hofu *NGO* nchini, kaeni tayari ile miezi miwili ambayo mmepewa, baada ya Mheshimiwa Rais kusaini hii sharia, basi ndani ya miezi miwili wahakikishe wana-*migrate* kwenda kwenye sheria mpya na kama Serikali tulivyosema nia yetu ni kuratibu mambo ya kibiashara yawe ya kibiashara na mambo yaki-*NGO* yawe yaki-*NGO*.

Mheshimiwa Naibu Spika, jambo la pili ambalo ningependa kuchangia, ni bidhaa zilizopandishwa ushuru. Serikali imekuwa sikivu Waheshimiwa Wabunge ukiangalia kwenye *Budget Act* ya 2018/2019 na *Budget Act* ambayo tumeipitisha leo hii, kuna maeneo mengi ambayo tumepandisha ushuru kulinda Kampuni za ndani, lakini wajibu na haki ni *two size of the same coin*, tume-*protect* viwanda, lakini viwanda hivi lazima sasa tufike mahali tuwe na *performance agreement* kwamba tume-*protect* tumepandisha ushuru, lakini sasa wewe wajibika katika

kuhakikisha unatimiza yale malengo ambayo umeahidi baada ya sisi kutoa hiyo *protection*.

Mheshimiwa Naibu Spika na Waheshimiwa Wabunge, nitaje tu maeneo machache. Tumepandisha ushuru wa forodha wa asilimia 10 badala ya asilimia sifuri kwenye *gypsum powder*; kwenye mafuta ghafi ya kula ya mawese yaani *crude palm oil*; kwenye mafuta ghafi ya kula ya alizeti, kwenye mafuta ya kula ya mawese, bidhaa za chuma na misumari, viberiti, viazi, *fresh of chilled and other seeds* na maeneo mengi.

Mheshimiwa Naibu Spika, kwa hiyo baada ya Bunge hili, mimi kama Waziri wa Viwanda na Biashara nitakaa na Kampuni ambazo zimejikita kwenye hizi bidhaa ambazo tumezipa *protection* kwa kuongeza ushuru wa forodha ili tuangalie mpango wao wa kazi na kuhakikisha *protection* inakuja na *responsibility* na *accountability*.

Mheshimiwa Naibu Spika na Waheshimiwa Wabunge, ile *blue print* na *action plan* ambayo tumeileta kwenu na mmeipitisha inalenga kuleta ufanisi, hata kuhamisha *NGO* ni kuleta ufanisi, yaani sisi Viwanda na Biashara tujikite kwenye kusaidia biashara na viwanda nchini. Utaratibu huu wa kuwa na *performance agreement* ya bidhaa ambazo tumezi-*protect* na kuhakikisha kampuni ambazo zinahusika katika haya maeneo, tunataka tujenge uchumi wa viwanda. Sambamba na hilo kampuni hizi zisilale tu kwasababu tumewapa-*protection* wananchi wanategemea bidhaa ambazo zitakuwa ni bora lakini za bei nafuu.

Mheshimiwa Naibu Spika, sasa tuki-*protect* bila kuhakikisha tunakuwa na *performance* na *agreement* ya hizi kampuni ambazo zinatengeneza hizi bidhaa, matokeo yake bei itapanda, halafu bidhaa itakuwa haitoshi na itakuwa kinyume na matarajio ambayo Serikali inapenda kwamba tutoe *protection*, lakini *responsibility* na *accountability* ziwepo kwa kampuni ambazo tunazi-*protect* ziweze kuzalisha bidhaa ambazo zitakuwa zinatoshwa na ni nafuu kwa wananchi wetu. Kwa hiyo nilipenda niliweke hilo kwamba ufanisi huu

ambao tunaufanya kupitia hizi sheria utatusaidia Wizara ya Viwanda na Biashara kujikita kwenye maeneo ambayo wametuelekeza kupitia *blue print* tuweze kuyatekeleza

Mheshimiwa Naibu Spika, jambo lingine ambalo ningependa kulizungumzia ambalo limechangiwa kuhusu *BRELA* ni changamoto za urasimu, lakini pale *BRELA* tayari tuna *infrastructure* ya wananchi ku-*registeron line*, lakini kuna *technicalities* ambazo tutahakikisha tunazirekebisha ili mwananchi popote anapokuwa aweze ku-*registeronline* na tayari tumeruhusu ukishakuwa na kitambulisho cha *NIDA* unaweza ukafanya *registration* bila kuwa na kadi. Hizo ni moja ya hatua ambazo tumezifanya ili kuhakikisha kupitia *BRELA* tunakuwa tunamfumo ambao uko *onlinena* wananchi wanaweza wakatumia *onlineregistration* kusajili kampuni mpya.

