

EXTRACT FROM
PARLIAMENT OF ZIMBABWE – HOUSE OF ASSEMBLY
VOTES AND PROCEEDINGS
for Thursday 15th December 2011

SPEAKER'S RULING ON STANDING ORDER 62(d) AND APPLICATION FOR HIS RECUSAL

After yesterday's proceedings in the House, it is my duty to clarify certain misconceptions about the motion moved by Hon. Tshuma, and the accusations levelled against me by Members of this August House.

When Members are seeking to prevent the debate on a motion on grounds that the motion is inadmissible in terms of Standing Order 62(d), the motion must be one "on which a judicial decision is pending". A matter on which a judicial decision is pending is one where pleadings have been closed and all parties to the case have submitted their arguments to the court, and await the judge's decision. The mere filing of a court application is insufficient to warrant the invocation of Standing Order 62(d). If the Speaker were to expunge motions on the Order Paper on the basis of someone merely having filed a court application, the House would never conduct any business. In any event, Parliament has not received a court order barring the debate on the motion.

The role of the Speaker is to chair the House and ensure that all Members of Parliament are afforded an opportunity to exercise their Constitutional role as they debate upon matters in the August House of Assembly. The Speaker does not descend into debates, he maintains an impartial role in refereeing the conduct of the debate, regardless of the content of the debate. The reasons put forward seeking the Speaker's recusal are insufficient for such action because the motion refers to the flawed election process, not the officer elected as a result thereof. Further, that the Speaker and all the Chairs of the House are cited in the court application leaves an untenable situation that no presiding officer can chair over the debate of the motion.

The matter before this House relates to internal procedures of the Legislative Arm of Government. Unwarranted interference in these internal procedures seriously undermines the authority and integrity of the Legislative Arm of Government, and compromises the Doctrine of Separation of Powers.
