

MINISTERIAL STATEMENT BY MINISTER OF JUSTICE IN RESPONSE TO THE POINT OF ORDER RAISED BY HONOURABLE JACK J MWIIMBU, MP, ON THURSDAY, 21ST FEBRUARY 2013

MR SPEAKER,

On Thursday, 21st February, 2013, Honourable Jack Mwiimbu, MP raised a point of order before this House as to whether or not the government through the Ministry of Mines, Energy and Water Development, the supervising ministry of the Energy Regulation Board (ERB) was in order to breach the provisions of the Energy Regulation Act, No. 16 of 1995.

Honourable Mwiimbu referred this House to the schedule under section 3 of the Act which prescribes the total number of board members as seven (07) and that no member of the board should be drawn from a political party. In reference to the present ERB board, he informed the House that the board was composed of eleven (11) members instead of seven (07) as provided by law. He, therefore, wondered if government were in order to abrogate the laws enacted by this House?

MR SPEAKER,

I have taken time to verify the issues raised by Honourable Mwiimbu in his point of order. It is true and correct that section 3 of the Energy Regulation Act, No. 16 of 1995 as read together with Amendment Act No. 23 of 2003 provides that the board shall be composed of seven (07) members. It is also true that the Honourable Minister of Mines, Energy and Water Development appointed eleven (11) members in lieu of the prescribed seven (07) members. However, what is not true is that this decision was a deliberate act on the part of the government to circumvent or indeed breach the legal provisions of the Act as enacted by this House.

MR SPEAKER,

The Patriotic Front treats and shall continue to regard the laws enacted by this House as sacred and sacrosanct. This government stands for the rule of law and the application of the laws enacted by this House with utmost deference. This particular incident raised in the point of order is an act of inadvertence which is not uncommon to mortal human beings. It is an act which calls for an immediate remedy on the part of government. We shall accordingly proceed to remedy this fundamental error and ensure that the board is re-constituted in accordance with the provisions of the law. Further, the Ministry of Justice has already recommended that all sector ministries should employ in-house legal officers to ensure that decisions by government receive the professional attention of these officers.

MR SPEAKER,

Let me now raise a point which highlights the problems which would have led to the point of order in question. It is most interesting that the said breach of the provisions of the law came through a point of order before this House when such an administrative error could have been corrected by those employed to advise the Honourable Minister in the Energy Regulation Board administration or management. Since Honourable Mwiimbu does not work for the ERB, it goes without any stretch of imagination that the source for his information is within the ERB. What then would be the motive for such a leakage of information if it is not intended to undermine the public image of the government as one composed of men and women who act with impunity in matters of the law? Or as Honourable Mwiimbu states in his point of order, a government will abrogate the laws enacted by this House.

MR SPEAKER,

We all still recall the debate in this House last week during the motion for the ratification of the Secretary to the Cabinet. Allegations were made on the floor of this

House about the so-called rampant dismissals of civil servants who now are working with a high sense of insecurity about their continued employment. Unbefitting examples were given about some relatives who had been dismissed under the Patriotic Front government. How else, one may ask, can a government discharge its functions and implement its development programmes unless it is supported by a public service loyal and faithful to its development agenda?

As for us in the Patriotic Front government, we believe that only a loyal and faithful public service and employees of its attendant statutory bodies can act as the engine of our social and economic policies. Anyone who attempts to undermine the development process which is intended to deliver our people from poverty, hunger, disease, illiteracy, inequality and social injustice should be regarded as an enemy of our people. Such a person has no right to continue to serve our people. Our policy for an inclusive government should not therefore, be regarded as a sign of weakness at all. To the contrary, it is predicated on our desire and belief to construct a civilized society.

MR SPEAKER,

I thank you Sir.