Mheshimiwa Naibu Spika, pia tunapanga kuwa *nabusiness clinics* ili kuwafuata wananchi kwenye mikoa kuondoa usumbufu wa kuja kwenye Makao Makuu ya *BRELA* kwa ajili ya kufanya *registration*.

Mheshimiwa Naibu Spika, nakushukuru sana kwa kunipa nafasi, nampongeza Mheshimiwa AG, Waziri wa Katiba na Wabunge kwa kuunga mkono hii hoja ya marekebisho ya sheria.

Mheshimiwa Naibu Spika, baada ya kusema hayo naunga mkono hoja nashukuru sana. (*Makofi*)

NAIBU SPIKA: Ahsante sana. Mheshimiwa Dkt. Harrison Mwakyembe.

WAZIRI WA HABARI, UTAMADUNI, SANAA NA MICHEZO: Mheshimiwa Naibu Spika, nakushukuru sana kwa kunipa fursa ya kuchangia. Nianze kwa kumpongeza sana Profesa Kilangi kwa kuwasilisha Muswada huu kwa ufasaha mkubwa.

Mheshimiwa Naibu Spika, naomba nami niunge mkono hoja na nianze kwa kusisitiza; usajili wa Asasi za Kiraia

ambazo zinashughulikia masuala ya kijamii, usajili wake chini ya Sheria ya Makampuni, sheria ambayo inajishughulisha na vyombo ambavyo vinafanya masuala ya kiuchumi, masuala ambayo mtu anategemea kupata faida baadaye, kwa kweli ni mkanganyiko unaokaribisha vurugu katika usimamizi na udhibiti. Sababu ziko nyingi kwa nini Asasi za Kiraia zinakwenda kujisajili kwenye Sheria ya Makampuni, sababu kubwa ni kwamba ni Asasi ambazo zinajitambua kwamba hazina sifa kuweza kusajiliwa chini ya Sheria ya Vyama ambayo iko chini ya Wizara ya Mambo ya Ndani au chini ya Sheria ya NGO, ambayo iko chini ya Wizara ya Afya.

Sasa kwa kufanya hivyo wao wamepata kichochoro sasa kwenda kujisajili chini ya Sheria ya Makampuni na kugeuka kuwa popo mwenye sifa maalum, maana ni ndege na vilevile mnyama, tena mnyama ambaye yeye mwenzetu kazi yake anaifanya usiku.

Mheshimiwa Naibu Spika, Kampuni hizi zinaitwa *Companies Limited by guarantee* kampuni hizi ni kampuni ambazo mimi nazona kwamba zinakwepa udhibiti wa *BRELA* na udhibiti wa mamlaka zinazosimamia *NGOs*, ni kutokana na upopo wa Asasi hizi. Naamini kabisa kwamba tukiziondoa hizo Asasi huko na kuzipeleka sehemu yake tunaleta kwa kweli utaratibu mzuri sana na pengine wenzetu hapa niwataarifu tu Waheshimiwa Wabunge kwamba chini ya Sheria ya Makampuni Cap 212, tuna *companies limited by guarantee* ndiyo hizo ambazo wale wanaoanzisha kampuni inabidi wakubaliane mwanzoni kwamba tukipata matatizo tutachangia kiasi fulani cha pesa katika *asset* za kampuni.

Mheshimiwa Naibu Spika, zipo kampuni zingine mbili kuna *private companies limited by shares* na *public companies limited by shares*. Hizi wale wanaoanzisha wanakuwa na hisa zao ambazo zinapanda kutokana na *profit* za kampuni na pale ambapo kampuni inapata shida inaelekeza sheria msiwafuate majumbani kwao ni hisa zile walizoweka ndizo ambazo zitasaidia kuongezea kwenye *assets* za kampuni kulipia *liability*. Kwa hiyo hizi ni kampuni tofauti kabisa.

Mheshimiwa Naibu Spika, ukienda Australia ambao tunafanana nao sana katika mfumo wetu wa sheria nao ni *common law system*, wenzetu wale *companies* hizo hizo *companylimited byguarantee* zimewekewa kabisa vyombo vya usimamizi. Sasa hatuhitaji sisi Tanzania tuunde vyombo vya usimamizi kwa ajili ya *companies limited byguarantee* baada ya kufanya kuleta hii vurugu ambayo tunaiona sasa hivi. Tunavielekeza tu kwamba nyie ambao mko huku mmejiingiza kwenye Sheria ya Makampuni, hamtengenezi faida, mnahudumia jamii, nendeni huko mkakae na wenzenu ambao wapo katika kuhudumia masuala ya jamii. (Makofi)

Mheshimiwa Naibu Spika, ni uholela huu ambao umetusababishia Asasi nyingi kuingia hapa nchini, kukwepa kwepa tu udhibiti, leo hii ndiyo vinara wa kuhamasisha ushoga hapa nchini, tutalileta hilo suala hapa Bungeni, ni tatizo kubwa sana linatupata kutokana na hizi Asasi ambazo zimetoka nje, maana wenzetu kule nje sasa hivi ushoga ni haki ya binadamu, ambayo ni kinyume kabisa cha utamaduni wa Mtanzania.

