

BUNGE LA TANZANIA

MAJADILIANO YA BUNGE

MKUTANO WA KUMI NA TISA

Kikao cha Thelathini na Mbili – Tarehe 19 Mei, 2020

(Bunge Lilianza Saa Nane Kamili Asubuhi)

D U A

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

SPIKA: Waheshimiwa, tukae.

Katibu!

NDG. MOSSY LUKUVI - KATIBU MEZANI:

HATI ZILIZOWASILISHWA MEZANI

Hati Zifuatazo Ziliwasilishwa Mezani na:-

NAIBU WAZIRI WA KILIMO (MHE. OMARY T. MGUMBA):

Maelezo ya Waziri wa Kilimo kuhusu Muswada wa Sheria ya Afya ya Mimea wa Mwaka 2020 *(The Plant Health Bill, 2020)*.

MHE. OMARI A. KIGODA – K.n.y. MWENYEKITI WA KAMATI YA KUDUMU YA BUNGE YA KILIMO, MIFUGO NA MAJI:

Maoni ya Kamati ya Kudumu ya Bunge ya Kilimo, Mifugo na Maji kuhusu Muswada wa Sheria ya Afya ya Mimea wa Mwaka 2020 *(The Plant Health Bill, 2020)*.

**MHE. ANATROPIA L. THEONEST - K.n.y. MSEMAJI MKUU
WA KAMBI RASMI YA UPINZANI BUNGENI WA WIZARA YA
KILIMO:**

Maoni ya Kambi Rasmi ya Upinzani Bungeni kuhusu
Muswada wa Sheria ya Afya ya Mimea wa Mwaka 2020 (*The
Plant Health Bill, 2020*).

MASWALI NA MAJIBU

*(Maswali yafuatayo yameulizwa na kujibiwa kwa njia ya
mtandao)*

Na. 297

Barabara ya Rau Mamboleo Mpaka Uru Shimbwe

MHE. ANTONY C. KOMU aliuliza:-

Mheshimiwa Naibu Spika, katika kipindi cha kampeni
Mheshimiwa Rais aliahidi kuwa Serikali itajenga barabara ya
Rau Mamboleo mpaka Uru Shimbwe yenye urefu wa kilometa
11 kwa kiwango cha lami.

Je, ni lini ahadi hii itaanza kutekelezwa?

**WAZIRI WA NCHI, OFISI YA RAIS, TAWALA ZA MIKOA
NA SERIKALI ZA MITAA** alijibu:-

Mheshimiwa Naibu Spika, kwa niaba ya Waziri wa
Nchi, Ofisi ya Rais TAMISEMI, naomba kujibu swali la
Mheshimiwa Anthony Calist Komu Mbunge wa Jimbo la Moshi
Vijijini kama ifuatavyo:-

Mheshimiwa Naibu Spika, Serikali imeanza utekelezaji
wa ahadi ya Mheshimiwa Rais wa Jamhuri ya Muungano wa
Tanzania ya ujenzi wa barabara ya Uru - Shimbwe ambapo
kilomita 0.15 zimejengwa na kukamilika kwa kiwango cha lami
kwa gharama ya shilingi milioni 80.0 kati ya kilometa 11
zilizopangwa. Aidha, kilometa 10 za barabara hiyo

zimefanyiwa matengenezo ya Muda Maalum (*Periodic Maintenance*) kwa gharama ya shilingi milioni 148.85.

Vilevile, katika mwaka wa fedha 2019/20, shilingi milioni 110.0 zimeidhinishwa kupitia Mfuko wa Barabara kwa ajili ya ujenzi wa mita 138 kwa kiwango cha lami katika barabara hiyo.

Na. 298

Mgogoro wa Ardhi Kati ya Kijiji cha Mkenge na NARCO

MHE. DKT. SHUKURU J. KAWAMBWA aliuliza:-

Mheshimiwa Naibu Spika, zaidi ya nusu ya eneo la Kijiji cha Mkenge katika Kata ya Fukayosi ni ardhi ya *Ranch* ya *NARCO* India, wakati kijiji kina usajili wa miaka mingi.

Je, ni lini Serikali itamaliza mgogoro huo ili Wananchi wa Mkenge waendeleo na shughuli za uzalishaji mali kwa amani?

WAZIRI WA NCHI, OFISI YA RAIS, TAWALA ZA MIKOA NA SERIKALI ZA MITAA alijibu:-

Mheshimiwa Spika, naomba kujibu Swali la Mheshimiwa Dkt. Shukuru Jumanne Kawambwa Mbunge wa Bagamoyo kama ifuatavyo:-

Mheshimiwa Naibu Spika, Ofisi ya Rais – TAMISEMI kwa kushirikiana na Wizara ya Ardhi, Nyumba na Maendeleo ya Makazi, Wizara ya Mifugo na Uvuvi na wananchi wa Kijiji cha Mkenge imepanga kufanya uhakiki wa mpaka wenye mgogoro kwa kuzingatia Tangazo la Serikali la uanzishwaji wa Shamba la *NARCO* na Tangazo la Serikali la uanzishwaji wa Kijiji cha Mkenge. Kazi hiyo imepangwa kufanyika mwanzoni mwa mwaka wa fedha 2020/2021. Serikali inaamini hatua hiyo itawezesha kupata suluhu ya mgogoro huo kwa maslahi ya wananchi na hifadhi pia.

Na. 299

Utotoaji wa Kasa

MHE. YUSSUF SALIM HUSSEIN aliuliza:-

Mheshimiwa Naibu Spika, Kasa anapotaga huchimba na kutaga kwenye mashimo matatu tofauti.

Je, huangua (hutotoa) yote matatu?

WAZIRI WA MIFUGO NA UVUVI alijibu:-

Mheshimiwa Naibu Spika, naomba kujibu swali la Mheshimiwa Yussuf Salim Hussein, Mbunge wa Chambani Kama ifuatavyo:-

Mheshimiwa Naibu Spika, Kasa ni mnyama aina ya *reptilia* anayeishi kwenye maji. Aidha, pamoja na kwamba Kasa huishi kwenye maji, hutaga mayai nchi kavu, kwenye fukwe zilizotulia, wakati wa usiku wa giza. Kasa hutaga mayai kwenye mashimo au viota ambavyo huvichimba kwenye mchanga kwa kutumia mabawa yake. Shimo la Kasa linalingana na urefu wa miguu yake ya nyuma ikiwa imenyooka. Mara nyingi shimo ambalo ni la mduara huwa na kina cha sentimeta 40 hadi 50 sawa na futi 16 hadi futi 20.

Mheshimiwa Naibu Spika, katika msimu wa kuzaliana/kutaga, Kasa hutengeneza kati ya mashimo mawili (2) mpaka manane (8), na hutaga kati ya mayai 50 mpaka 200 kulingana na aina (*species*) ya Kasa. Baada ya kutaga, Kasa hufunika mayai yake kwa mchanga na kuyaacha mpaka yatotolewe.

Mheshimiwa Naibu Spika, mayai ya Kasa huchukua kati ya siku 45 mpaka 80 kulingana na aina ya Kasa. Tafiti zinaonyesha kuwa asilimia kati ya 80 mpaka 100 ya mayai yote hutotolewa, bila kujali idadi ya mashimo. Aidha, mashimo matatu ambayo kasa hao huchimba kabla ya kutaga yana lengo la kumpoteza adui na hivyo kuongeza usalama wa mayai yake.

Mheshimiwa Naibu Spika, idadi ya mayai inaongezeka kulingana na ukubwa wa Kasa husika na mara chache kulingana na aina ya Kasa. Aina nyingi za Kasa hutaga mara tatu mpaka nne kwa mwaka.

Na. 300

Mgogoro wa Mpaka Kati ya Ruaha na Wananchi

MHE. SOPHIA H. MWAKAGENDA aliuliza:-

(a) Je, ni lini Serikali itatatua mgogoro kati ya Hifadhi ya Taifa Ruaha na wananchi wa Kata za Madibira, Miyombweni, Igawa, Rujewa, Songwe, Mapogoro na Ruhanga kupitia GN 28 Mbarali ili kuwaondolea hofu wananchi, wakulima na wafugaji ya kukamatwa kila siku na kudhaniwa kuwa wanaendesha shughuli zao sehemu ya hifadhi?

(b) Je, ni kwa nini wananchi ambao ni wakulima na wafugaji wanaendelea kukamatwa kwa amri ya Mkuu wa Wilaya wakati Waziri Mkuu akiahirisha Bunge la Bajeti 2016/2017 alitoa kauli kuwa wananchi wasibughudhiwe mpaka pale timu ya wataalam itakapokuwa imerejesha taarifa ya utafiti wa mgogoro huo ndipo Serikali itatoa tamko la mwisho kuhusu mgogoro huo?

WAZIRI WA MALIASILI NA UTALII alijibu:-

Mheshimiwa Naibu Spika, naomba kujibu swali la Mheshimiwa Sophia Hebron Mwakagenda, Mbunge wa Viti Maalum, lenye sehemu (a) na (b) kwa pamoja kama ifuatavyo:-

Mheshimiwa Naibu Spika, Serikali iko katika hatua za mwisho za utatuzi wa mgogoro huu. Ikumbukwe kuwa baada ya agizo la Mheshimiwa Dkt. John Pombe Joseph Magufuli, Rais wa Jamhuri ya Muungano wa Tanzania la kumaliza kero za ardhi katika maeneo yaliyohifadhiwa, timu ya Mawaziri wa Wizara za kisekta, iliundwa kushughulikia migogoro ya

ardhi katika maeneo mbalimbali nchini ikiwemo wilaya ya Mbarali kati ya wakulima, wafugaji na Hifadhi ya Taifa Ruaha.

Mheshimiwa Naibu Spika, taarifa na mapendekezo ya timu hiyo yaliwasilishwa kwenye Mamlaka husika kwa ajili ya kutoa maamuzi. Maamuzi hayo yalitolewa taarifa na Mheshimiwa Waziri Mkuu wa Jamhuri ya Muungano wa Tanzania mwezi Septemba 2019 kuwa jumla ya vijiji 920 kati ya 975 vilivyokuwa na migogoro na maeneo yaliyohifadhiwa nchini vitabakia kama vilivyo.

Mheshimiwa Naibu Spika, vijiji hivyo vinajumuisha pia vijiji katika kata alizotaja Mheshimiwa Mbunge katika Wilaya ya Mbarali vyenye mgogoro wa GN. Na. 28 ya 2008. Aidha, Wizara kupitia Shirika la Hifadhi za Taifa Tanzania (TANAPA) pamoja na Mkuu wa Wilaya ya Mbarali wanaendelea kutekeleza maagizo ya Mheshimiwa Waziri Mkuu kulingana na kauli aliyotoa kuwa wananchi wasibughudhiwe mpaka pale timu ya wataalam itakapokuwa imerejesha taarifa ya utafiti wa mgogoro huo.

Mheshimiwa Naibu Spika, hata hivyo, kuna baadhi ya wananchi ambao wameendelea kufanya shughuli za kibinadamu hifadhini kama vile kufungua mashamba mapya, kuanzisha makazi na kuchunga mifugo katika maeneo ambayo hayana mgogoro au yale ambayo wananchi walikwisha kulipwa fidia na kuhamishwa. Maeneo hayo ni kama vile Tindiga la Ihefu na Ikoga ya zamani ambako hakuna mgogoro kwa sasa. Katika maeneo hayo, wananchi wanaokutwa wakifanya shughuli za kibinadamu kinyume na sheria za Hifadhi za Taifa, wanakamatwa na sheria huchukua mkondo wake.

Mheshimiwa Naibu Spika, ni imani yetu kwamba hatma ya mgogoro wa mpaka kati ya Hifadhi ya Taifa Ruaha na baadhi ya vijiji katika Wilaya ya Mbarali itapatikana pindi uhakiki wa maeneo ya vijiji utakapomalizika, na hatimaye migogoro yote kupatiwa suluhisho la kudumu.

Na. 301

Kuboresha Miundombinu ya Kituo cha Kalenga

MHE. ZAINABU N. MWAMWINDI aliuliza:-

Mheshimiwa Naibu Spika, Kituo cha Kalenga ambacho kina kumbukumbu nyingi kuhusu Chifu Mkwawa lakini hakina miundombinu wezeshi kuvutia utalii:-

Je serikali ina mkakati gani wa kuboresha miundombinu ya kituo hicho ili kuvutia utalii?

WAZIRI WA MALIASILI NA UTALII alijibu:-

Mheshimiwa Naibu Spika, naomba kujibu swali la Mheshimiwa Zainabu Nuhu Mwamwindi Mbunge wa viti maalum, kama ifuatavyo:-

Mheshimiwa Naibu Spika, Makumbusho ya Kalenga ni kielelezo cha makazi ya jadi ya Chifu Mkwawa na Wahehe. Katika makumbusho hii kumehifadhiwa fuvu la Chifu Mkwawa lililorudishwa kutoka nchini Ujerumani tarehe 9 Julai, 1951. Kutokana na umuhimu wa kituo hiki, Wizara kwa kushirikiana na Halmashauri ya Wilaya ya Iringa imepima mipaka ya Kituo mwaka 2018/2019 na viwanja viwili Na 41 chenye ukubwa wa ekari 6.5 na 42 chenye ekari 1.1 ambavyo vimeingizwa kwenye ramani Na. 100574 ya eneo la kituo cha Kalenga. Hivi sasa Wizara ipo katika hatua ya mwisho ya kupatiwa hati ya umiliki wa ardhi ya eneo hilo.

Mheshimiwa Spika Wizara imepanga kuboresha miundombinu ya kituo cha Makumbusho ya Kalenga ili kukidhi mahitaji ya watalii, kupitia Mradi wa Kusimamia Maliasili na Kuendeleza Utalii Kanda ya Kusini - *“Resilient Natural Resources for Tourism and Growth” (GEGROW)* unaotekelezwa kwa ufadhili wa Benki ya Dunia.

Mheshimiwa Naibu Spika, Wizara imekasimisha jukumu la kuhifadhi na kuendeleza kituo cha Makumbusho ya

Kalenga kwa shirika la Hifadhi ya Taifa Tanzania, *TANAPA*. Hivyo, kupitia mradi wa *REGROW* na *TANAPA* miundombinu ya Kituo cha Makumbusho ya Kalenga itaboreshwa ikiwa ni pamoja na kujenga kituo cha kumbukumbu na taarifa ili kuhifadhi kumbukumbu ya Mtwana Mkwawa na Utamaduni wa Wahehe, kukarabati majengo yote ya kihistoria yaliyopo katika kituo hicho, na kujenga miundombinu ya huduma za utalii.

Mheshimiwa Spika, Katika mkakati huu, Wizara itaendelea kusimamia majukumu yote ya Uhifadhi, Utafiti na kuandaa taarifa zitakazosaidia kuboresha na kutangaza Makumbusho ya Kalenga na kutoa elimu kwa Umma juu ya uhifadhi na matumizi endelevu ya malikale za nchi yetu.

Na. 302

Tatizo la Utapiamlo Nchini

MHE. DUNSTAN L. KITANDULA aliuliza:

Mheshimiwa Naibu Spika, utapiamlo katika nchi yetu ni janga kubwa kwa sababu kila watoto 100, watoto 30 wana tatizo la udumavu wa akili na kila watoto 100, watoto 59 wenye umri kati ya miezi 6 na imiaka 5 wana upungufu wa damu, kutokana na hali hii, inagharimu Serikali asilimia 2 ya pato la Taifa sawa na dola za marekani milioni 518 kuhudumia dawa za vitamini A na *follic acid*.

Je, kwa nini Serikali isiwekeze katika upatikanaji wa mbinu bora za kilimo ili kuinua kiwango cha upatikanaji wa lishe bora ya kudumu kama njia ya kukabiliana na tatizo hilo?

WAZIRI WA KILIMO alijibu:-

Mheshimiwa Naibu Spika, naomba kujibu swali la Mheshimiwa Dunstan Luka Kitandula mbunge wa jimbo la Mkinga kama ifuatavyo:-

Mheshimiwa Naibu Spika, Wizara ya Kilimo ni miongoni mwa Wizara 8 zinazotekeleza masuala ya lishe hapa nchini. Katika kutekeleza Mpango Jumuishi wa Kitaifa wa Lishe, Wizara ya Kilimo inalo jukumu la kuhakikisha kuwa mazao yenye virutubisho kwa wingi yanazalishwa na kutumiwa ipasavyo. Aidha kwa kushirikiana na Wizara ya Viwanda na Blashara, virutubishi vinaongezwa (*Fortification*) katika baadhi ya bidhaa zenye matumizi makubwa. Kwa mfano, Madini chuma, Zinki na Vitamini B9 (*Folic acid*) huongezwa kwenye unga, ambapo Vitamini A huongezwa katika mafuta ya kupikia. Wizara pia ina jukumu la kuelimisha jamii kuhusu uzalishaji wa mazao mchanganyiko (*crop diversification*) na matumizi ya vyakula vinavyotokana na mazao hayo.

Mheshimiwa Naibu Spika, vituo vya utafiti wa mazao ya kilimo nchini vikishirikiana na wadau vimekuwa vikizalisha aina mbalimbali za mbegu za mazao yaliyoongezewa virutubishi kibaiyolojia (*Biofortified crops*) mazao hayo ni pamoja na viazi lishe (*orange fleshed sweet potatoes*), mahindi yenye vitamini A kwa wingi (*Pro-vitamin A maize*), pia maharage yenye madini chuma na zinki kwa wingi. Mazao haya yameanza kuzalishwa na kutumiwa sehemu mbalimbali hapa nchini, mfano viazi lishe vinazalishwa Mikoa ya Morogoro, Pwani, Iringa, Singida, Shinyanga, Mwanza na Kagera. Aidha, Katika kuhakikisha usimamizi mzuri wa mazao haya, Wizara imeandaa Mwongozo wa mazao yaliyoongezewa virutubishi kibaiolojia ambao utatumiwa na wadau wote katika mnyororo wa thamani wa mazao haya.

Mheshimiwa Naibu Spika, Wizara inaendelea kutoa mafunzo ya uzalishaji, utayarishaji na ulaji wa vyakula vilivyoongezewa virutubishi katika mikoa 6 yenye viwango vya juu (zaidi ya asilimia 40) vya udumavu kwa watoto chini ya miaka mitano, ambayo ni Njombe (53.6%), Rukwa (47.9%), Iringa (47.1%), Songwe (43.3%), Kigoma (42.3%) na Ruvuma (41.0%). Mpaka sasa mafunzo haya yameshafanyika katika Mkoa wa Iringa, ambayo yalikusishwa wanawake walio katika umri wa kuzaa, wanaume, viongozi na wataalam katika ngazi ya Kata na Halmashauri.

Mheshimiwa Naibu Spika, aidha, Katika mafunzo haya mashamba darasa 12 yalianzishwa katika Kata 8 kwa lengo la kufanyia mafunzo kwa vitendo. Mafunzo haya yanalenga kujengea uwezo wa jamii katika kuzalisha na kutumia mazao yaliyoongezewa virutubishi kibaiolojia hatimaye kukabiliana na upungufu wa vitamini na madini mwilini hususan watoto chini ya miaka mitano na kina mama wajawazito na wanaonyoyesha.

Na. 303

Ahadi ya Kuchimba Visima vya Maji-Mpwapwa

MHE. GEORGE M. LUBELEJE aliuliza:-

Mheshimiwa Naibu Spika, Serikali iliahidi kuchimba visima vya maji katika vijiji vya Chamanda, Chitemo, Nana, Namba 30 (Mwenzele) Kiegea, Kazania, Ng'hambi, Kisisi, Godegode na Gulwe Jimbo la Mpwapwa, lakini Mpaka sasa Visima hivyo havijachimbwa na wananchi wa vijiji hivyo hutaabika kwa kufuata huduma ya maji katika umbali wa kilometa 10.

Je, Serikali ina Mpango gani sasa wa kuchimba visima hivyo?

WAZIRI WA MAJI alijibu:-

Mheshimiwa Spika, naomba kujibu swali la Mheshimiwa George Malima Lubeleje, Mbunge wa Jimbo la Mpwapwa kama ifuatavyo:-

Mheshimiwa Spika, katika kutatua changamoto ya upatikanaji wa maji Wilayani Mpwapwa, kwa mwaka wa fedha 2019/20 Serikali inaendelea na utekelezaji wa miradi ya maji katika vijiji 13 vya Kidenge, Luhundwa, Mpwanila, Bumila, Iyoma, Mzase, Mima, Iramba, Kibakwe, Seluka, Lukole, Kingiti na Chogala ambapo itakapokamilika inatarajiwa kunufaisha watu wapatao 42,237.

Mheshimiwa Spika, hata hivyo, katika Vijiji vya Gulwe, Godegode, Ng'hambi, Mangaliza, Nyabu, Nana, Kiegea, mgoma Kitati na Wota, Serikali katika mwaka wa fedha 2020/2021 imepanga kutafiti vyanzo vya maji, kufanya upembuzi yakinifu pamoja na usanifu wa kina.

Mheshimiwa Spika, ili kuhakikisha kuwa changamoto ya maji inapungua kwa kiasi kikubwa katika Wilaya ya Mpwapwa, Serikali pia kwa mwaka wa fedha 2020/2021 imepanga kutekeleza miradi ya maji katika vijiji vya kanzia, Singonali, Mlunduzi na Chinyika kwa sababu vyanzo vya maji pamoja na usanifu wa kina vimeshakamilika.

Mheshimiwa Spika, kwa vijiji vilivyobaki, Serikali kupitia Wakala wa Usambazaji Maji na Usafi wa Mazingira itaendelea kuingiza vijiji hivyo kwenye mipango yake kutegemeana na upatikanaji wa fedha kwa miaka ya fedha inayokuja.

Na. 304

Mradi wa Maji Kata za Jimbo la Mufindi Kusini

MHE. MENDRAD L. KIGOLA aliuliza:-

Je, ni lini Serikali itakamilisha ujenzi wa mradi wa maji katika Kata za Mtwango, Nyololo, Idunda, Itandula na Igowole?

WAZIRI WA MAJI alijibu:-

Mheshimiwa Spika, naomba kujibu swali la Mheshimiwa Mendrad Lutengano Kigola Mbunge wa jimbo la Mufindi Kusini kama ifuatavyo:-

Mheshimiwa Spika, Serikali inaendelea na utekelezaji wa mradi wa maji kutoka chanzo cha Sawala katika Kata ya Mtwango kwa kutumia Wataalam wake wa ndani. Kijiji cha Sawala kitaanza kupata maji mara baada ya ujenzi wa nyumba ya pampu unaoendelea kukamilika. Aidha, ujenzi

wa mradi huu utafikisha maji katika vijiji vya Mtwango, Lufuna na Kibao katika mwaka wa fedha 2020/21.

Mheshimiwa Spika, Serikali imepeleka huduma ya maji katika Kata ya Nyololo kwa kutumia chanzo cha maji kilichopo katika kijiji cha Bumilayinga. Aidha, Katika kuhakikisha vijiji vote vya kata ya Nyololo vinapata huduma ya maji, Serikali imeamua kutumia nyanzo vya visima ambapo uchimbaji wa visima hivyo umeanza mwezi huu wa Mei, 2020. Gharama ya mradi ni Shilingi 1,754,272,354. Tayari Serikali imetoa shilingi milioni 200 kwa ajili ya kazi hiyo.

Mheshimiwa Spika, kata ya Idunda inapata huduma majisafi na salama kupitia miradi ya maji ya mserereko ya Mbalamaziwa na Malangali. Kutokana na uchakavu wa miradi hiyo, Serikali kupitia mpango wa Malipo kwa Matokeo itakarabati miradi hiyo. Kwa upande wa Kata ya Igowole huduma ya maji inapatikana kupitia visima virefu na vifupi. Serikali imepanga kufanya usanifu wa mradi huo ikiwa ni pamoja na kutafuta vyanzo vya uhakika ili wananchi wa kata hii waweze kupata maji yanayotosheleza. Aidha, Kata ya Itandula imefikwa na huduma ya majisafi na salama kupitia mradi wa Mbalamaziwa.

Na. 305

Tofauti ya Takwimu za Ajali Nchini

MHE. FATMA H. TOUFIQ aliuliza:-

Mheshimiwa Naibu Spika, kwa mujibu wa takwimu za WHO takribani watanzania 16,000 hupoteza maisha kwa mwaka kwa ajali za barabarani. Hata hivyo takwimu za Jeshi la Polisi zinaonyesha ni watu 300 hadi 4000 wamepoteza maisha kwa mwaka kwa ajali.

Je, Ukweli upo wapi katika upatikanaji wa takwimu?

WAZIRI WA MAMBO YA NDANI YA NCHI alijibu:-

Mheshimiwa Spika, napenda kujibu swali la Mheshimiwa Fatma Hassan Toufiq, Mbunge Wa Viti Maalum Kama ifuatavyo:-

Mheshimiwa Naibu Spika, Takwimu sahihi za Ajali, Vifo na Majeruhi ni zile zinazotolewa na Jeshi la Polisi ambazo huripotiwa katika vituo vya polisi na hukusanywa na askari Polisi wa usalama barabarani ambapo takwimu hizo hutolewa na kutumiwa pia na Idara ya Takwimu ya Taifa katika kuandaa taarifa ya Nchi inayohusiana na maswala ya ajali.

Mheshimiwa Naibu Spika, aidha, kwa kuzingatia sheria ya Usalama Barabarani Sura ya 168 iliyorejewa mwaka 2002 na marekebisho yake ya mara kwa mara, Inspekta Jenerali wa Polisi anao wajibu wa kukusanya na kutoa takwimu za taarifa za Usalama Barabarani kwa umma.

Mheshimiwa Naibu Spika, takwimu zinazotolewa na Shirika la Afya Duniani (*WHO*) ni takwimu za makisio (*Estimated road traffic data*). *WHO* katika takwimu zao kwa taarifa ya Mwaka 2018 inaonyesha ajali za barabarani zilisababisha vifo 3,256 takwimu ambazo ni sahihi kwani chanzo chake ni Jeshi la Polisi. Aidha kwa takwimu za takribani watanzania 16,000 hupoteza maisha kwa Mwaka haina ukweli wowote.

Na. 306

Kuwaongezea Posho Askari Polisi Nchini

MHE. ANGELINA A. MALEMBEKA aliuliza:-

Mheshimiwa Naibu Spika, wakati wa uchaguzi tunatumia jeshi la Polisi nchini kwaajili ya ulinzi na usalama katika vituo vya kupigia kura.

Je, kuna utaratibu gani wa kuwaongeza posho Askari polisi ili wajiepushe na ushawishi wowote?

Je, ni kwa nini Askari waliopo Zanzibar hulipwa posho kidogo katika zoezi la uchaguzi tofauti na Askari walioko Tanzania bara. Zanzibar hufanyika chaguzi mbili zinazo simamiwa na mamlaka mbili (ZEC na NEC).

Je, ni kwa nini askari wasilipwe posho mara mbili tofauti?

WAZIRI WA MAMBO YA NDANI YA NCHI alijibu:-

Mheshimiwa Naibu Spika, napenda kujibu swali la Mheshimiwa Angelina Adam Malembeka - Viti Maalum lenye sehemu (a), (b) na (c) kama ifuatavyo:-

Mheshimiwa Naibu Spika, Serikali imekuwa ikijitahidi kuboresha Posho za Askari Polisi kwa kadri hali ya uchumi inavyoimarika. Mathalani, mwaka 2014/2015 Serikali ilipandisha posho ya Askari toka shiling 150,000/= hadi kuwa shilingi 180,000/=, mwaka 2015/2016 serikali ilipandisha posho hadi kufikia shiling 300,000/= ili kupunguza ushawishi wa aina yeyote.

Mheshimiwa Naibu Spika, Posho za Askari wakati wa chaguzi hupangwa na hulipwa na mamlaka za chaguzi husika si Jeshi la polisi.

Mheshimiwa Naibu Spika, kazi ya msingi ya askari Polisi ni kuimarisha hali ya ulinzi na usalama hivyo Posho anayopata ni kwaajili ya kujikimu anapo kuwepo katika eneo hilo la kazi.

Katibu!

NDG. MOSSY LUKUVI – KATIBU MEZANI:

MISWADA YA SHERIA YA SERIKALI

Muswada wa Sheria ya Afya ya Mimea kwa Mwaka 2020 (*The Plant Health Bill, 2020*)

(*Kusomwa Mara ya Pili*)

NAIBU SPIKA: Waheshimiwa Wabunge, nimuite Mheshimiwa Waziri wa Kilimo.

WAZIRI WA KILIMO: Mheshimiwa Naibu Spika, napenda kumshukuru Mwenyezi Mungu kwa kutujalia sote kuwa humu ndani ya Bunge lako Tukufu kwa ajili ya kujadili Muswada huu. Kwanza kabisa namshukuru Mwenyekiti na Wajumbe wa Kamati ya Kudumu ya Bunge ya Kilimo, Mifugo na Maji kwa maoni na ushauri wao kuhusu Muswada huu ambayo yamezingatiwa kama yanavyoonekana katika Jedwali la Marekebisho.

Mheshimiwa Naibu Spika, vilevile, napenda kuwashukuru wadau wote walioshiriki kutoa maoni yao katika hatua zote za kuandaa Muswada huu. Napenda nimshukuru Mwanasheria Mkuu wa Serikali kwa maoni na ushauri wake uliofanikisha kutungwa kwa Muswada huu. Aidha, kipekee kabisa napenda kumshukuru Mheshimiwa Dkt. John Pombe Joseph Magufuli, Rais wa Jamhuri ya Muungano wa Tanzania kwa miongozo na maelekezo yake ya kuleta mageuzi katika Sekta ya Kilimo. (*Makofi*)

Mheshimiwa Naibu Spika, Muswada huu unapendekezwa kutungwa kwa Sheria mpya ya Afya ya Mimea ya Mwaka 2020 kwa kufuta Sheria ya Hifadhi ya Mimea Sura ya 133 (*Plant Protection Act, 1997*) na Sheria ya Taasisi ya Utafiti wa Viuatilifu ya Kitropiki, Sura ya 161 (*The Tropical Pesticides Research Institute of 1997*). Lengo la sheria inayopendekezwa ni kuweka mfumo wa pamoja wa kisheria wa usimamizi na udhibiti wa afya ya mimea, mazao ya mimea na viuatilifu.

Mheshimiwa Naibu Spika, aidha, ili kuimarisha na kuweka mfumo bora wa utekelezaji wa masharti ya sheria inayopendekezwa, inapendekezwa kuanzishwa Mamlaka ya Afya ya Mimea na Viuatilifu ambayo itakuwa ndiyo chombo cha usimamizi wa afya ya mimea na uhibitaji wa viuatilifu.

Mheshimiwa Naibu Spika, lengo la Muswada huu ni kutungwa kwa Sheria ya Afya ya Mimea ya Mwaka 2020. Muswada huu unapendekeza kutungwa kwa Sheria ya Afya ya Mimea ya Mwaka 2020. Lengo la sheria inayopendekezwa ni kuunganishwa Sheria ya Hifadhi ya Mimea, Sura 133 na Sheria ya Taasisi ya Utafiti wa Viuatilifu vya Kitropiki (*TPRI*), Sura 165 ili kuondoa upungufu katika mfumo wa sasa wa kisheria na mwingiliano baina ya sheria hizo zinazopendekezwa kufutwa. Hatua hii itasaidia kuimarisha mfumo utakaosaidia kukabiliana na changamoto mbalimbali zikiwemo za uingizaji na usambazaji wa viuatilifu bandia.

Mheshimiwa Naibu Spika, vilevile Tanzania imeridhia Itifaki na mikataba mbalimbali ya kikanda na Kimataifa inayosimamia afya ya mimea na matumizi ya viuatilifu kwenye kilimo kwa lengo la kukidhi matakwa ya masoko. Mikataba hiyo ni pamoja na Mkataba wa Kimataifa wa Hifadhi ya Mimea (*International Plant Protection Convention*) wa Mwaka 1997 ambao Tanzania iliridhia tarehe 21 Oktoba, 2005.

Mheshimiwa Naibu Spika, Mkataba huu unalenga kuzuia kuingiza na kusambaza visumbufu wa *quarantine* ya mimea na mazao katika nchi wanachama kwa kuzingatia matakwa ya Kimataifa ya usafi wa mimea. Matakwa ya mkataba kwa nchi wanachama ni pamoja na kuwa na chombo mahiri cha Kitaifa kinachojitegemea cha kusimamia hifadhi ya mimea (*National Plant Protection Organization*) na kuwa na sheria inayotambua miongozo ya Kimataifa ya usafi wa mimea (*International Standard for Phytosanitary Measures*).

Mheshimiwa Naibu Spika, sambamba na kuanzishwa Mamlaka ya Mimea na Viuatilifu, Muswada huu

unapendekeza masharti kuhusu udhibiti wa viuatilifu, usimamizi wa afya ya mimea, udhibiti wa kuzuia kuingia na kuenea kwa visumbufu vya mimea na mazao, udhibiti wa usafi wa mimea, utaratibu wa usimamizi wa majaribio ya ufanisi ya viuatilifu, kuwezesha biashara ya mimea na mazao ya kilimo ndani na nje ya nchi pamoja na mambo mengine yanayohusiana na afya ya mimea na viuatilifu kufanyika kwa ufanisi zaidi.

Mheshimiwa Naibu Spika, baadhi ya mambo muhimu yaliyozingatiwa katika Muswada huu ni pamoja na:-

(a) Kuanzisha mamlaka itakayosimamia afya ya mimea na viuatilifu;

(b) Kuweka utaratibu wa kusimamia uingizaji, utengenezaji, usambazaji na matumizi sahihi na salama ya viuatilifu;

(c) Kuweka utaratibu wa kutambua, kukusanya na kuteketeza au kurudisha viuatilifu bandia, chakavu na vibeeba vilivyokwisha kutumika;

(d) Kumpa mamlaka Msajili wa Viuatilifu kukasimisha baadhi ya majukumu yake kwa mfanyakazi mwingine wa mamlaka baada ya kupata ridhaa ya Bodi ya Wakurugenzi;

(e) Kuwezesha mamlaka itakayoundwa kusimamia masuala ya afya ya mimea na kutoa idhini kwa maabara nyingine kufanya uchambuzi wa ubora wa viuatilifu;

(f) Kuweka kiwango cha adhabu kulingana na uzito wa kosa lililojitokeza;

(g) Kuweka kifungu kinachohusu uchunguzi wa visumbufu (*pest surveillance*) ili kuwezesha udhibiti wa visumbufu kwa kutumia mbinu sahihi;

(h) Kuipa mamlaka inayopendekezwa jukumu la kufanya majaribio ya utendaji wa viumbe marafiki, ubora na ufanisi wa viuatilifu;

(i) Kuweka taratibu na mwongozo wa kukabiliana na visumbufu vamizi au vya kigeni;

(j) Kuweka vifungu vya sheria vitakavyoimarisha ukusanyaji wa maduhuli ya Serikali; na

(k) Kuzingatia masuala yote muhimu yaliyokuwepo katika Sheria ya Hifadhi ya Mimea Sura ya 133 na Sheria ya Taasisi ya Utafiti wa Kitropiki, Sura 161.

Mheshimiwa Naibu Spika, matokeo ya kutungwa kwa sheria hii ya afya ya mimea ni kama ifuatavyo:-

(i) Kufutwa kwa Sheria ya Taasisi ya Utafiti wa Viutilifu vya Ukanda wa Kitropiki Na. 18 ya Mwaka 1979 na Sheria ya Hifadhi ya Mimea Na. 13 ya Mwaka 1997;

(ii) Kuondoa vifungu vya sheria vinavyohusu udhibiti wa viuatilifu vya mifugo na afya jamii katika sheria inayotungwa;

(iii) Kuongezeka kwa ufanisi katika shughuli za afya ya mimea na udhibiti wa viuatilifu kutokana na kutumika kikamilifu kwa miundombinu rasilimali watu na vitendea kazi;

(iv) Kuongezeka kwa masoko ya bidhaa za mazao ya kilimo kutokana na kukidhi mataakwa ya viwango vya ubora wa afya ya mimea na usafi wa mazao ya kilimo;

(v) Kupungua kwa taarifa za malalamiko ya kutokukidhi vigezo vya masoko (*non-compliance notifications*) kutokana na kuimarika kwa udhibiti na ukaguzi wa mazao na viuatilifu;

(vi) Kuongezeka kwa uwekezaji katika Sekta ya Kilimo na Biashara ya Mazao kutokana na kupungua kwa urasimu na upatikanaji wa huduma za afya ya mimea na viuatilifu;

(vii) Kuongezeka kwa uhakika wa chakula na lishe na malighafi za viwandani kutokana na kuongezeka kwa uzalishaji wa mazao ya kilimo;

(viii) Kupungua kwa madhara ya kiafya kwa binadamu yatokanayo na masalia ya viuatilifu, sumu kuvu, madini zito na visibika (*contaminants*) kwenye mazao kutokana na kuimarika kwa mfumo wa udhibiti;

(ix) Kupungua kwa viuatilifu bandia (*fake*) sokoni kutokana na kuimarika kwa udhibiti wa viuatilifu katika kutengeneza, kuingiza na usambazaji na uuzaji vya viuatilifu hivyo;

(x) Kupungua kwa uvamizi wa visumbufu vipya/vigeni kutokana na kuimarika kwa huduma ya uchunguzi wa visumbufu (*pest surveillance*);

(xi) Kupungua kwa upotevu wa mazao kabla na baada ya kuvuna kutokana na kuimarishwa kwa huduma za udhibiti wa visumbufu;

(xii) Kupungua kwa athari hasi kwa mazingira na viumbe vingine zitokanazo na matumizi yasiyo sahihi ya viuatilifu, mlundikano wa viuatilifu chakavu na vibebaa vilivyotumika;

(xiii) Kuondoa jukumu la utafiti wa msingi lililokuwa kwenye Sheria ya *TPRI* ambalo sasa litafanywa na Taasisi ya

Utafiti wa Kilimo (*TARI*) kwenye jukumu hilo kwa mujibu wa Sheria ya Taasisi ya Utafiti wa Kilimo Na.10 ya Mwaka 2016;

(xiv) Kuongezeka kwa maduhuli ya Serikali na;

(xv) Kupungua kwa matukio ya ukiukaji wa sheria kutokana na adhabu zilizowekwa kulingana na uzito wa kosa.

Mheshimiwa Naibu Spika, Muswada huu umegawanyika katika sehemu kumi. Sehemu ya kwanza, inahusu masharti ya utangulizi ambayo yanajumuisha jina la Muswada, tarehe ya kuanza kutumika kwa sheria, matumizi na tafsiri ya maneno na misemo mbalimbali iliyotumika katika Muswada pendekezwa.

Mheshimiwa Naibu Spika, sehemu ya pili ya Muswada inahusu kuanzishwa kwa Mamlaka ya Afya ya Mimea na Viuatilifu ambayo ndiyo itakuwa na jukumu la kusimamia uhifadhi wa afya ya mimea na udhibiti wa viuatilifu. Sehemu hii inaainisha pia mamlaka na majukumu ya mamlaka hiyo.

