

**BUNGE LA TANZANIA**

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**MAJADILIANO YA BUNGE**

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**MKUTANO WA KUMI NA NNE**

**Kikao cha Pili – Tarehe 30 Januari, 2019**

*(Bunge Lilianza Saa Tatu Asubuhi)*

**D U A**

*Mwenyekiti (Mhe. Mussa Azzan Zungu) Alisoma Dua*

**MWENYEKITI:** Tukae. Katibu!

**NDG. PAMELA PALLAGYO – KATIBU MEZANI:**

**HATI ZILIZOWASILISHWAMEZANI**

Hati zifuatazo ziliwasilishwa Mezani na:

**NAIBU WAZIRI, UJENZI, UCHUKUZI MAWASILIANO (MHE. ATASHASTA J. NDITIYE):**

Maelezo ya Waziri wa Ujenzi, Uchukuzi na Mawasiliano kuhusu Muswada wa Sheria ya Hali ya Hewa Tanzania wa Mwaka 2018 [*The Tanzania Meteorological Authority Bill, 2018*].

Maelezo ya Waziri wa Ujenzi, Uchukuzi na Mawasiliano kuhusu Muswada wa Sheria ya Mamlaka ya Udhhibiti Usafiri wa Ardhini wa Mwaka 2018 [*The Land Transport Regulatory Authority Bill, 2018*].

**MHE. WILLIAM D. NKURUA (K.n.y. MWENYEKITI WA KAMATI YA KUDUMU YA BUNGE YA MIUNDOBINU):**

Maoni ya Kamati ya Kudumu ya Miundombinu kuhusu Muswada wa Sheria ya Mamlaka ya Hali ya Hewa Tanzania wa Mwaka 2018 [*The Tanzania Meteorological Authority Bill, 2018*].

Maoni ya Kamati ya Kudumu ya Miundombinu kuhusu MUswada wa Sheria ya Malaka ya Udhibiti Usafiri wa Ardhini wa Mwaka 2018 [*The Land Transport Regulatory Authority Bill, 2018*]

**MHE. QAMBALO W. QULWI - MSEMaji MKUU WA KAMBI RASMI YA UPINZANI BUNGENI KUHUSU WIZARA YA UJENZI, UCHUKUZI NA MAWASILIANO:**

Maoni ya Msemaji Mkuu wa Kambi Rasmi ya Upinzani kuhusu Muswada wa Sheria ya Mamlaka ya Hali ya Hewa Tanzania kwa Mwaka 2018 [*The Tanzania Meteorological Authority Bill, 2018*].

Maoni ya Msemaji Mkuu wa Kambi Rasmi ya Upinzani kuhusu Wizara ya Ujenzi, Uchukuzi na Mawasiliano kuhusu Muswada wa Sheria ya Mamlaka ya Udhibiti Usafiri wa Ardhini wa Mwaka 2018 [*The Land Transport Regulatory Authority Bill, 2018*].

**MWENYEKITI:** Ahsante, Katibu!

**NDG. PAMELA PALLANGYO - KATIBU MEZANI:**

**MASWALI NA MAJIBU**

**MWENYEKITI:** Waheshimiwa tunaanza na Ofisi ya Rais TAMISEMI, Mheshimiwa Anne Kilango Malecela.

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**Hitaji la Ujenzi wa Barabara ya Hedaru – Vunta – Myamba  
Wilaya ya Same**

**MHE. ANNE K. MALECELA** aliuliza:-

Barabara ya Hedaru – Vunta – Myamba Wilaya ya Same ni korofi sana na kusababisha usafiri wa barabara ya Tarafa ya Mamba/Vunta kuwa mgumu:-

Je, Serikali inawasaidiaje Wananchi wa Tarafa ya Mamba/Vunta ili waweze kuendelea kiuchumi?

**NAIBU WAZIRI, OFISI YA RAIS, TAWALA ZA MIKOA NA SERIKALI ZA MITAA (MHE. JOSEPHAT S. KANDEGE)** alijibu:-

Mheshimiwa Mwenyekiti, kwa niaba ya Waziri wa Nchi Ofisi ya Rais – TAMISEMI, naomba kujibu swali la Mheshimiwa Anne Kilango Malecela, Mbunge wa Kuteuliwa kama ifuatavyo:-

Mheshimiwa Mwenyekiti, barabara ya Hedaru – Vunta – Myamba yenye urefu wa Kilometa 42.2 inahudumiwa na Wakala wa Barabara Vijijini na Mjini (TARURA), Wilaya ya Same. Barabara hiyo ipo Ukanda wa Milimani na uhalibifu wake hunatokana na changamoto ya maji ya mvua yanayosababisha maporomoko ya udongo na kuchimbika kwa barabara.

Mheshimiwa Mwenyekiti, katika Mwaka wa Fedha 2018/2019, barabara hiyo ilitengewa kiasi cha shilingi Milioni 20 kwa ajili ya ujenzi wa mifereji ya maji ya mvua na vivuko viwili. Uwekaji wa Miundombinu hiyo utapunguza uharibifu unaotokana na maji ya mvua. Kazi hizo zinaendelea kutekelezwa. Kwenye Mpango wa Bajeti ya Mwaka wa Fedha 2019/2020, Serikali imeweka kipaumbele na kutenga jumla ya shilingi milioni 87.72 kwa ajili ya kuiwekea changarawe kwenye sehemu korofi.

**MWENYEKITI:** Mheshimiwa Mama Kilango.

**MHE. ANNE K. MALECELA:** Mheshimiwa Mwenyekiti, naomba kuuliza maswali mawili ya nyongeza, Wilaya ya Same, ni Wilaya ambayo takribani, eneo lake katika Mkoa wa Kilimanjaro ni 40% ya eneo zima la Mkoa wa Kilimanjaro. Lakini Wilaya ya Same mara kwa mara inatengewa pesa kidogo sana inapewa pesa zilizoko chini ya wilaya ambazo ni ndogo zaidi ya wilaya ile. Naomba Serikali ione kwamba haioni umuhimu wa kutenga pesa zinazolingana na ukubwa wa Wilaya ile ya Same ambayo ni takribani 40% ya eneo lote la Mkoa wa Kilimanjaro.

Mheshimiwa Mwenyekiti, swali la pili nakuja kwenye barabara hii ya Hedaru – Vunta – Myamba barabara hii ni korofi mno, sijawahi kuona barabara kama hii, Awamu ya Nne niliwanyenyekea hapa Bungeni kwamba barabara ya Mkomazi, Kisiwani Same, waiweke kwa vipande vipande, walifanya hivyo.

Mheshimiwa Mwenyekiti, sasa barabara hii yenye kilomita 42.2 hii TARURA Same wamefanya tathmini ya kutengeneza barabara yote kwa ujumla, wakapata ni bilioni 1.8. Je, Serikali hamuoni kwamba kwa sababu wananchi hawa wanahangaika mno mkatengeneza vipande vipande ili mmalize tatizo lote, kuliko mnavyochukua vimilioni viwili vitatu? *(Makofi)*

**MWENYEKITI:** Mheshimiwa Waziri majibu kwa kifupi, jandae Mbatia

**NAIBU WAZIRI, OFISI YA RAIS, TAWALA ZA MIKOA NA SERIKALI ZA MITAA (MHE. JOSEPHAT S. KANDEGE):** Mheshimiwa Mwenyekiti, naomba uniruhusu kwanza kabla ya kujibu maswali mawili ya nyongeza nimpongeze kipekee Mheshimiwa Kilango Malecela jinsi ambavyo amekuwa akipigania wananchi wake wa Same na sisi sote ni mashahidi Kiwanda kile cha Tangawizi kimejengwa ni kwa ajili ya kazi kubwa aliyofanya yeye. *(Makofi)*

Mheshimiwa Mwenyekiti, ni kweli kwamba mgawanyo wa fedha umekuwa hauendani na uhalisia na hili ni swali ambalo limekuwa likiulizwa na Waheshimiwa Wabunge wengi na sisi Ofisi ya Rais TAMISEMI baada ya kuliona hilo sasa hivi tuna-*commission consultant* kwa ajili ya kuja na formula nzuri itakayosaidia ili tunapogawa fedha twende na uhalisia. Kwa sababu formula inayotumika ndiyo iliyokuwa inatumika mwanzo kabla TARURA haijaanza kufanya kazi. kwa hiyo, naomba Mheshimiwa Kilango Malecela na Wabunge wengine tuvute subira kwa sababu tayari *consultant* anafanya kazi atatuletea majibu na formula ambayo itakuwa nzuri kwa kutusaidia. (Makofi)

**MWENYEKITI:** Asante.

**NAIBU WAZIRI, OFISI YA RAIS, TAWALA ZA MIKOA NA SERIKALI ZA MITAA (MHE. JOSEPHAT S. KANDEGE):** Mheshimiwa Mwenyekiti, lakini swali lake la pili anaona iko haja kwa ajili ya ukorofi wa ile barabara tuanze kujenga kwa kiwango cha lami walau kilometa chache chache *at the end* tuje tukamilishe kilometa zote 42. Ni wazo jema kwa sababu vinginevyo tunakuwa tunarudia fedha inatumika lakini kwa mazingira na jiografia ya barabara ambayo Mheshimiwa ametaja iko haja kubwa sana. (Makofi)

**MWENYEKITI:** Mheshimiwa Mbatia, ajiandae Mheshimiwa Deo.

**MHE. JAMES F. MBATIA:** Mheshimiwa Mwenyekiti, nashukuru sana, barabara za Mkoa wa Kilimanjaro zikiweko za Same pamoja na za Vunjo na mkoa wa ujumla ziko kwenye maeneo ya mwinuko. Na barabara zote hizi, zinavyotengenezwa zinawekewa fedha kidogo ambazo sasa haziendani na hali halisia ya *soil property* au tabia ya barabara hizo. Je Serikali haioni umuhimu, wa kutafuta aina ya *material* ambayo ni nzuri na ambayo siyo ghari kama ilivyo *beachmen* ili kuweza kufanya barabara hizo ziweze zikapitika kwa urahisi na kuongeza uchumi wa Mkoa wa Kilimanjaro na Tanzania kwa ujumla?

**MWENYEKITI:** Mheshimiwa Waziri kwa kifupi.

**NAIBU WAZIRI, OFISI YA RAIS, TAWALA ZA MIKOA NA SERIKALI ZA MITAA (MHE. JOSEPHAT S. KANDEGE):** Mheshimiwa Mwenyekiti, wazo ambalo Mheshimiwa Mbunge anatoa ni wazo jema na sisi Ofisi ya Rais TAMISEMI tumekuwa tukifanya majaribio na tumeanzia Wilaya ya Bihalamuro tulienda na Mheshimiwa Mukasa. Kuna stadi ambayo inafanyika namna ya kuweza kujenga barabara kwa gharama nafuu lakini barabara ambazo zitaweza kudumu kwa kipindi kirefu. Kwa hiyo, ni wazo ambalo tunalifanyia kazi hakika baada ya kujiridhisha juu ya uwezo wa barabara hizo kuhimili kudumu ni wazo ambalo tutalifanyia kazi kujenga barabara zetu kwa gharama nafuu lakini ambazo zitadumu kwa muda mrefu.

**MWENYEKITI:** Mheshimiwa Deo.

**MHE. DEOGRATIAS F. NGALAWA:** Mheshimiwa Mwenyekiti, asante, Wilaya ya Ludewa eneo la Kandokando mwa Ziwa Nyasa kuna vijiji takribani kumi na mbili, gari, baiskeli wala pikipiki haijawahi kufika huko. Niishukuru Serikali kuna kipande cha Mwambahesa kwenda Makonde, kimeanza kufanyika kazi. Je, TARURA inafikiriaje sasa kutuongezea wananchi wa Ludewa hususani waishio kandokando wa Mwambao wa Ziwa Nyasa kutoka eneo la Makonde mpaka kihondo ili tuweze kupata barabara? *(Makofi)*

**MWENYEKITI:** Mheshimiwa Waziri kwa kifupi sana. Waheshimiwa kila swali limepangiwa dakika sita la msingi na nyongeza na majibu kwa hiyo, naomba majibu yawe mafupi na maswali yawe mafupi.

**NAIBU WAZIRI, OFISI YA RAIS, TAWALA ZA MIKOA NA SERIKALI ZA MITAA (MHE. JOSEPHAT S. KANDEGE):** Mheshimiwa Mwenyekiti, nimepata fursa ya kutembelea jimbo la Mheshimiwa Ngalawa, kama kuna maeneo ambayo kuna changamoto ya milima maana kule milima ya Livingstone

ndio inapita kule, ukanda ule, ni ukanda wa kutizama kwa jicho tofauti kabisa.

Mheshimiwa Mwenyekiti, na Mheshimiwa Mbunge naye amekiri kwamba kuna kazi nzuri ambayo inafanyika juu ya kuhakikisha kwamba wananchi wale wanakuwa na barabara ambayo inapitika vipindi vyote. Naomba Mheshimiwa Mbunge aendelee kuiamini Serikali ni nia ya Serikali kuhakikisha kwamba kila eneo ambalo wako wananchi wetu, barabara zinapitika vipindi vyote, kwa kadiri bajeti itakavyoruhusu na yeye pia tutahakikisha kwamba wananchi wake wanapata barabara ya uhakika.

**MWENYEKITI:** Asante, Waheshimiwa tunaendelea, Wizara hiyo hiyo, Mheshimiwa John Heche.

Na. 12

### **Kupandisha Hadhi Hospitali ya Tarime kuwa Mkoa**

**MHE. JOHN W. HECHE** aliuliza:-

Hospitali ya Wilaya ya Tarime imeelemewa na Wagonjwa kwa sababu inapokea Wagonjwa wengi kutoka Wilaya ya Tarime na Rorya, pamoja na uchache wa Vituo vya Afya, Zahanati na Vifaa katika maeneo mengi ya Wilaya hizo.

Je, ni kwa nini Serikali isipandishe hadhi Hospitali hiyo na kuwa Hospitali ya Mkoa?

**MWENYEKITI:** Mheshimiwa Waziri majibu.

**NAIBU WAZIRI, OFISI YA RAIS, TAWALA ZA MIKOA NA SERIKALI ZA MITAA (MHE. JOSEPHAT S. KANDEGE)** alijibu:-

Mheshimiwa Mwenyekiti, kwa niaba ya Waziri wa Nchi, Ofisi ya Rais TAMISEMI, naomba kujibu swali la Mheshimiwa John Wegesa Heche Mbunge wa Tarime Vijijini kama ifuatavyo:-

Mheshimiwa Mwenyekiti, wananchi 367,985 wa Halmashauri ya Wilaya ya Tarime wanapata huduma za afya katika Hospitali ya Wilaya ya Tarime iliyoko Tarime Mjini pamoja na Vituo vya Afya vinane ambavyo vitano vinamilikiwa na Serikali na vitatu vinamilikiwa na Watu Binafsi na Zahanati 23 za Serikali zikiwa 16 na 7 Watu binafsi. Vilevile, Hospitali hiyo inahudumia wilaya za jirani ambazo ni Rorya, Musoma na Bunda na wagonjwa kutoka nchi jirani ya Kenya na kusababisha msongamano wa wagonjwa.

Mheshimiwa Mwenyekiti, Serikali haina mpango wa kupandisha hadhi Hospitali ya Wilaya ya Tarime kuwa Hospitali ya Mkoa kwa kuwa Mkoa wa Mara una Hospitali ya Rufaa ya Mkoa wa Mara iliyoko Musoma Mjini. Ili kutatua changamoto ya utoaji wa huduma za Afya katika Mkoa wa Mara, Serikali katika Mwaka wa Fedha 2018/2019 imetenga kiasi cha shilingi bilioni 4.5 kwa ajili ya ujenzi wa Hospitali tatu za halmashauri katika Halmashauri za Wilaya ya Bunda, Rorya na Musoma.

Tayari fedha zote zimepelekwa kwenye Halmashauri husika kwa ajili ya kuanza ujenzi. Vilevile, Serikali inaendelea na Ukarabati na ujenzi wa Vituo sita vya Afya katika Mkoa wa Mara vinavyogharimu jumla ya shilingi bilioni 2.4. Ujenzi wa Hospitali tatu za halmashauri na Vituo sita vya Afya utaimarisha huduma katika ngazi ya msingi na kupunguza msongamano wa Wagonjwa katika Hospitali ya Wilaya ya Tarime.

**MWENYEKITI:** Mheshimiwa Heche.

**MHE. JOHN W. HECHE:** Mheshimiwa Mwenyekiti, ninakushuru japo swali hili lilikosewa na kwa sababu hakukuwa na muda wa kufanya marekebisho na bahati nzuri Mheshimiwa Kandege anajua mazingira ya pale vizuri. swali langu Mheshimiwa lilihusu Zahanati ya Nyamwaga ambayo Halmashauri ya Wilaya imejenga majengo kumi wodi *theatre*, mochwari na tukaiomba iwe-*upgraded* kuwa Hospitali ya kwanza sasa ya halmashauri kwa sababu ina mazingira yote yanayoruhusu. Wewe tulikwenda pale na Waziri Mkuu

unapajua, tumepeleka vifaa vya milioni mia tatu, swali langu linauliza ni lini, Zahanati ya Nyamwaga ambayo inazidi hata Hospitali ya Wilaya itafanywa kuwa Hospitali ihudumie wananchi kama hospitali na ipolekewe Wataalamu kwa sababu vifaa vipo? Ndio swali hilo na wewe unapafahamu vizuri pale.

**MWENYEKITI:** Lakini silo uliloliuliza, wewe umeuliza swali lingine, na Serikali imekujibu swali lako, sasa wewe umekuja na swali jipya, sasa nakubaliana na wewe, maswali ya Afya ni muhimu jimboni mwako na nakushukuru umelitolea, Mheshimiwa Waziri baadaye kaa na Mheshimiwa Mbunge mueleze majibu namna gani mnaweza ku-*coucas* na kujibu, hongera kwa swali zuri. Tunaendelea, Mheshimiwa Catherine, Mheshimiwa Bulembo.

**MHE. CATHERINE V. MAGIGE:** Mheshimiwa Mwenyekiti, nakushukuru kwa kunipa nafasi ya kuuliza swali moja la nyongeza, kwanza naipongeza Serikali kwa kutupatia pesa katika kituo cha Afya cha Sakala milioni mia nne na Usunani milioni mia nne katika Wilaya ya Ngorongoro Mkoa wa Arusha. Nilitaka kufahamu katika kwa kuwa vituo hivi vinakamilika siku si nyingi je Serikali imejipangaje, kuhakikisha inatuletea vifaa tiba na raslimali watu katika vituo hivi viwili vya Afya?

**MWENYEKITI:** Mheshimiwa Waziri kwa kifupi, ni lini? Wewe mwabie tu. Bajeti ikiwa tayari mambo...

**NAIBU WAZIRI, OFISI YA RAIS, TAWALA ZA MIKOA NA SERIKALI ZA MITAA (MHE. JOSEPHAT S. KANDEGE):** Mheshimiwa Mwenyekiti, niruhusu kwa dhati kabisa nimpongeze Mheshimiwa Catherine jinsi ambavyo amekuwa akiwapigania wananchi wa Mkoa wa Arusha hususani kuhusiana na suala zima la Afya, baada ya pongezi hizo naomba nimjibu Mbunge na kwa Wabunge wote ambao wana maswali kama hayo kuhusiana na lini vifaa na wataalam watapelekwa ili hayo majengo ambayo yamekamilika yaanze kufanya kazi iliyokusudiwa.

Mheshimiwa Mwenyekiti, katika bajeti ambayo tunaikaribia 2019/2020 sisi Ofisi ya Rais TAMISEMI, fedha nyingi tumetenga ili tuweze kuhakikisha kwamba tunapata vifaa vyote ili Vituo vya Afya vianze kufanya kazi iliyokusudiwa. Kwa sababu utakubaliana na mimi kwamba ukiwa na majengo mazuri bila kuwa na vitendea kazi itabaki kuwa *White elephant* na sisi Ofisi ya Rais TAMISEMI hatutaki kuwa sehemu ya mzigo huo. Kwa hiyo nimuhakikishie Mheshimiwa Mbunge mchakato uko katika hali nzuri ili tuhakikishe kwamba Vifaa vinapatikana na Watumishi wa kutosha wanapatikana ili majengo yakishakamilika huduma ianze kutolewa.

**MWENYEKITI:** Mheshimiwa Bulembo, Mheshimiwa Ruth.

**MHE. ABDALLAH M. BULEMBO:** Mheshimiwa Mwenyekiti, nakushukuru sana kwenye jimbo la Chalinze hakuna Hospitali ya Wilaya, mwenzi mmoja uliopita tulimsumbua Mheshimiwa Kangi Lugola tulikutana tumepata ajali, magari yetu yakaanza kusoma majeruhi, tukauliza shida ni nini? TAMISEMI kwa nini? Mnaweka hela Kibaha Mjini Kibaha Vijijini na kuna Tumbi? Kwa nini hamuwezi kupeleka hela katika Jimbo la Chalinze kupata Hospitali ya Wilaya kwa sababu kuna umbali mrefu watu wakipata ajali?

**MWENYEKITI:** Mheshimiwa Waziri majibu, Mheshimiwa Waziri unajibu vizuri sana, hongera sana, lakini jibu kwa kifupi.

**NAIBU WAZIRI, OFISI YA RAIS, TAWALA ZA MIKOA NA SERIKALI ZA MITAA (MHE. JOSEPHAT S. KANDEGE):** Mheshimiwa Mwenyekiti, najua iko kiu kubwa sana Waheshimiwa Wabunge maeneo mengi ambayo wangependa Hospitali za Wilaya na tunaita Hospitali za Halmashauri ziweze kujengwa. Sasa katika hii ambayo umesemea kuhusiana na Chalinze kuwa na Hospitali ya Wilaya, sina uhakika katika orodha ya Hospitali za Halmashauri ambazo zimetengewa bilioni 1.9 kama Chalinze ipo au haipo. Kama inakidhi vigezo katika bajeti tunayoenda nayo kuna Hospitali tisa nazo tutaziingiza nje ya zile 67 sasa, kama na Chalinze ni mojawapo hilo sioni kama...

**MWENYEKITI:** Basi utamtafuta baadaye utampa takwimu, Mheshimiwa Ruth.

**MHE. RUTH H. MOLLEL:** Mheshimiwa Mwenyekiti, ahsante kwa kunipa nafasi ya kuuliza swali moja dogo la nyongeza.

Mheshimiwa Mwenyekiti, Hospitali ya Mkuranga mpaka leo kwa muda mrefu haina *x-ray*. Ni lini sasa Serikali itahakikisha hospitali ile inakuwa na *x-ray* kusudi kuwasaidia wananchi wa pale Mkuranga? Ahsante.

**NAIBU WAZIRI, OFISI YA RAIS, TAWALA ZA MIKOA NA SERIKALI ZA MITAA (MHE. JOSEPHAT S. KANDEGE):** Mheshimiwa Mwenyekiti, naomba nijibu swali la nyongeza la Mheshimiwa Ruth Mollel kama ifuatavyo:-

Mheshimiwa Mwenyekiti, kama nilivyojibu katika majibu yangu ya nyongeza katika maswali ya nyongeza kwamba ni azma ya Serikali kuhakikisha maeneo yote ambayo majengo yapo, vifaa vinakuwepo na wataalam wa kutosha wanakuwepo. Kwa hiyo, ni vizuri tukajua hii Hospitali ya Mkuranga ambayo naamini ni miongoni mwa hospitali ambazo zinatakiwa ziwe na huduma hiyo, nini kilikosekana ili katika vifaa vitakavyopelekwa na yenyewe ipate hiyo *X-ray*.

Na. 13

### **Umuhimu wa Mafundi Mchundo**

**MHE. ALMAS A. MAIGE** aliuliza:-

Serikali imeanzisha sera nzuri ya viwanda nchini ili kukuza uchumi wa viwanda na maendeleo kwa wananchi.

(a) Je, Serikali haioni upungufu wa mafundi mchundo na mafundi sadifu kuwa ni kikwazo cha ufanisi wa sera ya viwanda?

(b) Je, Serikali ina mkakati gani wa kuziimarisha shule za ufundi za Moshi, Ifunda, Tanga na Mtwara ili kuwaandaa na kuwapatia mafundi sadifu kufanikisha sera ya viwanda nchini?

**NAIBU WAZIRI, OFISI YA RAIS, TAWALA ZA MIKOA NA SERIKALI ZA MITAA (MHE. MWITA M. WAITARA) alijibu:-**

Mheshimiwa Mwenyekiti, kwa niaba ya Waziri wa Nchi, Ofisi ya Rais – TAMISEMI, naomba kujibu swali la Mheshimiwa Almas Athuman Maige, Mbunge wa Tabora Kaskazini lenye sehemu (a) na (b) kama ifuatavyo:-

(a) Mheshimiwa Mwenyekiti, Serikali inatambua umuhimu wa mafundi mchundo (*technicians*)na mafundi stadi (*artisans*)katika kutekeleza azma ya Serikali ikifikia uchumi wa kati kupitia viwanda ifikapo mwaka 2025. Hadi kufikia Desemba 2018, kulikuwa na vyuo vya ufundi stadi 449 nchini ambavyo vilidahili wanafunzi 119,184 kujiunga katika fani mbalimbali za ufundi ili kuwa na wataalam wa kutosha kuendana na mageuzi ya viwanda nchini. Vilevile, kupitia programu ya taifa ya kukuza ujuzi kwa vijana, jumla ya vijana 10,858 wamefaidika na mafunzo mbalimbali ya ujuzi katika fani za useremala, uashi, terazo, uchongaji vipuri, ufundi umeme, ufundi bomba, ucholemeaji, ushonaji, upishi, huduma za hoteli, ufundi magari na kutengeneza viatu vya ngozi. Mikakati hiyo inakusudia kuwa na wataalam wa kutosha ili kufanikisha utekelezaji wa sera ya viwanda.

(b) Mheshimiwa Mwenyekiti, Serikali inaendelea kutekeleza mkakati wa kuborsha mazingira ya elimu nchini ikiwemo ukarabati wa shule na miundombinu ambapo kupitia mradi wa lipa kulingana na matokeo (*EP4R*) kati ya mwaka wa fedha 2015/2016 hadi Desemba, 2018 Serikali imetumia jumla ya shilingi bilioni 11.2 kwa ajili ya ukarabati wa shule kongwe za ufundi. Shule zilizokarabatiwa ni shule ya Sekondari Moshi kwa shilingi bilioni 2, Ifunda shilingi bilioni 2.8, Tanga shilingi bilioni 1.8, Musoma shilingi bilioni 1.2, Bwiru Wavulana shilingi milioni 825 na Iyunga shilingi milioni 978. Lengo la Serikali ni kuhakikisha shule hizo za ufundi

zinaimarishwa ili kuwa na wataalam watakaoshiriki kikamilifu katika kujenga uchumi wa viwanda.

**MWENYEKITI:** Mheshimiwa Almasi.

**MHE. ALMAS A. MAIGE:** Mheshimiwa Mwenyekiti, namshukuru sana Mheshimiwa Waziri kwa amjibu mazuri ya Serikali.

Mheshimiwa Mwenyekiti, lakini umeona kwamba kuna utata wa maneno fundi sadifu na fundi mchundo na hilo limekuwa tatizo la elimu yetu. Fundi mchundo ni *artisan* na Serikali imefanya vizuri sana lakini fundi sadifu ambaye ni *Full Technician Certificate (FTC) holders* ndio tuna upungufu mkubwa. *Technical field* inafanya kazi, ma-*engineer* wanawatelemshia hawa watu wa fundi sadifu na fundi sadifu wanawateremshia watu wa *artisans*. (*Makofi*)

Mheshimiwa Mwenyekiti, kwa hiyo limekuwa tatizo, kuna *gap* kubwa kati ya wahandisi (*engineers*) wanaofanya kazi na kwenda kuunganisha huku chini nafasi katikati imepotea. Baada ya hapo nina maswali mawili ya nyongeza kama ifuatavyo:-

Mheshimiwa Mwenyekiti, Serikali imefanya sana kazi ya kuanzisha Shule za Kata, zimeenea maeneo yote ya vijijini na kata. Je, Serikali sasa haioni umuhimu wa kuzifanya baadhi ya Shule za Kata ziwe shule za ufundi ili kumwaga mafundi katika ngazi za vijiji na kata ili kujenga sera hii ya viwanda. (*Makofi*)

Mheshimiwa Mwenyekiti, kwa kuwa Serikali imeamua kujenga *VETA* na kwa kuwa Jimbo langu la Tabora Kaskazini hakuna chuo hata kimoja cha *VETA*. Je, Serikali ina mpango gani wa kuanzisha Chuo cha *VETA* katika Jimbo la Tabora Kaskazini. (*Makofi*)

**MWENYEKITI:** Mheshimiwa Waziri majibu, kwa kifupi sana.

**NAIBU WAZIRI, OFISI YA RAIS, TAWALA ZA MIKOA NA SERIKALI ZA MITAA (MHE. MWITA M. WAITARA):** Mheshimiwa Mwenyekiti, swali la kwanza, kwanza kuna vyuo vya ufundi ambavyo vinasimamiwa na Wizara ya Elimu, Sayansi na Teknolojia lakini pia kuna shule hizi za ufundi ambazo zimekarabatiwa kama nilivyotaja na tunaomba tupokee wazo lake tulifanyie kazi, tukiona linafaa itafanyiwa kazi na kutekelezwa ili kuongeza na kupunguza *gap* ambalo amelizungumza.

Mheshimiwa Mwenyekiti, swali la pili ameuliza kama kuna kuna uwezekano wa kuanzisha Chuo cha *VETA* katika Jimbo lake la Tabora Kaskazini, tunaomba tulipokee ni wazo jema likifanyiwa kazi atapata majibu kwa wakati muafaka. Ahsante.

**MWENYEKITI:** Ahsante kwa majibu mafupi. Waheshimiwa tunaendelea na Wizara ya Maliasili na Utalii, Mheshimiwa Hamida Mohamed Abdallah. Hebu Mheshimiwa sauti yako haiingii kwenye hansard, ikivute vizuri hicho kipazasauti.

Na. 14

### **Miji ya Urithi wa Dunia**

**MHE. HAMIDA M. ABDALLAH** aliuliza:-

Kilwa ni moja kati ya miji mikongwe katika Afrika Mashariki tangu 900 – 1700 AD ikiwemo Lamu, Mombasa, Sofaa na Zanzibar. Miji hii ilipewa heshima ya jina la urithi wa dunia (*World Heritage Sights*) na husaidiwa na mataifa mbalimbali kama Marekani, Japan, Ujerumani, Uingereza na Taasisi ya *UNICEF*;

Je, Serikali ya Tanzania inafaidika na nini kutokan kwenye mataifa hayo yanayosaidia nchi zenye Miji ya Urithi wa Dunia?

**NAIBU WAZIRI WA MALIASILI NA UTALII alijibu:-**

Mheshimiwa Mwenyekiti, kwa niaba ya Waziri wa Maliasili na Utalii napenda kujibu swali la Mheshimiwa Hamida Mohamed Abdallah, Mbunge wa Viti Maalum kama ifuatavyo:-

Mheshimiwa Mwenyekiti, maeneo ya Urithi wa Dunia yanaratibiwa kimataifa na Shirika la Umoja wa Mataifa la Elimu, Sayansi na Utamaduni (*United Nations Educational, Scientific and Cultural Organization - UNESCO*) kupitia mkataba wa mwaka 1972 na ulinzi na uhifadhi wa urithi wa dunia. Mji wa Kilwa una magofu ya Kilwa Kisiwani na Songo Mnara ambayo ni miongoni mwa maeneo ya urithi wa utamaduni ambayo yalipewa hadhi ya urithi wa dunia mwaka 1981. Maeneo mengine ya urithi wa utamaduni yenye hadhi hiyo ni pamoja na Mji Mkongwe wa Zanzibar, Michoro ya mapangoni ya Kolo – Kondo na urithi mchanganyiko wa Hifadhi ya Bonde la Ngorongoro.

Mheshimiwa Mwenyekiti, yapo manufaa ambayo Serikali ya Tanzania inafaidika kutoka kwa mataifa mbalimbali na nchi wahisani kwa kuwa na maeneo yenye hadhi ya urithi wa dunia. Kuwa na maeneo ya aina hii kunasaidia kuwepo kwa juhudi za pamoja za kimataifa za kuhifadhi, kulinda na kuyaendeleza maeneo haya. Manufaa haya yanaweza kugawanywa katika makundi matatu ambayo ni ushauri wa kiufundi katika masuala ya uhifadhi, misaada ya kifedha na kulitangaza eneo kiutalii.

Mheshimiwa Mwenyekiti, baadhi ya manufaa ambayo Mji wa Kilwa umepata kwa kuwa ni hadhi ya urithi wa dunia ni kama ifuatavyo:-

Mheshimiwa Mwenyekiti, mwaka 2002 – 2005 ulifanyika ukarabati wa msikiti mkuu na mdogo pamoja na kubwa, yalitolewa mafunzo kwa mafundi sanifu, ilinunuliwa gari na ukarabati wa boti kwa ufadhili wa Serikali ya Ufaransa wenye thamani ya Euro 660,000.

Mheshimiwa Mwenyekiti, mwaka 2005 - 2008 ulifanyika ukarabati wa Kasri ya Sultani, ununuzi wa mashine ya boti, ukarabati wa nyumba ya wageni ya Kijerumani, ujenzi wa kinga maji eneo la Gereza la Kale na ujenzi wa Birika la Maji la Songo Mnara kwa ufadhili wa *UNESCO* na Norway wenye thamani ya *USD* 201,390.

Mheshimiwa Mwenyekiti, mwaka 2008 – 2009 yalitolewa mafunzo kwa waongoza wageni, mapishi, usindikaji wa chakula pamoja na uanzishaji wa vikoba kwa wananchi, uandaaji wa kitabu cha urithi wa Kilwa kwa ufadhili wa *UNESCO* na Serikali ya Ufaransa wenye thamani ya *USD* 159,780.

Mheshimiwa Mwenyekiti, mwaka 2011 – 2014 ukarabati wa majenzi Kilwa Kisiwani na Songo Mnara kwa ufadhili wa Ubalozzi wa Marekani wenye thamani ya *USD* 700,000.

Mheshimiwa Mwenyekiti, utekelezaji wa miradi hii yote unafanyika kwa kushirikisha wananchi kwa kuwapatia mafunzo ya uhifadhi na kufanya ukarabati wenyewe. Aidha, wananchi wanapatiwa mafunzo ya namna ya kutumia fursa za utalii ikiwa ni pamoja na mafunzo ya uongozaji watalii.

Mheshimiwa Mwenyekiti, nitumie fursa hii kuishukuru *UNESCO* na nchi wahisani kwa kuunga mkono juhudi za Serikali katika kuhifadhi, kuendeleza na kutangaza maeneo haya yenye urithi wa utamaduni.

**MWENYEKITI:** Mheshimiwa Hamida!

**MHE. HAMIDA M. ABDALLAH:** Mheshimiwa Spika, ahsante sana, nimshukuru sana Mheshimiwa Waziri kwa majibu ambayo ameyatoa lakini sasa naomba kuuliza maswali mawili ya nyongeza kama ifuatavyo:-

Mheshimiwa Mwenyekiti, kwanza nishukuru wafadhili ambao walijitokeza katika kuja kuendeleza Mji wa Kilwa kwa shughuli mbalimbali ambazo zimetolewa. Hata hivyo urithi wa sasa upo mbioni kutoweka kwa sababu yale yaliyofanyika

kama Wizara imeshindwa kuyasimamia katika kuendeleza utalii Kilwa. Kuna shida ya miundombinu ya kutoka Kilwa Mjini kwenda Kilwa Kisiwani, kwa maana ya usafiri wa boti; kumekuwa na boti ile ya kizamani ambayo haina usalama zaidi. Ningependa Serikali sasa kuweka miundombinu sawa ili kuufanya Mji wa Kilwa uweze kuendelea katika upande huo wa utalii.

Mheshimiwa Mwenyekiti, Mji wa Kilwa bado kuna maeneo ya Kilwa Kivinje kuna magofu pale ambayo waliishi wakoloni lakini bado hayajaendelezwa kwa ajili ya utalii katika Mji wa Kilwa. Sasa ningeomba kuiuliza Serikali wanatumia njia gani kutangaza kwanza utalii Kilwa lakini ni kwa namna gani wizara hii sasa itakuja Kilwa kuona magofu ambayo wameshindwa kuyaendeleza kwa muda mrefu ili kufanya utalii wa Kilwa kuendelea. Ahsante sana. *(Makofi)*

**MWENYEKITI:** Mheshimiwa Waziri, kwa kifupi sana.

**NAIBU WAZIRI WA MALIASILI NA UTALII:** Mheshimiwa Mwenyekiti, naomba kwanza kwa nafasi hii nimpongeze sana Mheshimiwa Hamida Mohamed Abdallah kwa juhudi kubwa ambayo amekuwa akiifanya kuulizia namna gani wizara inaendeleza utalii katika Mikoa ya Lindi na Mtwara kwa ujumla na amekuwa akitusumbua sana ofisini ili kuweza kufahamu.

Mheshimiwa Mwenyekiti, ni kweli kwamba eneo hili miundombinu imekuwa ni mibaya kutokana na eneo hili kushindwa kujiendesha kutokana na mapato madogo ambayo yamekuwa yakipatikana kutokana na watalii wachache wanaokwenda maeneo hayo. Kwa hiyo, wizara katika kulitafutia ufumbuzi suala hili, imeyagawa maeneo yote ya malikale ambayo yametambuliwa ambayo ni maeneo 18 kwa taasisi zake nne. Eneo hili la Kilwa tumewapa *TAWA;TAWA* watachukua eneo hili wataliingiza katika *packageyao* ya utalii na kwa sababu hiyo watalazimika kulikarabati na kutengeneza miundombinu ili liweze kutumika vizuri na watu waweze kupata huduma zote ambazo Mheshimiwa Mbunge amesema.

Mheshimiwa Mwenyekiti, la pili, ni kweli kwamba pamekuwa na tatizo la watalii wachache katika maeneo haya na sababu kubwa ni kwamba maeneo haya yamekuwa hayatangaziwi. Sasa ili kukabiliana na suala hili, tumeyaingiza mambo haya yote kwenye taasisi na *TAWA* watakapokuwa wamechukua rasmi watayaingiza katika *package* zao za utalii ambazo zitakuwa pia zinajumuisha mbuga za wanyama na kwa hali hiyo suala hili la kuongeza mapato na kuongeza usimamizi wa vituo hivi utakuwa umelipa. Naomba nikushukuru.

**MWENYEKITI:** Mheshimiwa Msigwa, Mheshimiwa Bura.

**MHE. MCH. PETER S. MSIGWA:** Mheshimiwa Mwenyekiti, nikushukuru kwa kunipa nafasi. Katika majibu yake Mheshimiwa Waziri amezungumzia faida tunazozipata kwa kutunza haya maeneo ya urithi wa dunia. Selous ni moja ya *world heritage*; nilitaka kumuuliza Waziri kwamba serikali imeamua kujenga bwawa la umeme katika eneo hilo na nina amini Serikali ilifanya upembuzi yakinifu na kuangalia hasara na faida. Anaweza akaliambia Bunge hili ni kwa kiasi gani tutaathirika na *UNESCO* baada ya sisi kuamua kujenga bwawa hilo na kwamba tunapunguza ile dhana nzima ya urithi wa dunia katika Selous.

**MWENYEKITI:** Mheshimiwa Waziri kwa kifupi, jandae Mheshimiwa Bura.

**NAIBU WAZIRI WA MALIASILI NA UTALII:** Mheshimiwa Mwenyekiti, ni kweli kwamba Serikali ina mradi wa umeme katika Mbuga ya Selous na kwamba mradi mzima wa umeme katika Mbuga ya Selous unachukua 1.8 ya eneo zima ambalo ni la Selous, na kwa hali hiyo utafiti ulifanyika kwanza hauna madhara yoyote ya uwepo wa Selous na pili hakuna pingamizi lolote ambalo Serikali mpaka leo imepata kutoka *UNESCO*. Kinachofanyika tu ni kuwaelimisha na kuwafanya waelewe zaidi kwamba uwepo wa bwawa hilo na mradi huo utaijongezea nguvu Serikali namna ya kuifanya Selous iwe mbuga bora zaidi. (*Makofi*)

**MWENYEKITI:** Ahsante, Mheshimiwa Bura.

**MHE. FELISTER A. BURA:** Mheshimiwa Mwenyekiti, nakushukuru kwa kunipa nafasi ya kuuliza swali dogo la nyongeza.

Mheshimiwa Mwenyekiti, pale Kondoza kuna michoro ya mapangoni Kolo – Kondoza Irangi, na michoro hii ni urithi wa dunia kama alivyosema yeye mwenyewe Naibu Waziri, na mpaka sasa wananchi wa Kondoza na hata watanzania hatujafaidika vizuri na michoro ile kwa sababu haijatangazwa ipasavyo.

Je, Serikali ina mikakati gani ya kutangaza michoro ya mapangoni pale Kolo-Kondoza Irangi ili wananchi wa Kondoza wafaidike na Watanzania wote kwa ujumla? (*Makoff*)

**MWENYEKITI:** Mheshimiwa Waziri majibu kwa kifupi, swali zuri sana.

**NAIBU WAZIRI WA MALIASILI NA UTALII:** Mheshimiwa Mwenyekiti, kama nilivyosema kwenye swali la msingi kuhusu Kilwa, maeneo mengi sana haya ya malikale yalikuwa hayatangazwi na sasa wizara yetu imechukua hatua ya kuyagawa kwenye taasisi zake 4 ambazo ni *TANAPA*, *TFS*, Ngorongoro pamoja *TAWA*. Eneo hili la Kolo-Kondoza tumewapa watu wa *TFS* ambao watafanya kazi zote za uendelezaji ikiwa ni pamoja kuandaa mazingira lakini na kutangaza ili kufanya eneo hilo liweze kufikika na kuvutia watalii.

**MWENYEKITI:** Ahsante, Waheshimiwa tunaendelea na Wizara ya Afya Maendeleo ya Jamii Wazee na Watoto, Mheshimiwa Josep Mbilinyi.

Na. 16

**Kukamilika kwa Jengo la Maabara na Ununuzi wa Vifaa vya Kisasa**

**MHE. JOSEPH O. MBILINYI** aliuliza:-

Katika bajeti ya mwaka 2017/2018 Wizara ya Afya iliomba na kutengewa shilingi bilioni tano kwa ajili ya ukamilishaji wa jengo la maabara na ununuzi wa vipimo vya kisasa kama *CT Scan* na *MRI Scan* katika Hospitali ya Rufaa ya Mbeya.

(a) Je, ni kiasi gani cha fedha kimeshatolewa mpaka sasa kwa ajili ya kukamilisha ujenzi huo?

(b) Kwa kuwa bajeti inayohitajika imeshatengwa; je, ni lini ujenzi huo utakamilika?

**NAIBU WAZIRI WA AFYA, MAENDELEO YA JAMII, JINSIA, WAZEE NA WATOTO** alijibu:-

Mheshimiwa Mwenyekiti, kwa niaba ya Waziri wa Afya, Maendeleo ya Jamii, Jinsia, Wazee na Watoto naomba kujibu swali la Mheshimiwa Joseph Osmund Mbilinyi, Mbunge wa Mbeya Mjini kama ifuatavyo:-

Mheshimiwa Mwenyekiti, katika mwaka wa fedha 2016/2017 Serikali ilipeleka shilingi bilioni moja, na baadaye katika mwaka wa fedha 2018/2019 Serikali kupitia Wizara ya Afya, Maendeleo ya Jamii, Jinsia, Wazee na Watoto iliomba na kuidhinishiwa jumla ya shilingi bilioni tano kwa ajili ya ukamilishaji ujenzi wa jengo la huduma za radiolojia na ujenzi wa Jengo la Wazazi Meta katika Hospitali ya Kanda ya Rufaa Mbeya. Hadi sasa kiasi cha shilingi bilioni tatu zimeshapokelewa kwa ajili ya kazi hizo ambapo shilingi bilioni mbili ni kwa ajili ya kumalizia mradi wa ujenzi wa jengo la radiolojia na ununuzi wa baadhi ya vifaa vya radiolojia na bilioni moja kwa ajili ya kugharamia ujenzi wa jengo la wazazi katika Hospitali ya Rufaa Meta.

Mheshimiwa Mwenyekiti, ujenzi umeshakamilika kwa asilimia 90 na kwa sasa mafundi wanakamilisha kuingiza umeme katika jengo baadhi ya ununuzi wa transofoma. Hivyo, hadi kufikia mwezi Machi 2019 jengo litakuwa limekamilika rasmi. Aidha, Serikali tayari imeshanunua *CT-Scan* kwa ajili ya Hospitali ya Rufaa ya Mbeya ambayo inasubiria kukamilika kwa jengo maalum ili iweze kusimikwa rasmi. Vilevile hospitali hii inategemea kupatiwa mashine ya *MRI* kupitia Mradi wa *ORIO* wa Wizara ya Afya, Maendeleo ya Jamii, Jinsia, Wazee na Watoto. Taratibu za manunuzi wa vifaa hivi unaendelea.

**MHE. JOSEPH O. MBILINYI:** Mheshimiwa Mwenyekiti, ahsante sana. Ili kuondoa ile dhana kwamba hatupongezi kila kitu, naomba niseme kwamba naipongeza Wizara na hasa Katibu Mkuu aliyepita Dkt. Mpoki, kwa kutoa ushirikiano kwa Mbunge katika hili mpaka hapo tulipofika na jengo kukamilika na *CT-Scan* kupatikana. Swali la kwanza, ningependa kujua sasa, hiyo *MRI* chini ya huo Mradi wa *ORIO* itafika lini ili jengo lile lianze kazi? Kwa sababu tunalifuatilia na kwa taarifa tulizonazo ndani ya wiki mbili litaanza kazi.

Mheshimiwa Mwenyekiti, pili, vipi kuhusu wataalam (*specialists*), maana tunafanikiwa kwenye majengo ila mara nyingi tunakuwa na uhaba mkubwa wa *specialists*. Binafsi, kama ningeweza kumshauri Mheshimiwa Rais, ningemshauri huyu Dkt. Mpoki aliyekuwa Katibu Mkuu kuliko kupelekwa Ubalozini angeletwa hata kuwa Mkuu wa Mkoa wa Mbeya kwa sababu ule utalam wake ni muhimu sana kwa Taifa na wako Madaktari wachache sana wenye utalam ule. Kwa hiyo, kumpeleka mbali, ni kupeleka huduma mbali kutoka kwa Taifa. Ahsante sana. (*Makofi*)

**MWENYEKITI:** Mheshimiwa Waziri, majibu.

**NAIBU WAZIRI WA AFYA, MAENDELEO YA JAMII, JINSIA, WAZEE NA WATOTO:** Mheshimiwa Mwenyekiti, kwanza namshukuru sana Mheshimiwa kwa kuipongeza Serikali, nami nampongeza Mheshimiwa Mbunge kwa kufanya ufuatiliaji

wa karibu katika suala hili la ujenzi wa jengo la radiolojia katika Hospitali ya Rufaa ya Mbeya.

Mheshimiwa Mwenyekiti, kuhusiana na ni lini Serikali itapeleka mashine ya *MRI*; kama nilivyosema katika jibu langu la msingi, ni kwamba sasa hivi Serikali kupitia Mradi wa *ORIO* ambao tunashirikiana na Serikali ya Uholanzi, ina kusudio la kupeleka mashine za radiolojia kwa maana ya *X-Ray*, *Digital X-Ray*, mashine za *fluoroscopy*, *CT-Scan* pamoja na *MRI*. Kwa hiyo, mchakato huo unaendelea. Tunategemea katikati au mwishoni mwa mwaka huu, utaratibu huo utakuwa umekamilika.

Mheshimiwa Mwenyekiti, kuhusiana na swali lake la pili, Madaktari bingwa katika eneo hili; mkakati ambao tunakwenda nao sisi kama Wizara kwa sasa hususan katika wataalam wa Sekta ya Radiolojia, tumeamua kwamba tutumie ubunifu na teknolojia ya kisasa.

Mheshimiwa Mwenyekiti, hivi tunavyoongea, huko duniani *X-Rays* zinazopigwa mathalan katika nchi ya Marekani, nyingine hazisomwi Marekani, zinasomwa katika nchi nyingine kwa kutumia teknolojia. Hizi mashine za *Digital X-Ray* ambazo tunazifunga sasa hivi, sisi kama Wizara tumeamua kuweka kituo chetu pale katika Hospitali ya Taifa ya Muhimbili ambapo tutaunganisha na mtandao wa *fibro-optic*, kutakuwa na *screen* pale ili picha ambazo zitakuwa zinapigwa Tanzania nzima kwa teknolojia hii, ndani ya dakika tano picha umepata. Tunaweza tukatuma kwa njia ya mtandao, zitasomwa Dar es Salaam na majibu ndani ya dakika 15 kurudishwa katika eneo husika. Kwa hiyo, tumejipanga vizuri sana katika eneo hilo.

**MWENYEKITI:** Ahsante. Mheshimiwa Mbilinyi, ungelipongeza na hili kwa sababu baada ya dakika tano unapata majibu ukiwa Mbeya. Mheshimiwa Nuru.

**MHE. NURU A. BAFADHILI:** Mheshimiwa Mwenyekiti, ahsante. Kwa kuwa Hospitali ya Bombo katika Jiji la Tanga ndiyo Hospitali ya Rufaa ya Mkoa; na kwa kuwa hospitali

hiyo haina *lift* kiasi kwamba wanawake wazazi wanatengenezewa *theater* kule kule kwa ajili ya kuwasaidia wasipate taabu ya kubebwa na mabaunsa: Je, ni lini Hospitali ya Bombo itapatwiwa *lift*?

**MWENYEKITI:** Mheshimiwa Waziri, ni lini?

**NAIBU WAZIRI WA AFYA, MAENDELEO YA JAMII, JINSIA, WAZEE NA WATOTO:** Mheshimiwa Mwenyekiti, naomba kujibu swali la Mheshimiwa Nuru kuhusiana na suala la Hospitali ya Bombo. Nikiri ni kweli Hospitali ya Bombo, jengo la akina mama na watoto halina *lift*. Nami bahati nzuri nilipata fursa ya kwenda kulitembelea, nimeiona hiyo adha, nasi kama Serikali tumeingiza katika mipango yetu ya bajeti ili tuweze kukarabati hiyo *lift*.

**MWENYEKITI:** Ahsante. Waheshimiwa Wabunge, kuna swali Na. 15, lilikuwa limerukwa, naomba sasa Mheshimiwa Ngombale ulize swali lako.

Na. 15

### **Kusimamia Mipaka ya Hifadhi ya Pori la Akiba Selous**

**MHE. VEDASTO E. NGAMBALE** aliuliza:-

Hifadhi ya Akiba ya Selous imekuwa ikihamisha alama za mipaka na kuchukua eneo la ardhi ya vijiji katika Jimbo la Kilwa Kaskazini bila ya kushirikisha Serikali ya Vijiji:-

Je, Serikali iko tayari kusimamia Mamlaka ya Hifadhi hiyo kurudisha alama za mipaka katika maeneo ya awali ili kuepusha mgogoro unaoweza kutokea?

**NAIBU WAZIRI WA MALIASILI NA UTALII** alijibu:-

Mheshimiwa Mwenyekiti, napenda kujibu swali la Mheshimiwa Vedasto Edgar Ngombale, Mbunge wa Jimbo la Kilwa Kaskazini, kama ifuatavyo:-

Mheshimiwa Mwenyekiti, Wizara ya Maliasili na Utalii inalo jukumu la kusimamia uhifadhi wa rasilimali za wanyamapori na misitu kwa kuzingatia uwepo wa mahusiano mazuri kati ya wananchi na maeneo yanayohifadhiwa. Jukumu hilo linatekelezwa kwa pamoja na mambo mengine kwa kutambua kulinda, kupitia upya na kuweka vizingi (*beacons*) katika mipaka ya Mapori ya Akiba, Hifadhi za Taifa, Hifadhi za Misitu na Mamlaka ya Hifadhi ya Eneo la Ngorongoro.

Mheshimiwa Mwenyekiti, Wizara iliagizwa kuweka vizingi kwenye mipaka ya hifadhi zote nchini kwa lengo la kuonesha mipaka kati ya hifadhi na vijiji ili kuepusha migogoro na uvamizi unaofanywa na wananchi na kusababisha malalamiko.

Mheshimiwa Mwenyekiti, katika kutekeleza maagizo haya, Wizara inafanya kazi ya kusimika vizingi kwenye mipaka ya mapori yote ya akiba likiwemo Pori la Akiba la Selous. Aidha, zoezi la upitiaji, uhakiki na usimikaji wa vizingi katika Pori la Akiba la Selou upande wa Kilwa Kaskazini limefanyika katika Kijiji cha Namatewa. Zoezi hili limefanyika kwa kushirikiana na Halmashauri za Wilaya pamoja na Uongozi wa Vijiji kwenye maeneo hayo. Kazi ilifanyika kwa kutumia Tangazo la Serikali Na. 275 la Mwaka 1974 lililoanzisha pori hilo na ramani za vijiji husika kwa kushirikiana na Wapima wa Ardhi wa Wilaya zinazopakana na mapori.

Mheshimiwa Mwenyekiti, maeneo ya mpaka wa Pori la Akiba la Selous ambalo halijasimikwa vizingi upande wa Kilwa Kaskazini ni katika Vijiji vya Mtepera na Zinga Kibaoni. Hii ni kutokana na wananchi wa vijiji husika kutotambua ukomo wa mpaka kwa mujibu wa ramani za vijiji vyao wakidai eneo linalosalia ni la kijiji na siyo la hifadhi. Kwa mantiki hiyo, hakuna uhamishaji wa alama za mpaka uliofanywa kwa nia ya kuchukua eneo la ardhi la kijiji karibu na Pori la Akiba la Selous.

Mheshimiwa Mwenyekiti, hata hivyo, Wizara yangu kwa kushirikiana na Wizara zingine sita, imeelekezwa na

Mheshimiwa Rais wa Jamhuri ya Muungano wa Tanzania kupitia upya maeneo yenye ubishani na migogoro ikiwa ni pamoja na vijiji na kuangalia mipaka ili kuondoa migogoro hiyo. Kwa sasa Wizara inaendelea kuweka utaratibu mzuri wa namna ya utekelezaji wa agizo hilo.

**MWENYEKITI:** Mheshimiwa Ngombale.

**MHE. VEDASTO E. NGOMBALE:** Mheshimiwa Mwenyekiti, nakushukuru. Vipo vijiji vingine. Ukiacha Mtepera na Zinga, kuna Vijiji vya Miguruo na Ngarambi, navyo vinapakana na Pori la Akiba la Selous. Ni lini zoezi hili litafanyika katika vijiji hivyo?

Mheshimiwa Mwenyekiti, la pili, uhamishaji umefanyika, wananchi wana uelewa wa mipaka yao kwa kutumia alama zile za asili kama milima na mabonde. Kwa mfano, katika Kijiji cha Zinga pale pana mlima mkubwa unaitwa Nandanga, sasa Mheshimiwa Waziri yuko tayari kufuatana nami ili kwenda kurekebisha mipaka ile kwa kuzingatia alama zile za asili kama milima na mabonde?

Mheshimiwa Mwenyekiti, ahsante.

**MWENYEKITI:** Mheshimiwa Naibu Waziri, majibu kwa kifupi.

**NAIBU WAZIRI WA MALIASILI NA UTALII:** Mheshimiwa Mwenyekiti, katika Vijiji vya Miguruo na Ngarambi, zoezi hili tatalifanya wakati tukipitia upya. Zoezi la kwanza lilikuwa ni kuweka alama kulingana na *GN* inavyosoma, lakini kuna maeneo mengi ambayo tuligundua yana migogoro. Kinachofuata sasa ni kupitia upya kuangalia ni maeneo gani ambayo migogoro ina faida kwetu au kwa wanakijiji na tutaangalia namna ambavyo tunaweza tukaisuluhisha. Kwa hiyo, tutakapoanza zoezi hili ambalo tunakwenda kulifanya, tutapita katika vijiji hivi viwili.

Mheshimiwa Mwenyekiti, swali lake la pili; ni kweli kwamba alama nyingi ambazo zimetumika kama mipaka

ya vijiji zilikuwa ni alama za asili; miti mikubwa, labda mto fulani, alama ambazo zimekuwa zikitoweka. Kwa hiyo, tumepata taabu katika kuelewa mipaka ya vijiji na pia mipaka ya mapori haya ya akiba.

Mheshimiwa Mwenyekiti, namhakikishia Mheshimiwa Ngombale kwamba nitakuwa tayari kuambatana naye ili kwenda kuona hizi sehemu zenye mgogoro.

**MHE. DKT. RAPHAEL M. CHEGENI:** Mheshimiwa Mwenyekiti, ahsante sana. Pamoja na majibu mazuri sana ya Mheshimiwa Naibu Waziri wa Maliasili na Utalii, kwa kuwa msingi wa swali ni kuhamishwa kwa mipaka ambayo imesababisha mpaka na wanyama wamechanganyikiwa, matokeo yake wanyama sasa wanavamia makazi ya wananchi na hasa wanyama waharibifu kama tembo na viboko: Je, nini mkakati wa Serikali kuhakikisha kwamba maeneo kama ya Vijereshi, Longalombogo na maeneo mengine ambayo yanaathiriwa na tembo kungezeka kuja katika makazi ya wananchi yatadhibitiwa?

**MWENYEKITI:** Mheshimiwa Naibu Waziri, majibu kwa kifupi.

**NAIBU WAZIRI WA MALIASILI NA UTALII:** Mheshimiwa Mwenyekiti, kama nilivyosema kwenye jibu langu la msingi, kimsingi sisi tunapokwenda kuweka mipaka tunafuata *GN*. Kwa sababu wananchi katika maeneo mengi walikuwa wanatambua mipaka yao kwa alama za asili, ndiyo wamekuwa wakifikiri kwamba tunaingia kwenye maeneo ya vijiji.

Mheshimiwa Mwenyekiti, tumetambua maeneo mengi yenye migogoro na Wizara yetu sasa baada ya kumaliza zoezi la kuweka vigingi, inapitia upya kuangalia ni kwa namna gani migogoro hii itaisha? Kwa hiyo, tutafika Kijereshi na Longalombogo ili kwenda kuangalia ni kwa kiwango gani tunaweza tukatengeneza mipaka ili kuhakikisha kwamba wanyama hawa hawaleti tena madhara kwa wananchi.

**MWENYEKITI:** Tunaendelea. Wizara ya Afya, Mheshimiwa Aisharose Ndogholi Matembe.

Na. 17

### **Kukabiliana na Tatizo la Watoto wa Mazingira Magumu**

**MHE. AISHAROSE N. MATEMBE** aliuliza:-

Tatizo la watoto wanaoishi kwenye mazingira hatarishi linazidi kuwa janga la Kitaifa nchini huku jitihada za kulikabili zikionekana kutopewa kipaumbele; hali ni mbaya katika majiji makubwa kama Dar es Salaam, Mwanza na Mbeya ambapo idadi kubwa ya watoto hao hujihusisha na kuomba pamoja na matukio ya uhalifu ikiwemo wizi wa vifaa vya magari kwenye maegesho.

(a) Je, Serikali ina mpango gani wa kuanzisha kampeni ya Kitaifa ya kukabiliana na tatizo hili kwa nchi nzima ikiwemo kuwaweka kwenye vituo maalum na kuwapatia huduma za msingi?

(b) Je, Serikali inatambua idadi kamili ya watoto wanaoishi kwenye mazingira hatarishi kwa nchi nzima?

**NAIBU WAZIRI WA AFYA, MAENDELEO YA JAMII, JINSIA, WAZEE NA WATOTO** alijibu:-

Mheshimiwa Mwenyekiti, kwa niaba ya Waziri wa Afya, Maendeleo ya Jamii, Jinsia, Wazee na Watoto, naomba kujibu swali la Mheshimiwa Aisharose Ndogholi Matembe, Mbunge wa Viti Maalum, kama ifuatavyo:-

Mheshimiwa Mwenyekiti, Serikali imeandaa Mpango Kazi wa Taifa wa Kutokomeza Ukatili Dhidi ya Wanawake na Watoto wa mwaka 2017/2018 ambao utaisha 2021/2022 ambapo miongoni mwa shabaha zake ni kuhakiksha watoto wanaoishi katika mazingira hatarishi wakiwemo watoto wanaoishi na kufanya kazi mitaani wanapata huduma stahiki.

Mheshimiwa Mwenyekiti, Serikali ina mpango wa kuwaunganisha watoto hawa na familia zao na pale itakapobainika kuwa wazazi hawapatikani, watoto hawa wataunganishwa na familia za kuaminika wakati taratibu nyingine za kudumu zikiendelea kufanyiwa kazi na mamlaka husika ikiwemo utaratibu wa malezo ya kambo, kuasili au kuwapeleka katika makao ya watoto.

Mheshimiwa Mwenyekiti, Serikali kwa kushirikiana na wadau imefanya utafiti ili kubaini idadi ya watoto wanaoishi na kufanya kazi mitaani katika mikoa sita nchini, kwa maana ya Mikoa ya Dar es Salaam, Mwanza, Mbeya, Dodoma, Arusha na Iringa ambapo jumla ya watoto 6,393; wanaume wakiwa 4,865 na wanawake 1,528, wametambuliwa. Watoto waliotambuliwa walipewa huduma za chakula, malazi, mavazi na matibabu na kati ya hao ambao walitambuliwa, watoto 930 waliunganishwa na familia zao.

Mheshimiwa Mwenyekiti, Serikali kwa kushirikiana na wadau imeandaa mwongozo wa utambuzi wa watoto wanaoishi katika mazingira hatarishi na kuwaunganisha na huduma. Katika kipindi cha Julai, 2017 hadi Juni, 2018, jumla ya waoto 864,496 walitambuliwa kuwa wanaoishi katika mazingira hatarishi katika mikoa yote nchini kasoro Mikoa ya Lindi na Ruvuma.

**MHE. AISHAROSE N. MATEMBE:** Mheshimiwa Mwenyekiti, nashukuru kwa majibu ya Serikali, lakini nina maswali mawili ya nyongeza.

Mheshimiwa Mwenyekiti, kwa kuwa takwimu zinaonesha miji mikubwa nchini inaongoza kwa idadi kubwa ya kuwa na watoto wanaoishi kwenye mazingira hatarishi: Je, Serikali ina mpango gani wa kuanzisha kampeni ya Kitaifa ili kuwalinda watoto hawa na kuhakikisha wako katika mazingira salama? (*Makofi*)

Mheshimiwa Mwenyekiti, swali la pili; kwa kuwa chanzo kikuu cha watoto wanaoishi mitaani ni njaa katika familia na kukosekana kwa maadili mazuri katika jamii: Je,

Serikali ina mpango gani wa kukazia sheria zetu na kuhakikisha kwamba wazazi na walezi wanawajibika katika malezi? *(Makofi)*

Mheshimiwa Mwenyekiti, nakushukuru. *(Makofi)*

**NAIBU WAZIRI WA AFYA, MAENDELEO YA JAMII, JINSIA, WAZEE NA WATOTO:** Mheshimiwa Mwenyekiti, kwanza nimpongeze kwa kazi kubwa na nzuri ambayo amekuwa anafuatilia kuhakikisha kwamba watoto wa Tanzania wanapata haki na ustawi ndani ya nchi yao.

Mheshimiwa Mwenyekiti, kama nilivyojibu katika swali langu la msingi, sisi kama Wizara tulianza katika hatua ya awali kwa kufanya tathmini ya ukubwa wa tatizo ndani ya nchi yetu na kwa kupitia mpango mkakati ambao nimeuelezea wa kutokomeza ukatili dhidi ya wanawake na watoto, tumeanza sasa kazi ya kwenda hatua ya pili ya kuanza kuwaunganisha wale watoto ambao tuliweza kuwabaini wanaishi mtaani na baadhi ya familia zao.

Mheshimiwa Mwenyekiti, vile vile tumekuwa tunaendeleza kampeni ndani ya mikoa mbalimbali ya kuweza kuwatambua watoto hawa na kuwarudisha katika maeneo yao ya makazi, lakini vilevile kuendelea kutoa elimu kwenye jamii kuhusiana na masuala ya matunzo ya watoto.

Mheshimiwa Mwenyekiti, kuhusu swali la pili la kukazia sheria; tuna Sheria ya Mtoto ya mwaka 2009 na sheria hii imeweka msisitizo wa haki za msingi za watoto ambazo ningependa Bunge lako Tukufu nalo lizifahamu. Watoto wana haki takribani tano ambazo zimeainishwa kisheria; mtoto ana haki ya kuishi, mtoto ana haki ya kutunzwa, ana haki ya kuendelezwa, ana haki ya kushirikishwa katika maamuzi yanayomhusu na mtoto ana haki ya kutobaguliwa.

Mheshimiwa Mwenyekiti, kwa hiyo, kwa mujibu wa sheria hii, haki za mtoto zimeainishwa vizuri sana. Kikubwa ambacho sisi kama Wizara tunaendelea kusisitiza ni kuweka misingi ya kuwasisitiza wazazi kuhakikisha kwamba

wanazingatia misingi hii ya haki za watoto na kuimarisha misingi ya familia. *(Makofi)*

**MWENYEKITI:** Waheshimiwa tunaendelea na Wizara ya Elimu, Sayansi na Teknolojia. Mheshimiwa Edwin Sannda.

Na. 18

### **Ujenzi wa Chuo cha VETA Kondoa**

**MHE. EDWIN M. SANNDA** aliuliza:-

Halmashauri ya Mji wa Kondoa imepata eneo la iliyokuwa kambi ya ujenzi wa barabara ya Mela – Bonga pale Kolo kwa ajili ya uanzishwaji wa Chuo cha VETA:-

Je, ni lini Serikali itatekeleza azma hiyo?

**NAIBU WAZIRI WA ELIMU, SAYANSI NA TEKNOLOJIA** alijibu:-

Mheshimiwa Mwenyekiti, kwa niaba ya Waziri wa Elimu, Sayansi na Teknolojia, napenda kujibu swali la Mheshimiwa Edwin Mgante Sannda, Mbunge wa Kondoa Mjini, kama ifuatavyo:-

Mheshimiwa Mwenyekiti, Serikali inatambua umuhimu wa elimu ya ufundi na mafunzo ya ufundi stadi kwa ajili ya kuandaa rasilimali watu itakayotumika katika nyanja mbalimbali ikiwa ni pamoja na kuimarisha uchumi wa viwanda. Hivyo, ujenzi na uboreshaji wa vituo vya mafunzo ya ufundi stadi unaendelea kupewa kipaumbele katika mipango ya Serikali.

Mheshimiwa Mwenyekiti, Serikali inaendelea na mpango wa ujenzi wa vyuo vya ufundi stadi vya mikoa na wilaya kutegemeana na upatikanaji wa fedha. Lengo ni kila mkoa na wilaya kuwa na Chuo cha Ufundi Stadi. Aidha,

Serikali kupitia Mradi wa Kukuza Stadi za Kazi (*Education and Skills for Productive Jobs – ESPJ*) inaendelea na ukarabati wa Vyuo vya Maendeleo ya Wananchi (*FDCs*) ikiwemo Chuo cha Maendeleo ya Wananchi Munguri kilichopo Wilaya ya Kondoa ili kuongeza fursa na ubora wa mafunzo.

Mheshimiwa Mwenyekiti, kutokana na ombi la Mheshimiwa Mbunge, mwezi Aprili, 2018, Serikali ilipeleka wataalam wake katika Kambi ya Ujenzi wa Barabara ya Mela – Bonga iliyopo Kolo Wilayani Kondoa kwa lengo la kukutana na Halmashauri na kufanya ukaguzi wa awali wa eneo ili kuona kama miundombinu iliyopo inakidhi kuanzisha Chuo cha Elimu na Mafunzo ya Ufundi Stadi (*VETA*). Kufuatia tathmini hiyo, ushauri ulitolewa kuwa majengo yaliyopo yanahitaji maboresho na ukarabati mkubwa.

Mheshimiwa Mwenyekiti, ili majengo haya yaweze kukarabatiwa na kuanzisha Chuo cha Elimu na Mafunzo ya Ufundi Stadi (*VETA*), ni jukumu la Halmashauri husika kupitia vikao vyake kuandika barua ya kuomba Wizara kutumia majengo hayo. Hivyo, tunasubiri barua ya Halmashauri husika kuruhusu *VETA* kutumia miundombinu hiyo.

Mheshimiwa Mwenyekiti, katika kipindi hiki ambacho Serikali inaendelea na jitihada hizi, nashauri wananchi wa Wilaya ya Kondoa kuendelea kutumia Chuo cha Maendeleo ya Wananchi Munguri.

**MWENYEKITI:** Mheshimiwa Sannda.

**MHE. EDWIN M. SANNDA:** Mheshimiwa Mwenyekiti, nakushukuru. Nachukua fursa hii kushukuru na kupongeza majibu mazuri ya Serikali. Pia niseme tu kwamba ushauri wa kuendelea kutumia Chuo cha Munguri kilichopo sasa tumepokea na tunaendelea kuutumia.

Mheshimiwa Mwenyekiti, niseme tu, uwepo wa *VETA* utaongeza sana na kupanua wigo wa fursa za elimu ya ufundi ili kuendeleza azma yetu ya viwanda. Siyo hivyo tu, lakini pia kuongeza ajira kwa vijana.

Swali; je, Serikali imejipangaje kuhakikisha kwamba maboresho haya mliyoyasema yanaingizwa kwenye Mpango na Bajeti ya VETA ili azma hii itekelezwe kwa haraka? (*Makofi*)

Mheshimiwa Mwenyekiti, pia niseme azma ya kuwa na VETA...

**MWENYEKITI:** Mheshimiwa endelea na swali lako la pili...

**MHE. EDWIN M. SANANDA:** Mheshimiwa Mwenyekiti, swali la pili...

**MWENYEKITI:** Umuhimu wa VETA kila mtu anaujua.

**MHE. EDWIN M. SANANDA:** Mheshimiwa Mwenyekiti, swali la pili, naelekea huko mzee, swali la pili, azma ya kuwa na VETA ina maslahi mapana sana kwa wanachi, siyo tu kwa wananchi wa Jimbo la Kondoa Mjini, lakini kwa Kondoa nzima kama Wilaya. Pia uwepo wa Taasisi ya kitaifa kama hii yenye hadhi ya VETA na sasa Kondoa ni Halmashauri ya Mji, itaongeza tija kubwa sana kwenye kuchangamsha uchumi wa Kondoa. Swali je, Serikali inatupa *commitment* gani ya kuhakikisha inaharakisha mchakato huu mara tu baada ya kupokea hiyo barua kutoka Kondoa? (*Makofi*)

**MWENYEKITI:** Mheshimiwa Waziri majibu, swali zuri wananchi wa Kondoa mchagueni tena Mbunge wenu. (*Makofi*)

**NAIBU WAZIRI WA ELIMU, SAYANSI NA TEKNOLOJIA:** Mheshimiwa Mwenyekiti, ni kweli kama anavyosema Mheshimiwa Mbunge kwamba kwa kweli amekuwa akifuatilia kuhakikisha kwamba majengo yale yanatumiwa kwa ajili ya VETA. Naomba nimhakikishie kwamba kwa sababu Serikali ina azma na imedhamiria kujenga VETA kila Wilaya na kila mkoa, sisi tukikuta kwamba kuna majengo ambayo yamekuwa tayari tunakimbilia kwa sababu gharama ni ndogo kwa sababu tunataka tuweze kuwaletea wananchi maendeleo na kupata ile elimu ya ufundi.

Mheshimiwa Mwenyekiti, kwa hiyo, naomba nimhakikishie mbele yako kwamba pindi sisi tutakapopata barua ya kutuhuru tutumie yale majengo tutaendelea na utaratibu wa kukarabati ili wananchi wa Kondoza waweze kupata ile huduma. Naomba nimhakikishie Mheshimiwa Mbunge kwamba, Wizara yetu hatuwezi tukawa kikwazo cha yeye kufanikiwa lengo lake hilo kwa ajili ya wananchi wake. Kwa hiyo naomba nimshauri wakakae na halmashauri yake watupatie barua, wakinipa kesho mimi niko tayari hata mwenyewe kwenda kukagua eneo lile ili tuweze kuendelea na taratibu zinazofuata.

**MWENYEKITI:** Ahsante. Waheshimiwa tunaendelea, Wizara ya Mambo ya Ndani ya Nchi, Mheshimiwa Mwatam Dau Haji.

Na. 19

### **Askari Kupandishwa Vyeo Bila Kupata Stahili Zao**

**MHE. MWATUM DAU HAJI** aliuliza:-

Kuna baadhi ya Askari Polisi kupandishwa vyeo lakini hawapati stahili zao kama inavyotakiwa:-

Je, Serikali ina mpango gani wa kuwapatia askari hao stahiki zao?