Mheshimiwa Naibu Spika, nikimbilie haraka haraka kwa Msemaji Mkuu Kambi ya Upinzani, Mheshimiwa Salome Makamba na Mheshimiwa Ally Saleh, wamelalamikia suala la *rawfootage* katika mabadiliko ya Sheria ya Filamu nakala ghafi na sinema iliyokamilika kuachwa nchini. Nataka kusisitiza tu kwamba nakala ghafi si ya kuitumia sisi kwenye luninga zetu. Nakala ghafi niya kuiwezesha Serikali kupitia Bodi ya Filamu Tanzania kuwa na ushahidi wa matumizi ya hiyo rasilimali waliyoitoa hapa na kama wamefanya kama tulivyokubaliana, hiyo itakuja kutusaidia baadaye, lakini si kwa matumizi yetu sisi hapa kuanza kuonyesha. Ni kwa makubaliano na haya makubaliano tutayaelezea vizuri katika kanuni si katika sharia.

Mheshimiwa Naibu Spika, suala la pili ni la *profit return*, wameilalamikia vilevile nafikiri kwa nia njema tu kwamba tutafukuza wawekezaji, hapana hatutafanya hivyo. Tulilala kwa muda mrefu, tumechangia watu wengine kutajirika kwa rasilimali zetu, sisi huku hatupati hata chochote. Sasa

tunachotaka sisi angalau ukitoka ukapata faida uturudishie kitu kidogo. Nitaeleza, sihitaji kutoa mifano mingi hapa, katika kufikia uamuzi huu tumewasiliana na Shirikisho la Dunia la Haki Miliki (*World Intellectual Property Organization*). Wametuaambia Watanzania *as long as* nyie wenzetu mmetunga Sheria ya Ulinzi wa Rasilimali za Nchi, ile ya mwaka 2017, kaeni chini mtengeneze *profit sharing agreement* na makampuni yote yanayokuja hapa nchini.

Mheshimiwa Naibu Spika, la mwisho kabisa...

(Hapa kengele illia kuashiria kwisha kwa muda wa mzungumzaji)

WAZIRI WA HABARI, UTAMADUNI, SANAA NA MICHEZO:
Oohoo, naunga mkono hoja.

NAIBU SPIKA: Ahsante sana. Mtoa hoja, Mheshimiwa Mwanasheria Mkuu wa Serikali.

MWANASHERIA MKUU WA SERIKALI: Mheshimiwa Naibu Spika, naomba nichukue fursa hii kukushukuru tena kwa kunipa nafasi ya kufanya majumuisho ya mjadala kuhusu Muswada wa Marekebisho ya Sheria Mbalimbali Na.3 wa mwaka 2019

Mheshimiwa Naibu Spika, kabla sijaendelea na majumuisho kwa kifupi kabisa naomba nilisemea suala alilolilubua Mheshimiwa Amina Mollel linalohusu kesi ya mtoto kubakwa kwa sababu kadri ya maelezo yake barua ile imeelekezwa kwa Mwanasheria Mkuu wa Serikali, natumaini tutaipata. Kama ulivyoelekeza na kufafanua mwenyewe, kwa kuwa hii kesi ilikuwa Mahakamani na mshtaki alikuwa ni Jamhuri akisimamiwa na Ofisi ya DPP - Mwendesha Mashtaka Mkuu wa Serikali na Mahakama imetoa uamuzi huo, hatua inayofuata kama ulivyoeleza ni kukata rufaa.

Mheshimiwa Naibu Spika, pia nilipenda niongeze zaidi hapo, iwapo pengine itagundulika Hakim aliyehusika katika kutoa hukumu hiyo pengine hakufuata maadili ya kazi yake,

zipo taratibu za kisheria za kushughulika na Mahakimu katika masuala na mazingira kama hayo. Zipo Kamati za Maadili chini ya Mahakama, lakini pia kuna vyombo vingine vinavyoshughulika na masuala hayo. Pia kuhusu wale Wanasheria waliohusika iwe ni Wanasheria wa Serikali katika Ofisi ya *DPP* au wale Wanasheria binafsi wa utetezi, kama itaonekana pia kwamba kulikuwa na ukiukwaji wa maadili, ipo Kamati ya Nidhamu ya Mawakili na ikigundulika hivyo watafikishwa huko, lakini pia vipo vyombo vingine. Kwahiyo tutalifuatilia suala hili. (*Makofi*)

Mheshimiwa Naibu Spika, baada ya kutoa maelezo hayo, niwashukuru Waheshimiwa Wabunge waliotoa michango yao mbalimbali. Jumla ya Wabunge 10 wametoa michango kwa kuongea na sikupata mchango wowote uliokuja kwa maandishi. Pia niwashukuru sana Waheshimiwa Mawaziri waliochangia katika kuhitimisha hoja hii.