Mheshimiwa Naibu Spika, sehemu ya tatu inajumuisha masharti ya utawala wa mamlaka. Sehemu hii inaeleza uanzishwaji na majukumu ya Bodi, muundo wake, umuhimu wa kuzingatia usawa na masuala yanayohusu mgongano wa maslahi. Sehemu hii inaweka pia masharti ya usimamizi wa watumishi wa mamlaka, uteuzi wa Mkurugenzi Mkuu ambaye pia ndiye atakayekuwa Msajili wa Viuatilifu.

Mheshimiwa Spika, sehemu ya nne, inahusu usajili wa viuatilifu , utoaji wa leseni kwa watu wanaojihusisha na mimea, mazao ya mimea, viuatilifu pamoja na vibali. Sehemu hii inaweka pia masharti ya ufanyaji wa majaribio na tathmini ya ubora pamoja na ushirikiano na watu au taasisi

nyingine zinazofanya shughuli za majaribio na tathmini ya ubora.

Mheshimiwa Naibu Spika, sehemu ya tano, inahusu masharti ya usimamizi wa sheria. Sehemu hii inajumuisha masharti ya uteuzi wa wachunguzi na wakaguzi pamoja na mamlaka na majukumu yao. Sehemu hii pia inaweka utaratibu utakaotumiwa na wakaguzi kuchukua sampuli na kuainisha majukumu ya Maafisa wengine ambao ni muhimu kushirikiana na Wakaguzi katika utekelezaji wa majukumu yao chini ya sheria inayopendekezwa.

Mheshimiwa Naibu Spika, Sehemu ya Sita, inahusu udhibiti wa visumbufu. Sehemu hii inatoa mamlaka kwa mamlaka kutangaza visumbufu vilivyodhibitiwa na maeneo ya visumbufu na hatua zitakazochukuliwa na mamlaka wakati wa mlipuko wa visumbufu.

Mheshimiwa Naibu Spika, sehemu ya saba, inahusu usalama wa viuatilifu. Masharti katika Sehemu hii yanahusiana na utaratibu wa kufungasha, kuweka lebo, utunzaji na usafirishaji wa viuatilifu na maeneo mengine. Sehemu hii pia inaweka zuio kwa matumizi ya viuatilifu vilivyozuiliwa au viuatilifu bandia ama visivyokidhi viwango kwa kuainisha utaratibu wa utoaji wa viuatilifu visivyofaa na makopo tupu ya viuatilifu.

Mheshimiwa Naibu Spika, sehemu ya nane ya Muswada inaweka masharti ya fedha ambayo yanajumuisha vyanzo vya mapato vya Mamlaka, bajeti, ukaguzi wa hesabu na Taarifa ya Mwaka ya Utekelezaji wa Shughuli za Mamlaka. Kwa mujibu wa Sheria inayopendekezwa, mamlaka inapaswa kuandaa taarifa ya mwaka kwa kila mwaka wa fedha na kuiwasilisha kwa Waziri ambaye naye ataiwasilisha Bungeni.

Mheshimiwa Naibu Spika, sehemu ya tisa inahusiana na makosa na adhabu, fidia kwa madhara au hasara itakayotokana na makosa ya mtu mwingine pamoja na mamlaka na utaratibu wa Mkurugenzi Mkuu kuffiilisha makosa chini ya sheria hii.

Mheshimiwa Naibu Spika, sehemu ya kumi inahusiana na masharti ya jumla ikiwa ni pamoja na mamlaka ya Waziri kutengeneza kanuni za kutekeleza sheria pendekezwa, kufutwa kwa sheria, kuhamishwa kwa Watumishi wa Taasisi ya Utafiti wa Viuatilifu (*TPRI*), haki zao na kuhamisha mali na madeni ya *TPRI*.

Mheshimiwa Spika, mwisho; uwepo wa mfumo thabiti wa kisheria na kitaasisi wa kusimamia afya ya mimea na viuatilifu ni fursa muhimu katika kulinda ustawi wa kilimo, maliasili, mazingira na afya ya binadamu dhidi ya madhara yatokanayo na visumbufu na viuatilifu hatarishi. Sheria inayopendekezwa itaweka mifumo thabiti ya kusimamia afya ya mimea na viuatilifu na hivyo kuimarisha uhakika wa chakula na kuboresha fursa za biashara kwa kufanya kazi kwa ukaribu kati ya Serikali na sekta binafsi.

Mheshimiwa Naibu Spika, naomba sasa Bunge lako Tukufu lipokee taarifa hii na kujadili Muswada wa Sheria ya Afya ya Mimea wa Mwaka 2020.

Mheshimiwa Naibu Spika, naomba kutoa hoja.

**MAELEZO YA MHESHIMIWA JAPHET NGAILONGA HASUNGA
AKIWASILISHA MUSWADA WA SHERIA YA AFYA YA MIMBA
(NA. 2) WA MWAKA 2020 – KAMA ILIVYOWASILISHWA
MEZANI (THE PLANT HEALTH BILL, 2020) KATIKA BUNGE LA
JAMHURI YA MUUNGANO WATANZANIA**

1. UTANGULIZI

Mheshimiwa Spika, napenda kumshukuru Mwenyezi Mungu kwa kutujalia sote kuwa humu ndani ya Bunge lako Tukufu

kwa ajili ya kujadili Muswada huu. Kwanza kabisa nimshukuru Mwenyekiti na Wajumbe wa Kamati ya Kudumu ya Bunge ya Kilimo Mifugo na Maji kwa maoni na ushauri wao kuhusu Muswada huu ambayo yamezingatiwa kama inavyoonekana katika Jedwali la Marekebisho (*Schedule of Amendment*). Vilevile, napenda kuwashukuru wadau wote walio Shiriki kutoa maoni katika hatua zote za kuandaa Muswada huu. Napenda, nimshukuru Mwanasheria Mkuu wa Serikali kwa maoni na ushauri wake uliofanikisha kutungwa kwa Muswada huu. Aidha, kipekee kabisa napenda nimshukuru Mhe. Dkt. John Pombe Joseph Magufuli, Rais wa Jamhuri ya Muungano wa Tanzania kwa miongozo na maelekezo yake yakuleta mageuzi katika sekta ya kilimo.

Mheshimiwa Spika, Muswada huu unapendekeza kutungwa kwa Sheria mpya ya Afya ya Mimea ya Mwaka 2020 kwa kufuta Sheria ya Hifadhi ya Mimea, Sura ya 133 (*Plant Protection Act, 1997*) na Sheria ya Taasisi ya Utafiti wa Viuatilifu vya Kitropiki, Sura ya 161 (*The Tropical Pesticides Research Institute Act, 1979*). Lengo la Sheria inayopendekezwa ni kuweka mfumo wa pamoja wa kisheria wa usimamizi na udhibiti wa afya ya mimea, mazao ya mimea na viuatilifu. Aidha, ili kuimarisha na kuweka mfumo bora wa utekelezaji wa masharti ya Sheria inayopendekezwa, inapendekezwa kuanzisha Mamlaka ya Afya ya Mimea na Viuatilifu ambayo itakuwa ndicho chombo cha usimamizi wa afya ya mimea na udhibiti wa viuatilifu.

2. LENGU LA MUSWADA

Mheshimiwa Spika, lengo la Muswada huu ni Kutungwa kwa Sheria ya Afya ya Mimea ya Mwaka 2020.

3. MADHUMUNI YA MUSWADA

Mheshimiwa Spika, Muswada huu unapendekeza kutungwa kwa Sheria ya Afya ya Mimea ya mwaka 2020. Lengo la Sheria inayopendekezwa ni kuunganisha Sheria ya Hifadhi

ya Mimea, Sura 133 na Sheria ya Taasisi ya Utafiti wa Viuatilifu vya Kitropiki (TPRI) , Sura 161, iii kuondoa upungufu katika mfumo wa sasa wa kisheria na muingiliano baina ya Sheria hizo zinazopendekezwa kufutwa. Hatua hii itasaidia kuimarisha mfumo utakaosaidia kukabiliana na changamoto mbalimbali zikiwemo za uingizwaji na usambazaji wa viuatilifu bandia.

Mheshimiwa Spika Vilevile Tanzania imeridhia Itifaki na Mikataba mbalimbali ya kikanda na kimataifa inayosimamia afya ya mimea na matumizi ya viuatilifu kwenye kilimo kwa lengo la kukidhi matakwa ya masoko. Mikataba hiyo ni pamoja na Mkataba wa Kimataifa wa Hifadhi ya Mimea (*International Plant Protection Convention- IPPC*) wa mwaka 1997 ambao Tanzania iliridhia tarehe 21 Oktoba, 2005. Mkataba huo unalenga kuzuia kuingia na kusambaa visumbufu vya karantini vya mimea na mazao katika nchi wanachama kwa kuzingatia matakwa ya kimataifa ya usafi wa mimea. Matakwa ya mkataba kwa nchi wanachama ni pamoja na kuwa na chombo mahiri cha kitaifa kinachojitegemea cha kusimamia hifadhi ya mimea yaani "*National Plant Protection Organization - NPPO*" na kuwa na sheria inayotambua miongozo ya kimataifa ya usafi wa mimea (*International Standard for Phytosanitary Measures - ISPMs*).

Mheshimiwa Spika, Sambamba na kuanzisha Mamlaka ya Afya ya Mimea na Viuatilifu (NPPO) , Muswada huu unapendekeza masharti kuhusu udhibiti wa viuatilifu , usimamizi wa afya ya mimea , udhibiti wa kuzuia kuingia na kuenea kwa visumbufu vya mimea na mazao, udhibiti wa usafi wa mimea, utaratibu wa usimamizi wa majaribio ya ufanisi wa viuatilifu , kuwezesha biashara ya mimea na mazao ya kilimo ndani na nje ya nchi, pamoja na mambo mengine yanayohusiana na afya ya mimea na viuatilifu kufanyika kwa ufanisi zaidi.

4. MAMBO MUHIMU KATIKA MUSWADA

Mheshimiwa Spika, baadhi ya mambo muhimu yaliyozingatiwa katika Muswada huu ni pamoja na:-

(a) Kuanzisha Mamlaka itakayosimamia afya ya mimea na viuatilifu ;

(b) Kuweka utaratibu wa kusimamia uingizwaji, utengenezaji, usambazaji na matumizi sahihi na salama ya viuatilifu;

(c) Kuweka utaratibu wa kutambua, kukusanya na kuteketeza au kurudisha viuatilifu bandia, chakavu na vifebeo vilivyokwishatumika ;

(d) Kumpa mamlaka Msajili wa Viuatilifu kukasimisha baadhi ya majukumu yake kwa mfanyakazi mwingine wa Mamlaka baada ya kupata ridhaa ya Bodi ya Wakurugenzi;

(e) Kuwezesha Mamlaka itakayoundwa kusimamia masuala ya afya ya mimea na kutoa idhini kwa maabara nyingine kufanya uchambuzi wa ubora wa viuatilifu;

(f) Kuweka viwango vya adhabu kulingana na uzito wa kosa lililotokea;

(g) Kuweka kifungu kinachohusu uchunguzi wa visumbufu (pest surveillance) ili kuwezesha udhibiti wa visumbufu kwa kutumia mbinu sahihi;

(h) Kuipa Mamlaka inayopendekezwa jukumu la kufanya majaribio ya utendaji wa viumbe marafiki, ubora na ufanisi wa viuatilifu (bio-efficacy trial);

(i) Kuweka taratibu au mwongozo wa kukabiliana na visumbufu vamizi/vigeni;

U) Kuweka vifungu vya sheria vitakavyoimarisha ukusanyaji wa maduhuli ya Serikali; na

(j) Kuzingatia masuala yote muhimu yaliyokuwepo katika Sheria ya Hifadhi ya Mimea, Sura ya 133 na Sheria ya Taasisi ya Utafiti wa Kitropiki, Sura ya 161

5. MATOKEO YA SHERIA INAYOPENDEKEZWA KUTUNGWA

Mheshimiwa Spika, Matokeo ya kutungwa kwa Sheria ya Afya ya Mimea ni kama ifuatavyo:

i. Kufutwa kwa Sheria ya Taasisi ya Utafiti wa Viuatilifu vya Ukanda wa Kitropiki (*Tropical Pesticide Research Institute- TPR I Act*) Na. 18 ya mwaka 1979 na Sheria ya Hifadhi ya Mimea (*Plant Protection Act- PPA*) Na. 13 ya Mwaka, 1997;

ii. Kuondoa vifungu vya sheria vinavyohusu udhibiti wa viuatilifu vya mifugo na afya ya jamii katika Sheria itakayotungwa ;

iii. Kuongezeka kwa ufanisi katika shughuli za afya ya mimea na udhibiti wa viuatilifu kutokana na kutumika kikamilifu kwa miundombinu, rasilimali watu na vitendea kazi;

iv. Kuongezeka kwa masoko ya bidhaa za mazao ya kilimo kutokana na kukidhi mataakwa ya viwango vya ubora vya afya ya mimea na usafi wa mazao ya kilimo;

v. Kupungua kwa taarifa za malalamiko ya kutokidhi vigezo vya masoko (non-compliance notifications) kutokana na kuimarika kwa udhibiti na ukaguzi wa mazao na viuatilifu;

vi. Kuongezeka kwa uwekezaji katika sekta ya kilimo na biashara ya mazao kutokana na kupungua kwa urasimu wa upatikanaji wa huduma za afya ya mimea na viuatilifu;

vii. Kuongezeka kwa uhakika wa chakula na lishe na malighafi ya viwanda kutokana na kuongezeka kwa uzalishaji wa mazao ya kilimo;

viii. Kupungua kwa madhara ya kiasia kwa binadamu yatokanayo na masalia ya viuatilifu , sumukuvu , madinizito (heavy metals) na visibika (contaminants) kwenye mazao kutokana na kuimarika kwa mfumo wa udhibiti;

ix. Kupungua kwa viuatilifu bandia/feki sokoni kutokana na kuimarika kwa udhibiti wa viuatilifu katika utengenezaji , uingizaji, usambazaji na uuzaji;

x. Kupungua kwa uvamizi wa visumbufu vipya/vigeni kutokana na kuimarika kwa huduma ya uchunguzi wa visumbufu (pest surveillance) ;

xi. Kupungua kwa upotevu wa mazao kabla na baada ya kuvuna kutokana na kuimarishwa kwa huduma za udhibiti wa visumbufu ;

xii. Kupungua kwa athari hasi kwa mazingira na viumbe vingine zitokanazo na matumizi yasiyo sahihi ya viuatilifu , mrundikano wa viuatilifu chakavu na vibeeo vilivyokwisha tumika (*obsolete pesticides and pesticides empty containers*);

xiii. Kuondoa jukumu la utafiti wa msingi lililokuwepo kwenye Sheria ya TPRI ambalo litafanywa na Taasisi ya Utafiti wa Kilimo -(TARI) yenye jukumu hila kwa mujibu wa Sheria ya Taasisi ya Utafiti wa Kilimo Na. 10 ya Mwaka 2016;

xiv. Kuongezeka kwa maduhuli ya Serikali na;

xv. Kupungua kwa matukio ya ukiukwaji wa sheria kutokana na adhabu zitakazowekwa kulingana na uzito wa kosa.

6. MPANGILIO WA MUSWADA

Mheshimiwa Spika, Muswada huu umegawanyika katika Sehemu Kumi (10)

Sehemu ya Kwanza, inahusu masharti ya utangulizi ambayo yanajumuisha jina la Muswada, tarehe ya kuanza kutumika kwa sheria, matumizi na tafsiri ya maneno na misemo mbalimbali iliyotumika katika Muswada pendekezwa.

Sehemu ya Pili, ya Muswada inahusu kuanzishwa kwa Mamlaka ya Afya ya Mimea na Viuatilifu ambayo ndio itakuwa na jukumu la kusimamia uhifadhi wa afya ya mimea na uhibitaji wa viuatilifu. Sehemu hii inaainisha pia mamlaka na majukumu ya Mamlaka hiyo.

Sehemu ya Tatu, inajumuisha masharti ya utawala wa Mamlaka. Sehemu hii inaelezea uanzishaji na majukumu ya Bodi, muundo wake, umuhimu wa kuzingatia usawa na masuala yanayohusu mgongano wa maslahi. Sehemu hii inaweka pia masharti ya usimamizi wa watumishi wa Mamlaka, uteuzi wa Mkurugenzi ambae ndiye atakuwa Msajili wa Viuatilifu.

Mheshimiwa Spika, Sehemu ya Nne, inahusu usajili wa viuatilifu, utoaji wa leseni kwa watu wanaojihusisha na mimea, mazao ya mimea na viuatilifu pamoja na vibali. Sehemu hii inaweka pia masharti ya ufanyaji wa majaribio na tathmini ya ubora pamoja na ushirikiano na watu au taasisi nyingine zinazofanya shughuli za majaribio na tathmini ya ubora.

Sehemu ya Tano, inahusu masharti ya usimamizi wa sheria. Sehemu hii inajumuisha masharti ya uteuzi wa wachunguzi na wakaguzi pamoja na mamlaka na majukumu yao. Sehemu hii pia inaweka utaratibu utakaotumiwa na wakaguzi kuchukua sampuli na kuainisha majukumu ya maafisa wengine ambao ni muhimu kushirikiana na wakaguzi katika utekelezaji wa majukumu yao chini ya Sheria inayopendekezwa.

Sehemu ya Sita, inahusu udhibiti wa visumbufu. Sehemu hii inatoa mamlaka kwa Mamlaka kutangaza visumbufu vinavyodhibitiwa na maeneo ya visumbufu na hatua zitakazochukuliwa na Mamlaka wakati wa mlipuko wa visumbufu.

Mheshimiwa Spika,

Sehemu ya Saba, inahusu usalama wa viuatilifu. Masharti katika Sehemu hii yanahusiana na utaratibu wa kufungasha, kuweka lebo, utunzaji na usafirishaji wa viuatilifu. Sehemu hii pia inaweka zuio kwa matumizi ya viuatilifu vilivyozuiliwa au viuatilifu bandia ama visivyokidhi viwango na kuainisha utaratibu wa utupaji wa viuatilifu visivyofaa na makopo tupu ya viuatilifu.

Sehemu ya Nane, ya Muswada inaweka masharti ya fedha ambayo yanajumuisha vyanzo vya mapato vya

Mamlaka, bajeti, ukaguzi wa hesabu na taarifa ya mwaka ya utekelezaji wa shughuli za Mamlaka. Kwa mujibu wa Sheria inayopendekezwa, Mamlaka inapaswa kuandaa taarifa ya mwaka kwa kila mwaka wa fedha na kuiwasilisha kwa Waziri ambaye naye ataiwasilisha Bungeni.

Sehemu ya Tisa, inahusiana na makosa na adhabu , fidia kwa madhara au hasara itokanayo na makosa ya mtu mwingine pamoja na mamlaka na utaratibu wa Mkurugenzi Mkuu kufililisha makosa chini ya sheria.

Sehemu ya Kumi, inahusiana na masharti ya jumla ikiwa ni pamoja na mamlaka ya Waziri kutengeneza Kanuni za kutekeleza Sheria pendekezwa , kufutwa kwa Sheria, kuhamishwa kwa watumishi wa Taasisi ya Utafiti wa Viuatilifu (TPRI) na haki zao na kuhamisha mali na madeni ya TPRI.

7. HITIMISHO

Mheshimiwa Spika, uwepo wa mfumo thabiti wa kisheria na kitaasisi wa kusimamia afya ya mimea na viuatilifu ni fursa muhimu katika kulinda ustawi wa kilimo, maliasili, mazingira na afya ya binadamu dhidi ya madhara yatokanayo na visumbufu na viuatilifu hatarishi. Sheria inayopendekezwa itaweka mifumo thabiti ya kusimamia afya ya mimea na viuatilifu na hivyo kuimarisha uhakika wa chakula na kuboresha fursa za biashara kwa kufanya kazi kwa ukaribu kati ya Serikali na sekta binafsi.

Mheshimiwa Spika, naomba sasa Bunge lako Tukufu lipokee taarifa hii na kujadili Muswada wa Sheria ya Afya ya Mimea ya mwaka 2020.

Mheshimiwa Spika, naomba kutoa hoja.

THE UNITED REPUBLIC OF TANZANIA

No. 2

13th January, 2020

SPECIAL BILL SUPPLEMENT

To the Special Gazette of the United Republic of Tanzania No. 2 Vol. 101 Date 13th January, 2020
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THE PLANT HEALTH ACT, 2020

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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,
9th January, 2020

JOHN W. H. KIJAZI
Secretary to the Cabinet

A Bill
for

An Act to make provisions for control of pesticides, phytosanitary measures, importation and use of plants and plant products, prevention of introduction and spread of pests, establishment of the Tanzania Plant Health and Pesticides Authority and for related matters.

ENACTED by Parliament of United Republic of Tanzania.

PART I
PRELIMINARY PROVISIONS

- | | |
|------------------------------|---|
| Short title and commencement | 1. This Act may be cited as the Plant Health Act, 2020 and shall come into operation on such date as the Minister may, by notice in the <i>Gazette</i> , appoint. |
| Application | 2. This Act shall apply to Mainland Tanzania in relation to plant health, phytosanitary matters and management of pesticides. |
| Interpretation | 3. In this Act, unless the context requires otherwise-
“active ingredient” means the biologically active part of the pesticide present in a pesticide formulation;
“adulterated” with respect to a pesticide, means that-
(a) any constituent has, in whole or in part, been omitted or abstracted; |

- (b) damage or inferiority has been concealed in any manner;
 - (c) any substance has been substituted wholly or partly;
 - (d) any substance has been added to it, mixed or packed with it so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is; or
 - (e) any constituent exceeds the amount stated on the label or permitted by this Act;
 - (f) its nature, substance, or quality has been injuriously affected;
- “advertising” means the promotion of the sale or use of pesticides by printed or electronic media, signs, displays, gift, demonstration or word of mouth;
- “analyst” means any person appointed or designated as such under section of 38 this Act;
- “application equipment” means any technical aid, equipment, implement or machinery which is used for the application of pesticides and includes all range of ground and aerial pesticides application equipment;
- “area of low pest prevalence” means an area declared by the Authority in which a specific pest occurs at low levels and which is subject to effective surveillance, control or eradication measures;
- “Authority” means the Tanzania Pesticides and Plant Health Authority established under section 4;
- “banned pesticide” means a pesticide for which all registered uses have been prohibited by the Minister or for which all requests for registration or equivalent action for all uses have, for health and environmental reasons, not been granted;
- “bio-efficacy trial” shall include any study-
- (a) of the biology, ecology and behaviour of pests with a view to understanding their nature so as to find ways of controlling them by use of pesticides and other biological control agents; and
 - (b) with the view of evaluating the efficacy of pesticides in killing, repelling or attracting, inhibiting the feeding or arresting the growth of insects, weeds, pathogens, fungi, rodents, bird pests or any other kind of pests;
- “bio-pesticide” means a biological control agent, usually a pathogen formulated and applied in a manner similar to a chemical pesticide;

- “biological control agent” means a natural enemy, antagonist or competitor or another organism, used for pest control;
- “Board” means the Board of Directors of the Authority established in section 7;
- “buffer zone” means an area surrounding or adjacent to an area officially delimited for-
- (a) phytosanitary purpose order to minimize the probability of spread of the target pest into or out of the delimited area, and subject to phytosanitary or other control measures, if appropriate; or
 - (b) application of pesticide in order to minimize the probability of spread of the candidate pesticide in or out of the delimited area or a non-target area;
- “container” means anything in which or by which pesticides are encased, covered, enclosed, contained, or packed, including material in contact with the pesticide, box, bottle, casket, tin, barrel, case, receptacle, sack, bag, wrapper, or any other thing in which any plants, plant products or regulated articles is placed or packed;
- “consignment” means a quantity of plants, plant products or regulated articles being imported into the country or exported to another country and covered, when required, by single phytosanitary certificate and shall be composed of one or more commodities;
- “consignment in transit” means a consignment which passes through Tanzania without being imported, and that may be subject to phytosanitary measures;
- “conveyance” means any vessel, aircraft, train, truck, car, cart, cargo, container, animal or other device whereby goods, soil or other things may be moved from one place to another;
- “detention” means keeping a consignment in official custody or confinement, as a phytosanitary measure, and “detain” shall have a corresponding meaning;
- “Director General” means the Director General of the Authority appointed under section 10;
- “disposal” means any operation to recycle, neutralize, destroy or isolate any unwanted pesticide, used or unwanted pesticide empty containers, or contaminated materials;
- “endangered area” means an area where ecological factors favour the establishment of a pest whose presence in the area will result in significant economical loss;
- “formulation” means the combination of various ingredients

- designed to render a pesticide product useful and effective for the purpose claimed, or the form of the pesticide as purchased by users;
- “hazard” means the inherent property of a substance, agent, or situation having the potential to cause undesirable consequences such as adverse effects or damage to human or animal health, the environment, or property;
- “infestation” means presence in commodity of a living pest of the plant products concerned;
- “inspector” means any person appointed or designated as such under this Act;
- “label” means the written, printed, or graphic matter on, or attached to, the pesticide, or the immediate container thereof and the outside container or wrapper of the pesticide package;
- “Minister” means the Minister responsible for agriculture;
- “national pest of concern” means a non-regulated pest with a significant economic impact whose biological and epidemiological characteristics determine that its control in Tanzania shall be performed at more than a local level, requiring the official intervention of the Authority for its management, for technical coordination or for enforcement;
- “outbreak” means a recently detected pest population, including an incursion, or a sudden significant increase in an established pest population of an area;
- “packaging” means any material used in supporting, protecting or carrying commodity, or container together with the protective wrapping used to carry pesticide products;
- “pest free area” means an area in which a specific pest does not occur as demonstrated by scientific evidence and in which, where appropriate, this condition is being officially regulated and maintained;
- “pest risk analysis” means the process of evaluating biological or other scientific and economic evidence to determine whether an organism is a pest that need to be regulated and the strength of any phytosanitary measures to be taken against it;
- “pest” means any species, strain or biotype of plant, animal or pathogenic agent injurious to plants or plant products and includes invasive alien species;
- “pesticide” means substance, a mixture of substances or a

living organism which includes-

- (a) insecticides, herbicides, fungicides, rodenticides, nematocides, avicides, molluscicides and antimicrobials intended for preventing, destroying, repelling, or mitigating or used or intended to be used, either alone or together with other material or substance intended for preventing, destroying, repelling, or mitigating of-
 - (i) any type of pest; and
 - (ii) unwanted species of plants or animals causing harm during or otherwise interfering with the production, processing, storage, transport, or marketing of food, agricultural commodities, wood and wood products, or animal feedstuffs; and
- (b) substances intended for use as a plant growth regulator, defoliant, desiccant, or agent for thinning fruit or preventing the premature fall of fruit, and substances applied to crops either before or after harvest to protect the commodity from deterioration during storage and transport to include bio-pesticides, bio-control agents, biochemical and gradients;

“pesticides application” means getting pesticides formulation in a suitable form to the intended target pest for the intended purpose of pest control, using acceptable standard pesticides application equipment in such a prescribed manner of required dosage and application rates;

“pesticide dealer” means a person engaged in the formulation, manufacture, packing, re-packing, labeling, import, export, storage, sale, distribution, transport, or application of pesticides for profit including spraying, fogging, fumigation and timber treatment;

“phytosanitary action” means an official operation, such as inspection, testing, surveillance or treatment, undertaken to implement phytosanitary measures;

“phytosanitary requirements” means any condition to be met by a particular consignment of particular plant, plant products or other regulated articles from a specific origin, having as its purpose the prevention of the introduction or spread of quarantine pests or limitation of the economic impact of regulated non-quarantine pests in Tanzania;

“phytosanitary security” in relation to consignment, means the maintenance of integrity and prevention of re-infestation after phytosanitary certification and prior to export;

- “plant products” means any un-manufactured material of plant origin and those manufactured products which, by their nature or that of their processing, may create a risk for the introduction into or the spreading of pests over Tanzania;
- “plant” means any living plants or the parts thereof, including seeds and germplasm;
- “point of entry” means any seaport, airport, river or lake station, railway station, post office, transport terminal or border post, which the Minister may declare to be a point of entry under section 33 of this Act;
- “quarantine” means official confinement of plants, plant products or other regulated articles for surveillance and research or for further inspection, testing or treatment;
- “quarantine area” means an area where a quarantine pest is present and is being officially controlled;
- “quarantine pest” means a pest of potential economic importance to the area endangered thereby and not yet present there or present but not widely distributed and being officially controlled;
- “Registrar” means the Registrar of Pesticides appointed under section 13;
- “regulated articles” means any plant, plant products, storage place, packaging, conveyance, container, soil or any other organism, object or material capable of harbouring or spreading pests, deemed to require phytosanitary measures;
- “regulated non-quarantine pest” means a non-quarantine pest whose presence in plants and plant products affects the intended use of those plants and plant products with an economically unacceptable impact, and which is declared as such in this Act;
- “regulated pest” means a quarantine pest or regulated non-quarantine pest;
- “repackaging” means the authorized transfer of a pesticide from any commercial package into any other, usually smaller container for subsequent sale;
- “restricted use pesticide” means a pesticide declared by the Minister under this Act to be unsafe for use;
- “surveillance” means an official process which collects, records and processes data on pest occurrence or absence by survey, monitoring and evaluating other procedures;
- “treatment” means an official procedure for the killing, inactivation or removal of pests or for rendering pests

infertile or for devitalization; and
“wood packaging material” means wood or wood products, excluding paper products, used in supporting, protecting or carrying a commodity includes dunnage.

PART II
ESTABLISHMENT OF THE AUTHORITY

Establishment
of Tanzania
Pesticides Plant
and Health
Authority

4.-(1) There is hereby established an Authority to be known as Tanzania Pesticides and Plant Health Authority to be known in its acronym as TPPHA.

(2) The Authority established under subsection (1) shall be a body corporate with perpetual succession and a common seal and shall, in its own name be capable of-

- (a) suing and being sued;
- (b) acquiring, holding and alienating movable or immovable property;
- (c) exercising the powers and performing the functions conferred upon it by or under this Act; and
- (d) borrowing and lending.

Functions and
powers of
Authority

5.-(1) The Authority shall be responsible for plant health in the country.

(2) Without prejudice to the provision of subsection (1), the Authority shall perform the followings functions:

- (a) issuance of certificates relating to the phytosanitary certificate in accordance to the provision of this Act;
- (b) surveillance of growing plants, including both areas under cultivation and wild flora and of plants and plant products in storage or in transportation, particularly with the object of reporting the occurrence, outbreak and spread of pests, and of controlling such pests;
- (c) disinfestation or disinfection of consignments of plants, plant products and other regulated articles moving in international traffic to meet phytosanitary requirements;
- (d) protection of endangered areas;
- (e) designation, maintenance, surveillance and declaration of pest free areas and areas of low pest prevalence;

- (f) conduct of pest risk analysis;
- (g) ensure through appropriate procedures that the phytosanitary security of consignments after certification regarding composition, substitution and reinfestation is maintained prior to export;
- (h) maintaining a list of quarantine pests, regulated articles and pests of national concern;
- (i) approving and implementing phytosanitary actions and measures;
- (j) regulating the movement of biological control agents within, from or into the country;
- (k) establishing procedures for accreditation of any post entry quarantine station, official analyst, official laboratory or any other person or institution;
- (l) carry out and promote the carrying out of bio-efficacy trials and analysis of pesticides;
- (m) evaluate the fundamental aspects of pesticides application equipment and its applicability in relation to control of pests;
- (n) evaluate pesticides residues to determine maximum residual levels;
- (o) approve the recommended use of pesticides for crop quality;
- (p) conduct pesticides formulation analysis for quality assurance;
- (q) register pesticides and bio-pesticides;
- (r) licensing of pesticides and bio-pesticides dealers;
- (s) manage obsolete pesticides and pesticides empty containers;
- (t) regulate importation, exportation, manufacturing, distribution, sale and use of pesticides;
- (u) establish and maintain a National Herbarium which shall coordinate and render services on the plant taxonomy and related subjects;
- (v) maintain a pesticides poisoning node that shall feed into the National Poisoning Center;
- (w) promote Integrated Pest Management Approach;
- (x) set up mechanism for coordination and collaboration with relevant bodies to ensure effective compliance to the regional and international obligations on plant health; and
- (y) such other functions as may be required for

effective implementation of this Act.

(3) National Herbarium established pursuant to section 5(2)(u) shall-

(a) be a center of collection of preserved plants specimen and associated information from the country and which shall be stored, catalogued and arranged systematically for study or reference as may be maintained from time to time by the Authority in accordance with the provisions of this Act; and

(b) coordinate and render services on the plant taxonomy and related subjects;

(4) The Authority shall, in the performance of its functions under this Act have powers to:

(a) demand any information, document, record or report in respect of plant, plant products, pesticide or regulated articles;

(b) to enter and inspect any premises, vessel, aircraft, cart, bicycle, motorcycle, animal, container or anything that is used for plants, plant products, pesticides or other regulated articles;

(c) suspend for prescribed time, the distribution, sale or use of any plant, plant products, pesticide or regulated articles, which he has reason to believe is being distributed, sold or used in contravention of the provisions of this Act;

(d) seize any plant, plant products, pesticide or regulated articles believed to be used, distributed, or sold in contravention of this Act;

(e) carry out pest surveillance and maintain up-to-date information on the pest status in the country;

(f) examine records or other documents and take copies or extracts therefrom;

(g) declare phytosanitary emergencies; and

(h) manage complaints which may arise from implementation of this Act;

Power of
delegation

6. The Authority may delegate some or any of its functions stipulated in this Act to any person or institution dealing with pesticides or plants.

PART III
ADMINISTRATION OF THE AUTHORITY

Board of
Directors

7.-(1) There shall be a Board of Directors which shall be the governing body responsible for overseeing the business and affairs of the Authority.

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

- (a) administer the properties of the Authority;
- (b) administer funds and other assets of the Authority;
- (c) signify the acts of the Authority by using the official seal;
- (d) receive and implement Government directives and proposals for the Authority;
- (e) appoint such officers of the Authority as it may deem necessary;
- (f) provide for the welfare of the staff of the Authority;
- (g) make guidelines for the implementation of this Act; and
- (h) do all acts which may, in the opinion of the Board be necessary for the proper carrying out of the functions of the Authority.

Composition
and procedures
of Board

8.-(1) The composition, tenure, quorum, proceedings and meetings of the members of the Board shall be as provided for in the Schedule.

(2) For proper discharge of its functions under this Act, the Board may establish such number of committees consisting members from amongst the members of the Board.

Minister to give
directions

9. Notwithstanding section 7, the Minister may give to the Board directions of a general or specific nature which shall be consistent with the purposes and provisions of this Act and the Board shall give effect to the directions given by the Minister.

Appointment of
Director
General

10.-(1) There shall be a Director General to be appointed by the President and who shall be the chief executive officer of the Authority.

(2) The Director General shall be responsible for proper administration and management of the functions and affairs of the Authority and shall, in the performance of his functions be accountable to the Board.

(3) The Director General shall be appointed from

among persons holding a degree from a recognized university in the field of agricultural or physical science or related field and have at least eight years working experience in the relevant field.

Recruitment of staff

11.-(1) The Authority may recruit such number of staff as may be considered necessary or desirable for the efficient and effective discharge of the functions of the Authority and on such terms and conditions of service as may be determined by the Board subject to the provision of Public Service Act.

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(2) In discharging the duty imposed by subsection (1), the Authority shall be guided by the laws governing employment in the public service.

(3) In the performance of their functions under this Act, staff of the Authority shall be accountable and report to the Director General.

Conflict of interest

12. For avoidance of conflict of interest, a member of the Board, staff, agent of the Authority or any person having contractual agreement with Authority shall not, during the term of his employment or engagement and one year thereafter, carry out the business relating to the importation or exportation of pesticide, plant, plant products or regulated articles under this Act.

Registrar of Pesticides

13.-(1) The Director General shall, for the purpose of this Act, be the Registrar of Pesticides.

(2) The powers and functions of the Registrar shall be to-

- (a) register pesticides in accordance with this Act;
- (b) register premises for pesticides manufacturing, storage, sale and supply;
- (c) establish and maintain a pesticides register in accordance with this Act;
- (d) monitor the sale, quality and use of pesticides;
- (e) collect and maintain statistical and other information concerning the import, manufacture, distribution, sale and use of pesticides and pesticide residues;
- (f) prescribe code and guidelines of good practice in pesticide management;
- (g) advise the Board on guidelines for registration procedures and processes;

- (h) allow the continued use, restrict or prohibit the use of pesticides on reassessment of their safety and availability of safer alternatives;
- (i) establish pesticide empty container collection scheme;
- (j) maintain a national register of pesticides and pesticides dealers; and
- (k) perform any other function in relation to pesticides as the Authority may require.

PART IV

REGISTRATION, LICENSING AND PERMIT

(a) *Registration*

Registration of pesticides

14.-(1) A pesticide dealer shall not formulate, manufacture, import, pack, re-pack, sell, store, label, distribute or use a pesticide unless such pesticide is registered in accordance with this Act.

(2) A person applying for registration of a pesticide shall comply with procedures and requirements prescribed in the regulations.

Bio-efficacy trial and analysis

15.-(1) The Authority shall, before registration of any pesticides, carry out bio-efficacy trials and analysis.

(2) The time for conducting field or laboratory analysis and release of the results shall be provided for in the regulations.

(3) The Authority may coordinate and cooperate with other recognized institutions or individual experts to undertake the pesticides bio-efficacy trials.

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(4) Every person engaged in pesticide bio-efficacy trials shall comply with the provisions of the Environmental Management Act.

Use of information from other countries

16. The information on a review or evaluation of a pesticide by the registration authority of a country having harmonised system of pesticides regulation with Tanzania, may be used in Tanzania, if-

- (a) the proposed uses of the pesticide are similar to those reviewed in such other country; and
- (b) the pesticide contains one or more active ingredients present in any pesticide already registered.

Re-evaluation of registration **17.** The Registrar may initiate a re-evaluation of a registered pesticide if there is reasonable ground.

Temporary prohibitions **18.** Where it has been demonstrated that the use of a registered pesticide has resulted in damage to human health, animal health or environment, the Registrar may, upon recommendation by the Authority, temporarily prohibit the importation, sale, distribution and use of that pesticide.

Registration of pesticide equipment **19.**-(1) A person shall not import, distribute or sell any pesticide application equipment unless the equipment is registered by the Authority.
(2) Procedures for application for registration, testing, evaluation and calibration of pesticides application equipment shall be prescribed in the regulations.

Use of pesticide **20.**-(1) A person shall not use, require any person to use or recommend the use of a pesticide in a manner or for purposes other than for which it was registered or for purposes not stated in the pesticides information leaflet.
(2) A person shall not use, store, discharge, release, place or cause to be placed any pesticides in a manner likely to cause adverse effect to the environment.
(3) Any person who uses pesticides shall ensure compliance with the standards prescribed in the regulations.

(b) Permit

Import permit **21.** A person who imports plants, plant products, pesticides or regulated articles shall apply for an import permit in a manner prescribed in the regulations.