**WAZIRI WA MAMBO YA NDANI YA NCHI** alijibu:-

Mheshimiwa Mwenyekiti, napenda kujibu swali la Mheshimiwa Mwatam Dau Haji, Mbunge wa Viti Maalum, kama ifuatavyo:-

Mheshimiwa Mwenyekiti, utaratibu wa upandishaji vyeo kwa Askari Polisi hutekelezwa kwa kufuata sheria, kanuni na taratibu za Jeshi la Polisi ikiwemo kupandishwa vyeo baada ya kuhudhuria na kufaulu mafunzo stahiki.

Mheshimiwa Mwenyekiti, ikumbukwe kuwa Jeshi la Polisi kama ilivyo kwa Wizara na Idara nyingine za Serikali lilihusika na zoezi la uhakiki wa watumishi, zoezi ambalo pia lilitisha marekebisho yoyote kwenye daftari la mishahara, ajira mpya pamoja na upandishwaji vyeo kwa Watumishi wa Serikali. Baada ya zoezi hilo kukamilika tayari Maofisa, Wakaguzi na Askari wa vyeo mbalimbali zaidi ya 8,440 waliokuwa na madai mbalimbali yakiwemo stahiki za kupandishwa vyeo wamesharekebishiwa mishahara na stahili zao.

Mheshimiwa Mwenyekiti, pia Maofisa, Wakaguzi na Askari wa vyeo mbalimbali wapatao 2,143 kati ya 3,089 waliopandishwa vyeo mwezi Juni, Septemba na Disemba, 2018 wamerekebishiwa mishahara yao. Hata hivyo taratibu za kukamilisha kuwarekebisha Askari waliobaki zinaendelea ili kuhakikisha kuwa Askari wote waliopandishwa vyeo wanarekebishiwa mishahara yao kulingana na vyeo vyao vipya.

**MWENYEKITI:** Mheshimiwa Dau.

**MHE. MWATUM DAU HAJI:** Mheshimiwa Mwenyekiti, ahsante sana. Kwanza nimshukuru Mheshimiwa Waziri kwa jibu lake zuri ambalo alilolitoa hapo, lakini naomba kuuliza swali la langu la nyongeza. Tunaelewa kuwa Serikali inawajibika vilivyo katika kushughulikia na kutatua matatizo hayo. Je, ni lini hasa Serikali itafikia ukomo wa suala hili kwa kuwa imekuwa ni kero kubwa kwa Askari wetu, kwani kufanyiwa hivyo pia kunawanyima haki zao na vilevile itawapelekea kutokufanya kazi kwa ufanisi na uadilifu? Ahsante. *(Makofi)*

**MWENYEKITI:** Ahsante. Mheshimiwa Waziri majibu, Waheshimiwa leo tuna Miswada miwili, hivyo maswali yawe mafupi na majibu yawe mafupi.

**WAZIRI WA MAMBO YA NDANI YA NCHI:** Mheshimiwa Mwenyekiti, kama nilivyojibu kwenye swali la msingi ni kwamba Maofisa, Wakaguzi pamoja na Askari wa vyeo

mbalimbali wa Jeshi la Polisi na hata vyombo vingine vya Ulinzi na Usalama vilivyoko chini ya Wizara ya Mambo ya Ndani ya Nchi mishahara yao inaendelea kurekebishwa. Hata hivyo, pale ambapo kutorekebishwa kwa mishahara kwa askari yeyote kutatokana na uzembe wa makusudi kwa Afisa ambaye anashughulika na mishahara ya Askari nimeshatoa maelekezo kwamba ifikapo mwezi wa Tano mwaka huu asiwepo Askari, wala Afisa wala Mkaguzi anayelalamikia stahiki yake. Pia nimewaelekeza kwamba wasicheze na maslahi na stahiki za Askari. Kufanya hivyo ni sawa na kushika mboni ya Mheshimiwa Rais Dkt. John Pombe Magufuli.

**MWENYEKITI:** Ahsante. Mheshimiwa Kigola, jiandae Mheshimiwa Jaku.

**MHE. MENDRAD L. KIGOLA:** Mheshimiwa Mwenyekiti, nashukuru kwa kunipa nafasi niulize swali la nyongeza. Mpaka sasa hivi Mkoa wa Njombe kuna tatizo kubwa sana la kuuawa watoto wadogo. Sasa Serikali inasemaje kuhusiana na hili, maana wananchi wa Njombe sasa hivi wana wasiwasi mkubwa na wazazi wanawapeleka watoto wao shuleni. Je, Serikali inasemaje kuhusiana na mauaji haya yanayoendelea katika Mkoa wa Njombe?

**MWENYEKITI:** Mheshimiwa Waziri, kwa kifupi sana.

**WAZIRI WA MAMBO YA NDANI YA NCHI:** Mheshimiwa Mwenyekiti, ni kweli kwamba kumekuwa na sintofahamu na kuzuka kwa taharuki katika Mkoa wa Njombe kutokana na vitendo vya baadhi ya Watanzania wenzetu ambao wamekuwa wakiwachukua watoto wadogo na kuwaua. Nataka nimhakikishie Mheshimiwa Mbunge kwamba kuanzia juzi Naibu Waziri wa Mambo ya Ndani ya Nchi Injinia Hamad Masauni yuko kule Mkoa wa Njombe anafanya vikao na Kamati za Ulinzi na Usalama za Wilaya pamoja na Mkoa kuhakikisha kwamba vitendo hivi vinakomeshwa, lakini taarifa za awali zinaonesha ni imani za kishirikina.

Mheshimiwa Mwenyekiti, kwa hiyo, nimhakikishie Mheshimiwa Mbunge kwamba, Wabunge watupe ushirikiano

kwa sababu Waheshimiwa Wabunge maeneo yale wanayafahamu vizuri. Nitoe onyo siyo kwa Njombe peke yake bali kwa Watanzania wote kwamba wasitingishe kiberiti cha Serikali ya Mheshimiwa Dkt. John Pombe Magufuli, wasipoacha vitendo hivyo watakipata cha mtema kuni na tunaanza na kule Njombe ambako tumeshabaini majina kwa ajili ya kuwachukulia hatua za kisheria.

**MWENYEKITI:** Ahsante. Mheshimiwa Jaku, Mheshimiwa Balozi Mwamoto, Mheshimiwa Yussuf.

**MHE. JAKU HASHIM AYOUB:** Mheshimiwa Mwenyekiti, ahsante sana. Nimpongeze sana Mheshimiwa muuliza swali Mheshimiwa Mwatum Dau. Kwa kweli hawapati stahili zao Polisi na waliojenga Vituo vya Polisi pamoja na Ofisi zao. Swali la Msingi linahusiana na kwamba hawapati stahili zao, karibu mwaka wa sita au wa saba....

**MWENYEKITI:** Swali swali.

**MHE. JAKU HASHIM AYOUB:** Mheshimiwa Mwenyekiti, Bunge hili limeahidi kwa kampuni ya Albertina kumlipa pesa zake milioni 200 kwenye bajeti iliyopita ya nyuma yake na mpaka leo hajalipwa na Mheshimiwa amekuwa akitembea na ilani ya chama cha Mapinduzi. Je, ni lini stahili hizi atapata kwa ajili ya kituo hiki cha...

**MWENYEKITI:** Mheshimiwa Waziri, majibu kwa kifupi.

**WAZIRI WA MAMBO YA NDANI YA NCHI:** Mheshimiwa Mwenyekiti, ni kweli Mheshimiwa Jaku amekuwa akifuatilia sana suala la huyu Askari ambaye amezungumzia. Nimuhakikishie kwamba yale ambayo nimeyajibu kwenye swali la msingi, huyu anayemsema ni baadhi ya wale Askari ambao wako katika hatua za mwisho mwisho kumaliza matatizo yao. Ni kweli kabisa katika Ilani hii ya CCM, Ibara ya 146 imezungumzia stahiki za askari na ndiyo maana sisi kama Wizara tunawajibika kuhakikisha kwamba stahiki za askari hazichezewi kwa namna yoyote ile.

**MWENYEKITI:** Mheshimiwa Balozi, halafu Mheshimiwa Yussuf.

**MHE. VENANCE M. MWAMOTO:** Mheshimiwa Mwenyekiti, naomba niulize swali moja tu dogo la nyongeza. Kwa kuwa tunazungumza habari za stahiki za Maaskari Wilaya ya Kilolo toka imeanzishwa sasa hivi takribani miaka 17 Askari wamekuwa wakiahidiwa kuwa na Ofisi ya Wilaya ya Kilolo na nyumba za Maaskari, mpaka leo ni kila mwaka tumekuwa tukiahidiwa. Sasa nataka nijue kutokuwa na nyumba na Ofisi si wanakosa stahiki zao la halali? (*Makofi*)

**MWENYEKITI:** Mheshimiwa Waziri, majibu kwa kifupi.

**WAZIRI WA MAMBO YA NDANI YA NCHI:** Mheshimiwa Mwenyekiti, napenda kujibu swali la nyongeza la Mheshimiwa Venance Mwamoto kwa jina la utani mzee wa vinungu, kama ifuatavyo:-

Mheshimiwa Mwenyekiti, ni kweli kwamba siyo Jeshi la Polisi pekeyake tuna tatizo la ofisi pamoja na makazi kwa Askari. Hata hivyo, nimhakikishie kwamba tunaendelea kutenga fedha ili kupunguza kama siyo kumaliza kabisa suala la makazi na ofisi kwa ajili ya Jeshi la Polisi. Nitumie fursa hii pia kumshukuru Mheshimiwa Rais wa Jamhuri ya Muungano wa Tanzania ambaye amekuwa akitupatia fedha kwa ajili ya kujenga nyumba za Askari na mpaka sasa kuna nyumba za Askari ambazo zinaendelea kujengwa kwenye mikoja mbalimbali. Kwa hiyo, nimhakikishie Mheshimiwa Venance Mwamoto na baada ya Bunge hili nilimwahidi nitakwenda Kilolo kwa ajili ya kujionea hali ilivyo. Ahsante

**MWENYEKITI:** Mheshimiwa Yussuf.

**MHE. YUSSUF SALIM HUSSEIN:** Mheshimiwa Mwenyekiti, nakushukuru kwa kunipa nafasi. Naomba nimuulize Mheshimiwa Waziri kwamba kuna Maaskari Polisi waliopandishwa vyeo, alipandishwa kutoka *private* kuja Koplo ametumikia Koplo kwa miaka minne, mpaka ameenda Sajenti hajapata mshahara ule wa Koplo na

wengine mpaka wanafikia kustaafu wanakosa stahiki zao analipwa kwa mshahara ule aliotokea nao. Je, Mheshimiwa Waziri Askari kama hawa atawa-*consider* vipi katika zoezi analoendelea nalo ili wapate haki zao kulingana na Utumishi wao walivyotumikia nchi hii?

**MWENYEKITI:** Mheshimiwa Waziri, kwa kifupi.

**WAZIRI WA MAMBO YA NDANI YA NCHI:** Mheshimiwa Mwenyekiti, nirudie kusema kama nilivyojibu kwenye swali la msingi, kwamba mishahara inaendelea kurekebisha kwa Maofisa, Wakaguzi pamoja na Askari. Hata hivyo, kama kuna suala ambalo linamhusu Askari ambaye amemsema kwamba alipanda cheo na nirekebishe kidogo, Jeshi la Polisi hatuna *private*, tuna *constable* kuanzia *constable* akaenda Koplo, Sajenti na hajarekebishiwa, namwomba Mheshimiwa Yussuf anipe jina la Askari huyo ambaye amemsema ili nifuatilie nijue kwa nini apande vyeo vyote hivyo pasipo kurekebishiwa mshahara wake. Ahsante.

**MWENYEKITI:** Ahsante. Tunaendelea swali linalofuata, Wizara hiyo hiyo, linaulizwa na Mheshimiwa Anna Lupembe.

Na. 20

### Hitaji la Gereza Mlele

**MHE. ANNA R. LUPEMBE** aliuliza:-

Je, ni lini Serikali itajenga Gereza la Wilaya ya Mlele?

**MWENYEKITI:** Hongera sana Mheshimiwa Anna, swali la Kibunge kabisa, hongera sana, Mheshimiwa Waziri majibu. (*Makofi*)

**WAZIRI WA MAMBO YA NDANI YA NCHI** alijibu:-

Mheshimiwa Mwenyekiti, napenda kujibu swali la Mheshimiwa Anna Richard Lupembe, Mbunge wa Viti Maalum, kama ifuatavyo:-

Mheshimiwa Mwenyekiti, kwa sasa nchini kuna wilaya 51 ambazo hazina Magereza ya Mahabusu ya Wilaya ikiwemo Wilaya ya Mlele. Lengo la Serikali ni kuhakikisha kila Wilaya nchini inakuwa na Gereza la kuhifadhi wahalifu wa wilaya husika. Vilevile ujenzi wa Magereza kwenye kila wilaya utapunguza gharama za kuwasafirisha wahalifu kutoka Wilaya moja kwenda nyingine kusikiliza kesi zao pamoja na kuhakikisha usikilizwaji wa kesi zao.

Mheshimiwa Mwenyekiti, hivi sasa Serikali inaendelea na ujenzi wa Magereza mapya kwa awamu kwenye wilaya zisizokuwa na Magereza. Hivyo, ni lengo la Serikali kuendelea na ujenzi huo kwenye Wilaya zote zisizokuwa na Magereza ikiwemo Wilaya ya Mlele kadri hali ya bajeti itakavyoruhusu. *(Makofi)*

**MWENYEKITI:** Mheshimiwa Anna Lupembe.

**MHE. ANNA R. LUPEMBE:** Mheshimiwa Mwenyekiti, ahsante kwa kunipa nafasi ya kuuliza swali la nyongeza. Kwa kuwa Wilaya ya Mlele inakaa Mahabusu kidogo sana, wanakaa watu takribani kumi, lakini kutokana na uhaba wanakaa watu kuanzia 30 mpaka 40 na wale ni binadamu na sisi binadamu tuna maradhi mengi wanaambukizana, wanakula mle ndani. Kwa nini Serikali wale watu wenye makosa madogo madogo wanaotakiwa kupewa dhamana, wasipewe dhamana ili waende kufanya shughuli zao zingine ili Mahabusu isikose watu kwa sababu mhalifu anajulikana na mhalifu ni Mtanzania anajulikana katika maeneo anayoishi. Je, ni kwa nini wasiwe wanapenda kutoa dhamana ili Mahabusu hizi zisiwe na watu ili msongamano uweze kupotea? *(Makofi)*

Mheshimiwa Mwenyekiti, swali langu la pili, Wilaya ya Mlele katika kile Kituo cha Polisi hakuna magari, hakuna magari sasa unakuta Mahabusu wale wanakaa wiki nzima wakibanana mle ndani; je, ni lini Serikali itatununulia magari kwa ajili ya uboreshaji zaidi kwa sababu wanatolewa Mlele wanapelekwa Mpanda? Ahsante. *(Makofi)*

**MWENYEKITI:** Mheshimiwa Waziri, kwa kifupi, Waheshimiwa tuzingatie tuna Miswada miwili leo.

**WAZIRI WA MAMBO YA NDANI YA NCHI:** Mheshimiwa Mwenyekiti, napenda kujibu maswali mawili ya nyongeza ya Mheshimiwa Anna Richard Lupembe Mbunge wa Viti Maalum ambaye ni Mtumishi wa Mungu. Kwanza nimpongeze Mheshimiwa Anna Lupembe ambaye ni Mtumishi wa Mungu kwa namna ambavyo amekuwa akiwahamasisha Watanzania na waumini katika kulinda amani na kufanya doria za kiroho. Kwa hiyo nimpongeze sana kushiriki kwenye ujenzi na ulinzi wa amani.

Mheshimiwa Mwenyekiti, ni kweli kwamba pale Mlele kuna tatizo la Gereza na kama nilivyojibu kwenye jibu la msingi kwamba Serikali iko kwenye mchakato wa kuhakikisha hizi Wilaya mpya tunajenga Magereza na Magereza mengine kwenye mikoa mipya. Tatizo ni kwamba ni kitu ambacho hakiwezekani kupangisha Gereza kwamba unaweza ukaenda kwenye nyumba ya mtu ukasema tumekuja tupangishe kwa ajili ya Gereza. Kwa hiyo kwa vyovyote vile lazima sisi kama Serikali tuendelee na mipango yetu ya kuhakikisha kwamba tunajenga Gereza. Ndiyo maana tumeanza kupunguza msongamano kwa kutumia Sheria mbalimbali ikiwa ni pamoja na mawazo yake aliyoyasema ya dhamana.

Mheshimiwa Mwenyekiti, niende kwenye swali la gari, Wilaya zote tumezipa gari kwa ajili ya kuhakikisha kwamba gari zile zinasaidia kubeba Mahabusu. Kwa kesi ya Mlele Mheshimiwa Mkuu wa Mkoa wa Katavi nichukue fursa hii kumpongeza ameshaanza juhudi kwa kushirikiana na Mkuu wa Wilaya kuhamasisha wananchi na tayari ameshatoa mifuko 200 kwa ajili ya kuanza kujenga Gereza la Mlele na tayari tumeshampatia ramani. Kwa hiyo nimwombe Mheshimiwa Mbunge kwa kazi kubwa anayoifanya tutakapokwenda Mlele tutashirikiana pamoja na wananchi. Ahsante.

**MWENYEKITI:** Ahsante. Waheshimiwa tuna Miswada miwili na najua ni hisia ya Wabunge wengi kutaka kujua habari ya Magereza; lakini niwaombe Wabunge wote mliosimama kwa heshima zenu na heshima za waliowachagua na wananchi ambao mnanisikia, lengo la Serikali kwenye jibu la msingi ni kuendelea na ujenzi wa Magereza zote kwenye wilaya zote.

Waheshimiwa tunaendelea na Wizara ya Ujenzi, Uchukuzi na Mawasiliano, swali linaulizwa na Mheshimiwa Mnzava Timotheo.

Na. 21

### **Ujenzi wa Barabara ya Korogwe-Bumbuli**

**MHE. TIMOTHEO P. MNZAVA** aliuliza:-

Katika Ilani ya uchaguzi ya CCM ya mwaka 2015 wananchi wa Korogwe waliahidiwa ujenzi wa barabara ya lami kutoka Korogwe - Dindira – Bumbuli.

Je, ni lini ujenzi huo utaanza?

**MWENYEKITI:** Mheshimiwa Naibu Waziri, majibu.

**NAIBU WAZIRI WA UJENZI, UCHUKUZI NA MAWASILIANO (MHE. ELIAS J. KWANDIKWA)** alijibu:-

Mheshimiwa Mwenyekiti, kwa niaba ya Waziri wa Ujenzi, Uchukuzi na Mawasiliano, napenda kujibu swali la Mheshimiwa Timotheo Paul Mnzava, Mbunge wa Korogwe Vijijini, kama ifuatavyo:-

Mheshimiwa Mwenyekiti, Serikali kwa kutambua umuhimu wa barabara ya Korogwe - Dindira hadi Bumbuli inayopita kwenye maeneo yenye uzalishaji mkubwa wa mazao ya biashara na matunda imeanza kazi ya upembuzi yakinifu na usanifu wa kina kwa lengo la kujenga kwa kiwango cha lami barabara yote ya Soni – Bumbuli – Dindira

- Korogwe yenye urefu wa kilomita 77 ikiwemo sehemu ya Bumbuli - Dindira - Korogwe.

Mheshimiwa Mwenyekiti, kazi ya upembuzi yakinifu na usanifu wa kina sehemu ya Soni - Bumbuli yenye urefu wa kilomita 21.7 imekamilika mwezi Juni mwaka 2018. Hivi sasa Serikali ipo katika hatua ya ununuzi wa kumpata mtaalam mshauri wa kufanya kazi ya upembuzi yakinifu na usanifu wa kina kwa sehemu iliyobaki ya Bumbuli-Dindira-Korogwe yenye urefu wa kilomita 5.3. Kiasi cha shilingi milioni 130 zimetengwa katika bajeti ya Wizara ya Ujenzi, Uchukuzi na Mawasiliano kwa mwaka wa fedha 2018/2019 kwa ajili ya kuanza kazi hiyo. Usanifu utakapokamilika na gharama za ujenzi kujulikana, fedha za ujenzi zitafutwa ili ujenzi wa kiwango cha lami uanze kwa awamu kulingana na upatikanaji wa fedha.

**MWENYEKITI:** Mheshimiwa Timoth.

**MHE. TIMOTHEO P. MNZAVA:** Mheshimiwa Mwenyekiti, nakushukuru. Namshukuru Mheshimiwa Naibu Waziri kwa majibu mazuri na naishukuru Serikali kwa kazi waliyoifanya. Pamoja na majibu hayo nina maswali madogo mawili ya nyongeza, kama ifuatavyo:-

Mheshimiwa Mwenyekiti, swali la kwanza, kwa kuwa barabara hii kwa mara ya kwanza kabisa iliwekwa kwenye Ilani mwaka 2010 na mwaka 2015 na kwa kuzingatia umuhimu wa barabara hii Serikali haioni iko haja sasa ya kutenga fedha zaidi na kuongeza kasi ya utekelezaji ili tujenge barabara hii isivukwe na muda wa Ilani?

Mheshimiwa Mwenyekiti, swali la pili, kwa kuwa wananchi wa Korogwe Vijijini wamekuwa wakisubiri utengenezaji wa barabara hii kwa hamu na kwa muda mrefu, Mheshimiwa Naibu Waziri yuko tayari baada ya Bunge hili kuongozana nami kwenda Korogwe akaone hali ya barabara hii na kutoa neno la matumaini kwa wananchi wa Jimbo la Korogwe Vijijini?

**MWENYEKITI:** Ahsante kwa maswali mazuri mawili. Mheshimiwa Naibu Waziri.

**NAIBU WAZIRI WA UJENZI, UCHUKUZI NA MAWASILIANO (MHE. ELIAS J. KWANDIKWA):** Mheshimiwa Mwenyekiti, napenda kujibu swali la nyongeza la Mheshimiwa Timotheo, Mbunge wa Korogwe Vijijini, kama ifuatavyo:-

Mheshimiwa Mwenyekiti, kwanza uniruhusu nimpongeze sana Mheshimiwa Timotheo kwa sababu amekuwa anafuatilia sana mambo mbalimbali kuhusu eneo lake, nampongeza sana.

Mheshimiwa Mwenyekiti, kuhusu maswali yake, kwa ufupi nimhakikishie tu Mheshimiwa Mbunge kama ilivyo kawaida kwamba Serikali imeendelea kutenga fedha kwa ajili ya kufanya maboresho ya barabara katika eneo lake. Kwa hiyo, nimuahidi tu tutaendelea kutenga fedha kadri tunavyopata bajeti ili tuendeleo kuboresha barabara katika eneo hili. Niliwahi kutembelea katika eneo hili lakini nakubalia nitakuja kwa sababu zipo changamoto nyingi ili nije kuona pia na maeneo mengine. Ahsante sana.

**MWENYEKITI:** Mheshimiwa Flatei na Mheshimiwa Hussein.

**MHE. FLATEI G. MASSAY:** Mheshimiwa Mwenyekiti, nakushukuru. Katika swali la msingi la Korogwe Vijijini na hali ya pale inafanana kabisa na Mbulu Vijijini. Barabara ya kutoka Sibiti-Hyadom-Mbulu kuelekea Karatu imeahidiwa kwenye Ilani. Je, ni lini sasa barabara ile itawekewa fedha hasa ukizingatia kwamba huu mwaka unaelekea kuwa wa mwisho?

**MWENYEKITI:** Mheshimiwa Naibu Waziri, majibu.

**NAIBU WAZIRI WA UJENZI, UCHUKUZI NA MAWASILIANO (MHE. ELIAS J. KWANDIKWA):** Mheshimiwa Mwenyekiti, napenda kujibu swali la nyongeza la Mheshimiwa Flatei, kama ifuatavyo:-

Mheshimiwa Mwenyekiti, kwanza nimpongeze Mheshimiwa Flatei kwa sababu ameifuatilia sana barabara hii lakini anafahamu pia kwamba barabara hii muhimu ziko hatua muhimu sana ambazo zinaendelea kufanyika ikiwa ni pamoja na kuanza kukamilika kwa ujenzi wa daraja katika Mto Sibiti. Ziko hatua nzuri zinaendelea ili kuweza kujenga kwa kiwango cha lami sehemu ambayo ilikuwa korofi katika eneo hili. Mheshimiwa Mbunge anafahamu pia harakati za usanifu kutambua gharama za barabara hii...

**MWENYEKITI:** Kwa kifupi.

**NAIBU WAZIRI WA UJENZI, UCHUKUZI NA MAWASILIANO (MHE. ELIAS J. KWANDIKWA):** ...ambayo anaizungumzia kwamba tunaendelea kukamilisha zoezi la usanifu ili tuweze kujua gharama za ujenzi wa barabara hii. Baada ya kupatikana kwa gharama za ujenzi wa barabara hii, Serikali itaendelea kutenga fedha kuweza kuiboresha.

**MWENYEKITI:** Mheshimiwa Naibu Waziri, maswali haya ya nyongeza unajibu kwa kifupi tu. Mheshimiwa Hussein na Mheshimiwa Profesa.

**MHE. HUSSEIN N. AMAR:** Mheshimiwa Mwenyekiti, ahsante kwa kunipa nafasi niulize swali dogo la nyongeza. Nataka nipate majibu kutoka kwa Mheshimiwa Naibu Waziri kuhusu utekelezaji wa ahadi ya Mheshimiwa Rais ya ujenzi wa barabara kwa kiwango cha lami kutoka Kahama – Nyangolongo - Bukwimba, Kalumwa - Busolwa – Busisi, ni lini ujenzi huo utaanza kwa kiwango cha lami?

**MWENYEKITI:** Mheshimiwa Naibu Waziri, kwa kifupi sana, jandae Profesa na maswali yawe mafupi, jibu kwa kifupi sana.

**NAIBU WAZIRI WA UJENZI, UCHUKUZI NA MAWASILIANO (MHE. ELIAS J. KWANDIKWA):** Mheshimiwa Mwenyekiti, napenda kujibu swali la nyongeza la Mheshimiwa Hussein, Mbunge wa Nyang'wale, kama ifuatavyo:-

Mheshimiwa Mwenyekiti, ni kweli ziko barabara nyingi nchini ambazo ziliahidiwa na Mheshimiwa Rais na viongozi wengine wakuu. Ni kweli pia katika eneo hili la Nyang'wale kuna ahadi hii ya barabara kutoka Kahama kwenda hadi Busisi. Nimwombe tu Mheshimiwa Mbunge labda baadaye tuonane ili angalau tuzungumze kwa upana ili apate *detail*...

**MWENYEKITI:** Haya baadaye muonane, Mheshimiwa Profesa. (*Kicheko*)

**MHE. JOSEPH L. HAULE:** Mheshimiwa Mwenyekiti, ahsante sana. Ni juzi tu hapa tuliona kwamba barabara ya Dodoma-Morogoro ilipata tatizo pale Dumila na watu walipata tabu sana na kuzunguka kule Kilosa. Je, Serikali haioni umuhimu wa kuwa na barabara mbadala na kutengeneza barabara ya lami ya kutoka Dumila-Kilosa mpaka Mikumi? (*Makofi*)

**MWENYEKITI:** Mheshimiwa Naibu Waziri, umuhimu upo, maana mengine tutayajibia juu sasa hapa.

**NAIBU WAZIRI WA UJENZI, UCHUKUZI NA MAWASILIANO (MHE. ELIAS J. KWANDIKWA):** Mheshimiwa Mwenyekiti, napenda kujibu swali la nyongeza la Mheshimiwa Mbilinyi, kama ifuatavyo:-

Mheshimiwa Mwenyekiti, umuhimu upo na barabara hii iko kwenye mpango wa kuboreshwa.

**MWENYEKITI:** Ahsante. Tunaendelea na Wizara hiyo hiyo, swali la Mheshimiwa Mangungu, kwa niaba yake Mheshimiwa Mtolea, Mbunge wa CCM.

**MHE. ABDALLAH A. MTOLEA:** Mheshimiwa Mwenyekiti, nikushukuru kwa kuniona na kwa kuwa hii ni mara ya kwanza nasimama toka nimehamia chama kubwa, chama tawala, naomba nianze kwa kuwashukuru wanachama wote wa CCM nchi nzima kwa kunipokea lakini nizirefushe shukrani zangu kwa wananchi wa Temeke kwa kuniendelea kuniamini na kukiamini Chama cha Mapinduzi. Niwaambie tu kwamba sasa Temeke ipo kwenye mikono salama zaidi.

**MWENYEKITI:** Haya swali Mheshimiwa.

Na. 22

**Kukamilika kwa Barabara ya Kilwa**

**MHE. ABDALLAH A. MTOLEA (K.n.y. MHE. ISSA A. MANGUNGU)** aliuliza:-

(a) Je, barabara ya Kilwa imeshakabidhiwa kwa Serikali kutoka kwa mkandarasi aliyejenga barabara hiyo (KAJIMA)?

(b) Je, barabara hiyo ipo katika kiwango kinachotakiwa?

(c) Je, ni nani anagharamia ukarabati usiokwisha wa barabara hiyo kati ya Serikali na mkandarasi?

**NAIBU WAZIRI WA UJENZI, UCHUKUZI NA MAWASILIANO (MHE. ELIAS J. KWANDIKWA)** alijibu:-

Mheshimiwa Mwenyekiti, kwa niaba ya Waziri wa Ujenzi, Uchukuzi na Mawasiliano, napenda kujibu swali la Mheshimiwa Issa Ally Mangungu, Mbunge wa Mbagala, lenye sehemu (a), (b) na (c), kama ifuatavyo:-

Mheshimiwa Mwenyekiti, kulingana na taratibu za mikataba ya ujenzi wa barabara, kabla ya mradi haujapokelewa na Serikali panakuwepo kipindi cha matazamio ambacho mkandarasi hutakiwa kurekebisha kasoro zozote zitakazojitokeza katika kipindi hicho kwa gharama zake mwenyewe. Utaratibu huu ndiyo unaotumika katika mradi wa ujenzi wa barabara ya Kilwa ambapo mkandarasi alifanya marekebisho ya mapungufu yaliyojitokeza katika kipindi cha matazamio cha miaka miwili kuanzia tarehe 15 Mei, 2012 hadi tarehe 31 Desemba, 2014 kwa gharama zake mwenyewe.

Mheshimiwa Mwenyeiti, mara baada ya mkandarasi kufanya marekebisho ya sehemu zilizokuwa na mapungufu, wataalam wa Wizara walifanya ukaguzi na kujiridhisha kuwa barabara hiyo ina viwango vya ubora vinavyokubalika kulingana na matakwa ya mkataba na kukabidhiwa rasmi Serikalini tarehe 31 Desemba, 2014. Hivyo, majukumu ya mkandarasi (KAJIMA) yamekamiliwa katika barabara hiyo.

Mheshimiwa Mwenyekiti, Serikali imekuwa ikifanya matengenezo ya kawaida ya barabara hii kama ilivyo kwa barabara zingine ili iweze kudumu kwa muda mrefu.

**MWENYEKITI:** Mheshimiwa Mtolea.

**MHE. ABDALLAH A. MTOLEA:** Mheshimiwa Mwenyekiti, kwanza niipongeze sana Serikali kwa usimamizi makini wa barabara ambao ndiyo ulibaini kwamba barabara hii ilijengwa chini kiwango na kumtaka mkandarasi airudie kwa gharama zake hata hivyo nina maswali mawili madogo.

Mheshimiwa Mwenyekiti, swali la kwanza, baadhi ya mitaro iliyojengwa katika barabara hii inapeleka maji kwenye majumba ya watu hasa maeneo ya Mtoni kwa Azizi Ally na Mtoni Mtongani. Je, Serikali itakuwa tayari sasa kuwapeleka wataalam kwenda kuiangalia upya mifereji hiyo?

Mheshimiwa Mwenyekiti, swali la pili, ni lini sasa Serikali itamalizia kipande cha kutoka Mbagala Rangi Tatu mpaka Kongowe kwa ujenzi wa barabara mbili?

**MWENYEKITI:** Mheshimiwa Naibu Waziri majibu, jandae Mheshimiwa Kisangi.

**NAIBU WAZIRI WA UJENZI, UCHUKUZI NA MAWASILIANO (MHE. ELIAS J. KWANDIKWA):** Mheshimiwa Mwenyekiti, kwanza pongezi alizozitoa nazipokea. Pili, kuhusu mitaro kupeleka maji majumbani, sisi kama Serikali tutashirikiana na Serikali za Mitaa (TAMISEMI) ili kuhakikisha kwamba tunayatazama vizuri maeneo ambayo yana matatizo.

Mheshimiwa Mwenyekiti, kuhusu kuendelea na ujenzi wa barabara kutoka Mbagala Rangi Tatu kwenda Kongowe, niseme tu kwamba Serikali inayo mipango ya muda mrefu kuboresha barabara hii.

**MWENYEKITI:** Ahsante. Mheshimiwa Kisangi.

**MHE. MARIAM N. KISANGI:** Mheshimiwa Mwenyekiti, ahsante sana kwa kunipa nafasi niweze kuuliza swali la nyongeza.

Mheshimiwa Mwenyekiti, pamoja na juhudi za Serikali ya Chama cha Mapinduzi katika kufanya maboresho ya barabara mbalimbali katika Jiji la Dar es Salaam jambo ambalo tunaipongeza sana Serikali ya Chama cha Mapinduzi, kwa kuwa barabara ya Kilwa maeneo ya Mbagala Rangi Tatu - Kokoto kuelekea Kongowe Mwisho kumekuwa na ufinyu wa barabara na kusababisha foleni kubwa ya magari muda wa asubuhi na jioni. Je, Serikali ina mpango gani wa kuongeza upana wa barabara na kuweka vituo vya mabasi maeneo ya Mzinga na Kongowe mwisho ili kuondoa kero kwa wananchi wanaokwenda Kongowe, Tawangoma, Kigamboni na wale waendao Mkuranga?

**MWENYEKITI:** Mheshimiwa Naibu Waziri, kwa kifupi.

**NAIBU WAZIRI WA UJENZI, UCHUKUZI NA MAWASILIANO (MHE. ELIAS J. KWANDIKWA):** Mheshimiwa Mwenyekiti, napenda kujibu swali la nyongeza la Mheshimiwa Mariam Kisangi, kama ifuatavyo:-

Mheshimiwa Mwenyekiti, kwanza pongezi nyingi alizozitoa nazipokea lakini niseme tu kwamba nampongeza kwa kufuatilia barabara hii na barabara zingine katika Jiji la Dar es Salaam.

Mheshimiwa Mwenyekiti, kama nilivyojibu mwanzo kwamba tunao mpango wa kuitazama kwa upana barabara hii na mmeshuhudia tunaendelea kuweka

maboresho mbalimbali ili kuweza kumudu foleni katika Jiji la Dar es Salaam, kwa hiyo, uvute subira tunalifanya kazi.

**MWENYEKITI:** Ahsante. Mheshimiwa Lijualikali.

**MHE. PETER A. P. LIJUALIKALI:** Mheshimiwa Mwenyekiti, ahsante. Naomba nimuulize Mheshimiwa Naibu Waziri ni kwa nini ujenzi wa barabara ya Ifakara-Kidatu unasuasua?

Mheshimiwa Mwenyekiti, lakini pia naomba nifahamu ni lini yupo tayari twende wote kwenye hii barabara tukakague tuone shida?

**MWENYEKITI:** Hilo ndiyo lilikuwa swali, lini twende wote, unanza kuzunguka, wewe mwambie lini muende wote. *(Kicheko)*

Mheshimiwa Naibu Waziri, lini mnakwenda wote? Mwambie tu baada ya Bunge tuendele. *(Kicheko)*

**NAIBU WAZIRI WA UJENZI, UCHUKUZI NA MAWASILIANO (MHE. ELIAS J. KWANDIKWA):** Mheshimiwa Mwenyekiti, kama ulivyoelekeza tutaongea na Mheshimiwa Mbunge ili baada ya Bunge tutembelee eneo hili. *(Kicheko)*

**MWENYEKITI:** Ahsante. Tunaendelea na Wizara ya Ardhi, Mheshimiwa Mnyika, Mheshimiwa Msigwa kwa niaba.

Na. 23

### **Upimaji na Urasimishaji wa Ardhi na Makazi**

**MHE. MCH. PETER S. MSIGWA (K.n.y. MHE. JOHN J. MNYIKA)** aliuliza:-

Ili kuharakisha upimaji na urasimishaji wa ardhi na makazi, Serikali iliruhusu kampuni binafsi kufanya kazi hiyo katika maeneo mbalimbali.

(a) Je, ni lini kampuni zinazofanya kazi hiyo zitatoa hati za ardhi au leseni za makazi kwa wananchi?

(b) Je, ni vikwazo gani vinakabili zoezi hilo na Serikali inachukua hatua gani kuviondoa ili kuzisaidia kampuni hizo kumaliza kazi hiyo kwa haraka?

(c) Je, ni lini Serikali itakamilisha mpango kabambe (*masterplan*) mpya ya Jiji la Dar es Salaam ili uwe dira katika upangaji, upimaji na urasimishaji?

**NAIBU WAZIRI WA ARDHI, NYUMBA NA MAENDELEO YA MAKAZI alijibu:-**

Mheshimiwa Mwenyekiti, kwa niaba ya Waziri wa Ardhi, Nyumba na Maendeleo ya Makazi, napenda kujibu swali la Mheshimiwa John Mnyika, Mbunge wa Kibamba, lenye sehemu (a), (b) na (c) kama ifuatavyo:-

(a) Mheshimiwa Mwenyekiti, umilikishwaji wa ardhi hufanywa kwa mujibu wa Sheria Na.4 ya mwaka 1999 ambayo inampa Kamishna wa Ardhi mamlaka ya kutoa hati au leseni za makazi. Hivyo, lengo la kusajili makampuni ya upangaji na upimaji ardhi ni kuongeza kasi ya upangaji na kupima ardhi nchini lakini hati miliki za ardhi hiyo hutolewa na Kamishna baada ya mwananchi kulipa gharama za umilikishaji zilizowekwa kwa mujibu wa sheria.

(b) Mheshimiwa Mwenyekiti, kisingi kwa sasa hatuna kikwazo au vikwazo vinavyokabili zoezi la urasimishaji ardhi nchini zaidi ya changamoto ya mwitikio mdogo wa wananchi katika maeneo mbalimbali. Awali zoezi hili lilikuwa linakabiliwa na changamoto mbalimbali ikiwa ni pamoja na ukosefu wa ramani za msingi (*base maps*), uhaba wa vifaa vya kisasa vya upimaji, matumizi ya teknolojia duni, baadhi

ya wananchi kutokuwa tayari kulipia gharama ya ardhi kwa ajili ya miundombinu na uelewa mdogo kisheria.

Mheshimiwa Mwenyekiti, katika kuondoa changamoto hizo, Serikali iliweka mikakati mbalimbali ikiwa ni pamoja na kuandaa picha za anga katika Jiji la Dar es Salaam na Kibaha na kuandaa ramani za msingi (*base maps*) mpya za mwaka 2016, ununuzi wa vifaa vya kisasa vya upimaji, kuongeza mtandao wa alama za msingi za upimaji yaani *control points*, usimikaji wa mfumo wa *ILMIS* kwa ajili ya kurahisisha umilikishaji na uhamasishaji wa wananchi kuhusu zoezi la urasimishaji.

(c) Mheshimiwa Mwenyekiti, rasimu ya mwisho ya mpango kabambe ya Jiji la Dar es Salaam imekamilika na nakala za kielektroniki za rasimu hiyo zimesambazwa kwa wadau kwa ajili ya kupitia na kutoa maoni yao. Aidha, rasimu ya mpango huo imewekwa kwenye tovuti ya Wizara [www.lands.go.tz](http://www.lands.go.tz) ili kwezesha wadau kutoa maoni yao. Kwa sasa Mtaalam Mwelekezi anafanya mawasilisho ya rasimu hiyo katika mikutano ya hadhara (*public hearing*) katika Mamlaka zote za Upangaji za Jiji la Dar es Salaam ili kuapata maoni ya wananchi.

**MWENYEKITI:** Mheshimiwa Msigwa.

**MHE. MCH. PETER S. MSIGWA:** Mheshimiwa Mwenyekiti, kama Mheshimiwa Sugu alivyosema mnasema hatupongezi lakini katika hili nimpongeze Waziri wa Ardhi pamoja na Naibu *atleast* wamefika maeneo mengi kufanya kazi yao vizuri. Kwa hiyo, kwa mazuri yanayofanyika sisi tunapongeza. (*Makofi*)

Mheshimiwa Mwenyekiti, maswali yangu ni mawili. La kwanza, Mheshimiwa Naibu Waziri amesema kwamba kwa sasa hakuna changamoto, nakubaliana kwa sehemu zimeondoka lakini malalamiko makubwa ya kampuni binafsi ni kwamba hawapati ushirikiano kwa watendaji wa Serikali kwa sababu wanaona kwamba wanachukua kazi zao. Kwa hiyo, wanapotoa taarifa kuomba vibali wale watendaji

wakati mwingine wanawazunguka wanakwenda kuchukua kazi zao kwa sababu wanakuwa kama *intruders* kwenye kazi zao, Serikali itatatuaje tatizo hilo?

Mheshimiwa Mwenyekiti, lakini swali la pili, Mheshimiwa Lukuvi mwaka juzi alizindua *masterplan* katika Manispaa ya Iringa na tulikuwa Manispaa ya kwanza kuzindua *masterplan* jambo ambalo ni jema, nimesema nalipongeza na tumeendelea kufanya kazi vizuri. Hata hivyo, hivi karibuni Mkuu wa Mkoa ametangaza katika Manispaa ya Iringa watu wajenge wanavyotaka hata kuingilia maeneo ya *CBD*. Je, Serikali inasemaje? Tumsikilize nani kati ya Waziri au Mkuu wa Mkoa? Bado niseme nawapongeza ningepomba nipate majibu ya Serikali kuhusiana na jambo kama hili. (*Makofi*)

**MWENYEKITI:** Naibu Waziri, majibu kwa kifupi.

**NAIBU WAZIRI WA ARDHI, NYUMBA NA MAENDELEO YA MAKAZI:** Mheshimiwa Mwenyekiti, swali la kwanza amezungumzia habari ya wapimaji binafsi ambao hawapati ushirikiano. Tatizo hilo hatujalipata kama Wizara na lengo la kuwaweka wao ni kuhakikisha kwamba upimaji unaongezeka. Sasa kama suala ni kuongeza kasi halafu wanapata vikwazo, tunahitaji tupate uthibitisho wa hayo ili tuweze kuyafanyia kazi lakini kwa sasa hatujapata malalamiko hayo.

Mheshimiwa Mwenyekiti, swali la pili la *masterplan* na Mheshimiwa *RC* kuingilia kazi hiyo, naomba kusema kwamba hilo pia nalo hatujalipata lakini *masterplan* ndiyo kiongozi wa kupanga miji kama ilivyo na Iringa kweli mmekuwa wa kwanza. Kwa hiyo, tunachosema *masterplan* ikishapitishwa inahitaji kutekelezwa kama ilivyo na siyo vinginevyo.

**MWENYEKITI:** Waheshimiwa Wabunge, niwaombe radhi muda wetu unakwenda. Tunaendelea na Wizara ya Viwanda na Biashara, Mheshimiwa Khadija Nassir.

Na. 24

**Serikali Kusimamia Bidhaa za Ndani**

**MHE. KHADIJA NASSIR ALI** aliuliza:-

Serikali imekuwa ikijitahidi kuvisimamia na kuviwezesha viwanda vyetu vya ndani lakini cha kusikitisha ni kwamba Serikali imeshindwa kusimamia bidhaa zetu ndani ya soko hili huria. Mathalani, bidhaa za viuadudu zinazozalishwa na kiwanda kilichopo Kibaha hazipo sokoni na wananchi hawana uelewa nazo:-

Je, Serikali haioni kwamba kuendelea kuweka fedha kwenye viwanda vyetu bila ya kuwa na mikakati mizuri ya kibiashara ni kuendelea kutumia vibaya fedha za walipa kodi?

**NAIBU WAZIRI WA VIWANDA NA BIASHARA** alijibu:-

Mheshimiwa Mwenyekiti, kwa niaba ya Waziri wa Viwanda na Biashara, napenda kujibu swali la Mheshimiwa Khadija Nassir Ali, Mbunge wa Viti Maalum, kama ifuatavyo:-

Mheshimiwa Mwenyekiti, kabla ya uwekezaji wowote kufanywa na Serikali, mara zote utafiti na upembuzi yakinifu hufanyika ili kujiridhisha na manufaa ya uwekezaji huo.

Mheshimiwa Mwenyekiti, kiwanda cha kuzalisha viuadudu vya kua viluwilwi vya mbu waenezo ugonjwa wa malaria kilichopo TAMCO-Kibaha kinamilikiwa na Serikali kwa asilimia 100 kupitia Shirika la Taifa la Maendeleo (NDC).

Mheshimiwa Mwenyekiti, juhudi mbalimbali zimefanyika katika kutoa elimu kwa wananchi na makampuni ya ndani na nje ya nchi juu ya matumizi ya viuadudu vinavyozalishwa. Uhamasishaji umekuwa ukifanyika kupitia miongozo na jinsi ya kutokomeza viluwilwi wa mbu waenezo malaria, mikutano, makongamano na hata

vipindi vya runinga. Uhamasishaji ulianza mwaka 2015 na kufikia 2018 mwishoni, Halmashauri za Mikoa yote 26 za Tanzania Bara zilikuwa zimenunua viudadu.

Mheshimiwa Mwenyekiti, uhamasishaji umefanyika pia katika nchi za jirani na Jumuiya za Nchi za SADC ambapo katika kikao cha SADC cha Agosti, 2018 nchi hizo zilizimia kiwanda cha viudadu kitakuwa msambazaji pekee wa viudadu kwa nchi hizo. Aidha, ili kuwezesha kaya moja moja kutumia viudadu, kiwanda kimetengeneza vifungashio vidogo vya ujazo wa milimita 30 ambazo bei yake ni Sh.1,000 na vinapatikana kwenye maduka mengi ya dawa.

Mheshimiwa Mwenyekiti, matokeo ya uhamasishaji huo ni kuwa jumla ya lita 466,278 za viudadu zimeshauzwa ambapo lita 269,900 ziliuzwa katika soko la ndani na lita 196,378 ziliuzwa nje ya nchi katika nchi za Niger na Angola. Nchi ya Angola imeonesha nia ya kununua viudadu vingine lita 85,192 ifikapo mwezi Februari, 2019. Aidha, nchi za Siri Lanka, Serbia, Msumbiji, Rwanda, Kenya na Burundi zimeonesha nia ya kununua viudadu hivyo na mazungumzo na ufuatiliaji yanaendelea.

**MWENYEKITI:** Mheshimiwa Khadija.

**MHE. KHADIJA NASSIR ALI:** Mheshimiwa Mwenyekiti, nakushukuru namshukuru pia Mheshimiwa Naibu Waziri kwa majibu yake. Nina maswali mawili ya nyongeza. Taarifa ya Mkaguzi Mkuu inaeleza kwamba kati ya lita 92,000 ya dawa hizo zilizosambazwa kwenye mikoa 26 ya Tanzania Bara ni lita 25,000 tu ndiyo ambazo zimeweza kutumika mpaka sasa. Ukizingatia dawa hizi zina *life span*, inawezekana kama hazijaharibika, sasa zinakaribia kuharibika. Serikali inatoa maelezo gani juu ya upungufu huo?

Mheshimiwa Mwenyekiti, swali langu la pili, kwa kuwa dawa hizi zilisambazwa kwa mkopo wenye thamani ya shilingi bilioni 3.1 na makubaliano yalikuwa kwamba Halmashauri husika ziweze kulipa fedha hizi, Serikali ina

mkakati gani kusimamia fedha hizi ili ziweze kulipwa?  
Ahsante? (*Makofi*)

**MWENYEKITI:** Mheshimiwa Waziri majibu kwa kifupi na wewe hodari wa majibu kwa kifupi.

**NAIBU WAZIRI WA VIWANDA NA BIASHARA:**  
Mheshimiwa Mwenyekiti, ahsante. Ni kwamba kimsingi dawa hizi ni muhimu sana na zinaua hasa katika maeneo yale ya mazalia. Sasa kama kuna Halmashauri zimechukua dawa hizo na zikaacha kupeleka kwenye maeneo hayo ya mazalia ya mbu kwa kweli wanatenda kosa kubwa kwa sababu wanawanyima wananchi haki yao ya kupona kutokana na kutokomeza viluwiluwi vya Malaria. Nawaomba wafanye hivyo mapema iwezekanavyo na wajue kwamba kufanya hivyo ni kurudisha nyuma jitihada za Serikali.

Mheshimiwa Mwenyekiti, vilevile kuhusiana na madeni, ni kweli kabisa Halmashauri nyingi hazijaweza kulipa madeni walioyochukua dawa hizo. Kwa hiyo, nizitake pia Halmashauri kuhakikisha kwamba wanalipa madeni yao na kuyapa kipaumbele iwezekanavyo kuhakikisha kwamba wanalipa ili kutelekeza azma ya Serikali ya kukifanya kiwanda hicho kuwa endelevu.

**MWENYEKITI:** Ahsante. Waheshimiwa tunaendelea na Wizara ya Nishati, Mheshimiwa Manyanda Masele.

Na. 25

### **Mradi wa Umeme wa Ujazo – Geita**

**MHE. AUGUSTINO M. MASELE** aliuliza:-

Serikali iliahidi kuanza utekelezaji wa mradi wa umeme wa ujazo (*Densification*) Mkoani Geita kuanzia mwezi Oktoba, 2018 lakini hadi sasa mradi huo haujaanza:-

Je, ni lini mradi huo utaanza kutekelezwa katika Wilaya ya Mbogwe?

**NAIBU WAZIRI WA NISHATI** alijibu:-

Mheshimiwa Mwenyekiti, kwa niaba ya Mheshimiwa Waziri wa Nishati, napenda kujibu swali la Mheshimiwa Augustino Manyanda Masele, Mbunge wa Mbogwe, kama ifuatavyo:-

Mheshimiwa Mwenyekiti, awamu ya tatu ya mradi kabambe ya kusambaza umeme vijijini unahusisha mradi wa ujazilizi (*Densification*) kwa kuongeza wigo wa usambazaji umeme katika vijiji ambavyo vimeshafikiwa umeme lakini baadhi ya Vitongoji havijafikiwa na umeme. Mradi wa *Grid Extension* unahusu kupeleka umeme katika vijiji ambavyo havijafikiwa na miundombinu ya umeme na mradi wa *Off-Grid electrification* wa kuendeleza na kusambaza nishati jadidifu katika maeneo yaliyo mbali na *Grid* ikiwa ni pamoja na visiwa.

Mheshimiwa Mwenyekiti, Serikali ilikamilisha kupeleka umeme katika awamu ya kwanza ya utekelezaji wa mradi wa ujazilizi mwezi Septemba, 2018 katika awamu hiyo Vijiji na Vitongoji 305 vya Mikoa ya Arusha, Iringa, Mara, Mbeya, Njombe, Pwani, Tanga na Songwe ambapo jumla ya wateja 29,950 wameunganishiwa umeme na gharama ya mradi ilikuwa ni shilingi bilioni 68.

Mheshimiwa Mwenyekiti, awamu ya pili ya mradi ya ujazilizi utapeleka umeme katika mikoa 26 Tanzania Bara katika Vitongoji 1,103 vikiwemo Vitongoji vya Wilaya ya Mbogwe kwa kuunganishia umeme wateja wa awali 69,079. Gharama za mradi ni shilingi bilioni 197.8.

**MWENYEKITI:** Mheshimiwa Waziri subiri kidogo.

Waheshimiwa naomba *order* kidogo kwenye Bunge. Waheshimiwa naomba utulivu ndani ya Bunge.

**NAIBU WAZIRI WA NISHATI:** Mheshimiwa Mwenyekiti, utekelezaji wa mradi utaanza mwezi Machi, 2019 kwa muda wa miezi 12.

**MWENYEKITI:** Mheshimiwa Augustino.

**MHE. AUGUSTINO M. MASELE:** Mheshimiwa Mwenyekiti, nakushukuru. pamoja na majibu mazuri ya Mheshimiwa Naibu Waziri, napenda kuuliza maswali mawili madogo ya nyongeza. Hadi sasa Wilaya ya Mbogwe ni vijiji 28 tu ambavyo tayari vina umeme na REA awamu ya tatu inajumuisha vijiji 28 pia. Sasa hapa nataka kuuliza Serikali kama vile vijiji vya REA awamu ya tatu na vyenyewe vitahusishwa katika hii *Densification*?

Mheshimiwa Mwenyekiti, swali la pili, vijiji 31 haviko kabisa katika mpango wa REA awamu ya tatu: Je, Serikali ina mpango gani wa kuhakikisha kwamba vijiji 31 vya Wilaya ya Mbogwe ambavyo havijapata umeme vinapatiwa umeme? (*Makofi*)

**MWENYEKITI:** Mheshimiwa Waziri, majibu kwa kifupi sana.

**NAIBU WAZIRI WA NISHATI:** Mheshimiwa Mwenyekiti, nakushukuru kwa kunipa fursa ya kujibu maswali ya nyogeza ya Mheshimiwa Masele. Maswali yake mawili yalijielekeza kwanza kwenye mradi unaendelea wa REA awamu ya tatu katika vijiji 28. Alikuwa anauliza je, huu mradi wa ujazilizi utafika katika maeneo hayo?

Mheshimiwa Mwenyekiti, Mheshimiwa Mbunge ametaja kwamba katika Jimbo lake kuna vijiji 28 vina umeme na anaamini katika vijiji hivyo vipo Vitongoji ambavyo havikuguswa katika miradi ya REA awamu ya kwanza na awamu ya pili. Kwa hiyo, nataka nimtaarifu Mheshimiwa Mbunge kwamba mradi wa ujazilizi utaelekea kwenye maeneo yale ya vijiji 28 ambapo kuna Vitongoji havikufikiwa.

Mheshimiwa Mwenyekiti, swali lake la pili Mheshimiwa Mbunge ameulizia vijiji 31 katika Jimbo lake ambavyo havina umeme. Nataka nilitaarifu Bunge lako Tukufu na wananchi

wa Jimbo la Mbogwe ambapo Mheshimiwa Mbunge anafanyia kazi nzuri kwamba vijiji 31 vitaingia kwenye mradi wa REA awamu ya tatu mzunguko wa pili na sasa kazi hiyo imeanza na ameshapokea hiyo orodha na mchakato unaendelea na mradi huu unatarajia kuanza mwezi Julai, 2019 ahsante. *(Makofi)*

**MWENYEKITI:** Waheshimiwa, muda wetu umekwisha na leo tuna Miswada miwili. Sasa ni kipindi cha wageni. Wageni waliopo kwenye jukwaa la Spika; mgeni wa Mheshimiwa Spika ambaye ni Mheshimiwa Abdallah Makame, Mwenyekiti wa Bunge wa Tanzania wa Bunge la Afrika Mashariki. Karibu Bungeni. *(Makofi)*

Waziri wa Ujenzi, Uchukuzi na Mawasiliano anaomba kuwakaribisha na kuwatangaza wageni wa Wizara yake waliokuja kwenye Miswada hii miwili; Ndugu Hassan Ally Mwanasheria Ofisi ya Mwanasheria Mkuu Serikali ya Mapinduzi ya Zanzibar; Hawa Ramadhani, Mwanasheria Ofisi ya Makamu wa Pili wa Rais Zanzibar; na Ndugu Mohamed Ngwali, Mkurugenzi Ofisi ya TMA Zanzibar. *(Makofi)*

Wageni wa Mheshimiwa Stella Ikupa, Mbunge ambaye ni Mjasiriamali anayeunga mkono juhudi za Serikali kuhusu Tanzania ya Viwanda, Ndugu Furaha Ntanga, karibu Mama Furaha.

Mgeni wa Mheshimiwa Mwita Waitara Naibu Waziri wa Tawala Za Mikoa na Serikali na Mitaa ambaye ni Katibu Msaidizi Mambo ya Nje, Ofisi ya Katibu wa itikadi Uenezi katika Ofisi Ndogo ya CCM Jijini Dar es Salaam. Ndugu Mwantum Mgonja, karibu.

Wageni watatu wa Mheshimiwa Juma Aweso kutoka Mkoani Tanga wakiongozwa na Mama wake mlezi, Ndugu Mwajuma Idd Ally. Karibu Mama, umezaa chema. *(Makofi)*

Wageni watatu wa Mheshimiwa Mwantum Dau Haji ambao ni watoto wake kutoka Kusini Unguja, karibuni.

Wageni watatu wa Mheshimiwa Catherine Magige kutoka *Evangelical Lutheran Church in Tanzania North Central Diocese* Dkt. Lucas Ngowi na Ndugu John Tanaki, karibuni.

Wageni watano wa Mheshimiwa Selemani Said Bungara ambao ni wapiga kura wake kutoka Mkoani Lindi wakiongozwa na Ndugu Ramadhan Mohamed Arobaini. Wageni waliopo Bungeni kwa ajili ya mafunzo ni wanafunzi wanne kutoka Jiji la Dodoma wakiongozwa na Ndugu Leonard Kayumba. *(Makofi)*

Mheshimiwa Margaret Sitta, Mwenyekiti wa Umoja wa Wabunge Wanawake Tanzania anaomba kuwatangazia Wabunge wanawake wa *TWPG* kuwa leo tarehe 30 kutakuwa na mafunzo kwa ajili ya Wabunge wanawake wote. Mafunzo hayo yatafanyika katika ukumbi wa Msekwa mara tu baada ya kuahirisha kikao cha Bunge saa 7.00 mchana. *(Makofi)*

Makamu Mwenyekiti, Mheshimiwa Ridhiwani Kikwete anaomba kuwatangazia viongozi wa *Caucus* ya *Dar Young Africans* waliopo Bungeni mkutane kantini baada ya kipindi cha maswali na majibu.

Katibu.

**MHE. JAKU HASHIM AYOUB:** Mheshimiwa Mwenyekiti, mwongozo.

**MWENYEKITI:** Mwongozo Mheshimiwa Jaku.

## **MWONGOZO WA SPIKA**

**MHE. JAKU HASHIM AYOUB:** Mheshimiwa Mwenyekiti, nakushukuru sana. Nimesimama kwa kanuni ya 68(7) chini ya 47(1) kuhusu jambo la dharura.

Mheshimiwa Mwenyekiti, nakuomba sana, ni dharura ya kweli kweli tena. Sijawahi kuzungumza dharura kama hii katika Bunge hili.

Mheshimiwa Mwenyekiti, tena kwa unyonge wa hali ya chini, naomba nitumie Katiba ya Jamhuri ya Muungano uniruhusu baadhi ya vipengele.

Mheshimiwa Mwenyekiti, binadamu wote huzaliwa huru na wote ni sawa. Kila mtu anastahili heshima na kutambuliwa na kuthaminiwa utu wake, watu wote ni sawa mbele ya sheria na wanayo haki bila ubaguzi wowote, kulindwa na kupata haki sawa mbele ya sheria.

Mheshimiwa Mwenyekiti, “ni marufuku sheria yoyote iliyotungwa na Mamalaka katika Jamhuri ya Muungano kuwekwa sharti lolote ambalo lina ubaguzi ama dhahiri au kwa taathira yake.”

Mheshimiwa Mwenyekiti, kuna jambo limejitokeza na nichukue fursa hii sana kwa kuwapongeza Marais wote waliotumikia nchi hii ya Tanzania kuongoza, akiwemo Mheshimiwa Hayati Baba wa Taifa, Mwalimu Julius Nyerere, Mheshimiwa Ally Hassan Mwinyi, Mheshimiwa Jakaya Mrisho Kikwete, Mheshimiwa Mkapa na Mheshimiwa Dkt. John Pombe Magufuli.

Mheshimiwa Mwenyekiti, Serikali hii haina dini; na dini kubwa ni mbili katika nchi hii ikiwemo ya Kiislamu na Kikristo. Kuna jambo limetokeza Dodoma katika Makao Makuu ya Mji. Mheshimiwa Rais Hayati Baba wa Taifa alijenga Chuo Kikuu Dar es Salaam, alijenga Kanisa na Msikiti bila ubaguzi. Nazungumza kwa uchungu kabisa ndani ya nafsi yangu na naweza kukaribia hata kulia. Ni sababu gani Wizara ya Elimu, Sayansi na Teknolojia inatugombanisha na Rais wetu Mheshimiwa Dkt. John Pombe Magufuli? Kumevunjwa Msikiti katika Chuo Kikuu cha Dodoma, ni sababu gani?

Mheshimiwa Mwenyekiti, Rais huyu huyu kulitokea jambo Rukwa akaliingilia kati la Msikiti, leo Wizara ya Elimu inatugombanisha na Rais kwa sababu gani chuo kile kikavunja Msikiti ule? Eneo halitoshi? Tumezungumza kwenye Kamati, naona halikufika mahali. Cha kusikitisha, kuna Mtendaji wa Kiislamu pale, taarifa aliyokuwa nayo inaweza kuwa harufu ya pweza mbaya, kaondolewa ili tuhame.

Mheshimiwa Mwenyekiti, Mheshimiwa Rais juzi alikutana na Watendaji akiwemo Mheshimiwa Waziri Mkuu tarehe 23. Mheshimiwa Waziri Mkuu akasema mambo haya yafuatiliwe na mengine akatoa uamuzi.

Mheshimiwa Mwenyekiti na Waheshimiwa Wajumbe, Majimbo yote naamini yana Msikiti na Kanisa. Naomba tutoe jambo la dharura na Waheshimiwa Wabunge wote nawaomba wakiwemo Waislamu na Wakristo mwinuke tujadili jambo la dharura. Naomba kutoa hoja. Naomba tusimame. Tayari imeungwa mkono hoja hiyo. *(Kicheko)*

**MWENYEKITI:** Mheshimiwa Jaku hoja yako haikuungwa mkono, lakini kutokana na umuhimu wake na hisia ambayo umeisema, napenda tu kukwambia, hili jambo kama limetokea Dodoma, limefikishwa kwa Mheshimiwa Rais na Viongozi wa Dini waliohudhuria kikao Ikulu na Mheshimiwa Rais amelipokea na kama ulivyosema, angeshughulikia Msikiti wa Iringa na ametoa kauli yake hadharani kuwa na hili nalo analifanyia kazi. *(Makofi)*

Pamoja na hayo, siku ya Ijumaa iliyopita Shehe wa Mkoa wa Dodoma naye vilevile alizungumza kwenye Mhadhara wa Ijumaa na kusema analifanyia kazi na ameshakwenda *UDOM*, ameonana na Mkuu wa Mkoa na wanalifanyia kazi. Kwa hiyo, tuwe na subira. Mradi limefika kwa Mheshimiwa Rais, naye amesema analifanyia kazi, tuwe na imani litafanyiwa kazi na nchi yetu itaendelea kuheshimu Katiba na Imani zote zitaheshimiwa. Ahsante. *(Makofi)*

Katibu.

**NDG. PAMELA PALLANGYO – KATIBU MEZANI:**

**MISWADA YA SHERIA ZA SERIKALI**

**Muswada wa Sheria ya Mamlaka ya Hali ya Hewa Tanzania (*The Tanzania Meteorological Authority Bill, 2018*)**

*(Kusomwa Mara ya Pili)*

**MWENYEKITI:** Waheshimiwa Mawaziri, mtasoma mmoja mmoja. Utasoma wewe, atakuja Mwenyekiti, atakuja upande wa Upinzani halafu utakuja kusoma Muswada wa pili na utaratibu utakuwa ni huo. Karibu.

**WAZIRI WA UJENZI, UCHUKUZI NA MAWASILIANO:** Mheshimiwa Mwenyekiti, naomba kutoa hoja kwamba Muswada wa Sheria ya Mamlaka ya Hali ya Hewa Tanzania wa mwaka 2018 pamoja na marekebisho yake sasa usomwe kwa mara ya pili.

Mheshimiwa Mwenyekiti, awali ya yote, napenda kutoa shukurani zangu za dhiti kwa Kamati ya Kudumu ya Bunge ya Miundombinu chini ya Mwenyekiti wake Mheshimiwa Moshi Selemani Kakoso, Mbunge wa Jimbo la Mpanda Vijijini kwa kujadili kwa kina Muswada huu na kutoa ushauri. Pia napenda nilihakikishie Bunge lako Tukufu kwamba Muswada huu umezingatia ushauri na mapendekezo yaliyotolewa na Kamati ya Miundombinu.

Mheshimiwa Mwenyekiti, napenda pia nimshukuru Mwanasheria Mkuu wa Serikali kwa kuandaa Muswada huu pamoja na marekebisho yake. Aidha, nawashukuru wadau mbalimbali wa Sekta ya Hali ya Hewa ambao kwa nyakati tofauti walitoa ushauri wao kuhusu Muswada huu.

Mheshimiwa Mwenyekiti, Muswada unapendekeza kutungwa kwa sheria ya Mamlaka ya Hali Hewa Tanzania ili kurasimisha utekelezaji wa masuala ya hali ya hewa katika Jamhuri ya Muungano wa Tanzania kwa mujibu wa Katiba ya Jamhuri ya Muungano wa Tanzania ya mwaka 1977. Utabiri

wa hali ya hewa ni miongoni mwa mambo ya Muungano, hivyo Muswada huu unapendekeza uwepo wa taasisi moja yenye mamlaka kamili kisheria ya kuratibu, kusimamia na kudhibiti huduma za hali ya hewa katika Jamhuri ya Muungano wa Tanzania.

Mheshimiwa Mwenyekiti, Madhumuni ya Muswada. Muswada huu unakusudia kutungwa kwa Sheria ya Mamlaka ya Hali ya Hewa Tanzania ambayo itaanzisha Mamlaka ya Hali ya Hewa Tanzania pamoja na kuweka masharti bora ya usimamizi, uratibu na udhibiti wa huduma za hali ya hewa.

Mheshimiwa Mwenyekiti, kutungwa kwa sheria hii kutawezesha huduma za hali ya hewa kutolewa na taasisi moja yenye Mamlaka kamili ya kuratibu na kudhibiti masuala ya hali ya hewa katika Jamhuri ya Muungano wa Tanzania. Aidha, Muswada huu unakusudia kuifuta Sheria ya Hali ya Hewa Na. 6 ya Mwaka 1978 Sura 157 na marejeo yake ya mwaka 2002.

Mheshimiwa Mwenyekiti, mambo muhimu ya kuzingatia katika Muswada huu ni pamoja na:-

- (a) Kuanzisha Mamlaka ya Hali ya Hewa Tanzania;
- (b) Kuainisha majukumu ya Mamlaka ya Hali ya Hewa Tanzania;
- (c) Kuweka utaratibu wa ushiriki wa Sekta binafsi katika kutoa huduma za hali ya hewa;
- (d) Kuweka utaratibu wa kusimamia kuanzisha, kuendesha na kuendeleza vituo vya hali ya hewa;
- (e) Kuweka utaratibu wa kudhibiti na kuratibu huduma za hali ya hewa;
- (f) Kuainisha haki na wajibu wa vyombo vya habari na mawasiliano katika usambazaji wa taarifa na tahadhari za hali mbaya ya hewa kwa umma;

(g) Kuweka utaratibu wa kuunda bodi ya wakurugenzi ya mamlaka na uteuzi wa mkurugenzi mkuu;

(h) Kuweka utaratibu wa kuwasilisha na kushughulikia malalamiko na rufaa;

(i) Kuainisha makosa mbalimbali na adhabu.

Mheshimiwa Mwenyekiti, Mpangilio wa Muswada. Muswada huu umegawanyika katika sehemu kuu nane, kama ifuatavyo:-

Mheshimiwa Mwenyekiti, sehemu ya kwanza, inaweka masharti ya utangulizi ambayo inajumuisha jina la sheria inayopendekezwa, matumizi ambayo yanapendekezwa kwamba, sheria hii itatumika pande zote za Jamhuri ya Muungano wa Tanzania na tafsiri ya maneno mbalimbali ambayo yametumika katika sheria hii.

Mheshimiwa Mwenyekiti, sehemu ya pili, inakusudia kuweka masharti kuhusu kuanzishwa kwa Mamlaka ya Hali ya Hewa Tanzania au kwa kifupi *TMA*, ambayo itakuwa ni taasisi ya kutoa huduma za hali ya hewa kwa umma na kwa ajili ya shughuli za kibiashara. Hali kadhalika mamlaka itakuwa na uwezo wa kujenga, kuweka au kutunza mitambo au vifaa ndani, juu, chini au katika ardhi yoyote nchini Tanzania, baharini, maziwa au mito kwa madhumuni ya kufanya uangalizi wa hali ya hewa katika kilimo, maji mambo yanayofanana nayo na uangalizi wa huduma ya hali ya hewa.

Mheshimiwa Mwenyekiti, sehemu ya tatu, inakusudia kuweka masharti ya uanzishwaji wa bodi ya wakurugenzi ambayo uteuzi wa Mwenyekiti na Makamu Mwenyekiti utafanywa na Rais na wajumbe wa bodi watateuliwa na Waziri, kazi ya bodi imeainishwa katika sehemu hii. Sehemu hii pia, inaainisha uundaji wa kamati za bodi pamoja na ukasimishaji wa madaraka na majukumu ya bodi. Aidha, uteuzi wa mkurugenzi mkuu na utaratibu utakaotumika umeelezwa katika sehemu hii.

Mheshimiwa Mwenyekiti, sehemu ya nne, inahusu majukumu ya udhibiti ya mamlaka ambapo inaweka masharti ya majukumu ya udhibiti wa mamlaka, maombi ya vibali vya shughuli za hali ya hewa, utoaji na kukataa kutoa vibali. Aidha, masharti kuhusu kusitisha au kusimamisha matumizi ya kibali, kuzuia shughuli za hali ya hewa, taarifa za shughuli za hali ya hewa, mahitaji ya taarifa za hali ya hewa kwa shughuli za kisekta, ujenzi wa miradi ya maendeleo ya Kitaifa na usajili wa vituo vya hali ya hewa yamewekewa utaratibu.

Mheshimiwa Mwenyekiti, aidha, Muswada umeweka masharti kuhusu vifaa vya hali ya hewa, urekebishaji wa vifaa, wajibu wa kutunza kumbukumbu, kulinda vifaa vya hali ya hewa, utangazaji wa huduma za hali ya hewa na uwekaji wa vifaa vya hali ya hewa. Pia, masharti kuhusu uratibu wa vituo vya hali ya hewa yameainishwa katika sehemu hii.

Mheshimiwa Mwenyekiti, sehemu ya tano, inatoa ufafanuzi wa masharti ya fedha pamoja na vyanzo vya mapato vya mamlaka, utaratibu wa kusimamia miamala ya fedha ambapo bodi imepewa uwezo wa kusimamia mapato na matumizi ya fedha za mamlaka, utaratibu wa kuandaa na kuwasilisha bajeti kwa Waziri kwa kibali chake. Vilevile katika sehemu hii Mkurugenzi Mkuu wa Mamlaka atakuwa Afisa Masuuli wa mamlaka na ana wajibu wa kuhakikisha miamala yote ya fedha inafanywa kwa mujibu wa sheria za fedha na kanuni zake.

Mheshimiwa Mwenyekiti, sehemu ya sita, ya Muswada inahusu makosa na adhabu. Makosa yaliyoelezwa ni makosa kuhusiana na vifaa na mitambo ya kupima hali ya hewa ambapo imeelezwa, mtu yeyote atakayesababisha hasara au uharibifu wa mtambo au kifaa cha kupima hali ya hewa atalazimika kulipa gharama za uharibifu huo.

Mheshimiwa Mwenyekiti, makosa mengine yaliyoelezwa ni pamoja na kuzuia au kukataa kufanyika uchunguzi, kuhamisha kituo, kutumia kifaa cha kupima hali ya hewa bila kuwa na cheti cha uhakiki wa ubora, kutoa

tahadhari ya hali mbaya ya hewa kinyume na sheria, kushindwa kutumia taarifa za hali ya hewa wakati wa upembuzi na utekelezaji wa mradi wa maendeleo au tafiti zinazoweza kuathiriwa na hali ya hewa. Aidha, imewekwa adhabu ya jumla kwa makosa ambayo hayakuwekewa adhabu mahususi.

Mheshimiwa Mwenyekiti, sehemu ya saba, inahusu masharti mchanganyiko ambayo yamejumisha utaratibu wa malalamiko na rufaa kutoka kwa wadau wa huduma za hali ya hewa, taratibu za rufaa dhidi ya uamuzi wa mamlaka kuhusu maombi ya vibali. Aidha, katika sehemu hii Waziri amepewa uwezo wa kutunga kanuni kwa ajili ya utekelezaji bora wa sheria hii. Pia mamlaka imepewa uwezo wa kuandaa miongozo, taratibu na kanuni za maadili kwa watumishi na wadau wengine wanaohusika na masuala ya hali ya hewa.