Mheshimiwa Naibu Spika, baada ya kusema hivyo, naomba sasa nijielekeze katika kujibu hoja mbalimbali zilizotolewa na nitaanza kuzungumza kwa mambo ya ujumla.

Mheshimiwa Naibu Spika, pia nitaanza kujielekeza katika hotuba ya Kambi Rasmi ya Upinzani na ninachopenda kusema tu ni kwamba asilimia kubwa ya mambo yaliyozungumzwa au kugusiwa katika hotuba ya Kambi Rasmi ya Upinzani tayari yamefanyiwa kazi katika jedwali la marekebisho (*Schedule of Amendment*) iliyoletwa na Serikali na nafikiri basi wahusika wakilitazama lile jedwali wataona namna hayo mambo mbalimbali tumeyafanya kazi.

Mheshimiwa Naibu Spika, vinginevyo palikuwa na hoja kwamba sheria hizi zimekuja kwa haraka na kadhalika, lakini nafikiri zimetolewa maelezo, kwamba sheria inaweza kubadilishwa muda wowote kulingana na mazingira. Pia kulikuwa na wasiwasi kwamba kulikuwa na nia ovu, naomba nieleze Bunge lako Tukufu kwamba hakuna nia ovu yoyote hapa na lengo ni kujiwekea utaratibu mzuri kwasababu hakuna nchi ambayo inaendeshwa bila utaratibu.

Mheshimiwa Naibu Spika, pia ulitokea upotoshaji mkubwa na kutia hofu hasa katika mitandao na sehemu mbalimbali, lakini nafikiri upotoshaji huo ulitokana na ukweli kwamba wengi walisoma tu haya marekebisho yaliyopendekezwa na Serikali lakini hawakuwa wamesoma zile sheria mama ambazo zilikusudiwa kurekebishwa, wangesoma zile sheria mama wangepata ufafanuzi moja kwa moja katika zile sheria na wangeliona tatizo ambalo Serikali ilipenda kulishughulikia.

Mheshimiwa Naibu Spika, sasa nijielekeze katika hizi sheria mbalimbali zinazorekebishwa nikianza na *Companies Act*, namshukuru sana Waziri, Mheshimiwa Dkt. Mwakyembe ameeleza kidogo, kuna historia ndefu katika jambo hili. Nimesikia kuna kuja hoja tuangalie *best practice* na kadhalika. Napenda kusema hata sisi tunaweza tukaweka *best practice* na wengine wakajifunza. Tusiwe kila wakati tukizungumzia *best practice* tuwe tunasema tunajifunza kwa wengine hata sisi tunaweza kuweka *best practice*. (Makofi)

Mheshimiwa Naibu Spika, tafsiri ya neno kampuni imezungumzwa, kipindi cha kuhama nacho kimezungumzwa, tumeweka utaratibu ambapo kama mtu hataweza kuhama kwa muda uliopangwa kuna utaratibu wa kulishughulikia jambo hilo. Pia suala la kampuni inapofutwa tumeweka utaratibu wa vizuri zaidi ambapo huyu anayeathirika anaweza ku-*challenge* kuanzia ile *level* ya *notice* au kampuni inapokuwa imefutwa kabisa.

Mheshimiwa Naibu Spika, kwenye Sheria ya *Copyright* na *Neighbouring Rights Act*, kimsingi tumepata michango ya Waheshimiwa Wabunge na nadhani wengi wanakubaliana nasi kwamba lengo la sheria hii ni kulinda haki miliki ikiwemo za wasanii wetu. Huo ndiyo msimamo wa Serikali na *actually* ndiyo msimamo wa wadau pia.

Mheshimiwa Naibu Spika, kwenye Sheria ya *Films and Stage Plays*, sheria ina lengo la kudhibiti uoneshaji wa filamu katika mazingira ambayo yanazingatia maadili ya taifa letu. Pia kuna yale masuala ya kuja kupiga picha hapa nchini na

sisi tusipate faida yoyote, basi sheria pia inataka kuliangalia jambo hili. Hapa tumezingatia pia zile sheria mbili tulizotunga mwaka 2017 na hasa ile moja ya *The Natural Wealth and Resources (Permanent and Sovereignty Act)*.