Import documents **22.**-(1) All consignments of pesticides, plant, plant products or other regulated articles for import through official points of entry shall be accompanied by-
(a) import permit issued by the Authority;
(b) original phytosanitary certificate if the consignment is of plants,
(c) plant products or regulated articles;
(d) copies of shipping documents; and
(e) any other documents as may be required by the

Authority

(2) The phytosanitary certificate referred to in subsection (1) shall be from the relevant authority of the exporting country and in conformity with the model certificate of the International Plant Protection Convention;

(3) The Authority may, by written notice, review, modify or revoke an import permit at any time in a manner prescribed in the regulations.

Phytosanitary requirements for imports

23.-(1) The Authority shall establish phytosanitary requirements or conditions, phytosanitary measures and prohibitions on the import of plants, plant products and other regulated articles.

(2) Where there is change in conditions, the Authority may, without undue delay modify or revoke phytosanitary requirements, phytosanitary measures and prohibitions.

(3) The Authority may evaluate and accept alternative phytosanitary measures proposed by the authority or equivalent institution of the exporting country as being equivalent to the phytosanitary requirements and measures required under subsection (1).

Packaging Material

24.-(1) A person shall not introduce into Tanzania any packaging material including hay, straw, rice husks, peat, chaff or other substance likely to harbour or support harmful organisms.

(2) Without prejudice to subsection (1), no person shall import or introduce into the country any wood packaging material unless it is treated.

Importation of unregistered pesticide

25.-(1) The Registrar may permit the importation of an unregistered pesticide in prescribed quantities and according to prescribed conditions where, the pesticide is-

(a) imported for research or experimental purposes only; or

(b) is in transit through Tanzania and the Registrar is satisfied that the pesticide is permitted to enter the country of destination.

(2) The Minister may, based on pest risk analysis, permit the importation of specified plant, plant products or other regulated articles for scientific research or experiment.

(3) The importation under subsection (2) shall be done subject to terms and conditions prescribed in the regulations.

(4) A permit issued under subsection(1)(a) shall remain in force for a period of one year from the date of issue, or for such extended period as may be specified by the Registrar.

(5) The Registrar may cancel a permit issued under subsection(1)(a) upon satisfaction that its terms and conditions are being or have been violated, or that the continued use of that pesticide is likely to cause substantial adverse effects on animal health, human health or the environment.

Emergencies

26. The Minister may, in the event of phytosanitary emergency and where no other available alternative exists, permit importation and distribution of unregistered pesticides for such time and in such quantities as may be specified in a notice.

Duty to declare plants, plant products or regulated articles

27. Any person arriving in the country with a plants, plant products or regulated articles, shall declare such items to the inspector at the point of entry.

Detention, destruction and reshipment

28.-(1) Where a consignment is not accompanied by all relevant documentation required by this Act or fails to comply with any requirements under this Act, an inspector shall serve a written notice on the importer that part of or whole of the consignment is subject within, a prescribed period of time, to the following actions-

- (a) detention until the collection of additional information or the completion of sampling and testing;
- (b) removal, for treatment, to a quarantine station or any other location identified by the Authority;
- (c) reshipment; or
- (d) destruction.

(2) Where an inspector is of the opinion that destruction of a consignment is urgently required and giving of notice is impracticable, the inspector may order destruction of the consignment and give written justification to the Authority for the action taken under this section.

(3) Any consignment which does not comply with phytosanitary requirements shall be destroyed in a manner prescribed in the regulations.

Post entry
quarantine
stations

29. The Authority may designate certain places as post entry quarantine stations where plant, plant products or other regulated articles shall be kept for phytosanitary observation, research, inspection, testing, treatment or removal for such period as shall be specified by the Authority.

Export

30.-(1) Where the issuance of a phytosanitary certificate is required by an importing country, the exporter shall-

- (a) apply in the prescribed form to the Authority for a phytosanitary certificate;
- (b) provide all documentation as shall be prescribed;
- (c) make the consignment available for inspection; and
- (d) pay any applicable fees as may be prescribed.

(2) Where the exporter has complied with conditions stipulated in subsection (1), the Authority shall inspect the consignment and issue a phytosanitary certificate.

(3) Without prejudice to subsection (2), where the consignment needs to be treated before shipment, the inspector shall supervise treatment.

(4) The exporter shall export the consignment in compliance with instructions of the Authority in order to maintain the phytosanitary security and physical integrity of a consignment after certification.

(5) Where the conditions for import in the country of destination are not complied with, the Authority shall deny certification.

Re-export

31.-(1) Where a consignment of plants, plant products or regulated articles is imported into Tanzania and then exported to a country of destination, the exporter shall-

- (a) apply to the Authority for a re-export phytosanitary certificate;
- (b) provide all documentation as shall be prescribed;
- (c) pay any applicable fee as shall be prescribed; and
- (d) make the consignment available for inspection.

(2) The Authority shall verify the documents presented and inspect the consignment to determine whether the consignment is free from pests or disease.

(3) The exporter shall re-export the consignment in

compliance with instructions of the Authority to maintain phytosanitary security.

(4) All original documentation and phytosanitary certificates from the country of origin shall accompany any consignment to be re-exported.

(5) Where a consignment for re-export has been exposed to infestation or contamination by pests, has lost phytosanitary security or has been processed to change its nature, the Authority shall order the exporter to treat the consignment and issue a new phytosanitary certificate which shall indicate the country of origin of the consignment.

Consignments
in transit

32.-(1) A consignment of plant, plant products or other regulated articles in transit shall be cleared by written notice of the Authority upon receipt of a transit application by the importer and subject to the payment of such fees as shall be prescribed.

(2) Phytosanitary import requirements of this Act shall not apply to a consignment in transit where the-

- (a) consignment has been packed in such a way that there is no risk of the spread of regulated pests that might be present in the consignment;
- (b) consignment as well as the accompanying documents comply with the phytosanitary requirements of the country of destination;
- (c) phytosanitary certificate of the country of origin is in conformity with the consignment; and
- (d) consignment has not been exposed to pests or become infested with pests.

Point of entry

33. The Minister may, from time to time, by notice published in the Gazette declare any-

- (a) points of entry to be the only points-
 - (i) where pesticides, plant, plant products, harmful organisms, beneficial organisms, soil or any other material or substance provided under this Act, may be imported into Tanzania; and
 - (ii) of entrance of passengers in possession of plants, plant products or regulated articles; and
- (b) suitable premises to be quarantine stations, or post entry quarantine stations.

Phytosanitary
certificate

34. The Phytosanitary certificate referred to in this Act, means a certificate issued to show that the consignment has been examined and certified that, the consignment-

- (a) is free from harmful pests or plant diseases;
- (b) has been treated; or
- (c) it meets the phytosanitary requirements of importing country.

Inspection at
importers or
exporters
facility

35.(1) An importer or exporter may apply to the Authority, for a consignment to be inspected at the importers' or exporters' facility-

- (a) if the facility is approved or certified by the Authority; and
- (b) upon payment of the prescribed fees.

(2) Where the importer makes an application under subsection (1), the consignment shall be sealed and labeled.

(c) Licensing

Pesticides and
bio-pesticides
dealer's licence

36.(1) Any person who intends to manufacture, formulate, pack, repack, import, export, store, sell, distribute or transport pesticide, bio-pesticides or offer pesticide application services shall apply to the Authority for a dealer's license in such form and manner as may be prescribed in the regulations.

(2) An applicant for dealers license shall indicate in the application compliance to pesticide empty container collection scheme that encourages end users to return containers and unused pesticides to dealers.

Training in
pesticides
management

37.(1) A person shall not manufacture, formulate, pack, repack, import, export, store, sell, distribute or transport pesticides or offer pesticide application services unless that person is trained in pesticide management and has attained necessary qualifications specified in the regulation.

(2) Possession of training referred under subsection (1) shall be pre-condition for the issuance of a pesticides dealer's license.

(3) Without prejudice to the requirement under subsection (1), commercial applicators, fumigators and any other persons dealing in restricted use pesticides shall undergo special training and attain necessary qualifications specified in the regulations.

PART V
ENFORCEMENT

Appointment of
inspectors and
analysts

38.-(1) The Minister shall, by notice published in the *Gazette*, appoint or designate any person with qualifications to be inspectors and analysts for the purposes of enforcement of this Act.

(2) A person shall not, being an inspector appointed under subsection (1), engage directly or indirectly in any trade or business connected with the manufacture, importation, sale or distribution of pesticides.

Powers and
functions of
inspectors

39.-(1) An inspector may, in the performance of his duties under this Act-

- (a) detain, open, inspect, take sample and submit for examination, direct removal from quarantine station, remove from treatment and treat any plants, plant products, pesticides or regulated articles to which this Act applies in such manner as he thinks fit;
- (b) enter and inspect any area or premises, vehicle, vessel, cart, bicycle, motorcycle, container, animal or aircraft in which any pesticide, plants, plant products or regulated articles is under cultivation, kept or in transport or in which he has reasonable grounds for suspecting that any pesticide, plants, plant products or regulated articles is cultivation, kept or in transport in order to report the existence, outbreak and spread of pests;
- (c) inspect consignments of plants, plant products or other regulated articles intended for import into or export from the country or in transit, to determine whether they are infested by regulated pests and, where necessary, verify the pest status of consignments;
- (d) order the treatment, disposal, destruction, reshipment or confinement in a quarantine station, of pests, any plant, plant products or regulated

articles imported into the country or in transit, whether or not covered by import permit or phytosanitary certificate, where he considers it necessary for the prevention of spread of any pest reasonably believed to be amongst such plant, plant products or regulated articles;

- (e) seize or suspend the distribution, sale or use of any plant, plant products, pesticide or regulated articles, which he has reason to believe is being distributed, sold or used in contravention of the provisions of this Act;
- (f) handle and dispose garbage from conveyance in manner prescribed in the regulations;
- (g) require any person to produce any information or documentation concerning pesticides, plants, plant products and regulated articles from the owner or person in charge of the pesticides, plants, plant products or regulated articles;
- (h) inspect, examine, make copies of such documentation or take extracts of registers or records and relating to plants, plant products or regulated articles;
- (i) stop and search without a warrant any person, baggage, packaging, conveyance or any other regulated articles, upon entry into, movement within or exit from the country;
- (j) ensure that the phytosanitary security of consignments after certification is maintained up to the time of export;
- (k) carry out pest surveillance and maintain up-to-date information on the pest status in the country; and
- (l) carry out any phytosanitary action required under this Act.

(2) In the exercise of his powers and discharge of his duties under subsection (1), an inspector may apply any appropriate examination methodology including visual, electronic, animal sniffing examination, taking of samples and testing of these samples or otherwise.

Management of samples

40.-(1) The inspector may take sample of any pesticide substance, plant protection substance, plants or plant products and submit to an analyst or authorised laboratory technician for analysis, examination or laboratory diagnostic.

(2) A sample shall be taken, managed, retained and disposed in a manner prescribed in the regulations.

(3) The Authority shall not be liable for any change of form or alteration to a sample that may occur during and after analysis if that change or alteration does not affect the original nature of the plant or chemical composition.

Duties of other officers

41.-(1) Officers in the customs and postal services shall offer assistance to inspectors in the performance of their functions and the exercise of their powers under this Act, and in particular shall-

- (a) notify an inspector of the importation of anything to which this Act applies; and
- (b) handover to an inspector any such thing for inspection and subsequent action in accordance with this Act.

(2) Harbours, airports, post offices, railways and other authorities at points of entry shall provide on their premises, for the purposes of this Act-

- (a) a suitable area for office and inspection facilities;
- (b) suitable containers for holding garbage and conveying it for destruction; and
- (c) suitable and adequate space for display of public notices regarding the requirements of this Act.

PART VI CONTROL OF PESTS

Declaration of regulated pests

42.-(1) The Authority may, by notice published in the *Gazette*, declare a pest to be-

- (a) a quarantine pest or a regulated non-quarantine pest, based on pest risk analysis;
- (b) a national pest of concern, based on pest surveillance and the potential local economic impact of the pest.

(2) The Authority shall maintain and periodically review the list of regulated pests of concern and shall submit such list to the Minister for approval and publication.

(3) The Authority shall, upon request and on such terms and conditions as it may consider appropriate, provide the list of regulated pests, pest free areas and national pests to international, regional organisations or other national plant protection organisations.

- Pest free area **43.** The Authority shall, upon approval of the Minister, establish, declare and maintain pest free areas and areas of low prevalence.
- Duty of notification **44.** An occupier or owner of any land or premises on which a quarantine pest is present or suspected to be present shall immediately notify an officer of the Authority or agricultural officer at the local authority of the respective area who shall report the matter to the Authority.
- Phytosanitary measures during quarantine pest outbreaks **45.**-(1) Where an inspector believes that a quarantine pest may be present at an area, he shall-
- (a) enter such area or premises, inspect plants, plant products or other regulated articles and take such samples as necessary, in accordance with this Act; and
 - (b) declare such place to be a provisional quarantine area.
- (2) Upon declaration of a provisional quarantine area, the Authority may take emergency measures.
- (3) Where a provisional quarantine area has been declared in accordance with subsection (1), the Authority may within thirteen days-
- (a) by notice published in a *Gazette*, declare the area or premises that is infested or is suspected to be infested as a quarantine pest area and specify the period of quarantine and conditions for subsequent renewals of the declaration; or
 - (b) revoke the provisional quarantine area declaration.
- (4) A notice of declaration under subsection (3) may, for the purposes of containing the spread of the quarantine pest-
- (a) prescribe the measures for the treatment or disposal;
 - (b) specify the period of quarantine;
 - (c) prohibit, restrict or otherwise specify measures for controlling the removal of a quarantine pest or a plant material, soil or associated packaging from an infected area; and
 - (d) provide that, within a period specified in the notice, any plant specified in the notice or propagative material of that plant, shall not be planted in an infected area or place declared to be an infected area.

Phytopsanitary
control
measures

46.-(1) The Authority shall, for purposes of controlling infestation or suspected infestation, take necessary phytopsanitary action and approve phytopsanitary measures as necessary.

(2) The Authority may, by written notice served on the owner or occupier, instruct phytopsanitary control measures in accordance with such notice, and within a specified period of time.

(3) Where under subsection (2) the inspector does not know the identity of the owner or occupier of any premises or land or the said premises or land is otherwise not occupied by any person, the officer may affix the notice in a conspicuous place on the premises or land and the notice shall be deemed to have been served on the owner and occupier for the purposes of the subsection (2).

(4) Where the owner or occupier of land on whom notice has been served under this section fails to comply with the requirement of the notice, the inspector may enter the premises or land and carry out the required measures for the purpose of complying with the notice.

(5) The owner or occupier referred to in this section shall, be liable for all reasonable expenses incurred by the inspector under subsection (4) and the amount so incurred shall be recovered from the owner or occupier as a debt due to the Government.

(6) Any area that is infested or suspected to be infested by a regulated pest, as well as any pest free area, area of low pest prevalence or buffer zone may be subject to the following phytopsanitary measures-

- (a) treatment or destruction;
- (b) prohibition or restriction of movement;
- (c) prohibition of planting or replanting specific plants in a specified location; or
- (d) any other phytopsanitary measures which the Authority deems necessary.

PART VII
PESTICIDES SAFETY

Packaging and
labeling of

47. A person shall not import, distribute or sell any pesticide unless it is in a container, which is-

- pesticides
- (a) appropriate for storage, handling or use and is adequate to prevent any harm to human or animal health and the environment;
 - (b) prominently and legibly labeled in English and Kiswahili and the said label-
 - (i) cannot easily be detached;
 - (ii) is printed with indelible ink; and
 - (iii) contains such information as shall be prescribed by regulations.
- Re-packaging of pesticides
- 48.** A person shall not repack pesticide except-
- (a) where repackaging is necessary for prevention of contamination in cases of damage to the original packaging; and
 - (b) specific authorisation from the Registrar has been obtained and conditions for the repackaging are provided.
- Advertising
- 49.** Any person advertising registered pesticides shall comply with rules and conditions for advertising prescribed in the regulations.
- Transportation of pesticides
- 50.**-(1) A person who transports pesticides shall comply with such regulations as may be prescribed.
- (2) A person shall not transport any pesticides in passenger compartments of transport vehicles, in the same compartments as animals or in the same compartment as food, feed, drugs toys, clothing cosmetics or any other item that can be hazardous to human health if contaminated.
- (3) Any spillages, leaks or contamination during transport shall be reported to the Registrar or local government authority of the particular area.
- Storage of pesticides
- 51.**-(1) A person shall not store pesticides in the same premises as food products or consumables, feedstuffs or animals.
- (2) Storehouses for pesticides shall not be close to hospitals, schools, shops, densely populated urban areas, protected areas or water bodies.
- (3) All pesticides shall be stored in a manner and in such facilities as prescribed in the regulations.

Restricted and
banned
pesticides

52.-(1) A person shall not import, manufacture, formulate, transport, distribute, export or sell restricted or banned pesticides in the country.

(2) Subject to subsection (1), the Registrar shall, by notice in the *Gazette*, publish a list of banned or restricted pesticides.

Obsolete
pesticides and
pesticides
empty
containers

53.-(1) Any person who deals, formulates, manufactures, imports or distributes pesticides shall take steps and precautions to ensure obsolete pesticides and pesticides empty containers are appropriately disposed of.

(2) A person shall not dispose obsolete pesticides and pesticides empty containers without obtaining a permit from the Authority.

(3) A permit for disposal of obsolete pesticides or pesticides empty containers shall be issued after consultation with the National Environment Management Council or any other authority as the Board may determine.

(4) A person who fails to comply with the requirements provided under this section commits an offence.

Pesticides
control order

54.-(1) Where there are reasonable grounds to believe that the use, handling, storage, sale, disposal, display or method of application or of transportation of a pesticide or of a substance containing a pesticide-

- (a) causes or is likely to cause injury or damage to or impairment of the quality of the natural environment;
- (b) causes or is likely to cause injury or damage to property, plant or animal life;
- (c) adversely affects or is likely to adversely affect the health or safety of any person; or
- (d) renders or is likely to render, directly or indirectly, any property, plants or animal life unfit for use by human beings,

the Authority shall issue a pesticide control order to a person responsible for the pesticide or the substance containing pesticide.

(2) The order referred to in subsection (1) may direct the person to remove, dispose or reship such pesticide or substance containing substance within time as the Authority may determine.

(3) Where a person fails to comply with the pesticide

control order, the Authority shall comply with the order and the cost incurred in effecting compliance with an order shall be-

- (a) paid on demand by the person to whom the order was directed; and
- (b) recoverable by the Minister as a debt due to the Government.

(4) Any person who fails to comply with the pesticide control order commits an offence.

(5) The Authority shall make guidelines for proper implementation of this section.

Substandard, counterfeit, fake, and adulterated pesticides

55.-(1) A person who sells adulterated pesticides or pesticide reasonably believed to be substandard, counterfeit, fake or adulterated commits an offence.

(2) Any person, who has reason to believe that a substandard, counterfeit, fake or adulterated pesticide is being sold, shall immediately notify an inspector.

(3) The Registrar may order any substandard, counterfeit, fake or adulterated pesticides to be, destroyed or shipped back to the country of origin, at the expense of the importer.

PART VIII FINANCIAL PROVISIONS

Funds and resources of Authority

56.-(1) The funds and resources of the Authority shall consist of-

- (a) monies appropriated by the Parliament;
- (b) all other payments or property due to the Authority in respect of any matter incidental to its functions;
- (c) any grants, donations, bequests, monies or other contributions made to the Authority;
- (d) any other monies legally acquired or received by the Authority for the execution of its functions; and
- (e) any monies derived from loans or other payments or property due to the Authority in respect of any matter incidental to its functions.

(2) The Board shall ensure that the funds of the Authority are effectively utilized for the purpose of achieving the objectives of this Act.

Accounts and
audit

57.-(1) The Authority shall keep proper books of accounts and maintain proper records of its operation in accordance with public sector accounting standards and any other approved national accounting standards.

(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 cause to be kept all proper books and audited records of accounts of the income, expenditure, assets and liabilities of the Authority.

(4) The Authority shall, within a period of three months after the end of each financial year, 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) a statement of cash flow for the year; and
- (e) notes, comprising of a summary of significant accounting policies and other explanatory notes.

Annual report

58.-(1) The Authority shall, on or before the 30th September of each year, prepare an annual report in respect of that financial year up to the preceding 30th June and submit it to the Minister who shall lay it before the National Assembly.

(2) The annual report shall consist of-

- (a) a detailed information regarding the physical and financial performance of the Authority during the year to which it relates;
- (b) a copy of the audited accounts of the Authority together with the Controller and Auditor-General's report; and
- (c) any other information as the Authority may be required to include in the annual report by this Act.

PART IX
OFFENCES AND PENALTIES

Offences and
penalty

59.-(1) Any person who-

- (a) wilfully delays, obstructs, threatens or assaults an inspector or officer of the Authority in the course of executing his functions under this Act;
- (b) wilfully refuses to provide any information required by the Authority or any other officer carrying out his functions under this Act;
- (c) wilfully destructs or tampers with any information required for proper administration of this Act;
- (d) fails to comply with an order issued under this Act;
- (e) tampers with any sample taken or anything seized in terms of this Act;
- (f) having been duly summoned to appear before the Authority, fails without lawful excuse to enter appearance;
- (g) not being qualified as an analyst or inspector, purports to act in that capacity;
- (h) exports or imports a plant, plant products, pesticides or a regulated articles otherwise than in accordance with this Act;
- (i) possesses, keeps, distributes or introduces pesticides, plant, plant products or regulated articles contrary to this Act;
- (j) fails to perform any duty or obligation imposed on him by this Act;
- (k) uses or causes another person to use pesticide application equipment which has not been approved by the Authority;
- (l) knowingly provides information which is false or misleading in material respect for any purpose under this Act;
- (m) defaces, destroys, forges or alters any document provided for under this Act; or
- (n) contravenes any provisions of this Act,

commits an offence and shall upon conviction be liable to-

- (a) in the case of a body corporate, to a fine of not less than ten million shillings but not exceeding five hundred million shillings; or
- (b) in the case of a natural person, to a fine of not less than fifty thousand shillings but not exceeding ten million shillings or to a term of imprisonment for a term of not less than three months but not exceeding

three years or both.

(2) The court may, in addition to a penalty imposed under this Act, order forfeiture of any article in respect of which such offence is committed or used for the commission of such offence.

Compounding
of offences

60.-(1) Notwithstanding the provisions of this Act relating to penalties, where a person admits in writing that he has committed an offence under this Act or any other sector legislation, the Director General or a person authorised by him in writing may, at any time prior to the commencement of the proceedings by a court of competent jurisdiction, compound such offence and order such person to pay a sum of money not exceeding two thirds 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 the person fails to comply with the compounding order issued under this section within the prescribed period, the Director General or a person authorised by him may, in addition to the sum ordered, require the person to pay an interest at the rate prescribed in the regulations.

(3) Where the person fails to comply with subsection (2), the Director General may enforce the compounding order and interest accrued thereof in the same manner as a decree of a court.

(4) The Director General shall submit quarterly reports of all compounded offences under this section to the Director of Public Prosecutions.

(5) The forms and manner of compounding of offences shall be as prescribed in the regulations made under this Act.

Compensation
for damage or
loss suffered

61. Where a person has suffered a direct damage or loss of property due to commission of an offence by another person, the court may, in addition to the penalty provided under this Act, order compensation for the loss suffered or damage caused.

Indemnity
Cap.16

62. Without prejudice to the provisions of section 284A of the Penal Code, no matter done by any person exercising or purporting to exercise any function under this Act shall, if done in good faith in the execution or purported execution of his functions under any of the provisions of this Act subject such person to any action, liability, claim or demand whatsoever.

Appeals

63. A person who is aggrieved by the decision of the Authority may, within thirty days upon receipt of such decision, appeal to the Minister.

PART X
GENERAL PROVISIONS

Power to make regulations

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

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

- (a) manner in which bio-efficacy trial will be conducted;
- (b) registration of pesticides and pesticide application equipment;
- (c) procedure and condition for review, revocation or modification of import permit;
- (d) manner and procedure for destruction of consignments which do not comply with phytosanitary requirements;
- (e) import and export of any plant, plant products, pesticides or regulated articles;
- (f) procedures for processing, handling, packaging, distribution, sale, disposition, loading, unloading and movement of pesticides;
- (g) movement of plant, plant products or other regulated articles that are or could be infested with pests or that constitute or could constitute biological control agents to the control of pests;
- (h) issuance, renewal, amendment, suspension and revocation of permits, certificates or licence;
- (i) for manner of disposal of plant related garbage, obsolete pesticides and empty pesticides containers;
- (j) for manner of investigations and survey for detection of pests and identification areas of infestation;
- (k) procedures for implementation of phytosanitary measures and establishing emergency plans;
- (l) procedures for surveillance, inspection, sampling, testing, analysis, examination and treatment;
- (m) use of places and disposition of things, that are

- or are suspected to be infested with pests and of things that are, or are suspected to be pests or infested with pests or that constitute or could constitute biological obstacles to the control of pests;
- (n) procedures regarding inspection;
 - (o) procedures for establishment and treatment of centres and quarantine stations;
 - (p) the treatment and subsequent issuance of phytosanitary certificate for plant or plant products before export;
 - (q) fees, rates and charges chargeable for the services rendered by the Authority;
 - (r) procedures for appeal under this Act;
 - (s) manner of keeping records by manufacturers, importers and sellers of pesticides;
 - (t) minimum standards for composition and efficacy of pesticides and substances capable of being used in the manufacture of pesticide; and
 - (u) prescribing anything which may be prescribed under this Act.

Repeal
Caps. 133 and
161

65.-(1) The Plant Protection Act and the Tropical Pesticides Research Institute Act are hereby repealed.

(2) Notwithstanding the repeal of the Plant Protection Act and the Tropical Pesticides Research Institute Act, any contract, document, licence, permission or resolution prepared, made, granted, or approved under the repealed Acts, shall so far as it is not inconsistent with the provisions of this Act or any other written laws, continue to exist and be deemed to have been prepared, made, granted or approved under the provisions of this Act until revoked, replaced or rescinded.

(3) Any subsidiary legislation and all exemptions made or given under the provisions of the repealed Acts, which were in force immediately before the commencement of this Act shall, so far as they are not inconsistent with the provisions of this Act, remain in force as if they were made under this Act.

(4) The repeal of the Plant Protection Act and the Tropical Pesticides Research Institute Act shall not affect any public right, interest, title, power established or exercisable or any status or capacity existing prior to the repeal or affect any duty, obligation, liability or burden of proof imposed, created or incurred prior to the repeal or affect any investigations, legal proceeding or remedy in respect of any right, interest, power,

duty, obligation, liability or otherwise.

Provision regarding employees Cap. 298

66. The provisions of the Public Service Act shall apply in relation to matters relating to employees of the former schemes.

Rights of person in undertaking

67. This Act shall not operate so as to affect in a prejudicial way the rights of any person under any undertaking or licence granted in connection with pesticides, plants or plant products prior to the effective date of this Act or any undertaking entered into prior to the effective date of this Act.

Transfer of assets and liabilities

68.-(1) As from the commencement date, all assets, interests, rights, privileges, liabilities or obligations vested in the Tropical Pesticides Research Institute shall be transferred to and be vested in the Authority 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 pesticides and plant protection regulatory functions

69. As from the date of commencement of this Act, the pesticides and plant protection regulatory functions formerly performed by Tropical Pesticides Research Institute and Ministry responsible for Agriculture shall be transferred to and performed by the Authority.

SCHEDULE

(Made under section 8)

COMPOSITION AND PROCEDURES OF THE BOARD

Composition of Board and its operational procedures

1.-(1) The Board shall consist of the Chairperson to be appointed by the President and other members to be appointed by the Minister as follows:

- (a) a representative from the Ministry responsible for agriculture;

- (b) a representative from the Ministry responsible for industry;
- (c) a representative from the Ministry responsible for local government;
- (d) a representative from the Ministry responsible for environmental matters;
- (e) a representative from the Office of the Attorney General;
- (f) a representative from the Government Chemistry Laboratory Authority;
- (g) a representative from private sector associations responsible for pesticides; and
- (h) a representative from farmers association responsible for horticulture.

(2) At least two of the members appointed under subparagraph (1) shall be women.

(3) The Director General shall be the Secretary to the Board.

(4) The Board may co-opt any person to attend its meetings as may be deemed appropriate for the purposes of rendering technical advice but such co-opted person shall have no right to vote.

(5) Any member of the Board or a sub-committee of the Board, who is engaged in any trade or business of importation, manufacturing, distribution or sale of any plant, plant products, pesticide or regulated articles shall, while holding such membership, not participate in the decision making of the Board or sub-committee, if the Board is of the opinion that such trade or business may prejudice his opinion on that particular subject matter.

Procedures of Board

2. The Board shall regulate its own procedure and the conduct of its business in conformity with this Act.

Vice Chairman

3. The members shall elect one among them to be the Vice-Chairman of the Board and shall, subject to his continuing to be a member, hold office for a term of one year from the date of election, and shall be eligible for re-election.

Tenure of office of members of Board

4. Every members of the Board shall hold office for a term of not exceeding three years and shall be eligible for re-appointment for one further term.

Termination and cessation of membership

5. The appointment of a member of the Board may be terminated where the member-

- (a) is adjudged bankrupt or enters into a composition or scheme of arrangement with his creditors;
- (b) is convicted of an offence and sentenced to imprisonment for a term exceeding six months without

option of fine;

- (c) is incapacitated by prolonged physical or mental illness from performing his duties as a member of the Board;
or
- (d) becomes, for any reason, incapable of properly performing the functions of the office of a member.

Alternate members

6. Where a member dies, resigns or otherwise vacates office before the expiry of the term of office, the appointing authority shall appoint another person in place of such member who shall hold office for remainder of the term of office of his predecessor.

Meetings and procedures of Board

7.(1) Subject to subparagraph (2), the Board shall hold its meetings at least four times in a year for the transaction of its business.

(2) The Board may hold an extra-ordinary meeting if requested in writing by half of the members or at any other time where necessity so requires.

(3) The Secretary of the Board shall give to each member adequate notice of the time and place of each meeting.

(4) The Board may invite any person who is not a member to participate in the deliberation of any meeting of the Board, but any person so invited shall not be entitled to vote.

(5) Where at any meeting of the Board the Chairman is absent the Vice- Chairman shall preside.

(6) In the absence of both the Chairman and the Vice-Chairman at any meeting of the Board, the members present shall, from amongst their number elect, a temporary Chairman who shall preside at the meeting.

(7) The Chairman or a person presiding at the meeting of the Board shall in the event of an equality of votes have a casting vote in addition to his deliberative vote.

Quorum for meeting

8.(1) The quorum at any meeting of the Board shall be one half of the members.

(2) Where a member of the Board who is a member by virtue of his holding some other office is unable for any reason to attend any meeting he may nominate in writing another person from his Ministry or Authority to attend the meeting in his lace.

(3) All decisions by the Board shall be arrived at unanimously except in the case of disagreement the decision shall be made by a majority vote.

(4) Notwithstanding sub-paragraph (3), a decision may be made by the Board without meeting by circulation of the relevant papers among the members, and the expression in writing of the view of the majority of the members.

(5) Each member of the Board shall have one vote.

Minutes of
Board meetings

9.-(1) The Board shall cause to be recorded and kept minutes of all business conducted or transacted at its meeting and the minutes of each meeting of the Board shall be read and confirmed or amended and confirmed, at the next meeting of the Board and signed by the person presiding at the meeting.

(2) Any minutes purporting to be signed by the person presiding at a meeting of the Board shall, in the absence of proof or error, be deemed to be a correct record of the meeting, whose minutes they purport to be.

Vacancy not to
invalidate
proceedings

10. The validity of any act or proceeding of the Board shall not be affected by any vacancy among its members or by any defect in the appointment of any of them.

Orders,
directions of the
Board

11. All orders, directions, notices or other documents issued by or on behalf of the Board shall be signed by:

- (a) the Chairman; or
- (b) the Secretary or any officer or officers of the Authority authorised in writing in that behalf by the Board.

Common seal

12. The common seal of the Authority shall be duly affixed if witnessed under the hand of the Chairman, the Director General or any other member of the Board and such affixation on any document executed or authenticated shall be judicially noticed.

OBJECTS AND REASONS

This Bill intends to provide for an enactment of the Plant Health Act, 2020 with a view to consolidating the Plant Protection Act and the Tropical Pesticides Research Institute Act, Caps. 133 and 161 respectively and putting in place a consolidated legal framework for plant health and pesticides, and to establish the Tanzania Plant Health and Pesticides Authority which shall be the main regulatory body for pesticides and plant health. The proposed legal framework will also provide for provision that to facilitate competition and efficiency in plants and plant products trade in the country and internationally. Further to that, the Bill also intends to introduce provisions for safeguarding human health and the environment (ecosystem) by ensuring sustainable and efficient management of pesticides, plant health, and phytosanitary issues through effective monitoring and surveillance system of inspectors and reputable laboratory analysis.

This Bill is divided into X Parts.

Part I contains preliminary provisions which include short title, commencement date, application and interpretation of various terms and phrases used in the Bill.

Part II contains provisions relating to the establishment of the Tanzania Plant Health and Pesticides Authority and also provides for powers and functions of the Authority.

Part III deals with administration of the Authority. It provides for the establishment, powers and functions of the Board, its composition and procedures and observance of impartiality and matters relating to conflict of interest. Further, the Part makes provisions for the management and staff of the Authority, appointment of Director General who shall also be the Registrar of Pesticides.

Part IV deals with registration, licensing and permit for pesticides dealers. It provides for registration of pesticides, bio-pesticides and pesticide application equipment. Further to that, the Part provides for bio-efficacy trial and analysis as well power of the Authority to cooperate with private individuals or institutions that also conduct bio-efficacy trials.

Part V contains provisions for enforcement. It provides for the appointment and designation of analysts and inspectors as well as providing for their powers and functions. The Part makes provisions for handling of samples and duties of other officials who are necessary in assisting inspectors to perform their functions under the Act.

Part VI provides for control of pests. This Part provides for the power of declaration of regulated pests and of pest free areas. Further, the Part provides for phytosanitary measures to be used during quarantine pest outbreak and phytosanitary control measures to be taken by the Authority.

Part VII deals with pesticides safety. The provisions in this Part relate to the manner of packing, re-packaging, labeling, storage and transportation of pesticides. The Part also provides for prohibition in dealing with restricted and banned pesticides and substandard, counterfeit, fake or

adulterated pesticides. The procedures for disposal of obsolete pesticides and empty pesticide containers are also contained in this Part.

Part VIII provides for financial provisions. It contains provisions relating to funds of the Authority, budget, accounts and audit and annual report. The Authority is required to prepare annual report for each financial year and submit it to the Minister who shall lay it the report before the National Assembly.

Part IX deals with offences and penalties, compensation for damage and loss and the power of the Director to compound offences under the Act.

Part X deals with general provisions which including the power of the Minister to make regulations, repeal of laws, transfer of staff and employees of the Tropical Pesticides Research Institute and their rights and transfer of assets and liabilities.

MADHUMUNI NA SABABU

Muswada huu unapendekeza kutungwa kwa Sheria ya Afya ya Mimea ya mwaka 2020. Lengo la Sheria pendekezwa ni kuunganisha Sheria ya Hifadhi ya Mimea, Sura 133 na Sheria ya Taasisi ya Utafiti wa Viuatilifu vya Kitropikia (TPRI), Sura 161 ili kuweka mfumo wa pamoja wa kisheria ambao utasimamia hifadhi ya mimea na viuatilifu. Vilevile Mswaada huu unapendekeza kuanzisha Mamlaka ya Afya ya Mimea na Viuatilifu kama chombo kikuu cha usimamizi wa hifadhi ya mimea, udhibiti wa viatilifu, kuweka masharti ya kusimamia uhifadhi wa afya ya mimea, kuzuia, kuingiza na kuenea kwa visumbufu, udhibiti wa usafi wa mimea, udhibiti wa viuatilifu, udhibiti na usimamizi wa majaribio ya ufanisi wa viuatilifu, kuwezesha biashara ya mimea na mazao ya mimea pamoja na mambo mengine yanayohusiana na hayo kufanyika kwa ufanisi na kwa ushindani.

Muswada huu umegawanyika katika Sehemu Kumi.

Sehemu ya Kwanza inahusu masharti ya utangulizi ambayo yanajumuisha jina la Muswada, tarehe ya kuanza kutumika kwa sheria, matumizi na tafsiri ya maneno na misemo mbalimbali iliyotumika katika Muswada pendekezwa.

Sehemu ya Pili ya Muswada inahusu kuanzishwa kwa Mamlaka ya Afya ya Mimea na Viuatilifu ambayo ndio itakuwa na jukumu la kusimamia uhifadhi wa afya ya mimea na udhibiti wa viuatilifu. Sehemu hii inaainisha pia mamlaka na majukumu ya Mamlaka hiyo.

Sehemu ya Tatu inajumuisha masharti ya utawala wa Mamlaka. Sehemu hii inaelezea uanzishaji na majukumu ya Bodi, muundo wake, umuhimu wa kuzingatia usawa na masuala yanayohusu mgongano wa maslahi. Sehemu hii inaweka pia masharti ya usimamizi wa watumishi wa Mamlaka, uteuzi wa Mkurugenzi ambae ndie atakuwa Msajili wa Viuatilifu.

Sehemu ya Nne inahusu usajili wa viuatilifu, utoaji wa leseni kwa watu wanaojihusisha na mimea, mazao ya mimea na viuatilifu pamoja na vibali. Sehemu hii inaweka pia masharti ya ufanyaji wa majaribio na tathmini ya ubora pamoja na ushirikiano na watu au taasisi nyingine zinazofanya shughuli za majaribio na tathmini ya ubora.

Sehemu ya Tano inahusu masharti ya usimamizi wa sheria. Sehemu hii inajumuisha masharti ya uteuzi wa wachunguzi na wakaguzi pamoja na mamlaka na majukumu yao. Sehemu hii pia inaweka utaratibu utakaotumiwa na wakaguzi kuchukua sampuli na kuainisha majukumu ya maafisa wengine ambao ni muhimu kushirikiana na wakaguzi katika utekelezaji wa majukumu yao chini ya Sheria inayopendekezwa.

Sehemu ya Sita inahusu udhibiti wa visumbufu. Sehemu hii inatoa mamlaka kwa Mamlaka kutangaza visumbufu vinavyodhibitiwa na maeneo ya visumbufu na hatua zitakazochukuliwa na Mamlaka wakati wa mlipuko wa visumbufu.

Sehemu ya Saba inahusu usalama wa viuatilifu. Masharti katika Sehemu hii yanahusiana na utaratibu wa kufungasha, kuweka lebo, utunzaji na usafirishaji wa viuatilifu. Sehemu hii pia inaweka zuio kwa matumizi ya viuatilifu vilivyozuiliwa au viuatilifu bandia ama visivyokidhi viwango na kuainisha utaratibu wa utupaji wa viuatilifu visivyofaa na makopo tupu ya viuatilifu.