Mheshimiwa Mwenyekiti, sehemu ya nane, inaweka masharti ya kufutwa kwa Sheria ya Hali ya Hewa, Sura 157 pamoja na masharti ya mpito ambayo yanajumuisha muendelezo wa ajira, kukabidhi mali, wajibu na haki kisheria na mashauri ya kisheria yaliyopo Mahakamani au yanayotarajiwa kufunguliwa ambayo yataendelea kusimamiwa na mamlaka inayoanzishwa na sheria inayotungwa.

Mheshimiwa Mwenyekiti, hitimisho, baada ya maelezo hayo naomba kuwasilisha Muswada huu, ili Waheshimiwa Wabunge waujadili na hatimaye waukubali na kuupitisha, ili nchi yetu iweze kua na mfumo madhubuti wa usimamizi, uratibu na udhibiti wa huduma za hali ya hewa zitakazotolewa na taasisi moja kisheria.

Mheshimiwa Mwenyekiti, naomba kutoa hoja.

**WAZIRI WA AFYA, MAENDELEO YA JAMII, JINSIA, WAZEE NA WATOTO:** Mheshimiwa Mwenyekiti, naafiki.

**MWENYEKITI:** Ahsante, hoja imeungwa mkono.

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THE UNITED REPUBLIC OF TANZANIA

No. 4D

16<sup>th</sup> October, 2018

***SPECIAL BILL SUPPLEMENT***

*to the Gazette of the United Republic of Tanzania No.4D. Vol.99 dated 16<sup>th</sup> October, 2018*  
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THE TANZANIA METEOROLOGICAL AUTHORITY ACT, 2018

ARRANGEMENT OF SECTIONS

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

Dar es Salaam,  
16<sup>th</sup> October, 2018

JOHN W. H. KIJAZI  
*Secretary to the Cabinet*

A Bill

*for*

**An Act to establish the Tanzania Meteorological Authority, to make better provisions for the management, control, provision, coordination and regulation of meteorological services, to repeal the Meteorology Act Cap.157 and to provide for related matters.**

**ENACTED** by Parliament of the United Republic of Tanzania.

PART I  
PRELIMINARY PROVISIONS

- |                              |   |
|------------------------------|---|
| Short title and commencement | <b>1.</b> This Act may be cited as the Tanzania Meteorological Authority Act, 2018 and shall come into operation on such date as the Minister may, by notice published in the <i>Gazette</i> , appoint. |
| Application                  | <b>2.</b> This Act shall apply to Mainland Tanzania as well as Tanzania Zanzibar.   |
| Interpretation               | <b>3.</b> In this Act, unless the context otherwise requires-   |

- “Authority” means the Tanzania Meteorological Authority established under section 4;
- “Board” means the Tanzania Meteorological Authority Board established under section 7;
- “Chairman” means the Chairman of the Board;
- “climate change” means any systematic change in the long-term statistics of climate elements including temperature and rainfall sustained over several decades or longer which is attributed directly or indirectly to human activities;
- “commercial services” means specialized meteorological services provided for specific sector, customer or clients for economic gains or benefits as provided in the Third Schedule;
- “Congress” means the World Meteorological Organization Congress;
- “Director-General” means the Director General of the Authority appointed under section 11;
- “meteorology” means the science dealing with the past, present and future state and phenomena of the atmosphere;
- “meteorological instrument” are the equipment used to sample the state of the atmosphere at a given time;
- “meteorological stations” means a facility, either on fixed or mobile (land, sea or space) with instruments to measure atmospheric conditions;
- “meteorological services” means any service or activity that includes:
- (a) the observation and monitoring of all weather parameters;
  - (b) collection, processing and provision of meteorological and climatological services, information, data, weather and climate forecasts, weather advisory, and warnings;
  - (c) dissemination of weather and climate information and product including data, forecasts, advisory and warnings;
  - (d) the management and archival of meteorological data and products;
  - (e) the maintenance and development of weather-related equipment, instruments, and computer programs;
  - (f) research with the aim of:

- (i) improving products, and delivery of services;
  - (ii) reducing the impact of weather-related natural disasters; and
  - (iii) monitoring, detection and projection of climate variability and change and its impacts.
- (g) provision of training in meteorology and related disciplines in partnership with other institutions;
- “Minister” means the Minister responsible for meteorology;
- “National Meteorological Databank” means the National Archive of historical climate data;
- “National Meteorological Service” means the national institution responsible for the provision and regulation of meteorological services in the country;
- “National Tsunami Warning Centre” means the designated Centre responsible for monitoring, forecasting and issuance of Tsunami warnings in the United Republic;
- “organization” means the World Meteorological Organization;
- “product” means processed meteorological data or information for a specific purpose;
- “public good services” means the meteorological services provided for public consumption as provided in the Second Schedule;
- “tailor-made services” means specialized meteorological services provided for specific sector, customer or clients;
- “weather modification” means the act of intentionally manipulating or altering the weather.

## PART II

### TANZANIA METEOROLOGICAL AUTHORITY

Establish-  
ment of  
Authority

4.-(1) There is hereby established a body to be known as Tanzania Meteorological Authority or in its acronym “TMA”.

(2) The Authority shall, for the purpose of collaboration and cooperation with international organizations relating to meteorological issues be-

- (a) the National Meteorological Service;
- (b) the designated meteorological authority to fulfil the international obligation of the Government under the Convention of International Civil Aviation

Organization;

(c) the designated National Tsunami Warning Centre.

(3) The Authority shall be a body corporate with perpetual succession and a common seal and shall, in its corporate name, be capable of-

- (a) suing and be sued;
- (b) acquiring, holding and disposing of real and personal property;
- (c) exercising the powers and performing the functions conferred upon it by or under this Act;
- (d) lending or borrowing money and entering into any contract or other transaction; and
- (e) doing all such other acts and things, for proper performance of its duties and discharge its functions under this Act of which a body corporate may lawfully perform.

(4) Notwithstanding any other written law in the contrary, the Authority shall have the sole mandate in the United Republic-

- (a) to exchange meteorological and related data and products at national, regional and global level for the safety of life and property;
- (b) to enhance understanding of the global atmosphere.

(5) Notwithstanding the provisions of subsection (3), the Authority shall have duty to notify the Attorney General of any impending suit or intention to institute a suit or matter for or against the Authority.

(6) The Attorney General shall have the right, through the Solicitor General, to intervene in any suit or matter instituted by or against the Authority.

Cap. 5

(7) Where the Attorney General intervenes in any matter in pursuance to subsection (6), the provisions of the Government Proceedings Act, shall apply in relation to proceedings on that suit as if it has been instituted by or against the Government:

Cap. 5

Provided that, the requirement of ninety days notice of intention to sue the government as stipulated under the Government Proceedings Act shall not apply where the Attorney General intervenes in the suit or matter instituted.

Functions of  
Authority

5.-(1) The functions of the Authority shall be to deliver public good and commercial services in relation to meteorology as elaborated in the second and third schedule to this Act.

(2) Without prejudice to subsection (1) the functions of the Authority shall be to-

- (a) implement the National climate related policies in relation to weather and climate matters;
- (b) regulate and coordinate meteorological activities in the United Republic;
- (c) organize and administer efficient networks of surface and upper air stations necessary to establish accurate records of the weather and climatic conditions;
- (d) provide weather and climate services for the safety of life and property and to various users of meteorological services;
- (e) issue severe weather-related warnings and advisories to ensure that there is a single authoritative voice in this regard;
- (f) publish weather and climatological summaries, climate status and other interpreted products;
- (g) observe, collect, process, archive and disseminate meteorological data and related information;
- (h) cooperate with other institutions and authorities involved in meteorology and related fields in aspects of training, studies, research, environment, climate variability and change;
- (i) recover cost for meteorological services rendered to ensure service sustainability;
- (j) provide marine meteorological services to shipping, fishing, and other marine activities within the United Republic territorial waters and high sea;
- (k) provide aeronautical meteorological services, advisory, warnings, products and information and related services to civil aviation within the United Republic and other prescribed areas as per regional and international agreements;
- (l) cooperate with other national and international institutions in search and rescue relating to aviation and maritime accidents by providing relevant weather information;

- (m) keep in safe custody all meteorological records and data;
- (n) calibrate and fabricate meteorological equipment for internal and external use;
- (o) ensure that international standards and practices of meteorological services including instrument and equipment installation are maintained;
- (p) carry out research, awareness activities, and training in meteorology, climatology and other related fields and to process and analyze climatic data for the purpose of use in socio-economic development planning;
- (q) approve and register meteorological stations;
- (r) participate in the activities of relevant international organizations, in particular the Organization; and
- (s) carry out any other function as the Minister may direct.

(3) In addition to the functions specified under subsection (1), the Authority may innovate, invent or develop meteorological software and equipment.

Powers of  
Authority

**6.**-(1) For the purpose of performing its functions the Authority shall have power to install, construct, place or maintain equipment, apparatus or other instruments in, on, over or under any land, water course or branch of the sea or lake, for the purposes of observing, and recording meteorological, agro-meteorological, hydro-meteorological and related observations and to provide appropriate services.

(2) Without prejudice to subsections (1), the Authority shall not install, construct, place or maintain any equipment, apparatus or other instruments in, on, over or under any property unless it has given reasonable notice to the owner or occupier of the property or the local authority having the control or management of the property of its intention to exercise such power for public interest.

(3) The Minister may make regulations prescribing procedures for implementation of this section.

(4) The Authority shall have the powers to register, issue permit and regulate the establishment and operations of meteorological stations, installation of meteorological

instruments in the United Republic.

PART III

ADMINISTRATION OF THE AUTHORITY

*(a) The Tanzania Meteorological Authority Board*

Establishment  
of Board

7.-(1) There is hereby established the Tanzania Meteorological Authority Board which shall be the governing body of the Authority.

(2) The Board shall consist of the following-

- (a) Chairman and Vice-Chairman;
- (b) five members; and
- (c) the Director-General who shall be the secretary to the Board.

(3) The Chairman and the Vice-Chairman shall be appointed by the President on the basis of the principle that where the Chairman hails from one part of the United Republic, the Vice-Chairman shall be a person who hails from the other part of the United Republic.

(4) The five members of the Board shall be appointed by the Minister as follows:

- (a) a representative from the Ministry responsible for meteorology;
- (b) a representative from agricultural sector;
- (c) a representative from water resources sector;
- (d) a representative from the defence force;
- (e) a representative from office responsible for disaster management.

(5) The provisions of the First Schedule to this Act shall have effect as to qualifications of the members of the Board, tenure of office of members, termination and appointment of members, the proceedings of the Board and other matters relating to the Board.

Functions of  
Board

8.-(1) The Board shall oversee and supervise the management in the performance of the functions of the Authority in terms of this Act to ensure adherence to the governing laws and procedures.

(2) Without prejudice to the generality of subsection (1),

the Board shall-

- (a) provide strategic guidance for management of the Authority;
- (b) conduct managerial oversight and review the activities and performance of management of the Authority;
- (c) secure and ensure efficient use of resources, including approval of annual work plans, annual budget and supplementary budget;
- (d) approve strategic and investment plans and operations manual;
- (e) carry out the appraisal of the Authority's strategic plan;
- (f) evaluate the performance of the entire management team and take necessary measures;
- (g) appoint senior management staff;
- (h) approve performance reports of the Authority including report on disciplinary matters of staff;
- (i) exercise disciplinary powers over senior management staff;
- (j) recommend to the relevant authorities the organisation structure and scheme of service;
- (k) approve management reports on quarterly basis;
- (l) approve salaries and conditions of services of employees of the Authority;
- (m) approve code of conduct and procedures;
- (n) approve and supervise financial regulations and staff rules;
- (o) approve the appropriation of surplus funds generated;
- (p) approve the disposal of capital items;
- (q) advise the Minister in relation to Conventions and any Annexes to the Conventions, treaties, protocols and memoranda of understanding relating to meteorology to which the United Republic is a party;
- (r) ensure protection of consumers under this Act; and
- (s) perform such other functions as may deem fit for the achievement of the objectives of the Authority.

Committees  
of Board

**9.**-(1) The Board may subject to such terms and

conditions as it may determine, form and appoint from among its members, such number of committees as it deems necessary for better carrying out the functions of the Board under this Act.

(2) The Committee of the Board may co-opt any person to attend and deliberate on specific matter as the committee may determine but such person shall not have the right to vote.

(3) The Committee of the Board shall, subject to the directives of the Board regulate its procedures.

Delegation  
of functions  
and powers  
of Board

**10.**-(1) The Board may, subject to such conditions or restrictions as it deems necessary, delegate to any committee of the Board or to the Director General any functions or powers vested in it by this Act or any other written law, except for powers to prescribe fees, charges and commissions, and the power to borrow or lend money and appointment of senior staff of the Authority.

(2) Any power or function so delegated shall be exercised or performed by the Committee of the Board or Director General in the name and on behalf of the Board.

(3) The Board may exercise any power conferred upon it or perform any function under this Act or any other written law, notwithstanding the delegation of the power or function made.

*(b) Management and Staff of the Authority*

Appointme-  
nt of  
Director  
General

**11.**-(1) There shall be the Director General of the Authority who shall be appointed by the President in accordance with the Public Service Act on such terms and conditions as provided for in the scheme of service.

(2) A person shall not be qualified for appointment as Director General unless that person-

(a) has a doctorate degree in meteorology or related sciences from recognized university; and

(b) possesses at least ten years managerial experience in a field of meteorology.

(3) The Director General shall be the Chief Executive Officer of the Authority and shall, subject to any direction, which may be given by the Board or Minister, have the responsibility for the control and management of matters relating to meteorology, in accordance with the provisions of the Act.

(4) The Director General shall be appointed to serve for a term of five years renewable on such terms and conditions as shall be set out in the letter of his appointment.

Duties of  
Director  
General

**12.**-(1) Director General shall perform the following duties-

- (a) to undertake strategic management of the Authority and in relation therewith be responsible for the day to day operations of the Authority, proper management of its funds, property and business and for the human resource management, organization, control and discipline of the employees;
- (b) to issue a warning and alert of flood, gale, storm, drought and any other weather condition likely to endanger life or property and determine when a warning and alert is to be lifted;
- (c) to ensure that quality meteorological services including public good services and commercial services are provided in a timely manner;
- (d) to identify areas in which meteorological instruments may be installed;
- (e) to ensure that meteorological services are provided to the end user efficiently, effectively and in a cost-effective manner; and
- (f) to carry out functions which the Board or Minister may consider desirable for the proper functioning of the Authority.

(2) The Director General shall, in the performance of duties under this Act, observe the following principles-

- (a) manage the affairs of the Authority in accordance with modern management practices and techniques and, in particular, apply in its operations the best standards of financial management and accounting;
- (b) ensure that the Authority operations are designed for the provision of the best services to its customers and maintain a high degree of responsiveness to their needs;
- (c) to ensure and maintain standards and procedures of observations, services, instrumentation and telecommunications for national and international

- exchange of data and products, as required by regulations laid down by the Organization;
- (d) to undertake international obligations of the United Republic and under the Convention of the Organization and other related international organizations Conventions;
  - (e) be the accounting officer of the Authority with financial responsibilities; and
  - (f) to carry out other functions as the Board may direct.

(3) In performing the functions under subsection (1), the Director General shall abide to the annual performance agreement concluded between him and the Permanent Secretary responsible for meteorology.

Staff, Office  
and  
conditions  
of services

**13.**-(1) There shall be employed by the Authority such number of employees in such categories and titles as may be necessary for the efficient discharge of the functions of the Authority and on such terms and conditions as may be determined by the Board.

(2) The Authority shall, in the recruitment and appointment of the employees comply with the competitive selection procedures.

#### PART IV

#### REGULATORY FUNCTIONS OF THE AUTHORITY

Regulatory  
functions of  
Authority

**14.**-(1) The Authority shall regulate the meteorological services in the United Republic.

(2) Without prejudice to the generality of subsection (1) the regulation of the Authority shall include:

- (a) approval and registration of meteorological stations;
- (b) to ensure adherence to international standards and practices of meteorological services;
- (c) ensure adherence to standards in installation and maintenance of meteorological instruments;
- (d) to perform monitoring and supervisory functions over meteorological operators.

Application  
for permit of  
meteorological  
activities

**15.**-(1) A person who intends to engage in any meteorological observations, weather forecasting activities or weather modification activities shall apply for a permit to the Authority in such manner as may be prescribed in the Regulations made under this Act.

(2) An application under subsection (1) shall contain such particulars or information as the Authority may consider necessary.

Issuance of  
permit

**16.**-(1) The Authority may, if satisfied that the applicant has fulfilled the conditions as provided under the Regulations, issue the permit to the applicant upon payment of the prescribed fees.

(2) A permit issued under subsection (1), shall be valid for a period of one year and subject to renewal.

Refusal of  
permit

**17.** The Authority may, if satisfied that the applicant has not fulfilled the conditions, refuse to issue a permit.

Suspension  
or  
cancellation  
of permit

**18.**-(1) The Authority shall, if a holder of permit fails to comply with the requirements to which the permit is issued, suspend or cancel the permit as the case may be.

(2) The Authority shall, before suspending or cancelling the permit, give notice in writing to the holder of the permit stating reasons for suspension or cancellation of permit as the case may be.

(3) Procedures for suspension and cancellation of permit shall be as prescribed in the Regulation.

Prohibition  
of  
meteorological  
activities

**19.**-(1) A person shall not engage in any meteorological observations, weather forecasting activities or weather modification activities unless that person obtains permission from the Authority.

(2) A person who engages in any meteorological observations, weather forecasting activities or weather modification activities without permission, commits an offence.

Report of  
meteorological  
activities

**20.**-(1) Any person who has been given permission to undertake meteorological observation, weather forecasting activity or weather modification activities shall, during and after

such activity, prepare and submit a report to the Authority containing such information as the Authority may prescribe.

(2) The reports and other information made under this section may be made available to the public subject to the procedures as may be prescribed in the Regulations.

Weather and climatic requirements for sectoral activities

**21.**-(1) The Authority shall prescribe the weather and climatic requirements for sectoral activities.

(2) Subject to subsection (1) the sectors include aviation, defence, finance, agriculture, construction works, environment, industries, marine, natural disaster, and relief management, water resources, health, power and steel, transport, science and technology; minerals, oil and gas, livestock, natural resources, tourism and any other sectors as may be prescribed by the Minister.

Construction of national development projects

**22.**-(1) Any person, who carries any feasibility studies or construction of national development project shall be required to use meteorological data issued by the Authority.

(2) For better performance of this Act, any person who contravenes the requirements under subsection (1) commits an offence.

Registration of meteorological stations

**23.**-(1) For the purposes of undertaking meteorological activities, all meteorological stations shall be registered by the Authority.

(2) A person shall not relocate registered meteorological stations without the approval of the Authority.

(3) Where it is necessary to relocate any national referenced meteorological stations, the matter shall be subject to approval by the Authority and such relocation cost shall be borne by such person.

(4) A person operating meteorological station that is not registered by the Authority, commits an offence.

Meteorological instruments

**24.**-(1) In ensuring effective performance of meteorological activities, the Authority shall specify the technical requirements for meteorological instrument to be used.

(2) All meteorological instrument shall be required to meet the technical requirements specified by the Authority and

shall be subject to examination by the Authority.

(3) A person who applies any meteorological instrument that is not examined or accepted as qualified to be applied to meteorological operations, commits an offence.

Calibration  
of  
instruments

**25.** The instruments for meteorological measurement shall be subjected to calibration, verification and maintenance from recognized institutions and inspected by the Authority.

Duty to  
maintain  
records

**26.**-(1) The Authority shall maintain records of meteorological, agro meteorological, climatological and other related observations, weather forecasts and weather modification activities that have taken place in the United Republic and publish summaries as may be determined.

(2) The records of the Authority maintained under subsection (1), may be made available for public consumption.

Exclusive  
powers of  
Authority

**27.**- The Authority shall have exclusive powers on weather forecast and issue of weather warnings to the public and to provide meteorological services of safety in nature to aviation, marine, agriculture, oil and gas, search and rescue activities in the United Republic and any other sectors as the Minister may prescribe.

Setting of  
limits for  
protection  
of  
meteorologi  
cal  
instruments

**28.**-(1) Notwithstanding any other written laws to the contrary, the Authority shall, subject to national and international standards relating to meteorology activities, set limits for protections of meteorological stations, instrument, equipment or any other related installations.

(2) The Authority may issue a notice to a person if that person is carrying or is about to carry out an act or activity which causes or is likely to cause an immediate threat or risk to an installation, facility or instrument and equipment used for the purposes of this Act.

(3) A notice issued under subsection (1):

- (a) may be given in writing or orally;
- (b) shall specify the nature of an act or activity and of its effects or potential effects on the operations;
- (c) may require that the act or activity cease, or not to be carried out, until such time the Authority is

satisfied that the threat or risk no longer exists.

(4) The Authority shall not be responsible for any loss or damage arising from, or in any way connected with, the issuing of a notice under this section.

(5) The relevant authorities or local government authorities shall consult the Authority in planning for the areas that are near installations of meteorological equipment.

Liability of  
Board and  
employees

**29.**-(1) The Board, or an employee of the Authority in performing their duties, shall not be liable for any damage, loss or injury sustained or alleged to have been sustained by any person as a result of reliance on meteorological information provided by the Authority in good faith.

(2) Without prejudice to the provisions of subsection (1), any officer, staff or employee of the Authority who neglects duty and consequently issues fabricated weather or meteorological information and therefore resulting to losses and damages, commits an offence and may, in lieu of being proceeded against administratively, be liable for a criminal offence or to both.

Intellectual  
property  
rights

**30.**-(1) The Authority shall retain the intellectual property rights on any meteorological data and advisory services, computer programs, inventions, discoveries and improvements generated by the Authority in the fulfilment of its functions.

(2) Meteorological data, information or other meteorological services of the Authority provided to a client or customer shall not be provided by that client or customer to a third party or be distributed without the written consent of the Authority.

Publication  
of weather  
and climate  
services

**31.**-(1) The Authority shall issue weather and climate forecasts and warnings contents for publication through media for public consumption.

(2) Subject to subsection (1) any use of contents by way of publication through media shall acknowledge the Authority as a source of such contents.

(3) The media shall, arrange particular times or space every day for public meteorological forecasts or severe weather

warnings and shall use the latest meteorological information and warnings provided by the Authority.

(4) Media shall, upon receiving any severe weather warning that has a significant impact on the safety of people and their properties issued by the Authority, timely disseminate such warnings despite of ongoing programs.

(5) Subject to the provisions of this Act, a person shall not publish or disseminate weather and climate forecasts and warnings to the public in respect of the United Republic without the permission of the Authority.

Power to enter land and install meteorological instruments

**32.**-(1) The Authority may, for the performance of its functions, after giving reasonable notice of intention to the owner, occupier, or the company or local authority having control or management of any land or premises, enter the land or premises and do any act reasonably necessary for performing any functions of the Authority and, in particular, may-

- (a) install, construct, place or maintain equipment, apparatus or other instruments in, on, over or under any land, watercourse or sea for the purposes of recording and making any meteorological observations;
- (b) inspect and examine land, buildings and equipment of meteorological stations;
- (c) inspect and examine records and other information required to be kept by meteorological stations; or
- (d) cut down and remove any tree, underwood or structures that may interfere with surveys or stations.

(2) The Authority shall not acquire any right other than that of user in the property in, on, over or under which its equipment, apparatus or instruments are installed, constructed, place or maintained.

Coordination of meteorological stations

**33.** The Authority shall coordinate meteorological stations activities and create the database of meteorological stations.

Competency  
of  
meteorolo-  
gical  
profession-  
als

**34.** The Authority shall, in collaboration with relevant institutions be responsible for ensuring competency of meteorological professionals regarding their knowledge and skills required to perform specific meteorological tasks.

**PART V  
FINANCIAL PROVISIONS**

Sources of  
funds of  
Authority

**35.** The funds of the Authority shall consist of-

- (a) such sums of moneys as may be appropriated by the Parliament;
- (b) funds from the government for public good services rendered by the Authority;
- (c) money accruing to the Authority from commercial services, consultancy or other payments;
- (d) money received from donations, gifts or grants;
- (e) permits fee and charges;
- (f) loans; and
- (g) such other income as derived from performance of activities under this Act.

Financial  
Managemen-  
t

**36.** The funds of the Authority shall be managed and administered by the Board in accordance with financial laws and regulations and shall be utilized to defray expenses in connection with performance of functions of the Authority under this Act.

Estimates of  
income and  
expenditure  
and  
financial  
control

**37.**-(1) The Director General shall not less than three months before the end of each financial year, prepare and submit to the Board for approval the budget that includes the estimates of income and expenditure for the next financial year.

(2) Subject to the provision of subsection (1), the Authority shall submit a copy of the Budget to the Minister for approval.

(3) The Minister may require the Authority to revise the Budget if in his opinion the budget does not represent a fair and reasonable projection of income and expenditure.

Expenditure  
of the fund

**38.**-(1) An expenditure shall not be incurred from the funds of Authority unless that expenditure is part of the expenditure approved by the Board under subsection (1) in respect of the financial year to which the expenditure relates.

(2) The Director General shall ensure that all payments out of the Authority's funds are correctly made and properly authorized and adequate control is maintained over its property and over the incurring of liabilities by the Authority.

Supplement  
ary Budget

**39.**-(1) The Board may at any time before the end of the current financial year prepare and submit to the Minister for approval any estimates supplementary to the estimates of the current year.

(2) Without prejudice to subsection (1), the Director General may, where exigencies occur in relation to the performance of the functions of the Authority, incur expenditure not approved by the Board in which case the Director General shall within three months following such expenditure seek approval of the Board.

Accounts  
and audit

**40.**-(1) The Authority shall keep books of account and maintain proper records of its operations in accordance with commercial accounting standards.

(2) The Authority shall within six months after the end of each financial year prepare a report on the performance of its functions during that financial year, and one copy of such report together with a copy of the audited accounts shall be submitted to the Minister.

Cap.286

(3) The accounts of the Authority shall be audited by the Controller and Auditor General or such other person registered as an auditor under the Auditors and Accountants (Registration) Act, appointed for that purpose.

Annual  
reports and  
performance  
agreements

**41.**-(1) The Director General shall, within two months after he has received audited accounts and auditor's report on those accounts, submit to the Minister an annual report in respect of that year containing-

- (a) a copy of the audited accounts of the Authority, together with the auditor's report on those accounts;
- (b) a report on performance against key targets and any

- other related information;
  - (c) a report on operations of the Authority during that financial year; and
  - (d) such other information as the Minister may require.
- (2) The Minister shall cause a copy of the annual report of the Authority to be laid before the National Assembly, within two month's or at the next meeting of the National Assembly.

**PART VI  
OFFENCES AND PENALTIES**

Offences in relation to meteorological equipment and instruments

- 42.**-(1) A person who-
- (a) seizes, damages, steals or destroys, interferes with any meteorological equipment or instrument;
  - (b) approves the occupation of land within the limits of the protected area for meteorological observations, weather forecasting activities or weather modification activities;
  - (c) uses an instrument or equipment that is not examined or accepted by the Authority as qualified,
- commits an offence and upon conviction shall be liable-
- (i) in the case of paragraph (a), to a fine equivalent to the value of the equipment or instrument or imprisonment of not less than three years;
  - (ii) in the case of paragraph (b), to a fine of not less than Tanzania shillings two million or imprisonment of not less than one year;
  - (iii) in the case of paragraph (c), to a fine of not less than Tanzania shillings ten million or imprisonment of not less than five years.
- (2) Where a person is convicted of an offence under subsection (1)(a) the court may in addition order the person convicted, to pay to the Authority a sum equal to the cost of repairing any damage so caused.

Offence on obstruction or refusal to survey

- 43.** A person who obstructs or refuses the Authority to enter into land for making survey commits an offence and upon conviction shall be liable to a fine of not less than five hundred

thousand shillings or imprisonment for a term of not less than one year or to both.

Offence for relocation

**44.** A person who relocates meteorological stations, instrument or equipment without approval from the Authority commits an offence and upon conviction shall be liable to a fine of not less than five million shillings or imprisonment for a term of not less than two years or to both.

Offence for using meteorological instrument without valid calibration certificate

**45.** A person who uses meteorological instruments without a valid calibration certificate commits an offence and upon conviction shall be liable to a fine of not less than five million shillings or imprisonment for a term of not less than two years or to both.

Offences for unlawful issuing of weather forecast and warnings

**46.**-(1) A person who unlawfully issues weather forecasts, climate forecasts and warnings to the public commits an offence, and upon conviction shall be liable to a fine of not less than fifty million shillings or to imprisonment for a term of not less than five years or to both.

(2) A person who disseminates to the public weather forecast and warning through the media including radio, newspaper or television fails to use latest meteorological information provided by the Authority and upon conviction shall be liable to a fine of not less than fifty million shillings or to imprisonment for a term of not less than five years or to both.

Offence on illegal data sharing

**47.** A person who unlawfully distributes meteorological data without the consent of the Authority commits an offence and upon conviction shall be liable to a fine of not less than twenty million shillings or to imprisonment for a term of not less than five years or to both.

Offence on assessing the impact of projects

**48.** A person who fails to use meteorological data issued by the Authority when carrying feasibility studies for construction of national development project commits an offence and upon conviction shall be liable to a fine of not less than fifty million shillings or to imprisonment for a term of not less than ten years or to both.

General penalties

**49.** A person who contravenes a provision of this Act where no penalty has been specifically provided for commits an offence and upon conviction shall be liable to a fine of not less than one million shillings or to imprisonment for a term of not less than six months or to both.

Compounding of offences

**50.**-(1) Notwithstanding the provision of this Act relating to penalties, where a person admits in writing that he has committed an offence under this Act, the Director General may, at any time prior to the commencement of the hearing by a court of competent jurisdiction, compound such offence and order such person to pay sum of money, not exceeding one half of the amount of the fine to which such person would otherwise have been liable to pay if he had been convicted of such offence.

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

(3) Where the person fails to comply with the notification issued under this section within the prescribed period, the Authority:

- (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 notification in the same manner as a decree of a court for the payment of the amount stated in the notification.

## PART VII GENERAL PROVISIONS

Complaints and appeals

**51.**-(1) A person may submit in writing a complaint regarding the performance of the Authority to the Director General.

(2) Director General shall determine the complaint submitted within fourteen days from the date of receipt of complaints.

(3) Where a person who made a formal complaint to the Director General is not satisfied with the decision of the Director General he may appeal to the Board.

Appeal to  
Board

**52.**-(1) Any person aggrieved by a decision of the Director General, may appeal to the Board within twenty-one days from the date of the decision.

(2) The Board shall make a decision on the complaint within twenty one days.

(3) Any party aggrieved by the decision of the Board may, within twenty one days appeal to the Minister.

Regulations

**53.**-(1) The Minister may make regulations for the better carrying out the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), the Minister may make regulations prescribing-

- (a) weather forecasting activities and or weather modification activities;
- (b) prohibition of making meteorological observations by unauthorized person;
- (c) procedure for issuance of permits for operating meteorological stations and for regulating standards of installation of meteorological equipment and instruments in accordance with the World Meteorological Organization standards and recommended practices;
- (d) procedures for compulsory dissemination of warnings and forecasts through the media and mobile phones within the United Republic;
- (e) procedures for management of complaints and appeals under this Act;
- (f) procedures for application for permits, suspension and cancellation of permits under this Act;
- (g) fees, charges and interests rates payable under this Act;
- (h) procedures for compulsory submission of data to the National Meteorological Data Bank by all other meteorological station owners;
- (i) procedures for cost recovery, for services rendered by the Authority;

- (j) the manner in which consumers may be protected under this Act;
- (k) compulsory payment of cost recovery where tailor made meteorological services and products are used for commercial gain by stakeholders; and
- (l) for any matter which, in the opinion of the Minister is necessary for the efficient performance of the functions of the Authority.

Rules,  
guidelines,  
code of  
ethics and  
conducts

**54.** The Authority shall prepare Rules, Guidelines, Code of Ethics and Conduct for regulating its staff activities for compliance purposes, monitoring and evaluation.

**PART VIII**  
**REPEAL AND TRANSITIONAL PROVISIONS**

Repeal and  
savings  
Cap.157

**55.**-(1) The Meteorology Act, Cap.157 is hereby repealed.

(2) Notwithstanding the repeal of the Meteorology Act, directions and orders issued, made or given under the repealed Act shall be deemed to be directions or orders issued, given or made under this Act and shall, subject to the provisions of this Act relating to penalty for any contravention, remain in force and apply, mutatis mutandis, until revoked by directions, regulations, rules or orders issued, given or made under this Act:

Provided that, this section shall not apply to any direction or order which is inconsistent with any provisions of this Act.

Continuati-  
on of  
employment

**56.** Without prejudice to the provisions of this Act, the Director General and any person who immediately before the coming into force of this Act is the holder of an office in the Tanzania Meteorological Agency existing before the commencement of this Act shall on the commencement of this Act continue in office and be deemed to have been appointed to his office by the Authority established by this Act.

Vesting of  
property

**57.** All movable and immovable property, which immediately before the commencement of this Act were vested

in the Agency shall, on the date of commencement of this Act, vest in the Authority subject to all interests, liabilities, charges, obligations and trusts affecting that property.

Legal rights  
and  
obligations

**58.**-(1) The statutory functions, rights, interests, obligations and liabilities of the Agency, existing before the commencement of this Act under any contract or instrument, or in law or in equity shall by virtue of this Act be deemed to have been assigned to and vested in the Authority established by this Act.

(2) Any such contract or instrument of the Agency referred under subsection (1), shall be of the same force and effect against or in favour of the Authority established by this Act and shall be enforceable fully and effectively as if the Agency is established by this Act.

(3) The Authority established by this Act shall be subject to all the obligations and liabilities to which the Agency existing before the commencement of this Act was subject to immediately before the commencement of this Act and all other persons shall have the same rights, powers and remedies against the Authority established by this Act as they had against the Agency existing before the commencement of this Act.

Pending or  
existing  
proceedings  
or cause of  
action

**59.** Any proceeding or cause of action pending or existing immediately before the commencement of this Act by or against the Agency existing before the commencement of this Act in respect of any right, interest, obligation or liability of the Agency may be continued or, as the case may be, commenced and any determination of the court of law, tribunal or other authority or person may be enforced by or against the Authority to the same extent that such proceeding or cause of action or determination might have been continued, commenced or enforced by or against the Agency.

—————  
FIRST SCHEDULE  
—————

*(Made under section 7 (5))*  
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PROCEEDINGS AND TENURE OF THE BOARD

Compositi  
on of  
Board

- 1.-(1) The Board of Directors of the Authority shall consist of-
- (a) a Chairman and a Vice Chairman;
  - (b) four members; and
  - (c) the Director-General appointed under section 13.
- (2) In the appointment of Chairman, Vice-Chairman and members of the Board, the appointing authority shall have regard to appoint persons who-
- (a) are graduates of a recognized University;
  - (b) have at least ten years experience in one or more of management, law, economics, finance, engineering, agriculture, meteorology or information and communications technology;
  - (c) have knowledge of industry;
  - (d) are willing to serve as members; and
  - (e) are, in the opinion of the Committee, other-wise suitable to perform the functions and duties of a member competently and honestly.

Secretary  
to Board

2. The Director-General shall be the Secretary of the Board.

Tenure of  
Appointm  
ent

- 3.-(1) The Chairman, the Vice Chairman and members of the Board shall be appointed for the following fixed terms:
- (a) a Chairman four years;
  - (b) Vice Chairman four years;
  - (c) other five members three years;
- (2) Members, including the Chairman shall each be eligible for reappointment for one further term but shall not otherwise be eligible for re-appointment.
- (3) Any member may at any time resign by giving notice in writing to the appointing authority and from the date specified in the notice or if no date is so specified, from the date of receipt of the notice by the appointing authority, he shall cease to be a member.

*Tanzania Meteorological Authority Act*

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Cessation  
of  
members

4. A member of the Board may at any time cease from his office on account of -
- (a) inability to perform the functions of his office arising from infirmity of body or mind;
  - (b) misbehaviour or misconduct in a manner which bring or is likely to bring the Board into disrepute;
  - (c) absent himself from three consecutive meetings of the Board without reasonable excuse; and
  - (d) resigning.

Absence  
from three  
consecutive  
meeting

5. Where any member absents himself from three consecutive meetings of the Board without sufficient cause, the Board shall advise the appointing authority of the fact and the appointing authority may terminate the appointment of the member and appoint another member in his place.

Appointm  
ent of  
temporary  
member

6. Where any member is by reason of illness, infirmity or absence from the United Republic unable to attend any meeting of the Board, the Minister may appoint a temporary member in his place and any such temporary member shall cease to hold office on the resumption of office of the substantive member.

Proceedin  
g not to be  
invalid by  
reason of  
irregular-  
rity

7. The proceedings of the Board shall not be invalid by reason only of the number of members not being complete at the time of such act or proceeding, or of any defect in the appointment of any member or of the fact that any member was at the time disqualified or disentitled as such.

Meetings

8.-(1) The Board shall meet in quarterly basis at such times and places as it deems necessary for the transaction of its business.

(2) The Chairman or, in his absence, the Vice Chairman, may, convene a special or extraordinary meeting of the Board.

(3) An ordinary meeting of the Board shall be convened by the Chairman and the notice specifying the place, date and time of the meeting shall be sent to each member at his usual place of business or residence not less than ten days before the date of the meeting and where the Chairman is unable to act by reason of illness or other cause or is absent from the United Republic, the Vice Chairman may convene the meeting.

(4) In the absence of both Chairman and Vice Chairman, the Secretary to the Board may convene a scheduled meeting after consultation with the Chairman or Vice Chairman, whereby the Board members in attendance shall appoint one among them to be a Chairman

of that particular meeting.

(5) The Board may act notwithstanding any vacancy in its membership.

Conflict  
of interest

9.-(1) Where at any time a member of the Board has a conflict of interest in relation to-

- (a) any matter before the Board for consideration or determination; or
- (b) any matter the Board could reasonably expect might come before it for consideration or determination,

the member shall immediately disclose the conflict of interest to the other members of the Board and refrain from taking part, or taking any further part, in the consideration or determination of the matter.

(2) Where the Board becomes aware that a member has a conflict of interest in relation to any matter which is before the Board, shall direct the member to refrain from taking part, or taking any further part, in the consideration or determination of the matter.

(3) A member of the Board shall be considered to have breached the provision of sub section (1) if-

- (a) he fails without reasonable cause to make declarations of his interests as required;
- (b) he knowingly makes a declaration false or misleading in material particulars thereby affecting the decision, that person shall be guilty of an offence the effect of which will be resigning from office.

Invitation  
of expert

10. The Board may invite any person who is not a member to participate in the deliberations of the Board and provide expertise as the Board may require, but such person shall not be entitled to vote.

Quorum

11. The quorum at any meeting of the Board shall be more than half of the members in the Board.

Minutes  
of  
meetings

12. Minutes in proper form of each meeting of the Board shall be kept and shall be confirmed by the Board at its next meeting.

Decision  
of Board

13. Decision of the Board shall be decided by majority of the vote of the members present and in the event of the equality of the vote the Chairman shall have a casting vote.

Board to  
regulate  
its own  
proceedings

14. Subject to the provisions of this Schedule and subsection 7(1), the Board shall regulate its own proceedings.

Remunera  
tion of  
Board

15. The members of the Board shall be paid such fees and allowances as may be determined by the Board and approved by the Treasury Registrar.

—————  
SECOND SCHEDULE  
—————

*(Made under section 5(1))*  
—————

PUBLIC GOOD SERVICES

ITEMS

The following items shall be considered as Public Good Services to which section 5 applies:

- (a) Meteorological and climatological observational data over United Republic and surrounding oceans sufficient for the needs of the country and to comply with International obligations and in accordance with the Organization standards, where practicable.
- (b) Carrying out of International Obligations agreed under the Organization arrangements including the international exchange of data and transmitting through Regional Telecommunications Hub and Meteorological Centre.
- (c) Provision of other meteorological services and the representation of Government in fulfilment of international Obligations, where appropriate.
- (d) Provision of weather and climatic forecasting services to general public for the safety of life and property.
- (e) The Custody of the National Meteorological Data Bank.
- (f) Provision of information to general public on Tsunami and severe weather related warning.
- (g) The provision of advice to Government regarding meteorological and climatological matters.
- (h) The provision of meteorological support for aviation and maritime search and rescue activities in accordance with international obligations of the Government.

- (i) The provision of service for the benefit of subsistence farmers and fisheries.
- (j) Any other services provide for public interest as prescribed by the ministers.

—————  
THIRD SCHEDULE  
—————

*(Made under section 5(1))*  
—————

COMMERCIAL SERVICES

ITEMS

The following items shall be considered as Commercial Services to which section 5 applies:

- (a) The provision of specialized weather forecasting and climate information.
- (b) The provision of services to the maritime industry that are not included in International obligations of the SOLAS Convention (Safety of Life at Sea).
- (c) The provision of aviation meteorological services.
- (d) The provision of weather and climate services in contraction sectors.
- (e) The provision of weather and climate services in tourism industries.
- (f) Meteorological consultations including advice to the legal and insurance industries.
- (g) Funded or Contracted weather and climate-related study.
- (h) Research to improve commercial services delivery.
- (i) The dissemination of weather and climate information.
- (j) The manufacturing and selling of meteorological equipment to public and private sector departments and users from the private

sector as well as the servicing.

- (k) Repairing and standardisation of equipment falling within the competence of the Authority.
- (l) Provision of specialised services to the media.
- (m) Any other weather and climate services as may prescribed by the ministers.

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## **OBJECTS AND REASONS**

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This Bill intends to introduce the enactment of the Tanzania Meteorological Authority Act for the purposes of establishing the Tanzania Meteorological Authority and to make better provisions for the management control, provision, coordination and regulation of meteorological services. The enactment of this Act will facilitate the implementation of meteorological activities to be performed by one institution which is vested powers of coordinating and regulate issues of meteorological services in the United Republic. Furthermore, the proposed Bill is intending to repeal the Meteorology Act (Cap.157).

This Bill is divided into VIII parts.

Part I deals with preliminary provisions which contains name of the proposed Act, commencement date, application scope as it is proposed that this Act will apply in both sides of the United Republic and interpretation of various terms as used in the Act.

Part II intends to make provisions relating to the establishment of the Tanzania Meteorological Authority in its acronym “TMA” which also shall be the National Meteorological Service vested with functions of delivering public good and commercial services. Further the Authority is vested with powers to install, construct, place or maintain equipment, apparatus or other instruments in, on, over or under any land, watercourse

or branch of the sea or lakes for purposes of observing and recording meteorological, agro-meteorological, hydro-meteorological and related observations and appropriate services.

Part III intends to make provisions on the administration of the Authority of which the establishment of the Board and the appointment of Chairman, have been provided. The appointment of Chairman and Vice Chairman will be made by the President while members of the Board will be appointed by the Minister. The functions of the board are also provided under this Part. This Part also provide for formation of the Committee and delegation of functions and powers of Board. Further the management and staff of the Authority have been provided where the appointment of Director General and his duties and provisions on staff and conditions of services have also provided.

Part IV deals with regulatory functions of the Authority which provides for regulatory functions of the Authority, application for permit of meteorological activities, issuance and refusal of permit. Further, provisions on suspension or cancellation of permit, prohibition of meteorological activities, report of meteorological activities, weather and climate requirements for sectoral activities, construction of national development projects and registration of meteorological stations are provided. Provisions on meteorological instruments, calibration of instruments, duty to maintain records exclusive powers of authority, setting of limits for protections of meteorological instruments publication of weather and climate services, power to enter land and install meteorological instruments are provided. Also provisions on coordination of meteorological stations and competency of meteorological professionals have been provided under this Part.

Part V elaborates the matter pertaining to financial provisions that includes funds and resources of the Authority, the procedures of managing the financial transactions which the Board is vested powers to oversee such Fund thereto, estimate of income and expenditure, the procedure on preparing and submission of Budget to the Minister for approval. Also, this part enlightens that, the Director of the Authority is a

custodian of the Fund of the Authority and responsible to ensure all the financial transactions are carried out in accordance with Financial Laws and regulations.

Part VI of the Bill provides for offences and penalties. Offences provided are offences in relation to meteorological equipment and instruments, whereby for any person who may cause any damage or destruction of equipment or instruments of the Authority shall be ordered to pay all cost of repairing of that damage. Other offences provided therein are obstruction or refusal to survey, offence for relocation, using meteorological instruments without calibration certificate, unlawful issuing weather forecast and warning, failure to observe meteorological data while carrying out feasibility study for any national development project. Also, there is general penalty for any offence which no specific penalty has been provided for.

Part VII is for General Provisions which contains provisions on complaints and appeals, Rules of appeal from any decision of the Authority relating to any application for permit licence and others are provided. Moreover there is also a provision in this Part further provide powers to the Minister to make Regulations on several issues relating to better performance of the Authority and empowers the Authority is given powers to make Rules, guidelines and code of ethics and conduct to its staff.

Part VIII covers Repeal and Transitional Provisions in respect of matters relating to repealed Act including continuation of employment, vesting of property, legal rights and obligations and pending or existing proceedings or cause of action.

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**MADHUMUNI NA SABABU**

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Muswada huu unakusudia kutungwa kwa Sheria ya Mamlaka ya Hali ya Hewa Tanzania ambayo itaanzisha Mamlaka ya Hali ya Hewa pamoja na kuweka masharti bora ya usimamizi, utaratibu na udhibiti wa huduma za hali ya hewa. Kutungwa kwa Sheria hii kutasaidia utekelezaji wa huduma za hali ya hewa kutolewa na Taasisi moja yenye mamlaka kamili ya kuratibu na kudhibiti masuala ya huduma za hali ya hewa katika Jamhuri ya Muungano. Aidha, Muswada unaopendekezwa unakusudia kuifuta Sheria ya Hali ya Hewa (Sura 157).

Muswada huu umegawanyika katika Sehemu Nane.

Sehemu ya Kwanza inaweka masharti ya utangulizi ambayo inajumuisha jina la sheria inayopendekezwa, matumizi ambapo inapendekezwa kwamba Sheria hii itatumika katika pande zote za Jamhuri ya Muungano na tafsiri mbalimbali ya maneno ambayo yametumika katika Sheria hii.

Sehemu ya Pili inakusudia kuweka masharti kuhusu kuanzishwa kwa Mamlaka ya Hali ya Hewa Tanzania au kwa kifupi “TMA” ambayo pia itakuwa ni Taasisi ya kutoa huduma za hali ya hewa kwa umma na shughuli za kibiashara. Halikadhalika, Mamlaka itakuwa na uwezo wa kujenga, kuweka au kutunza mitambo, vifaa au vifaa vingine ndani, juu, chini au katika ardhi yoyote, bahari, maziwa au mito kwa madhumuni ya kufanya uangazi wa hali ya hewa katika kilimo, majina mambo ya fananayo na uangalizi wa huduma za hali ya hewa.

Sehemu ya Tatu inakusudia kuweka masharti ya kuanzishwaji wa Bodi ambayo uteuzi wa Mwenyekiti na Makamu Mwenyekiti utafanywa na Rais ambapo wajumbe wa Bodi watateuliwa na Waziri. Kazi za Bodi pia zimeainishwa chini ya Sehemu hii. Sehemu hii pia inaainisha uundaji wa Kamati za Bodi pamoja na ukasimishaji wa madaraka na majukumu

ya bodi. Uteuzi wa Mkurugenzi Mkuu na kazi zake na masharti kuhusu wafanyakazi na muendelezo wa ajira kwa wafanyakazi yamewekewa masharti.

Sehemu ya Nne inahusu majukumu ya udhibiti ya mamlaka ambapo inaweka masharti ya majukumu ya udhibiti ya mamlaka maombi ya vibali vya shughuli za hali ya hewa, utoaji na kukataa kutoa vibali. Aidha masharti kuhusu kusitisha au kusimamisha matumizi ya kibali, kuzuia shughuli za hali ya hewa, taarifa za shughuli za hali ya hewa, mahitaji ya hali ya hewa kwa shughuli za kisekta, ujenzi wa miradi ya maendeleo ya kitaifa na usajili wa vituo vya hali ya hewa yamewekea utaratibu masharti kuhusu vifaa vya hali ya hewa, urekebishaji wa vifaa, wajibu wa kutunza kumbukumbu uwezo wa mamlaka, upangaji wa mipaka kulinda vifaa vya hali ya hewa utangazaji wa huduma za hali ya hewa na uwekeji wa vifaa vya hali ya hewa. Pia masharti kuhusu uratibu wa vituo vya hali ya hewa yameainishwa katika sehemu hii.

Sehemu ya Tano inatoa ufafanuzi wa masharti ya fedha pamoja na vyanzo vya mapato vya Mamlaka, utaratibu wa kusimamia miamala ya fedha ambapo Bodi imepewa uwezo wa kuangalia mapato na matumizi ya fedha za Mamlaka, utaratibu wa kuandaa na kuwasilisha bajeti kwa Waziri kwa kibali chake. Vilevile katika sehemu hii, Mkurugenzi Mkuu wa Mamlaka atakuwa Afisa Masuuli wa Mamlaka na anawajibu wa kuhakikisha miamala yote ya fedha inafanywa kwa mujibu wa Sheria za Fedha na Kanuni zake.

Sehemu ya Sita ya Muswada inahusu makosa na adhabu. Makosa yaliyoelezwa ni makosa kuhusiana na vifaa na mitambo ya kupima hali ya hewa, ambapo imeelezwa mtu yeyote atakayesababisha hasara au uharibifu wa mtambo au kifaa cha kupima hali ya hewa cha Mamlaka atalazimika kulipa gharama ya uharibifu huo. Makosa mengine yaliyoelezwa ni pamoja na kuzuia au kukataa kufanyika uchunguzi, makosa ya kuhamisha kituo, kutumia kifaa cha kupima hali ya hewa bila ya cheti cha uhakiki wa ubora, kutoa tahadhari ya hali mbaya ya hewa kinyume na sheria, kushindwa kutumia taarifa za hali ya hewa wakati wa upembuzi na utekelezaji wa mradi wa maendeleo au tafiti. Aidha,

imewekwa adhabu ya jumla kwa makosa ambayo hayakuwekewa adhabu mahususi.

Sehemu ya Saba inahusu masharti mchanganyiko ambayo yamejumuisha masharti yanayohusu malalamiko na rufaa kutoka kwa watoa huduma za hali ya hewa. Taratibu za rufaa dhidi ya uamuzi wa mamlaka kuhusu maombi ya vibali. Aidha katika sehemu hii, waziri amepewa uwezo wa kutunga kanuni kwa ajili ya utekelezaji wa sheria hii. Pia mamlaka imepewa uwezo wa kuandaa miongozo, taratibu na kanuni za maadili kwa watumishi na wadau wengine wanaohusika za hali ya hewa.

Sehemu ya Nane inaweka masharti ya kufutwa kwa Sheria ya Hali ya Hewa pamoja na masharti ya mpito ambayo yanajumuisha mwendelezo wa ajira, kukabidhi mali, wajibu na haki kisheria na masharti ya kisheria yaliyopo mahakamani au yanayotarajiwa kufunguliwa ambayo yataendelea kusimamiwa na mamlaka inayoanzishwa na sheria inayotungwa.

Dodoma,  
10 Oktoba, 2018

ISAACK A. KAMWELWE  
*Waziri wa Ujenzi, Uchukuzi na Mawasiliano*

**SCHEDULE OF AMENDMENTS TO BE MOVED BY THE HON. ISAACK A. KAMWELWE, THE MINISTER FOR WORKS, TRANSPORT AND COMMUNICATION AT THE SECOND READING OF THE BILL ENTITLED “THE TANZANIA METEOROLOGICAL AUTHORITY ACT, 2018”**

\_\_\_\_\_  
*(Made under S.O 86(10))*  
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The Bill entitled “The Tanzania Meteorological Authority Act, 2018 is amended generally as follows:

- A:** In Clause 5(2) by deleting the word “advisory” appearing in paragraph (k) and substituting for it the words “advisory services”;
- B:** In Clause 11 by deleting the word “ten” appearing under paragraph (b) and substituting for it the word “eight”;
- C:** In Clause 17 by adding immediately after the word “permit” at the end of that Clause the phrase “and notify the applicant reasons for refusal”;
- D:** In Clause 22, by-
- (a) deleting the word “or” appearing in the second line of subclause (1) and substituting for it the word “for”;
  - (b) adding immediately after subclause (1), the following:

“(2) Where there is no meteorological data issued under subsection (1), a person carrying out feasibility study for construction of national development project shall consult the Authority for guidance.”
  - (c) renumbering subclause (2) as subclause (3);

**E:** In Clause 42(1)-

- (a) in paragraph (c)(i) by adding immediately after the word “years” the words “ but not exceeding five years;”;
- (b) in paragraph (c)(ii) by deleting the words “or imprisonment of not less than five years” and substituting for them the words “but not exceeding five million shillings or to imprisonment for a term of not less than one year but not exceeding three years”;
- (c) in paragraph (c)(iii) by deleting the words “or imprisonment of not less than five years” and substituting for them the words “but not exceeding twenty million shillings or to imprisonment for a term of not less than three years but not exceeding five years”;

**F:** In Clause 43 by deleting the words “or imprisonment for a term of not less than one year” and substituting for them the words “but not exceeding one million shillings or to imprisonment for a term of not less than six months but not exceeding twelve months”;

**G:** In Clause 44 by deleting the words “or imprisonment for a term of not less than two years” and substituting for them the words “but not exceeding ten million shillings or to imprisonment for a term of not less than two years but not exceeding five years”;

**H:** In Clause 45 by deleting the words “or imprisonment for a term of not less than two years” and substituting for them the words “but not exceeding ten million shillings or to imprisonment for a term of not less than two years but not exceeding five years”;

**I:** In Clause 46-

(a) in subclause (1), by deleting the words “or to imprisonment for a term of not less than five years” and substituting for them the words “but exceeding one hundred million shillings or to imprisonment for a term of five years but not exceeding ten years”;

(b) by deleting subclause (2) and substituting for it the following:

“(2) A person who fails to use latest meteorological information provided by the Authority in disseminating to the public weather forecast and warning through media, including radio, newspaper or television, commits an offence and shall upon conviction be liable to a fine of not less than fifty million shillings but not exceeding one hundred million shillings or to imprisonment for a term of not less than five years but not exceeding ten years or to both.

(3) The provisions of this section shall not apply to a person conducting weather and climate forecast for indigenous knowledge within his community for the purpose of informing the community on the state of climate.

(4) For the purpose of this section, the term “indigenous knowledge” means knowledge provided by a person recognized in a particular community on the provision of weather and climate forecast for that community.”;

**J:** In Clause 47 by –

(a) deleting the words “unlawfully” appearing in the first line;

(b) deleting the words “or to imprisonment for a term of not less than five years” and substituting for them the words “but not exceeding thirty million shillings or to imprisonment for a term of not less than five years but not exceeding ten years”;

**K:** In Clause 48 by-

- (a) deleting the marginal note and substituting for it the following:  
“Offence on use of data”;
- (b) deleting the words “or to imprisonment for a term of not less than ten years” and substituting for them the words “but not exceeding one hundred million shillings or to imprisonment for a term of not less than ten years but not exceeding fifteen years”;

**L:** In Clause 49 by deleting the words “or to imprisonment for a term of not less than six months” and substituting for them the words “but not exceeding three million shillings or to imprisonment for a term of not less than six months but not exceeding twelve months”.

**M:** In Part VII by inserting immediately after the heading, the following new Clause:

“Compensation on acquisition of land                      **51.** The Authority may acquire any land for the purpose of this Act in accordance with the procedure stipulated under the laws governing acquisition of land in Mainland Tanzania and Tanzania Zanzibar.”;

**N:** By renumbering Clauses 51 to 59 as Clauses 52 to 60, respectively;

**O:** In the First Schedule, by-

- (a) deleting the word “four” appearing in paragraph (1)(b) and substituting for it the word “five”;
- (b) deleting the word “members; and” appearing in subparagraph (2)(d) and substituting for it the word “member.”; and
- (c) deleting item (e) appearing in subparagraph (2);

**P:** In the Third Schedule by deleting the word “contraction” appearing in paragraph (d) and substituting for it the word “construction”.

Dodoma,  
....., 2019

**IAK**  
*MWTC*

**FURTHER SCHEDULE OF AMENDMENTS TO BE MOVED BY THE HON. ISAACK  
A. KAMWELWE, THE MINISTER FOR WORKS, TRANSPORT AND  
COMMUNICATION AT THE SECOND READING OF THE BILL ENTITLED  
“THE TANZANIA METEOROLOGICAL AUTHORITY ACT, 2018”**

\_\_\_\_\_  
*Made under S.O.86(10)*  
\_\_\_\_\_

A Bill entitled “The Tanzania Meteorological Authority Act, 2018” is amended generally as follows:

- A:** In Clause 7 by-
- (a) adding immediately after subclause (4) the following:  
“(5) In appointing members of the Board under subsection (4), due regard shall be given to gender”; and
  - (b) renumbering subclause (5) as subclause (6).

Dodoma,  
....., 2019

**IAK**  
*MWTC*

**MWENYEKITI:** Waheshimiwa Wabunge sasa namwita Mwenyekiti wa Kamati ya Miundombinu. (*Makofi*)

**MHE. WILLIAM D. NKURUA - K.n.y. MWENYEKITI WA KAMATI YA KUDUMU YA BUNGE YA MIUNDOMBINU:** Mheshimiwa Mwenyekiti, yafuatayo ni Maoni na Ushauri wa Muswada wa Sheria ya Mamlaka ya Hali ya Hewa Tanzania ya Mwaka 2018 [*The Tanzania Meteorological Authority Bill, 2018*].

Mheshimiwa Mwenyekiti, Utangulizi, kwa mujibu wa Kanuni ya 86, Kifungu cha 5, ya Kanuni za Kudumu za Bunge, Toleo la Januari 2016, napenda kutumia fursa hii kuwasilisha mbele ya Bunge lako Tukufu maoni na ushauri wa kamati kuhusu Muswada wa Sheria ya Mamlaka ya Hali ya Hewa Tanzania ya Mwaka 2018 [*The Tanzania Meteorological Authority Bill, 2018*].

Mheshimiwa Mwenyekiti, Kamati inatoa pongezi kwa Serikali kwa hatua ya kuleta Muswada huu mbele ya Bunge lako Tukufu ili uweze kujadiliwa na hatimaye kutunga sheria. Kuletwa kwa Muswada huu Bungeni ni mafanikio ya ushauri wa Kamati uliokuwa ukitolewa mara kwa mara.

Mheshimiwa Mwenyekiti, nyongeza ya 8 ya Kifungu cha 7(1)(b) cha Kanuni ya Kudumu ya Bunge, Toleo la Januari 2016, inazipa Kamati za Bunge za Kisekta, ikiwemo Kamati ya Miundombinu, jukumu la kushughulikia muswada wa sheria na mikataba iliyo chini ya Wizara inayosimamia. Kifungu cha 1(2) tumetoa dhana ya huduma ya hali ya hewa. Kifungu cha 1(3) tumetoa historia fupi ya utoaji wa huduma ya hali ya hewa nchini, Kifungu cha 1.3.1 umetoa utoaji wa huduma ya hali ya hewa kabla ya uhuru, Kifungu cha 1.3.2 tumeeleza utoaji wa huduma ya hali ya hewa baada ya uhuru.

Mheshimiwa Mwenyekiti, kwa kuzingatia muda kwanza naomba maelezo yangu yote yaingie kwenye *Hansard* kwa hiyo, kamati itajikita kutoa ushauri na maoni ya Kamati. Kifungu cha 2(1) ni ushauri katika vifungu vya Muswada.

Mheshimiwa Mwenyekiti, Muswada huu umegawanyika katika sehemu 8 zenye jumla ya Ibara 59; Muswada unapendekeza kutungwa kwa Sheria ya Mamlaka ya Hali ya Hewa Tanzania ambayo itaanzisha Mamlaka ya Hali ya Hewa Tanzania na kuweka masharti bora ya usimamizi, uratibu na udhibiti wa huduma za hali ya hewa pamoja na kuifuta Sheria ya Hali ya Hewa, *Meteorological Act, Cap 157. (Makofi)*

Mheshimiwa Mwenyekiti, katika Muswada huu kamati imekubaliana na Serikali kwenye maeneo mengi na Serikali imeahidi kuzingatia marekebisho ya kamati katika jedwali lake la marekebisho. Vifungu vifuatavyo Kamati imerekebisha na kutoa maoni, vifungu hivyo ni kama vifuatavyo; Kifungu cha 4(3)(d), Kifungu cha 6, Kifungu cha 32, cha 11, cha 17, cha 42, 44 na 47. Pia, Jedwali la kwanza na Jedwali la tatu.

Mheshimiwa Mwenyekiti, yafuatayo ni maoni na mapendekezo ya Kamati kuhusu vifungu hivyo:-

Mheshimiwa Mwenyekiti, Kifungu cha 4, kinaunda Mamlaka ya Hali ya Hewa katika Kifungu Kidogo cha (3)(d) Kamati imependekeza kuongeza maneno, *with minister's approval* mbele ya neno *transaction*, ili kuhakikisha kwamba, Serikali inakuwa na taarifa za kutosha pale ambapo mamlaka itakuwa inataka kukopa au kukopeshwa au kuingia mkataba, kuingia katika makubaliano yoyote ya kimkataba. Hivyo, kipengele hiki kisomeke kama ifuatavyo, "*lending or borrowing money and entering into any contract or other transaction with minister's approval*". (Makofi)

Mheshimiwa Mwenyekiti, kipengele cha (b) Kifungu cha 6 na 32 vinaelezea kuhusu uwezo wa mamlaka pamoja na masuala mengine yaliyopo katika vifungu hivi kusimika au kuweka mtambo ardhini. Kamati inapendekeza ibara hizo ziboreshwe kwa kuzingatia maudhui ya Kifungu cha 3(1)(g) cha Sheria ya Ardhi ya 1999 kuhusu ulipaji wa fidia ya haki kutokana na uwezo wa mamlaka kujenga au kuweka au kutunza mitambo au vifaa vilivyo ndani, juu, chini au katika ardhi yoyote, hasa ardhi inayomilikiwa na wananchi. Kamati

inasisitiza umuhimu wa kutoa haki stahiki kwa mtu au taasisi kutokana na kutwaliwa eneo lake kwa matumizi ya kusimika mitambo ya Mamlaka ya Hali ya Hewa.

Mheshimiwa Mwenyekiti, (c) Kifungu cha 11 kinahusu uteuzi wa Mkurugenzi Mkuu. Katika Kipengele cha 2(b), Kamati inapendekeza kupunguza sifa za mtu kuteuliwa kuwa Mkurugenzi Mkuu kuwa, awe amewahi kushika nafasi ya uongozi kwa kipindi kisichopungua miaka 10 na badala yake iwe kipindi kisichopungua miaka 8. Hivyo, kifungu hicho kiboreshe na kisomeke kama ifuatavyo, "*possesses at least eight years' managerial experience in a field meteorological*".

Mheshimiwa Mwenyekiti, Kifungu cha 17 kinahusu kukataliwa kwa maombi ya kibali. Kamati inapendekeza kuongezwa maneno, *and notify the applicant reasons for refusal* baada ya neno *permit* katika mstari wa pili, ili kumpa haki muombaji kufahamu sababu za maombi yake kukataliwa. Hivyo, kifungu hicho kisomeke kama ifuatavyo, "*the authority may, if satisfied that the applicant has not fulfilled the condition, refuse or issue a permit and notify the applicant their reason for a refusal*".

Mheshimiwa Mwenyekiti, (e) Kifungu cha 42 kinaruhusu adhabu zinazohusiana na matumizi ya vifaa vya kupimia hali ya hewa. Katika kipengele cha (c)(3) kamati inaona kuwa, adhabu iliyopendekezwa na *fine* isiyopungua shilingi milioni 10 na kifungo kisichopungua miaka mitano kwa kosa la kutumia kifaa au mitambo kupima hali ya hewa bila kuhakikiwa na kukubaliwa kwa mamlaka kama kifaa hicho kinafaa kwa matumizi ya kupima hali ya hewa ni kubwa sana. Hivyo, Kamati inapendekeza adhabu hiyo ishushwe na iwe *fine* isiyozidi shilingi milioni moja au kifungo kisichozi mwaka mmoja na hivyo, kifungu hicho kisomeke kama ifuatavyo, "*in the case of paragraph of (c), to a fine not exceeding one million Tanzania Shillings or imprisonment of not more than one year*". (Makofi)

Mheshimiwa Mwenyekiti, (f) Kifungu cha 44 kinahusu adhabu kwa kuhamisha kituo au kifaa cha hali ya hewa.

Kamati inaona adhabu iliyotolewa ya *fine* isiyopungua shilingi milioni tano au kifungo kisichopungua miaka miwili ni adhabu kubwa sana. Kamati inapendekeza *fine* isiyopungua shilingi milioni moja au kifungo kisichopungua mwaka mmoja hivyo, kifungu hicho sasa kisomeke kama ifuatavyo, *a person who relocates meteorological stations, instrument or equipment without approval from the Authority commits an offence and upon conviction shall be liable to fine of not less than one million shillings or imprisonment for a term of not less than one year or both.*

Aidha, kamati inashauri katika kanuni, mchakato wa kibali (*approval*) kwa aili ya kuruhusu kuhamisha mtambo au kifaa cha hali ya hewa uangaliwe kwa makini kuepusha urasimu na usumbufu.

Mheshimiwa Mwenyekiti, (g) Kifungu cha 46, Serikali imepewa nafasi ya kuweka kifungu hiki vizuri, ili kiwe wazi kuwa hakitawahusisha watabiri wasiotumia vifaa vya kisayansi kama vile wazee wa kimila na waganga wa jadi.

Mheshimiwa Mwenyekiti, (h) Kifungu cha 47, kifungu hiki kinahusu adhabu kwa kosa la kusambaza takwimu (*data*) za hali ya hewa bila idhini ya mamlaka. Kamati inaona adhabu iliyotolewa ya *fine* isiyopungua shilingi milioni 20 na kifungo kisichopungua miaka mitano ni kubwa sana. Kamati inapendekeza *fine* isiyopungua shilingi milioni tano na kifungo kisichopungua miaka miwili hivyo, kifungu hicho sasa kisomeke, *"A person who unlawfully distributes meteorological data without the consent of authority commits an offence and upon conviction shall be liable to a fine not less than five million shillings or to imprisonment for a term of not less than two years or both".*

Mheshimiwa Mwenyekiti, Jedwali la Kwanza, kipengele cha 1(b). Kamati inapendekeza marekebisho ya kiuandishi, neno *four*, libadilishwe na badala yake liandikwe, *five*, ili kuakisi maudhui ya Kifungu cha 7(2) cha Muswada kinachotamka kuwa wajumbe wa bodi watakuwa saba.

Mheshimiwa Mwenyekiti, (j) Jedwali la Tatu. Katika Kipengele cha (d) Kamati inapendekeza marekebisho ya kiuandishi neno *contraction* libadilishwe na badala yake liandikwe *construction*, ili kuweka maana iliyokusudiwa.

Mheshimiwa Mwenyekiti, 2.2, maoni ya jumla, pamoja na uchambuzi wa marekebisho mbalimbali ya vifungu vya sheria hii kamati inasisitiza Serikali katika mambo muhimu yafuatayo:-

(a) Watu wote wanaojihusisha na masuala ya uangazi wa hali ya hewa wawe na ujuzi na masuala hayo, ili kuhakikisha kuwa taarifa zinazotolewa zinakuwa na uhakika na ufasaha;

(b) Taasisi za kitaaluma zisilazimike kuwajibika kutoa tozo zitakazopendekezwa katika kanuni pale zitakapokuwa zinaomba vibali vya kujihusisha na masuala ya uangazi wa hali ya hewa kwa matumizi ya utafiti kwa kuwa, taasisi hizo zinatoa huduma za taaluma na si kwa matumizi ya biashara au vinginevyo;

(c) Katika kupitia muswada huu kamati imebaini kuwa makosa yatakatotendwa na mtu au taasisi kwa ujumla ya Muswada huu yamepewa *fine* kubwa au kifungo cha muda mrefu au vyote kwa pamoja. Kamati inashauri adhabu hizo zipunguzwe.

Mheshimiwa Mwenyekiti, Hitimisho. Hapa pana majina ya Wabunge walioshiriki katika maandalizi ya sheria hii. Vilevile kamati inawashukuru pia, Wabunge wote walioshiriki katika vikao vyake katika kuchambua Muswada huu. Kamati inamshukuru Mheshimiwa Spika, pamoja na Naibu Spika, Mheshimiwa Dkt. Tulia Ackson, kwa ushirikiano aliouonesha katika kutekeleza majukumu ya kamati.

Mheshimiwa Mwenyekiti, kamati pia, inamshukuru Katibu wa Bunge, Ndugu Stephen Kigaigai, kwa kuiwezesha kamati wakati wote ilipokuwa ikitekeleza majukumu yake. Vilevile kamati inaishukuru Sekretarieti ya Kamati ikiongozwa

na Mkurugenzi wa Idara ya Kamati za Bunge Ndugu Athumani Hussein, Mkurugenzi Msaidizi Ndugu Dickson Bisile, Katibu wa Kamati Ndugu Hosiana John, washauri wa Bunge mambo ya Sheria Ndugu Thomas Shawa na Ndugu Matamus Fungo pamoja na Msaidizi wa Kamati Ndugu Waziri Kizingiti kwa kuratibu vyema shughuli zote za Kamati.

Mheshimiwa Mwenyekiti, naomba pia kuwashukuru Mawaziri, nimshukuru Waziri wa Ujenzi uchukuzi na Mawasiliano Mheshimiwa Eng. Isack Kamwele Mbunge akisaidiana na Manaibu Waziri Mheshimiwa Eng. Atashasta Nditiye Mbunge na Mheshimiwa Elias Kwandikwa Mbunge na shukurani ziende na kwa Katibu Mkuu. akisaidiana na watendaji wote wa Wizara kwa ushirikiano walio upatia Kamati wakati wote wa kutekeleza majukumu yake.

Mheshimiwa Mwenyekiti naunga mkono hoja naomba kuwasilisha.

**MWENYEKITI:** Ahsante.

**TAARIFA YA KAMATI YA KUDUMU YA BUNGE YA MIUNDOBINU MAONI NA USHAURI KUHUSU MUSWADA WA SHERIA YA MAMLAKA YA HALI YA HEWA TANZANIA WA MWAKA 2018 (THE TANZANIA METEOROLOGICAL AUTHORITY BILL, 2018) – KAMA YALIVYOWASILISHWA MEZANI**

**1.0 UTANGULIZI**

**Mheshimiwa Spika**, kwa mujibu wa Kanuni ya 86 (5) ya Kanuni za Kudumu za Bunge, Toleo la Januari 2016, napenda kutumia fursa hii kuwasilisha mbele ya Bunge lako Tukufu, Maoni na Ushauri wa Kamati kuhusu Muswada wa Sheria ya Mamlaka ya Hali ya Hewa Tanzania wa Mwaka 2018 (*The Tanzania Meteorological Authority Bill, 2018*).

**Mheshimiwa Spika**, Kamati inatoa pongezi kwa Serikali kwa hatua ya kuleta Muswada huu mbele ya Bunge lako Tukufu ili uweze kujadiliwa na hatimae kutungwa kwa sheria. Kuletwa kwa Muswada huu Bungeni ni mafanikio ya ushauri wa Kamati uliokuwa ukitolewa mara kwa mara.

## 1.1 Namna Kamati ilivyotekeleza Jukumu la Kujadili Muswada

**Mheshimiwa Spika**, Nyongeza ya Nane, Kifungu cha 7(1) (b) cha Kanuni za Kudumu za Bunge, Toleo la Januari 2016, inazipa Kamati za Bunge za Kisekta ikiwemo Kamati ya Miundombinu, jukumu la kushughulikia Miswada ya Sheria na Mikataba iliyo chini ya Wizara inayoismamia.