Mheshimiwa Naibu Spika, kwenye Sheria ya *NGOs*, tumesikia michango iliyotolewa lakini hoja kubwa na ambayo imezungumzwa na wachangiaji wengi ni ku-*regulate*, kuweka mazingira mazuri ambapo *NGOs* zitafanya kazi kwanza kwa kutekeleza malengo yaliyokusudiwa lakini pia kuhakikisha kwamba hazitoki nje ya mstari kwa kufanya yale ambayo hayakutarajiwa. Kama nilivyosema hapo awali, kila nchi lazima iwe na utaratibu na sijapata kuona nchi ambayo haiongozwi kwa utaratibu wowote.

Mheshimiwa Naibu Spika, kwenye *Society Act* kulikuwa na maoni fulani kwamba pengine taasisi za kidini zinaondolewa kwenye sheria hii. Napenda kusema kwamba palikuwa na kosa dogo la kiuandishi hapo, mashirika na taasisi za kidini zinaweza kujiandikisha kama *societies*, tumerekebisha changamoto hiyo.

Mheshimiwa Naibu Spika, kwenye Sheria ya *Statistics*, ni kweli tumeirudisha tena Bungeni na hii ni kwa sababu sheria yoyote inapotungwa unaanza kuangalia utekelezaji wake na changamoto zinazojitokeza kwenye utekelezaji huo na siku zote haizuiliwa kuileta tena kwa ajili ya kurekebisha dosari ambazo zimeonekana. Jambo hili ni la kawaida na Bunge hili limekuwa linafanya hivyo toka lilipoanza. (*Makofi*)

Mheshimiwa Naibu Spika, kwenye Sheria *Shipping Agencies*, Mheshimiwa Mmasi alipenda kupata maelekezo kidogo kuhusu kuacha kumpa leseni ya kuwa *agent* au kufanya kazi kama *agent* mtu ambaye ni mmliki wa meli au *operator* na kadhalika. Lengo kubwa hapa ni kutenganisha suala la umiliki wa meli au *operator* na kadhalika na suala kuwa *agent*. Kwa sababu kilichojitokeza kwa uzoefu ni kwamba walewale wamikili wa meli ndiyo haohao walitoka wakatengeneza uwakala huko.

Mheshimiwa Naibu Spika, naona kengele ya pili imelia lakini nachopenda kusema kwa kuhitimisha, maoni haya tumeyapokea na kwa kweli kama nilivyosema awali tayari yalishaingizwa katika Jedwali la Marekebisho la Serikali.

Mheshimiwa Naibu Spika, naomba niseme kwamba nawashukuru sana Waheshimiwa Wabunge kwa michango yao mizuri, tumepokea maoni mazuri ambayo yanalenga kuboresha si Muswada tu bali hata masharti mengine ya sheria mama. Kwa ujumla, maoni na ushauri uliotolewa na Waheshimiwa Wabunge ni ushaidi kwamba suala la marekebisho ya sheria kwa lengo la kuboresha utekelezaji madhubuti wa sheria zilizopo linamhusu kila mmoja wetu katika Bunge hili na jambo endelevu. Ndiyo maana kila mwaka Serikali inakuja na Muswada wa aina hii ili kuboresha masharti ya sheria zetu na kuzifanya ziendane na wakati.

Mheshimiwa Naibu Spika, baada ya kusema hayo, naomba kutoa hoja.

WAZIRI WA KATIBA NA SHERIA: Mheshimiwa Naibu Spika, naafiki.

NAIBU SPIKA: Waheshimiwa Wabunge, hoja imeungwa mkono, kwa hiyo, tutaendelea na utaratibu wetu, Katibu.

NDG. LAWRENCE MAKINGI – KATIBU MEZANI:

KAMATI YA BUNGE ZIMA

MWENYEKITI: Waheshimiwa tukae. Katibu.