Sehemu ya Nane ya Muswada inaweka masharti ya fedha ambayo yanajumuisha vyanzo vya mapato vya Mamlaka, bajeti, ukaguzi wa hesabu na taarifa ya mwaka ya utekelezaji wa shughuli za Mamlaka. Kwa mujibu

wa Sheria inayopendekezwa, Mamlaka inapaswa kuandaa taarifa ya mwaka kwa kila mwaka wa fedha na kuiwasilisha kwa Waziri ambaye naye ataiwasilisha Bungeni.

Sehemu ya Tisa inahusiana na makosa na adhabu, fidia kwa madhara au hasara itokanayo na makosa ya mtu mwingine pamoja na mamlaka na utaratibu wa Mkurugenzi Mkuu kufililisha makosa chini ya sheria.

Sehemu ya Kumi inahusiana na masharti ya jumla ikiwa ni pamoja na mamlaka ya Waziri kutengeneza Kanuni za kutekeleza Sheria pendekezwa, kufutwa kwa Sheria, kuhamishwa kwa watumishi wa Taasisi ya Utafiti wa Viuatilifu (TPRI) na haki zao na kuhamisha mali na madeni ya TPRI.

Dodoma,
7 Januari, 2020

JAPHET N. HASUNGA,
Minister for Agriculture

**SCHEDULE OF AMENDMENT TO BE MOVED BY THE HON. JAPHET N. HASUNGA, THE
MINISTER OF AGRICULTURE AT THE SECOND READING
OF THE BILL ENTITLED “THE PLANT HEALTH ACT, 2020”**

(Made under S. O 86(10))

The Bill entitled “The Plant Health Act, 2020 is amended as follows:

- A:** In Clause 3-
- (a) in the definition of the term “analyst” by deleting the words “of 38” and substituting for them the words “39 of”;
 - (b) by deleting the word “in” appearing in the definition of the term “Board” and substituting it with the word “under”;
 - (c) by adding in the appropriate alphabetical order the definition of the following terms:
 - “counterfeit pesticide” means a pesticide made by other than the approved or registered manufacturer by copying or imitating an original product without authority or right, with a view to deceiving or defrauding and marketing the copied or forged product as original;
 - “fake pesticide” means a pesticide produced by unapproved facility, not certified or not registered by its producer, produced by way of copying or imitating the original product with no authorization or rights, to deceive or mislead, and further selling the copied or imitated product as original one;
 - “obsolete pesticide” means a stockpiled pesticide that can no longer be used for its original purpose or any other purpose and therefore requires disposal; and
 - “substandard pesticide” means a pesticide the physical-chemical properties of which do not meet the minimum quality standard;”;
 - (d) by deleting figure “33” appearing in the definition of the term “point of entry” and substituting for it figure “34”;
- B:** In Clause 5, by adding the words “from any person” immediately after the word “demand” appearing in subclause (4)(a);
- C:** In Clause 10, by inserting the word “Masters” between the words “holding a” and “degree” appearing in subclause (3);
- D:** In Clause 13(2), by-
- (a) deleting the words “pesticides register” appearing in paragraph (c) and substituting for them the words “register of pesticides and pesticides dealers”;
 - (b) deleting paragraph (j); and
 - (c) renaming paragraph (k) as paragraph (j).
- E:** In Clause 13, by adding immediately after subclause (2) the following:
“(3) The Registrar may subject to the approval of the Board delegate any of his functions to any employee of the Authority.”;
- F:** In Clause 25, by deleting the words “shall remain in force” appearing in subclause (4) and substituting for it the words “be valid”;
- G:** In Clause 27, by deleting article “a” appearing after the word “with”; and
- H:** In the Schedule, by deleting the word “lace” appearing at the end of paragraph 8(2) and substituting for it the word “place”.

Dodoma,
....., 2020

JNH
MA

WAZIRI WA KATIBA NA SHERIA: Mheshimiwa Naibu Spika, naafiki.

(Hoja iliitolewa iamuliwe)

NAIBU SPIKA: Waheshimiwa Wabunge, hoja imeungwa mkono. Kwa hiyo, tunaendelea na utaratibu wetu. Namwita sasa Mwenyekiti wa Kamati ya Kudumu ya Bunge ya Kilimo, Mifugo na Maji, Makamu Mwenyekiti Dkt. Christine Ishengoma.

MHE. DKT. CHRISTINE G. ISHENGOMA - MAKAMU MWENYEKITI KAMATI YA KUDUMU YA BUNGE YA KILIMO, MIFUGO NA MAJI: Mheshimiwa Naibu Spika, ahsante sana kwa kunipatia nafasi kuweza kuwasilisha maoni ya Kamati.

Mheshimiwa Naibu Spika, kwa mujibu wa Kanuni ya 86 (5) ya Kanuni za Kudumu za Bunge, Toleo la Januari, 2016, naomba kuwasilisha Maoni ya Kamati ya Kudumu ya Bunge ya Kilimo, Mifugo na Maji kuhusu Muswada wa Sheria ya Afya ya Mimea ya Mwaka 2020.

Mheshimiwa Naibu Spika, Muswada wa Sheria ya Afya ya Mimea ya Mwaka 2020 unapendekeza kutungwa kwa Sheria itakayosimamia kwa pamoja masuala ya afya ya mimea na viuatilifu. Kabla ya Muswada huu masuala ya hifadhi ya afya ya mimea yalikuwa yanasimamiwa na sheria yake inayoitwa Sheria ya Hifadhi ya Mimea (*The Plant Protection Act - PPA Na. 13*) ya Mwaka 1997, wakati masuala yanayohusu viuatilifu yalikuwa yanasimamiwa na sheria inayoitwa Sheria ya Taasisi ya Utafiti wa Viuatilifu vya Kitropikia (*The Tropical Pesticides Research Institute Act - TPRI Act*) Na. 18 ya 1979.

Mheshimiwa Spika, kutokana na changamoto au upungufu uliojitokeza wakati wa utekelezaji wa sheria hizo ikiwa ni pamoja na mwingiliano wa majukumu kati ya taasisi hizi, Serikali imeamua kuwasilisha Muswada huu Bungeni ili Bunge kwa mamlaka yake liweze kutunga sheria mpya ya Afya ya Mimea ambayo itaweka mfumo madhubuti wa

kisheria wa pamoja kwa ajili ya kusimamia masuala ya hifadhi ya mimea na viuatilifu kwa kuzingatia matakwa ya mikataba ya Kimataifa, kasi ya mabadiliko ya teknolojia na athari za matumizi mabaya ya viuatilifu na changamoto ya mbegu na viuatilifu ambavyo havina ubora na viwango vinavyotakiwa Kimataifa (viuatilifu bandia).

Mheshimiwa Naibu Spika, Kamati inatoa pongezi kwa Serikali kwa hatua ya kuleta Muswada huu Bungeni ili uweze kujadiliwa na hatimaye kutungwa kwa Sheria itakayoanzisha Mamlaka ya Afya ya Mimea na Viuatilifu kwa lengo la kuboresha na kuimarisha usimamizi wa afya ya mimea na viuatilifu hapa nchini. Pia kuondoa ukiritimba na mwingiliano wa majukumu na mamlaka iliyokuwa chini ya Kitengo cha Afya ya Mimea yaani (*Planting Health Services*) katika Wizara ya Kilimo na yaliyokuwa chini ya Taasisi ya Utafiti ya Viuatilifu vya Kitropikia (*TPRI*) na katika usimamizi wa masuala yanayohusu afya ya mimea na udhibiti wa viuatilifu.

Mheshimiwa Naibu Spika, baada ya Kamati kupokea Muswada wa Sheria inayokusudiwa kutungwa Kamati ilitoa mwaliko kwa wadau mbalimbali kupitia vyombo vya habari na barua pepe. Wajibu huu ulitekelezwa kwa mujibu wa Kanuni ya 84(2) ya Kanuni ya Kudumu za Bunge, Toleo la Januari, 2016. Mwaliko uliotolewa walikusudia kuwapa wadau fursa ya kutoa maoni yao kuhusu mapendekezo ya marekebisho ya Sheria inayokusudiwa kutungwa na hatimaye kuisaidia Kamati kufanya uchambuzi wa kina wa Muswada tajwa.

Mheshimiwa Naibu Spika, Kanuni inataka Kamati kuwaalika wadau kufika mbele ya Kamati ili kutoa maoni. Hata hivyo kutokana na mlipuko wa ugonjwa wa homa ya mapafu unaosababishwa na virusi vya *corona (COVID 19)* Kamati ililazimika kupokea maoni ya wadau kwa njia ya barua pepe ili kuepusha mikusanyiko, ambapo Kamati ilipokea na kuyachambua na hivyo kuweza kupata fursa ya kuwa na uelewa mpana wa maudhui ya Muswada husika.

Mheshimiwa Naibu Spika, napenda kuwashukuru wadau waliotuma maoni yao kwa barua pepe na wadau hawa wameorodheshwa kwenye taarifa yangu kama mnavyoona.

Mheshimiwa Naibu Spika, uchambuzi wa Muswada na mapendekezo ya Kamati; kama ilivyo ada, kabla ya kuanza kuchambua Muswada huu tarehe 28 Aprili, 2020, Kamati ilipokea maelezo ya Waziri wa Kilimo kuhusu madhumuni ya Muswada husika.

Mheshimiwa Naibu Spika, katika maelezo yake Waziri wa Kilimo alielezea Kamati kuwa madhumuni na sababu za sheria inayokusudiwa kutungwa ambayo muktadha wake unapatikana katika sehemu ya Muswada ijulikanayo kama madhumuni na sababu (*objects and seasons*) yalilenga kuwezesha masuala ambayo yameorodheshwa kama kurasa hizo zinazofuata kwenye taarifa yetu ya Kamati.

Mheshimiwa Naibu Spika, Kamati inaunga mkono madhumuni na sababu za Serikali kuhusu Muswada huu kwani unalenga kuimarisha usimamizi wa afya ya mimea na viuatilifu nchini. Kwa namna ya pekee Kamati inatoa shukrani kwa Ofisi ya Bunge kupitia Mradi wa (*LSP II*) kwa kuwawezesha Wabunge kuongeza ujuzi na uelewa kuhusu muktadha wa Muswada unaokusudiwa kutungwa. Mada zilizowasilishwa kwa Wajumbe ni kama hizo mnazoziona kwenye taarifa yetu.

Mheshimiwa Naibu Spika, uchambuzi wa Kamati ulibaini kuwa, Muswada huu una jumla ya sehemu kumi na vifungu 69 pamoja jedwali moja na kwa ukamilifu unasomeka kuwa ni Muswada wa Sheria ya Afya ya Mimea ya Mwaka 2020. Kwa ujumla maudhui ya Muswada yamejikita katika uanzishwaji wa Mamlaka ya Afya ya Mimea na Viuatilifu, majukumu na utawala wa mamlaka hiyo.

Aidha, Muswada unapendekeza kuweka utaratibu wa usajili, utoaji wa leseni na vibali mbalimbali vya biashara ya viuatilifu.

Mheshimiwa Naibu Spika, vilevile Muswada unaweka masharti ya usimamizi, udhibiti na usalama wa viuatilifu pamoja na masharti kuhusu masuala ya mapato na matumizi ya fedha za Mamlaka, makosa na adhabu, ufilishaji wa makosa, fidia, mamlaka ya kutunga kanuni na masharti ya kufuta Sheria ya Hifadhi ya Mimea, Sura 133 na Sheria ya Taasisi ya Utafiti wa Viuatilifu vya Kitropiki, Sura 161.

Mheshimiwa Naibu Spika, Uchambuzi wa Muswada wa Afya ya Mimiea wa Mwaka 2020; Sehemu ya Kwanza ya Muswada inayohusu masharti ya Utangulizi; katika sehemu hii, Kamati imebaini makosa machache ya kiuandishi na kuongeza baadhi ya maneno ili kuleta maana kamilifu kama inavyoonekana katika kipengele (a) hadi (c)

Mheshimiwa Naibu Spika, aidha Kamati inapendekeza Kuongeza maneno *will result into significant economic, social economic loss* katika tafsiri iliyopo ya *endangered area*. Vilevile Kamati imebaini kuwa Sheria haijaeleza maana ya *Intergrated Pest Management Approach*, hivyo inapendekeza kuongeza maneno *Integrated Pest Management Approach* kwenye tafsiri ya maneno yaliyotumika kwenye Sheria.

Mheshimiwa Naibu Spika, Sehemu ya Pili, inahusu Uanzishwaji wa Mamlaka; katika sehemu hii Kamati inatoa maoni na mapendekezo ya kufanya marekebisho ya uchapaji na uandishi kama ilivyo katika kipengele (a) na (b) katika taarifa tuliyoepewa

Mheshimiwa Naibu Spika, Sehemu ya Tatu ya Muswada inahusu Utawala wa Mamlaka, katika sehemu hii ya tatu, Kamati inatoa maoni na mapendekezo kama ifuatavyo:-

(a) Ibara ya 7 - Kuongeza jukumu la kupendekeza viwango vya ada na tozo mbalimbali kwa Waziri zinazopaswa kutozwa chini ya sheria hii. Hivyo, inapendekezwa kuongeza kipengele (g) kitakachosomeka: *“to recommend rates of fees and charges to the Minister on services rendered by the*

Authority.” Baada ya marekebisho hayo inapendekezwa iliyokuwa aya ya (g) na (h) ziwe aya ya (h) na (i) mtawalia. Msingi wa marekebisho haya ni kuweka wazi mamlaka ya upangaji na uidhinishaji wa viwango vya ada na tozo mbalimbali.

(b) Ibara ya 10 – Kuongeza neno *masters* kabla ya neno *degree* lililopo katika Ibara ndogo ya (3). Msingi wa pendekezo hili ni kuweka wazi kiwango cha elimu kwa mtu anayetakiwa kuteuliwa kuwa Mkurugenzi Mkuu wa Mamlaka kinapaswa kuwa kuanzia shahada ya pili yaani (*master degree*) badala ya kuwa na elimu ya shahada ya kwanza. Hii inatokana na utamaduni na uzoefu ambao Bunge hili limeuweka kwenye eneo la sifa za kielimu kwa Watendaji Wakuu wa Taasisi au Mashirika ya Umma yaliyoanzishwa kwa mujibu wa sheria.

(c) Ibara ya 11 - katika Ibara ndogo ya (1) inapendekezwa kuongeza herufi ‘s’ katika neno *provision* lililopo katika mstari wa mwisho. Aidha, inapendekezwa kufuta neno *functions* lililopo katika Ibara ndogo ya (3) na badala yake kuweka neno *duties*.

(d) Ibara ya 13(2) Kamati inapendekeza kwamba, kwa kuwa kifungu hiki kinafanua madaraka na majukumu ya Msajili, ilihali Kifungu kidogo (2)(c) kinasema: “*establish and maintain a pesticides register in accordance with this Act*”; na Kifungu kidogo cha (2)(j) kinasema: “*maintain a national register of pesticides and pesticides dealers*”. Majukumu haya yanaweza kuunganishwa katika kifungu kimoja na kusomeka kama ifuatavyo: “*establish and maintain a register of pesticides and pesticides dealers in accordance with this Act*”. Msingi wa pendekezo ni maboresho ya uandishi.

(e) Ibara ya 13, haimpi nafasi Msajili kukasimu madaraka kwa mtumishi mwingine. Kamati inapendekeza kuongeza kifungu kipya cha 13A kwa ajili ya kumpa Msajili mamlaka ya kukasimu madaraka au sehemu ya madaraka yake kwa mtumishi mwingine wa Mamlaka. Kifungu hicho

kisomeke: 13A. *The Registrar may delegate any of his functions to any employee of the Authority subject to the approval of the Board.*

Mheshimiwa Naibu Spika, msingi wa marekebisho haya ni kuleta ufanisi kwa kuondoa uwezekano wa shughuli za Msajili kukwama kutokana na wingi wa kazi au Msajili kutokuwepo ofisini kwa sababu nyingine kama vile ugonjwa, kusafiri, likizo na kadhalika.

Mheshimiwa Naibu Spika, Sehemu ya Nne inahusu Usajili, Leseni na Vibali; Kamati inapendekeza marekebisho yafuatayo:-

(a) Ibara ya 25 - Kufuta maneno '*in force*' yaliyopo katika Ibara ya 25(4) na badala yake kuweka neno *valid*. Marekebisho ya Kiuandishi.

(b) Ibara ya 27-Kufuta *article 'a'* mbele ya neno *with* lililopo katika mstari wa kwanza. Marekebisho ya Kiuandishi. Kuondoa uwezekano wa matumizi ili kuondoa uwezekano.

Mheshimiwa Naibu Spika, Sehemu ya Saba, inahusu Usalama wa Viuatilifu; kwa kuangalia maudhui ya ibara ya 53 na 55 kuna haja ya kufafanua katika *Interpretation* viuatilifu visivyofaa kutumika vilivyotajwa katika Kifungu cha 53 kama (*obsolete pesticides*) na Kifungu cha 55 (*substandard, counterfeit, fake pesticides*). Kama ambavyo imefanyika kwa *Adulterated pesticide*. Msingi wa pendekezo hili ni kuepusha mkanganyiko wa tafsiri wakati wa utekelezaji.

Mheshimiwa Naibu Spika, Sehemu ya Tisa inahusu Makosa na Adhabu; katika Ibara ya 59, Kamati inapendekeza kwamba, kusiwe na tofauti kubwa katika kiwango cha adhabu kati ya adhabu ya chini na adhabu ya juu inayoweza kutolewa kwa mtu anayetenda kosa chini ya sheria hii. Msingi wa pendekezo hili ni kuondoa uwezekano wa matumizi mabaya ya utoaji wa adhabu kwa watu waliokutwa na hatia ya kukiuka masharti ya kisheria hii. Vile

vile itaondoa uwezekano wa kutumia mwanya huo kama njia ya kudai na kutoa rushwa.

Mheshimiwa Naibu Spika, Sehemu ya Jedwali; katika sehemu hii, Kamati inapendekeza kuongeza idadi ya uwakilishi kwa wanawake kwenye Wajumbe wa Bodi ili kuleta usawa wa kijinsia. Idadi inayotajwa kuwa na wanawake wawili kati ya wajumbe nane mpaka tisa bado idadi ni ndogo. Kamati inasisitiza kuwa, kama ilivyo kwa Sheria zingine, Wajumbe wa Bodi wanawake wawe angalau theluthi moja ya wajumbe wote. (*Makofi*)

Mheshimiwa Naibu Spika, katika aya ya (4) kuifanyia marekebisho ya kiuchapaji kwa kufuta herufi 's' katika neno *members* lililopo katika mstari wa kwanza.

Maoni na Ushauri wa Jumla:-

(a) Kulingana na Vifungu 21, 22 na 23 vya Sheria pendekezwa, inabidi mtu anayetaka kuingiza mimea nchini (hii ni pamoja na mbegu) kupata kibali kutoka kwa Mamlaka ya Afya ya Mimea na Viuatilifu itakayoanzishwa. Hata hivyo, Kanuni za Mbegu (*Seeds Regulations, 2007*) nazo zinaelekeza kuwa kibali cha kuingiza mbegu nchini yaani (Kanuni ya 33) au kusafirisha mbegu nje ya nchini (Kanuni ya 34) kitatolewa na Mkurugenzi wa Maendeleo ya Kilimo.

Mheshimiwa Naibu Spika, hapa kuna haja basi ya kuhakikisha kuwa, hakuna mwingiliano wa mamlaka katika utekelezaji wa sheria inayopendekezwa na Sheria ya Mbegu ya (2003). Kama utaratibu wa kutoa kibali cha kuingiza mbegu nchini utaendelea kuwa kama ulivyo sasa, kuna wasiwasi mkubwa kama Mamlaka ya Afya ya Mimea na Viuatilifu itakayoanzishwa itaweza kusimamia, kudhibiti na kufuatilia afya ya mimea itakayoingizwa.

(b) Moja ya majukumu ya Mamlaka itakayoanzishwa iwe ni kutoa elimu kwa umma na wadau mbalimbali kuhusu umuhimu na matokeo chanya ya kuzingatia masuala ya afya ya mimea na matumizi bora ya viuatilifu.

(c) Mamlaka ya Afya ya Mimea na Viuatilifu haina budi ikajenga uwezo wa kitaalam na kiufundi kwa kuwa na wataalam wabobezi wa kutosha pamoja na maabara za kisasa za kufanya utambuzi wa wadudu na magonjwa kwa ufanisi mkubwa.

(d) Kifungu cha 5(2) kidogo Majukumu na madaraka ya Mamlaka: Inapendekezwa kwamba Jukumu la (2)(d) (*Protection of endangered areas*) na Jukumu (2)(u) (*Establish and maintain a national herbarium*) and Jukumu la (3) kulingana na Kifungu 6 isomwe kuwa vihamishiwe Taasisi ya Utafiti wa Kilimo Tanzania kwani ndiyo hutunza vinasaba na kumbukumbu za mazao mbalimbali kwa ajili ya uhifadhi na utafiti wa kisayansi.

(e) Kifungu cha 68(1) *Transfer of assets and liabilities*. Licha ya mali za *TPRI*, inapendekezwa pia mali za Kitengo cha Afya ya Mimea kilichopo Wizara ya Kilimo zihamishiwe Mamlaka ya Afya ya Mimea na Viuatilifu.

(f) Katika sehemu ya Jedwali, kuhusu Muundo na Utaratibu wa Uendeshaji wa Bodi, Kamati inaona kuwa, Bodi inayopendekezwa kwenye Rasimu ya Muswada haijatoa nafasi kwa uwakilishi wa Taasisi za Utafiti wa Kilimo (*TARI*), Taasisi ya Utafiti wa Misitu (*TAFORI*) na Vyuvo Vikuu ambavyo ni wabobezi wa vitendo kwenye masuala ya mimea. Hivyo ni vyema wakahusishwa katika bodi. Aidha, Kamati inashauri kuwa mwakilishi wa Chama cha Wakulima atoke kwenye tasnia yoyote inayofanya vizuri kwenye Sekta ya Kilimo kwa kipindi husika na sio kumtaja mwakilishi mmoja pekee.

(g) Kamati inasisitiza utekelezaji wa mapendekezo yake ambayo katika majadiliano na Serikali, iliahidi kuwa yatazingatiwa katika Kanuni zitakazotungwa ili kuwezesha utekelezaji madhubuti wa Sheria hii. Mathalan, baadhi ya vifungu ambavyo marekebisho yake ni muhimu yatafanuliwa katika kanuni ni pamoja na Ibara ya 14, 30, 32, 37, 39, 49, 59 na 61.

Mheshimiwa Naibu Spika, hitimisho; kwa kuzingatia

uchambuzi wa Kamati, madhumuni na sababu za kutungwa kwa Sheria hii, Kamati imeridhika kuwa ni hatua muafaka kuunganisha Sheria ya Hifadhi ya Mimea na Sheria ya Taasisi ya Utafiti wa Viuatilifu vya Kitropikia (TPRI) ili kuweka mfumo wa pamoja wa kisheria ambao utasimamia hifadhi ya mimea na viuatilifu kwa kuanzisha Mamlaka ya Afya ya Mimea na Viuatilifu. Kamati inaamini kwamba Sheria pendekezwa ya kuanzisha Mamlaka ya Afya ya Mimea na Viuatilifu itaweza kuboresha na kuimarisha usimamizi kwa afya ya mimea na viuatilifu na hivyo kuongeza tija katika kilimo, uchumi wa wakulima na Taifa kwa ujumla.

Kwa niaba ya Wajumbe wa Kamati, napenda kumpongeza Waziri wa Kilimo Mheshimiwa Japhet Hasunga; Manaibu Waziri wa Kilimo Mheshimiwa Omari Mgumba na Mheshimiwa Hussein Bashe; Wataalamu kutoka Wizara ya Kilimo, Mwanasheria Mkuu wa Serikali pamoja na wataalam wa Ofisi ya Mwanasheria Mkuu wa Serikali, wadau wote waliotoa maoni yao na kuiwezesha Kamati kufanya uchambuzi na kuboresha Muswada huu. *(Makofi)*

Mheshimiwa Naibu Spika, kipekee nawashukuru Wajumbe wa Kamati ya Bunge....

(Hapa kengele ililia kuashiria kwisha kwa muda wa Mzungumzaji)

NAIBU SPIKA: Mheshimiwa kengele ya pili ilishagonga.

MHE. DKT. CHRISTINE G. ISHENGOMA-MAKAMU MWENYEKITI WA KAMATI YA KUDUMU YA BUNGE YA KILIMO, MIFUGO NA MAJI: Mheshimiwa Naibu Spika, mwisho, lakini siyo mwisho, naomba kuwatambua wote, ndugu Stephen Kagaigai na wasaidizi wake wote. Nasema kuwa ahsante sana.

Mheshimiwa Naibu Spika, baada ya kusema hayo, naomba kuwasilisha na naunga mkono hoja. Ahsante sana kwa kunisikiliza. *(Makofi)*

MAONI NA USHAURI WA KAMATI YA KUDUMU YA BUNGE YA KILIMO, MIFUGO NA MAJI KUHUSU MUSWADA WA SHERIA YA AFYA YA MIMEA , 2020 (THE PLANT HEALTH ACT, 2020) - KAMA YALIVYOWASILISHWA MEZANI

1.1 UTANGULIZI

Mheshimiwa Spika, kwa mujibu wa Kanuni ya 86 (5) ya Kanuni za Kudumu za Bunge, Toleo la Januari, 2016, naomba kuwasilisha Maoni ya Kamati ya Kudumu ya Bunge ya Kilimo, Mifugo na Maji Kuhusu Muswada wa Sheria ya Afya ya Mimea ya Mwaka 2020.

Mheshimiwa Spika, Muswada wa Sheria ya Afya ya Mimea 2020 unapendekeza kutungwa kwa Sheria itakayosimamia kwa pamoja masuala ya afya ya mimea na viuatilifu. Kabla ya Muswada huu masuala ya hifadhi na afya ya mimea yalikuwa yanasimamiwa na sheria yake inayoitwa Sheria ya Hifadhi ya Mimea (*The Plant Protection Act- PPA Na.13*) ya Mwaka 1997, wakati masuala yanayohusu viuatilifu yalikuwa yanasimamiwa na sheria inayoitwa Sheria ya Taasisi ya Utafiti wa Viuatilifu vya Kitropikia, (*The Tropical Pesticides Research Institute Act- TPRI Act*) Na. 18 ya 1979

Mheshimiwa Spika, Kutokana na changamoto au mapungufu yaliyojitokeza wakati wa utekelezaji wa Sheria hizo ikiwa ni pamoja na mwingiliano wa majukumu kati ya Taasisi hizi, Serikali imeamua kuwasilisha Muswada huu Bungeni ili Bunge kwa mamlaka yake liweze kutunga sheria mpya ya Afya ya Mimea ambayo itaweka mfumo madhubuti wa kisheria wa pamoja kwa ajili ya kusimamia masuala ya hifadhi ya mimea na viuatilifu kwa kuzingatia matakwa ya mikataba ya kimataifa, kasi ya mabadiliko ya teknolojia na athari za matumizi mabaya ya viuatilifu na changamoto ya mbegu na viuatilifu ambavyo havina ubora na viwango vinavyotakiwa kimataifa (viuatilifu bandia).

Mheshimiwa Spika, Sheria ya Afya ya Mimea itaanzisha Mamlaka ya Afya ya Mimea na Viuatilifu ambayo itakuwa na jukumu la kusimamia hifadhi ya mimea kwa kukabiliana

na changamoto ya visumbufu na kudhibiti viuatilifu katika uzalishaji, uingizaji, usambazaji na matumizi yake.

Kwa ujumla mapendekezo yaliyomo kwenye Muswada huu ni hatua muhimu katika kuboresha na kuendeleza sekta ya kilimo. Inatarajiwa kwamba kupitia Sheria itakayotungwa, usimamizi wa hifadhi ya mimea utaimarika zaidi lakini pia udhibiti na mapambano dhidi ya viuatilifu visivyofaa na wadudu waharibifu kama nzige na wale wanaosababisha magonjwa mbalimbali kwa mimea utaimarika zaidi.

Mheshimiwa Spika, Kamati inatoa pongezi kwa Serikali kwa hatua ya kuleta Muswada huu Bungeni ili uweze kujadiliwa na hatimaye kutungwa kwa Sheria itakayoanzisha Mamlaka ya Afya ya Mimea na Viuatilifu, kwa lengo la kuboresha na kuimarisha usimamizi wa afya ya mimea na viuatilifu hapa nchini. Pia kuondoa ukiritimba na mwiingiliano wa majukumu na mamlaka yaliyokuwa chini ya Kitengo cha Afya ya Mimea (Plant Health Services) katika Wizara ya Kilimo na yaliyokuwa chini ya Taasisi ya Utafiti wa Viuatilifu vya Kitropiki (TPRI) katika usimamizi wa masuala yanayohusu afya ya mime ana udhibiti wa viuatilifu.

Mheshimiwa Spika, baada ya Kamati kupokea Muswada wa Sheria inayokusudiwa kutungwa, Kamati ilitoa mwaliko kwa wadau mbalimbali kupitia vyombo vya habari na barua pepe. Wajibu huu ulitekelezwa kwa mujibu wa Kanuni ya 84 (2) ya Kanuni za Kudumu za Bunge, Toleo la Januari, 2016. Mwaliko uliotolewa ulikusudia kuwapa wadau fursa yakutoa maoni yao kuhusu mapendekezo ya marekebisho ya sheria inayokusudiwa kutungwa na hatimaye kuisaidia Kamati kufanya uchambuzi wa kina wa muswada tajwa.

Mheshimiwa Spika, Kanuni inaitaka Kamati kualika wadau kufika mbele ya Kamati ili kutoa maoni. Hata hivyo kutokana na Mlipuko wa ugonjwa wa Homa ya Mpafu unaosababishwa na virusi vya corona (COVID -19) Kamati ililazimika kupokea maoni ya wadau kwa njia ya barua pepe ili kuepusha mikusanyiko, ambapo Kamati iliyapitia na kuyachambua na hivyo kuweza kupata fursa ya kuwa na uelewa mpana wa maudhui ya muswada husika.

Mheshimiwa Spika, napenda kuwatambua wadau waliotuma maoni yao kwa barua pepe ambao ni pamoja na: -

i) Chama cha Bioteknolojia Tanzania (Biotechnology Society of Tanzania – BST);

ii) Idara ya Afya za Mazingira Kazini (Environment and Occupational Health) Chuo Kikuu cha Sayansi za Afya na Shirikishi Muhimbili (MUHAS);

iii) Vituo vya Ukaguzi wa Mazao ya Kilimo vya Bandari Dar es salaam na Kiwanja cha Ndege cha Kimataifa cha Dae es salaam (JNIA);

iv) Muungano wa Vikundi vya Wakulima Tanzania (MVIWATA) – Mkoa wa Kilimanjaro, Arusha na Mnayara;

v) Tanzania Organic Agriculture Movement (TOAM);

vi) Tropical Pesticides Research Institute – Arusha;

vii) Chama cha Wafanyakazi wa Sekta za Elimu ya Sayansi na Teknolojia (RAAWU) pamoja na;

viii) Watu binafsi kutoka ndani na nje ya Nchi.

2.1 UCHAMBUZI WA MUSWADA NA MAPENDEKEZO YA KAMATI

Mheshimiwa Spika, kama ilivyo ada, kabla ya kuanza kuchambua Muswada huu, tarehe 28 Aprili, 2020 Kamati ilipokea maelezo ya Waziri wa Kilimo kuhusu madhumuni ya Muswada husika.

Mheshimiwa Spika, katika maelezo yake, Waziri wa Kilimo alieleza Kamati kuwa, Madhumuni na sababu za Sheria inayokusudiwa kutungwa ambayo muktadha wake unapatikana katika sehemu ya Muswada ijulikanayo kama madhumuni na sababu (*objects and reasons*) yanalenga kuwezesha;

- i. Kufutwa kwa Sheria ya Taasisi ya Utafiti wa Viuatilifu vya Ukanda wa Kitropiki (*Tropical Pesticide Research Institute-TPRI Act*) Na. 18 ya mwaka 1979 na Sheria ya Hifadhi ya Mimea (*Plant Protection Act- PPA*) Na. 13 ya Mwaka, 1997;
- ii. Kuondoa vifungu vya sheria vinavyohusu udhibiti wa viuatilifu vya mifugo na afya ya jamii katika Sheria itakayotungwa;
- iii. Kuongezeka kwa ufanisi katika shughuli za afya ya mimea na udhibiti wa viuatilifu kutokana na kutumika kikamilifu kwa miundombinu, rasilimali watu na vitendea kazi;
- iv. Kuongezeka kwa masoko ya bidhaa za mazao ya kilimo kutokana na kukidhi mataakwa ya viwango vya ubora vya afya ya mimea na usafi wa mazao ya kilimo;
- v. Kupungua kwa taarifa za malalamiko ya kutokidhi vigezo vya masoko (*non-compliance notifications*) kutokana na kuimarika kwa udhibiti na ukaguzi wa mazao na viuatilifu;
- vi. Kuongezeka kwa uwekezaji katika sekta ya kilimo na biashara ya mazao kutokana na kupungua kwa urasimu wa upatikanaji wa huduma za afya ya mimea na viuatilifu;
- vii. Kuongezeka kwa uhakika wa chakula na lishe na malighafi ya viwanda kutokana na kuongezeka kwa uzalishaji wa mazao ya kilimo;
- viii. Kupungua kwa madhara ya kiasia kwa binadamu yatokanayo na masalia ya viuatilifu, sumukuvu, madinizito (*heavy metals*) na visibika (*contaminants*) kwenye mazao kutokana na kuimarika kwa mfumo wa udhibiti;
- ix. Kupungua kwa viuatilifu bandia na visivyo na ubora sokoni kutokana na kuimarika kwa udhibiti wa viuatilifu katika utengenezaji, uingizaji, usambazaji na uuzaji;

x. Kupungua kwa uvamizi wa visumbufu vipya/vigeni kutokana na kuimarika kwa huduma ya uchunguzi wa visumbufu (*pest surveillance*);

xi. Kupungua kwa upotevu wa mazao kabla na baada ya kuvuna kutokana na kuimarishwa kwa huduma za udhibiti wa visumbufu;

xii. Kupungua kwa athari hasi kwa mazingira na viumbe vingine zitokanazo na matumizi yasiyo sahihi ya viuatilifu, mrundikano wa viuatilifu chakavu na vibebeo vilivyokwisha tumika (*obsolete pesticides and pesticides empty containers*);

xiii. Kuondoa jukumu la utafiti wa msingi (*basic research*) lililokuwepo kwenye Sheria ya TPRI ambalo litafanywa na Taasisi ya Utafiti wa Kilimo –(TARI) yenye jukumu hilo kwa mujibu wa Sheria ya Taasisi ya Utafiti wa Kilimo Na. 10 ya Mwaka 2016;

xiv. Kuongezeka kwa maduhuli ya Serikali na;

xv. Kupungua kwa matukio ya ukiukwaji wa sheria kutokana na adhabu zitakazowekwa kulingana na uzito wa kosa.

Mheshimiwa Spika, Kamati inaunga mkono madhumuni na sababu (*objects and reasons*) za Serikali kuhusu muswada huu kwani unalenga kuimarisha usimamizi wa afya ya mimea na viuatilifu nchini.

Mheshimiwa Spika, wakati Kamati ikichambua Muswada huu, ilipata fursa ya kushiriki semina na mada mbalimbali kwa lengo la kuwajengea uwezo zaidi Wajumbe wa Kamati na baadhi ya Wabunge kutoka Kamati zingine. Mada hizo ziliandaliwa na Idara ya Kamati za Bunge, Idara ya Mshauri wa Bunge Mambo ya Sheria pamoja na Wataalamu kutoka katika Taasisi na Mashirika yasiyo ya Serikali walioratibiwa kupitia Mradi wa Kuwajengea Wabunge Uwezo Awamu ya Pili (*Legislative Support Project -LSP II*).

Mheshimiwa Spika, kwa namna ya kipekee Kamati inatoa shukrani kwa Ofisi ya Bunge kupitia mradi wa *LSP II* kwa kuwawezesha Wabunge kuongeza ujuzi na uelewa kuhusu muktadha wa Muswada unaokusudiwa kutungwa. Mada zilizowasilishwa kwa wajumbe ni pamoja na;

i) Dhana Kuu kuhusu Muswada wa Sheria ya Afya ya Mimea wa Mwaka 2020;

ii) Madhumuni na mazingira ya utekelezaji Muswada wa Sheria tarajiwa ya Afya ya Mimea 2020.

iii) Uchambuzi wa Muswada wa Sheria ya Afya ya Mimea wa Mwaka 2020; na

Mheshimiwa Spika, uchambuzi wa Kamati ulibaini kuwa, Muswada huu una jumla ya sehemu kumi (10) na vifungu sitini na tisa (69) pamoja na jedwali moja (01) na kwa ukamilifu unasomeka kuwa ni Muswada wa Sheria ya Afya ya Mimea wa Mwaka 2020. Kwa ujumla maudhui ya Muswada yamejikita katika uanzishwaji wa Mamlaka ya Afya ya Mimea na Viuatilifu majukumu na utawala wa mamlaka hiyo. Aidha, Muswada unapendekeza kuweka utaratibu wa usajili, utoaji wa leseni na vibali mbalimbali vya biashara ya viuatilifu.

Mheshimiwa Spika, Vile vile, Muswada unaweka masharti ya usimamizi, udhibiti na usalama wa viuatilifu pamoja na masharti kuhusu masuala ya mapato na matumizi ya fedha za Mamlaka, makosa na adhabu, ufillishaji wa makosa, fidia, mamlaka ya kutunga kanuni na masharti ya kufuta sheria ya Hifadhi ya Mimea, Sura 133 na Sheria ya Taasisi ya Utafiti wa Viuatilifu vya Kitropiki, Sura 161.

2.1 Uchambuzi wa Muswada wa Afya ya Mimea wa Mwaka 2020 Sehemu ya kwanza ya muswada inayohusu Masharti ya Utangulizi

Mheshimiwa Spika, katika sehemu hii, Kamati imebaini makossa machache ya kiuandishi na kuongeza baadhi ya maneno ili kuleta maana kamalifu kama ifuatavyo: -

- a) Inapendekezwa kuingiza neno **'the'** kabla ya neno **'United'** lililopo katika Kanuni ya Utungaji Sheria. Marekebisho ya kiuandishi;
- b) Katika Ibara ya 3, tafsiri ya neno **'Board'** kufuta neno **'in'** lililopo mbele ya neno **'established'** na badala yake kuweka neno **'under'**; Marekebisho ya kiuandishi;
- c) Katika tafsiri ya neno **'analysts'** kufuta neno **'of'** lililopo mbele ya neno **'section'** na kuingiza neno **'of'** mbele ya neno **'this'**. Marekebisho ya kiuandishi na;
- d) Kuongeza maeneo **"will result into significant economic, social economic loss"** katika maana ya endangered *area*;
- e) Sheria haijaeleza maana ya *"Intergrated Pest Management approach"*. Kamati inapendekeza kuongeza maneno **"Intergrated Pest Management approach"** kwenye tafsiri ya maneno yaliyotumika kwenye.