**Mheshimiwa Spika**, kwa kuzingatia Kanuni ya 84(1) ya Kanuni za Kudumu za Bunge, Kamati ilitekeleza shughuli zifuatazo kwa ajili ya kuwezesha uchambuzi wa kina wa Muswada huu:-

a) Kujadiliana na kuainisha mambo mbalimbali yatakayofanikisha uchambuzi wa Muswada huu ili kupata maoni yatakayosaidia Bunge kutunga Sheria yenye tija kwa maslahi ya Taifa;

b) Kupokea na kujadili wasilisho la Sekretarieti kuhusu ulinganisho wa Dhana ya Huduma ya Hali ya Hewa nchini na hatua zilizofikiwa na nchi nyingine. Lengo la wasilisho hili ni kupata uelewa wa Muswada husika kwa mujibu wa Kanuni ya 21 (1) (b) ya Kanuni za Kudumu za Bunge, Toleo la Januari, 2016;

c) Kupokea maelezo ya kitaalam kuhusu Usimamizi, Udhhibiti, Uratibu, Mfumo na Muundo wa Mamlaka ya Hali ya Hewa Tanzania. Shughuli hii iliwezesha na Ofisi ya Bunge, chini ya utaratibu wa Mradi wa LSP II;

d) Kupokea maelezo ya Serikali ambayo yaliwasilishwa na Waziri wa Ujenzi, Uchukuzi na Mawasiliano Mheshimiwa Eng. Isack Kamwelwe, (Mb) tarehe 16 Januari, 2018 ambapo pamoja na maelezo mengine, alijulisha Kamati lengo, madhumuni na manufaa mbalimbali yatakayotokana na kupitishwa kwa Sheria hii kwa maendeleo ya Taifa;

e) Kupokea maoni ya wadau (*Public Hearing*)kwa kuzingatia matakwa ya Kanuni ya 84 (2) ya Kanuni za Kudumu

za Bunge, Toleo la Januari, 2016. Jumla ya Taasis Kumi na Nane (18) kutoka Tanzania Bara na Tanzania Zanzibar zilitumiwa mialiko rasmi ili zifike au zitume maoni yao kuhusu Muswada husika. Mialiko mingine ya wadau ilitolewa kupitia tangazo la Ofisi ya Bunge kwa Umma.

Kazi hii yakupokea maoni ya wadau ilifanyika siku ya Alhamisi tarehe 17 Januari, 2019. Kwa namna ya pekee Kamati inatoa shukrani za dhati kwa wadau wote waliofika na kuwasilisha maoni na mapendekezo yao mbele yao ambayo yamechangia kuibua mijadala mbalimbali na hatima Kamati kuwa katika nafasi nzuri ya kutoa mapendekezo kwa Sheria inayopendekezwa.

f) Kuchambua maoni ya wadau kwa kulinganisha sababu, mantiki na madhumuni ya Muswada ili kupata msimamo wa Kamati katika hoja mbalimbali;

g) Kujadiliana na Serikali kuhusu hoja mbalimbali za Kamati kabla ya kuhitimisha uchambuzi wa Muswada. Kikao hicho cha majadiliano kilifanyika tarehe 23 Januari, 2019. Kuafuatia kikao hicho, Serikali ilikubali baadhi ya Hoja za Kamati na kuhaidi kuyazingatia katika Jedwali la Marekebisho (*Schedule of Amendments*).

## 1.2 Dhana ya Huduma za Hali ya Hewa

**Mheshimiwa Spika**, Hali ya hewa ni sayansi inayohusu anga na tabia zake ikijumuisha hali ya anga ya muda mfupi (muda usiozidi siku 3), muda wa kati (siku 3 hadi 30) na muda mrefu (Siku 30 na kuendelea). Kwa upande mwingine, huduma ya hali ya hewa inahusisha takwimu na taarifa za hali ya hewa iliyopita, iliyopo na ijayo.

**Mheshimiwa Spika**, Umuhimu wa utabiri wa hali ya hewa umejikita katika uangazi wa mabadiliko ya hali ya hewa ya mara kwa mara kutokana na mzunguko wa angahewa unaotawaliwa na nishati ya mnururisho wa jua na uwiano katika sehemu mbalimbali za angahewa.

**Mheshimiwa Spika**, Mabadiliko ya hali ya hewa yamekuwa yakirahisisha maisha au kuongeza ugumu wake, hasa kama mabadiliko hayo yata vuruga ukuaji kwa mimea kwa njia ya ukame au mafuriko, upepo mkali, dharuba, kimbunga, radi, mvua, theluji, baridi ama joto. Hivyo, kwa maendeleo ya jamii na uchumi kwa taifa lolote Duniani, taarifa za utabiri wa hali ya hewa ni muhimu sana katika kupanga mipango ya maendeleo na mikakati katika maisha ya kila siku ili kuweza kukabiliana na mabadiliko ya hali ya hewa ya mara kwa mara.

**Mheshimiwa Spika**, Taarifa za mabadiliko ya hali ya hewa nchini, pamoja na kuhitajika na jamii nzima kwa ujumla, taarifa hizi pia zimekuwa zikihitajika kusaidia katika nyanja mbalimbali kama vile usafiri wa anga, shughuli za kilimo, uvuvi, ujenzi na mipango miji, utafiti, utafutaji na uchimbaji wa mafuta na gesi.

**1.3 Historia ya Utoaji wa Huduma za Hali ya Hewa Nchini**  
**Mheshimiwa Spika**, mnamo mwaka 350 kabla ya Kristo, mwanafalsafa maarufu duniani Aristotle ambaye anafahamika kama mwanzilishi wa somo la meteorojia, aliandika makala mbalimbali juu ya somo hilo. Makala hizo zinathibitisha kuwa masuala ya syansi ya hali ya hewa ni ya muda mrefu sana duniani.

**Mheshimiwa Spika**, hapa nchini historia ya Utoaji wa Huduma za Hali ya hewa imegawanyika katika vipindi vikuu viwili ambavyo ni kabla ya Uhuru na baada ya Uhuru.

### **1.3.1 Utoaji wa Huduma za Hali ya Hewa kabla ya Uhuru**

**Mheshimiwa Spika**, Kabla ya uhuru, huduma za hali ya hewa zilitolewa kwa ajili ya usafiri wa anga hususan usafirishaji wa madini kutoka Northern Rhodesia (Zambia). Huduma hizi zilianza kutolewa mwaka 1929 chini ya usimamizi wa Taasisi ya Hali ya Hewa ya Uingereza (*British East African Meteorological Services - BEAMS*). Katika kipindi hicho, vilijengwa vituo viwili vya hali ya hewa huko Kazeh Hill (Tabora) na Chukwani (Zanzibar) na Makao makuu yalikuwa

Tabora. Majukumu ya Taasisi hii yalikuwa kutoa huduma za hali ya hewa kwa nchi za Kenya, Tanganyika (sasa Tanzania Bara), Zanzibar na Northern Rhodesia (sasa Zambia).

**Mheshimiwa Spika**, Baadae Taasisi hiyo ilitwa *British East African Meteorological Department* (BEAMD) chini ya *British East African High Commission* (BEAHC) na ilitoa huduma zake kwa nchi za Kenya, Tanganyika, Uganda na Zanzibar.

**Mheshimiwa Spika**, Huduma za hali ya hewa ziliendelea kuimarika Duniani kote hasa baada ya kuanzishwa kwa Shirika la Hali ya Hewa Duniani (*World Meteorological Organisation - WMO*) mwaka 1950.

### 1.3.2 Utoaji wa Huduma za Hali ya Hewa baada ya Uhuru

**Mheshimiwa Spika**, Baada ya uhuru wa Tanganyika mwaka 1961, wigo wa kutoa huduma za hali ya hewa uliongezeka kwenye sekta za nishati, kilimo, madini, ulinzi na usalama. Mwaka 1963, *British East African High Commission* ilibadilishwa muundo na kuwa *East Africa Common Services Organisation* (EACSO) na *British East Africa Meteorological Department* ilibadilika na kuwa *East African Meteorological Department* (EAMD).

Majukumu ya EAMD yalikuwa ni kutoa huduma za hali ya hewa kwa nchi za Afrika Mashariki ambazo ni Kenya, Uganda, Tanganyika na Zanzibar. Makao makuu ya EAMD yalikuwa Kabete, Kenya na baadaye yalihamishiwa Nairobi-Kenya. Baada ya kuanzishwa kwa Jumuiya ya Afrika Mashariki (*East African Community-EAC*) mwaka 1967, *East Africa Meteorological Department* ilipata muundo mpya na makao yake makuu yaliendelea kuwa Nairobi.

**Mheshimiwa Spika**, Baada ya kuvunjika kwa Jumuiya ya Afrika ya Mashariki mwaka 1977, huduma za hali ya hewa nchini zilitungiwa Sheria Na. 6 ya mwaka 1978. Sheria hii iliunda Idara Kuu ya Hali ya Hewa (*The Tanzania National Meteorological Board and Directorate of Meteorology*) chini ya iliyokuwa

Wizara ya Mawasiliano na Ujenzi. Majukumu ya Idara hii yalikuwa ni pamoja na kupima, kukusanya, kuchambua, kuhifadhi na kutoa taarifa za hali ya hewa nchini.

**Mheshimiwa Spika**, tangu mwaka 1999 shughuli za hali ya hewa nchini zinatekelezwa na Wakala wa Hali ya Hewa Tanzania (*Tanzania Meteorological Agency-TMA*). Taasisi hii ilianzishwa kwa mujibu wa Sheria ya Wakala wa Serikali Na. 30 ya mwaka 1997 (Sura 245 kama ilivyorejewa mwaka 2002) na ilianza kufanya kazi rasmi Disemba, 1999.

**Mheshimiwa Spika**, majukumu ya Wakala wa Hali ya Hewa nchini ni pamoja na kuanzisha, kusimamia na kuendesha mtandao wa vituo vya hali ya hewa nchini, kutoa utabiri wa hali ya hewa na tahadhari kuhusiana na hali mbaya ya hewa kwa umma, kupima na kufuatilia mifumo ya hali ya hewa nchini, kubadilishana taarifa za hali ya hewa katika mtandao wa dunia kulingana na makubaliano ya Kimataifa na kuiwakilisha Tanzania katika masuala ya hali ya hewa Kikanda na Kimataifa.

**Mheshimiwa Spika**, Tanzania ni mwanachama wa Shirika la Hali ya Hewa Duniani (*World Meteorological Organisation-WMO*). Hivyo, Wakala umekuwa ukizingatia viwango vya utendaji kazi vinavyotolewa na kusimamiwa na Shirika la Hali ya Hewa Duniani (*World Meteorological Organisation-WMO*).

**Mheshimiwa Spika**, Wakala wa Hali ya Hewa umekuwa ukikabiliwa na changamoto mbalimbali kama vile; -

- a) Kutokuwepo kwa mfumo bora wa udhibiti, uratibu wa utoaji huduma, uanzishwaji wa vituo, ubadilishanaji wa data na taarifa za hali ya hewa nchini;
- b) Kutokuwa na udhibiti wa viwango vya ubora wa wataalam wanaotoa huduma za hali ya hewa nchini;
- c) Sheria iliyopo kutotamka bayana juu ya jukumu la Wakala la kufuatilia, kupima na kuchambua kisayansi mabadiliko ya hali ya hewa;

- d) Sheria ya Hali ya Hewa Sura 157 na kama ilivyorejewa Mwaka 2002 kutokutoa wajibu kwa mtumiaji wa huduma za hali ya hewa kibiashara kuchangia gharama za uchakataji wa taarifa hizo;
- e) Sheria iliyopo kutoa adhabu ndogo kwa matukio ya uharibifu wa vifaa na mitambo mbalimbali ya hali ya hewa.
- f) Sheria kutotamka bayana kuhusu uombaji na utoaji wa data na taarifa za hali ya hewa kuwa chini ya Wakala wa Hali ya Hewa kwa maslahi mapana ya Taifa; na
- g) Kukosekana kwa utaratibu wa kisheria kuwezesha Wakala wa Hali ya Hewa kutoa tahadhari ya hali mbaya ya hewa.

**Mheshimiwa Spika**, Muswada wa Sheria ya Mamlaka ya Hali ya Hewa Tanzania wa Mwaka 2018 (*The Tanzania Meteorological Authority Bill, 2018*) unalenga kuifuta Sheria ya Utabiri wa Hali ya Hewa (Sura 157), na kuanzisha Mamlaka ya Hali ya Hewa nchini pamoja na kuweka masharti bora ya usimamizi, utaratibu na udhibiti wa huduma za utabiri wa hali ya hewa na hivyo kutoa mamlaka kamili ya kisheria kuratibu na kudhibiti masuala ya huduma za hali ya hewa nchini.

**Mheshimiwa Spika**, mambo mengine muhimu yanayozingatiwa katika Muswada huu ni pamoja na kubainisha majukumu na madaraka ya Mamlaka ya Hali ya Hewa, kuanzisha bodi ya Utabiri wa Hali ya Hewa pamoja na kubainisha kazi zake, utaratibu wa uteuzi wa Mkurugenzi Mkuu na kazi zake, masharti ya fedha pamoja na vyanzo vya mapato, makosa mbalimbali na adhabu zake, na utaratibu wa malalamiko na rufaa kutoka kwa watoa huduma za hali ya hewa.

## **2.0 MAONI NA USHAURI WA KAMATI**

### **2.1 Maoni na Ushauri katika Vifungu vya Muswada**

**Mheshimiwa Spika**, Muswada huu umegawanyika katika Sehemu Nane, zenye jumla ya Ibara 59. Muswada

unapendekeza kutungwa kwa Sheria ya Mamlaka ya Hali ya Hewa Tanzania ambayo itaanzisha Mamlaka ya Hali ya Hewa Tanzania na kuweka masharti bora ya usimamizi, uratibu na udhibiti wa huduma za hali ya hewa pamoja na kuifuta Sheria ya Hali ya Hewa (*The Meteorology Act, Cap.157*).

**Mheshimiwa Spika**, katika Muswada huu, Kamati imekubaliana na Serikali kwenye maeneo mengi na Serikali imehaidi kuzingatia marekebisho ya Kamati katika Jedwali lake la Marekebisho. Vifungu ambavyo Kamati imerekebisha na kutoa maoni ni **kifungu cha 4 (3) d, 6 na 32, 11, 17, 42, 44, 47, Jedwali la kwanza na Jedwali la Tatu**. Yafuatayo ni maoni na mapendekezo ya Kamati kuhusu vifungu hivyo:-

a) **Kifungu cha 4**, kinaunda Mamlaka ya Hali ya Hewa. Katika kifungu kidogo cha **(3) (d)**, Kamati inapendekeza kuongezwa maneno "*with the Minister's approval*" mbele ya neno "*transaction*" ili kuhakikisha kwamba Serikali inakuwa na taarifa za kutosha pale ambapo Mamlaka itakuwa inataka kukopa au kukopeshwa au kuingia katika makubaliano yoyote ya kimkataba. Hivyo, kipengele hikikisomeke kama ifuatavyo:-

*"(d) lending or borrowing money and entering into any contract or other transaction **with the Minister's approval**; and"*

b) **Kifungu cha 6 na 32** vinavyoelezea kuhusu uwezo wa Mamlaka; pamoja na, masuala mengine yaliyopo katika vifungu hivi, kusimika au kuweka mtambo ardhini. Kamati inapendekeza ibara hizo ziboreshwe kwa kuzingatia maudhui ya kifungu cha 3(1) (g) cha Sheria ya Ardhi ya 1999 kuhusu ulipaji wa fidia ya haki kutokana na uwezo wa Mamlaka kujenga, kuweka au kutunza mitambo, vifaa au vifaa vingine ndani, juu chini au katika ardhi yoyote hasa ardhi inayomilikiwa na wananchi.

Kamati inasisitiza umuhimu wa kutoa haki stahiki kwa mtu au taasisi kutokana na kutwaliwa eneo lake kwa matumizi ya kusimika mitambo ya Mamlaka ya Hali ya Hewa.

c) **Kifungu cha 11**, kinahusu uteuzi wa Mkurugenzi Mkuu, katika kipengele cha (2) b, Kamati inapendekeza kupunguza sifa ya mtu kuteuliwa kuwa Mkurugenzi Mkuu kuwa awe amewahi kushika nafasi ya uongozi kwa kipindi kisichopungua miaka kumi na badala yake iwe kipindi kisichopungua miaka minane. Hivyo, kifungu hicho kiboreshwe na kusomeka kama ifuatavyo; -  
*"(b) possesses at least **eight years'** managerial experience in a field of meteorology"*

d) **Kifungu cha 17**, kinahusu kukataliwa kwa maombi ya kibali, Kamati inapendekeza kuongeza maneno "*and notify the applicant the reasons for refusal*" baada ya neno "*permit*" katika mstari wapili ilikumpa haki mwombaji kufahamu sababu za maombi yake kukataliwa. Hivyo, kifungu kisomeke kama ifuatavyo; -

*"17. The Authority may, if satisfied that the applicant has not fulfilled the condition, refuse to issue a permit **and notify the applicant the reasons for refusal**"*

e) **Kifungu cha 42**, kinahusu adhabu zinazohusiana na matumizi ya vifaa vya kupima hali ya hewa. Katika kipengele (c) (iii), Kamati inaona kuwa, adhabu iliyopendekezwa ya faini isiyopungua shilingi milioni kumi au kifungo kisichopungua miaka mitano kwa kosa la kutumia kifaa au mitambo ya kupima hali ya hewa bila kuhakikiwa na kukubalika na Mamlaka kama kifaa hicho kinafaa kwa matumizi kupima hali ya hewa ni kubwa sana.

Hivyo, Kamati inapendekeza adhabu hiyo ishushwe na iwe faini isiyozidi shilingi milioni moja au kifungo kisichoziidi mwaka mmoja na hivyo kifungu hicho kisomeke kama ifuatavyo; -

*"(iii) in the case of paragraph (c), to a fine not exceeding **one million Tanzania shillings or imprisonment of not more than one year.**"*

f) **Kifungu cha 44**, kinahusu adhabu kwa kuhamisha kituo au kifaa cha hali ya hewa, Kamati inaona adhabu

iliyotolewa ya faini isiyopungua shilingi milioni tano au kifungo kisichopungua miaka miwili ni adhabu kubwa sana. Kamati inapendekeza faini isiyopungua shilingi milioni moja au kifungo kisichopungua mwaka mmoja. Hivyo, kifungu hicho sasa kisomeke:-

*“44. A person who relocates meteorological stations, instrument or equipment without approval from the Authority commits an offence and upon conviction shall be liable to a fine of not less than **one million shillings** or imprisonment for a term of not less than **one year or both**.*

Aidha, Kamati inashauri katika Kanuni, mchakato wa kibali (*approval*) kwa ajili ya kuruhusu kuhamisha mtambo au kifaa cha hali ya hewa uangaliwe kwa makini kuepusha urasimu na usumbufu.

g) **Kifungu cha 46**, Serikali imepewa nafasi ya kukiweka kifungu hiki vizuri ili kiwe wazi kuwa hakitawahusisha watabiri wasiotumia vifaa vya kisayansi kama vile wazee wa kimila na waganga wa jadi.

h) **Kifungu cha 47**, kifungu hiki kinahusu adhabu kwa kosa la kusambaza takwimu (*data*) za hali ya hewa bila idhini ya Mamlaka. Kamati inaona adhabu iliyotolewa ya faini isiyopungua shilingi milioni ishirini na kifungo kisichopungua miaka mitano ni adhabu kubwa sana. Kamati inapendekeza faini isiyopungua shilingi milioni tano na kifungo kisichopungua miaka miwili. Hivyo, kifungu hiki sasa kisomeke: -

*“47. A person who unlawfully distributes meteorological data without the consent of the Authority commits an offence and upon conviction shall be liable to a fine of not less than **five million shillings** or to imprisonment for a term of not less than **two years or to both**.*

i) **Jedwali la Kwanza**, katika kipengele 1 (b), Kamati inapendekeza marekebisho ya kiuandishi neno *“Four”* libadilishwe na badala yake liandikwe *“Five”* ili kuakisi

maudhui ya kifungu cha 7(2) cha Muswada kinachotamka kuwa wajumbe wa Bodi watakuwa Saba.

j) **Jedwali la Tatu**, katika kipengele (d), Kamati inapendekeza marekebisho ya kiuandishi neno "*contraction*" libadilishwe na badala yake liandikwe "*construction*" ili kuleta maana iliyokusudiwa.

## 2.2 Maoni ya Jumla

**Mheshimiwa Spika**, pamoja na uchambuzi na marekebisho mbalimbali ya vifungu vya Sheria hii, Kamati inaisisitiza Serikali katika mambo muhimu yafuatayo; -

a) Watu wote wanaojihusisha na masuala ya uangazi wa hali ya hewa wawe na ujuzi wa masuala hayo ili kuhakikisha kuwa taarifa zinazotolewa zinakuwa za uhakika na fasaha;

b) Taasisi za kitaaluma zisilazimike kuwajibika kutoa tozo zitakazopendekezwa katika Kanuni pale zinakapokuwa zinaomba vibali vya kujihusisha na masuala ya uangazi wa hali ya hewa kwa matumizi ya utafiti, kwa kuwa taasisi hizo zinatoa huduma ya taaluma na si kwa matumizi ya kibiashara au vinginevyo; na

c) Katika kupitia Muswada huu, Kamati imebaini kuwa makosa yatakayotendwa na mtu au taasisi kwa mujibu wa Muswada huu yamepewa faini kubwa au kifungo cha muda mrefu au vyote kwa pamoja. Kamati inashauri adhabu hizo zipunguzwe.

## 3.0 HITIMISHO

**Mheshimiwa Spika**, baada ya kuwasilisha maoni na ushauri wa Kamati, sasa naomba kuwatambua Wajumbe wa Kamati hii walioshughulikia Muswada huu kama ifuatavyo:-

1. Mhe. Moshi Seleman Kakoso, Mb – Mwenyekiti
2. Mhe. Hawa Mchafu Chakoma, Mb -M/ Mwenyekiti

3. Mhe. Eng. Ramo Matala Makani, Mb- Mjumbe
4. Mhe. Daniel Nicodemus Nsanzugwako, Mb ''
5. Mhe. Joyce John Mukya, Mb ''
6. Mhe. Asha Mshimba Jecha, Mb ''
7. Mhe. Susan Chogisasi Mgonukulima, Mb ''
8. Mhe. Abbas Ali Hassan Mwinyi, Mb ''
9. Mhe. Nuru Awadh Bafadhil, Mb ''
10. Mhe. James Francis Mbatia, Mb ''
11. Mhe. Saul Henry Amon, Mb ''
12. Mhe. Ahmed Mabkhut Shabiby, Mb ''
13. Mhe. Dkt. Chuachua Mohamed Rashid, Mb
14. Mhe. Dkt. Pudenciana Wilfred Kikwembe, Mb
15. Mhe. Bhagwanji Maganlal Meisuria, Mb
16. Mhe. Dua William Nkurua, Mb
17. Mhe. Raphael Japhary Michael, Mb
18. Mhe. Agnes Mathew Marwa, Mb
19. Mhe. Charles Kitwanga, Mb
20. Mhe. Rukia Kassim, Mb
21. Mhe. Nassor Suleiman Omar, Mb
22. Mhe. Zuber Mohamed Kuchauka, Mb
23. Mhe. Dkt. Charles Tizeba, Mb
24. Mhe. Munde Abdallah Tambwe, Mb

**Mheshimiwa Spika**, vile vile Kamati inawashukuru pia Wabunge wote walioshiriki katika vikao vyake wakati wa kuchambua Muswada huu.

**Mheshimiwa Spika**, Kamati inakushukuru wewe binafsi pamoja na Naibu Spika Mheshimiwa Dkt. Tulia Ackson kwa ushirikiano mnaouonesha katika kutekeleza majukumu ya Kamati.

**Mheshimiwa Spika**, Kamati pia inamshukuru Katibu wa Bunge Ndg. Stephen Kagaigai kwa kuiwezesha Kamati wakati wote ilipokuwa ikitekeleza majukumu yake. Vilevile, Kamati inaishukuru sekretarieti ya Kamati ikiongozwa na Mkurugenzi wa Idara za Kamati za Bunge Ndg. Athuman Hussein, Mkurugenzi Msaidizi Ndg. Dickson Bisile, Katibu wa Kamati Ndg. Hosiana John, washauri wa Bunge wa Mambo ya Sheria Ndg. Thomas Shawa, Ndg. Matamus Fungo pamoja na

Msaidizi wa Kamati Ndg. Waziri Kizingiti kwa kuratibu vyema shughuli zote za Kamati.

**Mheshimiwa Spika**, naomba pia niwashukuru Waziri wa Ujenzi, Uchukuzi na Mawasiliano Mheshimiwa Eng. Isack Kamwelwe, (Mb) akisaidiana na Manaibu Mawaziri Mhe. Justus Atashasta Nditiye, (Mb) na Mhe. Elias Kwandikwa, (Mb). Vilevile, shukrani ziende kwa Katibu Mkuu Dkt. Leonard M. Chamuriho akisaidiana na watendaji wote wa Wizara kwa ushirikiano wanaoipatia Kamati wakati wote wa kutekeleza majukumu yake.

**Mheshimiwa Spika**, naunga mkono hoja na naomba kuwasilisha.

Moshi Selemani Kakoso, Mb

**MWENYEKITI**

**KAMATI YA KUDUMU YA BUNGE YA MIUNDOMBINU**

30 Januari, 2019

**MWENYEKITI:** Mnasemaje Kambi ya Upinzani, Muswada wa Hali ya Hewa.

**MHE. JAMES F. MBATIA - MSEMAJI MKUU WA KAMBI RASMI YA UPINZANI BUNGENI KWA WIZARA YA UJENZI, UCHUKUZI NA MAWASILIANO:** Mheshimiwa Mwenyekiti, kwa heshima kubwa nichukue fursa hii kumshukuru Mwenyezi Mungu kwa kuniwezesha kupata na uzima na afya na hivyo kusimama mbele ya Bunge hili kutoa maoni ya Kambi rasmi ya Upinzani Bungeni, kwa hoja iliyo mbele yetu.

Mheshimiwa Mwenyekiti, natoa salamu za hheri furaha amani na upendo kwa wale wote ambao wamefanikiwa kufika mwaka huu wa 2019 wakati wakiwa kwenye uzima wa afya. Pia nitoe pole kwa wale wote ambao wameondokewa na wapendwa wao. Aidha, natoa pole kwa wote waliokuwa mahospitalini kutokana na maswaibu mbalimbali ya kidunia tunawaomba Mwenyezi Mungu azidi

kuwajalia azidi kuwatia nguvu ili wapone haraka waweze kurudi katika majukumu yao ya kila siku.

Mheshimiwa Mwenyekiti, naomba nitambue mchango mkubwa uliotolewa na waasisi wa taifa letu hasa kwa kanuni ya utu, kwamba binadamu wote ni ndugu bila ya ubaguzi wa haina yoyote, uwe wa kisiasa, kidini, rangi, kikabila na kijinsia, nikitaja kwa uchache.

Mheshimiwa Mwenyekiti, niwape pole viongozi wote waupinzani ambao wamewekwa ndani au wanakesi mahakamani kwa makosa ya kisiasa japokuwa walikuwa wakitekeleza majukumu yao kwa mujibu wa Katiba, sheria na kanuni za nchi yetu.

Mheshimiwa Mwenyekiti, Muswada uliopo mbele yetu pamoja na kuweka Masharti bora ya usimamizi utaratibu na utadhibiti, huduma za hali ya hewa pia unakusudia kuanzishwa kwa Mamlaka ya Hali ya Hewa Tanzania ambayo itakuwa inatoa huduma za hali ya hewa kwa umma *Public Good Service* na pia kushughulia na masuala ya kibiashara (*commercial Services*); rejea kifungu cha 5 kifungu dogo cha kwanza kinachoanzisha jedwali la pili na la tatu na kupitia majedwali husika.

Mheshimiwa Mwenyekiti, maudhui ya Muswada yanaonesha kwamba mamlaka pamoja na kazi nyingine itakuwa inatoa vibali kwa wale wanaotaka kujihusisha na shughuli za utoaji wa huduma wa hali ya hewa hapa nchini kwetu Tanzania. Sheria hii ni moja ya uwazishwaji wa mamlaka ya hali ya hewa hapa nchini lakini imewekwa pia mamlaka ya udhibiti wa shughuli zote zinazohusiana na hali ya hewa.

Mheshimiwa Mwenyekiti, hapa kuna mambo mawili yaani udhibiti (*regulatory*) ambayo si tawi la kibiashara na mamlaka (*authority*) ambayo ni tawi la kibiashara (*economic gain*). Hapa ni rahisi sana kuwepo kwa mkinzano wa kimaslai ya kibiashara na hivyo ushindani ulio sawa kutokuwepo na mwisho wake uwepo wa migogoro isiyokwisha na hivyo

kusababisha wapokeaji wa huduma kutokupata huduma au kilicho bora.

Mheshimiwa Mwenyekiti, Uchambuzi wa Muswada. Kifungu cha Tatu kinahusu tafsiri kwa baadhi ya maneno kama yalivyotumika kwenye Muswada. Kwa mujibu ya tafsiri ya maneno *Commercial Services* pamoja na maneno *tellermade services* inaonyesha kuwa tafsiri ya maneno *tailor-made services* ni sehemu ya *commercial Services*. Tofauti ambayo inaulizwa ni je? *Tailor-made services* nayo ni kwa ajili ya economic game, kama ndiyo Kambi Rasmi ya Upinzani inashauri maneno hayo yafutwe na kubakizwa tafsiri ya *commercial Services* tu.

Mheshimiwa Mwenyekiti, kifungu cha sabacha Muswada ambacho kinaunda bodi ya Wakurugenzi ya mamlaka yenye wajumbe saba, kutoka Wizara na Taasisi kama zilivyoonyeshwa, Kambi Rasmi ya Upinzani inashauri kuwa katika idadi ya wajumbe tajwa ambao ni saba ni muhimu kwa sheria hii, kuzingatia mgawanyo wa kijinsia. Hivyo basi kati ya wajumbe saba wajumbe wanawake wasipungue watatu. Ninarudia, wajumbe anawake wasipungue watatu.

Mheshimiwa Mwenyekiti, kifungu cha 7(2)(c), kwamba mtendaji mkuu wa mamlaka ndiye atakayekuwa katibu wa bodi. Kambi Rasmi ya Upinzani inashauri badala ya mtendaji Mkuu kuwa ndiye katibu wa Bodi ni vyema utaratibu uliokuwa unatumika katika Sheria ya Sumatra huwa bodi yenyewe iteue katibu wake, ambaye atakuwa ni mzoefu wa sheria. Rejea kifungu cha tatu cha jedwali la kwanza kwenye sheria ya SUMATRA.

Mheshimiwa Mwenyekiti, athari za Mtendaji mkuu ndiye katibu wa bodi maana yake ajenda zote za vikao yeye ndiye mtayarishaji mkuu na pia kwa nafasi yake ni mjumbe asiye na kura. Kwa muktadha huo bodi itawezaje kumfanyia au msimamizi *oversight* kwa kazi anazozifanya? Tukumbuke

yeye ndiye anatakiwa kutekeleza maagizo na maelekezo na maamuzi yote ya bodi. Kumuondoa kuwa katibu wa bodi itafanya uwajibikaji uwe na ufanisi zaidi.

Mheshimiwa Mwenyekiti, kifungu cha 11(2)(a) kinachotoa hitaji la mtendaji mkuu wa mamlaka kuwa lazima awe na sifa ya usomi wa doctorate degree katika fani ya hali ya hewa au sayansi zinazoshabihiana nayo kutoka katika chuo kikuu kinachotambulika Kambi Rasmi ya Upinzani inaona hapa kuna shida kwani kuna Watanzania ambao wanashahada ya pili lakini wanauzoefu mkubwa na wameudhuru mafunzo ya aina mbalimbali yanayohusiana na fani husika, kitendo cha kuweka kwenye sheria kigezo chakuwa na *doctorate degree* ni kuwanyima fursa Watanzania wengine wenye uwezo wa fani hiyo.

Mheshimiwa Mwenyekiti, Kambi Rasmi ya Upinzani Bungeni inaona ni vyema sifa ya elimu na uzoefu katika fani husika zikaamuliwa na timu itakayowafanyia usahili, ili ufanisi na kuaminika uweze ukawepo katika nafasi hiyo.

Mheshimiwa Mwenyekiti, Kifungu cha 22(1) kinamtaka mtu yoyote atakayefanya upembuzi hakinifu kwa miradi ya kitaifa ni lazima hatumie takwimu za hali ya hewa zilizotolewa na mamlaka; lakini kifungu cha 20 kinasema mtu huyo aliyepata kibali cha kufanya shughuli zinazohusiana na hali ya hewa atatakiwa kuwasilisha taarifa hiyo kwa mamlaka na taarifa hiyo itaweza kutolewa kwa umma baada ya utaratibu utakaowekwa kwenye kanuni.

Mheshimiwa Mwenyekiti, hoja ni kwamba, kama utaratibu wa kutoa hizo taarifa umefuatwa kwa mujibu wa sheria na kanuni ni kwanini unakuwepo ulazima wa kutumia takwimu za mamlaka? Tukumbuke kuwa kufanya shughuli hizi za utabiri wa hali ya hewa unahitaji kibali na takwimu zinazopatikana ni sehemu ya kibiashara kwa wahusika.

Mheshimiwa Mwenyekiti, kifungu cha 24 cha muswada kinahusu vifaa vinavyohitajika katika shughuli za

hali ya hewa kuwa ni lazima mamlaka itoe vipimo vya kiufundi vitakavyotumika, na mtu yoyote atakayekwenda kinyume na hapo atakuwa ametenda kosa. Kambi Rasmi ya Upinzani ina maoni kwamba unawatengenezaji wengi wa vifaa hivyo dunia na kampuni zinafanya kazi kwa ushindani na mamlaka ni mtoa huduma kama kampuni nyingine katika tasnia hiyo. Hivyo, itakuwa si haki kuhodhi soko la vifaa vinavyohitajika kwa kutumika katika kutoa huduma hasa wakati huu wa sayansi na teknolojia na ushindaji wa teknolojia duniani kwa wadau wa sekta mbalimbali, kama kifungu cha 21(2) kinavyowatambua.

Mheshimiwa Mwenyekiti, kwa hoja hiyo Kambi Rasmi ya Upinzani inashauri kuwa haiwezekani mdhibiti akawa naye ni mfanyabiashara. Narudia Kambi Rasmi ya Upinzani inashauri kimantiki haiwezekani mdhibiti naye akawa mfanyabiashara; jambo hili litasababisha kuwepo kwa mgongano wa maslai baina yake na washiriki wengine kwenye kutoa huduma zilizo bora, za kuaminika na hapo hapo zenye ufanisi.

Mheshimiwa Mwenyekiti, kifungu 27 kinatoa nguvu ya kipekee (*exclusive power*) kwa mamlaka katika utabiri wa hali ya hewa, utoaji wa taadhari kwa umma juu ya hali ya hewa shughuli za uokozi, huduma za hali ya hewa kwa sekta hii ya kilimo, mifumo na miundombinu mbalimbali ya baharini, mafuta na gesi na kwa sekta zingine kama ambavyo Waziri ataona inafaa.

Mheshimiwa Mwenyekiti, Kambi Rasmi ya Upinzani inashauri kwamba, kwa kuwa sekta hii tayari inawashindani wengine (*operators*) kujiwekea kinga katika sheria ni kuwa na hofu au ni nia oву katika utoaji wa huduma kiushindani na nikudumaza hutoaji wa huduma na ushindani hahutakuwepo na kinyume cha kanuni ushindani huru. Hivyo basi Bunge hili lisiwe ni sehemu ya kuhalalisha mambo ambayo haya msingi kwa maslai mapana na endelevu kwa

taifa letu ni vyema uwanja wa washirika wote ukawa sawa ili kuleta ushindani wenye tija.

Mheshimiwa Mwenyekiti, kifungu cha 28(4) cha Muswada; kwamb mamlaka haitawajibika kwa hasara au uharibifu wowote, utakaotokana na mamlaka kutoa taarifa yani *notes*. Kambi Rasmi ya Upinzani ikifanya rejea Kifungu cha 24 na 25 vya Muswada ni dhahiri kwamba hakutakuwa na kifaa chochote kinachohusiana na hali ya hewa kitakachoweza kuingizwa hapa nchini bila ya idhini ya mamlaka, kama kifaa husika kimepewa idhini inakuwaje tena inatolewa *notes* dhidi ya kifaa hicho na hasara inarudi kwa mwenye kifaa bila ya uwajibikaji wa mamlaka hapa haki haitatendeka.

Mheshimiwa Mwenyekiti, kifungu cha 29(1) kinatoa kinga kwa bodi na watendaji wa mamlaka kutokuwajibika dhidi ya tukio lolote la hasara litakalotokea kwa watumiaji wa taarifa zitakazotolewa nao kwa nia njema; hapa ufafanuzi wa hiyo nia njema unahitajika. Kambi Rasmi ya Upinzani inashauri kuwa mamlaka katika utoaji wa taarifa zihusuzo hali ya hewa ikiwemo kwa mfano taadhali ya vimbunga; kwa mujibu wa Muswada huu ni mwanzo na mwisho yani wao wanaodhi mwanzo na mwisho kwa taarifa yaani alfa na omega kwa msingi huo kutokuwajibika kwa taarifa zitowazo ni kuwatia hasara watumiaji wa taarifa hizo.

Mheshimiwa Mwenyekiti, sekta ya kilimo hapa nchini kwetu Tanzania kwa takribani asilimia 90 inategemea taarifa za hali ya hewa, sekta ya uvuvi kwa asilimia 100 inategemea taarifa zitolewazo na mamlaka hiyo. Hivyo, kukwepa uwajibikaji ni sawa na hujuma kwa wadau wa sekta husika ambao utendaji wao unategemea taarifa wanazozitoa.

Mheshimiwa Mwenyekiti, Kifungu cha 30(1) kinacho husu mamlaka kuwa na hati miliki ya taarifa inayohusiana na hali ya hewa, programu zatalakilishi na ugunduzi mwingine unaotolewa; Kambi Rami ya Upinzani inashauri

kuwa ugunduzi wa taarifa hizo zitazalishwa na mamlaka yenyewe basi jambo hili ni sahihi lakini kwa kuwa washiriki wengine, kama kifungu 15 cha Muswada kinatambua, basi kifungu hiki cha 30(1) cha msaada kitakuwa kinakosa haki za watoa huduma wenyewe katika sekta hii. Tukumbuke kuwa haki miliki ni biashara na jambo hilo ndilo litakalowavutia watu kuwekeza katika sekta husika.

Mheshimiwa Mwenyekiti, kifungu cha 31(1) kinachohusu mamlaka itatoa utabiri wa mabadiliko ya hali ya hali ya hewa na taadhari kwa ajili kuchapishwa na vyombo vya habari kwa ajili ya matumizi ya umma; katika hili kutoa utabiri wahali ya hewa yametumika manene *weather and climate forecast*, Kambi Rarmi ya Upinzani inaona kuwa maneno *climate* kwa muktaba yaondolewe kwa kuwa ni ya muda mrefu.

Mheshimiwa Mwenyekiti, kifungu cha 31 kimetumia maneno *the Media shall*,kwa maana ya kwamba vyombo vyote vya habari vya binafsi na vya serikali vinalazimishwa kutoa nafasi katika *print or electronic Media*. Je, katika masharti ya leseni hilo sharti la kuweka nafasi ya kila siku ya kutangaza mabadiliko ya hali na hali ya taadhari kama vile vimbunga baharini na kwenye maziwa yetu limezingatiwa? Jambo hilo la ulazima litakuwa sahihi tu pale ambapo mamlaka itakuwa bajeti maalum au vinginevyo kwa ajili ya matangazo hayo kwenye vyombo vyetu vya habari.

Mheshimiwa Mwenyekiti, Hitimisho. Ni ukweli kwamba sekta yoyote ile inayokuwa inakuwa na miiko yake ili sekta hiyo iweze kuendeshwa kwa nidhamu inayotakiwa kwa maendeleo ya sekta husika na nchi kwa ujumla.

Mheshimiwa Mwenyekiti, sekta inaweza isipige hatua kwa kwenda mbele kimfumo au kimaendeleo kama uhibititi ukiwa unavuka mipaka, yaani kuwa mkubwa isivyo na lazima, kwamba wadau wanashindwa kuonyesha ubunifu

wao. Ubunifu katika dunia ya sayansi na teknolojia (*try and error*)ni muhimu sana kuwepo.

Mheshimiwa Mwenyekiti, ukiangalia adhabu zilizowekwa katika Muswada zinakatisha tamaa wadau wengine kuwa na ubunifu. Kwa mfano kifungu cha 44 na 45 vinatoa adhabu kubwa na zisizostahili katika dunia ya leo yenye ushindani mkubwa katika fani hiyo.

Mheshimiwa Mwenyekiti, baada ya kusema hayo kwa niaba ya Kambi Rarmi ya Upinzani Bungeni naomba kuwasilisha. (*Makofi*)

**MWENYEKITI:** Ahsante.

**HOTUBA YA MSEMaji MKUU WA KAMBI RASMI YA UPINZANI  
BUNGENI MHESHIMIWA JAMES FRANCIS MBATIA(MB) –  
WIZARA YA UJENZI, UCHUKUZI NA MAWASILIANO,  
AKIWASILISHA BUNGENI MAONI YA KAMBI RASMI YA  
UPINZANI KUHUSU MUSWADA WA SHERIA YA MAMLAKA YA  
HALI YA HEWA WA MWAKA 2018- (The Tanzania  
Meteorological Authority Act, 2018) – KAMA  
ILIVYOWASILISHWA MEZANI**

*Inatolewa chini ya Kanuni ya 86(6) ya kanuni za Bunge,  
Toleo la Januari, 2016*

**1. UTANGULIZI**

**Mheshimiwa Spika**, Kwa heshima kubwa naomba nichukue fursa hii kumshukuru Mwenyezi Mungu kwa kuniwezesha kupata uzima na afya na hivyo kusimama mbele ya Bunge hili kutoa maoni ya Kambi Rasmi ya Upinzani kwa hoja iliyo mbele yetu.

**Mheshimiwa Spika**, natoa salaam za Heri, Furaha, Amani na Upendo kwa wale wote ambao wamefanikiwa

kufika mwaka huu wa 2019 wakiwa wazima wa afya. Pia nitoe pole kwa wale wote ambao wameondokewa na wapendwa wao. Aidha natoa pole kwa wote walio mahospitalini kutokana na maswahibu mbalimbali ya kidunia. Tuwaombe Mwenyezi Mungu azidi kuwatia nguvu ili wapone haraka na warejee kwenye majukumu yao ya kila siku.

**Mheshimiwa Spika**, Naomba nitambue mchango mkubwa uliotolewa na waasisi wa Taifa letu hasa kanuni ya Utu, kwamba Binadamu wote ni Ndugu, bila ya ubaguzi wa aina yoyote, uwe wa kisiasa, kidini, rangi, kikabila, kijinsia nikitaja kwa uchache.

**Mheshimiwa Spika**, niwape moyo viongozi wote wa Upinzani ambao wamewekwa ndani au wanakesi mahakamani kwa makosa ya kisiasa, japokuwa walikuwa wakitekeleza majukumu yao kwa mujibu wa Katiba na Sheria za nchi yetu.

**Mheshimiwa Spika**, Muswada uliombele yetu pamoja na kuweka masharti bora ya usimamizi, utaratibu na udhibiti wa huduma za hali ya hewa pia unakusudia kuanzishwa kwa mamlaka ya hali ya hewa Tanzania ambayo itakuwa inatoa huduma za hali ya hewa kwa umma (Public Good Services) na pia shughuli za kibiashara (Commercial Services). Rejea kifungu cha 5(1) kinachoanzisha jedwali la pili na la tatu na kupitia majedwali husika.

**Mheshimiwa Spika**, maudhui ya muswada yanaonesha kuwa Mamlaka pamoja na kazi zingine itakuwa inatoa vibali kwa wale watakaotaka kujihusisha na shughuli za utoaji wa huduma ya hali ya hewa hapa nchini. Sheria hii ni moja ya uanzishwaji wa Mamlaka ya Hali ya Hewa hapa nchini lakini imeweka pia mamlaka ya Udhibiti wa shughuli zote zinazohusiana na hali ya hewa. Hapa kuna mambo mawili; udhibiti (regulatory) ambayo sio tawi la biashara na

mamlaka (authority) ambayo ni tawi la kibiashara “economic gain”. Hapa ni rahisi sana kuwepo kwa mkinzano wa kimaslahi ya kibiashara na hivyo ushindani uliosawa kutokuwepo na mwisho wake ni uwepo wa migogoro isiyoisha na hivyo kusababisha wapokeaji wa huduma kutokupata kilicho bora.

## 2. UCHAMBUZI WA MUSWADA

**Mheshimiwa Spika**, kifungu cha 3 cha muswada kinahusu tafsiri kwa baadhi ya maneno kama yalivyotumika kwenye muswada. Kwa mujibu watafsiri ya maneno “*commercial service*” pamoja na maneno “*tailor-made services*”. Inaonesha kuwa tafsiri ya maneno “tailor-made service” ni sehemu ya “commercial service”, tofauti ambayo inaulizwa ni je, tailor-made services nayo ni kwa ajili ya economic gain? Kama ndio hivyo, Kambi Rasmi ya Upinzani inashauri maneno hayo yafutwe na kubakiza tafsiri ya commercial services tu.

**Mheshimiwa Spika**, kifungu cha 7 cha muswada ambacho kinaunda Bodi ya Wakurugenzi ya mamlaka yenye wajumbe saba(7) kutoka katika wizara na taasisi kama zilivyooneshwa. Kambi Rasmi ya Upinzani inashauri kuwa katika idadi ya wajumbe tajwa ni muhimu kwa sheria hii kuzingatia mgawanyo wa kijinsia, hivyo basi kati ya wajumbe saba, wajumbe wanawake wasipungue watatu(3).

**Mheshimiwa Spika**, kifungu cha 7(2)(c) kwamba Mtendaji Mkuu wa Mamlaka ndiye atakayekuwa Katibu wa Bodi, Kambi Rasmi ya Upinzani inashauri badala ya Mtendaji Mkuu kuwa ndiye Katibu wa Bodi, ni vyema utaratibu uliokuwa unatumika katika sheria ya SUMATRA kuwa bodi yenyewe iteua Katibu wake ambaye atakuwa ni mzoefu wa sheria, rejea kifungu cha 3 cha jedwali la kwanza kwenye Sheria ya SUMATRA. Athari za Mtendaji Mkuu kuwa ndiye Katibu wa Bodi maana yake agenda zote za vikao yeye ndiye

mtayarishaji mkuu na pia kwa nafasi yake ni mjumbe asiye na kura. Kwa muktadha huo bodi itawezaje kumfanyia “oversight” kwa kazi anazozifanya? Tukumbuke yeye ndiye anayetakiwa kutekeleza maelekezo na maanuzi yote ya bodi. Kumuondoa kuwa Katibu wa Bodi itafanya awajibike zaidi kwa bodi.

**Mheshimiwa Spika**, kifungu cha 11(2)(a) kinachotoa hitaji la Mtendaji Mkuu wa Mamlaka kuwa lazima awe na sifa ya usomi wa “doctorate degree” katika fani ya Hali ya Hewa au sayansi zinazoshabihiana nayo kutoka katika Chuo kikuu kinachotambulika. Kambi Rasmi ya Upinzani inaona hapa kuna shida kwani kuna Watanzania ambao wana shahada ya pili lakini wanauzoefu mkubwa na wamehudhuria mafunzo mbalimbali yanayohusiana na fani husika. Kitendo cha kuweka kwenye sheria kigezo cha kuwa na “doctorate degree” ni kuwanyima fursa Watanzania hao. Kambi Rasmi ya Upinzani inaona ni vyema sifa za elimu na uzoefu katika fani husika, zikaamuliwa na timu itakayowafanyia usahili wale walioomba nafasi hiyo.

**Mheshimiwa Spika**, kifungu cha 22(1) kinamtaka mtu yeyote atakaefanya upembuzi yakinifu kwa miradi ya kitaifa ni lazima atumie takwimu za hali ya hewa zilizotolewa na Mamlaka, lakini kifungu cha 20 kinasema mtu yeyote aliyepata kibali cha kufanya shughuli zinazohusiana na hali ya hewa atatakiwa kuwasilisha taarifa hiyo kwa Mamlaka na taarifa hiyo itaweza kutolewa kwa umma baada ya utaratibu utakaowekwa kwenye kanuni. Hoja ni kuwa kama utaratibu wa kutoa hizo taarifa umefuatwa kwa mujibu wa sheria na kanuni ni kwa nini unakuwepo ulazima wa kutumia takwimu za Mamlaka? Tukumbuke kuwa kufanya shughuli hizi, utabiri wa hali ya hewa kunahitaji kibali na takwimu zinazopatikana ni sehemu ya biashara kwa wahusika.

**Mheshimiwa Spika**, kifungu cha 24 cha muswada kinahusu vifaa vinavyohitajika katika shughuli za Hali ya Hewa

kuwa ni lazima Mamlaka itoe vipimo vya kiufundi vinatakavyotumika na mtu yeyote atakayekwenda kinyume na hapo atakuwa ametenda kosa. Kambi Rasmi ya Upinzani ina maoni kwamba kuna watengenezaji wengi wa vifaa hivyo duniani na makampuni yanafanya kazi kwa ushindani na Mamlaka ni mtoa huduma kama makampuni mengine katika tasnia hiyo. Hivyo itakuwa sio haki kuhodhi soko la vifaa vinavyohitajika na kutumika katika kutoa huduma kwa wadau wa sekta mbalimbali kama kifungu cha 21(2) kinavyowatambua.

**Mheshimiwa Spika**,kwa hoja hiyo, ndiyo maana Kambi Rasmi inashauri kuwa haiwezekani Mdhhibiti akawa nae ni mfanyabiashara. Jambo hili litasababisha kuwepo kwa mgongano wa maslahi baina yake na washiriki wengine kwenye kutoa huduma.

**Mheshimiwa Spika**, kifungu cha 27 kinatoa nguvu ya kipekee (exclusive power) kwa Mamlaka katika utabiri wa hali ya hewa, utoaji wa tahadhari kwa umma juu ya hali ya hewa, shughuli za uokozi, huduma za hali ya hewa kwa sekta za kilimo, baharini, mafuta na gesi, na kwa sekta zingine kama ambavyo Waziri ataona inafaa. Kambi Rasmi ya Upinzani inashauri, kwa kuwa sekta hii tayari ina washindani wengine (operators), kujiwekea kinga katika sheria ni hofu (nia ovu) katika utoaji wa huduma kiushindani na ni kudumaza utoaji wa huduma na ni kinyume cha kanuni za ushindani huru. Hivyo basi, Bunge halitakiwi kutunga sheria zinazolinda taasisi kama kilivyo katika kifungu hiki. Ni vyema uwanja wa washiriki wote ukawa sawa ili kuleta ushindani wenye tija.

**Mheshimiwa Spika**, kifungu cha 28(4) cha muswada, kuwa Mamlaka haitawajibika kwa hasara au uharibifu wowote utakaotokana na Mamlaka kutoa taarifa (notice). Kambi Rasmi ya Upinzani ikifanya rejea ya kifungu cha 24 na 25 vya muswada ni dhahiri kwamba hakutakuwa na kifaa

chochote kinachohusiana na hali ya hewa kitakachoweza kuingizwa hapa nchini bila ya idhini ya Mamlaka. Kama kifaa husika kimepewa idhini inakuwaje tena, inatolewa '*notice*' dhidi ya kifaa hicho na hasara inarudi kwa mwenye kifaa bila ya uwajibikaji wa Mamlaka?

**Mheshimiwa Spika**, kifungu cha 29(1) kinatoa kinga kwa Bodi na watendaji wa Mamlaka kutokuwajibika dhidi ya tukio lolote la hasara litakalotokea kwa watumiaji wa taarifa zitakazotolewa nao kwa nia njema. Kambi Rasmi ya Upinzani inashauri kuwa Mamlaka katika utoaji wa taarifa zihusuzo hali ya hewa ikiwemo kwa mfano tahadhari ya vimbunga, kwa mujibu wa muswada huu ni mwanzo na mwisho (Alpha na Omega), kwa msingi huo kutokuwajibika kwa taarifa izitoazo ni kuwatia hasara watumiaji wa taarifa.

**Mheshimiwa Spika**, sekta ya kilimo kwa asilimia zaidi ya 90 inategemea taarifa za hali ye hewa, sekta ya uvuvi kwa asilimia 100 inategemea taarifa zitolewazo na mamlaka hiyo. Hivyo kukwepa uwajibikaji ni sawa na hujuma kwa wadau wa sekta husika ambao utendaji wao unategemea taarifa wanazozitoa.

**Mheshimiwa Spika**, kifungu cha 30(1) kinachohusu mamlaka kuwa na hakimiliki ya kila taarifa inayohusiana na hali ya hewa, programu za tarakilishi na ugunduzi mwingine utakaotokea. Kambi Rasmi ya Upinzani inashauri kama ugunduzi na taarifa hizo zitazalishwa na mamlaka yenyewe, basi jambo hilo ni sahihi. Lakini kwa kuwa kuna washiriki wengine kama kifungu cha 15 cha muswada kinavyowatambua, basi kifungu hiki cha 30(1) cha muswada kitakuwa kinapoka haki za watoa huduma wengine katika sekta hii. Tukumbuke kuwa hakimiliki ni biashara na jambo hilo ndilo linalowavutia watu kuwekeza katika sekta husika.

**Mheshimiwa Spika**, kifungu cha 31(1) kinachuhusu Mamlaka itatoa utabiri wa mabadiliko ya hali ya hewa na

hali ya tahadhari kwa ajili ya kuchapishwa na vyombo vya habari kwa ajili ya matumizi ya umma. Katika hili kutoa utabiri huo wa hali ya hewa yametumika maneno "**weather and climate forecasts**". Kambi Rasmi ya Upinzani inaona itakuwa ni vyema neno "**climate**" kwa muktadha huo liondolewe kwani, kwa maana ya kawaida ya "**Climate**" ni mabadiliko ya Tabianchi kwa kipindi kirefu cha kuanzia miaka 30 na kuendelea. Kwa muktadha huo itakuwa ni vigumu kufanya utabiri wa "**Climate**" na kuchapishwa na vyombo vya habari kila siku.

**Mheshimiwa Spika**, kifungu cha 31(3) kimetumia maneno; "The media shall" kwa maana kuwa vyombo vyote vya habari vya binafsi na Serikali **vinalazimishwa** kutoa nafasikatika "**print or electronic media**". Je, katika masharti ya leseni hilo sharti la kuweka nafasi kila siku kutangaza mabadiliko ya hali ya hewa na hali ya tahadhari kama vile vimbunga vikali baharini na kwenye maziwa yetu limezingatiwa? Jambo hilo la **ulazima** litakuwa sahihi pale tu ambapo Mamlaka itakuwa na **bajeti maalumu au vinginevyo** kwa ajili ya matangazo hayo kwenye vyombo vya habari.

### 3. HITIMISHO

**Mheshimiwa Spika**, ni ukweli kwamba katika sekta yoyote inakuwa na miiko yake ili sekta hiyo iweze kuendeshwa kwa nidhamu inayotakiwa kwa maendeleo ya sekta husika na nchi kwa ujumla.

**Mheshimiwa Spika**, sekta inaweza isipige hatua za kwenda mbele kimfumo au kimaendeleo kama udhibiti ukiwa unafuvuka mipaka yaani kuwa mkubwa isivyo lazima kiasi kwamba wadau wanashindwa kuonesha ubunifu wao. Ubunifu katika Dunia ya Sayansi na Teknolojia yaani "trial and error" ni muhimu sana kuwepo.

**Mheshimiwa Spika**, ukiangalia adhabu zilizowekwa katika muswada huu zinakatisha tamaa wadau wengine kuweza kuwa wabunifu, mfano kifungu cha 44 na 45 vinatoa adhabu kubwa na zisizostahili katika Dunia ya leo yenye ushindani mkubwa katika fani mbalimbali.

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

James Francis Mbatia (Mb)  
**MSEMAJI MKUU WA KAMBI RASMI YA UPINZANI – WIZARA  
YA UJENZI, UCHUKUZI NA MAWASILIANO.**  
30 Januari, 2019

**MWENYEKITI:** Tunaendelea, Katibu.

**NDG. PAMELA PALLAGYO – KATIBU MEZANI:**

**MISWADA YA SHERIA YA SERIKALI**

**MUSWADA WA SHERIA YA MAMLAKA YA UDHIBITI USAFIRI  
WA ARDHINI WA MWAKA 2018 [THE LAND TRANSPORT  
REGULATORY AUTHORITY BILL, 2018]**

*(Kusomwa Mara ya Pili)*

**WAZIRI WA UJENZI, UCHUKUZI NA MAWASILIANO:**  
Mheshimiwa Mwenyekiti, naomba kutoa hoja kwamba Muswada waSheria ya Mamlaka ya Udhhibiti wa Usafiri Ardhini pamoja na marekebisho yake sasa isomwe kwa mara ya pili na ya tatu.

Mheshimiwa Mwenyekiti, awali ya yote napenda kutoa shukurani zangu zangu za dhati kwa Kamati ya Kudumu ya Bunge ya Miundombinu chini ya Mwenyekiti wake Mheshimiwa Moshi Selemani Kakoso Mbunge wa Jimbo la Mpanda Vijijini kwa kujadili kwa kina Muswada huu na kutoa ushauri. Napenda kulihakikishia Bunge lako Tukufu kuwa Wizara imezingatia ushauri na mapendekezo ya Kamati kuhusu Muswada huu.

Mheshimiwa Mwenyekiti, napenda pia nimshukuru Mwanasheria Mkuu wa Serikali kwa kuandaa Muswada huu pamoja na marekebisho yake. Aidha nawashukuru wadau mbalimbali wa sekta ya usafiri wa nchi kavu ambao kwa yakati tofauti walitoa ushauri wao.

Mheshimiwa Mwenyekiti, Muswada huu unakusidia kuanzisha Mamlaka ya Udhambi wa Usafiri wa Ardhini ambao itakuwa na jukumu la udhambi wa Sekta ya Usafiri wa Ardhini Nchini.

Mheshimiwa Mwenyekiti, madhumuni ya Muswada ni kuweka mfumo wa kisheria wa udhambi wa usafiri wa ardhini ili kuongoza ufanisi na ubora wa huduma zinazodhibitiwa na kuimarisha usimamizi na uratibu wa viwango vya usalama wa miundombinu na huduma za usafiri wa ardhini pamoja na masuala yanayohusiana nayo.

Mheshimiwa Mwenyekiti, mambo muhimu yaliyozingatiwa kwenye Muswada huu ni kama ifuatavyo:-

(a) Kuandika mamlaka ya udhambi wa usafiri wa ardhini (*Land Transport Regulatory Authority*), kwa kifupi *LATRA*;

(b) Kuainisha majukumu ya *LATRA*;

- (c) Kuainisha utaratibu wa uteuzi wa Bodi ya Wakurugenzi na majukumu yake;
- (d) Kuainisha utaratibu wa uteuzi wa Mkurugenzi na majukumu yake;
- (e) Kuratibu masuala ya usalama wa usafiri wa ardhini;
- (f) Kuweka utaratibu wa kuanzisha Baraza la Ushauri wa Watumiaji wa Huduma Zinazodhibitiwa;
- (g) Kuainisha utaratibu wa kuwasilisha malalamiko; na
- (h) Kuainisha vyanzo vya mapato na taarifa za fedha zinazopaswa kuandaliwa na mamlaka itakayoundwa.

Mheshimiwa Mwenyekiti, Muswada huu umegawanika katika sehemu kuu 12. Sehemu ya kwanza inaweka masharti ya utangulizi ambayo ni jina la Muswada, tarehe ya kuanza kutumika kwa sheria, matumizi yake na ufafanuzi wa maneno na misemo iliyotumika katika sheria ianyopendekezwa.

Mheshimiwa Mwenyekiti, sehemu ya pili inapendekeza kuanzishwa kwa Mamlaka ya Udhibiti ya Usafiri Ardhini, kwa kifupi *LATRA* na madhumuni ya kuanzishwa kwake. Vile vile sehemu hii inaainisha majukumu ya Mamlaka.

Mheshimiwa Mwenyekiti, sehemu ya tatu inahusu kuanzishwa kwa Bodi, Mamlaka na majukumu ya Bodi, uteuzi wa Mwenyekiti wa Bodi, masuala yatakayopelekea kuwepo kwa mgongano wa kimaslahi dhidi ya Wajumbe wa Bodi pamoja na stahili za Wajumbe wa Bodi.

Mheshimiwa Mwenyekiti, sehemu ya nne inaweka masharti kuhusu usimamizi wa Mamlaka na uteuzi wa Mkurugenzi Mkuu. Aidha, sehemu hii imeainisha kuwa Mkurugenzi Mkuu ndiye atakuwa Afisa Masuuli wa Mamlaka na atateuliwa na Rais. Mkurugenzi Mkuu atatakiwa kuwa na stahahada au zaidi na ujuzi wa masuala ya usafiri wa ardhini.

Mheshimiwa Mwenyekiti, sehemu ya tano, inaweka masharti kuhusu madaraka na utaratibu wa uendeshaji wa Mamlaka. Sehemu hii inafafanua kwamba Mdhhibiti atatekeleza Mamlaka yake ya udhibiti wa huduma za usafiri wa ardhini ambapo pia atapanga viwango vya tozo vitakavyoidhinishwa na Bodi. Ataendesha uchunguzi na atasimamia masuala ya kiushindani.

Mheshimiwa Mwenyekiti, sehemu ya sita inaanzisha Kamati ya Mapitio ambayo itasikiliza malalamiko kutoka kwa watu ambao hawajaridhika na maamuzi ya msingi yaliyofanywa na watu waliokasimiwa na Mamlaka. Sababu za kuomba mapitio pia zimeainishwa katika sehemu hii.

Mheshimiwa Mwenyekiti, sehemu ya saba imeweka masharti ya kuanzisha Baraza la Walaji, majukumu ya Baraza, muda wa kukaa madarakani na mambo ya kuzingatiwa wakati wa kuwateua Wajumbe wa Baraza.

Mheshimiwa Mwenyekiti, sehemu ya nane inaweka utaratibu wa utatuzi wa migogoro. Sehemu hii pia inaainisha amri ambazo Bodi inaweza kuzitoa pamoja na kuanisha sababu za kukataa rufaa kwenye Baraza la Ushindani kwa mtu asiyeridhika na maamuzi ya Bodi.

Mheshimiwa Mwenyekiti, sehemu ya tisa inahusu masuala fedha. Sehemu hii ina vifungu vinavyohusu vyanzo vya mapato, mwaka wa fedha, bajeti, mahesabu na ukaguzi wa mahesabu pamoja na taarifa ya utendaji ya mwaka.

Mheshimiwa Mwenyekiti, sehemu ya kumi inahusu masuala ya jumla kama vile amri ya utekelezaji, Mamlaka ya Kuandaa Kanuni na Matamko, adhabu ya jumla na ufifishaji wa makosa.

Mheshimiwa Mwenyekiti, sehemu ya kumi na moja inapendekeza kufutwa kwa Sheria ya Mamlaka ya Udhhibiti Usafiri wa Nchi Kavu na Majini, Sura 415, pia inaweka masharti ya mpito yatoanayo na matokeo ya kuvunjwa kwa mamlaka ya udhibiti usafiri wa nchi kavu na majini. Aidha, sehemu hii imeweka masharti kuhusu uhamishaji wa mali, madeni na watumishi kutoka Mamlaka ya Udhhibiti Usafiri wa Nchi Kavu na Majini kwenda Mamlaka Udhhibiti Usafiri wa Ardhini.

Mheshimiwa Mwenyekiti, sehemu ya kumi na mbili inapendekeza kuifanyia marekebisho Sheria ya Reli Na. 10 ya Mwaka 2017 na Sheria ya Utoaji wa Leseni za Usafiri Sura 317 ili ziendane na masharti ya Sheria mpya ya Mamlaka ya Udhhibiti Usafiri wa Ardhini.

Mheshimiwa Mwenyekiti, baada ya maelezo hayo, naomba kuwasilisha Muswada huu ili Waheshimiwa Wabunge waujadili na hatimaye waukubali na kuupitisha ili nchi yetu iweze kuwa na mfumo madhubuti wa udhibiti usafiri ardhini nchi kisheria.

Mheshimiwa Mwenyekiti, naomba kutoa hoja.

**WAZIRI WA AFYA, MAENDELEO YA JAMII, JINSIA, WAZEE NA WATOTO:** Mheshimiwa Mwenyekiti, naafiki.

*(Hoja ilitolewa iamuliwe)*

**MWENYEKITI:** Ahsante. Hoja imeungwa mkono.

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THE UNITED REPUBLIC OF TANZANIA

*No. 4B*

*16<sup>th</sup> October, 2018*

***SPECIAL BILL SUPPLEMENT***

*to the Gazette of the United Republic of Tanzania No.4B. Vol.99 dated 16<sup>th</sup> October, 2018*  
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THE LAND TRANSPORT REGULATORY AUTHORITY ACT, 2018

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—————  
SCHEDULE  
—————

—————  
**NOTICE**  
—————

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,  
16<sup>th</sup> October, 2018

JOHN W. H. KIJAZI  
*Secretary to the Cabinet*

A BILL  
*for*

**An Act to make provisions for the establishment of Land Transport Regulatory Authority, to regulate land transport sectors, to repeal the Surface and Marine Transport Authority and for related matters.**

**ENACTED** by Parliament of the United Republic of Tanzania.

PART I  
PRELIMINARY PROVISIONS

Short title and  
commencement

**1.** This Act may be cited as the Land Transport Regulatory Authority Act, 2018 and shall come into operation on such date as the Minister may, by notice published in the *Gazette*, appoint.

Application

2. This Act shall apply to Mainland Tanzania.

Interpretation

3. In this Act unless the context requires otherwise-

“Authority” means the Land Transport Regulatory Authority or in its acronym “LATRA” established under section 4;

“Board” means the Land Transport Regulatory Authority Board established under section 7;

“class licence” means a licence which is granted to multiple regulated suppliers under sector legislation on standard terms and conditions;

“commercial road transport” means transport by public service vehicle or goods vehicle;

“Commission” means the Fair Competition Commission established under the Fair Competition Act;

“Committee” means the committee of the Board established under section 10;

“Council” means the LATRA Consumer Consultative Council established under section 29;

“crew” includes driver, conductor, and any other employee of the licensee on regulated sector while en-route;

“Director General” means the Director General of the Authority appointed under section 15;

“goods vehicle” means a motor vehicle constructed or adapted for use for the carriage of goods or a trailer so constructed or adapted, whether used or constructed or adapted solely for that purpose or not;

“Minister” means the Minister responsible for the Authority;

“multiple regulated suppliers” means more than one company providing regulated services

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exclusively in specified area or route;

“Public Register” means the Public Register of the Authority kept by the Authority pursuant to section 25;

“public service vehicle” means a motor vehicle which carries or is intended to carry passengers for hire or reward, whether used or constructed solely for that purpose or not;

“regulated goods” means any goods produced, supplied or offered for supply or for use in a regulated sector and includes any goods the Authority declares under this Act;

“regulated sector” means rail transport, commercial road transport, commercial underground and cable transport;

“regulated services” means any services supplied or offered for supply in a regulated sector and includes services which the Authority declares to be such services under this Act;

“regulated supplier” means any person engaged in activities in or in connection with a regulated sector and includes any person whom the Authority declares under this Act to be such supplier;

“rolling stock” means a vehicle that operates on or uses the rail track;

“sector legislation” means the Transport Licensing Act, the Railways Act and any other legislation for regulated sector;

“sector Minister” means the Minister responsible for regulated sectors;

“sub-office” means office of the Authority other than its head office; and

“Tribunal” means the Fair Competition Tribunal established under the Fair Competition Act.

Cap. 317  
Act No. 10 of  
2017

Cap. 285

PART II  
LAND TRANSPORT REGULATORY AUTHORITY

Establishment  
of Authority

4.-(1) There is established a body to be known as the Land Transport Regulatory Authority or in its acronym "LATRA".

(2) The Authority shall be a body corporate with perpetual succession and a common seal and shall, in its corporate name, be capable of-

- (a) suing and being sued;
- (b) acquiring, holding, investing and alienating movable or immovable property;
- (c) exercising the powers and performing the functions conferred upon it under this Act; and
- (d) entering into any contract or other transaction, and doing or suffering to do all such other acts and things which a body corporate may lawfully perform, do or suffer to be done.

(3) Notwithstanding the preceding provisions of this section, the Attorney General shall have the right, through the Solicitor General, to intervene in any suit or matter instituted by or against the Authority.

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(4) Where the Attorney General intervenes in any matter in pursuance of subsection (3), the provisions of the Government Proceedings Act, shall apply in relation to the proceedings of that suit or matter as if it had been instituted by or against the Government;

Provided that, the requirement of ninety days notice of intention to sue the Government as stipulated under the Government Proceedings Act shall not apply where the Attorney General intervenes under this

section.

Duty of  
Authority

**5.** It shall be the duty of the Authority in carrying out its functions to enhance the welfare of Tanzania society by-

- (a) promoting effective competition and economic efficiency of regulated sectors;
- (b) promoting safety of regulated sectors;
- (c) protecting the interests of consumers in relation to costs, quality and standards of transport services;
- (d) protecting the financial viability of efficient suppliers;
- (e) promoting the availability of regulated services to all consumers including low income, rural and disadvantaged consumers;
- (f) raising public knowledge, awareness and understanding of the regulated sectors including-
  - (i) the rights and obligations of consumers and regulated suppliers;
  - (ii) the ways in which complaints and disputes may be resolved;
  - (iii) the duties, functions and activities of the Authority; and
- (g) taking into account the need to protect and preserve the environment.

Functions of  
Authority

- 6.-(1)** The functions of the Authority shall be-
- (a) to perform the functions conferred on the Authority by sector legislation;
  - (b) to issue, renew and cancel permits or licences;
  - (c) subject to sector legislation to-
    - (i) establish standards for regulated goods

- and regulated services;
- (ii) establish standards for the terms and conditions of supply of the regulated goods and sources;
- (iii) regulate rates and charges;
- (d) to coordinate land transport safety activities;
- (e) to register crew and certify drivers of regulated sector;
- (f) to certify worthiness of rolling stock and road worthiness of public service vehicles and goods vehicles;
- (g) to monitor the performance of the regulated sectors including-
  - (i) levels of investment;
  - (ii) availability of safe, quality and standards of services;
  - (iii) cost of services;
  - (iv) efficiency of production and distribution of services; and
  - (v) other matters relevant to the Authority;
- (h) to facilitate resolution of complaints and disputes;
- (i) to disseminate information about matters relevant to the functions of the Authority;
- (j) to consult with other regulatory authorities or bodies or institutions discharging functions similar to those of the Authority in Mainland Tanzania or elsewhere; and
- (k) to perform such other functions as may be conferred on the Authority by this Act or any other law.

(2) In the performance of its functions, the Authority shall not award or cancel a licence having a term of five or more years without prior consultation

with the Minister and the relevant sector Minister.

(3) The Minister may, for the purposes of securing the effective performance by the Authority of its functions, give to the Authority directions of a specific or general character on specific issues.

PART III  
BOARD OF THE AUTHORITY

Establishment  
of Board

7.-(1) There is established the Land Transport Regulatory Authority Board which shall be the governing body of the Authority and shall consist of seven members as follows-

- (a) a Chairman to be appointed by the President; and
- (b) six other members to be appointed by the Minister as follows:
  - (i) law officer appointed by the Attorney General;
  - (ii) five other members appointed from amongst persons with qualifications and experience in transport logistics, law, engineering management, finance or accounts.

(2) The Director General shall be the secretary to the Board.

(3) In order to maintain impartiality and for the purpose of avoiding conflict of interest, a person shall not be qualified for appointment as a member of the Board if owing to the nature of the office he holds, he is likely to exert influence on the Authority.

(4) The provisions of the First Schedule to this Act shall have effect as to the tenure of office of members, remuneration, proceedings of the Board and other matters in relation to the Board.

Functions of  
Board

**8.**-(1) The Board shall oversee the management in the performance of the functions of the Authority, and shall ensure adherence to the governing laws and procedures.

(2) Without prejudice to the generality of subsection (1), the Board shall-

- (a) provide strategic guidance and formulate policies for operation and management of the Authority;
- (b) conduct managerial oversight and review the activities and performance of management of the Authority;
- (c) secure and ensure efficient use of resources, including approval of annual work plan, annual budget and supplementary budget;
- (d) approve strategic and investment plans and operations manual;
- (e) evaluate the performance of the entire management team and take necessary measures;
- (f) approve performance reports of the Authority;
- (g) exercise disciplinary powers over management employees;
- (h) approve any changes in salaries and conditions of service for employees;
- (i) approve code of conduct;
- (j) approve and oversee financial regulations and staff rules;
- (k) approve the disposal of capital items; and
- (l) do any other functions as it may deem fit for the achievement of the objectives of the Authority.

Powers of Board

**9.**-(1) The Board shall, in respect of the performance of the functions of the Authority, have powers to-

- (a) approve projects, subject to other relevant laws for the purpose of the Authority, not included within a programme or annual work plan and budget; and
- (b) consider legislative proposal relating to land transport services and recommend their enactment to the Minister.

(2) The Board may give directions to the Director General in relation to the carrying out of any of the functions of the Authority.

Committees of Board

10. The Board may, for the purpose of effective performance of its functions, form and appoint from among its members, such number of committees as it deems necessary for carrying out specific functions as the Board may determine.

Delegation of functions and powers of Board

**11.**-(1) The Board may, subject to such conditions or restrictions as it deems necessary, delegate to any committee of the Board any functions or powers vested in it by this Act or any other written law, except powers to borrow or lend money, prescribe fees, rates, charges and commissions.