NDG. ATHUMAN HUSSEIN – KATIBU MEZANI:

Ibara ya 1

Ibara ya 2

Ibara ya 3

(Ibara zilizotajwa hapo juu zilipitishwa na Kamati ya Bunge Zima bila mabadiliko yoyote)

Ibara ya 4

*(Ibara iliyotajwa hapo juu ilipitishwa na Kamati ya Bunge
Zima pamoja na marekebisho yake)*

Ibara ya 5

*(Ibara iliyotajwa hapo juu ilipitishwa na Kamati ya Bunge
Zima bila mabadiliko yoyote)*

Ibara ya 6

*(Ibara iliyotajwa hapo juu ilipitishwa na Kamati ya Bunge
Zima pamoja na marekebisho yake)*

Ibara ya 7

Ibara ya 8

Ibara ya 9

*(Ibara zilizotajwa hapo juu zilipitishwa na Kamati ya Bunge
Zima bila mabadiliko yoyote)*

Ibara ya 10

*(Ibara iliyotajwa hapo juu ilipitishwa na Kamati ya Bunge
Zima pamoja na marekebisho yake)*

Ibara ya 11

*(Ibara iliyotajwa hapo juu ilipitishwa na Kamati ya Bunge
Zima bila mabadiliko yoyote)*

Ibara ya 11A

Ibara ya 11B

Ibara ya 11C

*(Ibara zilizotajwa hapo juu zilipitishwa na Kamati ya Bunge
Zima bila mabadiliko yoyote)*

Ibara ya 12

Ibara ya 13

*(Ibara iliyotajwa hapo juu ilipitishwa na Kamati ya Bunge
Zima pamoja na marekebisho yake)*

Ibara ya 13A

*(Ibara iliyotajwa hapo juu ilipitishwa na Kamati ya Bunge
Zima bila mabadiliko yoyote)*

Ibara ya 14

Ibara ya 15

*(Ibara zilizotajwa hapo juu zilipitishwa na Kamati ya Bunge
Zima bila mabadiliko yoyote)*

Ibara ya 16

Ibara ya 17

Ibara ya 18

*(Ibara zilizotajwa hapo juu zilipitishwa na Kamati ya Bunge
Zima pamoja na marekebisho yake)*

Ibara ya 19

*(Ibara iliyotajwa hapo juu ilipitishwa na Kamati ya Bunge
Zima bila mabadiliko yoyote)*

Ibara ya 20

Ibara ya 21

*(Ibara zilizotajwa hapo juu zilipitishwa na Kamati ya Bunge
Zima pamoja na marekebisho yake)*

Ibara ya 22

Ibara ya 23

Ibara ya 24

*(Ibara zilizotajwa hapo juu zilipitishwa na Kamati ya Bunge
Zima bila mabadiliko yoyote)*

Ibara ya 25

*(Ibara iliyotajwa hapo juu ilipitishwa na Kamati ya Bunge
Zima pamoja na marekebisho yake)*

NAIBU SPIKA: Waheshimiwa Wabunge, Kanuni yetu ya 28(5) inaniruhusu bila kuwahoji Waheshimiwa Wabunge kuongeza muda ili Kamati iweze kumaliza kazi yake. Kwa hiyo, naongeza muda ili tukamilishe kazi hii.

Ibara ya 26

Ibara ya 27

Ibara ya 28

*(Ibara zilizotajwa hapo juu zilipitishwa na Kamati ya Bunge
Zima pamoja na marekebisho yake)*

Ibara ya 29

*(Ibara iliyotajwa hapo juu ilipitishwa na Kamati ya Bunge
Zima bila mabadiliko yoyote)*

Ibara ya 30

*(Ibara iliyotajwa hapo juu ilipitishwa na Kamati ya Bunge
Zima pamoja na marekebisho yake)*

Ibara ya 31

Ibara ya 32

Ibara ya 33

Ibara ya 34

*(Ibara zilizotajwa hapo juu zilipitishwa na Kamati ya Bunge
Zima bila mabadiliko yoyote)*

Ibara ya 35

Ibara ya 36

Ibara ya 37

Ibara ya 38

*(Ibara zilizotajwa hapo juu zilipitishwa na Kamati ya Bunge
Zima pamoja na marekebisho yake)*

Ibara ya 39

Ibara ya 40

Ibara ya 41

Ibara ya 42

Ibara ya 43

Ibara ya 44

Ibara ya 45

Ibara ya 46

Ibara ya 47

Ibara ya 48

Ibara ya 49

Ibara ya 50

Ibara ya 51

*(Ibara zilizotajwa hapo juu zilipitishwa na Kamati ya Bunge
Zima bila mabadiliko yoyote)*

Ibara ya 52

*(Ibara iliyotajwa hapo juu ilipitishwa na Kamati ya Bunge
Zima pamoja na marekebisho yake)*

Ibara ya 53

Ibara ya 54

*(Ibara zilizotajwa hapo juu zilipitishwa na Kamati ya Bunge
Zima bila mabadiliko yoyote)*

Ibara ya 55

Ibara ya 56

Ibara ya 57

*(Ibara zilizotajwa hapo juu zilipitishwa na Kamati ya Bunge
Zima pamoja na marekebisho yake)*