2.1.2 Sehemu ya pili inayohusu Uanzishwaji wa Mamlaka

Mheshimiwa Spika, katika sehemu hii ya pili, Kamati inatoa maoni na mapendekezo kama ifuatavyo:

- a) Kufuta herufi **'s'** katika neno **'followings'** lililopo katika Ibara ndogo ya (2) na kuongeza herufi **'s'** katika neno **'provision'** lililopo katika Ibara ndogo ya (2)(a).
- b) Pia Kamati inapendekeza kuingiza maneno **'from any person'** mbele ya neno **'demand'** lililopo katika Ibara ndogo ya 5(4)(a).

2.1.3 Sehemu ya tatu ya muswada inayohusu Utawala wa Mamlaka

Mheshimiwa Spika, katika sehemu hii ya tatu, Kamati inatoa maoni na mapendekezo kama ifuatavyo:

a) Ibara ya 7 - Kuongeza jukumu la kupendekeza viwango vya ada na tozo mbalimbali kwa Waziri zinazopaswa kutozwa chini ya sheria hii. Hivyo, inapendekezwa kuongeza kipengele (g) kitakachosomeka ***'to recommend rates of fees and charges to the Minister on services rendered by the Authority.***

Baada ya marekebisho hayo inapendekezwa iliyokuwa aya ya (g) na (h) ziwe aya ya (h) na (i) mtawalia. Msingi wa marekebisho haya ni kuweka wazi mamlaka ya upangaji na uidhinishaji wa viwango vya ada na tozo mbalimbali.

b) Ibara ya 10 - Kufuta neno **'degree'** lililopo katika Ibara ndogo ya (3) na badala yake kuweka maneno **'a master degree'**. Msingi wa pendekezo hili ni kuweka wazi kiwango cha elimu kwa mtu anayetakiwa kuteuliwa kuwa Mkurugenzi Mkuu wa Mamlaka kinapaswa kuwa kuanzia shahada ya pili (***master degree***) badala ya kuwa na elimu ya shahada ya kwanza. Hii inatokana na utamaduni na uzoefu ambao Bunge hili limeuweka kwenye eneo la sifa za kielimu kwa watendaji wakuu wa taasisi au mashirika ya umma yaliyoanzishwa kwa mujibu wa sheria.

c) Ibara ya 11 - Katika Ibara ndogo ya (1) inapendekezwa kuongeza herufi **'s'** katika neno **'provision'** lililopo katika mstari wa mwisho. Marekebisho ya kiuchapaji

Aidha, inapendekezwa kufuta neno **'functions'** lililopo katika Ibara ndogo ya (3) na badala yake kuweka neno **'duties'**. Marekebisho ya kiuandishi.

d) Ibara ya 13 (2) Kamati inapendekeza kwamba, kwa kuwa kifungu hiki kinafafanua madaraka na majukumu ya Msajili, ilihali Kifungu kidogo (2)(c) kinasema: ***"establish and maintain a pesticides register in accordance with this Act"***; na Kifungu kidogo (2)(j) kinasema: ***"maintain a national register of pesticides and pesticides dealers"***; majukumu haya yanaweza kuunganishwa katika kifungu kimoja na kusomeka kama ifuatavyo: ***"establish and maintain a register of pesticides and pesticides dealers in accordance with this Act"***. Msingi wa pendekezo ni maboresho ya uandishi.

e) Ibara ya 13, haimpi nafasi msajili kukasimu madaraka kwa mtumishi mwingine. Kamati inapendekeza kuongeza kifungu kipya cha 13A kwa ajili ya kumpa Msajili mamlaka ya kukasimu madaraka au sehemu ya madaraka yake kwa mtumishi mwingine wa Mamlaka. Kifungu hicho kosomeke: **13A. The Registrar may delegate any of his functions to any employee of the Authority subject to the approval of the Board.** Msingi wa marekebisho haya ni kuleta ufanisi kwa kuondoa uwezekano wa shughuli za Msajili kukwama kutokana na wingi wa kazi au Msajili kutokuwepo ofisini kwa sababu nyingine kama vile ugonjwa, kusafiri, likizo n.k.

2.1.4 Sehemu ya nne inayohusu Usajili, Leseni na Vibali

Mheshimiwa Spika, Kamati inapendekeza marekebisho yafuatayo: -

a) Ibara ya 25 - Kufuta maneno **'in force'** yaliyopo katika Ibara ya 25(4) na badala yake kuweka neno **'valid'**. Marekebisho ya Kiuandishi

b) Ibara ya 27 - Kufuta article **'a'** mbele ya neno **'with'** lililopo katika mstari wa kwanza. Marekebisho ya Kiuandishi.

2.1.5 Sehemu ya saba inayohusu Usalama wa Viuatilifu

Mheshimiwa Spika, kwa kuangalia maudhui ya ibara ya 53 na 55 kuna haja ya kufafanua katika **"Interpretation"** viuatilifu visivyofaa kutumika vilivyotajwa katika Kifungu cha 53 kama **(obsolete pesticides)** na Kifungu cha 55 **(substandard, counterfeit, fake pesticides)**. Kama ambavyo imefanyika kwa **"Adulterated pesticide"**. Msingi wa pendekezo hili ni kuepusha mkanganyiko wa tafsiri wakati wa utekelezaji,

2.1.6 Sehemu ya tisa inayohusu Makosa na Adhabu

Mheshimiwa Spika, Katika Ibara ya 59, Kamati inapendekeza kwamba; kusiwe na tofauti kubwa katika kiwango cha adhabu kati ya adhabu ya chini na adhabu ya juu inayoweza kutolewa kwa mtu aliyetenda kosa chini ya sheria hii. Msingi wa pendekezo hili ni kuondoa uwezekana wa matumizi

mabaya ya utoaji wa adhabu kwa watu waliokutwa na hatia ya kukiuka masharti ya sheria hii. Vile vile itaondoa uwezekano wa kutumia mwanya huo kama njia ya kudai na kutoa rushwa.

2.1.7 Sehemu ya Jedwali

Mheshimiwa Spika, katika sehemu hii, Kamati inapendekeza kuongeza idadi ya uwakilishi kwa wanawake kwenye wajumbe wa bodi ili kuleta usawa wa kijinsia. Idadi inayotajwa kuwa na wanawake wawili kati ya wajumbe 8 – 9 bado idadi ni ndogo. Kamati inasisitiza kuwa, kama ilivyo kwa sheria zingine, wajumbe wa bodi wanawake wawe angalau theluthi (1/3) ya wajumbe wote

a) Katika aya ya 4 - kufuta herufi 's' katika neno 'members' lililopo katika mstari wa kwanza. Marekebisho ya Kiuchapaji.

3.1 MAONI NA USHAURI WA JUMLA

a) Kulingana na Vifungu 21, 22 na 23 vya Sheria pendekezwa, inabidi mtu anayetaka kuingiza mimea nchini (hii ni pamoja na mbegu) kupata kibali kutoka kwa Mamlaka ya Afya ya Mimea na Viuatilifu itakayoanzishwa. Hata hivyo, Kanuni za Mbegu (Seeds Regulations, 2007) nazo zinaelekeza kuwa kibali cha kuingiza mbegu nchini (Kanuni ya Nr. 33) au kusafirisha mbegu nje ya nchini (Kanuni ya 34) kitatolewa na Mkurugenzi wa Maendeleo ya Kilimo. Kuna haja basi kuhakikisha kuwa hakuna mwiingiliano wa mamlaka katika utekelezaji wa Sheria inayopendekezwa na Sheria ya Mbegu (2003). Kama utaratibu wa kutoa kibali cha kuingiza mbegu nchini utaendelea kuwa kama ulivyo sasa, kuna wasiwasi mkubwa kama Mamlaka ya Afya ya Mimea na Viuatilifu itakayoanzishwa itaweza kusimamia, kudhibiti na kufuatilia afya ya mimea itakayoingizwa.

b) Moja ya majukumu ya Mamlaka itakayoanzishwa iwe ni kutoa elimu kwa umma na wadau mbalimbali kuhusu umuhimu na matokeo chanya ya kuzingatia masuala ya afya ya mimea na matumizi bora ya viuatilifu.

c) Mamlaka ya Afya ya Mimea na Viuatilifu haina budi ikajenga uwezo wa kitaalamu na kiufundi kwa kuwa na wataalamu wabobezi wa kutosha pamoja na maabara za kisasa za kufanya utambuzi wa wadudu na magonjwa kwa ufanisi mkubwa.

d) Kifungu cha 5(2) Majukumu na madaraka ya Mamlaka: Inapendekezwa kwamba Jukumu (2) (d) (*Protection of endangered areas*) na Jukumu (2)(u) (*Establish and maintain a national herbarium*) na Jukumu (3) kulingana na Kifungu 6 isomwe kuwa vihamishiwe Taasisi ya Utafiti wa Kilimo Tanzania kwani ndiyo hutunza vinasaba na kumbukumbu za mazao mbalimbali kwa ajili ya uhifadhi na utafiti wa kisayansi.

e) Kifungu cha 68(1) "*Transfer of assets and liabilities*": Licha ya mali za TPRI, inapendekezwa pia mali za Kitengo cha Afya ya Mimea kilichopo Wizara ya Kilimo zihamishiwe Mamlaka ya Afya ya Mimea na Viuatilifu.

f) Katika sehemu ya Jedwali, kuhusu Muundo na Utaratibu wa Uendeshaji wa Bodi, Kamati inaona kuwa, Bodi inayopendekezwa kwenye Rasimu ya Muswada haijatoa nafasi kwa uwakilishi wa Taasisi za Utafiti wa Kilimo (TARI), Taasisi ya Utafiti wa Misitu (TAFORI) na Vyuo Vikuu ambao ni wabobezi wa vitendo kwenye masuala ya mimea. Hivyo ni vema wakahusishwa katika bodi. Aidha, Kamati inashauri kuwa mwakilishi wa chama cha wakulima atoke kwenye tasnia yoyote inayofanya vizuri kwenye sekta ya kilimo kwa kipindi husika, na sio kumtaja mwakilishi mmoja pekee.

g) Kamati inasisitiza utekelezaji wa mapendekezo yake ambayo katika majadiliano na Serikali, iliahidi kuwa yatazingatiwa katika Kanuni zitakazotungwa ili kuwezesha utekelezaji madhubuti wa Sheria hii. Mathalan, baadhi ya vifungu ambavyo marekebisho yake ni muhimu yakafanuliwa katika kanuni ni pamoja na Ibara ya 14, 30, 32,37,39,49,59 na 61.

4.1 HITIMISHO

Mheshimiwa Spika, Kwa kuzingatia uchambuzi wa Kamati, madhumuni na sababu za kutungwa kwa Sheria hii, Kamati imeridhika kuwa ni hatua muafaka kuunganisha Sheria ya Hifadhi ya Mimea na Sheria ya Taasisi ya Utafiti wa Viuatilifu vya Kitropikia (TPRI) ili kuweka mfumo wa pamoja wa kisheria ambao utasimamia hifadhi ya mimea na viuatilifu kwa kuanzisha Mamlaka ya Afya ya Mimea na Viuatilifu. Kamati inaamini kwamba Sheria pendekezwa ya kuanzisha Mamlaka ya Afya ya Mimea na Viuatilifu itaweza kuboresha na kuimarisha usimamizi wa afya ya mimea na viuatilifu na hivyo kuongeza tija katika kilimo, uchumi wa wakulima na Taifa kwa ujumla.

Mheshimiwa Spika, kwa niaba ya Wajumbe wa Kamati napenda kumpongeza Waziri wa Kilimo Mhe. Japhet Hasunga (Mb), Manaibu Waziri wa Kilimo Mhe. Omari Mgumba, (Mb) na Hussein Bashe, Mb, Wataalamu kutoka Wizara ya Kilimo, Mwanasheria Mkuu wa Serikali pamoja na wataalamu wa Ofisi ya Mwanasheria Mkuu wa Serikali, wadau wote waliotoa maoni yao na kuiwezesha Kamati kufanya uchambuzi na kuboresha Muswada huu.

Mheshimiwa Spika, Kipekee nawashukuru Wajumbe wa Kamati ya Bunge ya Kilimo, Mifugo na Maji kwa kuchambua kikamilifu maoni yaliyowasilishwa na wadau na hivyo kuwawezesha kuchambua Muswada kwa kina na hatimaye kukamilisha taarifa hii.

Mheshimiwa Spika, kwa heshima na taadhima, naomba kuwatambua Wajumbe hao kwa kuwataja majina kama ifuatavyo: -

- | | |
|--|--------------|
| 1. Mhe. Mahmoud Hassan Mgimwa Mb | Mwenyekiti |
| 2. Mhe. Dkt. Christine G. Ishengoma, Mb | M/Mwenyekiti |
| 3. Mhe. Dkt. Mary Michael Nagu, Mb | Mjumbe |
| 4. Mhe. Prof. Sospeter Mwijarubi Muhongo, Mb | " |
| 5. Mhe. Eng. Edwin A. Ngonyani, Mb | " |
| 6. Mhe. Jitu V.Soni, Mb | " |

7. Mhe. Khadija Hassan Aboud, Mb "
8. Mhe. Haroon Mulla Pirmohamed, Mb "
9. Mhe. Ritta Enespher Kabati, Mb "
10. Mhe. Mattar Ali Salum, Mb "
11. Mhe. Lucy Simon Magereli, Mb "
12. Mhe. Justin Joseph Monko, Mb "
13. Mhe. Omar Abdallah Kigoda, Mb "
14. Mhe. Anna Richard Lupembe, Mb "
15. Mhe. Pascal Yohana Haonga, Mb "
16. Mhe. Salim Mbaraku Bawazir Mb "
17. Mhe. Deo Kasenyenda Sanga, Mb "
18. Mhe. Devotha Methew Minja, Mb "
19. Mhe. Haji Ameir Haji, Mb "
20. Mhe. Haji Khatib Kai, Mb "
21. Mhe. Sikudhani Yasini Chikambo, Mb "
22. Mhe. Juma Ali Juma, Mb "
23. Mhe. Emmanuel Papian John, Mb "
24. Mhe. Anthony Calist Komu "
25. Mhe. Kunti Yusuph Majala, Mb "
26. Mhe. Kangi Alphaxad Lugola, Mb "

Mheshimiwa Spika, mwisho lakini sio kwa umuhimu, Kamati inamshukuru Katibu wa Bunge Ndg. Stephen Kagaigai kwa kuiwezesha Kamati wakati wote ilipokua ikitekeleza majukuu yake. Vilevile Kamati inaishukuru Sekretarieti ya Kamati ikiongozwa na Kaimu Mkurugenzi wa Idara ya Kamati Ndg. Michael Chikokoto, Mkurugenzi Msaidizi Ndg. Magili pamoja na Makatibu wa Kamati Ndg. Virgil Mtui, Ndg. Rachel Nyega, Mshauri wa Bunge Mambo ya Sheria Ndg. Mosi, Msaidizi wa Kamati Nd. Jane Ndulesi na Watumishi wote wa Ofisi ya Bunge kwa kuratibu vyema shughuli za Kamati hadi kukamilika kwa taarifa hii.

Mheshimwa Spika, baada ya kusema hayo, naomba kuwasilisha na ninaunga mkono hoja.

Dk. Christine Gabriel Ishengoma (Mb)

MAKAMU MWENYEKITI KAMATI YA KILIMO, MIFUGO NA MAJI

19 May, 2020

NAIBU SPIKA: Ahsante sana. Sasa nimwite Msemaji wa Kambi Rasmi ya Upinzani Bungeni wa Wizara ya Kilimo, Mheshimiwa Pascal Haonga.

MHE. PASCAL Y. HAONGA - MSEMAJI MKUU WA KAMBI RASMI BUNGENI KWA WIZARA YA KILIMO: Mheshimiwa Naibu Spika, kwa heshima kubwa nimshukuru Mwenyezi Mungu kwa kunipa nguvu na kuweza kusimama mbele ya Bunge hili, ili kutoa maoni ya Kambi Rasmi ya Upinzani Bungeni kuhusu mapendekezo ya Serikali kuhusiana na Muswada wa afya ya mimea wa mwaka 2020.

Mheshimiwa Naibu Spika, pia kwa unyenyekevu mkubwa niwashukuru Waheshimiwa Wabunge wote wa Kambi Rasmi ya Upinzani ambao kwa umoja wetu tulijadili na kukubaliana kuhusu kujitenga na Bunge hili hadi pale suala zima la usalama wa Waheshimiwa Wabunge litakapopewa kipaumbele kinachotakiwa. Ninashukuru Bunge na Serikali wamezingatia jambo hilo. *(Makofi)*

Mheshimiwa Naibu Spika, kwa kuwa hii ni nafasi yangu ya Mwisho katika Bunge hili la Kumi na Moja kusimama hapa mbele na kutoa maoni, hivyo kwa heshima kubwa naomba niwashukuru wananchi na wanachama na wapenzi wote wa Chama cha Demokrasia na Maendeleo popote walipo hapa nchini na hasa wale wa Jimbo langu la uchaguzi la Mbozi kwa kutuvumilia na kuwa pamoja nasi kama chama na tunaomba wazidi kuwa na imani na sisi na tuendeele kushirikiana katika uchaguzi ujao na kuhakikisha nchi hii inakuwa katika himaya salama kwao na kwa maisha ya watoto wao na mali zao.

Mheshimiwa Naibu Spika, mwisho lakini kwa umuhimu mkubwa nitoe shukrani zangu za dhati kwa KUB Mheshimiwa Freeman Mbowe kwa kuniamini na kunikabidhi kusimamia Wizara ambayo inalisha Watanzania takribani milioni 56 na kutoa ajira kwa takriban Watanzania asilimia 67. Na pia kuchangia katika pato la Taifa kwa asilimia 27.

Mheshimiwa Naibu Spika, afya ya mimea inaendana na utafiti, lakini hali halisi ni kuwa kumekuwa na uhaba mkubwa wa fedha katika Vituo vya Utafiti ni tatizo la muda mrefu, fedha zao nyingi za utafiti hupatikana toka kwa wafadhili tu. Hoja ya msingi ya kujiuliza ni kwa kiasi gani tamko la Serikali la asilimia moja ya pato la Taifa kupitia *COSTECH* zinawafikia au zinagawiwa kwa watafiti wa Wizara ya Kilimo.

Mheshimiwa Naibu Spika, taarifa ya wizara inasema kuwa Serikali imeendelea kushirikiana na Taasisi za ndani na za nje ya nchi, Vyuo Vikuu na Mashirika mbalimbali ambapo imesaini Makubaliano ya Ushirikiano yenye bajeti ya thamani ya shilingi 11,987,842,280 kwa ajili ya masuala ya utafiti wa kilimo nchini, kati ya fedha hizo ni kiasi gani kinachoelekezwa kwenye afya ya mimea?

Mheshimiwa Naibu Spika, baada ya kutoa utangulizi huo, sasa naomba kurejea kwenye hoja iliyo mbele yetu.

Mheshimiwa Naibu Spika, Mapitio ya Muswada, Muswada huu unapendekeza kutungwa kwa Sheria ya Afya ya Mimea ya mwaka 2020. Lengo la Sheria pendekezwa ni kuunganisha Sheria ya Hifadhi ya Mimea, Sura 133 na Sheria ya Taasisi ya Utafiti wa Viuatilifu vya Kitropikia, Sura 167 ili kuweka mfumo wa pamoja wa kisheria ambao utasimamia hifadhi ya mimea na viuatilifu.

Mheshimiwa Naibu Spika, vilevile Muswada huu unapendekeza kuanzisha Mamlaka ya Afya ya Mimea na Viuatilifu kama chombo kikuu cha usimamizi wa hifadhi ya mimea, udhibiti wa viuatilifu, kuweka masharti ya kusimamia uhifadhi wa afya ya mimea, kuzuia, kuingiza na kuenea kwa visumbufu, udhibiti wa usafi wa mimea, udhibiti wa viuatilifu, udhibiti na usimamizi wa majaribio ya ufanisi wa viuatilifu, kuwezesha biashara ya mimea na mazao ya mimea pamoja na mambo mengine yanayohusiana na hayo kufanyika kwa ufanisi na kwa ushindani.

Mheshimiwa Naibu Spika, Muswada huu wa sheria unaua Taasisi ya Utafiti wa Viuatilifu vya Kitropikia ili kuunda

chombo kipya kitakachokuwa na mamlaka ya kusimamia majukumu yaliyokuwa yanafanywa na *TPRI* na majukumu mapya ya afya ya mimea.

Mheshimiwa Naibu Spika, Kambi Rasmi ya Upinzani inaona kuwa afya ya mimiea kama Muswada unavyosema ni jambo kubwa ambalo sio tu la viuatilifu bali pia linahusisha na mbegu zinazotumika katika uzalishaji mashambani. Tunaposema kuhusu mbegu maana yake ni kuhusu uzalishaji wa mbegu unasimamiwaje au mbegu zinazoingizwa toka nje ya nchi ubora wake kwa mazingira yetu ya kijamii na kiuchumi yamezingatiwa kwa kiwango gani?

Mheshimiwa Naibu Spika, kwa mujibu wa Shirika la Umoja wa Mataifa la Mpango wa Mazingira Duniani - *UNEP* linasema mimea ni chanzo kikubwa cha hewa tuvutayo na asilimia kubwa ya chakula tunachokula, lakini changamoto imekuwa ni kupuza kuhakikisha mimea hiyo iko katika afya bora na kuweza kuzalisha zaidi.

Mheshimiwa Naibu Spika, aidha, shirika la *FAO* linasema inaweza kuwa na athari mbaya sana, likikadiria kwamba hadi asilimia 40 ya mimea ya chakula hupotea kila mwaka kutokana na magonjwa na wadudu wanaoshambulia mimea. Afya ya mimea zaidi na zaidi iko katika tishio. Mabadiliko ya tabianchi na shughuli za binadamu vimemomonyoa mfumo wa maisha, kupunguza bayonuai na kuweka mazingira mapya ambayo wadudu wanashamiri.

Mheshimiwa Naibu Spika, Kambi Rasmi ya Upinzani inasema kuwa suala hili la afya ya mimea kwa ujumla wake ni suala la kibiashara, suala la usalama wa nchi, pale madawa yasipokuwa katika mikono salama ya watumiaji. Aidha ni suala mtambuka linapohusisha mabadiliko ya tabianchi na shughuli za kibinadamu.

Mheshimiwa Naibu Spika, Kambi Rasmi ya Upinzani inasema hayo kwa kuangalia ukweli uliopo sasa wa uzalishaji wa mbegu ambapo mbegu zetu nyingi za asili zimepotea hasa mbegu kwa ajili ya uzalishaji wa matunda na mboga

mboga na zinazoletwa na makampuni makubwa toka nje ni zile zinazotumika kwa mpando mmoja tu.

Mheshimiwa Naibu Spika, kwa kuwa matumizi ya viuatilifu husababisha baadhi ya mimea kupotea kabisa katika uso wa dunia na mimea mingine kubadilika mfumo wake wa vinasaba hivyo kukosa uhalali wa kuzalisha kama ulivyokuwa unazalisha mazao.

Pia matumizi haya ya viuatilifu inafanya kilimo chetu kutoka kuwa kilimo ambacho ni *organic agriculture* sasa kinatiliwa sana mkazo katika ulimwengu wa sasa na kuingia kwa nguvu katika kilimo cha madawa. Kwa kuwa kupanga ni kuchagua basi kama Taifa tutaingia huko kwenye *Inorganic Agriculture* japokuwa bado tunasuasua kutokana na wakulima wetu kutokuwa tayari kiuielewa.

Mheshimiwa Spika, katika muktadha huo wa mabadiliko ya tabianchi na shughuli za kibinadamu kutaka kubadilisha *Genetic makeup* ya mimea yetu na kutoa kitu ambacho kwa uhalisia wake wakulima wetu wanalazimika kupoteza hazina yao ya asili ya mimea na mbegu na hivyo kadri muda utavyopita wanazidi kuwa tegemezi kwa wazalishaji wa hizo mbegu au mimea. Hivyo ndivyo sababu kubwa ya kusema kuwa hiki kitu afya ya mimea kinaweza kuwa na pande mbili ambazo ni kwa uzuri na ubaya.

Mheshimiwa Naibu Spika, Kambi Rasmi ya Upinzani inajaribu kutoa tahadhari kwa upande ambao Serikali haitaki kuuonesha ili tunapotunga sheria hii tuwe na uelewa mpana na wa pamoja katika kulinda afya ya mimea yetu.

Mheshimiwa Naibu Spika, *UNEP* na *FAO* wanasisitiza kwamba kulinda mimea dhidi ya wadudu na magonjwa ni zaidi ya kukabiliana na dharura kubwa ya afya ya mimea na kutaka kila mtu, kila nchi na wadau wote kuchukua hatua kuhakikisha afya ya mimea inalindwa. Hili ni kweli kabisa lakini suala la mbegu zetu za asili ambazo zinabadilishwa vinasaba ili ziendane na matakwa yao ya kibiashara, kiusalama au ya kisiasa Muswada huu haukuangalia katika muktadha huo.

Mheshimiwa Naibu Spika, kwa kuwa afya ya mimea ni zaidi ya magonjwa na wadudu pamoja na madawa yanayotumika ili kuhakikisha uzalishaji wake. Hivyo Kambi Rasmi ya Upinzani inaamini kuwa afya ya mimea inaanzia kwenye utengenezaji wa mbegu na vipando ili kuwa na uhakika wa usalama wa mimea husika.

Mheshimiwa Naibu Spika, kitendo cha Muswada kutokuzingatia uhalisia wa kuwa Tanzania tunajitosheleza kwa mbegu kwa asilimia chini ya 45 tu na asilimia iliyobakia inategemea kutoka nje ya nchi. Usalama wa mbegu hizo kwa muktadha wa Tanzania ukoje? Kwani mimea inaweza kuwa na afya lakini usalama wake katika muktadha wa wakulima wetu na mimea yao ya asili uko vipi?

Mheshimiwa Naibu Spika, Kambi Rasmi ya Upinzani inafahamu kuwa kuna sheria mahususi inayohusiana na uzalishaji wa mbegu na pia Bunge limekwisha ridhia mikataba ya Kimataifa inayohusiana na wagunduzi wa mbegu mpya, lakini sheria hizo na mikataba hiyo haiangalii ubadilishwaji wa vinasaba kwa mimea hiyo inayozalishwa na hivyo afya nzima ya mimea na usalama wake kwa muktadha wa mazingira yetu haviangaliwi.

Mheshimiwa Naibu Spika, ukiangalia kwenye tafsiri ya maneno, *“phytosanitary action” means an official operation, such as inspection, testing, surveillance or treatment, undertaken to implement phytosanitary measures,* Kwa maana hii ni kuwa hapa hakuna kuhusika na usalama wa mbegu kwa upana wake na mamlaka zinazohusika na mbegu hazihusiki na usalama wake.

Mheshimiwa Naibu Spika, ukiangalia tafsiri ya neno *plant means any living plants or the parts thereof, including seeds and germplasm,* na ukiangalia kifungu cha 21 cha Muswada, kinachohusu uagizaji wa mimea kutoka nje, yaani *“A person who shall imports plants, plant products, pesticides or regulated articles shall apply for an import permit in a manner prescribed in the regulations.”*

Mheshimiwa Naibu Spika, hapa hakuna sehemu inayoonesha kuwa mamlaka inatakiwa kuhakikisha afya ya mimea hiyo inayoingizwa kutoka nje kwa kuangalia *genetic makeup* yake kama imebadilishwa au vipi. Kifungu cha 23 kinahusu kuzingatiwa kwa kanuni za usafi wa mimea husika, kwa ujumla Kambi Rasmi ya Upinzani inaona litakuwa ni jambo la busara kama Mamlaka hii mpya ya *Tanzania Pesticides and Plant Health Authority* au kwa kifupi *TPPHA* pamoja na majukumu yake kama yanavyoainishwa katika Muswada pia wangepanya kazi ya kuhakiki mbegu na vipando ambavyo usalama wake sio mzuri kwa mimea ya asili, kwani zinakuwa zimebadilishwa mfumo mzima wa vinasaba vyake na hivyo kuwa rahisi kuharibu kabisa uotaji wa mimea ya asili katika eneo husika.

Mheshimiwa Naibu Spika, tunasema haya yote kwa ukweli kuwa sasa hivi kuna mbegu zote ambazo zimeandikwa F.1 hizi maana yake ukishazipanda huwezi pata mbegu kwa ajili ya kupanda tena, inakulazimu ukanunue mbegu upya ili upande. Je, ni mazao mangapi ambayo yanahitaji mbegu zikishapandwa katika msimu mmoja inakulazimu kununua mbegu upya na uwezi kuchagua mbegu na kuhifadhi kutokana na mavuno?

Mheshimiwa Naibu Spika, tunaamini kabisa Tanzania ina wataalam wengi sana katika sekta hii ya utafiti hasa wa madawa, wadudu lakini katika eneo la ugunduzi wa mbegu na vipando, taaluma inayotumika sana ni ile ya *cross breeding* nasio ya kufanya *genetic modification* kama inavyojulikana kama *GMO*. Hivyo basi ni rai yetu kuwa pamoja na uzuri wa Muswada huu lakini afya ya mimea ni zaidi ya madawa na wadudu ni muhimu pia tukaangalia usalama wa mimea kwa wananchi wetu ambao takriba asilimia 85 inategemea kilimo.

Mheshimiwa Naibu Spika, hoja yetu hapo msingi wake ni kutokana na majukumu ya mamlaka yaani functions and powers of the Authority, kifungu cha 5(1)(b) *“surveillance of growing plants, including both areas under cultivation and wild flora and of plants and plant products in storage or in*

transportation, particularly with the object of reporting the occurrence, outbreak and spread of pests, and of controlling such pests". Hapo inaonesha kuwa kazi ya uthibiti inahusisha maeneo mengi ya mimea na bidhaa za mimea.

Mheshimiwa Naibu Spika, katika tafsiri ya maneno, neno *infestation means presence in commodity of a living pest of the plant products concerned* katika hili mbegu au vipando vilivyobadilishwa vinasaba vinaweza kuwa navyo ni hatari kwa mimea yetu ambayo haijafanyiwa marekebisho ya vinasaba na hivyo kuharibu kabisa afya ya mimea ya asili na hivyo kuleta taharuki kubwa katika jamii. Jambo hili linatakiwa nalo lishughulikiwe na Mamlaka hii ya TPPHA.

Mheshimiwa Naibu Spika, kwa mujibu wa viwango vya kimataifa kuhusu afya ya mimea kama vilivyvyo kubaliwa na *Commission on Phytosanitary Measures*, ambayo ni bodi ya kimataifa inayolinda na kusimamia mkataba wa kimataifa wa kulinda mimea *International Plant Protection Convention* uliosainiwa na nchi 184 duniani. Vigezo au viwango hivyo vilivyowekwa na kukubalika na mataifa mbalimbali ikiwemo Tanzania mwaka 1993, ni kwamba kulinda na kuwa na kilimo endelevu na hivyo kuondokana na uhaba wa chakula duniani; kulinda mazingira, misitu na bioanuai kwa ujumla na mwisho ni kuendeleza uchumi na biashara kwa ujumla wake.

Mheshimiwa Naibu Spika, kwa msingi huo wa viwango vya kimataifa kuhusuiana na afya ya mimea ni dhahiri kwa nchi yetu bado hatujafikia uko, kilimo cha kisasa na endelevu kama ambavyo dhima ya Sera yetu ya kilimo inavyosema, maana yake ni matumizi bora ya mbolea na viuatilifu ambavyo havina madhara yoyote kwa ardhi na mimea mingine na pia katika uhifadhi wa mazingira.

Mheshimiwa Naibu Spika, katika hoja hiyo ni kuwa matumizi ya viautilifu bila ya kuwa na uelewa sahihi wa madhara yake kwa eneo, wadudu ambao hawakuwa katika mpango wa kuangamizwa au mimea mingine ambayo

haikutakiwa kuangamizwa ni shida kubwa na hivyo kuondoa dhana nzima ya afya ya mimea kwa kutumia kemikali.

Mheshimiwa Naibu Spika, viuatilifu vingi vina madhara makubwa kwa afya ya watumiaji, na hivyo ni chanzo kikuu cha magonjwa yasiyoambukizwa kama vile *cancer* kutokana na uvutaji wa hewa yenye sumu ya viuatilifu, na pia pengine kupoteza kabisa uwezo wa kuona. Jambo hili ni muhimu sana likatiliwa mkazo kwa kuangalia hali halisi ya watazania ambao wanajihusisha katika kilimo kama ndio shughuli yao ya kila siku. Kwa muktadha huo Kambi Rasmi ya Upinzani inashauri kuwa kunatakiwa kuwepo na *pesticides risk analysis* kama ambavyo kuna *pests risk analysis* inavyofanyika ili kuepusha madhara ambayo watumiaji wanaweza kuyapata na pia nchi kwa ujumla wake.

Mheshimiwa Naibu Spika, hoja yetu hapo juu msingi wake ni kifungu cha 16(b) cha Muswada kinachosomeka kwamba; *“the pesticide contains one or more active ingredients present in any pesticide already registered.”* Kambi Rasmi ya Upinzani inafahamu kuwa viuatilifu vingi vina hicho kitu kinachoitwa kitaalam kuwa ni *active ingredient* na hiyo kitu ndiyo inapambana na fungi, *bacteria*, *herbs* au *pests*”

Mheshimiwa Naibu Spika, sambamba na hilo kifungu cha 20 cha Muswada kinachohusu matumizi ya viuatilifu, kifungu kidogo cha (2) kinasomeka kwamba;

“A person shall not use, store, discharge, release, place or cause to be placed any pesticides in a manner likely to cause adverse effect to the environment”.

Mheshimiwa Naibu Spika, sasa kwa muktadha wa kifungu hiki ni nani ataruhusiwa kutumia viuatilifu sasa, kwani wananchi wetu wanatumia kwa kadri walivyonunua ili kukidhi mahitaji yake, sasa hayo mahitaji yake yanaweza yasiwe yale yanayoshauriwa kitaalam na mwisho wake ikawa ni uharibifu wa mazingira. Kambi Rasmi ya Upinzani bado inasisitiza elimu ya kutosha kwa watumiaji na wataalam wa kutosha kwani

madhara yanaweza kuwa makubwa mno kuliko makusudio ya matumizi. Au kifungu hiki ni mtego wa panya kwa watumiaji wa viuatilifu, kwani mazingira ya uhifadhi wake yanaweza kutumiwa na mamlaka kutengeneza makosa na hivyo sheria kuchukua mkondo wake.

Mheshimiwa Naibu Spika, Muswada huu wa sheria ya afya ya mimea kwa upana wake unahusisha pia afya ya wanadamu kwani wao ndio wahusika wakuu katika kuhakikisha afya ya mimea inakuwepo. Hivyo basi, ni muhimu sana taasisi zingine zinazojihusisha na afya za binadamu zikahusika pia kwani suala hili ni mtambuka.

Mheshimiwa Naibu Spika, baada ya kusema hayo machache kuhusiana na Muswada huu, kwa niaba ya Kambi Rasmi ya Upinzani naomba kuwasilisha. (*Makofi*)

NAIBU SPIKA: Ahsante sana Mheshimiwa Pascal Haonga, Waheshimiwa Wabunge tumewamaliza mawasilisho tutaanza sasa na wachangiaji ninayo majina hapa kwa uwakilishi wa vyama humu ndani tutaanza na Mheshimiwa Salum Rehani atafuatiwa na Mheshimimiwa Christopher Chiza, Mheshimiwa Hamidu Bobali ajiandae.

MHE. SALUM MWINYI REHANI: Mheshimiwa Naibu Spika, nikushukuru sana kwa kupata fursa hii ya kwanza kabisa ya kuweza kuchangia kwenye Muswada huu muhimu kwa Taifa letu.

Mheshimiwa Naibu Spika, naomba nijielekeze katika maeneo ambayo pengine wengine hataweza kunielewa kwasababu yakuwa yapo *more tenchical*, lakini kwa mara ya kwanza kwa kweli niweze kusema wazi nipongeze hotuba iliyosomwa na Kambi ya Upinzani hasa kwa baadhi ya maeneo ambayo yameelezwa huko nyuma kama ni sehemu ya sheria yanabidi yazingatiwe. (*Makofi*)

Mheshimiwa Naibu Spika, ni kitu muhimu na cha ukweli kabisa na ndiyo mazingira tuliyokuwa nayo. Kwa hiyo, kuna baadhi ya mambo mengine yenye uhalisia yakielezwa na

kutengeneza Muswada ambao utaweza kutusaidia, lazima tuweze kuzingatia. (*Makofi*)

Mheshimiwa Naibu Spika, nilitaka kuzungumza hasa kwa kuanzia na hii *bill* yenyewe. Madhumuni yake au maudhuhi yake ilivyojieleza hapa na hasa iliposema: "*An Act to make provision of control pesticide fatal sanitary measure important used of plant and plant product.* Tunachokiangualia hapa, tunatunga sheria kwa kuangualia afya ya mimea na bidhaa zinazotokana na mimea kwa mana ya kila tunda, mche na mbegu. Vilevile tumezungumzia masuala ya jinsi mbalimbali ambazo tunazitumia kutengeneza mimea; inabidi hapa ziingie.

Mheshimiwa Naibu Spika, wasiwasi wangu ni mmoja, sisi Tanzania hatujawa na *standard* na hii *Act* tunayoileta hapa au hii sheria tunayoileta hapa nataka Mheshimiwa Waziri aje atueleze, tunatumia *standard* gani wakati wa *ku-monitor* na kuweza kuifanyia kazi afya ya mimea? Kwa sababu tunapokwenda kutumia hizi *pesticide* lazima ziwe na *standard* maalum, hatuwezi tu kuchukua *pesticide* ikawa tunaziingiza ndani ya nchi bila kuwa na *standard*.

Mheshimiwa Naibu Spika, kwa hiyo, inawezekana tunafanya jambo lingine kubwa la mbele lakini la nyuma na la msingi hatujalifanyia kazi. Kwa hiyo, namwomba Mheshimiwa Waziri na timu yake tuweze kupata maelezo kuhusu *standard of the pesticide*. Hilo ni moja.

Mheshimiwa Naibu Spika, la pili, katika eneo hilo, tumezungumza *pesticide* lakini sijui kwa maana gani au kwa muktadha gani? Kwa sababu tunaiangualia *pest control* kwa ujumla wake, lakini kuna maradhi kwa ujumla na vilevile kuna dawa zinazotokana na maradhi hayo.

Je, tukizungumza hapo tume-*generalize* kwamba hayo yote yamo katika hili kapu moja na yote hayo yana *standard* ambazo zitaweza kuongoza ili tufikie malengo hayo ya kuweza kutumia. (*Makofi*)

Mheshimiwa Naibu Spika, moja ya tatizo la Watanzania wengi, tunajua sana kutumia madawa bila utaalumu na matokeo yake wanaongeza kiwango cha wagonjwa ambao wanapata kansa kutokana na matumizi ya madawa ya kilimo katika mazao yetu. Kibaya zaidi, mazao mengine yanapigwa dawa yakiwa yameshaiva, yamepakiwa kwenye maboksi kwa kuongeza muda wa kuishi. Yale mazao yamo katika kusafirishwa au yanakwenda sokoni yanapigwa dawa ambazo ni sumu na dawa nyingine ni mbaya kwa sababu ni *contact pesticide*. Sasa hapa tunataka kujua kwamba hii *bill* itaweza kulinda au itaweza kuelekea huko ambako tutaweza kuwa salama?