(2) Any power or function so delegated shall be exercised or performed by the committee in the name and on behalf of the Board.

(4) The Board may exercise any power conferred upon it or perform any function under this Act or any other written law, notwithstanding the delegation of the power or function made.

Code of conduct

**12.**-(1) The Authority shall prepare a code of

conduct to be published in the *Gazette* prescribing standards to be observed by members of the Board and employees of the Authority in the performance of their duties.

(2) A member or employee of the Authority who fails to comply with the code of conduct commits an offence and shall be liable to a disciplinary action.

Conflict of  
interest

**13.**-(1) Where at any time a member of the Board has a conflict of interest in relation to-

(a) any matter before the Board for consideration or determination; or

(b) any matter the Board could reasonably expect might come before it for consideration or determination,

that member shall immediately declare the interest held by him to members of the Board and refrain from taking part in the consideration or determination of the matter.

(2) Upon the Board becoming aware of any conflict of interest it shall make a determination as to whether the conflict is likely to interfere with the proper and effective performance of the functions and duties of the member and the member with the conflict of interest shall not vote on the matter under consideration.

(3) Where the Board determines that the conflict is likely to interfere with the member's proper and effective performance, competence or integrity, such member shall resign except if within the next thirty days the member eliminates the conflict to the satisfaction of the Board.

Cessation of  
membership

**14.** A member of the Board or an employee of the Authority shall not, during a period of eighteen

months after the expiration or termination of the term of office or service-

- (a) enter into any contract of employment with, or contract for the supply of services to any person or organisation under the jurisdiction of the Authority during the member's term of office or employee's service with the Authority;
- (b) acquire or hold any financial interest, whether as an employee, partner, shareholder, officer or joint venture, in any business or organisation supplying services to any person or organization under the jurisdiction of the Authority during the member's term of office or employees service with the Authority.

PART IV  
ADMINISTRATION AND MANAGEMENT OF THE AUTHORITY

Director General

**15.**-(1) There shall be the Director General of the Authority who shall be the chief executive officer of the Authority and responsible to the Board for the proper administration and management of the functions and affairs of the Authority.

(2) The Director General shall be appointed by the President on such terms and conditions as provided for in the scheme of service.

(3) The Authority shall meet from its own funds all such expenses incurred in the course of recruitment process of the Director General.

(4) A person shall not be qualified for appointment as Director General unless he-

(a) is a holder of at least a post graduate degree from a recognized university or its equivalence;

(b) possesses at least eight years experience in senior managerial position in one or more of the field of management, law, economics, finance, engineering or such other qualification as may be required; and

(c) has knowledge and experience of the transport sector.

(5) The Director General shall be appointed to serve for a term of four years renewable on such terms and conditions as shall be set out in the letter of his appointment or as may be determined by the Board upon approval by the Minister.

Establishment of  
departments,  
units and

**16.**-(1) The Board may, for the purpose of facilitating performance of its functions, establish

sections departments, units and sections as may be determined by the Board.

(2) There shall be employed by the Board, departmental directors each with responsibilities for a particular function.

Officers and other staff of Authority

**17.**-(1) There shall be employed by the Board such number of officers, staff and employees of the Authority in such categories and levels as may be necessary for the efficient discharge of the functions of the Authority and upon such terms and conditions as may be determined by the Board.

(2) The Authority may appoint consultants and experts of the Authority in various disciplines on such terms and conditions as the Authority may determine.

(3) The Authority shall, in appointing employees, comply with the competitive selection procedures.

#### PART V POWERS AND PROCEEDINGS OF THE AUTHORITY

General powers

**18.**-(1) Subject to the provisions of this Act, the Authority shall have powers to do all things which are necessary for or in connection with the performance of its functions or to enable it to discharge its duties.

(2) Without limiting the powers conferred under subsection (1), the Authority shall have-

- (a) such powers as may be conferred on it by sector legislation; and
- (b) the power to appoint an administrator to manage the business of a regulated supplier whose licence to operate has been cancelled.

Powers to set rates and charges

**19.**-(1) Subject to the provisions of sector legislation and licences granted under sector legislation,

the Authority shall set and carry out regular review of rates and charges.

(2) In setting rates and charges, the Authority shall have regard to-

- (a) the costs of making, producing and supplying the goods or services;
- (b) the desire to promote competitive rates and attract the market;
- (c) any relevant benchmarks including international benchmarks for prices, costs and return on assets in comparable industries;
- (d) the financial implications of the determination;
- (e) the consumer and investor interest;
- (f) the return on assets in the regulated sector;
- (g) any other factors the Authority considers relevant.

(3) The Authority shall publish in the *Gazette* all the rates and charges approved by the Board.

Power to obtain information documents and evidence

**20.** Where the Authority has reason to believe that a person is capable of supplying information, producing a document or giving evidence that may assist in the performance of any of its functions, a member of the Authority may, by summons signed by the Director General served on that person, require that person-

- (a) to furnish the information in writing signed by him, or in the case of a body corporate, signed by a competent officer of the body corporate;
- (b) to produce the document to the Authority; or
- (c) to appear before the Authority to give evidence orally.

Powers to hold

**21.**-(1) Where it considers it necessary or

inquiry

desirable for the purpose of carrying out its functions, the Authority shall conduct an inquiry.

(2) Subject to subsection (1) the Authority shall, before exercising a power to-

(a) grant, renew, suspend or cancel exclusive or class licence; and

(b) make a decision on issues of competition in nature in the regulated sector,

conduct an inquiry in accordance with this section.

(3) Where the Minister directs by notice in writing that an inquiry be conducted, and specifies the subject matter of the inquiry, the Authority shall conduct the inquiry.

Competition  
matters

**22.**-(1) In carrying out its functions and exercising its powers under this Act and under sector legislation in relation to particular markets for regulated services, the Authority shall take into account-

(a) whether the conditions for effective competition exist in the market;

(b) whether any exercise by the Authority is likely to cause any lessening of competition or additional costs in the market and is likely to be detrimental to the public;

(c) whether any such detriments to the public is likely to outweigh any benefit to the public resulting from the exercise of the powers.

(2) The Authority shall deal with all competition issues which may arise in the course of the discharge of its functions, and may investigate and report on those issues and make appropriate recommendations to the Commission or any other relevant authority in relation to-

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(a) any contravention of the Fair Competition Act, or any other written law;

- (b) actual or potential competition in any market for regulated services; and
- (c) any detriments likely to result to the members of the public.

Delegation of powers

**23.**-(1) Subject to subsection (3), the Authority may delegate to a member or an employee of the Authority, either generally or otherwise as provided by the instrument of delegation, any of its powers.

(2) Subject to the provisions of sub-section (1), the delegated power shall be exercised in accordance with the instrument of delegation.

(3) Notwithstanding the powers conferred to the Authority to delegate, the Authority shall not delegate powers to-

- (a) grant, renew, suspend or cancel a licence of a period of five years or more;
- (b) make any rule or declaration;
- (c) fix the method of calculating and reviewing of rates and charges;
- (d) make a decision to hold an inquiry;
- (e) adopt a report on the results of an inquiry;
- (f) adopt a code of conduct; and
- (g) such other matters as the Minister may, by notice published in the *Gazette*, determine.

Consultation with stakeholders

**24.**-(1) The Authority shall, before the start of each year, establish an annual program for consultation with such persons and organizations as the Authority may consider necessary or desirable to consult for the purpose of effectively carrying out its functions.

(2) Subject to provisions of subsection (1), the Authority shall publish the program in the Public Register.

(3) The Authority shall include in its annual

report, a report on the implementation of its consultation program during the year covered by the report.

(4) For the purposes of this section, it shall be the duty of the Authority to establish and identify the persons, organizations and institutions to be consulted.

Public Register

**25.**-(1) There shall be a Public Register published in the Authority's website which shall be available for public inspection.

(2) The Board shall from time to time determine the categories of decisions and information which would be placed on the Public Register.

(3) The Authority may exclude from the Public Register any document or part of a document which is confidential under this Act.

## PART VI REVIEW AND APPEALS PROCEDURES

Review Panel

**26.**-(1) The Board shall establish a Review Panel which shall consist of-

- (a) two persons who have experience in law for at least ten years;
- (b) two persons who are graduates of a recognized university, each having at least ten years of experience in one or more of the fields of economics, finance, engineering, transport or management.

(2) Subject to subsection (1), the Authority shall appoint the members of the Review Panel for a term of not exceeding five years on such terms and conditions as the Authority shall deem fit.

(3) The Review Panel shall be responsible for reviewing decisions of the Authority.

Application for  
review

**27-**(1) Any person aggrieved by any decision made by the Authority may, within fourteen days after receipt of the decision, apply to the Authority for it to review the decision.

(2) The Board may make rules prescribing procedures governing the Review Panel under this Act.

Appeal to Fair  
Competition Tribunal  
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**28-**(1) Any person aggrieved by the decision of the Board may appeal to the Fair Competition Tribunal in accordance with the Fair Competition Act.

(2) Notwithstanding subsection (1), the grounds of appeal shall be the following:

- (a) the decision made was not based on evidence produced;
- (b) there was an error in law;
- (c) the procedures and other statutory requirements applicable to the Authority were not complied with and the non-compliance materially affected the determination; and
- (d) the Authority did not have power to make the determination.

## PART VII CONSUMER CONSULTATIVE COUNCIL

Establishment  
of Council

**29-**(1) There is established a council to be known as the LATRA Consumer Consultative Council.

(2) The Council shall consist of seven members appointed by the Minister from amongst individuals representing consumers' interests.

(3) Before making the appointment of members pursuant to subsection (2), the Minister shall, by notice published in any newspaper circulating widely in the country, invite nominations for appointments and having

received them publish the names and call for comments, objections or representations from the public concerned.

(4) In nominating and appointing persons for the Council, the Minister shall have regard to the desirability of the Council as a group having knowledge and understanding of the interests of consumers and that of the regulated services, including the interests of-

- (a) low income, rural and disadvantaged persons;
- (b) industrial and business users; and
- (c) Government and community organizations.

(5) In the performance of its functions, the Council shall regulate its own proceedings.

(6) After the members are appointed under subsection (2) they shall meet to elect their Chairman.

Tenure of  
Council

**30.**-(1) The tenure of the Council members shall be as follows-

- (a) two members shall hold office for a term of four years; and
- (b) five members shall hold office for a term of three years;

(2) The Council members shall not serve for more than two consecutive terms.

Functions and  
powers of  
Council

**31.**-(1) The functions of the Council shall be-

- (a) to represent the interests of consumers by making submissions to, providing views and information to and consulting with the Authority, Minister and regulated sector Ministers;
- (b) to receive and disseminate information and views on matters of interest to consumers of regulated goods and services;
- (c) to establish regional and regulated sector consumer committees and consult with them;

- (d) to consult with industry, Government and other consumer groups on matters of interests to consumers of regulated goods and services;
- (e) to establish local and sector consumer committees and consult with them; and
- (f) to conduct research on the matters affecting interest of consumers of a regulated sector.

(2) The Council shall maintain its own Secretariat.

(3) The Council shall have power to regulate its own procedure in relation to the performance of its business.

(4) Subject to subsections (1), (2) and (3), the Chairman of the Council in consultation with the members may convene meetings at least four times a year.

(5) The Chairman of the Council shall preside at meetings of the Council and in his absence, members present may appoint one of their member to preside at the meeting.

(6) The quorum at a meeting of the Council shall be half of the number of all the members present.

Funds of  
Council

**32.**-(1) The Fund and resources of the Council shall be-

- (a) such sums as shall be appropriated from the funds of the Authority for the purposes of the Council;
- (b) grants, donations or bequests; and
- (c) any other monies legally acquired or received by the Council for the execution of its functions.

(2) The Council shall, upon approval by the Minister, prescribe procedure for enabling regulated suppliers to contribute to the budget of the Council.

(3) The Council shall keep books of accounts and maintain proper records of its operations in accordance with commercial accounting standards.

(4) The accounts of the Council shall, at the end of each financial year, be audited by the Controller and Auditor General or any other person appointed by him.

(5) The Council shall prepare an Annual Report in relation to each year ended 30th June and submit it to the Authority before 30th November in that year.

(6) The Annual Report shall provide detailed information regarding the activities of the Council during the previous year ended 30th June, and any additional information requested by the Authority within 28 days of its receipt.

(7) Subject to subsection (5), the Annual Report of the Council shall include the financial statements of the Council for the immediately preceding financial year and the auditor's report based on the aforementioned financial statements.

(8) The Council shall prepare a budget and submit to the Authority for approval before the end of each financial year for the following financial year showing estimates of its receipts and expenditures for the following financial year.

(9) At the Authority's request the Council shall commission its auditors to assess and report on the extent to which the budget represents a fair and reasonable projection of the income and expenditure of the Council for the relevant year and shall submit that report to the Authority.

## PART VIII COMPLAINTS HANDLING AND DISPUTE RESOLUTION

Complaints

**33.**-(1) Where a complaint is referred to, or

handling

otherwise comes to the attention of the Authority, and it appears to the Authority that-

(a) the complainant has an interest in the matter to which the complaint relates; and

(b) the complaint is not frivolous or vexatious, the Authority shall investigate the matter.

(2) Where it appears to the Authority at any time during or after its investigation that the supplier has not considered the complaint or has not considered it adequately, the Authority may refer the complaint to the supplier with a directive that the supplier should consider or reconsider the complaint.

(3) Where it comes to the knowledge of the Authority at any time during or after its investigation that the supplier has considered the matter but the complainant is not satisfied with the decision, the Authority shall handle the complaint in accordance with this section.

(4) The Authority shall investigate the complaint and attempt to resolve it amicably, and in the event it cannot be resolved, the Authority shall present its findings and recommendations to the Board.

(5) The Board shall make a decision on the complaint within the prescribed time.

(6) Any party aggrieved by the decision of the Board may, within prescribed time, appeal to the Fair Competition Tribunal.

Orders of Board

**34.**-(1) Subject to section 33, the Board may make an order-

(a) requiring a party to pay a certain amount of money;

(b) requiring a party to supply goods or services for specified periods;

(c) requiring a party to supply goods or services

on specified terms and conditions;

- (d) requiring a party to pay the costs of another party or of a person appearing at the hearing or producing documents;
- (e) dismissing a complaint;
- (f) imposing fines and or refunds;
- (g) requiring specific performance;
- (h) setting up an escrow fund;
- (i) appointing a trustee; and
- (j) such other relief as may be deemed reasonable and necessary.

(2) The orders of the Board under this section shall be enforceable as orders of the High Court.

#### PART IX FINANCIAL PROVISIONS

Funds of  
Authority

**35.**-(1) The funds and resources of the Authority shall consist of-

- (a) fees collected by the Authority including fees payable for the grant and renewal of licences;
- (b) levies collected from regulated suppliers;
- (c) all other payment or property due to the Authority in respect of any matter incidental to its functions;
- (d) any grants, donations, bequests or other contributions made to the Authority; and
- (e) any other monies legally acquired or received by the Authority for the execution of its functions.

(2) The Authority may, by regulations made under this Act, require regulated suppliers to pay annual levies to the Authority calculated as a percentage of the revenues of regulated suppliers from the supply of regulated goods and services.

(3) An annual levy payable under subsection (2) shall not exceed 1.5 percent of the gross operating revenue of a regulated supplier from the supply of regulated goods and services.

(4) The percentage of an annual levy payable under subsection (2) may differ between different regulated sectors.

(5) The Authority shall not accept any grant or donation from a regulated supplier.

Financial year

**36.** The financial year of the Authority shall be the period of one year ending on 30<sup>th</sup> June.

Accounts and  
audit

**37.**-(1) The Authority shall keep proper books of account and maintain proper records of its operation in accordance with public sector accounting standards and or other standards approved by the national accounting standards setting board.

(2) The accounts of the Authority may at any time and shall, at the end of each financial year, be audited by the Controller and Auditor General or any other person appointed by him.

(3) The Authority shall keep proper books and audit records of accounts of the income, expenditure and assets of the Authority.

(4) After the end of each financial year, the Authority shall submit to the Controller and Auditor General the accounts of the Authority together with-

- (a) a statement of financial performance during the year;
- (b) a statement of the financial position of the Authority on the last day of that year;
- (c) a statement of change in equity during the year;
- (d) statement of comparison of budget and actual

amounts; and

- (e) notes, comprising of a summary of significant accounting policies and other explanatory notes.

Annual report

**38.**-(1) Before 30<sup>th</sup> September each year, the Authority shall prepare an annual report in respect of that year up to the immediately preceding 30<sup>th</sup> June and submit it to the Minister.

(2) The annual report shall provide detailed information regarding the exercise of the functions and powers of the Authority during the year to which it relates and shall include-

- (a) a copy of the audited accounts of the Authority;
- (b) a copy of any other report of the Controller and Auditor General carried out during the year to which the Annual Report relates;
- (c) such information and other material as the Authority may be required by this Act or the regulations to include in the Annual Report.

Budget

**39.**-(1) Before the end of financial year, the Authority shall prepare a budget for the following financial year, showing estimates of its receipts and expenditure for the following financial year.

(2) Subject to the provisions of subsection (1), the Authority shall inform the Minister of its budget for the following financial year by submitting a copy to the Minister for information.

(3) Where the Minister so requests prior to the commencement of the following financial year, the Authority shall commission the Authority's auditor to assess and report on the extent to which the budget represents a fair and reasonable projection of the income

and expenditure of the Authority for the relevant year.

(4) The Authority shall deliver to the Minister a copy of any report prepared pursuant to subsection (3) as soon as possible after the Authority receives it.

(5) If the Authority's Auditor reports that the budget does not represent a fair and reasonable projection of income and expenditure, the Minister may before the commencement of the financial year, require the Authority to revise the budget to correct the deficiencies.

## PART X GENERAL PROVISIONS

Compliance  
orders

**40.**-(1) Where the Authority is satisfied that a person has committed or is likely to commit an offence against this Act or a sector Act it may make a compliance order under this section.

(2) Any person against whom a compliance order is made shall comply with the order.

(3) A compliance order may require a person to refrain conduct which is in contravention of the provisions of this Act or a sector Act or to take actions required to be taken in order to comply with this Act or a sector Act.

(4) A compliance order shall be made in writing specifying the grounds for its making and shall be enforceable as an injunction of the High Court.

(5) A copy of a compliance order shall be placed on the Public Register and a copy shall be served on the person against whom it is made.

(6) Notwithstanding the provisions of any law to the contrary, where an order or a certified certificate is produced or submitted to the High Court, the order or certificate shall, unless where the contrary intention

appears, be conclusive proof of its making by the High Court and of the facts to which it relates.

Rules and  
declarations

**41.**-(1) The Authority may, with the prior approval of the Minister, make rules with respect to-

- (a) code of conduct;
- (b) records to be kept, including the form and content of accounting and business records and information and documents to be supplied to the Authority by regulated suppliers;
- (c) conduct in connection with the production, distribution and supply of regulated goods and services;
- (d) complaints handling procedures;
- (e) rates and charges for regulated goods and services; and
- (f) such other matters as the Authority considers necessary or desirable to give effect to this Act;

(2) Any person who contravenes or fails to comply with rules made under this section, commits an offence and on conviction shall be liable to a fine not exceeding three million shillings.

(3) Notwithstanding other functions upon which the Authority is empowered to perform, the Authority may, upon consultation with the Minister, make declaration prescribing various requirements to be observed under this Act.

(4) Without prejudice to the generality of subsection (3) the Authority may make declarations on-

- (a) particular goods or services, or particular classes of goods or services and on regulated goods or services for purposes of this Act;
- (b) particular persons or classes of persons and

regulated suppliers for the purposes of this Act; or

(c) particular activities which are in connection with a regulated sector.

(4) Declarations made by the Authority shall not be inconsistent with this Act, a sector Act or subordinate legislation made under this Act or a sector Act.

(5) A copy of any declaration made under this section shall be placed on the Public Register.

(6) A person who contravenes the requirements as declared under subsections (3) and (4), commits an offence and on conviction shall be liable to a fine not exceeding three million shillings.

Offences

**42.**-(1) Any person who contravenes or fails to comply with the provisions of this Act, commits an offence and is liable on conviction to a fine not exceeding three million shillings or imprisonment for a term not exceeding two years or to both.

(2) Notwithstanding subsection (1), where an offence is committed by a body corporate, it shall be liable to a fine not exceeding five million.

(3) Any person, who suffers loss or damage as a result of an offence against this Act, may recover by compensation for such loss or damage from the person who committed that offence whether or not that person has been convicted of an offence.

(4) A partner of a firm shall be jointly and severally liable for the acts or omissions of any other partner of the same firm done or omitted to be done in the course of the firm's business.

(5) For the purposes of the provisions of this section, a penalty for non compliance of an order of the Authority shall be a fine which shall be equal to a civil debt.

Compounding  
of offences

**43.**-(1) Notwithstanding the provision of this Act relating to penalties, where a person admits in writing that he has committed an offence under this Act, the Director General may, at any time prior to the commencement of the hearing by a court of competent jurisdiction, compound such offence and order such person to pay sum of money not exceeding one half of the amount of the fine to which such person would otherwise have been liable to pay if he had been convicted of such offence.

(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 the 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 the person fails to comply with the notification issued under this section within the prescribed period, the Director General-

- (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 notification in the same manner as a decree of a court for the payment of the amount stated in the notification.

Restriction on  
execution  
against  
property of  
Authority

**44.** Notwithstanding any provision to the contrary in any written law, where a judgement or order has been obtained against the Authority, no execution or attachment or process in the nature thereof shall be issued against the Authority, or against the property or assets of the Authority but the Authority shall cause to be paid out of the revenue of the Authority such amounts as

may, by the judgement or order, be awarded against the Authority to the person entitled thereto.

Regulations

**45.**-(1) The Minister may, in consultation with the Minister responsible for regulated sectors, make regulations for the better carrying out of provisions of this Act.

(2) Without prejudice to subsection (1), the Minister may make regulations prescribing-

- (a) standards of regulated goods and services;
- (b) terms and conditions of supply of regulated goods and services;
- (c) levies and fees payable to the Authority;
- (d) safety for goods and services in the regulated sectors;
- (e) review and appeal procedure;
- (f) procedure for conducting inquiry;
- (g) handling and transportation of dangerous goods;
- (h) the circumstances in which, and the terms and conditions on which, a supplier or intending supplier of regulated goods or services shall be able to gain access to facilities owned or controlled by another person; and
- (i) for any matter which, in the opinion of the Authority, is necessary for the efficient performance of its functions.

Inconsistency  
with sector  
legislation

**46.** Where, there is any inconsistency between the provisions of this Act and the provisions of a sector Act, this Act shall prevail.

PART XI  
REPEAL AND TRANSITIONAL PROVISIONS

Repeal of  
Cap. 413

**47.**-(1) The Surface and Marine Transport Regulatory Authority Act, is hereby repealed.

(2) Notwithstanding the repeal of Surface and Marine Transport Regulatory Authority Act, any contract, document, licences, orders and permits or resolution made, granted or approved prior to the commencement of this Act in relation to the production, distribution or supply of regulated goods or services in the said sectors shall remain in operation until they are revoked, annulled or otherwise replaced.

(3) Any subsidiary legislation and all exemptions made or given under the provisions of the repealed Act or any other written laws, which were in force immediately before the commencement of this Act shall, so far as it is not inconsistent with the provisions of this Act, until revoked, replaced or rescinded remain in force as if they were made under this Act.

(4) This Act shall not operate so as to affect in a prejudicial way the rights of any person under a licence or permit granted prior to the commencement of this Act or any contract entered into prior to the commencement of this Act.

(5) Unless the context requires otherwise, any reference in any written law to the Surface and Marine Transport Regulatory Authority Act shall be construed as references to this Act.

Continuation  
of business  
after  
operation of  
Act

**48.** Any person who immediately before the commencement of this Act, was a holder of a licence authorizing him to carry on the services regulated under this Act, shall continue carrying on such services.

Rights of  
employee

**49.**-(1) The service of any employee or staff of the former Surface and Marine Transport Regulatory Authority shall be deemed to be continuous with the Authority.

(2) The terms and conditions of employment of any employee or staff from the Surface and Marine Transport Regulatory Authority who joins the Authority shall not be less favourable than those enjoyed by that employee immediately prior to the date on which he joined the services of the Authority.

(3) An employee or staff of the Surface and Marine Transport Regulatory Authority whose service does not continue with the authority and where such employee or staff is a member of any statutory, voluntary pension or other superannuate benefit or scheme prior to such termination, such employee or staff shall be paid terminal benefits in accordance with the laws and regulations governing such scheme immediately before such termination.

Assets and  
liabilities

**50.**-(1) All assets, interests, rights, privileges, liabilities or obligations vested in the Surface and Marine Transport Regulatory Authority not related to maritime transport shall be transferred to and be vested to LATRA without further assurance.

(2) Where any question arises as to whether any particular property, or any particular asset, interest, right, privilege, liability or obligation has been transferred to or vested in accordance with provisions of subsection (1), a certificate under the hand of the Minister shall be conclusive evidence that the property, asset, interest, right, privilege, liability or obligation was or was not so transferred or vested.

Transfer of

**51.** From the commencement of this Act, surface

surface  
transport  
regulatory  
functions

regulatory functions formerly performed by the Surface and Marine Transport Regulatory Authority shall be transferred and performed by LATRA.

Transition  
period

**52.**-(1) There shall be a transition period of six months commencing from the date of commencement of this Act.

(2) Subject to this Act and not later than the expiration of the transition period, all legal and other necessary measures shall be taken to facilitate the winding up of the affairs and business of the Surface and Marine Transport Regulatory Authority and the effectual transfer and vesting in the Authority of its assets and liabilities.

(3) Notwithstanding subsection (1), the Minister may extend the transition period for a further period as may be required.

Continuation  
and  
completion  
of  
proceedings

**53.**-(1) Where on the commencement of this Act, any disciplinary proceeding was pending against any employee of the Surface and Marine Transport Regulatory Authority related to surface transport sector, such proceeding shall be carried on and completed by the LATRA and, where on the commencement date any matter was in the course of being heard or investigated or had been heard or investigated by Surface and Marine Transport Regulatory Authority related to surface transport sector but no order or decision had been rendered, LATRA shall complete the hearing or investigation and such order, ruling or directives as it could have been made by LATRA under which the proceedings or matter were or was vested before the commencement date.

(2) For the purpose of this Part, “commencement date” means the date on which this Act comes into

operation.

**PART XII  
CONSEQUENTIAL AMENDMENTS**

*Sub-Part I  
Amendment of the Railways Act  
(Act No.10 of 2017)*

Construction  
Act No.  
10 of 2017

**54.** This Sub-Part shall be read as one with the Railways Act hereinafter referred to as the “principal Act”.

Amendment  
of section 59

**55.** The principal Act is amended in section 59 by deleting the phrase “provided for under section 6 of the Surface and Marine Regulatory Authority” and substituting for it the phrases “provided for under the Land Transport Regulatory Authority Act in its acronym “LATRA”.

*Sub-Part II  
Amendment of the Transport Licensing Act  
(Cap.317)*

Construction  
Cap. 317

**56.** This Sub-Part shall be read as one with the Transport Licensing Act hereinafter referred to as the “principal Act”.

Addition of  
section 5A

**57.** The principal Act is amended by adding immediately after section 5 the following-

“Transfer of  
powers and  
functions

**5A.**-(1) Notwithstanding anything contained in this Act, all the regulatory powers and functions vested in the Minister

and in the licensing authority are hereby transferred to the regulatory Authority.

(2) For the purposes of this section, “regulatory authority” means the Land Transport Regulatory Authority established under section 3 of the Land Transport Regulatory Authority Act.”

Amendment  
of section 11

**58.** The principal Act is amended in section 11(1) by deleting paragraph (b) and substituting for it the following:

“(b) use public service vehicle for the conveyance of any person for hire or reward.”

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SCHEDULE

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*(Made under section 7(4))*

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PROCEEDINGS OF THE BOARD

Election of  
Deputy  
Chairman

**1.** The Board shall elect one of its members to be Deputy Chairman for a term of one year and shall be eligible for re-election.

Tenure of  
appointment

**2.-(1)** The tenure of first members of the Board shall be as follows:

- (a) Chairman - four years;
  - (b) two member - three years;
  - (c) two members - four years; and
  - (d) one member - five years;
- (2) Members of the Board shall be eligible for

reappointment for one more term but shall not be eligible for reappointment.

(3) Any member, may at any time resign by giving notice in writing to the appointing authority and from the date specified in the notice or if no date so specified, from the date of the receipt of the notice by the appointing authority, he shall cease to be a member.

Co option of members

**3.** The Board may co-opt any person whose presence is in its opinion desirable to attend and to participate in the deliberation of meeting of the Board and such person shall have no right to vote.

Meetings of Board

**4.-(1)** The Board shall meet at least four times a year.

(2) An ordinary meeting of the Board shall be convened by the Chairman and the notice specifying the place, date and time of the meeting shall be sent to each member at his usual place of business or residence.

(3) Where the Chairman is unable to act by any reason, the Deputy Chairman shall convene the meeting.

(4) The Chairman or, in his absence, the Deputy Chairman, may, if requested in writing in that behalf by at least half the members, convene a special meeting of the Board.

(5) The Board may review its own decision made under this Act.

Cessation of membership

**5.-** A member of the Board may cease to be a member where he-

- (a) is declared bankrupt;
- (b) is convicted of a criminal offence;
- (c) fails to declare conflict of interest;
- (d) fails to perform his duties because of ill health or physical or mental impairment;
- (e) has breached a code of conduct;
- (f) fails to attend at least two thirds of all meetings of the Authority for twelve months consecutively without reasonable excuse.

Appointment

**6.** Where any member is by reason of illness,

*Land Transport Regulatory Authority Act*

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of temporary member	infirmity or absence from the United Republic unable to attend any meeting of the Board, the Minister may appoint a temporary member in his place and any such temporary member shall cease to hold office on the resumption of office of the substantive member.
Quorum	<b>7.</b> The quorum at any meeting of the Board shall be more than half of the members in the Board.
Decision of Board	<b>8.</b> Decision of the Board shall be decided by majority of the vote of the members present and in the event of the equality of the vote the Chairman shall have a casting vote.
Minutes of meetings	<b>9.</b> Minutes in proper form of each meeting of the Board shall be kept and shall be confirmed by the Board at its next meeting.
Official seal	<b>10.</b> (1) The official seal of the Authority shall be of such shape, size and form as the Board may determine. (2) The official seal of the Authority shall be duly affixed if witnessed under hand by the Chairman, the Director General or the Secretary of the Authority and any other person dully authorized in that behalf.
Proceedings not invalidated by irregularity	<b>11.</b> Proceedings of the Board shall not be invalid by reason of any defect or irregularity in the appointment of any member or by reason that any person who purported bona fide to act as a member at the time of the proceeding was in fact disqualified or not entitled to act as a member.
Absence from three consecutive meeting	<b>12.</b> Where any member absents himself from three consecutive meetings of the Board without sufficient cause, the Board shall advise the appointing authority of the fact and the appointing authority may terminate the appointment of the member and appoint another member in his place.
Board may regulate its	<b>13.</b> Subject to this Act, the Board shall have power to regulate its procedure in relation to its meetings

own and the transaction of its meetings.  
proceedings

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**OBJECTS AND REASONS**

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The Bill intends to provide for an enactment of the Land Transport Regulatory Authority Act, 2018 with a view to establishing Land Transport Regulatory Authority, which shall be a body corporate mandated to carry the functions and exercise powers related to regulation of land transport sectors and other matters connected thereto.

The Bill is divided into Twelve Parts.

Part I contains preliminary provisions which include short title, commencement date, application and interpretation of various terms and phrases used in the proposed Bill.

Part II contains provisions relating to the establishment of the Land Transport Regulatory Authority, objectives of the Authority, powers, and functions of the Authority.

Part III covers provisions relating to the establishment and functions of the Board, powers of the Board to appoint committees, observance of impartiality and matters relating to conflict of interest. Some of the Board's functions are to provide strategic guidance, formulate policies for the operation and management of the Authority, and approve work plan, annual budget and reports. Also the Board is expected to conduct general oversight, secure and ensure efficient use of resources. The Chairman of the Board will be appointed by the President whereas Board Members will be appointed by the Minister.

Part IV provides for the Administration Provisions. It contains provisions relating to the appointment of Director General and employees of the Authority. Under this Part the Director General shall be the accounting officer of the Authority and shall have minimum knowledge of a post graduate degree with working experience of not less than eight years in senior managerial position in one or more of the field of management, law, economics, finance or engineering, and must have knowledge and experience of the transport sector.

Part V contains provisions relating to powers and proceedings of the Authority. In general the Regulator will exercise regulatory powers in respect of land transport and related services. The Regulator shall deal with issues of setting rates and charges, holding inquiry and competition matters.

Part VI provides for the establishment of review panel that will hear and determine complaints from persons aggrieved by any substantive decision made on behalf of the Authority under delegated powers. Grounds for review are also provided under this Part.

Part VII covers provisions relating to the establishment of the LATRA Consumer Consultative Council, its composition, functions, tenure of members and matters to be taken into consideration when appointing its members.

Part VIII provides for complaint handling and dispute resolution by the Board. It also provide for orders that the Board may issue and ground for appeal to the Fair Competition Tribunal.

Part IX provides for financial provisions. It contains provisions relating to funds of the Authority, application of revenue, financial year, budget, accounts and audit and annual report. Under this Part, the Authority is required to prepare annual report for each financial year and submit it to the Minister who shall lay the report before the National Assembly.

Part X contains miscellaneous provisions which include compliance orders, power to make rules and declarations, general penalty, compounding of offences and power to make regulations.

Part XI proposes for the repeal of the Surface and Marine Transport Regulatory Authority Act, (Cap.415). It also provide for transitional provisions consequent to the repeal. This Part also provides for transfer assets, liabilities and personnel of the Surface and Marine Transport Regulatory Authority to the land Transport Regulatory Authority.

Part XII of the Bill proposes for consequential amendments to the Railways Act, No. 10 of 2017 and the Transport Licensing Act, Cap.317 for the purpose of aligning them with the provisions of the new Act.

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**MADHUMUNI NA SABABU**

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Muswada huu unapendekeza kutunga Sheria mpya ya Mamlaka ya Udhhibiti Usafiri wa Ardhini kwa lengo la kuanzisha Mamlaka ya Udhhibiti Usafiri wa Ardhini ambayo itakuwa ni Mamlaka yenye jukumu la udhibiti wa sekta ya usafiri wa ardhini pamoja na masuala yanayohusiana na hayo.

Muswada huu umegawanyika katika Sehemu Kumi na Mbili.

Sehemu ya Kwanza ya Muswada huu inaweka masharti ya utangulizi ambayo ni jina la Muswada, tarehe ya kuanza kutumika kwa Sheria, matumizi yake na ufafanuzi wa maneno na misemo iliyotumika katika Sheria inayopendekezwa.

Sehemu ya Pili inapendekeza kuanzishwa kwa Mamlaka ya Udhibiti Usafiri wa Ardhini na madhumuni ya kuanzishwa kwake. Vilevile, Sehemu hii inaainisha majukumu ya Mamlaka.

Sehemu ya Tatu inahusu kuanzishwa kwa Bodi, mamlaka na majukumu ya Bodi, uteuzi wa Mwenyekiti wa Bodi, wajumbe na kamati za Bodi, masuala yatakayopelekea kuwepo kwa mgongano wa kimaslahi dhidi ya wajumbe wa Bodi pamoja na stahili za wajumbe wa Bodi. Baadhi ya majukumu ya wajumbe wa Bodi ni kupitisha kusimamia matumizi bora ya rasilimali za Mamlaka, kupitisha mpango kazi, bajeti na taarifa za fedha za mwaka.

Sehemu ya Nne inaweka masharti kuhusu usimamizi wa Mamlaka, uteuzi wa Mkurugenzi Mkuu na watumishi wengine. Aidha, Sehemu hii imeainisha kuwa Mkurugenzi Mkuu ndiye atakuwa Afisa Masuuli wa Mamlaka na atateuliwa na Rais. Mkurugenzi Mkuu atatakiwa kuwa na stahhada na ujuzi wa masuala ya usafiri wa ardhini.

Sehemu ya Tano inaweka masharti kuhusu madaraka na utaratibu wa uendeshaji wa Mamlaka. Sehemu hii inafafanua kwamba Mdhibiti atatekeleza mamlaka yake ya udhibiti wa huduma za usafiri wa ardhini ambapo pia atapanga viwango vya tozo, ataendesha uchunguzi na atasimamia masuala ya kiushindani.

Sehemu ya Sita inaanzisha Kamati ya Mapitio ambayo itasikiliza malalamiko kutoka kwa watu ambao hawajaridhika na maamuzi ya msingi yaliyofanywa na watu waliokasimiwa na Mamlaka. Sababu za kuomba mapitio pia zimeainishwa katika Sehemu hii.

Sehemu ya Saba inaanzisha Baraza la Walaji, wajumbe wake, majukumu ya Baraza, muda wa kukaa madarakani na mambo ya kuzingatwa wakati wa kuwateua wajumbe wa Baraza.

Sehemu ya Nane inaweka utaratibu wa utatuzi wa migogoro. Sehemu hii pia inaainisha amri ambazo Bodi inaweza kuzitoa pamoja na

kuainisha sababu za kukata rufaa kwenye Baraza la Ushindani kwa mtu asiyeridhika na maamuzi ya Bodi.

Sehemu ya Tisa inahusu masuala ya fedha. Sehemu hii ina vifungu vinavyohusu vyanzo vya mapato, mwaka wa fedha, bajeti, mahesabu na ukaguzi wa mahesabu pamoja na taarifa ya utendaji ya mwaka. Aidha, taarifa ya mwaka ya utendaji itawasilishwa kwa Waziri ambaye ataiwasilisha Bungeni.

Sehemu ya Kumi inahusu masuala ya jumla kama vile amri ya utekelezaji, mamlaka ya kuandaa kanuni na matamko, adhabu ya jumla na ufifishaji wa makosa.

Sehemu ya Kumi na Moja inapendekeza kufutwa kwa Sheria ya Mamlaka ya Udhubiti wa Usafiri wa Nchi Kavu na Majini (Sura ya 415). Pia inaweka masharti ya Mpito yatokanayo na matokeo ya kuvunjwa kwa Mamlaka ya Udhubiti wa Usafiri wa Nchi Kavu na Majini. Aidha, Sehemu hii imeweka masharti kuhusu uhamishaji wa mali, madeni na watumishi kutoka Mamlaka ya Udhubiti wa Usafiri wa Nchi Kavu na Majini kwenda Mamlaka ya Udhubiti Usafiri wa Ardhini.

Sehemu ya Kumi na Mbili inapendekeza kuifanyia marekebisho Sheria ya Reli, Na. 10 ya Mwaka 2017 na Sheria ya Utoaji wa Leseni za Usafiri, Sura ya 317 ili kuzifanya ziendane na masharti ya Sheria mpya ya Mamlaka ya Udhubiti wa Usafiri wa Ardhini.

Dodoma,

14 Oktoba, 2018

ISAACK A. KAMWELWE

*Minister for Works, Transport and Communication*

SCHEDULE OF AMENDMENT TO BE MOVED BY HON. ISAACK A. KAMWELWE,  
THE MINISTER FOR WORKS, TRANSPORT AND COMMUNICATION AT THE SECOND  
READING OF THE BILL ENTITLED “THE LAND TRANSPORT REGULATORY  
AUTHORITY ACT, 2018”

—————  
*Made under S.O.86(10)*  
—————

A Bill entitled “The Land Transport Regulatory Authority Act, 2018 is amended generally as follows:

**A:** In Clause 3, by-

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

““land transport” includes commercial road transport, rail transport, commercial underground or cable transport;  
“long term licence” means a licence issued for the duration of five years or more in terms of this Act;”;

(b) deleting the word “Authority” appearing in the definition of the term “Minister” and substituting for it the words “land transport”;

(c) deleting the words “regulated sectors” appearing in the definition of the term “sector Minister” and substituting for them the words “a regulated sector”;

**B:** In Clause 4, by adding immediately after subclause (4) the following new subclause:

“(5) Notwithstanding the provisions of subsection (2), the Authority shall have duty to notify the Attorney General of any impending suit or intention to institute a suit of matter for or against the Authority.”;

**C:** By designating the contents of Clause 5 as contents of Clause 6 and contents of Clause 6 as contents of Clause 5 respectively;

**D:** In Clause 5 as designated-

(a) in subclause (1)(c)(ii), by deleting the word “sources” and substituting for it the word “services”; and

(b) in subclause (3) by deleting the words “on specific issues”;

- E:** In Clause 6(b) as designated by adding the words “including consumers of the regulated sectors” at the end of subclause (b);
- F:** In Clause 7-
- (a) in paragraph (1)(b)(i), by deleting the words “law officer appointed” and substituting for them the words “a law officer nominated”;
  - (b) by inserting immediately after subclause (1), the following:  

“(2) In appointing members of the Board under subsection (1), due regard shall be given to gender”;
  - (c) by renumbering subclauses (2) to (4) as subclauses (3) to (5);
- G:** In Clause 8(2) by-
- (a) deleting paragraph (g); and
  - (b) renaming paragraphs (h) to (l) as paragraphs (g) to (k) respectively;
- H:** In Clause 9(1) by-
- (a) deleting the word “Minister.” appearing at the end of paragraph (b) and substituting for it the words “Minister; and”; and
  - (b) adding immediately after paragraph (b) a new paragraph (c) as follows:  

“(c) exercise disciplinary powers over management employees.”;
- I:** In Clause 11-
- (a) by designating the content of subclause (4) as contents of subclause (3);
  - (b) in subclause (3) as designated, by adding at the end of the subclause the words “under such written law”;
- J:** In Clause 12(2), by-
- (a) inserting immediately after the word “member” appearing in the first line the words “of the Board”;

(b) deleting the article “a” appearing in the third line;

**K:** In Clause 14 –

(a) by deleting the words “eighteen months” appearing in the opening phrase and substituting for them the words “twelve months”;

(b) in paragraph (a), by deleting the words “during the members term of office or employee’s service with the Authority”; and

(c) in paragraph (b) by deleting the words “during the members term of office or employee’s service with the Authority”;

**L:** In Clause 15, by-

(a) by deleting subclause (3);

(b) in subclause (5) by deleting the word “renewable” appearing in the second line and substituting for it the words “renewable once.”;

(c) renumbering subclauses (4) and (5) as subclauses (3) and (4) respectively;

**M:** In Clause 17(3), by deleting the word “appointing” and substituting for it the word “recruiting”;

**N:** In Clause 18(2), by deleting the words “licence to operate” appearing in paragraph (b) and substituting for them the words “long term licence”;

**O:** In Clause 23(1), by deleting the words “a member or” appearing in the second line;

**P:** In Clause 24, by deleting subclause (1) and substituting for it the following:

“(1) The Authority shall, before the beginning of each financial year, establish an annual program for consultation with stakeholders for the purpose of effectively carrying out its functions.”;

**Q:** In Clause 25(1), by deleting the words “in the Authority’s website” and substituting for it the words “by the Authority”;

- R:** In Clause 26-
- (a) in subclause (2), by deleting the word “Authority” wherever it appears in the subclause and substituting for it the word “Board”;
  - (b) by deleting subclause (3) and substituting for it the following:  
“**(3)** The Review Panel shall be responsible for reviewing decisions of the management of the Authority and submit to the Board for determination.”;
- S:** In clause 27(2), by deleting the words “the Review Panel” and substituting for them the word “review”;
- T:** In Clause 29 by-
- (a) inserting immediately after subclause (4) the following:  
“**(5)** In appointing members of the Council under this section, due regard shall be given to gender.”;
  - (b) renumbering subclauses (5) and (6) as subclauses (6) and (7) respectively;
- U:** In Clause 32-
- (a) in subclause (5), by deleting the words “30<sup>th</sup> November in that year” and substituting for them the words “31<sup>st</sup> December of the following year”;
  - (b) in subclause (7), by deleting the word “immediately” and substituting for it the word “immediate”;
- V:** In Clause 35(3), by deleting the words “1.5 percent” and substituting for them the words “1 percent”;
- W:** In Clause 38, by deleting subclause (1) and substituting for it the following:  
“**(1)** The Authority shall cause to be prepared and submitted to the Minister within six months after the close of each financial year an annual report detailing general activities and operation of the Authority during that year.”;
- X:** In Clause 40, by deleting the words “a sector Act” wherever they appear in the clause and substituting for them the words “sector legislation”;

**Y:** In Clause 41;

- (a) by renumbering the repeated subclause (4) as subclause (5) and subclauses (5) and (6) as subclauses (6) and (7) respectively;
- (b) in subclause (5) as renumbered by deleting the words “a sector Act” wherever they appear in the subclause and substituting for them the words “sector legislation”;

**Z:** In Clause 45(1), by deleting the words “regulated sectors” and substituting for them the words “regulated sector”;

**AA:** In Clause 46, by deleting the words “sector Act” and substituting for them the words “sector legislation”;

**BB:** In Clause 47-

- (a) by deleting the marginal note and substituting for it the following:  
“Repeal and savings”; and
- (b) in subclause (2), by deleting the words “licences, orders and permits” and substituting for them the words “licence, order or permit”; and
- (c) in subclause (5), by deleting the word “references” and substituting for it the word “reference”;

**CC:** By deleting Clause 51;

**DD:** By deleting Clause 58 and substituting for it the following:

“Amendment  
of section 11

**58.** The principal Act is amended in section 11-  
(a) in subsection (1), by deleting paragraph (b) and substituting for it the following:

“(b) use for hire or reward a public service vehicle for the conveyance of any person.”;

(b) in subsection (5) by-

- (i) deleting paragraphs (f) and (h) and ;
- (ii) renaming paragraphs (g) and (i) as paragraphs (f) and (g) respectively;

**EE:** By renumbering Clauses 52 to 58 as Clauses 51 to 57 respectively;

**FF:** In paragraph 2(1)(b) of the Schedule by deleting the word “member” and substituting for it the word “members”;

Dodoma,  
..... , 2019

**IAK**  
*MWTC*

**MWENYEKITI:** Namwita sasa Mwenyekiti wa Kamati ya Miundombinu.

**MHE. RASHID MOHAMED CHUACHUA – K.n.y. MWENYEKITI WA KAMATI YA KUDUMU YA BUNGE YA MIUNDOMBINU):** Mheshimiwa Mwenyekiti, kwa niaba ya Mwenyekiti wa Kamati ya Miundombinu, nawasilisha maoni na ushauri kuhusu Muswada wa Sheria ya Mamlaka ya Udhhibiti Usafiri wa Ardhini wa Mwaka 2018 (*The Land Transport Regulatory Authority, 2018*).

Mheshimiwa Mwenyekiti, Kamati inatoa pongezi kwa Serikali kwa hatua ya kupeleka Muswada huo mbele ya Bunge lako Tukufu ili uweze kujadiliwa na hatimaye kutunga sheria kwa maslahi ya Taifa.

Mheshimiwa Mwenyekiti, kwa heshima kubwa kutokana na muda, naomba niende moja kwa moja kwenye maoni na ushauri wa Kamati. Muswada huu umegawanyika katika sehemu 12 zenye vifungu 58 na jedwali. Kufuatia uchambuzi uliofanywa na Kamati, marekebisho mbalimbali ya kisarufi na kimantiki yalifanyika ambapo kwa kiasi kubwa Serikali imezingatia na kuahidi kuyafanyia marekebisho hayo kupitia jedwali lake la marekebisho.

Mheshimiwa Mwenyekiti, yafuatayo ni maoni na ushauri wa Kamati:-

Mheshimiwa Mwenyekiti, sehemu ya kwanza inaainisha masharti ya awali ya Muswada ambayo ni jina la Muswada, tarehe ya kuanza kutumika, matumizi yake, ambapo matumizi yake ni Tanzania Bara na tafsiri ya misamiati mbalimbali. Katika sehemu hii Kamati haikuwa na marekebisho yoyote.

Mheshimiwa Mwenyekiti, sehemu ya pili inahusu uanzishwaji wa Mamlaka ya Udhhibiti Usafiri wa Ardhini ambayo itafahamika kama *The Land Transport Regulatory Authority*, kwa kifupi *LATRA*. Sehemu hii pia inaeleza majukumu na kazi za Mamlaka itakayoanzishwa. Katika

sehemu hii Kamati inatoa maoni na mapendekezo yafuatayo:-

Mheshimiwa Mwenyekiti, Kifungu cha 4(4), Kamati inapendekeza kuongeza Kifungu kidogo kipya kitakachosomeka, *“For the purpose of subsection (4) the Director General shall have the duty to notify the Attorney General of any impending suit or matter by or against Authority.”* Sababu za pendekezo hili ni kutaka sheria iweke masharti ya wajibu wa Mkurugenzi Mkuu kumjulisha Mwanasheria Mkuu wa Serikali ikitokea Mamlaka inashtaki au kushitakiwa.

Mheshimiwa Mwenyekiti, Kifungu cha 5(e), Kamati inapendekeza kuondolewa kwa maneno *low income, rural and disadvantaged consumers* kwa kuwa ni maneno yanayobagua watu kwa kuangalia vipato, maeneo wanapoishi na kadhalika. Hii ni kinyume na Ibara ya 13 ya Katiba ya Jamhuri ya Muungano wa Tanzania ya Mwaka 1977. Kifungu hiki sasa kisomeke, *“promoting the availability of regulated services to all consumers.”*

Mheshimiwa Mwenyekiti, sehemu ya tatu inahusu uanzishwaji wa Bodi ya Mamlaka ya Udhhibiti Usafiri wa Ardhini. Katika Sehemu hii Kamati inatoa mapendekezo yafuatayo:-

Mheshimiwa Mwenyekiti, Kifungu cha 7(b), kifungu cha (2), Kamati inaona ipo haja ya kuzingatia jinsia na hivyo inaongeza *phrase “of whom at least two shall be women”.*

Mheshimiwa Mwenyekiti, Kifungu cha 11(1), Kifungu hiki kimetoa masharti ya Bodi kukasimu madaraka yake na kuainisha masuala ambayo haiwezi kukasimu. Kamati inapendekeza kuongezwa maneno *“and such other matters the Board may determine”* mwishoni mwa sentensi ili kujumuisha mambo ambayo kifungu hakijayataja.

Mheshimiwa Mwenyekiti, Kifungu cha 12, Kamati inapendekeza kuongeza maneno *“of the board”* katikati ya

maneno "*member and or*" ili kuleta maana ya Mjumbe anayetajwa.

Mheshimiwa Mwenyekiti, Kifungu cha 14, Kamati inapendekeza maneno "*eighteen months*" yafutwe na badala yake yaandikwe maneno "*twelve months*" kwa kuwa muda unaopendekezwa wa miezi 18 ni mrefu sana.

Mheshimiwa Mwenyekiti, sehemu ya nne, inahusu usimamizi wa Mamlaka ambapo kuna uteuzi wa Mkurugenzi Mkuu wa Mamlaka na Watumishi wengine.

Mheshimiwa Mwenyekiti, yafuatayo ni maoni na mapendekezo katika sehemu hii:-

Mheshimiwa Mwenyekiti, Kifungu cha 15(2) na (3), Kamati inaona kuwa kuna mkanganyiko katika uteuzi wa Mkurugenzi Mkuu ambapo Kifungu cha 15(2) kimweka masharti kuwa Mkurugenzi Mkuu atateuliwa na Mheshimiwa Rais. Vilevile kifungu cha 15(3) kinaelezea kwamba Mamlaka itagharamia zoezi la kumwajiri Mkurugenzi Mkuu kama vile kwa masharti ya kifungu hicho Mamlaka itamwajiri yenyewe.

Mheshimiwa Mwenyekiti, Kamati inapendekeza kuwa maudhui ya vifungu hivyo yaunganishwe na mchakato wa kumwajiri Mkurugenzi Mkuu uanze na Bodi kwa kupitia mchakato wa ajira na kupendekeza majina matatu kwa Mheshimiwa Rais kwa ajili ya uteuzi.

Mheshimiwa Mwenyekiti, Kifungu cha 17(3), Kamati inapendekeza neno "*appointing*" lililopo katikati ya maneno "*in*" na "*employees*" lifutwe na badala yake kuandikwe neno "*recruiting*." Kifungu hiki sasa kosomeke, "*The Authority shall, in recruiting employees, comply with the competitive selection procedures.*" Sababu za pendekezo hili ni kuzingatia ukweli kuwa watumishi huajiriwa kwa kufuata mchakato na neno *appointing* halibebi maudhui ya mchakato wenyewe.

Mheshimiwa Mwenyekiti, sehemu ya tano inahusu Madaraka na Utaratibu wa Uendeshaji wa Shughuli za

Mamlaka. Kamati inatoa maoni na mapendekezo yafuatayo:-

Mheshimiwa Mwenyekiti, Kifungu cha 18(2) (b), Kamati inapendekeza kifungu hiki kiboreshwe ili utaratibu wa kumteua *administrator* ufanywe kwa kuzingatia makampuni yenye leseni maalum (*exclusive licence*)

Mheshimiwa Mwenyekiti, Kifungu cha 24(1), kimeweka masharti ya kwamba kabla ya mwanzo wa kila mwaka, Mamlaka itakuwa na programu ya kuwa na mashauriano na wadau. Hivyo, Kamati inaona umuhimu wa kuonesha mwaka unaozungumziwa kuwa ni kila mwaka wa Fedha. Hivyo Kamati inapendekeza kuongezwa kwa maneno "*financial*" katikati ya neno "*each*" na "*year*" ili kuleta maana iliyokusudiwa. Kwa hiyo, sasa kifungu hiki kisomeke, "*The Authority shall, before the start of each financial year, establish an annual program for consultation with such persons and organizations.*"

Mheshimiwa Mwenyekiti, Kifungu cha 25, kinaweka masharti ya *register* kuwekwa kwenye tovuti ya Mamlaka kwa ajili ya ukaguzi (*inspection*) wa Umma. Kwa masharti ya kifungu hiki inaonekana kwamba *register* hiyo itapatikana kwenye tovuti tu. Hivyo Kamati inapendekeza neno "*website*" linaloonekana katikati ya maneno *authorities* na neno "*which*" lifutwe na sasa kifungu hiki kisomeke, "*There shall be a Public Register published by the Authority which shall be available for public inspection.*"

Mheshimiwa Mwenyekiti, sehemu ya nne inaanzisha Kamati ya Mapitio ambayo itasikiliza malalamiko kutoka kwa watu ambao hawajaridhika na uamuzi wa Mamlaka. Kifungu cha 28 (1) hakioneshi ni wapi maamuzi ya *Review Panel* yanakuwa ndiyo maamuzi ya Bodi. Kamati inapendekeza sheria kuweka masharti ya maamuzi ya *Review Panel* kuwasilishwa kwenye Bodi ili maamuzi hayo yachukuliwe kuwa ndiyo maamuzi ya Bodi.

Mheshimiwa Mwenyekiti, sehemu ya saba inahusu Baraza la walaji. Kifungu cha 29 (2), Kamati inaona kuwa kifungu hakijazingatia masuala ya jinsia. Hivyo, tunaomba kuongeza *phrase " of whom at least three shall be women."*

Mheshimiwa Mwenyekiti, sehemu nane inahusu utatuzi wa migogoro. Katika sehemu hii, Kamati haikuwa na marekebisho yoyote.

Mheshimiwa Mwenyekiti, sehemu ya tisa inahusu masuala ya fedha ambapo imeainisha vyanzo vya mapato vya Mamlaka kuwa ni pamoja na ada za leseni, tozo kutoka kwa watoa huduma, pamoja na malipo mbalimbali yanayolipwa kwa Mamlaka kutokana na majukumu yake na misaada au michango mbalimbali inayotolewa kwa Mamlaka.

Mheshimiwa Mwenyekiti, Kifungu cha 35 (3), Kamati inaona kuwa kiwango cha tozo kilichowekwa cha asilimia 1.5 inayotozwa kwenye pato ghafi ni kiwango kikubwa sana kwani wakati mwingine unaweza kukusanya kiasi kingi lakini kwa uhalisia hakuna faida kubwa. Hivyo, Kamati inapendekeza kiwango cha asilimia kirekebishwe na kiwe kisichoziidi asilimia moja. Hivi sasa tunaomba kifungu kisomeke, "*An annual levy payable under subsection (2) shall not exceed one percent for the gross operating revenue of a regulated supplier from the supply of regulated goods and services.*"

Mheshimiwa Mwenyekiti, sehemu ya kumi inahusu masharti ya jumla. Kifungu cha 42(3) kimeweka masharti kuwa mtu aliyesababishiwa hasara anapaswa kulipwa fidia na mtoa huduma hata kama hajakutwa na hatia. Kamati inaona kuwa kifungu hiki kinaenda kinyume na masharti ya Katiba ya Jamhuri ya Muungano wa Tanzania ya Mwaka 1977 ibara ya 13(6). Hivyo Kamati inapendekeza kifungu hiki kiondolewe.

Mheshimiwa Mwenyekiti, sehemu ya kumi na moja inahusu mapendekezo ya kufutwa kwa sheria na masharti

ya mpito. Kamati haikuwa na marekebisho yoyote katika sehemu hii.

Mheshimiwa Mwenyekiti, sehemu ya kumi na mbili inahusu marekebisho ya Sheria Mbalimbali ambapo kutokana na Muswada wa Sheria hii, sheria zinazorekebishwa ni Sheria ya Reli, Sheria Na.10 ya Mwaka 2017 na Sheria ya Utoaji Leseni za Usafiri, Sura ya 317. Kamati haikuwa na marekebisho yoyote katika sehemu hii.

Mheshimiwa Mwenyekiti, pamoja na uchambuzi na marekebisho mbalimbali ya vifungu vya sheria, Kamati inasisitiza Serikali katika mambo muhimu yatuatayo:-

(a) Kamati inaona kwamba adhabu, vifungo pamoja na faini vilivyopendekazwa na Muswada ni vikubwa. Hivyo basi, vipunguzwe.

(b) Kuhusu viwango vya tozo (*charges*) za watoa huduma, Kamati inaona kuwa kubadilisha tozo huwa inakuwa mlolongo mrefu na kwa muda mrefu viwango hivyo havijafanyiwa marekebisho. Hivyo, Kamati inaishauri Serikali kuweka kikokotoo kitakachotokana na gharama za uendeshaji ili kupata gharama halisi za tozo kwa watoa huduma.

(c) Kamati inashauri kwamba Mtendaji Mkuu wa Mamlaka pamoja na wasaidizi wake wawe ni watu wenye historia ya kufanya kazi vizuri kwenye taasisi walizipata kuzisimamia.

(d) Katika juhudi za kupunguza ajali za barabarani pamoja kuwa mabasi yamefungwa vidhibiti mwendo ni vyema magari makubwa ya mizigo nayo yakafanyiwa utaratibu huo kwani imebainika hivi karibuni ajali nyingi zimekuwa zikisabishwa na mwendokasi wa malori.

Mheshimiwa Mwenyekiti, naomba kuwasilisha.  
(Makofi)

**MWENYEKITI:** Ahsante.

**KAMATI YA KUDUMU YA BUNGE YA MIUNDOMBINU MAONI  
NA USHAURI KUHUSU MUSWADA WA SHERIA YA MAMLAKA  
YA HALI YA HEWA TANZANIA WA MWAKA 2018 (THE  
TANZANIA METEOROLOGICAL AUTHORITY BILL, 2018)  
KAMA ILIVYOWASILISHWA MEZANI**

**4.0 UTANGULIZI**

**Mheshimiwa Spika**, kwa mujibu wa Kanuni ya 86 (5) ya Kanuni za Kudumu za Bunge, Toleo la Januari 2016, napenda kutumia fursa hii kuwasilisha mbele ya Bunge lako Tukufu, Maoni na Ushauri wa Kamati kuhusu Muswada wa Sheria ya Mamlaka ya Hali ya Hewa Tanzania wa Mwaka 2018 (*The Tanzania Meteorological Authority Bill, 2018*).

**Mheshimiwa Spika**, Kamati inatoa pongezi kwa Serikali kwa hatua ya kuleta Muswada huu mbele ya Bunge lako Tukufu ili uweze kujadiliwa na hatimae kutungwa kwa sheria. Kuletwa kwa Muswada huu Bungeni ni mafanikio ya ushauri wa Kamati uliokuwa ukitolewa mara kwa mara.

**4.1 Namna Kamati ilivyotekeleza Jukumu la Kujadili Muswada**

**Mheshimiwa Spika**, Nyongeza ya Nane, Kifungu cha 7(1) (b) cha Kanuni za Kudumu za Bunge, Toleo la Januari 2016, inazipa Kamati za Bunge za Kisekta ikiwemo Kamati ya Miundombinu, jukumu la kushughulikia Miswada ya Sheria na Mikataba iliyo chini ya Wizara inayoismamia.

**Mheshimiwa Spika**, kwa kuzingatia Kanuni ya 84(1) ya Kanuni za Kudumu za Bunge, Kamati ilitekeleza shughuli zifuatazo kwa ajili ya kuwezesha uchambuzi wa kina wa Muswada huu:-

h) Kujadiliana na kuainisha mambo mbalimbali yatakayofanikisha uchambuzi wa Muswada huu ili kupata maoni yatakayosaidia Bunge kutunga Sheria yenye tija kwa maslahi ya Taifa;

i) Kupokea na kujadili wasilisho la Sekretarieti kuhusu ulinganisho wa Dhana ya Huduma ya Hali ya Hewa nchini na hatua zilizofikiwa na nchi nyingine. Lengo la wasilisho hili ni kupata uelewa wa Muswada husika kwa mujibu wa Kanuni ya 21 (1) (b) ya Kanuni za Kudumu za Bunge, Toleo la Januari, 2016;

j) Kupokea maelezo ya kitaalam kuhusu Usimamizi, Udhibiti, Uratibu, Mfumo na Muundo wa Mamlaka ya Hali ya Hewa Tanzania. Shughuli hii iliwezesha na Ofisi ya Bunge, chini ya utaratibu wa Mradi wa LSP II;

k) Kupokea maelezo ya Serikali ambayo yaliwasilishwa na Waziri wa Ujenzi, Uchukuzi na Mawasiliano Mheshimiwa Eng. Isack Kamwelwe, (Mb) tarehe 16 Januari, 2018 ambapo pamoja na maelezo mengine, alijulisha Kamati lengo, madhumuni na manufaa mbalimbali yatakatayotokana na kupitishwa kwa Sheria hii kwa maendeleo ya Taifa;

l) Kupokea maoni ya wadau (*Public Hearing*) kwa kuzingatia matakwa ya Kanuni ya 84 (2) ya Kanuni za Kudumu za Bunge, Toleo la Januari, 2016. Jumla ya Taasis Kumi na Nane (18) kutoka Tanzania Bara na Tanzania Zanzibar zilitumiwa mialiko rasmi ili zifike au zitume maoni yao kuhusu Muswada husika. Mialiko mingine ya wadau ilitolewa kupitia tangazo la Ofisi ya Bunge kwa Umma.

Kazi hii ya kupokea maoni ya wadau ilifanyika siku ya Alhamisi tarehe 17 Januari, 2019. Kwa namna ya pekee Kamati inatoa shukrani za dhati kwa wadau wote waliofika na kuwasilisha maoni na mapendekezo yao mbele yao ambayo yamechangia kuibua mijadala mbalimbali na hatima Kamati kuwa katika nafasi nzuri ya kutoa mapendekezo kwa Sheria inayopendekezwa.

m) Kuchambua maoni ya wadau kwa kulinganisha sababu, mantiki na madhumuni ya Muswada ili kupata msimamo wa Kamati katika hoja mbalimbali;

n) Kujadiliana na Serikali kuhusu hoja mbalimbali za Kamati kabla ya kuhitimisha uchambuzi wa Muswada. Kikao hicho cha majadiliano kilifanyika tarehe 23 Januari, 2019. Kuafuatia kikao hicho, Serikali ilikubali baadhi ya Hoja za Kamati na kuhaidi kuyazingatia katika Jedwali la Marekebisho (*Schedule of Amendments*).

## 4.2 Dhana ya Huduma za Hali ya Hewa

**Mheshimiwa Spika**, Hali ya hewa ni sayansi inayohusu anga na tabia zake ikijumuisha hali ya anga ya muda mfupi (muda usiozidi siku 3), muda wa kati (siku 3 hadi 30) na muda mrefu (Siku 30 na kuendelea). Kwa upande mwingine, huduma ya hali ya hewa inahusisha takwimu na taarifa za hali ya hewa iliyopita, iliyopo na ijayo.

**Mheshimiwa Spika**, Umuhimu wa utabiri wa hali ya hewa umejikita katika uangazi wa mabadiliko ya hali ya hewa ya mara kwa mara kutokana na mzunguko wa angahewa unaotawaliwa na nishati ya mnururisho wa jua na uwiano katika sehemu mbalimbali za angahewa.

**Mheshimiwa Spika**, Mabadiliko ya hali ya hewa yamekuwa yakirahisisha maisha au kuongeza ugumu wake, hasa kama mabadiliko hayo yata vuruga ukuaji kwa mimea kwa njia ya ukame au mafuriko, upepo mkali, dharuba, kimbunga, radi, mvua, theluji, baridi ama joto. Hivyo, kwa maendeleo ya jamii na uchumi kwa taifa lolote Duniani, taarifa za utabiri wa hali ya hewa ni muhimu sana katika kupanga mipango ya maendeleo na mikakati katika maisha ya kila siku ili kuweza kukabiliana na mabadiliko ya hali ya hewa ya mara kwa mara.

**Mheshimiwa Spika**, Taarifa za mabadiliko ya hali ya hewa nchini, pamoja na kuhitajika na jamii nzima kwa ujumla, taarifa hizi pia zimekuwa zikihitajika kusaidia katika nyanja mbalimbali kama vile usafiri wa anga, shughuli za kilimo, uvuvi, ujenzi na mipango miji, utafiti, utafutaji na uchimbaji wa mafuta na gesi.

### 4.3 Historia ya Utoaji wa Huduma za Hali ya Hewa Nchini

**Mheshimiwa Spika**, mnamo mwaka 350 kabla ya Kristo, mwanafalsafa maarufu duniani Aristotle ambaye anafahamika kama mwanzilishi wa somo la meteorojia, aliandika makala mbalimbali juu ya somo hilo. Makala hizo zinathibitisha kuwa masuala ya syansi ya hali ya hewa ni ya muda mrefu sana duniani.

**Mheshimiwa Spika**, hapa nchini historia ya Utoaji wa Huduma za Hali ya hewa imegawanyika katika vipindi vikuu viwili ambavyo ni kabla ya Uhuru na baada ya Uhuru.

#### 4.3.1 Utoaji wa Huduma za Hali ya Hewa kabla ya Uhuru

**Mheshimiwa Spika**, Kabla ya uhuru, huduma za hali ya hewa zilitolewa kwa ajili ya usafiri wa anga hususan usafirishaji wa madini kutoka Northern Rhodesia (Zambia). Huduma hizi zilianza kutolewa mwaka 1929 chini ya usimamizi wa Taasisi ya Hali ya Hewa ya Uingereza (*British East African Meteorological Services - BEAMS*). Katika kipindi hicho, vilijengwa vituo viwili vya hali ya hewa huko Kazeh Hill (Tabora) na Chukwani (Zanzibar) na Makao makuu yalikuwa Tabora. Majukumu ya Taasisi hii yalikuwa kutoa huduma za hali ya hewa kwa nchi za Kenya, Tanganyika (sasa Tanzania Bara), Zanzibar na Northern Rhodesia (sasa Zambia).

**Mheshimiwa Spika**, Baadae Taasisi hiyo iliitwa *British East African Meteorological Department* (BEAMD) chini ya *British East African High Commission* (BEAHC) na ilitoa huduma zake kwa nchi za Kenya, Tanganyika, Uganda na Zanzibar.

**Mheshimiwa Spika**, Huduma za hali ya hewa ziliendelea kuimarika Duniani kote hasa baada ya kuanzishwa kwa Shirika la Hali ya Hewa Duniani (*World Meteorological Organisation - WMO*) mwaka 1950.

#### 4.3.2 Utoaji wa Huduma za Hali ya Hewa baada ya Uhuru

**Mheshimiwa Spika**, Baada ya uhuru wa Tanganyika mwaka 1961, wigo wa kutoa huduma za hali ya hewa uliongezeka kwenye sekta za nishati, kilimo, madini, ulinzi na usalama. Mwaka 1963, *British East African High Commission* ilibadilishwa muundo na kuwa *East Africa Common Services Organisation* (EACSO) na *British East Africa Meteorological Department* ilibadilika na kuwa *East African Meteorological Department* (EAMD).

Majukumu ya EAMD yalikuwa ni kutoa huduma za hali ya hewa kwa nchi za Afrika Mashariki ambazo ni Kenya, Uganda, Tanganyika na Zanzibar. Makao makuu ya EAMD yalikuwa Kabete, Kenya na baadaye yalihamishiwa Nairobi-Kenya. Baada ya kuanzishwa kwa Jumuiya ya Afrika Mashariki (*East African Community-EAC*) mwaka 1967, *East Africa Meteorological Department* ilipata muundo mpya na makao yake makuu yaliendelea kuwa Nairobi.

**Mheshimiwa Spika**, Baada ya kuvunjika kwa Jumuiya ya Afrika ya Mashariki mwaka 1977, huduma za hali ya hewa nchini zilitungiwa Sheria Na. 6 ya mwaka 1978. Sheria hii iliunda Idara Kuu ya Hali ya Hewa (*The Tanzania National Meteorological Board and Directorate of Meteorology*) chini ya iliyokuwa Wizara ya Mawasiliano na Ujenzi. Majukumu ya Idara hii yalikuwa ni pamoja na kupima, kukusanya, kuchambua, kuhifadhi na kutoa taarifa za hali ya hewa nchini.

**Mheshimiwa Spika**, tangu mwaka 1999 shughuli za hali ya hewa nchini zinatekelezwa na Wakala wa Hali ya Hewa Tanzania (*Tanzania Meteorological Agency-TMA*). Taasisi hii ilianzishwa kwa mujibu wa Sheria ya Wakala wa Serikali Na. 30 ya mwaka 1997 (Sura 245 kama ilivyorejewa mwaka 2002) na ilianza kufanya kazi rasmi Disemba, 1999.

**Mheshimiwa Spika**, majukumu ya Wakala wa Hali ya Hewa nchini ni pamoja na kuanzisha, kusimamia na kuendesha mtandao wa vituo vya hali ya hewa nchini, kutoa utabiri wa hali ya hewa na tahadhari kuhusiana na hali mbaya ya

hewa kwa umma, kupima na kufuatilia mifumo ya hali ya hewa nchini, kubadilishana taarifa za hali ya hewa katika mtandao wa dunia kulingana na makubaliano ya Kimataifa na kuiwakilisha Tanzania katika masuala ya hali ya hewa Kikanda na Kimataifa.

**Mheshimiwa Spika**, Tanzania ni mwanachama wa Shirika la Hali ya Hewa Duniani (*World Meteorological Organisation-WMO*). Hivyo, Wakala umekuwa ukingatia viwango vya utendaji kazi vinavyotolewa na kusimamiwa na Shirika la Hali ya Hewa Duniani (*World Meteorological Organisation-WMO*).

**Mheshimiwa Spika**, Wakala wa Hali ya Hewa umekuwa ukikabiliwa na changamoto mbalimbali kama vile; -

h) Kutokuwepo kwa mfumo bora wa udhibiti, uratibu wa utoaji huduma, uanzishwaji wa vituo, ubadilishanaji wa data na taarifa za hali ya hewa nchini;

i) Kutokuwa na udhibiti wa viwango vya ubora wa wataalam wanaotoa huduma za hali ya hewa nchini;

j) Sheria iliyopo kutotamka bayana juu ya jukumu la Wakala la kufuatilia, kupima na kuchambua kisayansi mabadiliko ya hali ya hewa;

k) Sheria ya Hali ya Hewa Sura 157 na kama ilivyorejewa Mwaka 2002 kutokutoa wajibu kwa mtumiaji wa huduma za hali ya hewa kibiashara kuchangia gharama za uchakataji wa taarifa hizo;

l) Sheria iliyopo kutoa adhabu ndogo kwa matukio ya uharibifu wa vifaa na mitambo mbalimbali ya hali ya hewa.

m) Sheria kutotamka bayana kuhusu uombaji na utoaji wa data na taarifa za hali ya hewa kuwa chini ya Wakala wa Hali ya Hewa kwa maslahi mapana ya Taifa; na

n) Kukosekana kwa utaratibu wa kisheria kuwezesha Wakala wa Hali ya Hewa kutoa tahadhari ya hali mbaya ya hewa.