Ibara ya 58

Ibara ya 59

*(Ibara zilizotajwa hapo juu zilipitishwa na Kamati ya Bunge
Zima bila mabadiliko yoyote)*

Ibara ya 60

Ibara ya 61

Ibara ya 62

*(Ibara zilizotajwa hapo juu zilipitishwa na Kamati ya Bunge
Zima pamoja na marekebisho yake)*

Ibara ya 63

Ibara ya 64

Ibara ya 65

Ibara ya 66

Ibara ya 67

Ibara ya 68

Ibara ya 69

Ibara ya 70

Ibara ya 71

Ibara ya 72

*(Ibara zilizotajwa hapo juu zilipitishwa na Kamati ya Bunge
Zima bila mabadiliko yoyote)*

Ibara ya 73

*(Ibara iliyotajwa hapo juu ilipitishwa na Kamati ya Bunge
Zima pamoja na marekebisho yake)*

Ibara ya 74

*(Ibara iliyotajwa hapo juu ilipitishwa na Kamati ya Bunge
Zima bila mabadiliko yoyote)*

NDG. ATHUMAN HUSSEIN – KATIBU MEZANI:

Mheshimiwa Mwenyekiti, napenda kutoa taarifa kwamba Kamati ya Bunge Zima imemaliza kazi yake.

MWENYEKITI: Bunge linarejea.

(Bunge lilirudia)

NAIBU SPIKA: Mtoa hoja taarifa. *(Makofi)*

T A A R I F A

MWANASHERIA MKUU WA SERIKALI: Mheshimiwa Naibu Spika, kwa mujibu wa Kanuni za 89(1) ya Kanuni za Kudumu za Bunge, Toleo la Januari, 2016, napenda kutoa taarifa kwamba Kamati ya Bunge nzima imeupitia Muswada wa Sheria ya Marekebisho Mbalimbali Na.3 ya Mwaka 2019 [*The Written Laws (Miscellaneous Amendments) (No.3) Bill, 2019*], Ibara kwa Ibara na kuukubali pamoja na marekebisho yaliyofanyika.

Mheshimiwa Naibu Spika, naomba kutoa hoja kwamba Muswada wa Sheria ya Marekebisho ya Sheria Mbalimbali (Na.3) wa mwaka 2019 [*The Written Laws (Miscellaneous Amendments) (No.3) Bill, 2019*] kama ulivyorekebishwa katika Kamati ya Bunge Zima sasa ukubaliwe.

Mheshimiwa Naibu Spika, naomba kutoa hoja.
(Makofi)

WAZIRI WA KATIBA NA SHERIA: Mheshimiwa Naibu Spika, naafiki.

NAIBU SPIKA: Waheshimiwa Wabunge, hoja imeungwa mkono. *(Makofi)*

Waheshimiwa Wabunge, kwa utaratibu wetu nitawahoji ya hoja ya Mwanasheria Mkuu wa Serikali kuhusu Muswada wa Sheria ya Marekebisho ya Sheria Mbalimbali (Na. 3) wa mwaka 2019 [*The Written Laws (Miscellaneous Amendments) (No.3) Bill, 2019*].

(Hoja ilitolewa iamuliwe)

(Hoja iliamuliwa na Kuafikiwa)

NAIBU SPIKA: Nadhani walioafiki wameshindwa, Katibu.

NDG. ATHUMAN HUSSEIN – KATIBU MEZANI:

(Muswada wa Sheria kwa ajili ya kufanya marekebisho katika sheria mbalimbali zipatazo nane (8) kwa lengo kwa kuundoa upungufu ambao umejitokeza katika sheria hizo wakati wa utekelezaji baadhi ya masharti katika sheria hizo (A Bill for an Act to Amend Certain Written Laws)

(Kusomwa Mara ya Tatu)

(Muswada wa Sheria ya Marekebisho ya Sheria Mbalimbali (Na.3) wa mwaka 2019 [The Written Laws (Miscellaneous Amendments) (No.3) Bill, 2019] Ulipitishwa na Bunge)

NAIBU SPIKA: Waheshimiwa Wabunge, kwa mujibu wa taratibu zetu na kwa sababu mmeshahojiwa na mmekubali ama mmeafiki Muswada huu maana yake kwa upande wa Bunge taratibu zetu zimekamilika kinachobaki ni Muswada huu kupelekewa Mheshimiwa Rais ili na yeye aweze kutimiza wajibu wake kwa mujibu wa Ibara ya 97 ya Katiba yetu.