Mheshimiwa Naibu Spika, lingine ambalo nilitaka kulizungumza ni eneo hili la *application. Part two* hapa kwenye huu ukurasa wa tano, tuliposema sheria hii ni ya Tanzania, kwa uzoefu nilionao naiona iko *too locally* kwa sababu sisi tuko katika mtengamano wa *East Africa* na *SADC*, lakini vilevile tunafanya biashara katika nchi za wenzetu za nje: Je, kwa kutumia sheria hii ambayo imejikita kuangalia mazingira yetu tu ya hapa Tanzania na huku nchi yetu tuna-*import* karibu dawa zote kutoka nje ya nchi, kipengele gani ambacho ndani ya hii sharia ambayo nimeipitia vizuri ambacho kitaweza kutuweka kwenye *safe side* na madawa na mbegu ambazo zinaingizwa kutoka kwa wenzetu?

Mheshimiwa Naibu Spika, hofu yangu inakuja hapa kwamba, kwa kutokuzingatia hicho, ndiyo yale yaliyokuja; hata hayo ya *Covid-19* ni kitu ambacho kilitengenezwa. Ilikuwa ni *Covid-14*, *Covid - 2*, *Covid -13* na *Covid-3* ilivyotengenezwa ikaitengeneza hii *Covid-19*. Kwa hiyo, bila udhibiti katika eneo hili, hatari inatuelekea mbele yetu. Namwomba Mheshimiwa Waziri na watu wake wakae chini tupate ufumbuzi hapa, ni udhibiti gani utakuwepo katika hii *application* ya kuona kwamba sheria hii inaweza kufanya kazi nje ya mipaka yetu na siyo kwa hapa Tanzania peke yake?

Mheshimiwa Naibu Spika, Zanzibar wanatengeneza sasa hivi, wako kwenye *draft*, nami ni mmoja kati ya washauri

wa ile *Plant Protection Act*. Tumelizingatia hilo na kuona kwamba sheria yetu haijifungi ndani ya nchi, haitui kwenye *box*, inatanuka kuangalia mipaka yetu. Kwa sababu Sheria ya *Plant Protection* zaidi inafanya kazi kwenye *quarantine post* hasa kwenye *border* ambapo kule kunatakiwa kuwe na watalaam wa kugundua miti inayoingizwa na mimea ya aina mbalimbali na matunda.

Mheshimiwa Naibu Spika, naweza kutoa mfano mmoja kwamba sisi tumepeleka mbegu za Korosho kwa wenzetu wa Zambia, lakini je, kulikuwa na sheria yoyote ya kuweza kulinda mimea ile au mbegu zile tulizozipeleka kule? Zilikuwa salama kiasi gani? Kulikuwa na *pathogen* au bakteria gani waliokuwepo kule? Je, zilikuwa salama au zilikuwa na *fungalcides* ambazo katika maeneo yetu ya wakulima wengi wanashindwa ku-*control* kwa ajili ya kushindwa kununua *fungalcide* kwa bei ambayo ilikuwa juu na nyingine haipatikani?

Mheshimiwa Naibu Spika, ni vitu kama hivyo ambavyo tunatakiwa tuweze kuvizingatia isije kuwa wenzetu badala ya kuwapelekea kitu kule wakaanza kulalamika kwamba tumewaingizia maradhi katika nchi zao. Kwa hiyo, hili inabidi vilevile tuweze kulizingatia.

Mheshimiwa Naibu Spika, lingine ni suala zima la *active ingredient*. Eneo hili linasema *active ingredient* hasa kwenye *party ya biological and pesticide presents formulation*. Tunataka tuone kwamba yule ambaye hataweza ku- *formulate* hizi dawa na *pesticide* mbalimbali kwa ajili ya aidha kutibu au kutumia kwa ajili ya ku-*repellent* au shughuli nyingine yoyote: Je, kuna mwongozo wowote utakaotolewa na Wizara au kwenye Kanuni utakaoweza kulinda maslahi ya mazingira yetu?

Mheshimiwa Naibu Spika, vilevile tukiangalia chini huku kuna eneo la Mamlaka ya Waziri kuweza kudhibiti kila kitu, lakini hapo hapo suala zima la utumiaji wa madawa linakwenda sambamba na uchafuzi wa mazingira kama wenzetu walivyodokeza pale; na moja kwa moja

linamwingiza Mheshimiwa Waziri wa Mazingira na *NEMC* ili waweze kuona ni vipi wanaweza kudhibiti mazingira yetu ya nchi? Kwa sababu watu wanatumia dawa hizi katika mazingira ambayo ni kila mmoja anavyojisikia na kusababisha *pollution* na maradhi mengine ambayo yanaathiri binadamu na wanyama kwa ujumla. Kwa hiyo, tunataka eneo hili liwe na udhibiti wa Wizara zote mbili; watu wa Mazingira wawepo na wa Kilimo wawepo.

Mheshimiwa Naibu Spika, nilisikitika kidogo kuambiwa *TPRI* imekufa na leo tunaunda chombo ambacho kimeijumuisha *TPRI* ndani yake. Nilitaka kusema tu yale majukumu mengine ambayo ni ya kimsingi na ni ya *East Africa* au ya *SADC* ya *TPRI* hasa kwenye suala zima la udhibiti wa kweleakwelea, nzige na wadudu wengine ambao wanakuja katika maeneo yetu, haya ambayo *TPRI* ndiyo ilikuwa jukumu lao kubwa; je, yamezingatiwa?

Mheshimiwa Naibu Spika, nilipokuwa naangalia hilo, nilizingatia eneo hili zima lililoandikwa hapa la *by efficient trial* na zaidi kuangalia *biological ecology* yetu ya nchi ina udhibiti wa kiasi gani na sisi wenyewe tumejipanga kuweza kuona kwamba eneo hili na *behaviour* ya *pests* waliokuwepo katika mazingira yetu?

Mheshimiwa Naibu Spika, mfano mdogo tu tumeona nzige waliokuwa wameingia safari hii, wenzetu wa Kenya nzige walipoingia tu kule kwao wakapiga dawa bila kufanya utafiti wa aina yoyote, bila kujua *behavior* ya wale wadudu ikoje. Hawa wa safari hii waliokuja walikuwa na uwezo wa kujenga koti gumu na dawa waliyopiga ilikuwa *systematic*, kumbe walitakiwa kwanza wafanye *trial* wajue aina gani ya hawa wadudu wanapigwa kwa dawa ya aina gani.

Mheshimiwa Naibu Spika, dawa pekee iliyoweza kuwaangamiza ni ile ambayo walitumia Waganda ambayo ni *contact*, inaganda na kuingia ndani ya mwili wa wale wadudu wakaweza kufa. Sasa mambo hayo na sisi huku tunatakiwa tuwe tumeyazingatia. Kitengo maalum ambacho kitaweza kufanya majaribio ya haraka baada ya kulipata

hili janga na kuweza kupata ufumbuzi kuliko kutumia hizi dawa nyinginezo ambazo tuna mazoea nazo ni hatari sana na inaweza ikaliingizia Taifa hasara. *(Makofi)*

Mheshimiwa Naibu Spika, lingine ambalo nilitaka kulizungumza ni suala la *pest standard*. Hili bado narudia tena, turudi tutengeneze *pest standard* halafu sheria hii ndiyo iende kusainiwa. Kwa sababu tusipokuwa na *pest standard* hatuwezi kuwa mwongozo ambao utaweza kutu-*direct* vizuri kwamba dawa zetu hizi zitaweza kutibu kwa kiwango hiki na tutatoa mapendekezo haya kitaalamu. Kwa hiyo, hayo nilitaka niyaseme hayo mweze kuyaona.

Mheshimiwa Naibu Spika, lingine la mwisho nilitaka kulisema ni kwamba tuna tatizo la watu wetu...

(Hapa kengele illia kuashiria kwisha kwa muda wa Mzungumzaji)

MHE.SALUM M. REHANI: Ohooo!

Mheshimiwa Naibu Spika, ahsante sana. *(Makofi)*

NAIBU SPIKA: Ahsante sana Mheshimiwa Salum Rehani. Nimesikia hapo *Covid-19* imetengenezwa, huwa namsikia mtu fulani hivi mahali akisema hivyo, nikasema umemsikia huyo au na wewe umepata majibu ya kutengenezwa hiyo *Covid-19*? Tuiachie hapo, isipokuwa hii mambo hii ni ngumu sana.

Waheshimiwa Wabunge, nilikuwa nimeshamwita Mheshimiwa Christopher Chiza atafuatiwa na Mheshimiwa Hamidu Bobali na Mheshimiwa Jitu Soni ajiandae.

MHE. DKT. CHRISTOPHER K. CHIZA: Mheshimiwa Naibu Spika, nakushukuru sana. Mimi niko Msekwa hapa. Kwanza, nakushukuru kwa kunipa nafasi hii kuchangia Muswada wa Afya ya Mimea ambao ni muhimu sana. Nataka nimpongeze Mheshimiwa Waziri, Mwanasheria wa Serikali na wataalam wote walioandaa Muswada huu wa sharia. Umekuja kwa

wakati. Nawapongeza kwa sababu Miswada hii ni mambo ambayo kila wakati tunapoonona sheria umelegalega mahali fulani tunafanya marekebisho. Kwa hiyo, sioni tatizo lolote katika Muswada huu linaloweza kufanya Muswada huu usipite, ndio maana tuko hapa.

Mheshimiwa Naibu Spika, kwa hiyo, nampongeza sana Mheshimiwa Waziri na Mheshimiwa Mwanasheria Mkuu wa Serikali kwa sababu Mheshimiwa Waziri bado anayo nafasi baada ya Muswada huu kupita, Mheshimiwa Rais akishapitisha Muswada huu kuwa sheria, bado Mheshimiwa Waziri ana nafasi ya kuandaa Kanuni. Kwa hiyo, mambo mengine yatakayojitokeza baadaye kwa ajili ya kutekeleza sheria hii bado Mheshimiwa Waziri anayo nafasi.

Mheshimiwa Naibu Spika, napenda kumpongeza pia Mheshimiwa Rais kwa kweli katika hili kwa sababu siku zote amekuwa akipigania wakulima katika kuwatetea na kutengeneza sheria ambazo zitawasaidia na kuwanufaisha, maana hao ndio wanaonufaika hasa na sheria hizi. Wakulima hao ndio wanaozalisha mimea hii, ndio watakaolima, mimea hii haiwezi kuwepo bila wakulima.

Kwa hiyo, nampongeza Mheshimiwa Rais Dkt. John Magufuli kwa kuwa anawatetea wakulima wanaponyanyaswa katika upatikanaji wa bei za mazao yao na hasa sasa tunapokwenda kutengeneza sheria za kuwasaidia.

Mheshimiwa Naibu Spika, Sekta ya Kilimo ni muhimili wa maendeleo ya uchumi. Sekta hii ni muhimili kwa sababu ndiyo ambayo inasimamia mazao. Mazao haya tunayataka kwa ajili ya chakula na malighafi ya viwandani. Bila mazao haya kuwa bora, basi chakula chetu hakitakuwa bora, hata mazao ya viwandani inawezakana yasipatikane au yakapatikana yale ambayo hayana ubora.

Mheshimiwa Naibu Spika, sasa nataka kuchangia hasa kwenye usimamizi na kupeleka taarifa kwa ajili ya wakulima, maana tunaweza tukawa tunatunga sheria hizi

lakini je, wale walengwa ambao ni wakulima wakiwa ni wakulima wa miwa, matunda, nyanya, kahawa, pamba na pareto, hizi sheria tunazozitunga wanazijua? Hata kama hawazijui, maana siyo lazima mkulima awe na sheria zote azisome kama zilivyo, lakini angalau basi mkulima aweze kujua sheria inayotawala mazao yake.

Mheshimiwa Naibu Spika, ninayo mifano kichache ambayo ninaiona kwamba bado tuna kazi kubwa ya kufanya na hasa katika kupeleka *message* kwamba hizi sheria zinazosimamia mazao wananchi wakulima wanazipataje? Kwa bahati mbaya maeneo fulani ambayo nimeyapitia, nimegundua pia kwamba hata Maafisa Ugani ambao ndio wanaopeleka teknolojia hii, ukifanya *research* bila *dissemination* haina maana yoyote; na watu wanaoweza kutusaidia kupeleka taarifa kwa wakulima ni Maafisa Ugani.

Mheshimiwa Naibu Spika, sasa Maafisa Ugani baadhi na nafikiri walio wengi, wameishia tu pale kupelekewa maelezo tu kwamba imekuja taarifa hii kuhusu mbolea, kuhusu viuatilifu, anatekeleza tu, lakini yako mambo mengi ambayo yanahusu sheria na haki za wakulima hawajui. Sasa watapelekaje taarifa wasiyojua?

Mheshimiwa Naibu Spika, wagani hawa kwa mtazamo wangu hata katika kipindi hiki cha *Corona* watu ambao wangetupelekea taarifa kwa wakulima ni hawa Maafisa Ugani. Wao wako Vijijini, wanaishi na wakulima.

Sasa ukitaka *message* ifike vizuri na Mheshimiwa Rais amesema jamani, tusikazane tu sisi wenyewe kutangaza kupeleka taarifa, tuhakikishe kila mtu mahali pake apeleke taarifa imfikie mkulima. Sasa ili uweze kupeleka taarifa imfikie mkulima huko aliko shambani, anajikingaje na *Corona*? Basi ni muhimu sana hawa Maafisa Ugani wakajua sheria hizi tunazozitunga ziko vipi na zinawalindaje wakulima wetu walioko huko mashambani?

Mheshimiwa Naibu Spika, ninayo mifano michache, mimi nimetembelea baadhi ya vituo vya mipakani, kwa

mfano kule Lusumo mpaka wetu na Rwanda, nimetembea Kabanga mpaka wetu kule Ngara; na nimetembea Kibondo kule Mkalazi. Sasa ukifika pale unakuta wakaguzi ambao ndio *plant health inspector* nadhani. Wako wako tu, hata wakati mwingine ukiwauliza uwajibikaji wao, wanasema aah, mimi bwana nawajibika kwa watu walioko kwenye Kanda. Hana mawasiliano ya karibu na Afisa Kilimo wa Mkoa.

Mheshimiwa Naibu Spika, labda kama imebadilishwa sasa hivi, lakini hivyo ndivyo ilivyokuwa. Sasa huyu mtu ambaye hana mawasiliano na Afisa wa Kilimo wa Mkoa ambaye ndiye ana mawasiliano na Wizara, ana-*disseminate information* namna gani kwenda kwa wakulima?

Mheshimiwa Naibu Spika, kwa hiyo, nafikiri eneo hili Mheshimiwa Waziri angelichukua aliangalie ili Maafisa Ugani wapatiwe taarifa sahihi, lakini pia wazielewe hizi sheria; siyo lazima wajue kila kitu, wajue sheria inasema nini juu ya viuatilifu na juu ya mbegu na namna ya kujikinga na madhara haya.

Mheshimiwa Naibu Spika, hata inapotokea bahati mbaya, wakulima, waelimishwe. Kwa mfano, wakati mwingine inatokea mkulima ameathirika, nimeona wakati mwingine mbegu ya pamba haikuota na wakati mwingine siyo kosa la mkulima, inakuwa ni kosa letu wenyewe wataalam. Kwa mfano, kule Mwanza ilitokea pamba haikuota wakati fulani na tatizo lilikuwa walitumia mbegu ambazo ni *acid delinted* badala ya *mechanical delinted* kwa mbegu zile. Mashamba mengi mbegu haikuota. Sasa wakulima walikuwa hawajui wafanye nini. Wanatapatapa tu, wanakwenda huku na huku na je, yanapotokea mambo kama haya, mkulima anadai nimeshatumia fedha ya mbegu, nimeshafanya hiki, nalindwaje inapotokea janga kama hili?

Mheshimiwa Naibu Spika, nilikwenda kwenye mashamba fulani pia nikakuta mashamba ya pamba tena ilikuwa kwa Marehemu Mzee Ndassa Mwenyezi Mungu ailaze roho yake mahali Pema Peponi; nilichokikuta kule ni wadudu wa pamba. Na mimi nilikuwa Wizara ya Kilimo, wakulima

walitu-*challenge* wakati huo, kwamba wadudu hawa hawafi. Sasa kama dawa haiui mdudu na tulipom-*test* yule mdudu tukamweka kwenye pamba baadaye alitoka kwenye dawa akakung'uta mabawa akaondoka zake; wakati huo mkulima ameshatoa pesa yake amelipa, aende wapi na nani atakayemsaidia?

(Hapa kengele illia kuashiria kwisha kwa muda wa Mzungumzaji)

MHE. DKT. CHRISTOPHER K. CHIZA: Sijui kuna kengele mbili au ni moja tu!

Mheshimiwa Naibu Spika, ndiyo maana nakazania kwamba ni lazima hawa Maafisa Ugani waweze kupeleka taarifa kwa wakulima, waelewe vizuri kwamba ikitokea haya, sheria inakulinda namna hii.

Mheshimiwa Naibu Spika, nitoe mfano mwingine, kuna mahali fulani sikumbuki ni wapi lakini nafikiri ilikuwa Arusha. Mkulima mkubwa alikuwa ana-*spray*mazao nadhani ilikuwa ni *herbide*, kwa bahati mbaya upepo ukapeperusha zile *herbide* zikaingia kwenye shamba la mkulima. Lile shamba likaharibika, ilikuwa mzozo mkubwa sana kwa sababu sheria ile ya *plant protection* ya mwaka 1997 ilikuwa haiko wazi, lakini mkulima huyu tayari ameshaathirika. Sasa huyu mkulima anasaidiwaje?

Mheshimiwa Naibu Spika, ndiyo maana nimesisitiza kwamba Maafisa Ugani wapewe taarifa, wapewe elimu juu ya sheria zinazowakinga wakulima halafu wafikishe taarifa hizi kwa wakulima.

Mheshimiwa Naibu Spika, napenda sasa nimalizie kwa kuishauri Serikali kwamba kwa muda mrefu tumekuwa tunasaini mikataba mingi na mingi nimeiona mmeitaja pia kwenye Muswada huu, lakini sasa nataka kuzungumzia yale makubaliano yetu tunayoshirikiana na mashirika mbalimbali hasa ya Kimataifa; Shirika la Nzige Wekundu, Shirika la Nzige wa Jangwani, hawa ndege waharibifu tatizo kubwa tullionalo

ukitazama kwenye vitabu vya Mheshimiwa Waziri wa Kilimo, michango yetu kwenda kwenye mashirika haya imekuwa *inconsistent*.

Mheshimiwa Naibu Spika, sasa tunaposuasua katika kuchangia mashirika haya halafu tukapata balaa la nzige na tunataka watusaidie kuleta ndege wakati mwingine tutashindwa sisi wenyewe kupigana. Tunajitahidi kwa nguvu zetu, lakini lazima tuhakikishe wale ambao tumekubaliana nao maana ni mikataba maalum kwamba nzige wanakuja, wamefika Kenya, lakini nasi tuwe tayari, tukizidiwa tuweze kuagiza ndege ya ku-*spray*, basi pesa hizi tuhakikishe tunazitoa kwa wakati ili tuweze kupambana na wadudu hawa kwa kushirikiana na mashirika ya wenzetu.

Mheshimiwa Naibu Spika, baada ya kusema hayo, naunga mkono hoja hii, naunga mkono sheria hii ipite kwa sababu najua sheria siyo mwanzo na mwisho. Kama kutakuwa na matatizo yatakayojitokeza italetwa tena hapa hata kama ni kwenye *miscellaneous amendment* tutairekebisha kwa ajili ya kuhudumia Watanzania.

Mheshimiwa Naibu Spika, ahsante sana. Naunga mkono hoja. (*Makofi*)

NAIBU SPIKA: Ahsante sana. Mheshimiwa Hamidu Bobali atafuatiwa na Mheshimiwa Jitu Soni, Mheshimiwa Anatropia Theonest ajiandae.

MHE. HAMIDU H. BOBALI: Mheshimiwa Naibu Spika, nikushukuru kwa kunipa nafasi hii. Kwanza nianze kuunga mkono hotuba ya Kambi Rasmi ya Upinzani. Nimemsikiliza rafiki yangu Haonga lakini pia hata maelezo ya Makamu Mwenyekiti wa Kamati na yenyewe imejitosheleza sana.

Mheshimiwa Naibu Spika, niseme kwamba kabla sijaanza kupitia vifungu vya Sheria yenyewe, tuna tatizo kwenye hili suala la viuatilifu. Sisi wakulima wa korosho kwa mfano, kumekuwa na mkanganyiko mkubwa wa wakulima hawafahamu ni kiuatilifu gani kinafaa kwa wakati gani na

kwa shida gani ya mkorosho. Kwa mfano, upo ugonjwa ambao unasababisha majani kunyauka ya mkorosho, lakini pia wakati mwingine kupoteza kabisa mkorosho kushindwa kuzaa, wanaita *Blight*. Sasa ni ugonjwa ambao unasababishwa na mbu wanaitwa *Mirid bugs*.

Mheshimiwa Naibu Spika, ugonjwa huu umekuwa ukidumu kwa muda mrefu na wakulima wengi wa maeneo mengi ya wakulima wa korosho wanaufahamu, lakini haijapatikana tiba sahihi. Hapa ndiyo nakubaliana na hoja ya Mheshimiwa Rehani kwamba standard ya viuatilifu kwamba Sheria ingezeleza hizi *pesticide standards* yake ni ipi. kwa sababu gani? Wakulima sasa hivi wananunua majina ya makampuni badala ya viuatilifu yaani ile *content* yenyewe iliyokuwepo. Mwaka huu inakuja Kampuni inaitwa *Ninja*, wakulima wote wanakimbilia wanakwenda kununua *Ninja*, mwaka huu wanakwenda kununua *Karate*, mwaka huu wanakwenda kununua *Mupacron*, hawajui kilichopo ndani ni nini na kiuatilifu cha aina gani kinatakiwa kupambana na ile *mirid bugs*.

Mheshimiwa Naibu Spika, kwahiyo, sheria ingeweka wazi kabisa hivi viuwatilifu ambavyo vinauzwa kwanza vipimwe *standard* yake lakini pia viandikwe kwamba kiuatilifu hiki kinachoitwa *Ninja* ndani yake kina *content* fulani ili mkulima wa kawaida anajua kwamba nakwenda kununua kiuatilifu ambacho kina *content* gani. Kwa mfano, watu wanasema kwamba hii *Blight* inatibiwa na kiuatilifu ambacho kina *extramazole* lakini nani anajua? Sasa mtu anakwenda kununua jina la kampuni, haendi kununua kile kiuatilifu ambacho kinatakiwa na kwa bahati mbaya sana Maafisa Ugani hawa waliokuwepo huko na wenyewe ukienda kuwauliza wanakwambia jaribuni mwaka huu *Mupacron*, jaribuni mwaka huu sijui nini, inakuwa shida sana.

Muswada umekuja wakati muafaka. Sasa hivi wakulima wa korosho ndiyo wako kwenye upuliziaji wa awamu ya kwanza, Waziri anajua, awamu ya pili ndiyo tumeanza sasa hivi, lakini bado kuna changamoto ya kujua ni kiuatilifu gani kinafaa. Kwa hiyo, hili jambo ni *very sensitive*.

Mheshimiwa Naibu Spika, jambo la pili nimeona kwenye Sheria wameainisha na kwa kweli siku nyingi nilikuwa napata shida sana hasa pale kwenye Bodi, yale majukumu ya ile mamlaka, katika kukusanya na nadhani kuteketeza pia yale masalia yale kama ni chupa au ya nini zilizohifadhi vile viuatilifu, ukienda leo kwenye mashamba yetu kule utakutana na chupa nyingi zimezagaa shambani. Unajuliza hivi hizi kweli hazina athari zingine? Kwa sababu mwisho wa siku zitakwenda watu watazichoma moto, wakichoma moto nadhani kutakuwa na shida pia kwamba inawezekana ule moshi ukawa na *content* mbaya ikarudi tena ikawa inaleta *negative impact*. Kwa hiyo, hili nalo ni jambo muhimu sana, sasa sijui watatumia *mechanism* gani.

Mheshimiwa Naibu Spika, ukienda kwenye maeneo hasa sisi ambao tunatumia viuatilifu ambavyo vinakuwa kwenye ma-*container* makubwa, ukienda huko mashambani kwa mfano, ninapozungumzia *sulphur*, nazungumzia kiuatilifu ambacho kinawekwa kwenye mifuko ya viroba, sasa ukienda mashambani utakuta imetapakaa sehemu nyingi kwenye mashamba yale ya watu. Mwisho wa siku unajuliza, je, hii haina *impact*, haina madhara mengine ambayo yanaweza yakasababishwa kutokana na uwepo wake katika eneo husika.

Mheshimiwa Naibu Spika, sheria inazungumzia kulinda afya ya mimea na *bioanuai* na hili ningetaka niweke kabisa msisitizo kwenye suala la kulinda *bioanuai*, ni jambo muhimu sana kwa sababu mimea wakati mwingine inategemea *bioanuai* na haiwezi kupata ustawi kama *bioanuai* imekuwa imeharibiwa. Kuna suala kubwa la uchomaji wa moto wa makusudi kwenye maeneo mengine. Kwa mfano, mtu anaweza kupita sehemu akakaa tu akaamua akachoma moto, akakuta sehemu jangwa amechoma moto. Hapa Sheria lazima ingeweka na *fine*, Mtu anayechoma moto pasipokuwa na sababu yoyote lazima awe anatozwa. Kama mtu hafanyi palizi ya shamba, hafanyi nini kwa nini achome moto kwenye majangwa na maeneo mengine, kwa sababu anaathiri *bioanuai*. Hili nalo pia ningependa liwe *recognized* na lazima tuliwekee utaratibu.

Mheshimiwa Naibu Spika, jambo lingine, nimesoma majukumu ya mamlaka lakini pia ningengezea jambo lingine, *research*; mamlaka iwe inafanya *research* hasa kwenye viashiria vya baadhi ya mimea kutaka kutoweka na huwa nazungumza mara nyingi sana hapa. Kwa mfano, sasa hivi kuna ugonjwa sugu wa minazi na mara nyingi nikiwa nikichangia nazungumza jambo hili kuhusu suala la minazi. Wizara ya Kilimo bado sijaona *efforts* za dhati kabisa za kutafuta suluhu ya yule mdudu anayeua minazi. Nalalamika kila siku kutoka Jimbo langu la Mchinga kuna maeneo minazi inakufa. Ukienda Milola, Ng'apa, Nangaru, Mchinga yenyewe, Kilolambwani, Mvuleni unakuta tu minazi hata ukitambaa ule ukanda wa Pwani mpaka Mtwara Vijijini huko kwa akina Mheshimiwa Ghasia na maeneo mengine unakuta tu minazi inakufa tena ni mingi, unakuta mtu shamba zima anapoteza. Jambo hili bado hawajalitafutia suluhu. Natolea mfano mara nyingi Kisiju eneo ambalo lilikuwa na minazi mingi sana. Sasa hivi Kisiju minazi ni historia.

Mheshimiwa Naibu Spika, hii mamlaka lazima ifanye tafiti juu ya mazao haya ambayo yana hatari ya kupotea kwa sababu ya kukosa tiba zake na mnazi ni mmojawapo. Faida za minazi ni kubwa sana kwa hiyo hili ni jambo la muhimu sana.

Mheshimiwa Naibu Spika, jambo lingine ambalo ni la kumalizia ni suala la elimu toshelezi kwa Maafisa Ugani. Nahisi kwamba kuna shida Maafisa Ugani wetu inawezekana wamejikita kwenye kusomea namna ya kuandaa mashamba, palizi, lakini sina uhakika, ila naona kama hawako vizuri kwenye namna ya kupambana na maradhi ya mimea kwa sababu ukienda ukiwauliza Maafisa Ugani, ukihitaji msaada kwamba naona mkorosho wangu una shida hii hana majibu; ukienda ukiwauliza mbona hapa nyanya hizi zinafanya hivi, hawana majibu. Wanajikita tu kwamba ukilima hivi kwenye hekari moja utapata nyanya hizi kwenye hivi, lakini tiba halisi ya namna gani tunaweza tukapambana na yale magonjwa naona kuna shida hii juu ya namna gani wanaweza wakapambana na magonjwa hususani kwenye mashamba ya wakulima.

Mheshimiwa Naibu Spika, kwa hiyo, nataka nichangie hilo na niweke msisitizo mkubwa sana, kuna hatari kubwa hasa kwa sisi tunaotoka kwenye maeneo ya wakulima wa korosho wale wapulizaji wanaweza wakapata maradhi baadaye kwa sababu hakuna *mechanism* ya kuwa-*protect* wale watu, hakuna kabisa. Mpulizaji anayetumia *sulphur* akitoka shambani hata kumtazama huwezi na siku mbili mwili mwake wote unatoa harufu ya *sulphur*, sasa najjuliza kama tuna viuatilifu vya namna hii hatuwezi kusababisha madhara kwa hawa watu wanaotumia? Hili nalo pia lazima tuliangalie ili kulinda afya ya watumiaji wa hivi viuatilifu.

Mheshimiwa Naibu Spika, nakushukuru, nilitaka nichangie juu ya mambo hayo. (*Makofi*)

NAIBU SPIKA: Ahsante sana Mheshimiwa Bobali. Nilikuwa nimeshamtaja Mheshimiwa Jitu Soni atafuatiwa na Mheshimiwa Anatropia Theonest, Mheshimiwa Mwita Getere ajiandae. Mheshimiwa Jitu Soni, hayupo.

Mheshimiwa Anatropia Theonest atafuatiwa na Mheshimiwa Mwita Getere na Mheshimiwa Pascal Haonga ajiandae.

MHE. ANATROPIA L. THEONEST: Mheshimiwa Naibu Spika, nakushukuru. Nipongeze hotuba ya Kambi Rasmi ya Upinzani Bungeni, lakini pia maoni ya Wabunge ambao kwa jicho lao la mbali wanajaribu kupitia Muswada na kuuona. Muswada ndiyo umeletwa, lakini nini athari kubwa ambazo hazijaangaliwa iwapo Muswada utapita, siko mbali pamoja nao. Mheshimiwa Rehani ameeleza vizuri sana, naona amepitia vizuri hotuba, lakini natambua pia yeye na taaluma hiyo na mimi nitapita humo humo.

Mheshimiwa Naibu Spika, ninachotaka tuelewe; afya ya mimea inaanza na mbegu. Huwezi ukaongelea afya ya mimea mimea ambayo mbegu yake sasa hujui ina *nature* gani. Yeye ametumia neno kama lazima tuwe na *pesticides standards* kwamba tunataka viuatilifu vya ana gani na nataka niongeze, tunataka *standard* za mbegu. Sisi kama

nchi tujue mbegu tunazopaswa kuwa nazo, tunazopaswa ku-*maintain* ni za kiwango gani. Tunavyokwenda kutumia hizo *pesticides* kwa maana ya viuatilifu ukivitumia baada ya muda mrefu inabadilisha ile *genetic nature*, inabadilisha vinasaba, unaweza ukawa na mbegu nyingine tofauti. Dunia tunayoongelea leo inaondoka kwenye *inorganic* na kwenda kwenye *organic agriculture*, inakwenda kwenye vitu ambavyo ni vya asili *per se*, lakini hicho kama hatutakiangalia na kuki-*maintain*, tuka-*focus* kwenye viuatilifu, tuka-*focus* kwenye kutibu tutaweza kubadili *genetic nature* ya mazao yetu na kupata kitu kipya.

Mheshimiwa Naibu Spika, tumeongelea kwenye hotuba yetu mfano, leo kuna baadhi ya mbegu wanasema ziko tunaita *P1 kind of* mbegu. Hizo mbegu unakuta zinapandwa mara moja tu. Kama ni mpapai hiyo hiyo mbegu uliyopanda ya mpapai ni hiyo tu haiwezi mwakani ikatoa mbegu ya kupanda upya, ina maana ni kwa wakati mmoja. Tunavyokwenda kuwa na mbegu za namna hiyo ambazo zinahitaji kutumika mara moja, tujue kwamba tunatengeneza masoko kutoka nje, tunatengeneza masoko kutoka kwa wenzetu, tunatengeneza ajira kutoka kwa wenzetu. Kwa hiyo, kitu tunachopaswa kuona ni kipaumbele ni kutengeneza *standard* ya mbegu ambayo ni ya kwetu Tanzania, hicho kitu cha kwanza.

Mheshimiwa Naibu Spika, kitu cha pili tunachopaswa kujua, tuta-*import*, Sheria imesema zitakuwa *imported* hizo *pesticides*, zitatoka nje lakini ukizileta Tanzania kuzitumia na mazingira na aina zinaweza kutoa matokeo tofauti, ndiyo naona kipengele cha 17, *section 18* inasema, hizo *pesticides* zikishakuwa zimekuwa *imported* na zikatumika kwenye mazingira zikaonekana zina matatizo zinaweza kuondolewa. Sasa changamoto zimeshaingizwa, zimeshatumika, zinakuja kutoa majibu ya matatizo kwamba zimekuwa na *negative impact*; tumeathiri watu wetu, tumeathiri *Bioanuai*, tumeathiri mazingira. Kwa hiyo, sasa ninachopendekeza, kama inavyoeleza kwenye sheria kuwepo na *quarantine* hata hizo mbegu ziwe zinawekwa kwenye *quarantine*, zinafanyiwa *testing* ndiyo zinaruhusiwa sasa kutumika kwa wakulima wetu.

Mheshimiwa Naibu Spika, kitu kingine, sisi kwetu Kagera tumekuwa na changamoto ya muda mrefu ya mnyauko. Muda mrefu zaidi ya miaka 10, hatujawahi kupata jibu au hatujawahi kupata dawa au kuambiwa ni dawa gani itatumika kuondoa hilo tatizo, kwa hiyo ni lazima sasa Idara ya Utafiti ipewe kipaumbele kwa ajili ya kugundua ni dawa gani au ni *mechanism* gani zinaweza kutumika badala ya ku-*rely* kwenye hizo *imported product*.

Mheshimiwa Naibu Spika, kitu kingine ninachotaka kuongeza, viwanda vya ndani ni lazima vipewe kipaumbele. Kuna hicho Kiwanda cha Viuatilifu vya Mbu cha *Biotech*, nikiwa katika Kamati ya Viwanda na Biashara tumetembelea mara nyingi wana hivyo viuatilifu vingi vya kutosha lakini wanakosa wateja. Je, swali; malaria imeisha kwenye nchi yetu? Ni kwa nini Halmashauri haziagizwi kununua hizo dawa? Tunatengeneza sheria hapa lakini tunaweza kujifanya sasa tunakuwa *dependant* kwa hayo madawa yanayotoka huko nje.

Mheshimiwa Naibu Spika, suala lingine ambalo nataka niliongelee hapa hata Kamati imelisema, *composition* ya *board* ambayo inapatikana kwenye *section 7* na imekwenda kwenye jedwali lenyewe, inaeleza muundo wa *board*. Sasa unaona kwamba wanawake ndiyo wanakuwa wakulima wengi lakini hata kwenye hii Taasisi au kwenye Bodi inayokwenda kuanzishwa Waziri ndiyo anakumbushwa kwamba katika uteuzi wa Waziri basi *at least* akumbuke wanawake wawili kati ya watu saba, mpaka nane, mpaka tisa, hii haiko *fair*. Ni lazima tuseme, kwa nini Waziri asikumbuke kuwepo na wanaume wawili kwa maana wengine wawe wanawake na wanaume wawili.

Mheshimiwa Naibu Spika, wanawake tunajua *pre-dominant* ndiyo wakulima, sasa tuangalie, kama tukiweka watu ambao wana uchungu na wanaelewa wanachokifanya tunaweza kuwa na matokeo makubwa zaidi kuliko sasa kuonekana tunaweza kutengeneza Muswada ambao unaweza ukawaacha nyuma wanawake.

Mheshimiwa Naibu Spika, kitu kingine niongelee na mwenzangu ameongelea, ni madhara makubwa yanayotokana na matumizi ya madawa. Magonjwa mengi leo, magonjwa yasiyokuwa ya kuambukizwa mengi yanatokana na matumizi ya madawa ya muda mrefu. Dawa zinachomwa, dawa zinapulizwa hovyoy bila kufuata kanuni za afya lakini na sheria imeonyesha hapa kwamba mtumiaji wa madawa akiyatumia ambavyo sivyo sheria itachukua mkondo wake, lakini ni wakulima wangapi wanajua namna sahihi ya kutumia madawa?

Mheshimiwa Naibu Spika, wakulima wangapi wanajua madhara kama alivyosema mwenzangu Mheshimiwa Bobali? Wakulima wangapi wanajua madhara halisi ya madawa wanayoyatumia? Hii sheria tunayoitunga iende kuwasaidia wakulima, hii sheria tunayotunga iwe na macho iweze kuangalia mbele, iweze kutoa picha pana tofauti na ninavyoiona hapa, kutoa picha pana na iwekwe sasa kwenye kanuni ambayo bado Waziri ana nafasi ya kuzitunga kwa ajili ya kusaidia au kutoa uwanja mpana wa lengo kubwa la kutunga hiyo sheria.

Mheshimiwa Naibu Spika, nikushukuru. *(Makofi)*

NAIBU SPIKA: Ahsante sana. Nilikuwa nimeshamtaja Mheshimiwa Mwita Getere atafuatiwa na Mheshimiwa Pascal Haonga na Mheshimiwa Martha Umbulla ajiandae.

MHE. BONIPHACE M. GETERE: Mheshimiwa Naibu Spika, nakushukuru kwa kunipa nafasi na mimi ya kuchangia huu Muswada wa Afya ya Mimea.

Mheshimiwa Naibu Spika, nilikuwa naangalia hapa haya maandishi ambayo wataalam wametupa; moja, anasema “kuweka kifungu kinachohusu uchunguzi wa visumbufu (*pest surveillance*) ili kuwezesha udhibiti wa visumbufu kwa kutumia mbinu sahihi.” Yaani kuna maneno yapo humu ukiyachunguza vizuri sasa nashindwa kuelewa maandishi ndiyo yanafanya kazi au watu ndiyo wanafanya kazi?

Mheshimiwa Naibu Spika, mwaka uliopita 2016 tulikuwa na Waziri Mkuu pale Shinyanga, aliwaita wataalam wote wa kilimo, akawaambia nataka niwape mwezi mmoja tuwe tumetafuta dawa sahihi ya pamba. Wakakaa pale mpaka leo tunavyozungumza tuna miaka 50 wakulima wa pamba wanaweka dawa mara waweke mikojo ya punda, mara waweke sijui kitu gani, mara hili limekwenda hivi. Tunao wataalam sahihi wa kilimo kwa hiyo najiuliza hivi tunavyoandika humu ndani tunaandika kwa uhalisia au tunatafuta vitu gani?