**Mheshimiwa Spika**, Muswada wa Sheria ya Mamlaka ya Hali ya Hewa Tanzania wa Mwaka 2018 (*The Tanzania Meteorological Authority Bill, 2018*) unalenga kuifuta Sheria ya Utabiri wa Hali ya Hewa (Sura 157), na kuanzisha Mamlaka ya Hali ya Hewa nchini pamoja na kuweka masharti bora ya usimamizi, utaratibu na udhibiti wa huduma za utabiri wa hali ya hewa na hivyo kutoa mamlaka kamili ya kisheria kuratibu na kudhibiti masuala ya huduma za hali ya hewa nchini.

**Mheshimiwa Spika**, mambo mengine muhimu yanayozingatiwa katika Muswada huu ni pamoja na kubainisha majukumu na madaraka ya Mamlaka ya Hali ya Hewa, kuanzisha bodi ya Utabiri wa Hali ya Hewa pamoja na kubainisha kazi zake, utaratibu wa uteuzi wa Mkurugenzi Mkuu na kazi zake, masharti ya fedha pamoja na vyanzo vya mapato, makosa mbalimbali na adhabu zake, na utaratibu wa malalamiko na rufaa kutoka kwa watoa huduma za hali ya hewa.

## 5.0 MAONI NA USHAURI WA KAMATI

### 5.1 Maoni na Ushauri katika Vifungu vya Muswada

**Mheshimiwa Spika**, Muswada huu umegawanyika katika Sehemu Nane, zenye jumla ya Ibara 59. Muswada unapendekeza kutungwa kwa Sheria ya Mamlaka ya Hali ya Hewa Tanzania ambayo itaanzisha Mamlaka ya Hali ya Hewa Tanzania na kuweka masharti bora ya usimamizi, uratibu na udhibiti wa huduma za hali ya hewa pamoja na kuifuta Sheria ya Hali ya Hewa (*The Meteorology Act, Cap. 157*).

**Mheshimiwa Spika**, katika Muswada huu, Kamati imekubaliana na Serikali kwenye maeneo mengi na Serikali imehaidi kuzingatia marekebisho ya Kamati katika Jedwali lake la Marekebisho. Vifungu ambavyo Kamati imerekebisha na kutoa maoni ni **kifungu cha 4 (3) d, 6 na 32, 11, 17, 42, 44, 47, Jedwali la kwanza na Jedwali la Tatu**. Yafuatayo ni maoni na mapendekezo ya Kamati kuhusu vifungu hivyo:-

k) **Kifungu cha 4**, kinaunda Mamlaka ya Hali ya Hewa. Katika kifungu kidogo cha **(3) (d)**, Kamati inapendekeza kuongezwa maneno "*with the Minister's approval*" mbele ya neno "*transaction*" ili kuhakikisha kwamba Serikali inakuwa na taarifa za kutosha pale ambapo Mamlaka itakuwa inataka kukopa au kukopeshwa au kuingia katika makubaliano yoyote ya kimkatiba. Hivyo, kipengele hiki kisomeke kama ifuatavyo:-

*"(d) lending or borrowing money and entering into any contract or other transaction with the Minister's approval; and"*

l) **Kifungu cha 6 na 32** vinavyoelezea kuhusu uwezo wa Mamlaka; pamoja na, masuala mengine yaliyopo katika vifungu hivi, kusimika au kuweka mtambo ardhini. Kamati inapendekeza ibara hizo ziboreshwe kwa kuzingatia maudhui ya kifungu cha 3(1) (g) cha Sheria ya Ardhi ya 1999 kuhusu ulipaji wa fidia ya haki kutokana na uwezo wa Mamlaka kujenga, kuweka au kutunza mitambo, vifaa au vifaa vingine ndani, juu chini au katika ardhi yoyote hasa ardhi inayomilikiwa na wananchi.

Kamati inasisitiza umuhimu wa kutoa haki stahiki kwa mtu au taasisi kutokana na kutwaliwa eneo lake kwa matumizi ya kusimika mitambo ya Mamlaka ya Hali ya Hewa.

m) **Kifungu cha 11**, kinahusu uteuzi wa Mkurugenzi Mkuu, katika kipengele cha (2) b, Kamati inapendekeza kupunguza sifa ya mtu kuteuliwa kuwa Mkurugenzi Mkuu kuwa awe amewahi kushika nafasi ya uongozi kwa kipindi kisichopungua miaka kumi na badala yake iwe kipindi kisichopungua miaka minane. Hivyo, kifungu hicho kiboreshwe na kusomeka kama ifuatavyo; -

*"(b) possesses at least **eight years'** managerial experience in a field of meteorology"*

n) **Kifungu cha 17**, kinahusu kukataliwa kwa maombi ya kibali, Kamati inapendekeza kuongeza maneno "*and*

*notify the applicant the reasons for refusal" baada ya neno "permit" katika mstari wapili ili kumpa haki mwombaji kufahamu sababu za maombi yake kukataliwa. Hivyo, kifungu kisomeke kama ifuatavyo; -*

*"17. The Authority may, if satisfied that the applicant has not fulfilled the condition, refuse to issue a permit **and notify the applicant the reasons for refusal**"*

o) **Kifungu cha 42**, kinahusu adhabu zinazohusiana na matumizi ya vifaa vya kupima hali ya hewa. Katika kipengele **(c) (iii)**, Kamati inaona kuwa, adhabu iliyopendekezwa ya faini isiyopungua shilingi milioni kumi au kifungo kisichopungua miaka mitano kwa kosa la kutumia kifaa au mitambo ya kupima hali ya hewa bila kuhakikiwa na kukubalika na Mamlaka kama kifaa hicho kinafaa kwa matumizi kupima hali ya hewa ni kubwa sana.

Hivyo, Kamati inapendekeza adhabu hiyo ishushwe na iwe faini isiyozidi shilingi milioni moja au kifungo kisichozi mwaka mmoja na hivyo kifungu hicho kisomeke kama ifuatavyo; -

*"(iii) in the case of paragraph (c), to a fine not exceeding **one million Tanzania shillings or imprisonment of not more than one year.**"*

p) **Kifungu cha 44**, kinahusu adhabu kwa kuhamisha kituo au kifaa cha hali ya hewa, Kamati inaona adhabu iliyotolewa ya faini isiyopungua shilingi milioni tano au kifungo kisichopungua miaka miwili ni adhabu kubwa sana. Kamati inapendekeza faini isiyopungua shilingi milioni moja au kifungo kisichopungua mwaka mmoja. Hivyo, kifungu hicho sasa kisomeke:-

*"44. A person who relocates meteorological stations, instrument or equipment without approval from the Authority commits an offence and upon conviction shall be liable to a fine of not less than **one million shillings or imprisonment for a term of not less than one year or both.***

Aidha, Kamati inashauri katika Kanuni, mchakato wa kibali (*approval*) kwa ajili ya kuruhusu kuhamisha mtambo au kifaa cha hali ya hewa uangaliwe kwa makini kuepusha urasimu na usumbufu.

q) **Kifungu cha 46**, Serikali imepewa nafasi ya kukiweka kifungu hiki vizuri ili kiwe wazi kuwa hakitawahusisha watabiri wasiotumia vifaa vya kisayansi kama vile wazee wa kimila na waganga wa jadi.

r) **Kifungu cha 47**, kifungu hiki kinahusu adhabu kwa kosa la kusambaza takwimu (*data*) za hali ya hewa bila idhini ya Mamlaka. Kamati inaona adhabu iliyotolewa ya faini isiyopungua shilingi milioni ishirini na kifungo kisichopungua miaka mitano ni adhabu kubwa sana. Kamati inapendekeza faini isiyopungua shilingi milioni tano na kifungo kisichopungua miaka miwili. Hivyo, kifungu hiki sasa kisomeke: -

*“47. A person who unlawfully distributes meteorological data without the consent of the Authority commits an offence and upon conviction shall be liable to a fine of not less than **five million shillings** or to imprisonment for a term of not less than **two years** or to both.*

s) **Jedwali la Kwanza**, katika kipengele 1 (b), Kamati inapendekeza marekebisho ya kiuandishi neno *“Four”* libadilishwe na badala yake liandikwe *“Five”* ili kuakisi maudhui ya kifungu cha 7(2) cha Muswada kinachotamka kuwa wajumbe wa Bodi watakuwa Saba.

t) **Jedwali la Tatu**, katika kipengele (d), Kamati inapendekeza marekebisho ya kiuandishi neno *“contraction”* libadilishwe na badala yake liandikwe *“construction”* ili kuleta maana iliyokusudiwa.

## 5.2 Maoni ya Jumla

**Mheshimiwa Spika**, pamoja na uchambuzi na marekebisho mbalimbali ya vifungu vya Sheria hii, Kamati inaisisitiza Serikali katika mambo muhimu yafuatayo; -

d) Watu wote wanaojihusisha na masuala ya uangazi wa hali ya hewa wawe na ujuzi wa masuala hayo ili kuhakikisha kuwa taarifa zinazotolewa zinakuwa za uhakika na fasaha;

e) Taasisi za kitaaluma zisilazimike kuwajibika kutoa tozo zitakazopendekezwa katika Kanuni pale zinakapokuwa zinaomba vibali vya kujihusisha na masuala ya uangazi wa hali ya hewa kwa matumizi ya utafiti, kwa kuwa taasisi hizo zinatoa huduma ya taaluma na si kwa matumizi ya kibiashara au vinginevyo; na

f) Katika kupitia Muswada huu, Kamati imebaini kuwa makosa yatakayotendwa na mtu au taasisi kwa mujibu wa Muswada huu yamepewa faini kubwa au kifungo cha muda mrefu au vyote kwa pamoja. Kamati inashauri adhabu hizo zipunguzwe.

## 6.0 HITIMISHO

**Mheshimiwa Spika**, baada ya kuwasilisha maoni na ushauri wa Kamati, sasa naomba kuwatambua Wajumbe wa Kamati hii walioshughulikia Muswada huu kama ifuatavyo: -

1. Mhe. Moshi Seleman Kakoso, Mb - Mwenyekiti
2. Mhe. Hawa Mchafu Chakoma, Mb -M/ Mwenyekiti
3. Mhe. Eng. Ramo Matala Makani, Mb - Mjumbe
4. Mhe. Daniel Nicodemus Nsanzugwako, Mb''
5. Mhe. Joyce John Mukya, Mb ''
6. Mhe. Asha Mshimba Jecha, Mb ''
7. Mhe. Susan Chogisasi Mgonukulima, Mb ''
8. Mhe. Abbas Ali Hassan Mwinyi, Mb ''
9. Mhe. Nuru Awadh Bafadhil, Mb ''
10. Mhe. James Francis Mbatia, Mb ''
11. Mhe. Saul Henry Amon, Mb ''
12. Mhe. Ahmed Mabkhut Shabiby, Mb ''
13. Mhe. Dkt. Chuachua Mohamed Rashid, Mb''
14. Mhe. Dkt. Pudenciana Wilfred Kikwembe, Mb''
15. Mhe. Bhagwanji Maganlal Meisuria, Mb ''
16. Mhe. Dua William Nkurua, Mb ''

17. Mhe. Raphael Japhary Michael, Mb        ''
18. Mhe. Agnes Mathew Marwa, Mb       ''
19. Mhe. Charles Kitwanga, Mb       ''
20. Mhe. Rukia Kassim, Mb       ''
21. Mhe. Nassor Suleiman Omar, Mb       ''
22. Mhe. Zuber Mohamed Kuchauka, Mb       ''
23. Mhe. Dkt. Charles Tizeba, Mb       ''
24. Mhe. Munde Abdallah Tambwe, Mb       ''

**Mheshimiwa Spika**, vile vile Kamati inawashukuru pia Wabunge wote walioshiriki katika vikao vyake wakati wa kuchambua Muswada huu.

**Mheshimiwa Spika**, Kamati inakushukuru wewe binafsi pamoja na Naibu Spika Mheshimiwa Dkt. Tulia Ackson kwa ushirikiano mnaouonesha katika kutekeleza majukumu ya Kamati.

**Mheshimiwa Spika**, Kamati pia inamshukuru Katibu wa Bunge Ndg. Stephen Kagaigai kwa kuiwezesha Kamati wakati wote ilipokuwa ikitekeleza majukumu yake. Vilevile, Kamati inaishukuru sekretarieti ya Kamati ikiongozwa na Mkurugenzi wa Idara za Kamati za Bunge Ndg. Athuman Hussein, Mkurugenzi Msaidizi Ndg. Dickson Bisile, Katibu wa Kamati Ndg. Hosiana John, washauri wa Bunge wa Mambo ya Sheria Ndg. Thomas Shawa, Ndg. Matamus Fungo pamoja na Msaidizi wa Kamati Ndg. Waziri Kizingiti kwa kuratibu vyema shughuli zote za Kamati.

**Mheshimiwa Spika**, naomba pia niwashukuru Waziri wa Ujenzi, Uchukuzi na Mawasiliano Mheshimiwa Eng. Isack Kamwelwe, (Mb) akisaidiana na Manaibu Mawaziri Mhe. Justus Atashasta Nditiye, (Mb) na Mhe. Elias Kwandikwa, (Mb). Vilevile, shukrani ziende kwa Katibu Mkuu Dkt. Leonard M. Chamuriho akisaidiana na watendaji wote wa Wizara kwa ushirikiano wanaoipatia Kamati wakati wote wa kutekeleza majukumu yake.

**Mheshimiwa Spika**, naunga mkono hoja na naomba kuwasilisha.

Moshi Selemani Kakoso, Mb

**MWENYEKITI**

**KAMATI YA KUDUMU YA BUNGE YA MIUNDOMBINU**

30 Januari, 2019

**MWENYEKITI:** Ahsante, Msemaji Kambi ya Upinzani.

**MHE. JAMES F. MBATIA - MSEMAJI MKUU WA KAMBI RASMI YA UPINZANI BUNGENI KWA WIZARA YA UJENZI, UCHUKUZI NA MAWASILIANO:** Mheshimiwa Mwenyekiti, kwanza kabisa namshukuru Mwenyezi Mungu kwa kunipa uhai na siha njema ya kuweza kusimama mbele ya Bunge hili ili niweze kutoa maoni ya Kambi Rasmi ya Upinzani Bungeni kuhusu Muswada wa Sheria ya Udhhibiti wa Usafiri wa Ardhini ya 2018 (*The Land Transport Regulatory Act of 2018*).

Mheshimiwa Mwenyekiti, tuna kila sababu ya kumshukuru Mwenyenzi Mungu kwa kutulinda sote katika mwaka uliopita na kutuwezesha kuuona mwaka huu mpya wa 2019 tukiwa salama. Kwa mara ya nyingine tena nawatakieni nyote heri, furaha, amani na upendo wa mwaka mpya wa 2019.

Mheshimiwa Mwenyekiti, niwape moyo viongozi wote wa upinzani ambao wamewekwa ndani au wana kesi Mahakamani kwa makosa ya kisiasa, japokuwa walikuwa wakitekeleza majukumu yao kwa mujibu wa Katiba na sheria za nchi yetu.

Mheshimiwa Mwenyekiti, tuna kila sababu ya kumshukuru Mwenyezi Mungu kwa kutulinda sote katika mwaka uliopita na kutuwezesha kuuona mwaka huu mpya wa 2019 tukiwa salama. Kwa mara nyingine tena nawatakieni nyote heri, furaha, amani na upendo wa mwaka mpya wa 2019.

Mheshimiwa Mwenyekiti, niwape moyo viongozi wote wa upinzani ambao wamewekwa ndani au wana kesi mahakamani kwa makosa ya kisiasa, japokuwa walikuwa wakitekeleza majukumu yao kwa mujibu wa Katiba na Sheria za nchi yetu. Kipekee niwatie moyo na niwatakie moyo mkuu Mheshimiwa Freeman Aikael Mbowe, Mbunge wa Hai na Kiongozi wa Upinzani Bungeni, pamoja na Mheshimiwa Esther Nicholaus Matiko, Mbunge wa Tarime Mjini na Msemaji wa Kambi Rasmi ya Upinzani katika Wizara ya Mambo ya Nje, ambao wako gerezani kwa zaidi ya miezi miwili sasa kwa tuhuma ambazo zinadhallisha utu wao.

Mheshimiwa Mwenyekiti, Serikali imeleta Bungeni Muswada wa Sheria ya Mamlaka ya Udhhibiti wa Usafiri wa Ardhini, wa 2018 kwa madhumuni ya kuweka mfumo wa kisheria wa udhibiti wa usafiri wa ardhini ili kuongeza ufanisi, ubora na kuaminika kwa huduma za usafiri wa ardhini pamoja na masuala yanayohusiana na hayo.

Mheshimiwa Mwenyekiti, usafiri wa ardhini ni mojawapo ya nyenzo kuu za kukuza uchumi wa Taifa lolote duniani. Biashara ya bidhaa za aina mbalimbali yenye biashara ya mazao kilimo au bidhaa za viwandani huchochewa na kukuzwa kutokana na mfumo bora wa usafirishaji wa bidhaa hizo kutoka zinapozalishwa kwenda sokoni. Aidha, watu wanahitaji usafiri wa uhakika kwenda maeneo mbalimbali kwa shughuli za kiuchumi na kijamii.

Mheshimiwa Mwenyekiti, pamoja na kutambua uwepo wa uchumi wa soko huria yaani *free market economy* na uhuru wa watu kufanya shughuli mbalimbali wanazotaka katika zama hizi za utandawazi, bado Serikali za Mataifa mbalimbali duniani zimeweka utaratibu wa udhibiti ili kuondoa uholela katika uendeshaji wa mambo na hivyo kuongeza ufanisi. Tanzania ni sehemu ya dunia, hivyo hatuna budi kuzingatia takwa hili muhimu la kuweka udhibiti ili kuondoa mambo ya uholela, kwani Tanzania tunahitaji dunia kuliko dunia inavyoihitaji Tanzania. Narudia Tanzania inahitaji dunia kuliko dunia inavyohitaji Tanzania. (*Makofi*)

Mheshimiwa Mwenyekiti, pamoja na kutambua uheshimu wa udhibiti, lakini Muswada huu haupaswi kuwa chanzo cha mateso na adhabu kwa watumiaji wa usafiri wa ardhini. Narudia, pamoja na kutambua umuhimu wa udhibiti, lakini Muswada huu haupaswi kuwa chanzo cha mateso na adhabu kwa watumiaji wa usafiri wa ardhini. Siku za nyuma na hata mpaka sasa kumekuwa na malalamiko mengi juu ya vitendo vya askari wa usalama barabarani kuwabambika makosa mengi madereva na wamiliki wa vyombo vya usafiri barabarani kwa lengo la kuongeza mapato ya Serikali kupitia faini wanazotozwa. Kambi Rasmi ya Upinzani Bungeni iliwahi kuhoji na inaendelea kuhoji kama askari wa usalama barabarani wamekuwa ni Kitengo cha Mamlaka ya Mapato Tanzania (TRA).

Mheshimiwa Mwenyekiti, tunahoji hivyo kwa kuwa Serikali inafurahia mapato yanayotokana na makosa ya barabarani bila kujua kwamba kufurahia mapato hayo ni kushabikia makosa yaendeleo kufanyika ili kipato kiongezeke na wakati huo huo athari za makosa hayo ni pamoja na maelfu ya Watanzania kupoteza maisha yao kutokana na ajali za barabarani na uhai wa mwanadamu hauna thamani.

Mheshimiwa Mwenyekiti, ni muhimu Mamlaka inayopendekezwa kuanzishwa na Muswada huu ikaweka mkazo zaidi kwenye suala la utoaji elimu kwa watumiaji wote wa usafiri wa ardhini kwa ajili ya kulinda usalama wa watumiaji. Narudia ni muhimu Muswada unaopendekeza Mamlaka hii inayopendekezwa ukaweka umuhimu na mkazo na msisitizo zaidi kwenye suala la utoaji wa elimu kwa watumiaji wote wa wa usafiri wa ardhini kwa ajili ya kulinda usalama wa watumiaji na pia kuratibu sekta hiyo kwa mapana yake ili kufikia malengo yaliyokusudiwa.

Mheshimiwa Mwenyekiti, kimsingi, narudia kimsingi Kambi Rasmi ya Upinzani Bungeni haipingi Muswada huu, isipokuwa inatoa maangalizo muhimu ya kuzingatia ili kuweka mazingira rafiki, mazingira yenye ufanisi, mazingira

yaliyo bora, mazingira kuendana na muda wa dunia ya leo na mazingira ambayo yatatoa ushindani wa dhati ili kutoa huduma ya usafiri wa ardhini iliyo endelevu (*sustainability*).

Mheshimiwa Mwenyekiti, uchambuzi wa baadhi ya vifungu vya Muswada Muundo wa Bodi wa Mamlaka; kifungu cha 7(1) cha Muswada huu kinaanzisha Bodi ya Mamlaka ya Udhubiti wa Usafiri wa Ardhini ambayo itakuwa na wajumbe saba. Kambi Rasmi ya Upinzani Bungeni inapendekeza uwiano wa kijinsia uzingatiwe angalau wajumbe watatu wa Bodi wawe ni wanawake. Narudia kifungu cha 7(1) cha Muswada huu kinaanzisha Bodi ya Mamlaka ya Udhubiti wa Usafiri wa Ardhini ambayo itakuwa na wajumbe saba, Kambi Rasmi ya Upinzani Bungeni inaishauri na inaiomba Serikali kwamba uwiano wa kijinsia uzingatiwe angalau wajumbe watatu wa Bodi wawe ni wanawake ili tufanye majukumu yetu kwa vitendo.

Mheshimiwa Mwenyekiti, Katibu wa Bodi kifungu cha 7(2) kinaelekeza kwamba Mtendaji Mkuu wa Mamlaka atakuwa ndiye Katibu wa Bodi. Suala la kumfanya Mtendaji Mkuu kuwa Katibu wa Bodi itadumaza ufanisi kiutendaji. Hii ni kwa sababu kwa mujibu wa kifungu cha 8(1) cha Muswada huu Bodi pamoja na mambo mengine ina jukumu la kusimamia menejimenti katika utekelezaji wa shughuli za Mamlaka akiwemo Mtendaji Mkuu. Hivyo kumfanya Mtendaji Mkuu kuwa ni sehemu ya usimamizi huo unaondoa dhana pana ya ufanisi, kuaminika na uwajibikaji.

Mheshimiwa Mwenyekiti, Kambi Rasmi ya Upinzani Bungeni, inashauri na kupendekeza kwamba Mtendaji Mkuu asiwe Katibu wa Bodi na badala yake Muswada huu uasili (*adopt*) kifungu cha 3(1) cha jedwali la kwanza la Sheria ya SUMATRA ya 2001. Naomba nikirejee *“The Board shall appoint a lawyer of not less than 10 years experience to be the Secretary Authority’s principal legal officer and secretary of the board.”* mwisho wa kunukuu.

Mheshimiwa Mwenyekiti, kwa tafsiri isiyo rasmi ni kwamba Bodi itamwajiri Mwanasheria mwenye uzoefu

usiopungua miaka 10 kuwa mshauri mkuu wa masuala ya sheria ya mamlaka na katibu ya bodi.

Mheshimiwa Mwenyekiti, Mamlaka ya kuanzishwa Idara na vitengo; kifungu cha 16(1) kinaipa bodi mamlaka ya kuanzisha idara na vitengo kwa ajili ya kurahisisha utendaji wake. Jambo hili linahitaji uangalifu wa kina kwa kuwa linaweza kutoa mwanya kwa matumizi mabaya ya madaraka badala ya maslahi mapana ya mamlaka.

Mheshimiwa Mwenyekiti, chombo au mamlaka yenye jukumu la kuidhinisha muundo wa utawala wa utendaji au uundwaji wa idara na vitengo vyake viko kwenye taasisi ya Ofisi ya Rais, Menejimenti ya Utumishi wa Umma, tunatoa tahadhari hiyo kwa ajili ya uwazi na uwajibikaji wenye tija pana kwa Mamlaka.

Mheshimiwa Mwenyekiti, maafisa na watumishi wengine wa mamlaka; kifungu cha 17(1) kinatoa madaraka kwa Bodi kuajiri watendaji wa kada mbalimbali kulingana na mahitaji ya mamlaka. Aidha, kifungu cha 17(2) kinasema kwamba, Mamlaka inaweza kuajiri wataalam au washauri (*consultancy*) na wabobezi wa mamlaka katika fani mbalimbali kwa makubaliano kama mamlaka itakavyoona inafaa.

Mheshimiwa Mwenyekiti, Kambi Rasmi ya Upinzani inashauri kwamba, ikiwa kuna ulazima wa kuwa na wataalam washauri kutokana na unyeti wa kazi husika, basi suala hilo lishughulikiwe na Bodi kulingana na mahitaji na mazingira ya wakati huo, lakini lisiwe ni jambo endelevu na kwa maana hiyo hakuna haja ya kuliweka kwenye sharia, laweza kuwekwa kwenye kanuni au utaratibu mwingine Serikali itakayoona inafaa.

Mheshimiwa Mwenyekiti, mchakato wa mapitio na rufaa dhidi ya uamuzi wa Mamlaka (*review and appeals procedures*); Kifungu cha 26(1) kinaipa Bodi mamlaka ya kuunda jopo la kupitia uamuzi wa rufaa kwa watu ambao hawakuridhishwa na uamuzi wa mamlaka dhidi yao. Hata

hivyo, kifungu kidogo cha (2) kinaeleza kwamba Bodi itawateua wajumbe wa jopo hilo kwa kipindi kisichozidi miaka mitano, lakini haionyeshi ni namna gani wajumbe hao watakvapatikana.

Mheshimiwa Mwenyekiti, jopo hili litakuwa linashughulikia malalamiko ya watu walioathirika na uamuzi au hatua zilichukuliwa na mamlaka dhidi yao. Kambi Rasmi ya Upinzani inashauri na kupendekeza kwamba sheria pendekezwa iweke bayana wajumbe hao watapatikanaje lakini pia muundo wa jopo hilo uzingatie ushirikishwaji mpana kwa maana ya watoa huduma, walaji, pamoja na wadhibiti ili kuondoa hali ya wasiwasi wa haki kutokutendeka yaani muundo wa jopo hilo uzingatie ushirikishwaji mpana kwa maana na watoa huduma, walaji, pamoja na wadhibiti ili kuondoa hali ya wasiwasi wa haki kutokutendeka.

Mheshimiwa Mwenyekiti, Uamuzi wa Bodi kuwa sawa na uamuzi wa Mahakama Kuu; Kifungu cha 34(2) kimeweka masharti kwamba amri ya Bodi itakuwa sawa na amri ya mahakama kuu, lakini wakati huo huo rufaa dhidi ya uamuzi wa Bodi inapelekwa kwenye Baraza la Usuluhishi (*Fair Competition Tribunal*). Kwa maoni ya Kambi Rasmi ya Upinzani Bunge kifungu hiki kina ukakasi kwani kuifanya amri ya Bodi kuwa sawa na amri ya Mahakama Kuu maana yake ni sawa na kuifanya amri ya Mahakama Kuu sawa na amri ya Bodi. Kambi Rasmi ya Upinzani inashauri kifungu hiki kifutwe au kiandikwe upya ili kuweza kuondoa ukakasi unaoweza kujitokeza.

Mheshimiwa Mwenyekiti, tozo na adhabu kwa makosa mbalimbali; kama nilivyoeleza hapo awali lengo la Muswada huu lisiwe ni kuwatesa au kuwapa adhabu watumiaji wa huduma za usafiri wa ardhini, lengo ni kuweka mazingira rafiki ili kila mdau anufaike lakini wakati huo huo uchumi wa nchi uimarike.

Mheshimiwa Mwenyekiti, katika Muswada huu kuna tozo kubwa na adhabu kwa watu watakaopatikana na

makosa mbalimbali, kwa mfano kifungu cha 35(3) ambacho kimeweka kiwango cha tozo asilimia 1.5 ya pato ghafi badala ya kutozwa kwenye faida. Aidha, kifungu cha 42(1) na cha (2) kinachotoa adhabu kubwa ya faini na kifungu kwa mtu aliyetenda kosa cha shilingi milioni tatu kwa mtu mmoja na shilingi milioni tano kwa kampuni au kifungu cha miaka miwili jela au vyote kwa pamoja. Kambi Rasmi ya Upinzani Bungeni inashauri kwamba adhabu huu kubwa mno na inatoa taswira ya kukomoa badala ya kurekebisha tabia. Narudia Kambi Rasmi ya Upinzani inashauri kwamba adhabu hii ni kubwa mno na kinatoa taswira kwamba ni adhabu ya kukomoa badala ya kurekebisha tabia.

Mheshimiwa Mwenyekiti, hitimisho; usafiri wa ardhini licha ya kuwa ni huduma kwa jamii lakini pia ni biashara na kama zilivyo biashara nyingine nguvu ya soko ndiyo husababisha ustawi au kudumaa kwa biashara husika. Hata hivyo, kwa ajili ya kuweka mazingira rafiki ili watu wote waweze kunufaika na mwenendo wa soko na kuondoa uwezekano wa baadhi ya watu kuhodhi mwenendo wa soko ni vyema Serikali iweke utaratibu wa kulinda wadau wote waweze kunufaika na biashara zao katika soko.

Mheshimiwa Mwenyekiti, Kambi Rasmi ya Upinzani Bungeni inashauri kwamba hatua zote zinazochukuliwa katika kufanya mabadiliko yoyote lazima zizingatie kukuza utu wa binadamu. Bila mboni ya jicho huwezi ukaona mwanga na bila ufahamu, yaani maarifa hakuna hekima. Narudia, bila mboni ya jicho huwezi ukaona mwanga na bila ufahamu yaani maarifa hakuna hekima. Bila ya ufahamu hatutaweza kutekeleza majukumu yetu sisi kama Wabunge, kwa kuzingatia nguzo kuu tatu zilizo kwenye wimbo wetu wa Taifa yaani hekima, umoja na amani.

Mheshimiwa Mwenyekiti, baada ya kusema hayo na kwa niaba ya Kambi Rasmi ya Upinzani Bungeni, naomba kuwasilisha.

**MWENYEKITI:** Ahsante.

**HOTUBA YA MSEMAJI MKUU WA KAMBI RASMI YA UPINZANI  
BUNGENI, KATIKA WIZARAYA UJENZI, UCHUKUZI NA  
MAWASILIANO, MHESHIMIWA JAMES FRANCIS MBATIA  
(MB), AKIWASILISHA BUNGENI MAONI YA KAMBI RASMI  
YA UPINZANI KUHUSU MUSWADA WA SHERIA YA MAMLAKA  
YA UDHIBITI WA USAFIRI WA ARDHINI YA MWAKA 2018  
(THE LAND TRANSPORT REGULATORY AUTHORITY ACT, 2018)  
KAMA ILIVYOWASILISHWA MEZANI**

*Inatolewa chini ya Kanuni ya 86(6) ya kanuni za Bunge,  
toleo la Januari, 2016*

**1. UTANGULIZI**

**Mheshimiwa Spika**, namshukuru Mwenyezi Mungu kwa kunipa uhai na siha njema ya kuweza kusimama mbele ya Bunge ili niweze kutoa maoni ya Kambi Rasmi ya Upinzani Bungeni (KRUB) kuhusu Muswada wa Sheria ya Mamlaka ya Udhhibiti wa Usafiri wa Ardhini ya 2018 (*The Land Transport Regulatory Authority Act, 2018*).

Mheshimiwa Spika tuna kila sababu ya kumshukuru Mwenyezi Mungu kwa kutulinda sote katika mwaka uliopita na kutuwezesha kuuona mwaka huu mpya wa 2019 tukiwa salama. Nawatakieni nyote Heri, Furaha, Amani na Upendo wa mwaka mpya 2019.

**Mheshimiwa Spika**, niwape moyo viongozi wote wa Upinzani ambao wamewekwa ndani au wanakesi mahakamani kwa makosa ya kisiasa, japokuwa walikuwa wakitekeleza majukumu yao kwa mujibu wa Katiba na Sheria za nchi yetu. Kipekee niwatakie Moyo Mkuu Mheshimiwa Freeman Aikael Mbowe, Mbunge wa Hai na Kiongozi wa Upinzani Bungeni pamoja na Mheshimiwa Esther Nicolas Matiko, Mbunge wa Tarime Mjini na Msemaji Mkuu wa Kambi Rasmi ya Upinzani Bungeni katika Wizara ya Mambo ya Nje ambapo wako gerezani kwa zaidi ya miezi miwili sasa kwa tuhuma ambazo zinadhalilisha Utu wa Binadamu.

**Mheshimiwa Spika**, Serikali imeleta Bungeni Muswada wa Sheria ya Mamlaka ya Udhhibiti wa Usafiri wa Ardhini ya 2018

kwa madhumuni ya kuweka mfumo wa kisheria wa udhibiti wa usafiri wa ardhini, ili kuongeza ufanisi, ubora na kuaminika kwa huduma za usafiri wa ardhini pamoja na masuala yanayohusiana na hayo.

**Mheshimiwa Spika**, Usafiri wa ardhini ni mojawapo ya nyenzo za kukuza uchumi kwa taifa lolote lile. Biashara ya bidhaa za aina mbalimbali iwe ni biashara ya mazao kilimo au ya bidhaa za viwandani huchochewa na kukuzwa kutokana na mfumo bora wa usafirishaji wa bidhaa hizo kutoka zinapozalishwa kwenda sokoni. Aidha, watu wanahitaji usafiri wa uhakika kwenda maeneo mbalimbali kwa shughuli za kiuchumi na kijamii.

**Mheshimiwa Spika**, pamoja na kutambua uwepo wa uchumi wa soko huria (free market economy) na uhuru wa watu kufanya shughuli mbalimbali wanazotaka katika zama hizi za utandawazi, bado Serikali za mataifa mbalimbali duniani zimeweka utaratibu wa udhibiti ili kuondoa uholela katika uendeshaji wa mambo na hivyo kuongeza ufanisi. Tanzania ni sehemu ya dunia hivyo hatuna budi kuzingatia takwa hili muhimu, kwani Tanzania tunahitaji dunia kuliko dunia inavyohitaji Tanzania.

**Mheshimiwa Spika**, pamoja na kutambua umuhimu wa udhibiti, lakini muswada huu haupaswi kuwa chanzo cha mateso na adhabu kwa watumiaji wa usafiri wa ardhini. Siku za nyuma na hata mpaka sasa, kumekuwa na malalamiko mengi juu ya vitendo vya Askari wa usalama barabarani kuwabambika makosa mengi madereva na wamiliki wa vyombo vya usafiri barabarani kwa lengo la kuongeza mapato ya Serikali kupitia faini wanazotozwa. KRUB, iliwahi kuihoji na inaendelea kuhoji kama Askari wa barabarani wamekuwa kitengo cha Mamlaka ya Mapato Tanzania (TRA).

**Mheshimiwa Spika**, tuhoji hivyo kwa kuwa Serikali inafurahia mapato yanayotokana na makosa ya barabarani bila kujua kwamba kufurahia mapato hayo ni kushabikia makosa yaendeleo kufanyika ili kipato kiongezeke na wakati huohuo

athari za makosa hayo ni pamoja na maelfu ya Watanzania kupoteza maisha kutokana na ajali za barabarani.

**Mheshimiwa Spika**, ni muhimu Mamlaka inayopendekezwa kuanzishwa na muswada huu ikaweka mkazo zaidi kwenye suala la utoaji wa elimu kwa watumiaji wote wa usafiri wa ardhini kwa ajili ya kulinda usalama wa watumiaji na pia kuratibu sekta hiyo kwa mapana yake ili kufikia malengo yaliyokusudiwa.

**Mheshimiwa Spika**, Kimsingi KRUB, haipingi muswada huu isipokuwa inatoa maangalizo muhimu ya kuzingatia ili kuweka mazingira rafiki ya utoaji wa huduma ya usafiri wa ardhini.

## 2. UCHAMBUZI WA BAADHI YA VIFUNGU VYA MUSWADA

### 2.1. Muundo wa Bodi ya Mamlaka

**Mheshimiwa Spika**, kifungu cha 7(1) cha Muswada huu kinaanzisha Bodi ya Mamlaka ya Udhhibiti wa Usafiri wa Ardhini ambayo itakuwa na wajumbe saba (7). KRUB, inapendekeza uwiano wa kijinsia uzingatiwe angalau wajumbe watatu wa Bodi wawe ni wanawake.

### 2.2. Katibu wa Bodi ya Mamlaka

**Mheshimiwa Spika**, kifungu cha 7(2) kinaelekeza kwamba Mtendaji Mkuu wa Mamlaka atakuwa ndiye Katibu wa Bodi. Suala la kumfanya Mtendaji Mkuu kuwa Katibu wa Bodi litadumaza ufanisi kiutendaji. Hii ni kwa sababu kwa mujibu wa kifungu cha 8(1) cha muswada huu bodi, pamoja na mambo mengine ina jukumu la kuisimamia menejimenti katika utekelezaji wa shughuli za Mamlaka akiwemo Mtendaji Mkuu. Hivyo kumfanya Mtendaji Mkuu kuwa sehemu ya usimamizi huo kunaondoa dhana ya ufanisi, kuaminika na uwajibikaji.

**Mheshimiwa Spika**, KRUB, inashauri na kupendekeza kwamba, Mtendaji Mkuu asiwe Katibu wa Bodi, na badala yake muswada huu uasili (adopt) Kifungu cha 3(1) cha

jedwali la kwanza, la Sheria ya SUMATRA 2001, naomba kukirejea;

*“The Board shall appoint a lawyer of not less than ten years’ experience to be the Secretary Authority’s Principal Legal Officer and the Secretary of the Board”.*

**Mheshimiwa Spika**, kwa tafsiri isiyo rasmi ni kwamba; Bodi itamwajiri Mwanasheria mwenye uzoefu usiopungua miaka kumi kuwa Mshauri Mkuu wa Masuala ya Sheria wa Mamlaka na Katibu wa Bodi.

### **2.3. Mamlaka ya Kuanzisha Idara na Vitengo**

**Mheshimiwa Spika**, kifungu cha 16(1) kinaipa Bodi mamlaka ya kuanzisha idara na vitengo kwa ajili ya kurahisisha utendaji wake. Jambo hili linahitaji uangalifu wa kina kwa kuwa linaweza kutoa mwanya wa matumizi mabaya ya madaraka badala ya maslahi ya Mamlaka.

**Mheshimiwa Spika**, chombo au mamlaka yenye jukumu la kuidhinisha muundo wa utawala/utendaji au uundwaji wa idara, na vitengo kwenye taasisi ni Ofisi ya Rais - Menejimenti ya Utumishi wa Umma. Tunatoa tahadhari hiyo kwa ajili ya uwazi na uwajibikaji wenye tija.

### **2.4. Maafisa na Watumishi Wengine wa Mamlaka**

**Mheshimiwa Spika**, kifungu cha 17(1) kinatoa madaraka kwa bodi kuajiri watendaji kwa kada mbalimbali kulingana na mahitaji ya Mamlaka. Aidha, kifungu cha 17(2) kinahusu Mamlaka inaweza kuwajiri Wataalamu Washauri (consultants) na wabobezi wa mamlaka katika fani mbalimbali kwa makubaliano kama Mamlaka itakavyoona inafaa.

**Mheshimiwa Spika**, KRUB, inashauri kwamba ikiwa kuna ulazima wa kuwa na wataalam washauri kutokana na unyeti wa kazi husika, basi suala hilo lishughulikiwe na bodi kulingana na mahitaji na mazingira ya wakati huo lakini lisiwe ni jambo endelevu na kwa maana hiyo hakuna haja ya kuliweka kwenye sheria.

## **2.5. Mchakato wa Mapitio na Rufaa dhidi ya Uamuzi wa Mamlaka (Review and Appeals Procedures)**

**Mheshimiwa Spika**, kifungu cha 26(1) kinaipa Bodi mamlaka ya kuunda jopo la kupitia uamuzi na rufaa kwa watu ambao hawakuridhishwa na uamuzi wa Mamlaka dhidi yao. Hata hivyo, kifungu kidogo cha (2) kinaeleza kwamba Bodi itawateua wajumbe wa jopo hilo kwa kipindi kisichozidi miaka mitano lakini hakioneshi ni namna gani wajumbe hao wakakavyopatikana.

**Mheshimiwa Spika**, jopo hili litakuwa linashughulikia malalamiko ya watu walioathirika na uamuzi au hatua zilizochukuliwa na Mamlaka dhidi yao. KRUB inashauri na kupendekeza kwamba sheria pendekezwa iweke bayana wajumbe hao watapatikanaje, lakini pia muundo wa jopo hilo uzingatie ushirikishwaji mpana kwa maana ya watoa huduma, walaji pamoja na wathibiti ili kuondoa hali ya wasiwasi wa haki kutotendeka.

## **2.6. Uamuzi wa Bodi kuwa Sawa na Uamuzi wa Mahakama Kuu**

**Mheshimiwa Spika**, kifungu cha 34(2) kimeweka masharti kwamba amri ya Bodi itakuwa sawa na amri ya Mahakama Kuu, lakini wakati huohuo rufaa dhidi ya uamuzi wa bodi inapelekwa kwenye Baraza la usuluhishi yaani Fair Competition Tribunal. Kwa maoni ya Kambi ya Upinzani kifungu hiki kina ukakasi kwani kuifanya amri ya Bodi kuwa sawa na amri ya Mahakama Kuu maana yake ni sawa na kuifanya amri ya Mahakama Kuu kuwa sawa na amri ya Bodi. KRUB, inashauri kifungu hiki kifutwe au kiandikwe upya kuondoa ukakasi huu.

## **2.7. Tozo na Adhabu kwa Makosa Mbalimbali**

**Mheshimiwa Spika**, kama nilivyoeleza hapo awali, lengo la muswada huu lisiwe ni kuwatesa au kuwapa adhabu watumiaji wa huduma za usafiri wa ardhini. Lengo ni kuweka mazingira rafiki ili kila mdau anufaike lakini wakati huohuo uchumi wa nchi uimarike. Katika muswada huu kuna tozo kubwa na adhabu kwa watu watakapatikana na makosa mbalimbali. Kwa mfano kifungu cha 35(3) ambacho

kimeweka kiwango cha tozo ya asilimia 1.5 ya pato ghafi badala ya kutozwa kwenye faida. Aidha, kifungu cha 42(1) na (2) kinachotoa adhabu kubwa ya faini na kifungu kwa mtu aliyetenda kosa cha shilingi milioni tatu kwa mtu mmoja na shilingi milioni tano kwa kampuni au kifungu cha miaka miwili jela au vyote kwa pamoja. KRUB, inashauri kwamba adhabu hii ni kubwa mno na kinatoa taswira ya kukomoa badala ya kurekebisha tabia.

### 3. HITIMISHO

**Mheshimiwa Spika**, usafiri wa ardhini licha ya kuwa ni huduma kwa jamii lakini pia ni biashara. Na kama zilivyo biashara nyingine, nguvu za soko (market forces) ndizo husababisha ustawi au kudumaa kwa biashara husika. Hata hivyo, kwa ajili ya kuweka mazingira rafiki ili watu wote waweze kunufaika na mwenendo wa soko, na kuondoa uwezekano wa baadhi ya watu kuhodhi (monopolize) mwenendo wa soko, ni vema serikali iweke utaratibu ili kulinda wadau wote waweze kunufaika na biashara zao katika soko.

**Mheshimiwa Spika**, KRUB, inashauri kwamba hatua zote zinazochukuliwa katika kufanya mabadiliko yoyote lazima zizingatie kukuza Utu wa Binadamu. **“Bila Mboni ya Jicho huwezi kuona Mwanga na bila Ufahamu (Maarifa) hakuna Hekima”**. Bila ya ufahamu hatutaweza kutekeleza majukumu yetu kwa kuzingatia nguzo kuu tatu zilizo kwenye wimbo wetu wa Taifa za **Hekima, Umoja na Amani**.

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

James Francis Mbatia, (Mb)

**MSEMAJI MKUU WA KAMBI RASMI YA UPINZANI- WIZARA YA  
UJENZI,  
UCHUKUZI NA MAWASILIANO**

30 Januari, 2019

**MWENYEKITI:** Waheshimiwa Wabunge Mwenyekiti wa Jumuiya ya Mt. Thomas More wa Bunge, anaomba kuwatangazia kuwa leo kuna ibada na misa ya Wakristo Wakatoliki saa saba mchana, mara baada ya kuahirisha shughuli za Bunge. Waheshimiwa wote mnaalikwa kwenye ibada hiyo, jengo la Msekwa, ghorofa ya pili.

Waheshimiwa Wabunge, tunaanza michango na tunachangia Miswada yote miwili kwa pamoja. Tunaanza na Mheshimiwa Mbatia, Mheshimiwa Sakaya na Mheshimiwa Dkt. Diodorus Kamala.

**MHE. JAMES F. MBATIA:** Mheshimiwa Mwenyekiti, nashukuru kwa kunipatia nafasi ya kuchangia Miswada iliyoko mbele yetu. Nimwombe Mwenyezi Mungu anijaalie nichangie Miswada hii, nikifanya rejea ya dunia ilivyo na sisi hapa Tanzania tunataka kufanya nini.

Mheshimiwa Mwenyekiti, nianze na ule wa Mamlaka wa Hali ya Hewa; kuna mambo ya msingi ambayo tunatakiwa kuyazingatia wakati tunatengeneza au tunatunga sheria hizi, kwani sisi Tanzania sio kisiwa na kuna mambo hayo makuu ya msingi (*The four core elements*) katika masuala haya ni suala la *scope, time, cost and quality*. Tukiweza kuangalia hili jambo kwa ukubwa wake na tukaona hali halisi ya nchi duniani ilivyo leo, namna gani wenzetu wanafanya duniani leo, zile nchi ambazo wana teknolojia ya kisasa leo, wanaazimaje takwimu au taarifa zilizo sahihi za hali ya hewa (*weather forecast*). Baada ya hapo tukafanya *integration* kwetu sisi hapa nyumbani, je mamlaka au Serikali inao uwezo kweli wa kusema wenyewe watadhibiti taarifa za hali ya hewa.

Mheshimiwa Mwenyekiti, kwa mfano, tukiuliza leo rejea ya takwimu tulizonazo hapa nchini Tanzania za Mamlaka ya Hali ya Hewa kama miaka 100 au 200 iliyopita hatuna, tunaweza tukawa na za kuanzia miaka ya sabini hapo na kuendelea, lakini wenzetu wanazo takwimu kuanzia miaka 1800 na wanaangalia *return period* yaani wanaangalia ni muda gani labda tukio fulani linaweza likatokea, labda ni

la maafa au ni tukio la namna gani linaweza likatokea kutokana na uzoefu wa huko nyuma.

Mheshimiwa Mwenyekiti, kwa mfano unasema mafuriko yametokea, utabiri wa hali ya hewa lakini *precision, reliability, efficiency* ya mamlaka husika na uwezo walionao wa kuweza kutoa hizo takwimu ambazo ni sahihi, *relative to* na hali inavyobadilika duniani leo, inabidi mamlaka hii iweze kukubali namna ya kuwezesha zile *four core elements* nilizosisema za *integration, human resource, communication and risk management*. Yaani ile *engineering perspective, how we can make integration in able to archive the four core elements of integration, human resource, communication and risk management*. Ukiangalia sasa hawa ni *authority*, je, Kitengo cha Kupambana au Kujikinga na Majanga Tanzania, kilichoanzishwa kwa mujibu wa sheria ya mwaka 2015, kina uwezo gani na kinafanya kazi gani leo hii ili hali ya hewa inayotabiriwa hapa nchini Tanzania iweze kwenda sambasamba na takwimu hizi za mamlaka ya hali ya hewa? *(Makofi)*

Mheshimiwa Mwenyekiti, kwa hiyo, tuwekeze zaidi kwenye kutoa elimu hata kuangalia namna gani Mamlaka ya Hali ya Hewa kwa maana ya Wizara hii inashirikiana na Wizara ya Elimu, Sayansi na Teknolojia kwa lengo la kuhakikisha kwenye shule zetu watu wanapata elimu na umuhimu wa utabiri wa hali ya hewa. Ile *awareness*, watu wetu kujitambua na kuona umuhimu wa hali hiyo, nilisema nitazungumzia kwa mapana yake.

Mheshimiwa Mwenyekiti, tukiangalia kwa nini hapa kwetu Tanzania vyombo vyetu vya habari au mamlaka inavyotabiri na hoja kwa kielelezo labda nilieleweke vizuri, nitatoa mfano wa tarehe 16 Januari, siku ya Jumatano lilipotokea tatizo hapo Dumila Morogoro. Mvua ilivyonyesha nyingi, daraja linakatika asubuhi ni watu gani waliotoa zile taarifa kwamba daraja linaleta matatizo linaweza likaangamiza maisha ya Watanzania, walikuwa ni watu wa bodaboda, watu wa kawaida tu pale Dumila. Je, takwimu zilikuwa zimetolewa na watumiaji wa barabara wakapata

taarifa kwamba hali hiyo itatokea ambayo ni *precision* isiyokuwa na uwalakini wa aina yoyote ilikuwa haipo. Ndiyo maana unakuta hata wataalam wetu humu ndani hawana ile *reliability* (kuaminika) kwa takwimu za hali ya hewa za Tanzania, wanaamua kutafuta takwimu za hali ya hewa za *wxmax.africa.com* ambazo ziko *reliable* zaidi kuliko takwimu zetu za humu ndani. (Makofi)

Mheshimiwa Mwenyekiti, ikitokea labda hata tishio kama la ukanda wa bahari, bahari yetu ina urefu wa kilomita 1,424 ambayo ni baraka kutoka kwa Mwenyezi Mungu lakini ni namna gani watu wote wa Pwani wanapata taarifa zilizo sahihi? Watu wetu wote wanaoishi Ukanda wa Pwani kuanzia Mtwara mpaka Tanga kutokana na tabia nchi ni kwa jinsi gani wanaweza kila siku kupata elimu? Ndiyo maana nimesema elimu, elimu, elimu ni muhimu katika kushughulikia suala la hali ya hewa na hasa wavuvi wetu wa baharini, kwenye bahari kuu na mambo mengine. (Makofi)

Mheshimiwa Mwenyekiti, nije kwenye Muswada wa pili, suala la Mamlaka ya Udhhibiti wa Usafiri wa Ardhini. Ni kweli kwamba usafiri wa ardhini na hasa hapa kwetu Tanzania njoo kwenye reli na barabara na mamlaka hii sasa tunatoka kwenye *SUMATRA* tunaitenganisha tunakuja kwenye mamlaka kamili ya ardhini, *design* ya barabara zetu, barabara zetu zina *design speed* ya kilomita 80 kwa saa lakini magari tunayoyatumia mengine ni ya kilomita 240 kwa saa. Kwa sababu hili jambo ni pana lazima wakati mwingine kuangalia.

Mheshimiwa Mwenyekiti, tujjulize kwa mfano, kwa nini Ujerumani hawana *limit speed* na *rate of accident Germany* ni tofauti na ya kwetu Tanzania, *relative to. We must think globally but we must have a local solution how we can deal with these things, unless otherwise* maisha ya wetu itakuwa ni matatizo. Kwa nini leo hii usafiri wa mabasi usiwe ni saa 24 inakuwa ni wa mchana tu, tuko kwenye karne gani ya ujima hii? Hatuwezi tukawa na uwezo mpana, gari inatoka Kigoma inafika hapo Morogoro inazuiliwa kwa sababu haiwezi kusafiri labda baada ya saa 4.00 za usiku au ni saa 6.00, tuone

namna bora ya kutumia barabara hata tulizonazo kwa kuongeza mambo makuu mawili na la tatu ni sasa. *(Makofi)*

Mheshimiwa Mwenyekiti, licha ya kwenye *engineering perspective* ya suala la *time, quality and cost*, sasa hivi kuna suala la *integration*, chochote kinachokubalika ni *efficiency and reliability*. *Efficiency*, ufanisi na kuaminika, ni sawasawa hata na binadamu tu. Nikimuamini Mwenyekiti ile *trust*, ukimuamini inachukua muda kujenga ule uaminifu na kuaminiana lakini *is a matter of seconds* kuondoa ule uaminifu (*trust*) na kwenye biashara hii iko hivyo hivyo. Mamlaka imeandaa je rasilimali watu na inapewaje uwezo na Serikali kuwekeza kwenye uwezo wao waweze kuiona dunia ili usafiri wetu uweze kuwa wenye tija, wa kukuza uchumi wetu, wa kuhakikisha kwamba Tanzania tunaingia kwenye ushindani na tuko kwenye ushindani wa ukwelikweli, ni lazima sasa sheria hizi tunazozitunga ziweze kukuza zaidi utu wa mwanadamu, ziweze zikamfanya Mama Tanzania akawa na upendo zaidi ili kizazi chetu hapa Tanzania tukasema kweli tuko katika ushindani wa usafiri wa namna hiyo.

Mheshimiwa Mwenyekiti, kwa hiyo, mamlaka hii inayoanzishwa ili iweze ikatoa ufanisi, ni ushauri kwa Serikali, wakati wa kutengeneza Kanuni, tukubali kutumia wataalam na wataalam waachwe wafanye kazi yao, wanasiasa kwa mfano, lile janga lililotokea pale Morogoro, nimeshashuhudia mengi tu la Morogoro, Dar es Salaam na Pwani huko unakuta kwa kiasi kikubwa wataalam wanaogopa kufanya maamuzi mpaka wasubiri wanasiasa ndiyo wawaongoze namna ya kufanya maamuzi.

Mheshimiwa Mwenyekiti, ile ya tarehe 16 niliishuhudia mwenyewe, wataalam wako pale lakini hawafanyi maamuzi mpaka wasubiri Kamati za Ulinzi na Usalama, maisha ya mwanadamu hayawezi yakasubiri maamuzi ya kisiasa. *(Makofi)*

Mheshimiwa Mwenyekiti, ni ile *empowerment* yaani kuangalia zile taratibu tu na elimu ya kuelimishana vizuri. Tuangalie vizuri namna gani ya kuweka kanuni zetu, namna

gani sheria hii inaendana na zile kanuni zetu na ni namna gani wenzetu duniani wanavyofanya. Vilevile ni namna gani masuala haya yote tunaya-*integrate* kwa pamoja ili usafiri wetu wa ardhini na sasa hivi tuna *standard gauge*, barabara zetu watumiaji wote kwa pamoja bila ubaguzi wa namna yoyote namna gani tutawezesha kutoa elimu kwa watumiaji kwenye magari yetu ili tuone akina mama wajawazito, walemavu na watoto wa shule wanapewa kipaumbele, ni suala la elimu, elimu, elimu. Suala la kuangalia ni kuhakikisha utu wa mwanadamu tunau-*integrate* namna gani katika masuala haya ya usafiri ili sheria hii tunayotunga iweze kuleta tija.

Mheshimiwa Mwenyekiti, pia sheria isiwe ni adhabu. Kwa mfano, kuweka adhabu ya asilimia 1.5, adhabu ya vifungo vikubwa vya miaka miwili, tutoe elimu zaidi badala ya kuweka adhabu. Tuone wasafirishaji wa mabasi waonekane ni sehemu ya kuisadia Serikali kwa kuwapatia *incentive* zaidi na hata ruzuku ya namna gani ya kuendesha kwa sababu wanatoa huduma iliyo bora kwa ajili ya Taifa na siyo kuwakomoa au kuwabambikizia kesi.

Mheshimiwa Mwenyekiti, kwa mfano, ni nani anakagua mabasi, hivi ni Polisi, ni Mamlaka au ni nani? Unakuta Mamlaka wanakagua lakini akitoka hapo Polisi wameingiana wakati hawana taaluma hiyo. Kwa hiyo, hata *Traffic Police Ordinance* au *Traffic Act* ni lazima iangaliwe na hii ya Mamlaka ili migongano isiwepo tuweze kupata dira sahihi ya usimamizi huu tunaousubiria. (*Makofi*)

Mheshimiwa Mwenyekiti, niombe chondechonde, naunga mkono Muswada huu waziwazi kabisa kwa sababu ni Muswada wenye maslahi mapana kwa nchi yetu ya Tanzania, naunga Miswada yote mikono wa Hali ya Hewa na huu na kwa lengo la kuifanya Tanzania iwe sehemu salama na nzuri zaidi ya kuishi. (*Makofi*)

Mheshimiwa Mwenyekiti, nashukuru sana kwa muda huu, ahsante sana. (*Makofi*)

**MWENYEKITI:** Ahsante kwa mchango mzuri, umechangia vizuri sana Mheshimiwa Mbatia na wahusika nafikiri wamesikia. *(Makofi)*

Nilimtaja Mheshimiwa Sakaya ajiandae Mheshimiwa Dkt. Diodorus Kamala.

**MHE. MAGDALENA H. SAKAYA:** Mheshimiwa Mwenyekiti, nakushukuru sana kunipa nafasi na mimi niweze kuchangia kidogo kwenye Miswada hii miwili.

Mheshimiwa Mwenyekiti, muda ni mdogo sana na kiukweli kwa kuwa Bunge ni chombo cha kutunga sheria, Miswada muhimu kama hii imepewe muda wa kutosha. Dakika kumi na tano kwa Miswada miwili naona kama Bunge hatupati muda wa kutosha kutunga sheria ambazo zitakuwa nzuri na kwa ajili ya kutumia kwa muda mrefu. *(Makofi)*

Mheshimiwa Mwenyekiti, nikianza na huu Muswada wa kuunda Mamlaka ya Udhhibiti wa Usafiri Ardhini, siku za nyuma tumekuwa tukilalamika sana kuhusiana na suala la bodaboda kusababisha ajali nyingi sana barabarani, kiukweli japokuwa hapa sheria imezungumza kwamba ni habari ya mabasi na mabasi makubwa, lakini sasa hivi ajali nyingi barabarani, karibu hata kwenye asilimia sabini au sitini zinasababishwa na bodaboda kutokufuata sheria.

Mheshimiwa Mwenyekiti, napenda kujua hii sheria inawezaje kusaidia bodaboda waweze kufuata sheria barabarani? Bodaboda hawajui sheria kabisa, wana-*overtake* kushoto badala ya kulia, kwenye *traffic light* taa nyekundu inawaka wanatembea na nimeuliza swali hapa Bungeni na wakasema kwamba wanaleta sheria, lakini nimeangalia sheria hii sijaona mahali hapo imeeleza kudhibiti *motorcycle* barabarani waweze kufuata sheria na kupunguza ajali. *(Makofi)*

Mheshimiwa Mwenyekiti, hivi tunavyoongea bodaboda wanabeba watoto wa shule mpaka wanne/watano wakipata ajali wanapota wote. Bunge lilipitisha

sheria bodaboda zitumike kwa maana ya mizigo na abiria kwa maana ya kutoa ajira kwa vijana lakini sasa hivi imekuwa ni kinyume chake, wanaopoteza maisha ni wengi. Kwa hiyo, naomba Mheshimiwa Waziri anapokuja ku-*windup* atusaidie namna gani sheria hii inaweza kusaidia bodaboda wafuate sheria na kuweza kuokoa maisha ya watu yanayopotea barabarani kila kukicha. (*Makofi*)

Mheshimiwa Mwenyekiti, suala lingine ni ukaguzi. Tulipenda sana tulipoonyeshwa ile mizani pale Vigwaza kwa sababu tuliambiwa ni *digital* na itakuwa *fast* lakini ukiangalia muda mwingi sana unapotelea kwenye mabasi wanavyoingia kwenye mizani. Kwa hiyo, japokuwa kunajengwa mizani za kisasa lakini bado hazifanyi kazi kwa *speed* inayotakiwa. Kwa hiyo, pale muda unaopotelea kwenye mizani kukagua magari wanakwenda kufidia barabarani matokeo yake wanasababisha ajali. Kwa hiyo, ni namna gani mizani zetu ambazo zimejengwa na zinaendelea kujengwa zinaweza kufanya kazi kwa *speed* kama mizani za nchi za nje ili muda uweze kuokolewa, watu wafike kwa wakati na pia madereva wasiongeze mwendo barabarani. (*Makofi*)

Mheshimiwa Mwenyekiti, lingine ni suala la ukaguzi wa magari. Tumeshuhudia kipindi cha sikukuu Polisi wanakagua magari wakati abiria tayari wako kwenye mabasi, muda mwingi unapotea na kusababisha watu kusafiri mpaka usiku. Sheria inatusaidiaje ukaguzi wa magari ufanyike siku moja kabla ya safari, kwa sababu ukaguzi ni kazi ya kila siku lakini kwa maana ya ukaguzi mkubwa ufanyike siku moja kabla ya safari tofauti na kwamba leo ni asubuhi saa kumi na mbili ndiyo pale *stand* Askari wametinga wanakagua muda mwingi unapotelea pale matokeo yake watu wanachelewa safari zao.

Mheshimiwa Mwenyekiti, suala lingine pia ameliongelea Mheshimiwa Mbatia kwa kiasi kidogo. Tunapenda sheria iweze kuainisha Mamlaka hii ya *LATRA* na Mamlaka ya Polisi. Ijulikane kabisa *LATRA* wanafanya sehemu gani na Polisi wanafanya sehemu gani. (*Makofi*)

Mheshimiwa Mwenyekiti, pia tumekuwa tunalalamika suala la Polisi barabarani kusimamisha magari barabarani kwa ajili ya ukaguzi, unakuta msururu mkubwa, hakuna maeneo ya kufanyia ukaguzi. Kwa hiyo, Polisi akiamua tu anasimamisha gari barabarani, matokeo yake kama juzi kuamkia jana nilipokuwa nakuja, barabara ya Morogoro nimekuta magari karibu 15 yako barabarani yanakaguliwa, pale kwanza muda unapotea mwingi lakini pia siyo sehemu sahihi. Kwa hiyo, nashauri ukaguzi ufanyike maeneo ambapo ni sahihi kuweza kuokoa muda, lakini pia kuweza kuepusha ajali.

Mheshimiwa Mwenyekiti, niingie kwenye Muswada wa Mamlaka ya Hali ya Hewa, kwanza nishukuru huu Muswada ni muhimu sana kwa sababu kwa nchi za wenzetu huwezi kutoka nyumbani kwako asubuhi kabla hujaangalia Mamlaka ya Hali ya Hewa inasemaje siku hiyo. Ili kuboresha Mamlaka ya Hali ya Hewa kwa nchi yetu ili iweze kutoa takwimu sahihi na iweze kutoa taarifa kwa wakati ni kwanza kwa maendeleo ya nchi lakini pia kwa miradi mbalimbali. Leo wakulima wetu wa Tanzania tunalima kwa kubahatisha hujui mvua itanyesha au hainyeshi, lakini tukiwa na Mamlaka nzuri na ambayo ni *efficiency* itaweza kutoa takwimu sahihi ili mkulima alime kwa tija, ajue muda gani wa kulima, muda wa kupanda na hata muda wa kuvuna.

Mheshimiwa Mwenyekiti, hata wavuvi, tumeshuhudia kwamba watu wanapata ajali baharini kutokana na Mamlaka kutowaambia leo hali ya hewa ikoje baharani. Kwa hiyo, nafurahi kwamba Mamlaka hii ikiweza kuboreshwa itaweza kufanya kazi kwa ufanisi.

Mheshimiwa Mwenyekiti, nachoomba itolewe elimu ya kutosha kwa Watanzania wote. Kiukweli watu wachache sana wanatumia Mamlaka ya Hali ya Hewa. Kwa hiyo, lazima pia sheria hii ijielekeze kutoa elimu kwa Watanzania tuweze kutumia Mamlaka ya Hali ya Hewa lakini ni kama taarifa zake zitakuwa sahihi na zitatolewa pia kwa wakati.

Mheshimiwa Mwenyekiti, kwa jumla sheria zote mbili lazima *gender* izingatiwe, wasemaji wengine wamezungumzia, kila bodi inayoundwa *at least* wanawake watatu wawepo kwenye hizo bodi maana hawaja-*specify*. Naomba iwepo kwenye sheria kwa kila bodi inayoundwa lazima wanawake wawepo siyo chini ya watatu kuhakikisha kwamba tumezingatia *gender balance*.

Mheshimiwa Mwenyekiti, lingine ni suala la adhabu. Kiukweli Miswada yote hii miwili imeweka adhabu kubwa sana, shilingi milioni hamsini na kifungo miaka mitano. Lengo la adhabu ni kurekebisha lakini hiyo adhabu ya shilingi milioni 50 kwa mtu ambaye amekiuka ni kubwa sana kiasi kwamba inakuwa ni mateso na siyo adhabu tena.

Mheshimiwa Mwenyekiti, nafurahi kwamba hii Sheria ya kuanzisha Mamlaka ya Hali ya Hewa imehusisha watu wengine wa nje na Serikali kwa maana ya kuweka *private sectors*. Sheria pia inasema pale ambapo vifaa vya *meteorological* vitakavyokuwepo lazima viwe *examined* na Mamlaka hiyo yenyewe. Kwa kuwa mmeamua *private sector* washiriki na nchi zote zimeweka *private sector* kwenye masuala yote ya maendeleo, lakini kusiwepo na urasimu. Ni lazima basi kuwe na vituo vya kutosha kwenye Mikoa na Wilaya ili pale ambapo mtu ametaka labda kuingiza vifaa vya *meteorological* aweze kukaguliwa kwa muda unaotakiwa. Mkiweka *one stop center* labda mamlaka ya kukagua iko Dar es Salaam halafu mtu yuko Arusha au Tabora, yuko mbali na Dar es Salaam itakuwa ni urasimu kwa maana kwamba hawataweza kufanya kazi kwa wakati kutokana na urasimu.

Mheshimiwa Mwenyekiti, kwa kuwa *private sector* wanafanya kazi kwa wakati na wengi ni wafanyabiashara basi kuwepo na kurahisishwa namna ya kuweza kukagua vifaa hivi. Kiukweli lazima viweze kudhibitiwa ili tuhakikishe tunatumia vifaa ambavyo vimetathminiwa na kwamba vina ubora wa kutosha lakini kusiwepo na urasimu wowote ili hao wanaojunga kusaidia Taifa letu kwa ajili ya masuala ya hali

ya hewa wafanye kazi kwa wakati na kuleta tija kwa Taifa letu na kwa nchi nzima.

Mheshimiwa Mwenyekiti, nashukuru sana.

**MWENYEKITI:** Ahsante. Mheshimiwa Dkt. Kamala jandae Mheshimiwa Dkt. Saada Mkuya.

**MHE. BALOZI DKT. DIODORUS B. KAMALA:** Mheshimiwa Mwenyekiti, ahsante sana kwa kunipatia fursa hii muhimu ya kuchangia Miswada miwili iliyo mbele yetu.

Mheshimiwa Mwenyekiti, naomba nianze na Muswada kuhusu *Meteorological*, ukiangalia kifungu cha 7 ambacho kinaanzisha Bodi, kinabainisha kwamba kutakuwa na wajumbe nane lakini ukiangalia kwa umakini unaona kwamba *NEMC*, taasisi ambayo inafanya kazi muhimu sana zinazoendana na shughuli za *meteorological* na kule Zanzibar tuna *ZEMA*, hatujatambua uwepo wa taasisi hizi mbili muhimu zinazofanya kazi muhimu kama ambayo itakuwa inafaywa na hii Mamlaka mpya. Kwa hiyo, naomba tuweke utaratibu wa kutambua uwepo wa hizo taasisi mbili, lakini pia na kwenye bodi wawepo wawakilishi wawili mmoja atoke *NEMC* na mwingine atoke *ZEMA* ili kuingia kwenye taasisi hii. Jambo hilo likifanyika litasaidia sana. (*Makofi*)

Mheshimiwa Mwenyekiti, lakini Mkurugenzi Mkuu wa Mamlaka ya *Meteorological* imeelezwa katika kifungu cha 11(1)(a) kwamba awe na *Ph.D*. Labda tu niseme sina tatizo la kusema mtu awe na *Ph.D* kwa sababu wengine tunazo mbili na nyingine wala hatuzifanyii kazi, hoja yangu hapa haya mawazo ya kufikiri kwamba mtu anapokuwa na *Ph.D* basi huyo ndiyo amebobea na ni mtaalam sio sahihi. (*Makofi*)

Mheshimiwa Mwenyekiti, nadhani tungesema tu walau awe na *Masters* akishakuwa na *Masters* hata *Masters* sio lazima sana kimsingi *degree* ya kwanza ndio huwa inamtambulisha mtu ni mtaalamu wa kitu gani *degree* ya kwanza. Ndio maana hata Wanasheria wengi ambao wamebobea huwa hawahulizi *Masters* wala *Ph.D*

wanaangalia *degree* ya kwanza. Sasa unapoangalia shughuli zote za hii Taasisi tunayounda Mamlaka unaposema Mkurugenzi Mkuu lazima awe na *Ph.D* maana yake kuna watu unawajua wana *degree* za kwanza au za pili ni wazuri lakini unajua hawana *Ph.D* kwa hiyo, unaiweka hapa *Ph.D* ili kuwa-*exclude* bila sababu za msingi. (*Makofi*)

Mheshimiwa Mwenyekiti, lakini ukienda katika *schedule* ya kwanza A inaeleza Wajumbe wa Bodi, wawe na *degree* ya kwanza inayotambulika sasa kama Wajumbe wa Bodi wale umewapa sifa ya kuwa na *degree* ya kwanza, inakuwaje sasa Mkurugenzi Mkuu pekee ndio unasema na yeye lazima awe na *Ph.D* wakati Mkurugenzi Mkuu huyo naye pia ni Mjumbe wa Bodi, kwa hiyo unakuwa una Sheria moja ile ile ambayo inajipinga yenyewe, huku inatambua kwamba huyu Mkurugenzi Mkuu, lazima awe na *Ph.D* huku inasema kwamba kwenye Bodi unapoangalia nani wenye Bodi na Mkurugenzi Mkuu yuko kwenye Bodi. Kwa hiyo Mheshimiwa nadhani tuweze tuka-*harmonize* nikiangalia eneo hilo.

Mheshimiwa Mwenyekiti, ningependa kuzungumzia kuna kifungu cha 22 kinabainisha kwamba ukichukua takwimu hizi za kama unataka kufanya utafiti au unafanya *assessment* ya Miradi lazima takwimu hizo zitolewe na *Meteorological* ambayo ni jambo jema. Lakini tunasahau kwamba tunasheria inayoanzisha *NBS (National Bureau of Statistics)* ambayo tulishakubaliana hapa kwamba *data* zinazotolewa na ile Taasisi ndio *official*. Kwa hiyo, mtu kama anafanya *assessment* ya Mradi akitumia takwimu kutoka *NBS* kufanya *assessment* ya Mradi halafu baadaye ukawa na Sheria nyingine inayosema haitambui taarifa yoyote ile isipokuwa zitakazotoka *Meteorological* ni kwamba unakuwa unashindwa kutambua kwamba tayari kuna Taasisi iliyoanzishwa kwa kazi hizo.

Mheshimiwa Mwenyekiti, juzi juzi Wajumbe wa Kamati ya Bajeti tulitembelea *NBS* walituoonesha kazi nzuri ambayo wameshaifanya katika utafutaji wa takwimu na takwimu zinazohusisha na masuala ya hali ya hewa, wenzetu wameshapiga hatua wanatumia *satellite* wanazo taarifa

ambazo ni bora kuliko na hii Taasisi ambayo tunaianzisha leo hii. Kwa hiyo, ushauri wangu ni kwamba tutambue kwamba NBS hapo tutambue ndio chombo ambacho kimehalarishwa kwamba kinapotolewa takwimu ndio takwimu halali kisheria sasa hata kama chombo kipya kinaanzishwa ni vizuri chombo hicho kitambue uwepo wa chombo kingine ambacho *official* ndicho kimeshakipa hayo mamlaka, tusipofanya hivyo tutaleta migongano ya Utendaji isiyokuwa ya lazima.

Mheshimiwa Mwenyekiti, kuna hii, ukiangalia Kifungu cha 42 kina jaribu kubainisha mtu akiruhusu watu kuingia kwenye eneo ambalo liko *protected* kwamba hili ni eneo liko *protected* kwa ajili ya kuweka Miundombinu ya masuala ya *Meteorological* basi anaweza akatozwa faini kubwa. Nilikuwa najjuliza hapa hivi unatambua je kwamba eneo hili liko *protected* na alama zipi zinawekwa kwenye eneo hilo kwamba liko *protected* kama huwezi ukajua maeneo yote yaliyo *protected* kama hata alama hazijawekwa basi utajikuta watu wanachukuliwa adhabu wanapewa adhabu kali kwa sababu tu ya kuonekana wamevunja sheria na kwa sababu tu ya kutojua, vinginevyo Sheria hii lazima iendane na kutambua hayo maeneo yabainishwe na alama ziwekwe ili watu wengine wasije wakajikuta wanapewa adhabu zisizokuwa za lazima.

Mheshimiwa Mwenyekiti, Kifungu cha 46, kinasema ukitoa taarifa za hali ya hewa kwa kutumia redio kutumia, kutumia magazeti na nyinginezo unakuwa unavunja Sheria lazima utumie zile ambazo wanasema ni *latest methodology*. Lakini Sheria haitaji hizo *latest Methodology* ni zipi, ambazo maana sote tunaelewa hapa ukitoa taarifa kupitia redio ni jambo ambalo linajulikana ukitumia magazeti ni jambo ambalo linajulikana lakini unapokuwa na Sheria unasema usipotumia zile ambazo ziko *official* utachukuliwa hatua kali bila kuzitaja hizo ambazo zinaitwa *official* ni zipi tutakuwa tunauziwa mbuzi kwenye gunia.