Waheshimiwa Wabunge, kwa niaba yenu, nichukue fursa hii kuwashukuru sana upande wa Serikali kwa kupokea mawazo ya Kamati lakini pia na Wabunge wengine ambao walienda huko kwenye Kamati ambao wameufanya Muswada huu uwe bora zaidi. Pia kuona mambo ambayo wadau wanaozitumia sheria hizi wangeweza pengine kuathirika kwa namna moja au nyinyine lakini upande wa Serikali mmekuwa wasikivu, kwa hiyo, niwapongeze na kuwashukuru sana. *(Makofi)*

Waheshimiwa Wabunge, pengine ni kwamba mawazo ambayo huwa yanatolewa na Wabunge kipindi mnachohudhuria Kamati lakini hapa ndani wakati mwingine mabadiliko hayawezi kufanywa wakati huo huo kwa sababu mnaweza kuwa hamjalifuatilia jambo hilo kwa karibu, kama nilivyozungumza wakati tukimalizia Sheria ya Fedha na pia

huu Muswada, yale mawazo ambayo wameyatoa Waheshimiwa Wabunge kwa sababu mnavyo vitengo vya utafiti huko wanaweza kuwa wanaendelea kuyaangalia yale ambayo wameyazungumza. Mkiona kama kuna umuhimu basi Bunge kazi yake kutengeneza sheria mtaleta hapa marekebisho mkishaona kuna haja ya marekebisho hayo kama Wabunge ambavyo walikuwa wanapendekeza yale ambayo hayajaweza kupata fursa ya kufanyiwa kazi. Kwa hiyo, niwatakie kila la kheri katika kuzisimamia sheria hizi na kwa yale ambayo pengine taasisi mbalimbali zinatakiwa kuchukua hatua basi upande wa Serikali uhakikishe taarifa hizi zinawafikia kama ambavyo Bunge lilipendekeza zile tozo zilizoondolewa kwenye Sheria ya Fedha basi zipelekwe kila mahali ili watu wote waweze kuzifanyia kazi.

Waheshimiwa Wabunge, ninayo mambo mawili hapa, tangazo la kwanza ni kuhusu nakala ya *Blueprint*, Wizara ya Viwanda na Biashara, sasa inawatangazia Waheshimiwa Wabunge wote kwamba nakala zenu wote zimeshafika kwa Katibu. Kwa hiyo, wale ambao sehemu zao za kutunzia taarifa zimejaa wapunguze ili wawekewe hizo nakala zao na wale ambao pengine watakuwa na haraka zaidi ya kuondoka kabla ya sehemu zao za kuwekea nyaraka hazijafikiwa na taarifa hiyo wanaweza kupita kwa Katibu ili wapewe nakala zao waendeleo kuzisoma ili tuendeleo kuishauri vizuri Serikali kwenye maboresho yale ambayo wanataka kuyafanya.

Waheshimiwa Wabunge, kuna jambo linaendelea Dar es Salaam kama ambavyo macho yetu yote yapo Misri lakini pia kwa wale ambao hatukupata fursa kwenda Misri Dar es Salaam kuna michezo ya wenzetu wenye ulemavu inaendelea na timu yetu ya Tanzania inafanya vizuri sana. Taarifa nilizonazo ni kwamba timu yetu inaitwa *Tembo Worries* inacheza mpira wa miguu kwa maana *football* kwa wenzetu wenye ulemavu, inafanya vizuri na imeingia robo fainalii. *(Makofi)*

Waheshimiwa Wabunge, mnaombwa sana kwa wale mtakaokuwa Dar es Salaam kesho lakini pia wananchi

mnaombwa sana kuhudhuria, siku ya kesho itachezwa nusu fainali na siku ya Jumapili itakuwa ni fainali. Kwa hiyo, mnakaribishwa sana Uwanja wa Taifa kwenda kushuhudia michuano hii. Kwa kuwa timu yetu inafanya vizuri na sisi Wabunge mtakumbuka timu ile tumewaunga mkono, kwa hiyo, twende pale tukaonyeshe umoja wetu.

Waheshimiwa Wabunge, pia nimetaarifiwa Mheshimiwa Stella Ikupa Alex, Naibu Waziri, Ofisi ya Waziri Mkuu anayeshughulikia Watu wenye Ulemavu atakuwa pale kufunga mashindano hayo siku ya Jumapili. Kwa hiyo, kwa umoja wetu twende tukawape moyo vijana wetu ambao wamefanya vizuri sana kwa sababu kuna timu za nchi mbalimbali ambapo mpaka sasa wameshatoka lakini wa kwetu wameendelea. *(Makofi)*

Waheshimiwa Wabunge, baada ya kusema hayo, naahirisha shughuli za Bunge mpaka kesho saa 11.00 jioni.

(Saa 7.38 Mchana Bunge Liliahirishwa mpaka Siku ya Ijumaa, Tarehe 28 Juni, 2019 Saa Kumi na Moja Jioni)