Mheshimiwa Naibu Spika, kibaya zaidi ninachokiona hapa, kwamba nchi yetu, zaidi ya matumizi ni zaidi ya nusu ya mishahara ndiyo inalipa kwenye nchi yetu hapa leo tunakuja na vitu mamlaka. Mamlaka maana yake uwe na Watumishi wanaofika kwenye Kijiji A, Kijiji B mpaka Kijiji Z, tunayo fedha ya kutosha ya kulipa mishahara? Kama leo tuna *TFS* tumeshindwa kuipa mamlaka lakini *TFS* ndiyo hiyo iko hapo inalinda misitu yetu na nini, leo haya mamlaka tuliyoytaunda tunataka iweje? Tuna uwezo wa kuweka watumishi, tuwape mishahara waende kufanya kazi kwenye maeneo hayo?

Mheshimiwa Naibu Spika, sasa najiuliza, kama tuna watu wa kilimo ambao ni wa Ugani, wako kila maeneo ifike muda tutazame sasa kama ni mtu wa kilimo awe na fani ya kilimo na fani ya mifugo, kama hawezi kuwa na fani nyingine ambayo inaweza kuwepo pale lakini hizo mbili ziwe muhimu kuwa nayo, ili tupunguze watumishi wa Serikali lakini tupate wazuri zaidi wa kufanya kazi.

Mheshimiwa Naibu Spika, sasa tunaposema tunaunda mamlaka na wakati leo unajua mamlaka zipo hapo hapo na zinasema tutunge sheria za kupima namna gani unaweza kupima hizo *pesticides* ambazo zinaweza kusaidia kujua namna gani zinatibu mazao yetu, kwa mfano, mazao ya pamba. Sasa naona kwamba hapa sina shida na Muswada, lakini kama kuna kitu tunachokiunda na tukawapa wataalam ujuzi wa kufanya jambo hili tuwe tuna uhakika kwamba hawa wataalam wetu wameiva vizuri na wanaweza kufanya jambo.

Mheshimiwa Naibu Spika, kama tunavyoona kwenye nchi yetu leo kuna mazao yamejitokeza, kuna mazao mengine wanaita pamba pori. Mkipita hii Dodoma yote yote ni nyeupe, yale majani yanakula majani ya kawaida huwezi kupata. Leo kwenye malisho ya ng'ombe kuna majani yamejitokeza mpaka porini huwezi kupata, hakuna mtaalam anakwenda kuchunguza, akajua hiki ni nini, sijui huko tunakokwenda mbuga ya Serengeti itakuwa haina nyasi za ng'ombe sijui tutakwenda kununua au tutafanyaje.

Mheshimiwa Naibu Spika, kuna mtu hapa amezungumza mambo ya *organ*; kilimo chetu siku hizi saa kinakwenda kwenye kilimo halisia. Sasa tunavyozungumza viuatilifu maana yake sasa hivi tunatafuta masoko kutoka nje yaje huku ndani, lakini kitu cha kujuliza, nchi yetu ni kubwa sana, aina ya wakulima wetu kuna leo mkulima mmoja toka amezaliwa ana watoto sijui wangapi kizazi chake lakini hajawahi kuona Afisa Kilimo.

Mheshimiwa Naibu Spika, kitu cha kujuliza, nchi yetu ni kubwa sana aina ya wakulima wetu kuna leo mkulima mmoja toka amezaliwa ana watoto sijui wangapi, kizazi chake lakini hajawai kuona Afisa Kilimo. Wanalima wanapata sasa unafikiri sasa tujikite kwamba tuna lima nini kwa uhalisia wa Tanzania ili tuweze kuuwa kitu cha namna hiyo. Lakini humu ndani pia nimeona wanasema huyu mtu atakayekuwa mkuu wa mamlaka awe na *degree*. Ni sawa, lakini nataka niwaambie kitu kuna vitu vinazungumzwa hapa watu wengine wanafikiri kuigiza.

Mheshimiwa Naibu Spika, lazima tuangalie kwa mfano mtu anaweza kuwa na *degree* moja, wanasema huyu awe na *masters* inawezekana akatoka kwenye *masters* ametoka *form six* ameenda hiyo *degree* ya kwanza amepata *masters* anakuja unampa. Lakini huyu wa *degree* sasa wa *degree* moja ana miaka miwili anaangaika na mambo ya pamba mambo ya korosho na viuatilifu kila mwaka anaona hiki kibovu hiki kizuri sasa unamtoa unampa huyu mtu ambaye haja-*deal practically* kwenye mambo haya alafu inakuwepo

inakuwaje sasa hapo, kuna vitu vingine vya kutazama.
(Makofi)

Mheshimiwa Naibu Spika, mwaka 2012 nilienda India na kwa bahati nzuri nilienda na watanzania wawili tukawa watatu, nilimpeleka mtoto wa dada yangu alikuwa anaumwa mambo ya moyo, nilionyeshwa na daktari kwamba huyu mtoto ana matundu mawili ya moyo na wengine wakasema ana moyo wengine wakasema ana moyo, nikaenda nao nilipoenda *Hyderabad* India ikabidi niwatunze watoto wale niwabebe kama watanzania, nikaanza kupima mtoto wa kwangu akawa wa mwisho. Ninataka kukuambia nilichokiona watoto wote watatu hakuna ambaye alitokana na ugonjwa wa kitanzania.

Mheshimiwa Naibu Spika, wa kwanza alikuwa ni *nurse* alikuwa anatokea KCMC amesainiwa na Prof. sijui nani simkumbuki, wanasema mtoto hana moyo akapima akamwambia mtoto hana ugonjwa wa haina yoyote, mama kahamaki nifanyeje? akamwambia wewe rudi Tanzania waulize waliopima, nikamwambia mama nani alikupimia hapa akasema ni Prof. sijui nani na huyu mama alikuwa *nurse*, yule mgaga akamuuliza wewe unamadawa ya moyo akasema ninayo akasema tupa kabisa hiyo, wakampa tiketi akarudi Tanzania.

Mheshimiwa Naibu Spika, wa pili wakasema moyo wake sijui umefanyaje sijui umepanuka, wakaenda kupima akamwambia huyu mtoto ana mshipa mmoja unaopeleka damu kwenye moyo alitakiwa atibiwe kabla ya mwaka mmoja na nusu kwa sasa anamiaka mitatu na nusu anaenda miaka minne hawezi kutibiwa kwasababu ukimtibu sasa hivi anakufa, sasa nifanyeje mrudishe nyumba, hakuna cha moyo.

Mheshimiwa Naibu Spika, wa kwangu sasa mtoto wa dada nilionyeshwa sijuwi alikuwa mzungu yule wa Bungando ananiambia ona matundu mawili matundu mawili nilipoenda pale wakaniambia huyu mtoto hana tatizo la moyo lakini ana-

case mpya ambayo Hyderabad haijawahi kuiona ana nyama imeota imefunika moyo na pafu la kushoto kwa hiyo ule moyo ukinyanyuka hauendi kwa hiyo tutaenda kufanya juhudi ya kutoa hiyo nyama tukishaitoa mtoto anapona au kama damu itatoka sana itakuwa shida wakafanikiwa kumtoa ile nyama na nikasaini pale kama sehemu ya kufanyia *case* na leo huyu mtoto ni mkubwa hawajawahi kuona. (Makofi)

Mheshimiwa Naibu Spika, sasa haya mambo mengine haya tuangalie elimu yetu imekaaje tumekariri a, a, a, hali mbaya hii tuangalie watu wetu hawa tunaokaanao wamekaaje? Ndiyo maana Dkt. Magufuli aliwashangaza sasa hivi watu wanashangaa unaona wenzetu wanaenda huko wamerudi sasa wanahakili timamu wanaongea vizuri sasa hivi kwa hiyo haya mambo tuangalie je, nani anaweza kufundisha watu wakapata adabu.

Mheshimiwa Naibu Spika, nakushukuru. (Makofi)

NAIBU SPIKA: Mheshimiwa ahsante sana Mheshimiwa Getere, Waheshimiwa Wabunge nilikuwa nimeshamtaja Mheshimiwa Pascal Haonga atafuatiwa na Mheshimiwa Martha Umbulla, Mheshimiwa Dkt. Christine Ishengoma ajiandae.

MHE. PASCAL Y. HAONGA: Mheshimiwa Naibu Spika, nakushukuru kwa kunipa nafasi kwa mara nyingine naomba kidogo niweze kwenda kwenye ile sehemu ya nne ya Muswada inayohusu usajili wa viuatilifu, hutoaji wa leseni kwa watu wanaojusisha na mimea, mazao ya mimea pamoja na vibali.

Mheshimiwa Naibu Spika, leo kwenye nchi yetu inaonyesha kwamba kunakuwa kuwa na viuatilifu ambavyo vinaingizwa kinyemela ndani ya nchi ambavyo havikizi vigezo na ambavyo vimepitwa muda wake wa matumizi kwa *expire*. Leo tunapitisha Muswada huu lakini Serikali ituambie imejipangaje kwa maana ya kuhakikisha inadhhibiti uingizaji wa viuatilifu *fake* ambavyo vinatoka nje ya nchi kwa mfano

leo tunaambiwa kwamba tuna bandari bubu karibu 120 katika nchi yetu kwa taarifa ambazo tunazo.

Mheshimiwa Naibu Spika, hizo bandari bubu 120 leo Serikali kama kuna bandari bubu 120 na viuatilifu vinapita bandarini, vinapita kwenye mipaka yetu hivyo kutoka nje ya nchi, lakini mwisho wa siku vinapoenda dukani Serikali inaanza kuangaika na yule ambaye anauza, sasa hapa nilikuwa nashauri tu kwamba jambo la kwanza pamoja na adhabu ambazo inawezekana Serikali imejipanga kuzitoa lakini adhabu ambayo naamini ianzie kwanza kwa wale maafisa wa Serikali ambao wapo kwenye bandari zetu.

Mheshimiwa Naibu Spika, pia ziende kwa wale maafisa wa Serikali ambao wako kwenye maeneo mbalimbali kwenye mipaka ili mwisho wa siku tusije tukaanza kuwaonea hawa ambao mwisho wa siku ni wauzaji wa kwenye maduka tu. Niseme tu Serikali ni vizuri hapa waziri atakuja kutuambia kwamba wamejipangeje kwenye eneo, hili kwasababu tumeona mara nyingi sana mimi kutokea kule kwa mfano Mbozi wako wauzaji mbalimbali ambao wanauza hivi viuatilifu kwa mfano amekamatwa na viuatilifu ambavyo havikidhi, ambavyo vimepita na muda wake vime *expire* ni kweli wanakamatwa wanawekwa ndani ni jambo ambalo siyo baya.

Mheshimiwa Naibu Spika, lakini hatuambiwi vilipitaje pitaje bandarini, hatuambiwi vilipitaje pitaje kwenye mipaka yetu kwa hiyo nadhani jambo lingekuwa jema kama Serikali ituambie mikakati hiyo lakini pia na adhabu ziishie kwa wauzaji tu ambao wamekamatwa mwisho wa siku tujue kule viliingiaje yani. Kwa hiyo, nadhani ni jambo la muhimu ambalo lazima Serikali iweze kutueleza mwishoni kwamba wamejipanga vipi na hizo bandari bubu kama wanazifahamu na kama hawazifahamu ni vizuri Serikali ijue na adhabu zisihishie kwa wale wauzaji tu wa mwisho.

Mheshimiwa Naibu Spika, niseme tu kwamba tu pia kumekuwa na mabadiliko ya tabia ya nchi kwa mfano kuna wakati mwingine mvua zinapokuwa zinanyesha, zinanyesha

nyingi tofauti na miaka ya nyuma au wakati mwingine zinachelewa kwa hiyo kumetokea na kuibuka kwa magonjwa mbalimbali kwa mfano kwenye zao la kahawa yapo baadhi ya magonjwa ambayo yamekuwa yakiibuka kwa mfano fangasi, vidungata, vidungamba, hivi vyote kwenye zao la kahawa imekuwa ni shida kubwa sana.

Mheshimiwa Naibu Spika ameongea ndugu yangu Mheshimiwa Bobali kwenye zao la korosho na nimeona kwasababu pia ninawakilisha wapiga kura wa jimbo la Mbozi na watanzania wanaolima kahawa popote pale walipo kwenye nchi yetu kwa hiyo Serikali ituambie pia sasa kupitisha Muswada huu watuambie ufumbuzi wa matatizo haya kwa maana magonjwa ambayo yanasumbua kwenye zao la kahawa ambao nimetaja kwamba kuna fangasi, kuna vidungata, vidungamba na na kadhalika.

Mheshimiwa Naibu Spika, kwa hiyo, nadhani Serikali ituambie inajipanga vipi kufanya utafiti kuhakikisha kwamba haya yote magonjwa yanaweza kuisha kwenye zao la kahawa. Lakini uwezi ukazungumzia afya ya mimea bila kuzungumzia utafiti, leo kwenye nchi yetu kupeleka pesa kwenye utafiti hasa utafiti wa mbegu, mbegu za mimea imekuwa ni tatizo kubwa sana, Serikali haipeleki fedha imekuwa ni shida, tunategemea fedha za wahisani tu sasa kama tutaendelea kutegemea fedha za wahisani wakati tunajuwa kabisa utafiti ndiyo enginee ya kilimo chetu katika taifa letu nadhani inakuwa siyo sahihi hata kidogo. *(Makofi)*

Mheshimiwa Naibu Spika, kwa mfano kwenye zao la kahawa kuna taasisi ya kilimo inaitwa TaCRI, ukiangalia TaCRI pale Mbozi ipo sehemu moja inaitwa Mbimba lakini pia ukiangalia TaCRI ukienda kule Moshi kuna sehemu moja inaitwa Liyamungo kuna TaCRI Silali kule Tarime, *TaCRI* Maruku Bukoba, *TaCRI* Mayaya Kigoma, *TaCRI* Ugano Mbinga, maeneo hayo yote hii *TaCRI* hawa wanafanya utafiti wa mbegu wa kawaha, lakini hawapewi fedha na Serikali na *TaCRI* walikuwa kwa mfano, wanapewa fedha kutoka 43% zilikuwa zinatoka *European Union* 43% lakini 44% zilikuwa zinatoka kwa wadau, 12% zilikuwa zinatoka Serikali kuu kama

ruzuku, leo ninapozungumza na wewe tangu mwaka 2016/2017 EU walishajitoa kwa maana ya kufanya utafiti kwenye zao la kahawa kwenye mbegu.

Mheshimiwa Naibu Spika, sasa Serikali ituambie hiyo 43% tuliyokuwa tunaipata kutoka EU je, ahijahadhiri wakulima wetu na Serikali imejipangeje ku *composite* kiasi hiki ili wakulima wa kahawa wasiweze kuathirika. Lakini kibaya zaidi hata hii 12% ambayo inatoka kwa ambayo ilitakiwa itolewe na Serikali haiendi kwa wakati na wakati mwingine inaenda kidogo kidogo kwa kusuasua, sasa Mheshimiwa Waziri atuambie tutakapo kuwa tunahitimisha, je, haoni kama Serikali itakuwa ndiyo chanzo cha kwenda kuwauwa wakulima wetu wa kahawa kwa sababu haipeleki fedha za utafiti.

Mheshimiwa Naibu Spika, leo utazungumza kwenye Muswada huu tunapitisha Muswada ni kweli lakini bila kufanya utafiti wa magonjwa bila kufanya utafiti wa mbegu hii itakuwa ni sawa na kufanya biashara unaenda *airport*, halafu unasubiri meli iweze kufika tu *airport* wakati tunajuwa *airport* kinachotua pale ni ndege. Kwa hiyo, Serikali ni vizuri itueleze vizuri kabisa kwenye haya mambo ambayo nilikuwa najaribu kuyagusia. (*Makofi*)

Mheshimiwa Naibu Spika, sina mengi zaidi naomba kwa haya machache niweze kuishia hapa ili mwisho wa siku tuipe Serikali muda mwingi zaidi iweze kutujibu maana yake wasije wakasema hatujapa muda wa kutosha nashukuru sana. (*Makofi*)

NAIBU SPIKA: Ahsante sana nilikuwa nimeshamtaja Mheshimiwa Martha Umbulla atafuatiwa na Mheshimiwa Dkt. Christine Ishengoma, Mheshimiwa Omary Tebweta Mgumba ajiandae.

MHE. MARTHA J. UMBULLA: Mheshimiwa Naibu Spika, nakushukuru kunipa nafasi nitoe mchango wangu mfupi kwenye Muswada huu. Kwanza kabisa naomba nimpungeze sana Mheshimiwa waziri wa Kilimo, Mheshimiwa Hasunga na

Manabu waziri wake wote wawili Mheshimiwa Mgumba na Mheshimiwa Bashe. Lakini pia naomba niseme kwamba huu ni Muswada muhimu sana katika maendeleo ya nchi yetu na hasa ulivyoletwa wakati huu muafaka kwa ajili ya hali halisi na mazingira yaliyopo.

Mheshimiwa Naibu Spika, kama kuna mwaka ambao mimea hasa mimea ya tiba asili imeweza kutumika ni mwaka huu wa 2020, hasa mimea ile ambayo tumeshauriwa tutumie sana, lakini Mungu ni wa miujiza kwasababu mingi utakuta haipigwi dawa kwa mfano ile ya kufukiza, kama mikaratusi na mwarobaini na miti mingine lakini kuna mingine mingi kama malimao ambayo tumeambiwa tuyale kwa wingi sana ambayo inashambuliwa na wadudu na mingine ambayo kwa kweli tumeshauriwa kama mbegu na matunda mengi sana.

Mheshimiwa Naibu Spika, sasa nilikuwa naomba sheria yetu hii ambayo imekuja kwa wakati muafaka itaiboresha vipi matumizi ya mimea hii ambayo itatumika kwa tiba asili katika nchi yetu tunajua kwamba huu ni ugonjwa ambao utapita tunamuomba Mwenyezi Mungu, lakini imejenga umaarufu kiasi kwamba nadhani ni vizuri wizara na Serikali ikaangalia ni namna gani inaweza sasa ikaangalia mimea hii ambayo inamanufaa makubwa katika lishe na tiba kwa ajili ya mimea yenyewe na kwa binadamu.

Mheshimiwa Naibu Spika, ningependa pia kujua sheria hii ambayo kama nilivyosema imekuja kwa wakati, wakulima wengi wa *greenhouses* sijui kwa Kiswahili ni nini *Greenhouse* lakini wameongezeka sana katika nchi yetu ni wakulima ambao wanalima mboga mboga hasa kwa wingi sasa sijajua kwamba hii sheria yetu pia kwa kulinda mimea afya ile mimea pamoja na walaji kwasababu inatumika sana, labda Mheshimiwa Waziri atatuambia pia sheria hii imeweza kuangalia vipi matumizi ya viutilifu na madawa mbalimbali katika *Greenhouses*.

Mheshimiwa Naibu Spika, lakini pia ningependa pia kujua kwamba ni jinsi gani sheria hii pia imeweza kugusia

matumizi ya viumbe hai kwasababu katika kilimo kuna baadhi ya wakulima wanatumia vitungu saumu kuzungushia bustani na wanasema kwamba ukizungushia vitungu saumu au hata vitungu maji utakuta kwamba wale wadudu wanaoshambulia mimea hawasogelei pale.

Sasa nilikuwa nashauri kwamba pengine ni wakati mwafaka pia kwa matumizi ya viumbe hai katika kukabiliana na wadudu au viuatilifu ambao wanashambulia mimea yetu na pia utafiti uweze kufanyika ili kuboresha matumizi ya viumbe hai.

Mheshimiwa Naibu Spika, naomba pia Serikali iwekeze zaidi kwenye utafiti wa mimea ili tuzalishe wenyewe mbegu bora hapa nchini kwa mfano hivi sasa utaratibu upo wa kuagiza mbegu kutoka nje ya nchi, tunajua kwamba tunashirikiana sana na Afrika Mashariki na nchi zingine za *SADC* kwasababu mbegu zinavyoagizwa kutoka nje inaweza ikakaa kwa miezi mitatu, tunafanyia utafiti upya ili kuona kwamba inaweza ikawa bora katika matumizi yake katika nchi yetu.

Mheshimiwa Naibu Spika, sasa binafsi nilikuwa nashauri kwamba nadhani kama tunaushirikiano wa karibu na nchi zetu hizi hakuna haja ya kuendelea kufanya utafiti tena kwa muda mrefu bali tunaweza tunaweza kuamini utafiti uliofanywa na nchi East Africa au na *SADC* ili mbegu hizo ziweze kutumika na kupunguza muda wa matumizi ama wa kupoteza muda wa utafiti na gharama vilevile.

Mheshimiwa Naibu Spika, nilikuwa na haya machache ya kuchangia katika Muswada huu na ninakushukuru sana kunipa nafasi ahsante sana.

NAIBU SPIKA: Ahsante sana Dkt. Christine Ishengoma, atafuatiwa na Mheshimiwa Omary Tebweta Mgumba, Mheshimiwa Hussein Mohamed Bashe ajiandae.

MHE. DKT. CHRISTINE G. ISHENGOMA: Mheshimiwa Naibu Spika, kwa kunipatia nafasi ya kuchangia. Huu

Muswada kama nilivyosema mwanzoni kwenye hotuba yangu ni muhimu sana kwa upande wa kilimo hasa kwasababu huu Muswada utalinda afya ya mimea na mbegu na hii inahusisha sana sana kama tulivyosema mambo ya utafiti, utafiti ni muhimu sana na utafiti kuwa ni muhimu sana lazima kuwa na mahabara, mahabara bora ambazo wataweza kufanya utafiti. Kwa hiyo, ndiyo hiyo muhimu kuhusisha watu wa vyuo vikuu hasa pamoja na chuo kikuu cha kilimo na sana sana lazima nikisemehe Chuo Kikuu cha Kilimo SUA ambacho kinafanya mambo ya utafiti kwenye mambo ya kilimo pamoja na taasisi zingine za tafiti ambazo tunazijuwa ziko nyingi ambazo ziko chini ya TARI, kwa hiyo lakini lazima zihusishwe kwenye mambo ya tafiti.

Mheshimiwa Naibu Spika, na hasa ya tafiti ni upande wote wa mbegu pamoja na mimea na hii sheria itahusika sana pia kwenye mimea na mbegu zinazolingia tulivyosema mambo ya *sanitation* itahusika kwenye mambo ya kucheki mimea na mbegu zinazolingia ndani na kutoka nje pia.

Kwa hiyo, hii ni nzuri sana kwa hiyo kwa upande wa kanuni bora za kilimo lazima tuwe na mbegu bora pamoja ambayo mbegu bora zitaweza moja wapo ya vitu vinavyohitajika ili uweze kupata mazao bora ambazo zitachekiwa na lazima uweze kupata viuatilifu bora, ambavyo na vyenyewe vitachekiwa na ukipata hivyo bora, vikiwa bora vitaweza kuuwa hao wavamizi kama zinge pamoja na wadudu wengine ni kweli na naungana na wale ambao wamesema elimu kwa maafisa ugani ni afadhali waende *training* waweze kujifunga kuhusu kujikumbusha kuhusu mambo yanayotakiwa kwenye sheria hii ikishapitishwa, Mheshimiwa waziri na wewe unakubaliana na maafisa ugani kuwa wengine ni maafisa ugani wa zamani lazima wajikumbushe kuhusu hii sheria na vitu gani vinatakiwa.

Mheshimiwa Naibu Spika, ni kweli hii sheria ni nzuri sana kwa kweli naiunga mkono ila kwenye bodi na sisitiza kuwa jinsia iweze kuangaliwa kwasababu mara kwa mara tumekuwa kuona kuwa *at least two women* na kweli wanakuwa wanawake wawili hao hao, kwa nini nisiseme *at*

least two men, kwa hiyo, siyo mbaya, waiangalie Mheshimiwa waziri aiangalie ile sheria inavyokwenda tumeshasema mengi kwa mengine yatakuwa kwenye kanuni, kwa hiyo, kanuni ambayo kamati imependekeza iweze kuangalia mapendekezo yake yaende vizuri. (Makofi)

Mheshimiwa Naibu Spika, lakini kwenye bodi walikuwa wamesema lazima awepo mtu wa *horticulture* tukasema *why horticulture?* Kwa hiyo, ndiyo sababu tumesema kuwa mtu yoyote wa kilimo misitu *etymology* na vitu vingine ambaye atakuwa anafanya vizuri kwenye kilimo wakati huo anaweza akaingizwa kwenye bodi.

Mheshimiwa Naibu Spika, Mengi nimeyasema kwenye taarifa yangu ya kamati na kwa niaba ya wajumbe wa kamati narudia tena kuwashukuru kwa kazi nzuri waliyoifanya na kwasababu naongea inawezekana naongea mara ya mwisho sielewi niendele kuwashukuru wananchi wa Morogoro kwa mambo mazuri, niendeleo kumshukuru Mheshimiwa Rais kwa mambo yeto yanayofanya waheshimiwa mawaziri, wewe Naibu Spika, Spika wangu kwa mambo yote mliyoyafanya kwakweli nawashukuru wabunge nawatakia wote mrudi safari ijayo kwenye bunge linalokuja na mimi mniombe niweze kurudi ahsante sana, nawashukuru wanawake wa Morogoro ahsante sana. (Makofi)

NAIBU SPIKA: Shukrani sana. Itabidi tumshauri Mheshimiwa Spika, tupige ibada moja hapa kabla hatujaondoka Wabunge ili kila mtu awe amepata maombi hata ambaye hajatajwa.

Waheshimiwa Wabunge, nilikuwa nimeshamtaja Mheshimiwa Omary Tebweta Mgumba, atafuatiwa na Mheshimiwa Hussein Mohamed Bashe na mtoa hoja ajiandae.

MICHANGO KWA MAANDISHI

MHE. ZUBERI M. KUCHAUKA: Mheshimiwa Naibu Spika, awali yote nichukue fursa hii kumshukuru Mwenyezi Mungu

kwa kunijalia uhai siku ya leo na kuniwezesha kuchangia mada iliyo mbele yetu. Naipongeza sana Serikali kwa kuleta Mswada huu wa Sheria ya Mimea kwa wakati muafaka, hasa wakati huu ambapo dunia inapambana na mabadiliko ya tabianchi.

Mheshimiwa Naibu Spika, wakati tunakwenda kupitisha sheria hii, yako mambo ya kuzingatia katika ustawi wa watu wetu hasa wakulima. Ukulima wa kisasa muhimili wake mkubwa ni upatikanaji wa mbegu bora na pembejeo mbalimbali ikiwemo na matumizi makubwa ya dawa za mimea na dawa za kuuwa wadudu. Dawa hizi hazina elimu ya kutosha kwa watumiaji juu ya madhara ya matumizi yake.

Mheshimiwa Naibu Spika, vilevile ni bora sheria hii ikaweka wazi juu ya utafiti wa kuonyesha ni mimea gani na ina uwezo gani wa kuvumilia mangonjwa ya aina gani. Kwani yako mazao yanayoshambuliwa na magonjwa mbalimbali bila ya kuwa na dawa mahususi ya magonjwa hayo, badala yake wakulima wanakuwa wakibahatisha matumizi ya madawa tofauti tofauti kila kukicha. Vile vile iko tabia ya kuhamisha mimea toka sehemu moja kwenda sehemu nyingine bila ya kuwa na tahadhari ya kuhamisha magonjwa ya mimea husika.

Mheshimiwa Naibu Spika, ipo Sera ya Upandaji Miti kote nchini yenye kaulimbiu ya "Kata Mti Panda Mti," lakini upandaji huu wa miti kwa kiasi kikubwa unakosa utafiti wa kitaalamu wa miti gani ipandwe wapi, jambo ambalo linafanya kazi hii isilete matunda tarajiwa, kwani iko miti mingine inashindwa kumea au kusitawi katika mazingira fulani.

Mheshimiwa Naibu Spika, mfano iko miti mingine ukiiipanda pembeni ya mito husaidia kutunza maji ya mito hiyo, wakarti miti mingine hukausha maji ya mito hiyo. Hivyo basi, utaona kuna umuhimu mkubwa wa kuchagua ni miti gani ipandwe wapi; na hii ni kazi ya kiutafiti wa kitaalamu. Nashauri tunapowahamasisha wananchi kushiriki katika

kampeni ya Kata Mti Panda Mti, ni lazima kwenda na elimu ya miti gani ipandwe wapi, kuzingatia tabia ya miti husika.

Mheshimiwa Naibu Spika, sasa naomba nizungumzie miti dawa, kwani tunayo miti au mimea mingi nchini tunayoitumia kama dawa za magonjwa mbalimbali. Hata hivyo, hadi leo hakuna utafiti wa kutosha wa namna ya kuitambua mimea hii na kuitunza. Kinachoonekana sasa ni kutoweka kwa miti au mimea hii muhimu kwa afya za watu wetu. Hatuwezi kuimarisha kitengo cha tiba asili bila ya kuwekeza vya kutosha kwenye utafi wa mitidawa na kuja na sheria ya utunzaji wa mitidawa ambayo sasa iko mbioni kutoweka.

Mheshimiwa Naibu Spika, baada ya kusema hayo, naunga mkono hoja kwa asilimia mia moja.

MHE. ZACHARIA P. ISSAAY: Mheshimiwa Naibu Spika, tunamshukuru sana Mungu kwa majaliwa yake kwetu sote kwa muda wetu toka mwaka 2015 – 2020. Hakika nchi yetu imestawi kijamii, kiuchumi, kisiasa, kiplomasia na huduma bora kwa jamii.

Mheshimiwa Naibu Spika, nawaomba sana Watanzania kwa imani zetu mbalimbali kuiombea nchi yetu na dunia nzima kwa Mwenyezi Mungu kutokana na janga hili la *corona* linalotikisa dunia nzima kwa sasa. Ewe Mwenyezi Mungu uturehemu sisi waja wako. Amina.

Mheshimiwa Naibu Spika, kwa namna ya pekee tunawaomba kwa Mwenyezi Mungu ndugu zetu Watanzania wote waliofariki dunia kwa namna mbalimbali kipindi chote. Mwenyezi Mungu awapokee katika ufalme wake usio na mwisho. Tunawaomba mioyo ya faraja Watanzania wote waliopoteza wapendwa wao kwa namna mbalimbali.

Mheshimiwa Naibu Spika, kwa niaba ya wananchi wa Jimbo la Mbulu Mjini, nachukua nafasi hii kutoa salamu za shukrani, pongezi na kumwomba Mheshimiwa Dkt. John

Joseph Pombe Magufuli, Rais wetu mpendwa na Serikali nzima ya Awamu ya Tano kwa kazi kubwa ya utekelezaji wa Ilani ya CCM 2015 – 2020. Hakika tuko kidedea kuelekea Uchaguzi Mkuu Oktoba, tukutane uwanjani.

Mheshimiwa Naibu Spika, sasa naomba nitoe mchango wangu kwa Serikali kupitia Wizara hii kama ifuatavyo:-

1. Serikali ije na mpango mkakati wa kuzalisha mbegu kupitia makampuni ya ndani hali itakayoweza usalama na ubora wa mbegu kwa ajili ya ustawi wa jamii na Sekta ya Kilimo kwa ujumla.

2. Serikali itazame kwa undani suala la hatari za mbegu bora kwa kuongeza maabara ya upimaji wa mbegu, pembejeo na viuatilivu visivyo na ubora kutoka ndani na nje ya nchi.

3. Kwa kuwa mara nyingi Serikali inachukua hatua wakati tayari wakulima na wafanyabiashara wameshasambaza kwenye soko, Serikali kupitia utungaji wa kanuni na utoshevu wa sheria zetu ifanye maboresho kwa ajili ya kudhibiti madhara yanayoweza kutokea kwa kuzingatia ubora wa Soko la Kimataifa na mwamko mkubwa kwenye soko.

Mheshimiwa Naibu Spika, naunga mkono hoja kwa asilimia mia moja.

Mheshimiwa Naibu Spika, naomba kuwasilisha.

MHE. RHODA E. KUNCHELA: Mheshimiwa Naibu Spika, nashauri Serikali isimamie mamlaka hizi husika ili kuwe na utekelezaji. Suala la mbegu na ukuaji wa mimea katika Sekta ya Kilimo ni muhimu kwa sekta binafsi na utafiti wa mbegu. Serikali ichukue taarifa mbalimbali ili ifanikiwe kama China ambako mbegu na mimea zinahesabiwa na kufuatilia na wataalamu husika.

Mheshimiwa Naibu Spika, naipongeza Serikali kwa hatua ya kuleta Muswada huu Bungeni ili uweze kujadiliwa na hatimaye kutungwa kwa Sheria itakayoanzisha Mamlaka ya Afya ya Mimea na Viuatilifu kwa lengo la kuboresha na kuimarisha usimamizi wa afya ya mimea na viuatilifu hapa nchini, pia kuondoa ukiritimba na mwiingiliano wa majukumu na mamlaka yaliyokuwa chini ya Kitengo cha Afya ya Mimea (*Plant Health Services*) katika Wizara ya Kilimo na yaliyokuwa chini ya Taasisi ya Utafiti wa Viuatilifu vya Kitropiki (*TPRI*) katika usimamizi wa masuala yanayohusu afya ya mimea na udhibiti wa viuatilifu.

NAIBU WAZIRI WA KILIMO (MHE. OMARY T. MGUMBA):

Mheshimiwa Naibu Spika, nashukuru. Kwanza nami niendeleo kuchukua nafasi hii kumshukuru sana Mwenyezi Mungu. Pia naunga mkono hoja na ninampongeza sana Mheshimiwa Waziri kwa Muswada huu. (*Makofi*)

Mheshimiwa Naibu Spika, nitajikita kwenye maeneo mawili ambapo moja Mheshimiwa Chiza hapa alitoa mchango na ushauri mzuri kuhusu suala la kusuasua kwa michango yetu kwenye Mashirika ya Kimataifa hasa haya mashirika yetu mawili; Shirika la Kudhibiti Nzige wa Jangwani na Shirika la Kudhibiti Nzige Wekundu. Kwanza niwatoe wasiwasi, hayo ambayo waliyatoa Waheshimiwa Wabunge hususan Mheshimiwa Chiza ni historia kwa Serikali ya sasa. (*Makofi*)

Mheshimiwa Naibu Spika, kwa sasa hivi kama Serikali ya Awamu ya Tano katika vitu tunavyovipa kipaumbele ni kulipa michango yetu kwenye Mashirika ya Kimataifa. Kwa mfano, hilo Shirika la Kudhibiti Nzige wa Jangwani kwa mwaka tunapaswa kulipa zaidi ya dola 409,149. Shirika la Nzige Wekundu tunapaswa kulipa dola 185,120 kwa mwaka. (*Makofi*)

Mheshimiwa Naibu Spika, nataka niliambie Bunge lako na Watanzania kwa ujumla, hatudaiwi hata senti tano, tumelipa kwenye mashirika yote hayo mawili na kwa ushahidi, ndiyo maana mnaona ndege zao ziko nchini zinateketeza

kweleakwelea ambao hizo ndege zote tumepewa zimeletwa nchini kwa sababu Tanzania ni mlipaji mzuri kwenye mashirika hayo ya Kimataifa, kwa hiyo, wanaendelea kutupa huduma zao bila kulipa chochote kile kingine. (*Makofi*)

Mheshimiwa Naibu Spika, la pili, ambalo nataka kuzungumza ni kuhusu wasiwasi uliotolewa hapa kuhusu sheria hii na suala la mbegu. Kwanza, hizi ni sheria mbili tofauti. Suala la mbegu na suala la afya ya mimea linasimamiwa na sheria mbili tofauti. Suala la mbegu linasimamiwa na taasisi yetu ya *TOSCI* ambao ndiyo wenye jukumu la kusimamia usalama na ubora wa mbegu nchini.

Mheshimiwa Naibu Spika, sisi kama Taifa ni wanachama wa mashirika ya Kimataifa kama nilivyosema, mojawapo ni Shirika la *International Plant Protection Convection (IPC)*. Hili tumeingia na tumekubaliana na nchi za wenzetu, kila nchi mwanachama ahakikishe kwamba analinda usalama wa mimea inayoingia na kutoka ndani ya nchi ili kudhibiti magonjwa na wadudu ambao tunaweza tukawapelekea wenzetu au kutuletea sisi pale mimea inapoingia.

Mheshimiwa Naibu Spika, kwa hiyo, kama kuna mimea inayoingia, mmea siyo lazima uwe mbegu, unaweza kuja mmea mwingine wowote kama mche ambao hauhusiani na mbegu, lazima upate vibali viwili. Kibali kimoja ni kutoka *TOSCI* ambacho kinahusika na zuiu lile la kuingiza mbegu au kutoa mbegu ndani ya nchi. Kibali cha pili ndiyo upate kutoka kwenye sheria hii tunayopitisha hapa kuhusu mmea wenyewe kwa ajili ya kudhibiti afya ya mmea kama huo. Je, mmea unaoingia hauna wadudu au hauna magonjwa? Ni tofauti na mbegu.

Mheshimiwa Naibu Spika, kwa hiyo, mbegu ikiingia ni *TOSCI*, watahusika wenyewe nao kuangalia kama mbegu inayoingia kama inakidhi ubora, haina wadudu, inafaa kwa ardhi yetu, inafaa kwa wakulima wetu, ina tija? Hiyo tuna sheria zake na taratibu zake. Kuna mchakato kama mnavyofahamu, lazima mbegu ikiingia tuiptime, yaani twende

tukazalishe wenyewe mashambani ili tuone ile mbegu ubora wake na tija yake ukoje na kama kweli inaweza kukidhi ardhi yetu.

Mheshimiwa Naibu Spika, kwa sababu unaweza kuchukua mbegu kutoka China, ikafanya vizuri China, Marekani au sehemu yoyote, lakini hiyo haina maana mbegu hiyo itafanya vizuri hapa Tanzania. Kwa hiyo, suala la mbegu lina sheria yake na *TOSCI* wanasimamia vizuri. Kwa hiyo, niwatoe wasiwasi kwamba usalama wa mbegu uko vizuri kwamba tuna sheria na kanuni zinazozingatia hilo.

Mheshimiwa Naibu Spika, pia tuna sheria ile Na. 20 ya mwaka 2004 Sheria ya Mazingira na katika sheria ile pia kuna kanuni pale ambazo tulizianzisha zinazosema: "*Biosafety Regulation Act of 2009*" pamoja na marekebisho yake ya mwaka 2015. Sheria zote tatu hizi kwa pamoja lengo lake ni kulinda mimea inayoingia ndani ya nchi yetu ili kuweza kulinda wakulima wetu wasipate hasara. (*Makofi*)

Mheshimiwa Naibu Spika, naomba niishie hapa. Naunga mkono hoja. Ahsanteni sana. (*Makofi*)

NAIBU SPIKA: Ahsante sana. Mheshimiwa Hussein Mohamed Bashe, Naibu Waziri wa Kilimo na mtoa hoja ajiandae.