Mheshimiwa Mwenyekiti, ni vizuri atakapokuwa ana-*windup* Mheshimiwa Waziri atueleze hizo anazosema ndizo

zinatambulika na ndizo zitumike, ni zipi kwa sababu *mode of communication* tunazijua ziko za magazeti yapo, radio, televisheni zipo lakini unaposema atakayetumia hizo amevunja Sheria atumie zile zinazotambulika wakati hatujui hizo zinazotambulika ni zipi, kama mtunga Sheria hapo unakuwa sijaelewa vizuri.

Mheshimiwa Mwenyekiti, kuhusu Muswada wa Mamlaka ya Udhhibiti wa Usafiri wa Ardhini Muswada mzuri na nimeupenda sana kwa sababu ukiangalia pale sifa za Mkurugenzi za Mkuu wa Mamlaka hiyo, wanasema awe na *Masters, Postgraduate* pamoja na uzoefu wa miezi nane, nadhani hili ni jambo jema kabisa, na sifa hizi ndiyo zingepolekwa hata kwenye Mkurugenzi wa ile Mamlaka nyingine tunayoianzisha. *(Makofi)*

Mheshimiwa Mwenyekiti, ningependa pia kuzungumzia Kifungu cha 7(1b) kinataja wajumbe wa bodi, mbali na wengine kinawataja wengine sita, mmoja anatoka ofisi AG ni jambo jema, lakini inataja wengine sifa zao inasema wale watano wengine, walau awe na *Engineering, Management, Finance or Accounts* imesahau *professional* muhimu sana kwenye haya mambo na Mchumi, *Transport Economics* haitambui kabisa hapa, ingawa inapoenda kwenye *panel* ya ku-review ndiyo inakumbuka Wataalamu wa *Economics* inawaweka kwenye *panel review*.

Mheshimiwa Mwenyekiti, sasa ni vizuri hata kwenye Bodi akawemo Mchumi ili hata yule aliye kwenye *panel review* atakapopelekwa jambo basi jambo hilo, liwe kweli limepitia kwa wachumi katika hatua. Na jambo lingine tunaona *representative* kwenye hiyo Bodi sijaona *TABOA*, sijaona *TATO* hizi ni Taasisi muhimu sana kwenye masuala ya usafiri na hawa watu wamekuwepo muda mrefu kabisa sasa unapoanzisha mamlaka kama hii, kwenye Bodi ukashindwa kuwatambua kwamba *TATO* wapo ukashindwa kutambua kwamba *TABOA* wapo nadhani tunakuwa hatujatenda haki. *(Makofi)*

Mheshimiwa Mwenyekiti, jambo lingine ni la elimu, elimu ya utumiaji wa barabara ni muhimu, kwa watumiaji kwa waendeshaji wa vyombo hivi watembeaji kwa miguu na ningependa na lenyewe lipewe liwe jukumu mojawapo la mamlaka hii ili waweze kusimamia utoaji wa elimu hiyo.

Mheshimiwa Mwenyekiti, la mwisho ni alama za barabarani ambazo huwa zinachangia sana katika ajali za barabarani tusiende mbali ukiangalia barabara inayopita hapa mbele ya Bunge unapokuwa unatoka Dar es Salaam kabla hujafika kwenye geti la Bunge pale kuna inabidi, gari kubwa haziruhusiwi kuingia mjini, inabidi zikate kulia.

**MWENYEKITI:** Asante maliza.

**MHE. DKT. BALOZI DIODORUS B. KAMALA:** Mheshimiwa Mwenyekiti, asante sasa utakuta Trafiki wamesimama kule gari kubwa ikienda wanaikamata lakini kumbe barabarani hakuna alama zinazoelekeza mtu apite wapi aende wapi, hakuna sababu ya kufanya hizi shughuli kwa kutegeana, tuweke mambo wazi. (*Makofi*)

Mheshimiwa Mwenyekiti, ahsante sana. (*Makofi*)

**MWENYEKITI:** Ahsante, Mheshimiwa Dkt. Saada Mkuya.

**MHE. SAADA SALUM MKUYA:** Mheshimiwa Mwenyekiti, asante sana nashukuru kwa nafasi hii, nachukua fursa hii, kuipongeza Wizara kwa ajili ya Miswada hii miwili ya Sheria. Lakini vilevile *particularly* nitajikita katika Muswada huu wa *Tanzania Meteorological Authority Act*.

Mheshimiwa Mwenyekiti, kama ilivyo kawaida Muswada kama huu, ni Muswada wa pande mbili za muungano yaani matumizi yake yatakuwa kwa Tanzania Bara na vilevile kwa upande wa Zanzibar. Lakini lazima nionYeshe masikitiko makubwa sana, kwamba Muswada huu ambao vilevile utakwenda, unakwenda ku-*apply* sehemu nyingine ya Jamhuri ya Muungano wa Tanzania haujapita katika Mamlaka za Zanzibar, haujapita katika Mamlaka za Zanzibar.

Baadhi ya watendaji wameshiriki katika ku-*develop* Muswada huo lakini baada ya *development* haujaenda Zanzibar kwa ajili ya kuona kwa pamoja, *ownership* lazima kuwe na *ownership* Muswada huu wa Sheria ambao sisi Wabunge wa Jamhuri ya Muungano wa Tanzania tutaupitisha leo, lakini kwenye Mamlaka za Zanzibar haujapita. (Makofi)

Mheshimiwa Mwenyekiti, naomba nioneshe sana masikitiko yangu katika jambo hili ambalo tumekuwa tukilizungumza muda mrefu, tumekuwa tukitoa *our views and comments every now and then* katika hisia kali kabisa lakini Muswada huu ambao unakuja 2019 bado una tabu ile ile, ndio ambao unapelekewa. (Makofi)

Mheshimiwa Mwenyekiti, tunashukuru kwamba hao watendaji wameshirikishwa baadhi yao lakini kwa ajili ya kwenda kuwa-*approved* kwa Serikali ya Mapinduzi ya Zanzibar Muswada huu haupo.

Mheshimiwa Mwenyekiti, kwenye board, *content* ya *board* imeonekana vizuri, na tumeona kwamba *Chairman* na *Vice Chairman* watachaguliwa na Mheshimiwa Rais wa Jamhuri. Na kwamba mmoja akitoka upande mmoja, na mwingine atatoka upande mwingine. Lakini katika *list* ya wale wajumbe hakuna Mjumbe ambaye ataiwakilisha Serikali ya Mapinduzi ya Zanzibar, hili litakuwa haliwezekani, hata kama kutakuwa kuna aidha, *Chairman or Vice Chairman* atatoka Zanzibar si lazima awe anawakilisha Serikali ya Mapinduzi ya Zanzibar kwa hivyo hili ni kosa kubwa ambalo tunalifanya katika Muswada huu wa Sheria. (Makofi)

Mheshimiwa Mwenyekiti, jingine ni jambo ambalo lazima tuliangalie kwamba kwa nini, *Director General* wa Mamlaka ya Hali ya Hewa ndio awe *Secretary of the Board* hii si katika *Principle ya Cooperate Governance*, kikawaida mara nyingi Mwanasheria wa Mamlaka ndiyo anakuwa *Secretary of the Board*. Na DG mwenyewe anakuwa *ex-official* kwa sababu yeye ni DG, lazima awe anaingia kule kwa ajili ya kuripoti *day to day works* za Mamlaka, yeye asiwe *Secretary*

*of the Board* badala yake Mwanasheria wa Mamlaka ndiye awe *Secretary of the Board*. (Makofi)

Mheshimiwa Mwenyekiti, jingine na mimi lazima ni-*show concern* kwamba *Director General* kwa nini awe na *Ph.D?* Yaani sio, sio jambo, sio lazima iwe ndiyo *minimum requirement* asiwe, hata anaweza akawa na *Masters* ya *Meteorological* sio lazima *Ph.D*. Kwa hiyo, nadhani hili tunatengeneza kutokana na *criteria* iliyopo sasa hivi, *DG* ana *PHD* kwa hivyo sio lazima tunatengeneza Sheria ambayo ina kama inaweka *qualification* za mtu aliyepo haiwezekani, anaweza akawa ana *Masters* tu ya *Meteorological*.

Mheshimiwa Mwenyekiti, lakini jingine kwa sababu hii ni Sheria ina-*apply* pande mbili za Jamhuri ya Muungano wa Tanzania tuna-*propose* vilevile kuwe kuna *Deputy Director General* ambaye atafanya kazi zake Zanzibar. (Makofi)

Mheshimiwa Mwenyekiti, ile ni nchi kwa hivyo kama huu ni Muswada wa Sheria ambayo utakwenda kuwa-*apply* na *is very sensitive* Sheria ili angalau wa Zanzibar awe *Deputy Director General*. Kwa bahati nzuri nilihudhuria semina ambayo ilikuwa inatolewa na Mamlaka hii, ambayo itakuwa.

Mheshimiwa Mwenyekiti, lakini pale, yule Afisa wa Zanzibar, hivi tunamuita nani, hata sijui, sijajua nani anaitwa lakini yeye yupo ni kama Afisa katika *Management which is not the case* tunataka yule wa Zanzibar angalau awe *Deputy Director General* katika Mamlaka hii ambayo tunakwenda kuitunga. (Makofi)

Mheshimiwa Mwenyekiti, jambo jingine ni katika Kifungu hichi *first schedule actually* Kifungu cha tatu kinaelezea kuhusiana na *re-appointment tenure of appointment* kutokana na hiyo *marginal note* wajumbe wale wameelezwa kwamba Mwenyekiti pamoja na Makamu Mwenyekiti watakuwa na miaka minne halafu watakuwa

Wajumbe wengine watakuwa na miaka mitano. Lakini kwenye *re-appointment* anaonekana *members* tu na *Chairman* watakuwa *eligible for re-appointment* hatuoni nafasi ya *Deputy Chairman* katika *re-appointment* yenyewe, sasa yeye anaweza kuwa *re-appointed* au la.

Mheshimiwa Mwenyekiti, kwa sababu wajumbe wamekuwa watakuwa *re-appointed* na Mwenyekiti mwenyewe atakuwa *re-appointed*. Lakini *Deputy Chairman* hatuoni kama yeye atakuwa *re-appointed* inawezekana kwamba likawa limewekwa makusudi pengine labda tutapata ufafanuzi lakini au inawezekana ikawa ni *commission*.

Mheshimiwa Mwenyekiti, jambo jingine ambalo Mheshimiwa Dkt. Kamala amelizungumza ni kwamba katika Sheria hii kuna hizo *offence and penalties* lakini zimejikita zaidi katika *dissemination* ya *data* na tunajua kwamba hapa tumetunga Sheria ya takwimu lakini nafasi ya Sheria ya takwimu katika Sheria hii ikoje au nafasi ya NBS ikoje katika Sheria hii, haijaelezwa na haijafafanuliwa vizuri. Kwa hiyo, na tunaomba hiyo ielezwe na ifafanuliwe vizuri mambo yalikuwa ni mambo hayo tu lakini *concern* yangu kubwa Sheria hii haijawa-*approved* na Mamlaka za Zanzibar, asante sana. (*Makofi*)

**MWENYEKITI:** Mheshimiwa Nsanzugwanko tuna dakika kumi zitakutosha,? Eeeh! Haya tuendele.

**MHE. DANIEL N. NSANZUGWANKO:** Mheshimiwa Mwenyekiti, nashukuru kwa kunipa nafasi hii labda kwa kuanza ningeanza na hili la Mheshimiwa dada yangu Saada, kwa sababu ni Mjumbe wa Kamati hii, na yeye alikuwa mwalikwa kwenye Kamati hii. Na kama kuna mambo tuliyajadili mle lilikuwa ni suala hili la *consumers* wa *facility* hii ni pamoja na Serikali ya Zanzibar na tulichokiona siku iliyofuata walikuja *Senior Officers* toka ofisi ya Makamu wa Rais wa Zanzibar na *Senior Council* toka ofisi ya Mwanasheria Mkuu wa Zanzibar. Sasa nitapenda kujua labla kutoka kwa Mwanasheria Mkuu wa Serikali tunaposema Mamlaka ya

Zanzibar tuna maana gani? Kwa sababu kwenye Kamati tulielewa kuwa mkishakuwa na *Senior Council* toka ofisi ya Mwanasheria Mkuu wa Zanzibar na ukawa na *Senior officers* toka Ofisi ya Makamu wa Pili wa Rais, maana yake ni una uwakilishi wa Serikali ya Zanzibar. Sasa baadaye Mwanasheria atakuja kuidefine vizuri... (*Makofi*)

**MHE. SAADA SALUM MKUYA:** Mheshimiwa Mwenyekiti, taarifa.

**MWENYEKITI:** Taarifa kidogo Mheshimiwa Nsanzugwanko,

**MHE. SAADA SALUM MKUYA:** Naomba nimpe taarifa, nilichokimaanisha hasa, Watendaji wamechukuliwa wamekuja wameshiriki katika Uundwaji ama *development* ya Sheria hii, ni jambo zuri kabisa, baada ya hapo kinachofuata ama kilichofuata kwa upande wa Tanzania Bara, Sheria hii ilikuwa ilikwenda *Cabinet* kwa upande wa Tanzania Bara hii Sheria imekwenda *Cabinet*, tulichokuwa tunagomba hapa kwa nini baada ya kuwa *developed* haikuenda Cabinet ya Zanzibar kwa ajili ya *ownership* ninapozungumza Mamlaka ya Zanzibar maana yake ilikuwa iende *Cabinet* kwa sababu hii ni Sheria ya Muungano, naomba ndugu Mjumbe achukue taarifa.

**MWENYEKITI:** Haya, *in short* jamani hili suala la Kisheria watakuja kujibu Serikali, kwa hiyo tuwaachie, wewe endelea na mchango wako.

**MHE. DANIEL N. NSANZUGWANKO:** Mheshimiwa Mwenyekiti, umenisemea kwamba, mimi nataka *Authority* ndiyo itueleze kwa sababu najua Mamlaka ya kusema na kuyadadavua haya ni *Authority* ambayo ni Mwanasheria Mkuu wa Serikali na hiyo nilikuwa nalifahamu vizuri sana, na bado nasisitiza Mwanasheria Mkuu wa Serikali uje utusaidie *ku-define* mamlaka hiyo maana yake nini.

Mheshimiwa Mwenyekiti, nina mambo machache, nitazungumzia LATRA, La kwanza, nianze hili suala ambalo

Mheshimiwa Waziri limezungumzwa na wenzetu wa Kambi ya Upinzani juu ya *Powers za Board na decision ya Board* tulivyokubaliana na Serikali ni kwamba *decision ya Board* haitakuwa kama ya Mahakama Kuu, *no!* Tafsiri tuliyopewa na Mwanasheria Mkuu wa Serikali ni kwamba *decision ya Board enforcement* yake ndio itakuwa *enforcement* kama vile *decision* imetolewa na Mahakama Kuu ya Tanzania. Kwa hiyo, kuna tofauti kubwa sana hapa, kwa hiyo na bado *decision ya Board* mtu anaweza akakata rufaa kwa maana ya ku-*appeal* kwenye FCC tulizungumza vizuri, hatukubaliana na Serikali juu ya jambo hili.

Mheshimiwa Mwenyekiti, jambo jingine ambalo tunaomba sana Serikali walizingatie na tumelijadili sana kwenye Kamati kuna ni suala la Ukaguzi wa magari. Suala la ukaguzi wa magari tuliwaeleza kwamba uko duniani, suala la kukagua magari sio la trafiki Polisi, sio kazi ya trafiki Polisi hata kidogo. Na *best practice* ni kwamba mamlaka kama hii tunayoiunda sasa ndio iwe na *duty* ya kukagua magari. (Makofi)

Mheshimiwa Mwenyekiti, na wala sio tu, uko duniani hata kutoa leseni sasa sio kazi ya Trafiki Polisi, Trafiki Polisi kazi yake ni *enforcement* barabarani, kwa hiyo tukasema haya mambo kwa sababu ndio tunayaanza kuyajenga hii Mamlaka ya LATRA inayokuja badala ya SUMATRA ichukue majukumu hayo *professionally* kukagua magari na kama alivyosema dada yangu pale hii biashara magari yanakaguliwa asubuhi wasafiri wako ndani ya gari, mambo ya kizamani sana, kama gari inakaguliwa ikaguliwe siku moja kabla au siku mbili kabla kwa ajili ya safari zake. (Makofi)

Mheshimiwa Mwenyekiti, jambo jingine ambalo tulilizungumza kwa kishindo sana, ni hili la magari mwisho mpaka saa nne usiku, tukasema Dunia inabadilika na tunakwenda kwenye Uchumi wa kati, Uchumi wa Viwanda, huwezi kutembeza magari mtu anatoka Kigoma, anatoka Bukoba anakuja kuishia Morogoro Chalinze, eti muda umefika saa nne hawezi Dar es Salaam, mambo ya kizamani haya, na tumelizungumza na kuomba Serikali mkakae

mlitafsiri hili. Mtu anasafiri *all the way* toka Bukoba anaishia Chalinze eti, kwa sababu hawezi kufika Dar es Salaam kwa sababu ni saa nne imefika, tukasema mambo haya mkayaangalie vizuri. (Makofi)

Mheshimiwa Mwenyekiti, jambo jingine ambalo lilizungumzwa kwa Kiwango kikubwa sana ni adhabu, *penalty* tulizungumza kwa kirefu sana, jambo hili, kwamba *penalty* peke yake zimekuwa kubwa na nyingi sana, hazijibu hoja, ya kutii Sheria. Tulifikiri suala zima pia la elimu kwa wamiliki na watumiaji wa vyombo hivi ni jambo litakuwa la msingi sana na kamwe faini kubwa kubwa haziwezi kujibu tatizo la uvunjaji wa Sheria.

Mheshimiwa Mwenyekiti, nilikuwa na machache kuhusu *LATRA* na mambo mengi nashukuru hata wenzetu wa upinzani wamekubali mambo mengi tulikubaliana na Serikali, na ndiyo maana hata ukiangalia *schedule of amendment* ya Serikali ina *page* tano. Muswada tumeujadili sana na tunashukuru Serikali mambo mengi waliyaona na wakayachukua. (Makofi)

Mheshimiwa Mwenyekiti, kwa muda uliobaki nizungumzie kidogo suala hili la Hali ya Hewa, Muswada huu wa Hali ya Hewa ulikuwa misingi yake ilikuwa mikubwa ni minne, msingi wa kwanza ilikuwa ni *control* ya *quality* ya vifaa vinavyotumika kupima hali ya Hewa.

**MWENYEKITI:** Endelea tu.

**MHE. DANIEL N. NSANZUGWANKO:** Mheshimiwa Mwenyekiti, asante, ilikuwa msingi ilikuwa mambo manne, la kwanza ilikuwa ni *Controller quality* ya vifaa vya kupimia Hali ya Hewa kwamba vifaa hivi, lazima viwe na ubora unaokubalika kimataifa, ilikuwa ndiyo msingi wa kwanza.

Mheshimiwa Mwenyekiti, msingi wa pili, ilikuwa ni *accuracy* ya taarifa zile kwamba wenzetu wa *Meteorological Authority* sasa wawe ndiyo Mamlaka ambayo inatoa taarifa

za uhakika katika masuala haya ya Hali ya Hewa. Na *by the way* tuliambiwa kwamba Tanzania ni *member* wa *World Meteorological Board* kwa hiyo nje ya Tanzania na Wataalamu wetu ni wajumbe kwenye *International Meteorological Board* kwa hiyo nchi yetu inatambulika kwa ubora wa vifaa vyake na Wataalam wake katika tasnia hii.

Mheshimiwa Mwenyekiti, na msingi wa tatu ulikuwa ni kuondoa uholela wa kutoa taarifa nashukuru nalo limekuwa *taken on board* kwamba wale waganga wa Kienyeji nimeona liko kwenye marekebisho ya Sheria wale watabiri wa kienyeji hawatahusika na Sheria hii.

Mheshimiwa Mwenyekiti, halafu la nne, ilikuwa ni *best practice* haiwezekani tu Dick and Harry anatoka anatoa taarifa za hali ya hewa itakuwa hatari, tukasema kuwe na chombo *Technical Professional* ambacho kitakuwa kinaweza kutoa hali ya hewa. Sasa kwa ruhusa yako jambo moja tu dogo ambalo kidogo tulikuwa tunaomba Serikali.

**MWENYEKITI:** Nilikupa dakika tano tu ambazo ndiyo halali yako ... kwa hiyo malizia..

**MHE. DANIEL N. NSANZUGWANKO:** Mheshimiwa Mwenyekiti, sawa, tulisema watumiaji *consumers* wakubwa wa *Meteorological facility* ni pamoja na Umma, Mashamba makubwa, Watafiti, Vyuo vya Elimu ya Juu, pamoja na Serikali yenyewe. Tukasema masuala haya kuna haja sasa kwenye Kanuni, mambo yaelezwe vizuri na kwamba Kanuni hizo zitakapokuwa zimetungwa washirikishwe wadau ili Muswada huu, uweze kuwa na maana iliyokusudiwa.

Mheshimiwa Mwenyekiti, nilitaka kuchangiwa hayo kwa muda ulionipa, nakushukuru asante. (*Makofi*)

**MWENYEKITI:** Asante, Waheshimiwa jioni tutakapoanza kupitisha Vifungu mpitie hizi *Schedule of Amendment* za Serikali kwa kweli nimezipitia nimeona kuna maeneo mengi sana Serikali wamejibu, wamekubaliana na

mapendekezo ya Kamati ya adhabu ya 1.5 ile *percent* zote wamejaribu kuzi-*address*. Kwa hiyo, jioni kabla mtu hajasimama apitie *amendment* kabla ya kusimama na kutaka kuanza kusema. Jioni tutaanza na Mheshimiwa Musukuma, atakuja Mheshimiwa Dkt. Sware, atakuja Mheshimiwa Susan Mgonukulima. Na kabla sijasitisha shughuli za Bunge, Mheshimiwa Oliver umependeza kwa nguo uliyovaa, hongera sana. Nasitisha shughuli za Bunge mpaka saa kumi jioni. (*Kicheko*)

(*Saa 7.00 mchana Bunge lilitishwa hadi Saa 10.00 jioni*)

(*Saa 10.00 Jioni Bunge Lilirudia*)

**MWENYEKITI:** Tukae, Katibu!

**NDG. PAMELA PALLANGYO – KATIBU MEZANI:**

**MISWADA YA SHERIA YA SERIKALI**

**MUSWADA WA SHERIA YA MAMLAKA YA HALI YA HEWA TANZANIA (*THE TANZANIA METEOROLOGICAL AUTHORITY BILL, 2018*) na MUSWADA WA SHERIA YA MAMLAKA YA UDHIBITI USAFIRI WA ARDHINI WA MWAKA 2018 [*THE LAND TRANSPORT REGULATORY AUTHORITY BILL, 2018*]**

(*Majadiliano Yanaendelea*)

**MWENYEKITI:** Ahsante. Kama tulivyosema mchana ataanza Mheshimiwa Musukuma, akitoka yeye atakuja Dkt. Sware Mheshimiwa Suzan Mgonukulima, Mheshimiwa Musukuma.

**MHE. JOSEPH K. MUSUKUMA:** Mheshimiwa Mwenyekiti, nakushukuru sana kwa kunipa nafasi ili niweze kuchangia.

Mheshimiwa Mwenyekiti, nianze kwa kuwapongeza sana *SUMATRA*, wamejitahidi kiasi chake kuweza kusimamia upunguzwaji wa ajali barabarani.

Mheshimiwa Mwenyekiti, lakini mimi nilikuwa napenda kushauri yafuatayo:-

Mheshimiwa Mwenyekiti, mimi kama mdau wa usafirishaji; huko barabarani hususan kwenye mabasi kuna kitu kinaitwa king'amuzi. King'amuzi kimefungwa na spidi 85, lakini shida iliyopo kule kuna utata kati ya polisi na king'amuzi. Kule kwenye gari unaweza ukakuta king'amuzi hakijafika 85 lakini ukikamatwa na traffic wakikupiga tochi unakuta inasoma 90. Sasa nilikuwa nashauri hivi vyombo viwili pia viweze kukaa na kushauriana kuona ni jinsi gani wanaweza kuweka kitu cha pamoja kitakachozuia mgongano kule njiani.

Mheshimiwa Mwenyekiti, lakini pili nizungumzie kuhusu hilo hilo suala la king'amuzi. Hiki king'amuzi kimewekwa sana kwa ajili kama ya kukusanyia pesa. Nilikuwa nashauri, kama lengo lilikuwa ni kupunguza ajali za barabarani kwanini tusiweke vitu ambavyo vinaweza kufunga *speed* kama gavana ambapo ilikuwa ina uwezo gari ikifika *speed* 80 inakuwa haiwezi kuendelea; kwa hiyo kunakuwa hakuna ule upigwaji wa faini kwa madereva kwa sababu faini hizi zinapopigwa anayetakiwa kulipa ni dereva anayeendesha gari. Sasa unakuta dereva mwingine pengine amepitiliza moja tu, amepigwa amefika mpaka milioni 5 kwenye leseni na anatakiwa kulipwa, mshahara wa dereva ni laki 3. Kwa hiyo tunakuta madereva wengi wanazikimbia gari kutokana na hizi adhabu.

Mheshimiwa Mwenyekiti, kwa hiyo ushauri wangu mimi nilikuwa naomba kama Mheshimiwa Waziri anatusikia ni vizuri zaidi tukatoka kwenye king'amuzi cha kukusanya hela kwa madereva tukawa na king'amuzi kinachoitwa gavana kinafunga *speed* inayotakiwa na Serikali, tuachane na haya mambo ya kuwaonea watu kuwatoza hela ambayo hawana uwezo wa kuzilipa. (*Makofi*)

Mheshimiwa Mwenyekiti, tulishauri sana kwenye muswada, nimeona humu ndani hayakuvingia. Ukisoma kwenye kipengele cha 6(1)(f) tulishauri kwamba ukaguzi wa

magari uendelee kufanyika na *traffic*.Sisahihi kwamba hawa *LATRA* wakifika waanze kutukagulia magari. Tanguzamani *professional* ya ukaguzi wa magari tunaomba sana libaki kuwa kazi ya polisi. Waangalie ni jinsi gani *SUMATRA* walivyokuwa wanafanya kazi na polisi kwa ushirikiano wakawaacha hawa waendeleo na utaalim wao, tusiwapore madaraka hawa ma-*vehicle* waliosoma kazi hiyo.

Mheshimiwa Mwenyekiti, kwenye kipengele cha 6(1)(e) tulishauri pia, sikuliona humu kwamba vizuri anapotoka kwenye Chuo cha *VETA* tuendeleo na utaratibu ule ule. Kwamba ma-*vehicle* lakini pia na watu wa *TRA* ndio wawajibike kutoa leseni ya dereva. Hili la kusema kwamba wao kama *LATRA* ndio wasimame kumuhoji dereva na kutoa leseni na kufanya kazi zilizokuwa zinafanywa na *vehicle* na *TRA* si sahihi kwa sababu mtu anayepambana na dereva kule porini ni *vehicle* kwa hiyo libaki kama lilivyokuwa zamani. (Makofi)

Mheshimiwa Mwenyekiti, pia *LATRA* amejipa mamlaka makubwa sana kwenye kifungu cha 18(2). Wanataka *incase* ikitokea gari imepata tatizo wao wanajipa mamlaka ya kufunga kampuni. Hatukatai, lakini wao hao hao wanajipa mamlaka ya kuifilisi kampuni; si mahakamakama ilivyokuwa zamani, huu si utaratibu hata kwenye Sheria ya Makampuni inayo sheria zake. kwamba kama kuna mgongano wa maamuzi yoyote au Serikali imefunga kampuni yako unaweza kuamua kuuza ama kufanya kitu chochote, si kwamba wao waamue hapo hapo na kwenda kuuza magari. Si sahihi, tunaomba ibaki kama ilivyokuwa zamani.

Mheshimiwa Mwenyekiti, pia suala la faini. Kwenye kipengele cha faini inaonekana gari likionekana na kosa kama ni kampuni itozwe milioni tano lakini kama ni mtu binafsi atozwe shilingi milioni tatu. Waziri pengine mnataka hizi kazi zisifanyike huko barabarani, hakuna mtu anaweza ku-*afford* kulipa hizo gharama ukilinganisha uendeshaji wa mabasi na vyombo vya usafirishaji ni mkubwa. Kwa hiyo,

tungeomba tu ikabaki *at least* kwenye ile faini ya zamani ya shilingi laki tano;kwa sababu vyombo hivi inaweza ikatokea imepata hitilafu katikati ya barabara lakini ukikutana na vyombo hivi vinavyohusika kama *LATRA* huko mbele wao watapiga faini ya shilingi milioni tano. (*Makofi*)

Mheshimiwa Mwenyekiti, lingine ni kuhusu suala la malori. Mheshimiwa Waziri mmeweka sheria ya kupunguza uzito kwenye malori huko barabarani, unataka gari ya *super single* ibebe tani 29 kutoka tani 34, na gari ya tairi mbili ibebe tani 32. Sasa Waziri mimi nikuombe tu, pengine haujafanya upembuzi, hakuna tatizo pamoja na kwamba utawaingiza watu wanasema na wengine watahindwa kuendelea na hii kazi na watafilisiwa; unapopunguza ule uzito kwa muda mfupi kama hivi ulivyoamua tarehe moja sijui mwezi wa pili au wa tatu; tatizo litakuja kwa mlaji ndio atakayeumia.

Mheshimiwa Mwenyekiti, kwa mfano, sisi tunabeba *cement* kutoka Dar es salaam, tulikuwa tunapakia tani 34 mpaka 33 kwenye tairi ya *super single*, ukiondoa tani tano ikabaki 29 ujue tafsiri yake gharama za mafuta na posho za wafanyakazi zipo pale pale, kwa hiyo zile tani tano zitafidiwa na bei ambayo itaongezeka kwenye *cement* kwa sisi tunaotoka kwenye maeneo ya mbali. (*Makofi*)

Mheshimiwa Mwenyekiti, kwa hiyo, nilikuwa namuomba Mheshimiwa Waziri; haya mambo yalikuwepo tangu mwanzo, sasa kama kumetokea mabadiliko tupeane muda ili tuweze kujiandaa.

Mheshimiwa Mwenyekiti, lakini lingine, mmeweka sheria ya kusema hamtaki tena tairi za *super single* Tanzania. Mheshimiwa Waziri nakupa mfano kuna watu wana magari 100, leo ukimwambia hatutaki kuona gari ya tairi ya *super single* barabarani maana yake unataka twende kwenye tairi mbili kwa tera (*trailer*).Tera moja linauzwa dola 50,000 na tera la *super single* linaunzwa dola 25,000. Mtu mwenye mkopo na ana magari 100 ukimwambia abadilishe matera sana sana unachotaka ni presha na kumuua. Kwa hiyo nilikuwa naomba Waziri hivi vitu mnavyoviandaa ni kuwapa muda,

hizi sheria tunazozitunga zinarudi kwa watu na tayari watu walishaingia mikataba na mabenki na vitu vingine. Kwa hiyo, ni vizuri zaidi Mheshimiwa Waziri ukaangalia uwezekano wa kuweza kuacha haya mambo tukaenda nayo taratibu hata kipindi kingine tupo tayari kuyabadilisha.

Mheshimiwa Mwenyekiti, mmeweka sheria ya watu wanaposafirisha ng'ombe kutoka kwa mfano Mwanza kuleta Dar es Salaam lazima awe na kibali cha *abnormal* kwamba ng'ombe zinatikisika zinaweza kuhiribu barabara, hii si sawa. Kama unaamua hivyo tunakubaliana kwamba tukate *abnormal* kwa ajili ya ng'ombe kwa sababu ng'ombe hata pembe haliwezi kutoka ndani ya tera, linakuwa katikati ya tera. Sasa ukisema linatikisika ni vizuri hata kwenye mabasi msememe na kwenyewe tukate *abnormal* kwa sababu hata binadamu anavyokaa kwenye basi lazima atikisike. Sasa ukitubagua hivi inaonekana kama unatuonea. (*Makofi*)

Mheshimiwa Mwenyekiti, nikuombe sana twende utaratibu ule wa zamani kwa sababu ukiweka hivi tunataka tuone pia hata mtu mwenye *tanker* iliyobeba mafuta na yenyewe inatikisika. Hivi vitu haviwezekani tusitunge sheria za kupoteza mapato ya nchi yetu.

Mheshimiwa Mwenyekiti, kwenye upande wapolisi (tochi) sijui tuangalie uwezekano gani kwa sababu tukiendelea kuacha hizi fujo zilizopo, ndiyo maana unaona polisi wanapigwa ngumi na watu kule barabarani. Watu wengine unakuta umewekwa picha na gari lakini rangi ya gari si ya kwako. Sasa hivi vitu ni vizuri tukaangalia, kama tunaangalia utaratibu mwingine mzuri ili hawa polisi wasitumike vibaya.

Mheshimiwa Mwenyekiti, pengine zamani ilikuwa inawasaidia ile kukaa kuzungumza na madereva wana-*negotiate* kua vitu walikuwa wanapata vidogo vidogo inaleta shida sana ile mtu anakuja kukusimamisha anakwambia ulipita tarehe 15 unasomewa *license* si ya kwako, *plate* namba ya kwako; lazima ngumi zitapigwa kila

siku. Kwa hiyo, kwa kuwalinda vijana wetu ni vizuri tukatengeneza utaratibu mwingine mzuri.

Mheshimiwa Mwenyekiti, pindi kunapotokea ajali kwenye mabasi, wamejipa mamlaka ya kusema popote pale itakaposababishwa ajali kama kuna binadamu amejeruhiwa ni lazima mmiliki alipe gharama kufidia yule mtu aliyeumia, si sahihi. Kwenye magari tuna bima, lakini pia kuna mahakama na *vehicle* lazima *procedure* zifuatwe mpaka kuja kupigwa faini. Ukiweka hii nafasi ya kwamba ajali tu inapotokea mtu lazima umlipe, sasa tunakata bima ya kazi gani au *LATRA* inajigeuza kuwa bima?

Mheshimiwa Mwenyekiti, nashauri kuna vitu vingine mkubali kuviondoa japokuwa humu hamkuviweka, tubaki kama ilivyokuwa zamani. Tunatambua kwamba *LATRA* itafanya kazi nzuri kama ilivyokuwa inafanya *SUMATRA*.

Mheshimiwa Mwenyekiti, kwenye suala la *VITS*, king'amuzi, wewe unafahamu; suala la king'amuzi hebu tunataka uliangalie vizuri, mmiliki waseveni *SUMATRA* mmiliki wa teknolojia ni mtu mwingine baki, anayeendesha king'amuzi ni mtu mwenye basi. Sasa kila mwezi tunalipishwa elfu sitini. Waziri nikuombe, hivi Serikali haiwezi ku-*control* yenyewe kuliko kuwa na dalali hapo katikati ambaye kitu kinauzwa dola 50 watu wanalipishwa shilingi 60,000 kila mwezi wakati hiki kitu kinaweza kupatikana kwa shilingi 15,000.

Mheshimiwa Mwenyekiti, kwa nini kama ninyi mnataka kukusanya pesa kutumia king'amuzi na ku-*control system* ya magari; na *server* mko nayo kwa nini hivi ving'amuzi msiviuze wenyewe kama Serikali kuliko kuwa na watu wana teknolojia, wanajitegemea ofisi mtaani, Serikali nayo inakaa na *server* na mimi namiliki king'amuzi? Hii sio sawa. Mheshimiwa Waziri nikuombe sana tunapoenda kuanzisha hiki chombo hivi vitu vyote viwe mali ya Serikali; na ikiwezekana turuhusiwe wenyewe tununue kwa sababu vinapatikana, ninyi kazi yenu muingize programu na kuweka *server* lakini haya mambo ya kumpa mtu mmoja ni kutaka kutuonea sisi wamiliki wa mabasi.

Mheshimiwa Mwenyekiti, nakushukuru sana na Waziri nakutakia kila la kheri.

**MWENYEKITI:** Ahsante, Dkt. Sware ajiandae Susan.

**MHE. DKT. IMMACULATE S. SEMESI:** Mheshimiwa Mwenyekiti, nashukuru sana kwa nafasi. Mchango wangu utajikita katika Muswada wa Hali ya Hewa. Kwanza kabisa ninaunga mkono kuletwa kwa muswada huu ni muhimu sana. (*Makofi*)

Mheshimiwa Mwenyekiti, kuna mambo tu machache ambayo tunahitaji kuyapatia ufafanuzi ili twende vizuri. Nikiangalia Muswada huu wa Mamlaka ya Hali ya Hewa kazi wanazozifanya naona zinajikita zaidi chini ya Wizara ya Makamu wa Rais – Muungano na Mazingira; kwa sababu wizara hii chini ya Makamu wa Rais inahusika katika Kusimamia Kanuni ya Mazingira 2004 na moja ya masuala yanayozingatiwa zaidi ya mazingira ni masuala ya mabadiliko ya tabia nchi, sera ndio wenyewe wanaisimamia.

Mheshimiwa Mwenyekiti, sasa nikiangalia hapa katika ukurasa wanane wa muswada wetu *clause five* majukumu (*functions*) za hii mamlaka tunayoenda kuianzisha inaenda kufanya kazi naona zinashabihiana na katika Wizara ya Muungano na Mazingira. Sasa sijui hapo *structure* zinakuwaje au utekelezaji utakuwaje. Vivyo hivyo *concern* yangu, nikijikita katika *angle* hiyo *clause* ya 7 ya muswada huu inaonesha mfumo wa bodi, na katika kuangalia wale *board members* sioni *representative* yeyote akitoka katika wizara hii ya Muungano na mazingira ambayo wenyewe ndio wameibeba Sera ya Mabadiliko ya Tabianchi.

Mheshimiwa Mwenyekiti, hiyo ni katika ujumla wake lakini naomba niende sasa katika kipengele kimoja kimoja. Katika kipengele (*clause*) cha 11 inaongelea kuhusu kumpata *director general* wa mamlaka hii. Sasa vigezo vilivyowekwa pale katika kifungu kidogo cha 2 (a) na (b) vinaongelea kwamba mkurugenzi huyu lazima awe na *PhD* na lazima

awe na *experience* ya miaka 10 japo naona *amendment* mmeweka miaka nane.

Mheshimiwa Mwenyekiti, hivi vigezo bado ni vikubwa sana na haviko kiuhalisia. Kwa nini *PhD*? *PhD* haiendani na *efficiency* ni vigezo vipo vingi. kwa hiyo, tusinyime sawa hata kama ni *PhD* ya *metrology* haimaanishi kwamba mtu mwenye *masters* ambaye ana *experience* na ana *skills* za uongozi; kwa sababu huyu *100 percent* sio *a technical person* but ni *manager/supervisor* of so at least awe na idea ya nini kinaendelea. *Experience* ya *eight years* ni nani huyu? Mimi nilikuwa bado na-*propose* hata kwenye *amendment* yangu kigezo cha *PhD* kiondoke na awe na *experience of at least five years.* (Makofi)

Mheshimiwa Mwenyekiti, ninaenda kwenye *clause* ya 12(d), majukumu ya huyu *director*, katika (d) inasema kwamba moja ya kazi zake nito *identify areas in which metrological instruments maybe installed.* Sasa mimi nasema huyu si mtendaji *per se*, huyu ni msimamizi wa watendaji/mamlaka; basi kazi yake iwe ni ku-*ensure* kwamba *installation* ya hizo *instruments* zipo katika *targeted areas.* Yeye haendi *field* akaanza ku-*install* hizo *instruments.*

Mheshimiwa Mwenyekiti, nilikuwa pia naomba nichangie katika *clause* ya 19. Nilikuwa nimeitafakari sana *clause* hii labda watufafanulie watakapokuja kutupa mrejesho. *Clause* 19 vifungu vyote vya 1 na 2 vidogo anasema *a person shall not engage in metrological observation, weather forecasting activities or weather modification activities.* Kwa hiyo, leo hii mimi Sware Semesi siwezi kumwambia fulani kwamba leo kuna dalili ya mvua itanyesha mvua, mtanifunga; kwa sababu hapa unaniambia nitakuwa nimevunja sheria.

Mheshimiwa Mwenyekiti, huku maeneo tunayoishi kuna wataalam *do forth* wanaweza wakakwambia mvua zinaweza zikaanza lini watu wanaanza kulima lini. Sasa so *far* hatuna miundombinu ya ku-*alert*, kwamba masika hii itaanza wiki hii au hali ya hewa itakuwaje lakini kama

tungekuwa tunayo tayari hiyo *structure* ya ku-*alert* wananchi wafanye shughuli zao kama ni za kilimo au mambo ya usafirishaji au shughuli za uvuviunaweza ukaana kwa sababu tayari mna *efficiency* kwenye hiyo area.

Mheshimiwa Mwenyekiti, hii *clause* ilivyokaa kama ilivyokaa huwezi kuni-*limit* mimi kusema kwamba kesho inaweza kunyesha mvua au isinyeshe. Yaani huwezi kuni-*limit* mimi in *person* kutabiri *as long as* sijaenda kwenye *media* na kutangazia taifa kwamba kesho kutatokea mafuriko kwa sababu sina hiyo *authority* lakini hiki kifungu kilivyokaa kama kilivyo kina utata mkubwa na mtaleta sintofahamu.

Mheshimiwa Mwenyekiti, *clause* ya 28 inaongelea udhibiti au kusimamia maeneo ambayo utafunga zile *instruments* za kurekodi *weather conditions*. Katika kifungu kidogo cha 3(c) wanasema kwamba hauna ruhusu ya ku-*conduct any activities* kwenye maeneo ambayo hizo *instruments* zimefungwa lakini hamsemi ni muda gani *authority* itampa mtu ambaye anataka kufanya *activity* za ku-*collect data*. Kwa hiyo, nafikiri kile kifungu cha 28(3) (c) inabidi m-*specify time* badala ya kuicha tu inavyosema *until such time*.

Mheshimiwa Mwenyekiti, naenda kwenye kifungu cha 29. Kifungu hiki cha 29 kinaongelea *liability* ya *board and employees*. Sasa hapo kuna utata kwa sababu mmesema kama mtu ata-*interfere* kama ni *instrument* au ata-*interfere* kwenye eneo la *instruments* zilivyofungwa au atatumia *data* visivyo, wote kuna *liability*. Kwa yule mtoa taarifa, mamlaka inasema kwamba ikitoa taarifa ambayo kwa njia moja au nyingine ikaniletea madhara, siwezi kuwashtaki.

Mheshimiwa Mwenyekiti, kwa hiyo, nataka nipendekeze kwamba kipindi hiki, yaani hii Bodi lazima na yenyewe iwe *liable*. Usiseme *it shall not be liable as a result* ya hizo *information* nilizozitoa *as a result of reliance on meteorological information provided by the Authority*. Kwa sababu kama mnatoa *information* inaweza ikaleta *panic*

au la na hiyo *panic* isitokee labda, lazima muwe na *liability*. Hamwezi kujitoea, ninyi mamlaka hamwezi kushtakiwa. Lazima mshtakiwe kama mmetoa *information* ambayo inaweza ikasababisha sintofahamu.

Mheshimiwa Mwenyekiti, naomba nijikite katika *clause* ya 30 inayoongelea kuhusu hakimiliki. Kidogo hapa inaleta utata ukiangalia Kifungu kidogo cha 30(2) kuelekea 31. Kifungu hiki kinaelekeza kwamba unatumiaje taarifa inayotolewa na mamlaka husika. Wana-*limit* kwamba hiyo taarifa inayotolewa, kwa mfano inatoka kwenye *media*, basi *third party* hawezi kuitumia hiyo *information*.

Mheshimiwa Mwenyekiti, labda unaweza ukawa umetoa *information* kwenye chombo cha habari au kwenye gazeti limeandika, mimi kama Sware Semesi siwezi kwenda ku-*share* hiyo *information*? Tayari ameshaku-*acknowledge* kwamba hiyo *information* inakwenda kwa *media*. Kwa hiyo, naomba kifungu hiki pia kiangaliwe kwa upya wake au kinahitaji *rewriting* pale mnapo-*limit* nani atumie *information* zenu mnazozitoea.

Mheshimiwa Mwenyekiti, Kifungu cha 32, *clause 32* pia, 32(1) nayo nimeona haijaka sawa. Hiki kifungu kinaelezea matumizi ya ardhi kwa ajili ya vyombo au hivyo vifaa vya uchukuaji wa hali ya hewa. 32(1) inasema kwamba, "*The Authority may, for the performance of its function, after giving reasonable notice...*" Sasa naomba hapa ikae sawa kwa sababu hii ni sheria, haiwezi ikawa *vague; what is reasonable notice?*

Mheshimiwa Mwenyekiti, kwa kawaida nafikiri *standard* anakwambia kwamba unatoa *notice* miezi mitatu kabla ya kutekeleza jambo fulani. Kwa hiyo, nafikiri sheria hii pia ijikite kusema *reasonable notice* pale unapotaka kutumia ardhi ya mtu fulani ili ufunge vifaa vyako, basi mpe *notice* yule mhusika ionyeshe ni ya muda gani.

Mheshimiwa Mwenyekiti, jambo lingine naomba niligusia ni katika kifungu cha 42. Kifungu hiki kinahusiana na

makosa ya uharibifu wa vyombo au vifaa vya kukusanyia takwimu za hali ya hewa. Sasa Kifungu hiki cha 42(1)(b) kinasema kwamba *a person who approves the occupation of land within the limit of the protected area*, yaani kile kifaa kinavyofungwa kwenye eneo fulani, je, mimi ninaweza nisisogelea lile eneo kwa *distance* kiasi gani?

Mheshimiwa Mwenyekiti, kwa hiyo, lazima useme ni *radius* kiasi gani? *Perimeters* ni zipi? Ukisema *protected area*, mimi siwezi kujua. Kwa hiyo, hapa mnaweza mkamtia mtu hatiani ukasema amesogelea kifaa cha ku-*collect* hizo *data* zenu lakini hamjanipa *distance* kiasi gani. Kwa hiyo, badala ya kusema tu *within the limitations za protected area*, nafikiri lazima m-*specify* ili kuwa *fair*. (Makofi)

Mheshimiwa Mwenyekiti, suala langu la mwisho ambalo nataka niligusia ni katika kifungu cha 52.

(Hapa kengele ililia kuashiria kuisha kwa muda wa Mzungumzaji)

**MWENYEKITI:** Endelea.

**MHE. DKT. IMMACULATE S. SEMESI:** Mheshimiwa Mwenyekiti, nashukuru sana.

Mheshimiwa Mwenyekiti, katika Kifungu cha 52 kinaongelea kuhusu kukata rufaa. Kwa hiyo, kama umeona hujatendewa haki na mamlaka, rufaa yako ya mwisho inakwenda kwa Waziri. Nafikiri kwamba *it is fair* kwamba rufaa ya mwisho basi mweze kwenda Mahakamani na siyo kwenda kuleta *complaints* zangu kupitia Bodi, kama sijaridhika na Bodi basi nakwenda kwa Waziri; basi niwe na uwezo wa kwenda Mahakamani.

Mheshimiwa Mwenyekiti, ahsante kwa nafasi.

**MWENYEKITI:** Ahsante. Mheshimiwa Susan Mgonokulima. Mtera. Mheshimiwa Ramo halafu Mheshimiwa Kakoso jandae.

**MHE. ENG. RAMO M. MAKANI:** Mheshimiwa Mwenyekiti, nakushukuru kwa nafasi hii. Nianze kwanza kwa kusema kwamba mimi ni mmojawapo kati ya wale wanaoipongeza Serikali kwa kuja na Muswada huu wakati huu na nitakapokuwa natoa maoni yangu nitatoa sababu kwa nini naipongeza Serikali kwa namna ile.

Mheshimiwa Mwenyekiti, niseme mapema kwamba mimi ni Mjumbe wa Kamati ya Miundombinu iliyoichambua Muswada huu. Kwa hiyo, ninayo sababu pia ya kuipongeza Serikali baada ya kupitia Jedwali la Marekebisho kwa kuzingatia maoni ya Kamati kwa asilimia karibu yote. Kwa hiyo, Muswada wenyewe pamoja na maoni ya Kamati kama tulivyoyotoa kwenye Taarifa ya Kamati pamoja na Jedwali la Marekebisho, vyote naviunga mkono kwa asilimia mia moja.

Mheshimiwa Mwenyekiti, muda hautoshi, hatuwezi kwenda tukarudia tena yale ambayo ni ya msingi na kila mmoja anayafahamu. Kwa mfano, suala la umuhimu wa hali ya hewa kwa Taifa, kila mmoja anajua umuhimu wa hali ya hewa, lakini nisisitize tu kwa kusema kwamba utekelezaji wa Mipango ya Serikali ya Maendeleo, iwe ni Mipango ile ya Miaka Mitano, Mpango wa Mwaka Mmoja Mmoja na hata Utekelezaji wa Dira ya Taifa kwa ujumla, bila mipango madhubuti ya masuala ya hali ya hewa ni vigumu sana kutekeleza masuala hayo ya Mipango ya Maendeleo.

Mheshimiwa Mwenyekiti, historia ya masuala ya usimamizi wa hali ya hewa ni ya muda mrefu tangu kabla ya ukoloni, tunaambiwa ni tangu mwaka 1929. Sheria hii ambayo sasa hivi tunaendelea kujadili na baadaye naamini tutaipitisha, yenyewe ipo kwa muda wa miaka 20 na hii ni sheria iliyounda wakala; Sheria ya Wakala wa Serikali Na. 30 ya mwaka 1997. Sasa miaka 20 ni muda mrefu sana.

Mheshimiwa Mwenyekiti, kwa hiyo, naiona sababu ya kwanza kabisa hapo haraka ya umuhimu wa Sheria hii au Muswada huu inakuwa iko wazi pale, kwamba kutoka Wakala sasa tunataka kuwa na Mamlaka kwa sababu

tunataka kukabidhi majukumu ambayo yatakuwa yana uwezo wa kuwa na usimamizi zaidi wa masuala ya hali ya hewa nchini.

Mheshimiwa Mwenyekiti, suala hili limesisitizwa sana wakati tunazungumzia juu ya suala la lengo la Muswada wa sheria hii, kwamba kwenye lengo, masuala ya kuwa na taasisi moja yenye mamlaka kamili kisheria ya kuratibu, kusimamia na kudhibiti huduma za hali ya hewa nchini. Suala hili pia limesisitizwa katika hotuba ya Kamati, lakini hata katika maoni ya Kambi ya Upinzani, imeona umuhimu huo na kusema kwamba malengo yako sawa sawa na kwamba tunakusudia kuwa na sheria ambayo inaweka masharti bora zaidi ya usimamizi, utaratibu na udhibiti wa huduma za hali ya hewa nchini.

Mheshimiwa Mwenyekiti, vile vile tumepigia mstari kabisa kwamba masuala ya hali ya hewa hayawezi yakashughulikiwa na nchi peke yake *in isolation*, kwamba Tanzania hatuwezi kushughulikia masuala ya hali ya hewa peke yetu, hili ni suala la Kimataifa. Kwa hiyo, unaiona haja na sisi kuwa kwenye viwango vya Kimataifa au viwango vitakavyokubalika Kimataifa ili kuweza kusimamia masuala ya hali ya hewa.

Mheshimiwa Mwenyekiti, kwa sababu hiyo, kwa sababu muda hautoshi nitataja tu vifungu; kifungu cha 26, kifungu cha 27 na kifungu cha 28 na vinginevyo vinazungumza zaidi na kusesitiza juu ya uwepo wa umuhimu wa kuwa na vigezo vya kuwa na taasisi ambayo itakuwa na wataalam wanaokubalika Kimataifa, itakuwa na vifaa vitakavyokubalika Kimataifa na itakuwa na vigezo vyote vinavyoonesha Kimataifa kwamba vinao uwezo wa kushirikiana na taasisi za Kimataifa ikiwepo *The World Meteorological Organisation*, kwamba kazi zetu zitakubalika katika viwango vya Kimataifa kama tutakuwa tumefikia *standards* hizo zinazotakiwa.

Mheshimiwa Mwenyekiti, hili ni la msingi na kwa hiyo, twende na ushauri uliotolewa kwenye Muswada ili tuweze

kuwa na uhakika wa kwamba sasa tuko kwenye viwango hivyo vya Kimataifa.

Mheshimiwa Mwenyekiti, imetolewa hoja hapa kuhusiana na suala la uwepo wa taasisi nyingine ambazo na zenyewe zinakuwa na taarifa za masuala ya hali ya hewa. Imetajwa *Tanzania Bureau of Standards*, imetajwa *National Bureau of Statistics*, lakini nasema kwa viwango vya Kimataifa tukiwa na taasisi nyingi zinazoshughulikia suala hilo hilo la hali ya hewa, tutapoteza hiyo *credibility* ya kukubalika na hivyo vyombo vya Kimataifa. (*Makofi*)

Mheshimiwa Mwenyekiti, Kimataifa inatakiwa kuwe na *source* moja tu ambayo itakuwa inashughulikia masuala ya hali ya hewa ili yenyewe sasa ndiyo iweze kushirikiana kwa karibu zaidi na vyombo vya Kimataifa katika kushughulikia masuala ya hali ya hewa.

Mheshimiwa Mwenyekiti, hii kwenye sheria ipo na imewekwa wazi kabisa kwenye kifungu cha nne, kwa ruhusa yako, haraka haraka tu noisome: "*The Authority shall, for the purpose of collaboration and cooperation with international organisations relating to meteorological issues being...*" yakatajwa hayo ambayo yanatakiwa yafanyike.

Mheshimiwa Mwenyekiti, kwa hiyo, kama kweli tunataka kuwa na taasisi itakayokuwa inaaminika Kimataifa ya kuweza kufanya shughuli za *meteorology*, lazima tuwe na taasisi iliyoko kwenye viwango bora kwa sura pana. Nimezungumzia vifaa, wataalam na utekelezaji wa majukumu yenyewe Kimataifa ili iweze kukubalika.

Mheshimiwa Mwenyekiti, kwa hiyo, naamini hata *TBS*, hata *National Bureau of Statistics*, wao wakiwa wanataka au wanahitaji takwimu hizi kwa ajili ya *custodianship* na kwa ajili ya kuzi-*distribute*, basi itakuwa labda baada ya kibali cha kutoka kwa Mamlaka hii tunayokusudia kuiunda.

Mheshimiwa Mwenyekiti, nimeanza kuzungumzia suala la Muswada wa Hali ya Hewa, lakini sasa haraka haraka

tu, niende nizungumzie Muswada wa Barabara (*The Land Transport Regulatory Authority Act, 2018*).

Mheshimiwa Mwenyekiti, hapa zimetolewa hoja nami nataka nizichangie. Kwanza ni kuhusiana na suala la ajali. Ajali nyingi za barabarani zinatokana zaidi na makosa ya watumiaji barabara ambayo ni makosa ya kibinadamu. Tafiti zimefanyika na imedhihirika wazi kwamba barabara kama barabara au vyombo vya usafiri kama magari na vinginevyo, mchango wake kwenye ajali ni mdogo sana. Sehemu kubwa, asilimia zaidi ya 70, inatokana na watumiaji wa hizo barabara.

Mheshimiwa Mwenyekiti, sasa kwa sababu hiyo, ni vyema tukaangalia umuhimu wa kuzingatia namna ya kuweza kudhibiti matumizi ya barabara na matumizi ya vyombo vya moto au vyombo vyote vinavyotumia barabara ili tuweze kupunguza ajali.

Mheshimiwa Mwenyekiti, lilikuwepo suala linalohusiana na wataalam watakaokuwa wanafanya kazi kwenye eneo hili linalosimamiwa na *LATRA* kwa ujumla wake. Niliona tunazungumzia juu ya suala la ubora wa miradi inayotekelezwa, hasa ya ujenzi wa barabara kwamba lazima ziwe zimefikia viגעzo vya gharama, muda na ubora.

Mheshimiwa Mwenyekiti, nataka kusema kwamba katika miaka ya hivi karibuni tumekwenda zaidi ya hapo, tumesema kwamba mahitaji ya wadau (*stakeholders' interests*) yameongezeka kuwa ni jambo moja la muhimu na la msingi la kuweza kulizingatia. Tumeongeza lingine, tumesema kudumu kwa masuala hayo (*sustainability*) ili iweze kuendana na mipango ya maendeleo endelevu duniani. (*Makofi*)

Mheshimiwa Mwenyekiti, limekuepo suala juu ya wataalam kwamba wasiingiliwe kwenye utekelezaji wa majukumu yao. Nami kama mmojawapo wa wataalam, mmojawapo wa wahandisi; naunga mkono, wataalam wasiingiliwe, waachwe watekeleze majukumu yao kitaalam.

Pia tuzingatie ukweli kwamba mtaalam huyo ambaye hapaswi kuingiliwa ni yule tu ambaye anazingatia masharti ya maadili ya taaluma. Kama hazingatii masharti ya maadili ya taaluma, basi utaalam wake unaweza ukawa *intervened* na watu ambao watakuwa wanaona wazi kwamba hazingatii masharti hayo ya taaluma. (*Makofi*)

Mheshimiwa Mwenyekiti, kwa mfano, kila mtu anajua barabara nzuri kwa macho na kama mtumiaji, anajua tu barabara ni nzuri. Sasa huwezi kuwa na barabara ambayo umejenga umemaliza leo, baada ya miezi mitatu ikaharibika, halafu ukiulizwa useme usinihoji kwa sababu mimi ni mtaalam. Mtu akiangalia ukuta umepinda, akionyesha kwa macho akikwambia mimi nimenyoosha halafu wewe unasema umetumia kifaa kunyoosha wakati kila mtu anaona kwamba ukuta umepinda, haitakuwa sawa. (*Makofi*)

Mheshimiwa Mwenyekiti, kwa hiyo, pamoja na kutetea wataalam, mimi mwenyewe kwenye uhandisi huko nimebobeza kiasi cha kutosha, ni *registered fellow*, lakini tunaambiana na kukumbushana kila siku, kwamba ni lazima tuzingatie masharti ya maadili ya kitaalam ili tuweze kukwepa huko kunakoitwa kuingiliwa ili tuweze kui-*convince* jamii kwamba tunaweza tukafanya kazi zetu sawa sawa.

Mheshimiwa Mwenyekiti, baada ya kusema hayo machache, nimalizie tu kwa kusema kwamba uchambuzi wa kifungu baada ya kifungu, naamini wakati utakapofika, wakati wa Kamati, tutaweza kupata nafasi ya kuweza kuchangia vizuri zaidi maana kuna vifungu vimekosolewa, kuna vifungu vimechangiwa nami nimeona baadhi ya maeneo ziko hoja za kuweza kujadili zinahitaji *input* ya kutoka kwa Wajumbe wa Kamati na washiriki wengine wa ndani na Waheshimiwa Wabunge wengine. Kwa hiyo, wakati utakapofika huo wa kujadili vifungu, mimi nitakuwa miongoni mwa wale ambao watakuwa tayari kutoa michango yao.

Mheshimiwa Mwenyekiti, nimesema naipongeza Serikali, kwa sababu kwa mfano kwenye Muswada huu wa

Hali ya Hewa, vifungu 13 kati ya 59 tulivyonavyo, Serikali imekubaliana na maoni ya Kamati. Kwa hiyo, kwa muktadha huo, sina mashaka kwamba Sheria hii au Muswada huu tunapokwenda kuujadili sasa katika ngazi ya Kamati, kwa maana ya kifungu baada ya kifungu, maeneo mengi sana tunayo majibu kama Kamati na ambayo sikuweza kuyatoa sasa hivi kwa sababu muda hautoshi. *(Makofi)*

Mheshimiwa Mwenyekiti, nakushukuru sana. *(Makofi)*

**MWENYEKITI:** Ahsante. Mheshimiwa Kakoso, msemaji wetu wa mwisho.

**MHE. MOSHI S. KAKOSO:** Mheshimiwa Mwenyekiti, nakushukuru sana kwa kunipa nafasi ya kuwa mchangiaji wa mwisho kuchangia Miswada miwili ambayo imewasilishwa na Serikali.

Mheshimiwa Mwenyekiti, awali tu, tuipongeze sana Serikali kwa kuleta hii Miswada miwili ambayo kimsingi ni muhimu na inakuja kwa wakati muafaka kwa ajili ya kuleta ufanisi kwenye utekelezaji. *(Makofi)*

Mheshimiwa Mwenyekiti, tunaipongeza Serikali, kwa asilimia kubwa sana imechukua maoni ya Kamati, imesikiliza na imeweza kuyafanyia kazi. Yapo marekebisho mengi sana ambayo tumeafikiana na Serikali ambayo yamefanywa kwa pamoja kati ya Kamati na Serikali kwa ujumla. Tunawapongeza sana. *(Makofi)*

Mheshimiwa Mwenyekiti, nawapongeza sana Wajumbe wa Kamati ya Miundombinu na Wajumbe wengine waliofika kwenye Kamati hii wametoa mchango mkubwa sana. Naamini mtaona mabadiliko ambayo yamefanywa na Kamati yamezingatiwa na kuchukuliwa na Serikali. Hii ni kuonesha kwamba wote waliofanya kazi hii walifanya kwa ushirikiano. *(Makofi)*

Mheshimiwa Mwenyekiti, nizungumzie sana kwenye Mamlaka ya Hali ya Hewa. Kipo kifungu Na. 32 ambacho

Kamati iliishauri Serikali kwamba pale ambapo Serikali inaweza kwenda kuweka mitambo kwenye maeneo yanayomilikiwa na wananchi, ni umuhimu wa wananchi kupewa fidia. Eneo hili ni la muhimu kwa sababu linagusa wananchi kwa karibu. Tunaomba sana Serikali izingatie yale maoni. Pamoja na kwamba wameyaona na kuyachukua, ili kuleta ufanisi na kufanya mamlaka iweze kufanya kazi na kulinda mali zitakazowekwa, ni vyema Serikali ikawa imewalipa fidia wananchi ambao kimsingi ndio wanaoguswa na jambo hili. *(Makofi)*

Mheshimiwa Mwenyekiti, hili lilizungumzwa sana kwenye Kamati na Serikali waliona jinsi ambavyo Waheshimiwa Wabunge walivyoona hiki kifungu kilivyokuwa hakijakaa vizuri. Tunaipongeza Serikali kwa kuchukua sehemu ya maoni ya Kamati husika. *(Makofi)*

Mheshimiwa Mwenyekiti, kipo kifungu cha 22 juu ya taasisi ambazo zitatumia *data* zinazotolewa na Mamlaka. Hapa tumeishauri Serikali kwamba siyo kila taasisi ni lazima iweze kufuata kipengele kile ambacho kinamhitaji aweze kutumia *data* za Mamlaka. Tumeangalia kwa upana kwa sababu zipo taasisi nyingine ambazo zinafanya shughuli zake na zitachelewa kupeleka huduma na taarifa kwa wahusika. Kwa hiyo, tunaomba eneo hili Serikali waliangalie vizuri ili wasiweze kufunga zile taasisi nyingine ambazo zinaweza zikatumia *data* zinazotokana na Mamlaka husika. *(Makofi)*

Mheshimiwa Mwenyekiti, juu ya *LATRA*, tunapongeza sana Serikali kwa kuleta Muswada unaoendana na kuongeza ufanisi na ubora kwa wakati. Pia tunaipongeza Serikali kwa kuweza kudhibiti ajali nyingi ambazo kwa sasa zimeanza kupungua kupitia Sheria zinazodhibitiwa na *LATRA*.

Mheshimiwa Mwenyekiti, tunapenda kuishauri Serikali katika maeneo haya pamoja na kukubali maoni mengi yaliyotolewa na Kamati ya Miundombinu, bado tunaomba waangalie kifungu 42(1) na 42(2); Kamati ilishauri kifungu hiki kipunguzwe adhabu ambayo imependekezwa na Serikali.,

katika kifungu hiki 42(1) Kamati ilikuwa imependekeza angalau mtu atozwe shilingi laki tano na kifungu 42(2) Kamati tulipendekeza tozo za faini angalau zifikie bilioni mbili kuliko ilivyo kwa sasa. *(Makofi)*

Mheshimiwa Mwenyekiti, maeneo haya ni vyema Serikali ikayaangalia ili kuweza kuendana na hii Sheria tunayoitunga kwa sababu tungependa sana Sheria hii tunayoitunga iwe ya kudumu na ichukue muda mrefu sana na itaonekana Bunge limeshiriki kwa karibu sana na imeangalia umbali juu ya maeneo haya.

Mheshimiwa Mwenyekiti, kipo kifungu cha 35(3) Serikali tunaipongeza kwa kuweza kukubali mawazo ya Waheshimiwa Wabunge na Kamati kwa ujumla juu ya kupunguza *annual levy* iliyokuwepo ya asilimia 1. 5 na kufika asilimia moja. Hili ni eneo ambalo Wabunge waliliangalia kwa makini sana na tunaomba sana Serikali tuweze kulifanyia kazi.

Mheshimiwa Mwenyekiti, kimsingi Kamati yangu ya Miundombinu imepitia vifungu kwa vifungu na karibu maeneo mengi Serikali iliweza kuchukua sehemu ya mawazo ya Kamati na kuyafanyia marekebisha. Hatukuwa na mvutano mkubwa tunawapongeza sana Waziri na timu yake, lakini tunawapongeza Wanasheria wa Serikali kupitia Bunge wametoa msaada mkubwa sana na tunaamini kwamba Sheria iliyopendekazwa kwa sasa itakuwa nzuri na vile vipengele ambavyo tumeshauri, tunaomba vifanyiwe kazi.

Mheshimiwa Mwenyekiti, nakushukuru sana. *(Makofi)*

**MWENYEKITI:** Mheshimiwa Nditiye dakika tano, Mheshimiwa Kwandikwa, dakika tano na Mheshimiwa AG dakika tano.

**NAIBU WAZIRI WA UJENZI, UCHUKUZI NA MAWASILIANO (MHE. ENG. ATASHASTA J. NDITIYE):** Mheshimiwa Mwenyekiti, ahsante sana. Kwanza kabisa

niweke wazi naunga mkono Miswada yote miwili na nampongeza sana Mwenyekiti wa Kamati yetu na Kamati nzima ya Miundombinu kwa ushirikiano mkubwa sana waliotupatia. Ninayo machache tu sana yatakayohusu sana Sheria hii ya *TMA*, ambayo imechangiwa na Waheshimiwa Wabunge. Nitaongea kwa ufupi sana suala la kwa nini tunataka mtu mwenye *PhD* ndiyo awe ni Mtendaji wa Mamlaka. Ni takwa la Shirika la Duniani la *Metrological (WMO)*, kuwataka Watendaji wote wa nchi mbalimbali ambazo ni wanachama wa *WMO* wawe na elimu ya kutosha kwa ngazi ya *PhD*. Bahati nzuri mpaka sasa tunapokwenda kuibadilisha hii Sheria hata Mtendaji wetu wa *TMA* ana elimu ya *PhD*.

Mheshimiwa Mwenyekiti, bahati nzuri vilevile hata kwenye mamlaka hii ambayo tunakwenda kuifanyia kazi *TMA* tunao *graduate* watu ambao wana *PhD* kama 15 na kuna sera nzuri sana ya mamlaka ya kuhakikisha kwamba wafanyakazi wanapelekwa kuongeza elimu kuweza kupata elimu ya kutosha kuhakikisha kwamba tunakuwa na Wataalam wabobevu wengi zaidi kwenye Mamlaka yetu.

Mheshimiwa Mwenyekiti, nitaongelea tena kwa kidogo sana kuhusu suala zima la *experience*. Hatuna shida sana na *experience* ya miaka hata mitatu, lakini hii ni Taasisi kubwa sana ambayo inashughulika na maisha ya watu na vitu, sisi kama Serikali mwanzo tulipeleka miaka ndiyo ile *experience* ya mtu kuweza kukamata nafasi ya kuwa *Managing Director*. Hata hivyo, tukasikiliza maoni na ushauri wa Kamati ambao wao walitaka miaka mitano, lakini mwisho wa siku tulikubaliana kwamba tuweke angalau miaka nane, kwa sababu mtu mwenye *PhD* mwenye uzoefu wa miaka mitano bado hajawa na uzoefu wa kutosha sana kwa mujibu wa *standard* za *WMO* kuweza kukamata nafasi kama hiyo. Tunakubaliana kabisa kwamba mtu hata wa miaka mitatu ana uzoefu mzuri na *degree* yake hata *degree* ya pili ana uzoefu mzuri; lakini tunafuata takwa mahususi la *WMO* katika kuendesha hizi Taasisi za Mamlaka ya Hali ya Hewa duniani kote.

Mheshimiwa Mwenyekiti, suala la fidia, nashukuru hata Mwenyekiti wa Kamati amekubaliana kwamba Serikali tuliliona na tukakubaliana kwamba utungaji wa sheria kama hizi huwa unaenda sambamba na sheria zingine. Katika kutekeleza majukumu haya tunakwenda sambamba na Sheria ya Ardhi namba (4) ambayo itakuwa inatu-*guide* katika kufanya mambo hayo. Hatuwezi kufanya bila kushirikisha sheria nyingine.

Mheshimiwa Mwenyekiti, niungane na Mheshimiwa Ramo kuhusu suala zima la utaalim kuzingatiwa. Haya ni masuala ambayo yanagusa sana maisha ya watu, hatuwezi tukakubaliana mtu yeyote azungumze lolote wakati wowote na masuala wa waganga kama Serikali hatuwezi kuyazingatia sisi tunakwenda kwa masuala ya kisayansi. Tunakumbuka na tunajua si ajabu kuna baadhi ya maeneo mtu anaweza akasema leo mvua itanyesha, labda ikanyesha kwa bahati, lakini siyo vitu vya uhakika. Sisi katika Sheria hii tunataka mamlaka ndiyo iwe mdhibiti wa kuhakikisha kwamba kinachozungumzwa ndiyo kinachukuliwa na wananchi wote na hatuzungumzi bila kuwasiliana na dunia inavyotaka, ndiyo maana kila baada ya dakika 15 sheria inataka tutoe taarifa za hali ya hewa kwa ajili ya wananchi kuweza kujua.

Mheshimiwa Mwenyekiti, baada ya kuzungumza hayo, nashukuru sana kwa nafasi hii. (*Makofi*)

**MWENYEKITI:** Ahsante. Mheshimiwa Mwenyekiti, Kwandikwa.

**NAIBU WAZIRI, UJENZI, UCHUKUZI NA MAWASILIANO (MHE. ELIAS J. KWANDIKWA):** Mheshimiwa Mwenyekiti, kwanza nikushukuru sana kwa kunipa nafasi. Nami nianze kwa kusema naunga hoja zote hizi mbili zilizo mbele yako. Namshukuru pia Mwenyekiti wa Kamati ya Miundombinu pamoja na Wajumbe, pia Waheshimiwa Wabunge ambao walihudhuria kwenye vikao vya Kamati na kutuboreshea Muswada huu. Nitazungumza mambo mawili tu; la kwanza

nataka nizungumze upande ule wa ukaguzi hasa kwenye Muswada huu wa usafiri wa barabarani kwa maana ya kwamba ukaguzi ambao utafanywa na Mamlaka hii ya *LATRA* na lile suala la ukaguzi kupitia vyombo vyetu vya Polisi.

Mheshimiwa Mwenyekiti, lengo la Muswada huu ni kudhibiti usafishaji barabarani kwa maana *LATRA* wata shughulika na suala la *controls* kwa maana kudhibiti na suala la Polisi kukagua magari barabarani wenyewe wanaangalia utekelezaji wa sheria maana yake *compliance* ya sheria wakiwa barabarani. Kwa hiyo hapa hakuna mwingiliano, kama ilivyo kwenye taaluma zingine ukiwa Daktari ukisha-*graduate* kuna Bodi ambayo inakutazama kwenye utekelezaji wa majukumu yako kama Daktari.

Mheshimiwa Mwenyekiti, kwa muda mrefu madereva wameonekana kama ni watu ambao hawathaminiwi. Kwa maana hii sasa tunaichukua kama ni taaluma ili waweze kudhibitiwa. Tunajua kuwa na leseni ni jambo lingine lakini kuitumia vizuri kitaaluma leseni yako ni jambo ambalo *LATRA* wataenda kulitazama, kwa maana mtu awe na leseni lakini lazima tumwone pia anafanya kazi zake na kutufanya tuwe salama pia tukiwa huko barabarani.

Mheshimiwa Mwenyekiti, jambo lingine nataka nizungumzie kuhusu mizani, kwamba sisi kama Serikali tumejipanga kuendelea kuboresha mizani zetu katika sehemu mbalimbali kwa maana ya kuzifanya ziwe za kisasa na kuzifanya zifanye kazi kwa tija na kufanya watumiaji wa barabara wasitumie muda mwingi wa kuwa barabarani, kwa sababu vituo vitakuwa vichache. Juhudi mbalimbali zinaendelea na kuna maeneo ambayo nafikiri Waheshimiwa Wabunge na Watanzania kwa ujumla tunaendelea kufanya maboresho makubwa kwenye mizani zetu. Waheshimiwa Wabunge watakubaliana na mimi kwamba uko umuhimu wa kuzilinda barabara zetu na uwepo wa mizani hizi ni kuhakikisha kwamba tunadhibiti na kuhakikisha barabara zetu ambazo tunatumia fedha nyingi kuzitengeneza zinabakia kuwa salama.

Mheshimiwa Mwenyekiti, zipo changamoto ambazo zimekuwepo muda mrefu kwenye matumizi ya mizani barabani, lakini niseme tu Serikali imekuwa ikifanya kazi kubwa kuhakikisha kwamba tunafanya maboresho na kuondoa changamoto ambazo muda mrefu zilikuwa zinatukabili huko barabarani. Kwa hiyo, nikuhakikishie na niwahakikishie Waheshimiwa Wabunge tumedhamiria kufanya ubora mkubwa katika udhibiti wa barabara zetu kwa kutumia mizani za kisasa, halafu kutakuwa na tija, usumbufu utakuwa mchache na watumiaji wa barabara hawatumia muda mwingi watakapokuwa wakitumia barabara zetu.

Mheshimiwa Mwenyekiti, baada ya kusema hayo kwa sababu ya muda, nimalizie tena kwa kutoa shukrani kwa kunipa nafasi hii na naunga mkono hoja zote zilizoko mbele ya meza yako. Ahsante sana. *(Makofi)*

**MWENYEKITI:** Ahsante. Mheshimiwa AG, ajiandae Mheshimiwa Waziri.

**MWANASHERIA MKUU WA SERIKALI:** Mheshimiwa Mwenyekiti, nakushukuru kwa kunipa nafasi. Naomba nizungumzie suala moja tu, nalo ni suala la ushiriki wa Zanzibar katika Sheria ya Mamlaka ya Hali ya Hewa kama lilivyoelezwa na Mheshimiwa Saada Mkuya. Ili kulizungumzia hili ni vema kila mara kurudi kwenye Katiba na kuona inatuambia nini na baada ya hapo tulizungumze suala lenyewe.

Mheshimiwa Mwenyekiti, hili ni Bunge la Jamhuri ya Muungano wa Tanzania ambalo kwa mujibu wa Ibara ya 63(3)(d) lina mamlaka ya kutunga Sheria kwa mambo yote yayohusu Jamhuri ya Muungano wa Tanzania ambayo maana yake inahusu Tanzania Bara na inahusu pia Tanzania Zanzibar. Kama tunavyofahamu pia kwamba Bunge hili linaweza likatunga Sheria kwa mambo mengine yote yanayohusu Tanzania Bara peke yake kwa mujibu wa Ibara ya (64)(1).

Mheshimiwa Mwenyekiti, yanapokuja masuala ya kutunga Sheria ambayo pia itatumika Zanzibar, Katiba imeweka masharti hayo na wameeleza vizuri katika Katiba, jambo la kwanza ni lazima jambo ambalo linatungiwa Sheria liwe linahusu mambo ya Muungano ukiangalia Ibara ya (64)(4)(c) na pili Sheria itamke yaani Sheria hiyo inayotungwa itamke kwamba itatumika pia kwa upande wa Zanzibar. Hii imeelezwa waziwazi kabisa katika Ibara ya 64(4)(b).

Mheshimiwa Mwenyekiti, sasa linapokuja suala la uhitaji na ulazima wa mashauriano kati Serikali ya Jamhuri ya Muungano wa Tanzania na Serikali ya Mapinduzi ya Zanzibar, utaratibu ukoje. Utaratibu wa mashauriano kati ya Serikali hizi mbili haujawekwa kwenye Katiba au Sheria yoyote, lakini uko kwenye utamaduni wa kiutendaji wa hizi Serikali mbili. Kwa hiyo utaratibu wa namna ya kushauriana hauko kwenye Katiba hauko kwenye Sheria, lakini umejengwa katika utamaduni wa utendaji wa hizi Serikali mbili. Sasa katika hili ni vema kueleza kwamba kumekuwa na tamaduni tofauti, kumekuwa na utamaduni uliotumika kabla ya Novemba, 2018 yaani mwaka jana na utaratibu ambao umeanza kutumika kuanzia mwezi Novemba, 2018 yaani mwaka jana.

Mheshimiwa Mwenyekiti, kabla ya Novemba utaratibu uliotumika ilikuwa ni katika hatua za awali za matayarisho wataalam wa kutoka upande wa Zanzibar waliitwa na walishirikishwa katika hatua mbalimbali za kuutengeneza Muswada wa Sheria na ushiriki wao ulihesabiwa kuwa wamewakilisha Serikali ya Mapinduzi ya Zanzibar.

Mheshimiwa Mwenyekiti, baada ya Novemba, 2018, Serikali hizi mbili zimekubaliana, lakini bado kama nilivyosema haijaandikwa katika Sheria yoyote, ila zimekubaliana kwamba sasa itakuwa ni lazima Katibu Mkuu Kiongozi katika Serikali ya Jamhuri ya Muungano wa Tanzania amwandikie Katibu Mkuu Kiongozi katika Serikali ya Mapinduzi ya Zanzibar ili apate maelezo yake kwamba Muswada huo au jambo hilo limejadiliwa na limepitia katika ngazi mbalimbali zinazohitajika kujadili au kuhusishwa katika jambo hilo.

Mheshimiwa Mwenyekiti, sasa Muswada huo tunaozungumza uliandaliwa wakati tunatumia bado mfumo wa zamani kwa sababu ilikuwa ni *around* mwezi Mei, 2018. Kwa hiyo katika utaratibu huo wataalam mbalimbali kutoka Serikali ya Mapinduzi ya Zanzibar walishirikishwa katika hatua mbalimbali za kuandaa Muswada huu. Hivyo basi, umekuja kwa sababu ulifuata huo utaratibu wa zamani, lakini utaratibu aliokuwa anauzungumzia Mheshimiwa Saada huo umeanza kutumika mwezi Novemba, 2018, lakini bado nieleze kwamba hizi ni taratibu tu za kiutendaji ambazo zimekubalika kati ya hizi Serikali mbili.

Mheshimiwa Mwenyekiti, naomba kuwasilisha.

**MWENYEKITI:** Ahsante. Mheshimiwa Waziri dakika 20.

**WAZIRI WA UJENZI, UCHUKUZI NA MAWASILIANO:**

Mheshimiwa Mwenyekiti, nianze kwa kukushukuru wewe mwenyewe kwa jinsi ambavyo umeendesha majadiliano ya Miswada hii miwili vizuri kwa utulivu mkubwa. Niishukuru Kamati yangu ya Kudumu ya Bunge ya Miundombinu kwa jinsi walivyotoa taarifa na niwashukuru kwa sababu tumeshirikiana nao vizuri na ndiyo maeneo mengi ambayo walikuwa wametoa hoja kipindi tunajadili kwenye Kamati, Serikali imekuwa sikilivu na sehemu kubwa zaidi ya asilimia 80 ni kwamba Serikali imeyakubali.

Mheshimiwa Mwenyekiti, katika maoni ya Kamati ya kudumu ya Bunge walitaja kwamba utoaji wa huduma za hali ya hewa umeanza hata kabla ya uhuru. Jambo hili ni kweli huduma za hali ya hewa zilikuwa zinatolewa na iliyokuwa *Directorate* ya hali ya hewa kabla ya uhuru ambayo Makao yake Makuu yalikuwa Nairobi. Baada ya uhuru tuliendelea na baada ya kuvunjika ile Jumuiya ya Afrika Mashariki mwaka 1977, mwaka 1978 ndiyo tulitoka kwenye Sheria, Sura namba 157 na marejeo ya 2002. Mwaka 1999 Wakala wa Hali ya Hewa ilianzishwa kwa Sura ya 245 na marejeo yake ya mwaka 2002 na tangazo la Serikali namba 405 la mwaka 1999.

Mheshimiwa Mwenyekiti, kwa hiyo huduma za hali ya hewa zimekuwa zinatolewa hata kabla ya uhuru na tumeendelea nayo kwa sababu ni huduma ambayo ni muhimu sana sana, huwezi kuiacha. Kwa hiyo tumeendelea kuboresha sheria kadri ambavyo tunakutana na changamoto na ndiyo maana hata sasa hivi tumeleta hii Sheria ili tuweze ku-*improve* zaidi. Lengo kubwa la Sheria hii ni kwamba tangazo la Serikali namba 405 la mwaka 1999 lilianzisha Wakala, wakati Sheria ya Wakala ni Sheria ya Tanzania Bara.

Mheshimiwa Mwenyekiti, kwa hiyo msukumo wa Muswada huu ilikuwa ni kwamba kwa mujibu wa Katiba kama ambavyo amezungumza AG ilikuwa ni lazima tutoke kwenye Wakala twende kwenye mamlaka ili sasa tuweze ku-*comply* na Katiba ya Jamhuri ya Muungano wa Tanzania. Nami niwashukuru sana Waheshimiwa Wabunge kwamba tumejadili vizuri na kuona kwamba kwa kweli Muswada huu ulikuwa na umuhimu tufanye hivyo.

Mheshimiwa Mwenyekiti, nimshukuru AG kwa kutoa ufafanuzi mahsusi hasa kuhusiana na hoja ya Mheshimiwa Saada Mkuya. Ni kweli kwa sasa taratibu za kiserikali na siyo sheria kama alivyosema AG, katika kudumisha na kutatua changamoto za Kimuungano, zimebadilika tangu mwezi Novemba, 2018. Wakati taratibu hizo zinabadilika, sheria hii ilishakwenda katika ule utaratibu wa zamani na tumefika hapa tulipofika.

Mheshimiwa Mwenyekiti, kwa *data* kidogo tu ni kwamba Muswada huu umeandaliwa kwa utaratibu wa zamani ambapo Muswada ulijadiliwa na *IMTC*, Mei, 2018 na Baraza la Mawaziri Oktoba, 2018. Niseme tu kwamba umeshirikisha upande wa Zanzibar tangu mwaka 2017. Kwa hiyo, umeshirikisha Serikali ya Mapinduzi ya Zanzibar kupitia utaratibu ule wa zamani lakini siyo huu wa sasa hivi ambao umeanza Novemba, 2018.

Mheshimiwa Mwenyekiti, kwa hiyo, nimwombe tu mama yangu Mheshimiwa Saada Mkuya kwamba aelewe

siyo makusudi. Kikao cha Novemba, 2017 ambapo idadi kubwa ya wadau walishiriki na kutoa maoni yao, mkutano huo wa wadau ulifunguliwa na aliyekuwa Naibu Katibu Mkuu, Ofisi ya Makamu wa Pili Zanzibar ambaye anajulikana kwa jina la Ahmed Kassim. Kwa hiyo, ushiriki wa Zanzibar umekuwepo kwa asilimia kubwa mno ila kuanzia Novemba, 2018, sheria zote ambazo zimekuja zitafuata huo utaratibu wa Kiserikali ambao ameutaja AG na ambao wala siyo sheria.

Mheshimiwa Mwenyekiti, nishukuru pia maoni ya Kambi ya Upinzani. Kwa kweli leo na wao wameunga mkono na wametoa hoja nyingi ambazo na sisi tunazona kabisa kwamba zina mantiki na tutaendelea kuzifanyia kazi. *(Makofi)*

Mheshimiwa Mwenyekiti, mathalani, hoja ya upande wa Upinzani ya Mamlaka kutoa vibali na wakati huo huo inakuwa ni mdhibiti kunaweza kuwa na mgongano. Suala hili tumeliona lakini jinsi ambavyo limewekwa na sheria hakutakuwa na mgongano wa aina yoyote lakini ni hoja nzuri. Mara nyingi sheria hizi zinavyotungwa tunaanza kuzifanyia kazi na pale ambapo tutaona kwamba pengine kuna kitu kinaleta changamoto katika hivi vitu viwili, baadaye tunarudi, tunazungumza ndani ya Bunge, Serikali inafanyia kazi na tunarudisha Muswada unakuja kurekebishwa.

Mheshimiwa Mwenyekiti, kumekuwa na mapendekezo ya idadi ya wajumbe ambao wamepangwa na sheria kwamba ndani yake tuwe na *gender*. Suala hili mtaliona kwenye *amendments* tumekubaliana kwamba *gendert* tumeizingatia. *(Makofi)*

Mheshimiwa Mwenyekiti, lakini kulikuwa na mapendekezo tuweke idadi sasa kwamba hawa watakuwa wangapi. Katika hili suala la *gender*, kwa mfano, kwa sasa hivi hali ilivyo TMA ambaye ni CEO ni jinsia ya kike lakini inaweza ikatokea sasa akaja Mwenyekiti wa Bodi akawa naye ni jinsia ya kike. Sasa tukisema tuweke mmoja wa jinsia ya kike au wawili wa jinsia ya kike, kwa uteuzi tu wa Rais labda na mimi Waziri unaweza ukakuta kwamba

tumeshawaweka wote ni akina mama. Sasa tukisema tuweke wawili au watatu, naiona kama tunaweza tukanyima haki kwa sababu hadi sasa hivi jinsia hizo zinachukuliwa tayari zipo.

Mheshimiwa Mwenyekiti, hata hivyo, ni hoja ambayo inazungumzika kwa maana ya Serikali na sisi tumekubali kwamba hii lazima tuitambue na ndiyo maana kwa maana ya sheria tumesema kwamba *gender* tumeingiza kwamba lazima itambuliwe lakini ni namna gani uteuzi unafanyika, hii itategemea sasa na hali katika kipindi hicho.

Mheshimiwa Mwenyekiti, kwa hiyo, naomba tu Waheshimiwa Wabunge mtukubalie tu kwamba kwenye hili suala la jinsia itategemea na hali katika hicho kipindi. Suala la msingi ni kwamba tayari iko katika sheria kwamba itazingatiwa. Pale ambapo haitazingatiwa mtakuwa na haki ya kutuhaji kwa sababu tayari imeshatambuliwa.

Mheshimiwa Mwenyekiti, sifa ya Mtendaji Mkuu, nimshukuru mwenzangu aliyetangulia ameitaja. Kwanza kabisa ni kwamba kwa sasa Tanzania ndiyo Mwenyekiti wa kuandaa mpango wa kuwa na *satellite* ya Afrika. Huyu ambaye ni *CEO* wa sasa wa *TMA* Tanzania ni mama na ana sifa hii ya *doctorate*. Kwa jinsi ambavyo dunia ilivyo sasa kwenye hili Shirika Kidunia ni kwamba wengi wana hizo sifa za kuwa na *doctorate* lakini tunasema hili tunalibeba, tutaliangalia kwenye vikao hivyo vya kidunia kwa sababu wenzetu wote wako hivyo.

Mheshimiwa Mwenyekiti, sisi tunaweza tukawa wa kwanza kuja kumweka Mtendaji ambaye na *degree* ya pili tu wakati nchi zote zingine zina wale ambao wana *doctorate*. Hoja tunaiona kweli ina msingi, tunaweza tukawa tunanyima haki ya mtu hapa lakini kwa ku-*comply* na wale wenzetu kama alivyozungumza Mheshimiwa Nditiye unaona kuna haja kabisa tuendelee na hivi mpaka hapo baadaye na wenzetu watakapoanza ku-*exercise*. Inawezekana kuna maana fulani ndiyo maana na wao wameweka hivyo.

Mheshimiwa Mwenyekiti, Kamati zote zimezungumzia kuhusu adhabu lakini nishukuru kwamba adhabu nyingi tumezi-*cover* kuanzia kwenye maoni ya Kamati, kwenye *amendments* ninyi wenyewe mtaona yatabaki maeneo yale yaliyo machache. Yapo masuala ya msingi na Waheshimiwa Wabunge, kwa mfano, unapozungumzia *radar*; ziko *radar* kwa ajili ya *meteorology* lakini ziko *radar* kwa ajili ya kuongoza ndege. Ile *radar* kwa ajili ya masuala ya *meteorology* kwa sasa gharama yake ni kati ya shilingi bilioni 4.5 mpaka shilingi bilioni 5. Kwa hiyo, zile adhabu zinazowekwa sehemu kubwa ni za kumfanya mtu asije akafanya kosa kwa sababu kile kifaa kikiharibika kwa kweli hasara yake ni kubwa.

Mheshimiwa Mwenyekiti, lakini ziko adhabu nyingi ambazo zimeainishwa kule ndani, kwa mfano, mtu anatoa taarifa inaleta madhara makubwa, *radar* ya *TMA* ndiyo inayoongoza ndege kwa maana ndiyo inayotoa taarifa ya hali ya hewa kule ngani, kwa hiyo, *pilot* anapoendesha anatomia *data* za watu wa Hali ya Hewa (*Meteorology*) na bado *pilot* anaposafiri, ninyi wenyewe tumepanda ndege kutoka Dar es Salaam au tunavyokwenda Dar es Salaam, akifika karibu na Dodoma anasema nitakapopata taarifa za Dodoma nitawaambia, sasa inaweza ikatokea kwa sababu mitandao sasa hivi iko mingi aka-*pick data* ambazo siyo zenyewe zikasababisha ajali kwenye ndege. Ile ajali kwa kweli gharama yake ni kubwa mno na ndiyo maana mmeona Serikali imezingatia zile adhabu ili kufanya tuwe na eneo moja tu ambalo linaweza likatoa taarifa na siyo eneo lingine zaidi ya *TMA*. *TMA* kila *data* inapochakatwa katika muda wa dakika 15 lazima i-*respond* kwenye *standard* za dunia kwa hiyo inapotolewa inakuwa *data* ambayo ndiyo yenye ukweli.

Mheshimiwa Mwenyekiti, Waheshimiwa Wabunge wamezungumzia suala la maeneo yale ambayo tutaweka au mtu binafsi ataweka vifaa hivi kwa ajili ya kupima hali ya hewa. Katika lile eneo ni mita ngapi mtu haruhusiwi kuingia kwenye kile kifaa. Sasa ile tunasema ni *site specific*, itategemea na eneo lenyewe limekaaje kwa sababu

unaweza ukaweka *standard* kwamba ni mita 20 au 30 lakini lile eneo likawa na matatizo ya aina fulani, tunawaomba Waheshimiwa Wabunge kwamba hili tuwaachie wataalam wao wata-*determine*. Baada ya kuweka kifaa pale mahali fulani wao sasa ndiyo watasema eneo gani mtu haruhusiwi kuingia hapa, upande fulani ni mita kadhaa, upande fulani ni mita kadhaa, kuliko sisi kuliweka katika sheria.

Mheshimiwa Mwenyekiti, Mheshimiwa Saada Mkuya alikuwa ameweka mapendekezo kwamba Mkurugenzi Mkuu au *CEO* akiteuliwa upande wa Tanzania Bara basi upande wa Tanzania Visiwani awepo MKurugenzi Msaidizi. Wazo ni zuri lakini sheria tuliyonayo sasa haija-*cover* hilo. Kwa mujibu wa Mamlaka nyingi tulizonazo zinakuwa na Mkurugenzi Mkuu mmoja tu. Kwa sababu huo ndiyo utaratibu tulionao, tukisema kwenye sheria hii tubadilishe hivyo itakuwa inaenda tofauti na Mamlaka nyingine ambazo tayari zinakuwa na Mkurugenzi mmoja lakini Wakurugenzi wengine wapo. Kwa hiyo, ningemwomba tu Mheshimiwa Saada Mkuya akubaliane nasi ili sasa hii sheria iweze kupita. Labda baadaye tutakapokwenda huko na kuangalia mahitaji ya hilo basi linaweza likafanyika.

Kuhusu wajumbe katika hiyo Bodi, hata sasa kuna wajumbe kutoka Zanzibar, kwa hiyo, hilo halina wasiwasi. Wajumbe kutoka Zanzibar ni lazima hata sasa tunawaweka wapo kwenye hii Bodi ambayo ipo kwa sasa hivi.

Mheshimiwa Mwenyekiti, Mheshimiwa Mbatia alitoa mchango mkubwa sana kuhusiana na hizi *data* kwamba ziwe ni *data* ambazo ni *precise* na amezungumzia kwamba hata suala la wataalam wale wawe na elimu ya kutosha. Akasema kwamba kuna *scope, time, cost, quality* lakini suala la *efficiency, integration, risk management* lakini kitu kikubwa ni human *resource*. Ndiyo maana sasa hivi hata katika vyo vikuu tayari *course* ya *meteorology* ipo, kwa hiyo, tutahakikisha kwamba *data* hizi zinatolewa vizuri. Ali-*cite example* ya mvua iliyonyesha juzi na ikaleta mafuriko. Kwa bahati nzuri Hali ya Hewa walionyesha na lile eneo lilikuwa na *red*.

Mheshimiwa Mwenyekiti, lakini tunasema maoni haya tumeyapokea na huko tunakokwenda tutayafanyia kazi. Waheshimiwa Wabunge tunaomba tu kwamba Muswada wetu huu muujadili na kuupitisha kwa sababu ni Muswada muhimu na mambo ya hali ya hewa ni ya muhimu kwa ajili ya wakulima na wanannchi wengine. Kwa hiyo, tunaomba sana Waheshimiwa Wabunge waweze kuupitisha Muswada huu.

Mheshimiwa Mwenyekiti, nisije nikapigiwa kengele mara ya pili, naomba kutoa hoja.

**WAZIRI WA AFYA, MAENDELEO YA JAMII, JINSIA, WAZEE NA WATOTO:** Mheshimiwa Mwenyekiti, naafiki.

**MWENYEKITI:** Hoja imeungwa mkono. Katibu

**NDG. PAMELA PALLANGYO - KATIBU MEZANI:** Kamati ya Bunge Zima.

**MWENYEKITI:** Kamati ya Bunge Zima.

#### **KAMATI YA BUNGE ZIMA**

**MWENYEKITI:** Tukae. Katibu.

**NDG. LAWRENCE MAKIGI - KATIBU KAMATI:** Mheshimiwa Mwenyekiti, kama ilivyoonesha kwenye *Order Paper* kuna Miswada miwili tunaanza na Muswada wa kwanza, Muswada wa Sheria ya Mamlaka ya Hali ya Hewa Tanzania, *Special Bill Supplement*, ukurasa wa 4.

Ibara ya 1

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

Ibara ya 2

**MWENYEKITI:** Mheshimiwa Saada.

**MHE. SAADA SALUM MKUYA:** Mheshimiwa Mwenyekiti, ahsante sana. Niko katika Ibara ya 2 ambayo ina-*specify application* ya sheria hii.

Mheshimiwa Mwenyekiti, nimesikiliza vizuri maelezo ya AG vizuri na nakubaliana na yeye kwamba utaratibu haujawa *specified* katika Katiba, lakini kabla ya huo utaratibu wa Novemba ambao umekubalika *officially* bado nyuma kulikuwa kuna Miswada ya Sheria za Muungano ilikuwa ikipita katika Baraza la Mapinduzi kwa ajili ya kutoa *comments* zao na kupata baraka zake. Kuna Muswada wa Sheria wa Kura ya Maoni ulipita, lakini kuna Muswada wa Sheria wa Tume ya Haki za Binadamu na wenyewe ulipita.

Mheshimiwa Mwenyekiti, tukisema kwamba huu Muswada kwa sababu utaratibu haukulazimisha hivyo, nadhani tume-*overlook*. Kiutaratibu huu Muswada ulipaswa tu kupita pengine *it was just a matter of procedure* labda tumesahau kwa sababu sasa hii ilikuwa ni ya Novemba na Muswada huu leo ni Januari, 2019. Kwa maana yoyote tungekuwa na nafasi ungekwenda ukajadiliwa na wakatoa *comments* zao. Kwa hiyo, nadhani hiyo kidogo *it was an overlook* na lazima ilikuwa nitoe hili angalizo ili tuwekane sawasawa katika maelezo haya.

**MWENYEKITI:** Kwa hiyo, kwako ni angalizo tu au siyo?

**MHE. SAADA SALUM MKUYA:** Ndiyo Mheshimiwa.

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

Ibara ya 3

Ibara ya 4

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

Ibara ya 5

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

Ibara ya 6

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

Ibara ya 7

**MWENYEKITI:** Mheshimiwa Dkt. Sware.

**MHE. DKT. IMMACULATE S. SEMESI:** Mheshimiwa Mwenyekiti, nashukuru kwa nafasi. Nilikuwa napendekeza kwenye hicho kifungu 7(4) tumuongeze *representative* kutoka *Department of Environment* kutoka kwenye hiyo Ofisi ya Makamu wa Rais, Muungano na Mazingira.

**MWENYEKITI:** Serikali.

**WAZIRI WA UJENZI, UCHUKUZI NA MAWASILIANO:** Mheshimiwa Mwenyekiti, naomba muswada ubakie kama jinsi ambavyo uko kwenye Serikali kwa sababu zifuatazo:-

Mheshimiwa Mwenyekiti, ukiangalia huu Muswada wa Hali ya Hewa unazungumza hali ya hewa angani, chini ya ardhi na bahari na ukienda kwenye bahari mara nyingi *Tsunami* inatokana na *volcano* ndani ya bahari, lakini pia umeenda kwenye mito. Kwa hiyo, kuhusu wajumbe, tukisema tuweke Mjumbe kutoka *NEMC* kwenye mazingira, lakini kila mtaalam utakayemleta hapa utakuja kukuta kwamba Wajumbe kila idara watakuwa wanatakiwa.

Mheshimiwa Mwenyekiti, ningeomba Mheshimiwa Semesi hili aliache litakuwa *determined* kipindi cha kuchagua Wajumbe, lakini pia wakati tutakapokuwa tunajadili suala la Kanuni pengine tunaweza tukaliingiza ili wakati huo tuweze kujua ni Wajumbe gani muhimu ambao wana-*cross cut* maeneo mengi waweze kuingia kwenye hii Kamati.

Mheshimiwa Mwenyekiti, kwa hiyo, muswada kama ulivyoletwa na Serikali uendelee kubaki kama ulivyo.

**MWENYEKITI:** Mheshimiwa Dkt. Sware.

**MHE. DKT. IMMACULATE S. SEMESI:** Mheshimiwa Mwenyekiti, nashukuru. Ukisoma huu Muswada wa Mamlaka ya Hali ya Hewa, hali ya hewa ni mazingira na jukumu la kwanza la mamlaka hii ni ku-*implement the national climate related policies* na mshika *policies* yuko *Department* ya Mazingira. Unavyofanya hizi shughuli hata unavyotengeneza hizo *weather station* zako ni kama ni upepo au ni mvua, aidha ni baharini au kwenye ardhi hayo yote ni mazingira japokuwa huyo anaye-*collect data* anaweza akawa ni mtu amesoma sijui *physics* na *chemistry* na vitu kama hivyo, lakini lazima unapo-*interpret* zile *information* una-*relate* na mazingira.

Mheshimiwa Mwenyekiti, kwa hiyo, mtu wa mazingira yuko baharini, kwenye mito, kwenye maji, aidha ni chini ya ardhi au juu ya ardhi au kwenye hewa. Kwa hiyo, Wizara mahsusi inayoshughulika na mazingira ambayo inajumuishwa na hiyo hali ya hewa yuko huku. Kwa hiyo, mnavyokaa kama Bodi lazima kuwe kuna *expertise*, uwe na huyu *expert* ambaye ana-*cover whole concept* ya mazingira ambapo hali ya hewa iko ndani yake. Ndiyo *bases* ya kusema kwamba lazima kuwe na mtu wa mazingira. Hamuwezi kuwaacha Makamu wa Rais, Ofisi hii inayoshughulika na *issue* hizo ninyi wote mkawa mna-*make your own conclusion* kwenye Bodi. Ahsante. (Makofi)

**MWENYEKITI:** Lakini Mheshimiwa Waziri huku kwenye *four, five* kuna *representative form means of meteorology, agriculture, water resources defense*, hao wote ni nani? Maana hoja yake yeye ni muweke mtu wa *NEMC* tu basi.

**WAZIRI WA UJENZI, UCHUKUZI NA MAWASILIANO:** Mheshimiwa Mwenyekiti, siyo kwamba mimi nakataa na hoja ya Mheshimiwa Dkt. Semesi, lakini nasema kwa sasa hivi

kuiweka kwenye sheria wakati tutakapokuwa tunatengeneza kanuni tunaweza tukaiweka vizuri zaidi na ndio maana tumetaja kwamba hawa wote wanahusika. Lakini hatujasema kwamba bodi tutatoa kwenye hao tuliowataja yaani kwa maana ya Wajumbe wa Bodi. Kwa hiyo, ningepomba Mheshimiwa Dkt. Semesi utuache tutashirikiana kipindi cha...

**MWENYEKITI:** Kwa hiyo hawa watakuwa kwenye kundi la *regular* wataalam wa bodi, bodi itakuwa inaomba ushauri wa *NEMC* halafu hawa wanapeleka taarifa moja hawana sababu ya kuwa ndani ya bodi.

**WAZIRI WA UJENZI, UCHUKUZI NA MAWASILIANO:**  
Mheshimiwa Mwenyekiti, hivyo ndivyo ilivyo.

**MWENYEKITI:** Aha, *okay* Mheshimiwa Dkt. Sware umeelewa? Sasa toa hoja kama bado.

**MHE. DKT. IMMACULATE S. SEMESI:** Mheshimiwa Mwenyekiti, sikubaliani naye naomba nitoe hoja.

**MWENYEKITI:** Haya toa hoja.

**MHE. DKT. IMMACULATE S. SEMESI:** Mheshimiwa Mwenyekiti, natoa hoja.

**MWENYEKITI:** Hoja afanye nini sasa?

**MBUNGE FULANI:** Tujadili.

**MWENYEKITI:** Haya tutatoa..., hebu simameni tena hamjafika kumi haya sasa ndio mnasimama hapa hamjafika kumi.

**WABUNGE FULANI:** Aaaaah!

**MWENYEKITI:** Jamani natizama mlikuwa saba/nane niliposema kaa chini wewe Mheshimiwa Anatropia. Mheshimiwa Dkt. Ruth Mollé. (*Makofi*)

**MHE. DKT. RUTH H. MOLLEL:** Mheshimiwa Mwenyekiti, ninamuunga mkono Mheshimiwa Dkt. Sware kwa sababu moja kubwa kwa bahati nzuri nilikuwa Katibu Mkuu, Ofisi ya Makamu wa Rais...

**MWENYEKITI:** Wewe una hoja yako hapa.

**MHE. DKT. RUTH H. MOLLEL:** Mheshimiwa Mwenyekiti, ahaa! Nilikuwa nafikiri.

**MWENYEKITI:** *No! No* hilo la Mheshimiwa Dkt. Sware limeshaondoka limekwisha.

**MHE. DKT. RUTH H. MOLLEL:** Mheshimiwa Mwenyekiti, haya, ahsante nafikiri sina cha kuongezea kwa sababu Wizara tayari ime-*take into consideration* suala langu la jinsia. (*Makofi*)

**MWENYEKITI:** Mheshimiwa Saada.

**MHE. SAADA SALUM MKUYA:** Mheshimiwa Mwenyekiti, ahsante katika hili nadhani nilitoa mchango wangu na nimesikia majibu ya Mheshimiwa Waziri. Nimeelezea umuhimu wa kuwepo mwakilishi kutoka Serikali ya Mapinduzi ya Zanzibar katika sheria hii. Lakini majibu ya Mheshimiwa Waziri anasema kwamba kwa sasa hivi yaani huyo *agent* iliyopo Wajumbe kutoka Zanzibar wamo. Sasa sisi tunatunga hii sheria mpya ambayo itakuja kufuta wale wakala sasa tutatunga sheria ipi ambayo haija-*accommodate* mjumbe yoyote kutoka Zanzibar, unaniambia *the current the current board* ana *exist*, hivi ni vitu ambavyo haviendani nadhani mimi sijatosheka na majibu ya Mheshimiwa Waziri ni lazima mjumbe kutoka Serikali ya Mapinduzi ya Zanzibar ambaye ndiye ata-*coordinate issues* zinazotoka Zanzibar awemo katika bodi ni jambo la muhimu tu sasa ukiniambia sasa hivi yumo haviendani... (*Makofi*)

**MWENYEKITI:** Mheshimiwa Saada unataka mwakilishi kutoka Serikali au unataka Mjumbe kutoka Serikali?

**MHE. SAADA SALUM MKUYA:** Mheshimiwa Mwenyekiti, yaani ni *representative* nadhani tafsiri yake inatosheleza.

**MWENYEKITI:** Katika mchango wako ulizungumzia kila wakati Rais anateua kaa tu, kaa tu pumzika. akikiteua *Chairman* basi Makamu lazima atoke upande wa pili unakumbuka ulilizungumzia hilo *no!* Katika mchango wako ulikuwa unazungumzia suala hilo.

**MHE. SAADA SALUM MKUYA:** Mheshimiwa Mwenyekiti, nimezungumzia *content* ya bodi katika mchango wangu nimezungumzia *content* ya bodi na nilizungumzia kwamba kuwepo kuna vilevile Mjumbe wa Bodi ambaye atawakilisha Serikali ya Mapinduzi ya Zanzibar.

**MWENYEKITI:** Serikali.

**MHE. SAADA SALUM MKUYA:** Mheshimiwa Mwenyekiti, ya Mapinduzi ya Zanzibar ambayo haimo hapa.

**MWENYEKITI:** Waziri.

**WAZIRI WA UJENZI, UCHUKUZI NA MAWASILIANO:** Mheshimiwa Mwenyekiti, ninamuomba Mheshimiwa Saada Mkuya aiache sheria kama ilivyo kwa sababu zifuatazo; sheria hii kama ambavyo Kamati ya Kudumu ya Bunge iliwasilisha kwamba sheria hii ilianza kabla ya Uhuru na mabadiliko mengi yamekuwepo na katika muda wote tumekuwa na Wajumbe ndani ya bodi.

Mheshimiwa Mwenyekiti, katika muda wote tumekuwa na Wajumbe pamoja na Zanzibar na ndio maana katika taratibu za Serikali, AG amezungumza katika kuondoa hizi changamoto za upande wa Zanzibar Serikali imechukua hatua sasa kwamba miswada inapojadiliwa na *cabinet* kwa maana ya Baraza la Mawaziri upande wa Bara, Katibu Mkuu Kiongozi anaandika barua sheria ile anapeleka upande wa pili wa Zanzibar iende ikajadiliwe na Baraza la Mapinduzi. (*Makofi*)

Mheshimiwa Mwenyekiti, huo ni utaratibu na hilo limefanyika na linaendelea na katika hii Bodi ya TMA tumeendelea kuwa na Wajumbe kutoka Zanzibar sasa kuna nini kinaingia kwamba sasa hivi wale hawatakuwepo katika utaratibu wa kawaida.

Niombe tu Mheshimiwa Saada Mkuya usitupandikizie kitu ambacho wewe unakifikiri hatuko hivyo, tunazidi ku-improve mahusiano vitu vingine hatuna haja ya kuwekeana sheria ni kwamba tumetokeleza na tutaendelea na hatutaacha kuchukua Wajumbe kutoka upande wa Zanzibar

**MHE. SAADA SALUM MKUYA:** Mheshimiwa Mwenyekiti, taarifa!

**WAZIRI WA UJENZI, UCHUKUZI NA MAWASILIANO:** Mheshimiwa Mwenyekiti, ni sisi wenyewe tumeona kasoro iliyokuwepo kwamba sheria hii ilikuwa ni wakala, wakati wakala ni sheria iliyoko upande wa Bara.

Mheshimiwa Mwenyekiti, tumeondoa kanuni kwamba sasa hivi tangu zamani kwamba upande wa Katiba ya Jamhuri ya Muungano ya mwaka 1977 ilisema suala hili ni la kimuungano ndio maana tukaleta Muswada huo hapa na wala hatukuambiwa na yeye Mheshimiwa Saada Mkuya. Kwa hiyo, uelewe kwamba Serikali iko makini na itaendelea kuwa makini kuhakikisha kwamba Wajumbe wote wanakuwepo upande wa Bara na upande wa Zanzibar tunaomba sana Mheshimiwa Saada Mkuya tuunge mkono. *(Makofi)*

## T A A R I F A

**MWENYEKITI:** Mheshimiwa Saada.

**MHE. SAADA SALUM MKUYA:** Mheshimiwa Mwenyekiti, nataka kumpa taarifa kwamba ni Mbunge kama Wabunge wenzangu walivyo na kwamba nikitoa

mawazo yangu sina haja ya kupandikiza, kwa hivyo nadhani hilo neno ambalo Mheshimiwa Waziri alilolizungumza haliko sahihi sana haliko sahihi kabisa sijaribu kupandikiza. Mimi nazungumza sheria na kama anasema utaratibu ulivyo ahaa, ukiwa unafuata utarataibu maana yake unavunja sheria kwa sababu sheria haijumu-*accommodate* Mjumbe kutoka Zanzibar *that's it. (Makofi)*

Mheshimiwa Mwenyekiti, kwa hiyo sipandikizi naomba Mheshimiwa Waziri, natoa mawazo yangu kama Mbunge ambaye nina haki ya kutoa maoni yangu. Naomba mwakilishi kutoka Zanzibar awekwe katika bodi, aandikwe kwenye sheria kama zilivyo sheria nyingine. *(Makofi)*

**MWENYEKITI:** AG hebu tusaidie. Jamani Waheshimiwa vipi? *Chief Whip* vipi jamani? *Case* Mheshimiwa Saada hiyo *number three* umeiona hapo umeisoma *number three*?

**MHE. SAADA SALUM MKUYA:** Mheshimiwa Mwenyekiti, *yes* nimeisoma *number three*, inasisitiza kwamba kutakuwa na kuna *Chairman* na *Vice Chairman* ambao watachaguliwa.

**MWENYEKITI:** Ambao wote wanakuwa ni *board members*.

**MHE. SAADA SALUM MKUYA:** Mheshimiwa Mwenyekiti, wote ni *board members* sasa tofauti yenyewe huyu yaani siyo lazima awe ni mwakilishi wa Serikali ya Mapinduzi ya Zanzibar anaweza akawa mtu yeyote hata kutoka *NGOs. (Makofi)*

**MWENYEKITI:** Mheshimiwa Waziri, Serikali.

**WAZIRI WA UJENZI, UCHUKUZI NA MAWASILIANO:** Mheshimiwa Mwenyekiti, majibu ya Serikali kifungu namba 7(4)(a) kinasema kwamba; *a representative from the Ministry responsible for meteorology* tutaongeza *from Tanzania Bara* na Visiwani, tutakiongeza pale. *(Makofi)*

**MWENYEKITI:** Hebu sema tena Mheshimiwa Waziri.

**WAZIRI WA UJENZI, UCHUKUZI NA MAWASILIANO:**

Mheshimiwa Mwenyekiti, tumekubaliana na hoja ya Mheshimiwa Saada Mkuya. (*Makofi*)

**MWENYEKITI:** Basi kaa chini.

Ibara ya 7

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

Ibara ya 8

Ibara ya 9

Ibara ya 10

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

**MWENYEKITI:** Waheshimiwa upande huu naomba utulivu, tunatunga sheria naomba utulivu *we have to catch my eye*.

**WAZIRI WA MAMBO YA NDANI YA NCHI:** Mheshimiwa Mwenyekiti, kwenye hoja ya Mheshimiwa Mkuya niligonga meza, lakini kwa bahati mbaya.

**MWENYEKITI:** Sasa mwenye Muswada ndio ninyi.

**WAZIRI WA MAMBO YA NDANI YA NCHI:** Mheshimiwa Mwenyekiti, hapana nilipinga.

**MWENYEKITI:** Sijakuona Mheshimiwa Lugola.

**WAZIRI WA MAMBO YA NDANI YA NCHI:** Mheshimiwa Mwenyekiti, nilikuwa nina maana ya Kuhusu Utaratibu.

**MWENYEKITI:** Mheshimiwa Lugola hebu kaa, kaa kwanza, Mheshimiwa Lugola. Mimi wakati na *deal* nina *deal* na mwenye muswada sikukuona na wewe huko nyuma yake ningekuona tu hapa. Lakini kama mwenye muswada ame-*caucus* na AG na mwenye muswada ndiye anayejibu masuala

haya nimemsikiza mwenye muswada na wala hakuna cha ajabu sababu hapa kifungu namba sitaki kurudi nyuma 7(4)(a) inasema; *representative for Ministry responsible meteorology including Zanzibar government*" ndio ulichokiweka hapa, haturudi nyuma Mheshimiwa Kangi *I am sorry*.

**WAZIRI WA MAMBO YA NDANI YA NCHI:** Mheshimiwa Mwenyekiti, ilikuwa ni Kuhusu Utaratibu kwa ajili ya kuweka...

**WABUNGE FULANI:** Aah!

**MWENYEKITI:** Mheshimiwa Kange usitake kunichanganya hapa *please*, utaratibu ungesema ningesikia wengine wote ungeona Mheshimiwa Kangi anataka utaratibu, lakini hukusema, hapana. Mheshimiwa AG.

**MWANASHERIA MKUU WA SERIKALI:** Mheshimiwa Mwenyekiti, nilitaka tu tuweke *record* vizuri kwenye suala hilo hatuwezi kusema kifungu hiki kinapita na marekebisho ya Mheshimiwa Saada kwa sababu hakuwa ameleta *schedule of amendment*. Lakini *position* hiyo kwa sababu imezungumzwa na Serikali ni marekebisho ya Serikali.

**MWENYEKITI:** Kwa hiyo waandishi mtarekebisha marekebisho ya Serikali.

Ibara ya 11

**MWENYEKITI:** Mheshimiwa Dkt. Sware

**MHE. DKT. IMMACULATE S. SEMESI:** Mheshimiwa Mwenyekiti, nashukuru kwa nafasi nakubaliana na Serikali ya kwenda kusema kwamba awe na *experience* ya *eight years* mimi nilikuwa nime-*propose five years* lakini wataalam wananiambaia *eight years* ni sawa, ahsante. (*Makofi*)

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

Ibara ya 12

**MWENYEKITI:** Mheshimiwa Dkt. Sware.

**MHE. DKT. IMMACULATE S. SEMESI:** Mheshimiwa Mwenyekiti, nashukuru hata hii pia na *withdraw* ilikuwa inahusu ku-*identify areas* kwa kama kazi ya Mkurugenzi na mimi nilikuwa na-*propose* isomeke *to insure* lakini wataalam wamenielimisha sasa hivi kwamba ni kitu hiko hiko ahsante.

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

Ibara ya 13

Ibara ya 14

Ibara ya 15

Ibara ya 16

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

Ibara ya 17

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

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 ya 23

Ibara ya 24

Ibara ya 25  
Ibara ya 26  
Ibara ya 27  
Ibara ya 28

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

Ibara ya 29

**MWENYEKITI:** Mheshimiwa Dkt. Sware.

**MHE. DKT. IMMACULATE S. SEMESI:** Mheshimiwa Mwenyekiti, ahsante kwa nafasi katika kifungu hiki cha 29 kinaongelea *liability* ya *board* na *employees* ya Mamlaka hii husika. Na katika kifungu hiki Mamlaka inajitoa kuwa *liable* kwa chochote kile ambacho wanaenda kukifanya katika kutoa *information*. Sasa nilikuwa na-*propose* kwamba kisomeke itoe hiyo neno *shall not but* isomeke *shall be liable for any damage, loss or injury sustained or alleged to have been sustained by any person as result of reliance on meteorological information provided by the authority* na lile neno la mwisho *good faith* itoke kwa sababu asome pale kwa *good faith* ni *part of their job*.

**MWENYEKITI:** Mheshimiwa Waziri.

**MWANASHERIA MKUU WA SERIKALI:** Mheshimiwa Mwenyekiti, mapendekezo ya Mheshimiwa Dkt. Sware yanabadilisha kabisa mantiki yote iliyokusudiwa katika kifungu hiki kwa hiyo Serikali inapendekeza tusi yapokee katika hiyo sehemu ya kwanza, kwa sababu ukiliiondoa neno *not*, unabadilisha kabisa muktadha mzima na kwa hiyo kiutaratibu angependekeza tu sasa kama ni hivyo kwamba kifutwe kifungu chote na apendekeze kifungu kipyaa. Kwa vyovyote vile hii ni tofauti kabisa na maana iliyookusudiwa, lakini kwenye ile sehemu ya pili ya mapendekezo yake kuondoa maneno *in good faith* hayo hata upande wa Serikali tumeona kwamba tunaweza tukayaondoa, lakini lile neno *not* pale juu halipaswi kuondoka, nawasilisha.

**MWENYEKITI:** Mheshimiwa Dkt. Sware kubali tu yaishe.

**MHE. DKT. IMMACULATE S. SEMESI:** Mheshimiwa Mwenyekiti, kama alivyosema AG kwenye huu muswada ulioletwa mbele yetu wamejinawisha mikono yaani wapo kutufanyia *service*, ni *service providers* lakini wanasema kama kutakuwa kuna kasoro yoyote wao hawatakuwa *liable*. Lakini sisi upande wa pili kama tukienda kinyume na walichokitaka *we are liable*, sasa ni kama vile wamejiosa mikono kwamba wao wasiguswe ni mamlaka isiguswe kwa njia yoyote ile. Sasa mimi ndio nilkuwa na-*propose* lazima na wao wawe nini *liable*, lazima na wao waguswe kama watatu-*mislead* sisi kwenye taarifa wanazozitoa hiyo ndio ilikuwa mantiki yangu. (*Makofi*)

Mheshimiwa Mwenyekiti, sasa kama kama anavyosema kwamba nikiitoa hilo neno *not i- read to shall be liable* basi nafikiri Serikali ipokee hili suala kwamba kwenye huu muswada lazima tuweke kipengele na ninyi muwe *liable* tu. Kwamba msije mkatupa taarifa ikatu-*mislead* na ikaleta madhara kwetu halafu msiwe *accounted for*, ahsante. (*Makofi*)

**MWENYEKITI:** Majibu ya Serikali ndiyo hayo hawatakibadilisha kifungu, sasa wewe endelea na utaratibu unaendelea na hoja yako au nianze kuhoji.

**MHE. DKT. IMMACULATE S. SEMESI:** Mheshimiwa Mwenyekiti, hakuna hoja tena.

**MWENYEKITI:** Basi kaa.

**MHE. DKT. IMMACULATE SWARE:** Mheshimiwa Mwenyekiti, ahsante.

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

Ibara ya 30

Ibara ya 31

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

Ibara ya 32

**MWENYEKITI:** Mheshimiwa Dkt. Sware

**MHE. DKT. IMMACULATE S. SEMESI:** Mheshimiwa Mwenyekiti, kifungu hiki cha 32(1) hususani kinaeleze matumizi ya ardhi kwa ajili ya ku-*set* hivyo vyombo vya ku-*record* hali ya hewa, sasa wanasema kwamba *the authority may, for the performance of its functions, after giving reasonable notice of intention to the owner* labda Mamlaka inataka kutumia ardhi yangu mimi, sasa inabidi inipe *notice* kwamba fulani tutatumia ardhi yako kuweka labda kifaa chenu. Sasa hapa hawanipi taarifa mahususi wanasema tu *will give me a reasonable notice*. Sasa nilikuwa napendekeza badala ya kusomeka *reasonable notice* basi isomeke angalau ni *notice* ya *not less than three month* yaani nipeni muda kwamba utakuja kufunga kifaa changu kwenye ardhi yangu baada ya muda gani.

**MWENYEKITI:** Mheshimiwa Waziri.

**WAZIRI WA UJENZI, UCHUKUZI NA MAWASILIANO:** Mheshimiwa Mwenyekiti, nimuombe tu Dkt. Sware kwamba, hili neno, *giving reasonable notice*, maana yake ni nini! Taarifa za hali ya hewa ndio maana muwakilishi ni mmoja TMA katika Tanzania na taarifa hizi kila anayekusanya katika muda wa dakika 15 kulingana na *formular* ya kidunia ni kwamba taarifa hiyo inakuwa imeshachujwa na kuwa *publicized* kwamba ndio sheria yenyewe ambayo iko *precise* kutumika.

Mheshimiwa Mwenyekiti, tunapata taarifa kwamba kuna upepo unavuma kutoka nchi fulani unaekelea maeneo fulani. Unapata *notice* kwamba upepo huu

ukienda hivi kwa vyovyote utapiga Tanzania, sasa lazima uanze kujikinga sasa...

**MHE. DKT. IMMACULATE S. SEMESI:** Mheshimiwa Mwenyekiti, Taarifa.

## T A A R I F A

**MHE. DKT. IMMACULATE S. SEMESI:** Mheshimiwa Mwenyekiti, maelezo ya Mheshimiwa Waziri si kilichokuwa kwenye muswada. Si *issue* ya kutoa taarifa bali ni kutumia ardhi kwa ajili ya ku-*install* vifaa vyenu vya ku-*collect data*, ahsante.

**MWENYEKITI:** Si yuko kwenye 32?

**MHE. DKT. IMMACULATE S. SEMESI:** Mheshimiwa Mwenyekiti, ndiyo.

**MWENYEKITI:** Eee! Na Mheshimiwa Waziri si anajibu 32?

**WAZIRI WA UJENZI, UCHUKUZI NA MAWASILIANO:** Mheshimiwa Mwenyekiti, na mimi namejibu 32. Nilikuwa naziri kujenga hoja, ili niweze kukujibu.

Mheshimiwa Mwenyekiti, hivi vyombo tunavyoviweka wakati mwingine ni tukio linakuja unasema kwamba liweze kuni-*alert*, ni *emergency*, sasa *emergency* huwezi ukaipa miezi mitatu. Ndiyo tunasema kwamba tutalazimika kwa sababu ya hiyo hali na tumeshaambiwa kwamba hiki kitu kinaweza kikatokea katika eneo fulani, ili liweze kutu-*inform* mapema tuweze kuwaambia wananchi, tunasema itabidi tuweke chombo fulani mahali fulani ili kiweze kutu-*alert*.

Mheshimiwa Mwenyekiti, na ndiyo maana ikawa ni vigumu kusema tutakwenda miezi mitatu, tukaweka *reasonable*. *Reasonable* ina maana ni kitu mara nyingi ambacho kitakuwa kiko kwenye *emergency bases*. Ninaomba sana Mheshimiwa Sware ukubaliane na hii kwa

sababu, ya ni *issue* ya *emergency*, sio kitu ambacho unaweza ukaki-*plan* kwa muda mrefu. Naomba ukubaliane na mawazo ya Serikali...

**MWENYEKITI:** Na Dkt. Sware wewe ni mtafiti na ni mtaalamu, *desperate time, desperate measures*. Hakuna muda wa kuambiwa baada ya miezi mitatu ndipo tutakuja kuweka mtambo hapa, *Tsunami* inakuja tunavamia tu kule kwako tunafanya kazi za Serikali, kubali tu yaishe.

**MHE. DKT. IMMACULATE S. SEMESI:** Mheshimiwa Mwenyekiti, si suala la *issue* za *emergency* au sio *emergency*. Hiki kifungu hakisemi kwamba, *in case of emergency*, basi weka *a reasonable time in case of emergency*, lakini hii ipo ni kama vile unaweka *a permanent station* ya ku-*record weather conditions* zao. Kifaa cha kupima hali ya hewa kama ni milimita za mvua au za upepo, hiyo si kwamba naenda kuchomeka jengo hili saa 06:00 litatoa *rain harvesting* milimita ngapi zimetoka, hapana, kifungu hiki kinasema kama...

**MWENYEKITI:** Lakini Mheshimiwa Sware wewe ni mtaalam, *strategic areas* za *meteorological* lazima ziwe *determined* na Serikali na wataalam. *Anyway*, toa hoja kama unataka kuendelea sababu...

**MHE. DKT. IMMACUALTE S. SWARE:** Mheshimiwa Mwenyekiti, ni ngumu kutoa hoja kwa sababu kifungu kimekuwa *misinterpreted*.

**MWENYEKITI:** Toa hoja yako.

**MHE. DKT. IMMACULATE S. SEMESI:** Mheshimiwa Mwenyekiti, natoa hoja.

**MWENYEKITI:** Haya, hata kumi hamjafika, imekwisha.

*(Hoja ya Mheshimiwa Dkt. Immaculate S. Semesi haikuungwa mkono na idadi ya wajumbe inayokubalika kikanuni na hiyo Bunge halikuijadili)*

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

Ibara ya 33  
Ibara ya 34  
Ibara ya 35  
Ibara ya 36  
Ibara ya 37  
Ibara ya 38  
Ibara ya 39  
Ibara ya 40  
Ibara ya 41

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

Ibara ya 42

**MHE. DKT. IMMACULATE S. SEMESI:** Mheshimiwa Mwenyekiti, nashukuru kwa nafasi. Ibara hii ya 52 inatoa onyo au...

**MWENYEKITI:** *No!* 42 siyo 52.

**MHE. DKT. IMMACULATE S. SEMESI:** Mheshimiwa Mwenyekiti, 42(1)(b) inatoa tahadhari kwa raia yeyote kusogelea au kuwa eneo ambako kumewekwa kifaa mahususi kwa ajili ya ku-*record* hizo *weather conditions*, lakini sasa kwa bahati mbaya wanasema tu usisogeleee hilo eneo *within the limit of the protected area*. Sasa inaleta sintofahamu, maana yake nini hizo *limits within the protected areas*? Kwa hiyo, nikawa nime-*propose* kwamba angalau wanaweza wakaangalia, hii ni *proposal* yangu kuwa wanaweza wakasema *within 50 metres* au *20 metres radius*.

Mheshimiwa Mwenyekiti, kwamba kifaa kimefungwa eneo hili, je, utanikamata mimi kwa kufika eneo lile kwa *distance* kiasi gani? *Metres* ngapi kabla sijafika kwenye lile

eneo? ni *zero within that* au kuna *radius*, yaani ukubwa wa kiasi gani? Kwa hiyo, ni vizuri ku-*specify*, asante.

**MWENYEKITI:** Mheshimiwa Waziri.

**WAZIRI WA UJENZI, UCHUKUZI NA MAWASILIANO:**

Mheshimiwa Mwenyekiti, nimuombe Mjumbe Mheshimiwa Semesi kwamba akubaliane na hoja za Serikali kwa sababu zifuatazo:-

Mheshimiwa Mwenyekiti, kila kitu ni *site specific*, lakini na vyombo vinavyowekwa pia, vina masharti tofauti tofauti. Tutakapokuwa tunasema tunaweka chombo cha aina fulani hiki, chombo kinapima kitu hiki, kimetengenezwa kwa madini ya aina fulani, sasa pale tunapopaweka kulingana na mazingira yaliyopo pale ndio tuta-*determine* ile *protected area* ni mita 100, ni mita 20, ni mita 10 kwa sababu hili tunazungumzia usalama wa mwanadamu pamoja na viumbe wengine walipo pale.

Mheshimiwa Mwenyekiti, na ndio maana unaweza ukakuta maeneo mengine tunaweka mpaka *fence*, kwa hiyo, ile inategemea, ni *site specific* chombo kinachowekwa ni cha aina gani na kitu chenyewe kinachofanyika pale ni cha aina gani ndio maana hatuku-*fix*, lakini pia lazima ujue kwamba na *topography* zinatofautiana. Kwa hiyo ndiyo maana si rahisi kuweka kwamba utaweka *distance* fulani kwenye sheria. Naomba Mheshimiwa Semesi ukubaliane tu na wewe ni mwanasayansi na haya unayajua vizuri.

**MWENYEKITI:** Dkt. Sware.

**MHE. DKT. IMMACULATE S. SEMESI:** Mheshimiwa Mwenyekiti, nafikiri kwa sisi ambao bado tunajifunza sheria kupitia hili Bunge, sheria haitakiwi iweke *question marks* au iweke nafasi, *ambiguity* isiwapo. Basi kama ndio hivyo wanasema kwamba, kila kifaa kinatakiwa kiwe kina *buffer zone* yake fulani basi, nafikiri kwenye sheria hii i-*specify* kwamba kwenye *regulations*, kwenye kanuni ita-*address* maeneo tofauti tofauti kama hivi ilivyokaa ni rahisi...

**MWENYEKITI:** Lakini Mheshimiwa Sware ukikumbuka Waziri alivyokuwa ana-*wind up* kazungumzia hili, kaijibu hii kitu, kasema ataiweka kwenye kanuni.

**MHE. DKT. IMMACULATE S. SEMESI:** Mheshimiwa Mwenyekiti, sawa.

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

Ibara ya 43

Ibara ya 44

Ibara ya 45

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

Ibara ya 46

**MWENYEKITI:** Dkt. Sware.

**MHE. DKT. IMMACULATE S. SEMESI:** Mheshimiwa Mwenyekiti, nakubaliana na mabadiliko ya Serikali. Ahsante.

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

Ibara ya 47

**MWENYEKITI:** Dkt. Sware.

**MHE. DKT. IMMACULATE S. SEMESI:** Mheshimiwa Mwenyekiti, katika Ibara hii ya 47 nilikuwa na-*propose* kwamba, badala ya hiyo *fine* ya *20 million* basi isomeke *five million* na kifungo badala ya kusomeka *five years* basi kesomeke *two years*. Hii ni kwa yule ambaye atavunja kanuni au sheria ya utoaji wa taarifa bila idhini.

**MWENYEKITI:** Mheshimiwa Waziri.

**WAZIRI WA UJENZI, UCHUKUZI NA MAWASILIANO:**

Mheshimiwa Mwenyekiti, ukiangalia *schedule* ya mabadiliko kufuatia maoni ya Kamati na umuhimu wenyewe wa hoja yenyewe ya gharama ya hivi vitu kwa hiyo, kuna mapendekezo tumeshaweka tayari kwamba, itakuwa kati ya milioni 50 mpaka milioni 100. Nimezungumza vizuri kabisa hapa kwamba, hivi vipimo vya hali ya hewa vinatumika kwenye mvua, lakini vinatumika pia na kuendesha ndege, meli na masuala mengine. Kwa hiyo, mtu akitoa taarifa hovy hovy madhara yanayokuja kutokea ni madhara makubwa sana.

Mheshimiwa Mwenyekiti, ni kheri tukaweka adhabu hii kubwa ili mtu akiisoma aelewe kwamba akitoa taarifa bila kupita kwenye *TMA* adhabu yake itakuwa ni kubwa ili tusifike mahali ni afadhali tuzuie ili tusije kutibu jeraha. Ningeomba tu Mheshimiwa Semesi ukubaliane na Serikali.

**MWENYEKITI:** Dkt. Sware.

**MHE. DKT. IMMACULATE S. SEMESI:** Mheshimiwa Mwenyekiti, nili-*propose* hivi kwa kuzingatia kilichoandikwa, mantiki na katika kuchangia niliomba tupate *clarification* katika *clause* ya 19 ambayo inasema; *a person shall not engage in any meteorological observation weather forecasting activities or weather modification activities. Who is this person?*

Mheshimiwa Mwenyekiti, nikatoa mifano labda huku vijijini kwetu kwenye maeneo tunakotoka Waheshimiwa Wabunge kuna wataalam wanaweza waka-*predict weather*, si ndio? Wanasema tunaanza kilimo au laa sasa huyu mtu, babu wa watu ambaye anasema wiki hii tutaanza kilimo ndio huyu mnaenda kumfunga na kumtoza *fine* za milioni 20 au miaka mitano wakati hakuna hizi *facility* katika Taifa letu kutuma hata *text message* kwamba msimu wa mvua wakati huu utaanza Januari tarehe fulani?

Mheshimiwa Mwenyekiti, lakini hao watu wapo na tunaishinao. Ndiyo maana nimesema kwamba basi kama

ndio hivyo, kwa sababu sasa hivi hatuko katika hiyo *level* hii *fine* isiwe ya kuumumiza huyu mwananchi ambaye anafanya *service* kwa niaba ya Serikali, ahsante.

**MWENYEKITI:** Lakini Dkt. Sware *it is very clear, distributes meteorological data.* Kule kijijini kule Busi mkiambizana kule twendeni tukalime, hautoi *data*, mnaambizana tu, mnaenda kwa mganga wa kienyeji, mnakubaliana basi. (*Kicheko*)

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

Ibara ya 48

**MWENYEKITI:** Dkt. Sware.

**MHE. DKT. IMMACULATE S. SEMESI:** Mheshimiwa Mwenyekiti, katika Kifungu hiki cha 49...

**MWENYEKITI:** Ibara 48.

**MHE. DKT. IMMACULATE S. SEMESI:** Mheshimiwa Mwenyekiti, 48 nakubaliana na marekebisho ya Serikali.

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

Ibara ya 49

**MWENYEKITI:** Dkt. Sware.

**MHE. DKT. IMMACULATE S. SEMESI:** Mheshimiwa Mwenyekiti, kifungu hiki kina *cover* adhabu kwa ujumla wake, kama itakuwa haijatajwa kwenye hii sheria, basi wanasema mtuhumiwa huyo anaweza akafungwa kifungo kisichopungua miezi sita; na mimi na-*propose* kwamba, basi kifungo hicho kisiwe juu ya miezi mitatu.

**MWENYEKITI:** Serikali.

**MWANASHERIA MKUU WA SERIKALI:** Mheshimiwa Mwenyekiti, tunamuomba tu Mheshimiwa Dkt. Sware akubaliane na mapendekezo ya Serikali kwa sababu kimsingi hajatoa msingi wa mapendekezo ya mabadiliko hayo na kwa vyovyote vile katika Sheria ya Adhabu kifungo cha kuanzia mwezi mmoja mpaka miezi sita kinahesabika ni kifungo cha muda mfupi, kwa hiyo, miezi sita ni muda mfupi, nawasilisha.

**MWENYEKITI:** Kifungu hicho kinaafikiwa pamoja na marekebisho ya Serikali?

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

Ibara ya 50

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

Ibara ya 51

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

Ibara ya 52

Ibara ya 53

Ibara ya 54

Ibara ya 55

Ibara ya 56

Ibara ya 57

Ibara ya 58

Ibara ya 59

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

Jedwali la 1

**MWENYEKITI:** Mheshimiwa Saada, unazo *ammendments* zozote?

**MHE. SAADA SALUM MKUYA:** Mheshimiwa Mwenyekiti, ni *typol* tu, lakini inaweza ikaleta maana, sina *ammendment*, lakini najua kwamba kuna jambo tu limekuwa *overlooked*, lakini nataka tu niwa-*alert*...

**MWENYEKITI:** Kwa hiyo, unatoa ushauri tu?

**MHE. SAADA SALUM MKUYA:** Mheshimiwa Mwenyekiti, natoa ushauri kwamba katika kifungu cha 3(1) katika hiyohiyo *proceeding and tenure of the board*, kwamba kifungu cha 3, kwanza hiki cha pili wametajwa *members* ambao wataendelea kwa ajili ya *re-appointment* pamoja na *chairman*, lakini naona kama *Deputy Chairman* hajatajwa. Sasa *probably* ni kwa makusudi au labda pengine labda ni kwa sababu tu ya *typol*, tumeruka. Kwa hivyo kama kuna umuhimu naona kama Serikali imuweke vilevile na *Deputy Chairman* kama na yeye atakuwa *eligible* kwa *re-appointment otherwise* kama...

**MWENYEKITI:** Kifungu hiki kinaafikiwa pamoja na marekebisho ya Serikali.

*(Jedwali lililotajwa hapo juu lilipitishwa na Kamati ya Bunge Zima pamoja na marekebisho ya Serikali)*

Jedwali la 2

*(Jedwali lililotajwa hapo juu lilipitishwa na Kamati ya Bunge Zima bila ya mabadiliko yoyote)*

Jedwali la 3

*(Jedwali lililotajwa hapo juu lilipitishwa na Kamati ya Bunge Zima pamoja na marekebisho ya Serikali)*

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

**MWENYEKITI:** Bunge Linarejea.

*(Bunge Lilirudia)*

**MWENYEKITI:** Tukae; Mtoa Hoja!

**WAZIRI WA UJENZI, UCHUKUZI NA MAWASILIANO:**

Mheshimiwa Mwenyekiti, napenda kutoa taarifa kwamba Kamati ya Bunge Zima imepitia Muswada Ibara kwa Ibara na imekubali pamoja na marekebisha yaliyofanyika.

Mheshimiwa Mwenyekiti, naomba kutoa hoja kwamba Muswada wa Sheria ya Mamlaka ya Hali ya Hewa Tanzania wa mwaka 2018 sasa ukubaliwe.

Mheshimiwa Mwenyekiti, naomba kutoa hoja.

**WAZIRI WA AFYA, MAENDELEO YA JAMII, JINSIA, WAZEE NA WATOTO:** Mheshimiwa Mwenyekiti, naafiki.

**MWENYEKITI:** Ahsante, hoja imeungwa mkono, sasa nitawahoji.

*(Hoja Ilitolewa lamuliwe)  
(Hoja Iliamuliwa na Kuafikiwa)*

*(Muswada wa Sheria wa Serikali Ulisomwa Mara ya Tatu  
na Kupitishwa na Bunge)*

**MWENYEKITI:** Katibu.

**NDG. PAMELA PALLANGYO – KATIBU MEZANI:**

Muswada wa Sheria kwa ajili ya kuanzisha Mamlaka ya Hali ya Hewa pamoja na kuweka masharti ya usimamizi, utaratibu na udhibiti wa huduma za hali ya hewa pamoja na mambo mengine yanayohusiana na hayo *(A Bill for an Act to establish the Tanzania Meteorological Authority and to make better provisions for the management, control, coordination and regulation of meteorological services and to provide for the other related matters).*

*(Kusomwa Mara ya Tatu)*

**MWENYEKITI:** Waheshimiwa Wabunge kwa hatua hii kazi ya Bunge imekwisha, limebaki sasa jukumu la mamlaka ya juu.

Nakupongeza Mheshimiwa Waziri, AG, Naibu Mawaziri, Wajumbe wote ambao mmechangia. Mmechangia vizuri na sheria sasa inakwenda kusainiwa kwenye mamlaka ya juu.

Katibu.

**NDG. PAMELA PALLANGYO – KATIBU MEZANI:** Kamati ya Bunge Zima.

#### **KAMATI YA BUNGE ZIMA**

*Muswada wa Sheria ya Mamlaka ya Udhhibiti Usafiri wa Ardhini wa Mwaka 2018 (The Land Transport Regulatory Authority Bill, 2018)*

**MWENYEKITI:** Tukae. Katibu.

**NDG. LAWRENCE MAKIGI – KATIBU MEZANI:**

**Muswada wa Sheria ya Mamlaka ya Udhhibiti Usafiri wa Ardhini wa Mwaka 2018 (The Land Transport Regulatory Authority Bill, 2018)**

Ibara ya 1

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

Ibara ya 2

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

Ibara ya 3

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

Ibara ya 4

Ibara ya 5

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

Ibara ya 6

**MWENYEKITI:** *No*, Mheshimiwa Ruth.

**NDG. LAWRANCE MAKIGI – KATIBU MEZANI:**

Mheshimiwa Mwenyekiti, *no* ya Mheshimiwa Ruth bado. Mheshimiwa Ruth ni saba.

**MWENYEKITI:** Mheshimiwa Mbatia.

**MHE. JAMES F. MBATIA:** Mheshimiwa Mwenyekiti, ni angalizo dogo tu. Hii Ibara ya 6 ambayo mwanzoni ilikuwa ya tano, baada ya marekebisho ya Serikali (b) yaani baba, kwenye *ammendment* ya Serikali wameongeza maneno *including consumer of the ragulated sectors*, ambapo kwenye Kamati baada ya kujadiliana na Serikali vizuri na ufafanuzi wa neno *safety* vizuri kwa mapana yake tulikubaliana na Serikali hayo maneno yasiwepo japo Kamati iliyaleta mwanzoni.

Mheshimiwa Mwenyekiti, halafu kifungu (e) kinasoma; *promoting the availability of regulated services to all consumers; to all consumers*, tukakubaliana iishie pale, yale maneno *including low income rural and disadvantaged consumers* tuliyaondoa kwa sababu yanaleta ubaguzi. Niliomba hata Serikali ini-oversight wakubaliane na hili ambalo tulilijadili kwa mapana...

**MWENYEKITI:** Haya, hilo ni angalizo, Katibu tuendelee.

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

Ibara ya 7

**MWENYEKITI:** Mheshimiwa Ruth.

**MHE. RUTH H. MOLLEL:** Mheshimiwa Mwenyekiti, ahsante. Nashukuru kwamba Serikali ime-*mainstream gender* kama nilivyopendekeza.

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

Ibara ya 8

Ibara ya 9

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

Ibara ya 10

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

Ibara ya 11

Ibara ya 12

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

Ibara ya 13

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

Ibara ya 14

Ibara ya 15

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

Ibara ya 16

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

Ibara ya 17

Ibara ya 18

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

Ibara ya 19

Ibara ya 20

Ibara ya 21

Ibara ya 22

Ibara ya 22

**MWENYEKITI:** Hebu ngoja, Waheshimiwa Ibara ya 21.

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

Ibara ya 23

Ibara ya 24

Ibara ya 25

Ibara ya 26

Ibara ya 27

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

Ibara ya 28

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

Ibara ya 29

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

Ibara ya 30

Ibara ya 31

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

Ibara ya 32

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

Ibara ya 33

Ibara ya 34

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

Ibara ya 35

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

Ibara ya 36

Ibara ya 37

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

Ibara ya 38

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

Ibara ya 39

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

Ibara ya 40

Ibara ya 41

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

Ibara ya 42

Ibara ya 43

Ibara ya 44

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

Ibara ya 45

Ibara ya 46

Ibara ya 47

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

Ibara ya 48

Ibara ya 49

Ibara ya 50

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

Ibara ya 51

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

Ibara ya 52

Ibara ya 53

Ibara ya 54

Ibara ya 55

Ibara ya 56

Ibara ya 57

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

Ibara ya 58

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

Jedwali la 1

*(Jedwali lililotajwa hapo juu lilipitishwa na Kamati ya  
Bunge Zima pamoja na marekebisho ya Serikali)*

**NDG. LAWRENCE MAKIGI – KATIBU MEZANI:**

Mheshimiwa mwenyekiti, naomba kutoa taarifa kwamba, Kamati ya Bunge Zima imekamilisha kazi yake.

**MWENYEKITI:** Bunge Linarejea.

*(Bunge Lilirudia)*

**MWENYEKITI:** Tukae, Mtoa Hoja!

**WAZIRI WA UJENZI, UCHUKUZI NA MAWASILIANO:**

Mheshimiwa Mwenyekiti, napenda kutoa taarifa kwamba, Kamati ya Bunge Zima imepitia Muswada Ibara kwa Ibara na imekubali pamoja na marekebisho yaliyofanyika.

Mheshimiwa Mwenyekiti, naomba kutoa hoja kwamba Muswada wa Sheria ya Mamlaka ya Udhubiti wa Usafiri wa Ardhini wa mwaka 2018 sasa ukubaliwe.

Mheshimiwa Mwenyekiti, naomba kutoa hoja.

**WAZIRI WA AFYA, MAENDELEO YA JAMII, JINSIA,  
WAZEE NA WATOTO:** Mheshimiwa Mwenyekiti, naafiki.

**MWENYEKITI:** Hoja imeungwa mkono.

*(Hoja Ilitolewa lamuliwe)  
(Hoja Iliamuliwa na Kuafikiwa)*

*(Muswada wa Sheria wa Serikali Ulisomwa Mara ya Tatu  
na Kupitishwa na Bunge)*

**MWENYEKITI:** Katibu.

**NDG. LAWRANCE MAKIGI – KATIBU MEZANI:**

Muswada wa Sheria kwa ajili ya kuanzisha Mamlaka ya Udhhibiti Usafiri wa Ardhini ambayo itakuwa na mamlaka na jukumu la udhibiti wa sekta ya usafiri wa ardhini pamoja na masuala mengine yanayohusiana na hayo *(A Bill for an Act to make provisions for the establishment of Land Transport Regulatory Authority which shall be body corporate mandated to carry the function and exercise powers related to regulation of land transport sector and to provide for other related matters).*

*(Kusomwa Mara ya Tatu)*

**MWENYEKITI:** Ahsante Katibu. Sasa kwa hatua ya Bunge muswada huu nao umekamilika kwa hatua ya Bunge. Baada ya hapa muswada huu utakwenda kwenye mamlaka ya juu kwa kufanyiwa utaratibu mwingine wa kutiwa saini na kuwa sheria.

Niwashukuru Wabunge, Waziri, AG, Makatibu hapa Mezani, miswada miwili hii kazi ilikuwa sio ndogo, lakini tumemaliza. Niwashukuru sana wote kwa michango yenu na kwa uadilifu wenu na kwa mapenzi ya Taifa lenu.

Naahirisha shughuli za Bunge mpaka kesho saa 3:00 asubuhi.

*(Saa 12.06 Jioni Bunge liliahirishwa hadi Siku ya Alhamisi,  
Tarehe 31 Januari, 2019 Saa Tatu Asubuhi)*