NAIBU WAZIRI WA KILIMO (MHE. HUSSEIN M. BASHE): Mheshimiwa Naibu Spika, nashukuru kwa kunipa fursa. Nitachangia katika baadhi ya maeneo yafuatayo:-

Mheshimiwa Naibu Spika, moja, kwa nini tumekuja na Muswada huu kuwa na mamlaka? Kwanza sisi ni *member* wa *WTO*. Kuwa *member* wa *WTO*, tunapofanya uzalishaji wa mazao ya kilimo hatujiuzii sisi tu Tanzania, tunauza na katika masoko ya nje. Tunapouza katika masoko ya nje kuna *requirements* ambazo *internationally* lazima tuzi-*meet*. Moja, kama nchi, sasa hivi tunapata shida sana ya kufungua soko kama la China. Soko la China linataka nchi iweze ku-*identify list of pests*, yaani wadudu wasumbufu walioko katika nchi

yenu na namna gani mnawa-*regulate* au namna gani mnawadhhibiti kwa ajili ya mazao yenu? Hili ni jambo la kwanza.

Mheshimiwa Naibu Spika, la pili, huko nyuma na kabla ya hii sheria na kama itapitishwa, tulikuwa na mamlaka mbili. Kwa hiyo, hao wafanyabiashara ilikuwa huku kuna mtu anayesimamia suala la *pests* na huku kuna mtu anayesimamia *plant health*. Hivi vitu vyote ni gharama, kama alivyosema Mheshimiwa Mbunge wa Bunda kwamba tunaenda kuongeza ajira za watu, hatuendi kuongeza ajira za watu, tuna tuna-*merge* taasisi mbili, *manpower* ni ile ile, wanaenda kutoa huduma kwa watu ambayo ina-*meet requirements* za Kimataifa. (Makofi)

Mheshimiwa Naibu Spika, kuna hoja aliongea Mheshimiwa Rehani kwamba tsubiri kutunga sheria tutengeneze *standards* za *Pests*. Dunia inaongozwa na *standards*. Zipo *standards* za *pests* zinazotu-*guide*. Sisi kama nchi, *SPS* ni *standards* 35 ambazo zina-*guide* hii *procedure* yote. Kwa hiyo, tunatengeneza mamlaka ambayo itaenda kuzisimamia *standards* ambazo zinatuongoza katika dunia. Kwa hiyo, hili ni jambo ambalo ni muhimu kulifanya sisi kama Taifa. (Makofi)

Mheshimiwa Naibu Spika, leo hii tukipitisha sheria hii ya kuanzisha mamlaka hii moja kati ya zao ambalo limeathirika sana kwa kutokuwepo na *Plant Health Authority* ni mazao ya *horticulture*.

Mheshimiwa Naibu Spika, leo hii mkulima wa Tanzania akizalisha tuchukulie pilipili, akitaka kui-*export* kwa sababu tu hatuna *pests list* na hatuna mamlaka ambayo inasimamia masuala ya afya ya mimea inayojulikana Kimataifa, inabidi wafanyabiashara wetu wapitishie nchi ya Kenya ama wapitishie nchi ya Rwanda halafu zile bidhaa ziende kuwa *parked* kama ni *products* za nchi zile. Kwa hiyo, tunachukua hatua hii kama Serikali ili ku-*facilitate trade* lakini vilevile kulinda afya za walaji wa mazao katika nchi yetu.

Mheshimiwa Naibu Spika, leo hii tuna tatizo kubwa sana la biashara ya viuatilifu katika nchi. Tulikuwa na Taasisi yetu ya *TPRI*. Nataka kuliarifu Bunge lako Tukufu kwamba *accreditation process* sasa hivi kwa ajili ya *export*, hatuna maabara ambazo zimekuwa *accredited* Kimataifa. Tuko kwenye hatua za mwisho ambazo tunafanya kama Wizara ku-*accredit* maabara tatu na kuondoa mchakato wa mazao yetu kuwa *certified* na nchi za jirani ili yaweze kutoka. Kwa kuwepo kwa mamlaka hii ita-*facilitate* shughuli zote hizi za usimamizi wa afya ya mimea.

Mheshimiwa Naibu Spika, pia ni vizuri tukafahamu suala la afya ya mimea na suala la utafiti na usimamizi wa mbegu ni vitu viwili tofauti. Kote duniani zipo taasisi zinazosimamia suala la *research* na *seed multiplication*, vile vile ziko taasisi zinazosimamia *Plant Health* na *Pest Regulation*. Hii ni *standard* kote duniani. Kwa hiyo, hatuwezi kufanya kitu kipya, leo suala la mbegu tualichanganya kwenye taasisi ya *plant health*, haiwezekani. (Makofi)

Mheshimiwa Naibu Spika, kuna hoja aliongea Mheshimiwa Bobali kuhusu suala la *Research* na Wabunge wengi hata Mheshimiwa Haonga amesema. Nilitarajia Mheshimiwa Haonga kwanza ange-*recognize* kwenye bajeti aliyoitisha juzi, tumetenga shilingi bilioni 11 ambayo inaenda *TARI* na *ASA* kwa ajili ya mbegu na *research*. Inawezekana kweli hatujafikia matamano tuliyonayo, lakini *we are on the process* na mwaka huu fedha ipo, tunafanya kazi kama Serikali na *partners*. (Makofi)

Mheshimiwa Naibu Spika, lingine ambalo ni muhimu kama Taifa, kote walikoendelea duniani, kilimo ni *private*. Kwa hiyo, *participation* ya *private sector* ni muhimu sana katika kuendeleza Sekta ya Kilimo. *Private sector* inashiriki kuanzia kwenye *research*, ndiyo maana uzalishaji wa mbegu haufanywi na Serikali peke yake, tuna-*encourage Private Sector* kushiriki. Sisi kama Wizara tumeingia *MOU* na Chuo Kikuu cha Sokoine ili tuweze kuchukua mawazo ya wasomi katika utafiti wa masuala ya mbegu na afya ya mimea.

Mheshimiwa Naibu Spika, la mwisho ambalo nilitaka ni-*comment*, kama tunataka kuwa sehemu ya dunia, hatuna ujanja, lazima tuwe na taasisi hii, tunaihitaji kwa ajili ya Sekta ya Kilimo. Suala la namna gani tunaji-*protect*, ndiyo maana sheria imempa Waziri mamlaka ya kutengeneza kanuni za kuendesha hii taasisi.

Mheshimiwa Naibu Spika, hatuwezi kuweka kila kitu ndani ya sharia, kuna vitu vingine tunaviweka katika kanuni, lakini siku ya mwisho uzuri wa sheria tunazopitisha Bungeni siyo msahafu, wala siyo Biblia; kama kutatokea changamoto kule kwenye *field*, lazima tutarudi katika Bunge kwa ajili ya kufanyia marekebisho na hili ni jambo *on going*, hatuwezi kulikwepa. (*Makofi*)

Mheshimiwa Naibu Spika, kwa hiyo, nimalizie tu kwa kusema kwamba Sekta ya Kilimo inaongozwa na taasisi za Kimataifa; *WTO, IPPC na SPS*. Hizi ni *standards* ambazo lazima tuzi-*meet and we need this institutions* ili tuweze ku-*compete globally*. Lazima tufikiri *globally*, lakini tu-*act locally*.

Mheshimiwa Naibu Spika, nashukuru. Naunga mkono hoja. (*Makofi*)

NAIBU SPIKA: Ahsante sana. Sasa namwita Mheshimiwa Japhet Hasunga Waziri wa Kilimo ahitimishe hoja yake.

MHE. PASCAL Y. HAONGA: Mheshimiwa Naibu Spika, kama uliniita. (*Kicheko*)

NAIBU SPIKA: Wewe labda unatafuta pongezi. Leo umesoma hotuba nzuri sana humu ndani. (*Makofi*)

Mheshimiwa Waziri wa Kilimo, karibu uhitimishe hoja yako.

WAZIRI WA KILIMO: Mheshimiwa Naibu Spika, awali ya yote nianze kuwashukuru sana Waheshimiwa Wabunge mbalimbali ambao wamechangia Muswada huu. Tumepata

maoni mazuri sana na wamechangia vizuri sana, kwa kweli nawapongeza. *(Makofi)*

Mheshimiwa Naibu Spika, la pili, naomba nichukue nafasi hii kukupongeza wewe mwenyewe binafsi kwa jinsi ulivyoendesha na kusimamia huu mjadala kwa weledi mkubwa. Nakupongeza sana na kukushukuru sana. Kama ingekuwa uwezo wangu, nakuombea ukienda pale Mbeya hata Wana-Mbeya watakuwa wanaangalia sasa hivi, mambo yote ni mazuri. Nami nataka tu kusema kwamba ukienda hata Sugu mwenyewe atakupua kura yake. *(Makofi/Kicheko)*

Mheshimiwa Naibu Spika, kwa hiyo, nakuombea tu kama ulikuwa hujatangaza, basi nafikiri nimeshakutangazia kule tayari. Kwa hiyo, nikutakie kila la heri, nasi sote na Wabunge wote waliomo humu kwa kazi kubwa uliyoifanya watakuja kukuunga mkono ili walau uweze kushinda na kurudi tena Bungeni. *(Kicheko/Makofi)*

Mheshimiwa Naibu Spika, nirudie tena kuwashukuru sana Mwanasheria Mkuu wa Serikali na timu yake kwa ujumla na wafanyakazi wa Wizara ya Kilimo ambao kwa kiwango kikubwa wamefanya kazi hii katika kutayarisha huu Muswada mpaka kufikia hatua hii. Kwa kweli nawashukuru sana. *(Makofi)*

Mheshimiwa Naibu Spika, nataka niwaambie Waheshimiwa Wabunge Muswada huu ni moja ya mabadiliko makubwa ambayo tunakusudia kuyafanya katika kuboresha Kilimo cha Tanzania. Maboresho ni mengi yatakuja kama tulivyosema kwenye kipindi cha bajeti lakini hili ni mojawapo ya maboresho ambayo tunayataka. Tunaamini katika sehemu hii ya kusimamia viuatilifu pamoja na afya ya mimea itatusaidia sana katika kuboresha kilimo chetu hapa nchini. *(Makofi)*

Mheshimiwa Naibu Spika, kabla sijaanza kujibu maswali naomba niseme, Wabunge wamesema katika maeneo mengi kuna madawa, kuna viuatilifu feki. Hata mimi

mwenyewe mwaka huu pamoja na kwamba ni Waziri wa Kilimo nilipigwa kwenye viuatilifu. Nilienda kulima viekari vyangu vichache kama vitano pale Sumbawanga nikapewa madawa kwamba yataunguza magugu na kila kitu, nikatumia lakini walipopiga magugu hayakufa na madawa yale kumbe ni feki. Kwa hiyo, mimi mwenyewe Waziri imepigwa. Kwa hiyo, hili tatizo la viuatilifu na madawa ni suala la msingi sana, sana, sana.

Mheshimiwa Naibu Spika, tulikuwa na taasisi mbili. Tulikuwa na wafanyakazi ambao walikuwa wanasimamia afya ya mimea kwenye Wizara yetu kwenye Idara ya Mazao. Kulikuwa na *TPRI*, ilikuwa ni Taasisi ya Utafiti ya Magnjwa ya Kitropic, lakini sasa hivi kama Waheshimiwa Manaibu Mawaziri walivyosema, tulishaunda taasisi za utafiti inaitwa *TARI* ambayo ina vituo vikubwa 17 na vituo vodogo 18. Vituo hivyo ndio vina majukumu ya kufanya utafiti wote. (*Makofi*)

Mheshimiwa Naibu Spika, kwa hiyo, kwa sababu jukumu hilo la utafiti liko sasa katika vituo vyetu hivi vya utafiti ambavyo vimeanzishwa kwa mujibu wa sharia, hili jukumu ambalo *TPRI* walikuwa wanafanya la kusimamia viuatilifu na madawa, halikuwa jukumu lao, lilikuwa ni jukumu la Wizara. Waziri ali-*delegate* hii *function* kwenda kule, ndiyo wakawa wanafanya. Sasa tumefika mahali tunataka tuwe na sheria ambayo itasimamia kikamilifu, ndiyo maana katika hii sheria tunaunda mamlaka itakayosimamia afya ya mimea, madawa yote na viuatilifu vyote. (*Makofi*)

Mheshimiwa Naibu Spika, kwa hiyo, kwa sheria hii ilivyo ukisoma adhabu zake, utaratibu wake kuanzia uingizaji, hatua zinazotakiwa kuchukuliwa mpaka zinafika hapa, naamini hii itakuwa ni moja ya sheria nzuri na zilizo bora ambayo zimetungwa na Bunge hili. (*Makofi*)

Mheshimiwa Naibu Spika, wamezungumzia suala la mbegu na Mheshimiwa Msemaji wa Kambi Rasmi ya Upinzani amesema, lakini nataka niseme, ni vizuri takwimu zikakaa vizuri. Nimemsikia mara nyingi sana Msemaji mwenzangu anayetoka Mbozi; tunatoka pamoja, anasema mbegu zote

za nchi hii asilimia kubwa zinatoka nje. Hayo maneno anayapata wapi? Yeye kama Waziri Kivuli anatakiwa awe na takwimu sahihi. Sasa kama Waziri Kivuli unatoa takwimu ambazo siyo sahihi, kweli tutafika? Sasa tutakapokupa Uwaziri ndugu yangu, si utatoa takwimu za ajabu! Kwa hiyo, nafikiri kama Waziri Kivuli unatakiwa utoe takwimu zilizo sahihi. (Makofi)

Mheshimiwa Naibu Spika, kwa hiyo, siyo kweli kwamba mbegu nyingi zinatoka nje ya nchi kwa takwimu ambazo tumeshazisema, hata kwenye bajeti tulimpa, hata yeye mwenyewe anazo. Mwaka 2015 ndiyo asilimia 46 ya mbegu ndiyo tulikuwa tunazalisha ndani; nyingi zilikuwa zinatoka nje, ambazo wakati ule tulikuwa na tani 5,152 lakini za nje zilikuwa ni tani 6,118.

Mheshimiwa Naibu Spika, mwaka 2016 uzalishaji wa ndani ulikuwa ni asilimia 35, mwaka 2017 uzalishaji wa ndani wa mbegu ulikuwa ni asilimia 38, mwaka 2018/2019 uzalishaji wa mbegu bora ulifikia asilimia 81, mbegu za ndani. Kwa hiyo, ina maana nje ilikuwa ni mbegu kidogo tu. Katika mahitaji mwaka ule tulizalisha mbegu za ndani tani 46,335 na nje zilitoka tani 10,688. Asilimia 81 zilitoka huko.

Mheshimiwa Naibu Spika, mwaka 2019/2020 uzalishaji wa mbegu umefikia asilimia 90 mbegu za ndani. Kati ya tani za mbegu 71,000 tulizozitumia mwaka huu, tani 61,703 zimezalishwa ndani, hazikutoka nje. Zilizotoka nje ni tani 7,552, kwa hiyo hizo takwimu walizozitoa wanazipata wapi?

Mheshimiwa Naibu Spika, hapa tunazungumzia mbegu zilizo bora, bado mbegu za asili, mbegu za asili hazitoki huko, hazitoki nje, zote wananchi wanazo. Kwa hiyo ukijumlisha mbegu za asili na mbegu bora maana yake ni zaidi ya asilimia 90. Kwa hiyo nafikiri hizo takwimu zinatakiwa zikae vizuri ili angalau tunaposema na kuchangia tuwe tunaliweka vizuri kabisa hili jambo.

Mheshimiwa Naibu Spika, nje suala la pili; wanasema mbegu za kutoka nje zinaingia, mimea itaingia bila kufuata

utaratibu. Bahati nzuri Naibu Mawaziri wamefafanua. Utaratibu wa mbegu kutoka nje haziruhusiwi kuingia mpaka zimefanyiwa majaribio na Mdhambi wa Mbegu ambao ni *TOSCI*, tumeridhika kabisa kwa majaribio na ndiyo maana tumeweka karibu miaka mitatu, lazima uthibitishwe, ukiridhika kwamba hazina madhara, ukiridhika kwamba zinakidhi vigezo ndiyo zinapewa.

Mheshimiwa Naibu Spika, sisi hata Mkurugenzi wetu Mkuu sasa hivi ndio anaongoza Sekretarieti ya Dunia ya Mbegu Bora Duniani, Mr. Patrick, na ni mtaalam kwelikweli, dunia nzima imemkubali kwamba huyu ndio mtaalam na kumpa madaraka. Halafu leo hii tuseme eti hatujasimama, tumesimama imara. (*Makofi*)

Mheshimiwa Naibu Spika, utaratibu wa mbegu wakati zinakuja kuna mambo matatu huwa tunaya-*test* ambapo lazima unaposema hii ni mbegu mpya tunataka kujiridhisha; ni kweli ni mbegu mpya? Ni kweli hii mbegu inaweza? Mambo tunayoyazingatia kwa mujibu wa taratibu za kimataifa kuna kitu tunaita *DUS* ambayo *DUS* hiyo ni kifupi cha neno *distinct*, lazima mbegu iwe ni *distinct*, iwe tofauti, yaani iwe inajitegemea, haifanani na nyingine. La pili kuwe na *uniformity*, ile *U*, na ya tatu kuwe na *stability*. Haya mambo matatu ndiyo yanayozingatiwa katika kuthibitisha kwamba hii mbegu ina ubora unaotakiwa na hii inafaa. Haya yote yanasimamiwa na *TOSCI* na mtaalam ambaye mpaka dunia nzima imemkubali. Kwa hiyo tuko vizuri.

Mheshimiwa Naibu Spika, juzi nimesema tuna maabara sasa ya kuthibitisha mbegu ambayo imekuwa *accredited* kimataifa na sasa hivi sasa mbegu zetu zinaweza zikauzwa hata kimataifa. Sasa tulikuwa tunahitaji nini; haya ndiyo mambo mazuri ambayo yanafanyika katika nchi hii na mimi nitumie fursa hii kuwapongeza sana kwa kazi nzuri ambayo wamefanya.

Mheshimiwa Naibu Spika, kuna ndugu yetu pale Mheshimiwa Rehani amezungumzia kwamba viuatilifu vinakuja, havina *standard*, havina viwango. Ndugu zangu,

viuatilifu haviwezi vikaja bila kuwa na *standard, standards* zipo, ndiyo maana kwenye hotuba tumesema tumeridhia mikataba ya kimataifa na moja ya mikataba hiyo inataka tuwe na chombo mahiri cha kusimamia katika nchi viuatilifu na madawa, sasa hicho chombo si ndiyo hiki tunakianzisha.

Mheshimiwa Naibu Spika, sasa hizo *standards* zipo na hizo ndiyo tunatakiwa kuzisimamia. Kwa sheria zilizopo hata kabla ya hii mamlaka kuanzishwa ilikuwa madawa yote yakitoka nje, ilikuwa kwamba viuatilifu vyote vikitoka nje lazima kwanza ulete *samples, samples* zile ziende *TPRI* zikafanyiwe uhakiki, wakiridhika na uhakiki ndiyo kibali kilikuwa kinatoka kwamba sasa zinaruhusiwa kuingia.

Mheshimiwa Naibu Spika, haya ndiyo maana maeneo mengine vile viuatilifu ambavyo vilikuwa havikidhi ubora vingi vimerudishwa kule bandarini pale vikarudishwa huko huko kwao, wakasema hivi haviruhusiwi. Vingine mwaka jana tume-escort mpaka Kenya ili virudi kule vilikotoka, tani na tani zimerudishwa. Kwa hiyo tunazo *standards* tunazozitumia ku-*access* kwamba hivi vinafaa au havifai. (*Makofi*)

Mheshimiwa Naibu Spika, tunachosema madawa feki yapo kwa sababu milango ya nchi hii yanaingia, wapo wafanyabiashara wanaingiza kupitia milango ambayo hazipitii humu ndani, lakini wapo wafanyabiashara wa viuatilifu humu ndani wanatengeneza feki. Ndiyo maana tumeimarisha hii sasa tunataka tuwe na mamlaka itakayofuatilia kila kona, itakayofanya kazi na wakulima ili tutambue yote yaliyo feki tuweze kuwachukulia hatua. (*Makofi*)

Mheshimiwa Naibu Spika, ndiyo maana kwa mujibu wa mapendekezo ya sheria hii ukiangalia hata adhabu ni kubwa. Wengine wamesema adhabu mbona kubwa sana; tumeweka adhabu kubwa kwa sababu mtu anayeleta madawa feki huyo ni muuaji, anaangamiza nchi, kwa hiyo lazima tupambane nao. Kwa hiyo ndiyo maana sheria hii inaweka adhabu kali za kupambana na hayo mambo. (*Makofi*)

Mheshimiwa Naibu Spika, kwa hiyo nataka kusema *standards* zipo, kinachoendelea kuhitajika tutaendelea kuziimarisha, tutaendelea kuangalia wenzetu wanafanya nini hizo *standards* ziweze kufanya kazi hapa na mazao yetu yawe na thamani.

Mheshimiwa Naibu Spika, kuna suala ambalo limejitokeza, watu walisema tufundishe Maafisa Ugani, nami nakubaliana. Maafisa Ugani walishasoma wengine, sio kwamba walienda kusomea madawa, walisomea mazao, lakini wanafundishwa pia madawa na viuatilifu wanavyoenda kuvitumia, lakini siyo kwamba ni wataalam. Kinachohitajika kila wakati panapokuja dawa mpya teknolojia imebadilika, dawa zimekuja mpya, wanatakiwa waende kufundishwa, waelezwe waone namna ya kufanya.

Mheshimiwa Naibu Spika, sisi kama Wizara kwa kutambua kwamba Maafisa Ugani hawatoshi na kwa kutambua kwamba inaweza ikawa ni vigumu kupata elimu ya kutosha, naomba kulitaarifu Bunge lako Tukufu; jana tumezindua mfumo mpya unaitwa *M-Kilimo*, yaani *mobile kilimo*, maana yake ni kuunganisha Maafisa Ugani na wakulima wote nchi hii, wataingia kwenye ule mtandao kwa kuandika tuna tatizo hili hapa, anapatiwa majibu kwenye simu yake ya mkononi, anapatiwa kwenye mtandao.

Mheshimiwa Naibu Spika, kwa hiyo sasa hivi Maafisa Ugani watakuwa ni rahisi sana ku-*share* kila kitu. Wakulima watakuwa *connected* na huo mfumo na tumeanzia majaribio katika Mkoa wa Dodoma, Wilaya za Bahi na Chamwino. Baada ya wiki mbili tunau-*launch* nchi nzima wakulima wote wanakuwa *connected*, wataona masoko, ana tatizo kuna viuatilifu, sijui ana matatizo ya viwavi jeshi, sijui kuna nini, anaandika tu pale tunamweleza ni dawa gani zinafaa katika hayo maeneo. Kwa hiyo mambo yatakuwa ni sawa. (*Makofi*)

Mheshimiwa Naibu Spika, kwa hiyo hata suala lile mlikuwa mnasema Maafisa Ugani wako wachache hawaelewi, sasa tutakuwa tuna-*share knowledge* vizuri kabisa

kwa mitandao na ndicho tulichofundisha, teknolojia imerahisisha maisha. (*Makofi*)

Mheshimiwa Naibu Spika, kuna hoja imetolewa kuhusu uteketezaji wa mabaki yale ya makontena wa chupa mbalimbali. Hilo nakubaliana kabisa na ushauri uliotolewa, ni kweli na ndiyo maana sheria hii imeweka utaratibu wa namna tunavyotakiwa kuteketeza hiyo mifuko ya madawa na viuatillifu, namna tutakavyofanya imeelezwa kwa undani vizuri kabisa. Hata hivyo, kuna vinasaba na kuna wengine wamesema hapa tutaua sasa vinasaba, sijui tutafanya nini. Nataka niliambie Bunge lako Tukufu; tunacho kituo rasmi kwenye nchi hii ambacho kazi yake ni kutunza vinasaba vyote vya mimea na vinatunzwa vyote. Kwa hiyo hilo suala la kusema zitapotea, sijui mbegu za asili zitapotea; nataka niwaambie tumejipanga vizuri hakuna kitakachopotea.

Mheshimiwa Naibu Spika, hata kama Waheshimiwa Wabunge wakitaka kwenda kutembelea tunaweza tuka-*arrange* wakaenda kutembelea hivyo vituo vyetu, tukawaonesha jinsi tunavyotunza hivyo vitu. Tunaendelea vizuri na naamini kabisa kwamba mambo yataendelea kuwa ni mazuri.

Mheshimiwa Naibu Spika, kulikuwa na hoja ya kuhusu Wajumbe wa kwenye Bodi na nimeona Wabunge wengi wamechangia hili kwamba bodi haijazingatia jinsi. Nafikiri haya masuala lazima tufike mahali sasa tuache kuzungumzia habari za jinsi. Pale tulichozungumza tunataka Wajumbe wa Bodi wawe nane au tisa au saba. Sasa na kusema awe mwanamke, awe mwanaume ni kuendeleza ubaguzi. Watu waliosoma sasa hivi ni wengi. Sasa kama wewe ndio Waziri wa Kilimo pale unatakiwa kuteuwa, utateuwa wanaume tu? Utakuwa kwa kweli una matatizo. Inawezekana ukateua wanawake wote nane wale, unaweza. Tunachosema sisi kwa sababu tunajua kwamba wanawake kidogo walikuwa wamesahaulika, ndiyo maana tumeweka kwenye sheria kwamba angalau wasipungue wawili, yaani kumkumbusha yule anayeteua asiwasahau lazima ahakikishe wapo, lakini kwenye uteuzi wanaweza kuwa wanne, wanaweza kuwa

watano, wanaweza kuwa sita, itategemeana na sifa zile wanalizonazo wajumbe. Kwa hiyo sioni kama ni hoja ambayo kwa kweli lazima twende nayo.

Mheshimiwa Naibu Spika, Mheshimiwa Esther nafikiri na yeye tutamfikiria maana yake mwakani atakuwa tena hana sifa labda ya kuwa Mbunge, anaweza akajikuta na yeye tunamteua akawa na yeye ni Mjumbe wa Bodi. *(Kicheko)*

Mheshimiwa Naibu Spika, kuna hoja kwamba, je, mambo yatafanyikaje. Ninachotaka kusema, sisi baada ya kuanzisha hii mamlaka itakuwa na vituo, tutakuwa na vituo kwenye mipaka yote, tutakuwa na vituo kwenye kanda, tutakuwa na vituo katika maeneo yote kusudi kule ambako viuatilifu vinaweza kupita, mazao yanapita na maeneo mengine ili ku-*facilitate business*, tunataka vyote hivyo viwepo. Kwa sasa hivi tutatumia mtandao kwa sababu sasa hivi hata cheti kile cha afya ya mmea kinapatikana moja kwa moja kupitia kwenye mtandao wetu na kila kitu kinakuwa kiko vizuri.

Mheshimiwa Naibu Spika, Kamati ilikuwa imezungumzia kuhusu baadhi ya wajumbe kutoka *TAFORI* kama wanaweza kuwa, lakini nataka kusema kwamba tumetofautisha sasa hivi, kwenye sheria hii mpya mambo yanayohusu mifugo na nini yameenda kwenye Sheria ile ya Mifugo, sasa huku tunakokwenda mambo ya misitu yametoka kwenye hii sheria, hapa tunazungumzia sana afya ya mimea. Kwa hiyo sanasana tunachukua wajumbe kutoka kwenye *TARI* na vituo vyetu vingine pamoja na vyo vilivyoko kwenye Wizara ya Kilimo ambavyo viko 14 ambavyo tunaendelea kuvisimamia. Hii kazi itaenda vizuri na naamini kabisa kwamba hakutakuwa na changamoto yoyote.

Mheshimiwa Naibu Spika, pia kwenye madawa yale ambayo wanasema kwamba yanachanganywa madawa, kuna sheria inaitwa *The Animals Diseases Act* na haya masuala yote yanapelekwa kule. Kwenye upande wa chakula kuna *TBS* pia na tuna taasisi nyingine za kudhibiti

ubora ambazo bado zitaendelea kufanya kazi na naamini kabisa zitaendelea kuboresha hii.

Mheshimiwa Naibu Spika, kuhusu utoaji wa vibali kulikuwa na hoja kwamba sasa mbona mnachanganya mbegu, mara mbegu mnazisahau. Nataka niwaambie; sisi kwenye hii sheria tunachokizungumzia ni kwamba kifungu cha 21 kinahusisha utoaji wa vibali, *permit* ya usafi wa mimea, sio suala la ubora. Ubora wa mbegu na nini uko kwenye sheria nyingine, kwa hiyo hili tunalizingatia na naamini kabisa litakuwa limekwenda vizuri.

Mheshimiwa Naibu Spika, kulikuwa na hoja ya rafiki yangu, mdogo wangu, ndugu yangu wa Kambi ya Upinzani, Mheshimiwa Pascal Haonga, amezungumzia kuhusu kutenga fedha kutoka kwenye *COSTECH*, kwamba zitengwe fedha ziendee kwenye utafiti wa mbegu. Nataka kumwambia kwamba katika mwaka huu tunaouzungumzia *COSTECH* wametenga shilingi milioni 210 kwa ajili ya utafiti wa mbegu. Kwa hiyo hizo zipo. (*Makofi*)

Mheshimiwa Naibu Spika, lile la bilioni 11 Naibu Waziri, Mheshimiwa Bashe ameshalisema.

Mheshimiwa Naibu Spika, kulikuwa na hoja nyingine ambayo alikuwa amezungumzia kuhusu matumizi ya viuatilifu feki na hasa kule kwenye kahawa. Nataka niseme kwamba maoni yake hayo tumeyabeba, tutayafanyia kazi ili na wenyewe wale wakulima wa kahawa waweze kupata sasa dawa zile ambazo zinafaa na zile ambazo hazijapitwa na wakati, zile ambazo zitakuwa zinakidhi mahitaji yetu.

Mheshimiwa Naibu Spika, ninachotaka kusema, mawazo ni mazuri, hoja za Wajumbe ni nzuri, maelezo mengine tutakuja kuyafafanua, sheria haiwezi kumaliza kila kitu. Mambo mengine yatafafanuliwa kwenye kanuni. Kanuni ndiyo zitaeleza utaratibu mzima, zitaeleza madawa mbalimbali yatakavyokuja, yatakavyoingizwa, yatakavyoteketezwa, namna tutakavyosimamia mambo

yote haya, namna tutakavyosimamia mimea. Kwa hiyo mambo yote haya yatakwenda vizuri.

Mheshimiwa Naibu Spika, baada ya kusema hayo, naomba kutoa hoja. *(Makofi)*

WAZIRI WA HABARI, UTAMADUNI, SANAA NA MICHEZO:
Mheshimiwa Naibu Spika, naafiki.

NAIBU SPIKA: Waheshimiwa Wabunge, hoja imeungwa mkono, tutaendelea na utaratibu wetu. Katibu.

NDG. ASIA MINJA – KATIBU MEZANI:

KAMATI YA BUNGE ZIMA

Muswada wa Sheria ya Afya ya Mimea wa Mwaka 2020
(The Plant Health Bill, 2020)

MWENYEKITI: Waheshimiwa tukae. Katibu.

Ibara ya 1

Ibara ya 2

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

Ibara ya 3

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

Ibara ya 4

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

Ibara ya 5

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

Ibara ya 6
Ibara ya 7
Ibara ya 8
Ibara ya 9

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

Ibara ya 10

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

Ibara ya 11
Ibara ya 12

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

Ibara ya 13

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

Ibara ya 14
Ibara ya 15
Ibara ya 16
Ibara ya 17
Ibara ya 18
Ibara ya 19
Ibara ya 20
Ibara ya 21
Ibara ya 22
Ibara ya 23
Ibara ya 24

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

Ibara ya 25

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

Ibara ya 26

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

Ibara ya 27

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

Ibara ya 28

Ibara ya 29

Ibara ya 30

Ibara ya 31

Ibara ya 32

Ibara ya 33

Ibara ya 34

Ibara ya 35

Ibara ya 36

Ibara ya 37

Ibara ya 38

Ibara ya 39

Ibara ya 40

Ibara ya 41

Ibara ya 42

Ibara ya 43

Ibara ya 44

Ibara ya 45

Ibara ya 46

Ibara ya 47

Ibara ya 48

Ibara ya 49

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Ibara ya 62
Ibara ya 63
Ibara ya 64
Ibara ya 65
Ibara ya 66
Ibara ya 67
Ibara ya 68
Ibara ya 69

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

Jedwali

*(Jedwali lililotajwa hapo juu lilipitishwa na Kamati ya Bunge
Zima pamoja na marekebisho yake)*

NDG. ASIA MINJA – KATIBU MEZANI: Mheshimiwa Mwenyekiti, napenda kutoa taarifa kwamba, Kamati ya Bunge Zima imekamilisha kazi yake.
(Bunge lilirudia)

NAIBU SPIKA: Waheshimiwa tukae.

Mtoa Hoja, Taarifa.

T A A R I F A

WAZIRI WA KILIMO: Mheshimiwa Naibu Spika, napenda kutoa Taarifa kwamba, Kamati ya Bunge Zima

imepitia Muswada wa Sheria ya Afya ya Mimea wa Mwaka 2020, *(The Plants Health Bill 2020)*, kifungu kwa kifungu na kuupitisha pamoja na mabadiliko yake.

Mheshimiwa Naibu Spika, naomba kutoa hoja.

WAZIRI WA HABARI, UTAMADUNI, SANAA NA MICHEZO:

Mheshimiwa Naibu Spika, Naafiki.

NAIBU SPIKA: Waheshimiwa Wabunge, hoja imeungwa mkono. Asanteni sana, kwa utaratibu wetu ilibidi niwahoji, lakini kura zimeshapigwa na kwa idadi ya kura nyingi kabisa zilizopigwa hapa, Wabuge walio wengi wamesema ndio. Wamepiga kura ya ndio. *(Makofi)*

*(Hoja Ilitolewa iamuliwe)
(Hoja Iliamuliwa na Kuafikiwa)*

NAIBU SPIKA: Kwa sababu hiyo, sasa nimuite Katibu, ili tumalizie zoezi letu. Katibu!

MHE. PASCAL Y. HAONGA: Mheshimiwa Naibu Spika, Mwongozo.

NDG. MOSSY LUKUVI – KATIBU MEZANI:

Muswada wa Sheria kwa ajili ya kuunganisha Sheria ya Hifadhi ya Mimea, Sura ya 133 na Sheria ya Taasisi ya Utafiti wa Viuatilifu vya Kitropikia *(TPRI)*, Sura ya 161, ili kuweka mfumo wa pamoja wa kisheria ambao utasimamia hifadhi ya mimea na viuatilifu pamoja na kuanzishwa Mamlaka ya Afya ya Mimea na Viuatilifu, *(A Bill for an Act to Make Provisions to Consolidate the Plant Protection Act and the Tropical Pest side Research Institute Act, Caps 133 and 161 Respectively and Put in Place a Consolidated Legal Framework for Plant Health and Pest sides and to Establish the Tanzania Plant Health and Pest side Authority).*

(Kusomwa mara ya tatu)

(Muswada wa Sheria ya Serikali Ulipitishwa na Bunge)

NAIBU SPIKA: Ahsante sana, Waheshimiwa Wabunge baada ya Wabunge wengi kuunga mkono kupitishwa kwa Muswada huu na kusomwa sasa kwa mara ya tatu, kama tulivyomsikia Katibu, maana yake kwa Katiba yetu, lakini pia kwa Kanuni zetu muswada huu umeshapitishwa na Bunge kwa hivyo, unasubiri sasa kibali cha Mheshimiwa Rais kwa mujibu wa Katiba yetu na Ibara ya 97, Mheshimiwa Rais ataendelea kwa sehemu yake.

Kwa hiyo, nichukue fursa hii kuwapongeza sana Wizara kwa kuona kwamba, kama nchi tunahitaji mabadiliko haya, ili kwenda na kasi ambayo dunia inaendanayo, lakini pia kwenda na mabadiliko yale ambayo tunatamani kuyaona katika hili eneo la kilimo. Kwa hiyo, tunawapongeza sana ninyi pamoja na watendaji wanaofanya kazi chini yenu Mheshimiwa Waziri na Manibu Waziri wote kwa pamoja.

Lakini pia, Waheshimiwa Wabunge nadhani wote mumemuona hapa Mheshimiwa Umyy Mwalimu, nadhani kwa niaba yenu nimpongeze sana kwa kazi nzuri aliyofanya kwenye hili zoezi zima la hii *pandemic* ama janga, amefanya kazi nzuri. Tunakupongeza sana na kwa kweli, umemsaidia sana Mheshimiwa Rais kwenye eneo hili na hata sisi wananchi sasa tumetulia, lakini tulikuwa tunakuona unahangaika hapa na pale kwa hiyo, tunakupongeza sana kwa kazi nzuri uliyofanya. *(Makofi)*

Waheshimiwa Wabunge, alikuwa amesimama Mheshimiwa Haonga hapa akiomba Mwongozo. Nitampa dakika mbili azungumze ni nini ambacho kimefanyika ambacho hakiruhusiwi hapa ndani, Mheshimiwa Haonga.

MWONGOZO WA SPIKA

MHE. PASCAL Y. HAONGA: Mheshimiwa Naibu Spika, ninaomba Mwongozo wako; wakati Mheshimiwa Waziri alipokuwa anajaribu kujibu hoja alizungumza kwamba, viutilifu vyote vinapokuwa vinaingizwa nchini kuna

standards, lakini wakati huohuo yeye alilalamika kwamba, aliuziwa viuatilifu *fake*, havikufanya kazi.

Mheshimiwa Naibu Spika, sasa naomba Kiti chako tuongoze kama Mheshimiwa Waziri anaruhusiwa kuwa na ndimi mbili kwa wakati mmoja katika Bunge hili tukufu. Utuongoze, Waziri kuzungumza vitu viwili vinavyojichanganya kwa wakati mmoja, wakati huu anasema kwamba, viuatilifu vinavyoingizwa vinakuwa na *standards*, lakini wakati huohuo anasema yeye mwenyewe pia ni mkulima alilima Sumbawanga na akauziwa viuatilifu ambavyo havikufanya kazi.

Mheshimiwa Naibu Spika, kwa hiyo, naomba mwongozo wako kwenye jambo hili ambalo kwa kweli, limetokea mapema leo hapa Bungeni kama ni vizuri Waziri kujichanganya kwa kiwango kama hicho?

NAIBU SPIKA: Waheshimiwa Wabunge amesimama Mheshimiwa Haonga na Kanuni yetu ya 68(7) inayomruhusu kufanya hivyo. Amesimama akiomba Mwongozo kwenye ufafanuzi ambao ametoa Mheshimiwa Waziri wa Kilimo kuhusu ubora wa mbegu na ni mbegu gani ambazo zinatakiwa kuja hapa nchini. Na kwa maelezo yake amesema ni mbegu zenye viwango ndizo zinazoruhusiwa kuja nchini, lakini wakati huohuo akaeleza kwamba, kwa namna moja au nyingine yeye alipata changamoto kwenye mbegu ambazo si mbegu halisi tuseme ama ni viuatilifu, ilikuwa ni mbegu au viuatilifu?

Kwa hiyo, yeye alipata changamoto kwenye viuatilifu na hapa wakati akitoa ufafanuzi ameeleza kuhusu viwango ama *standards* kwamba, vipo viwango vilivyowekwa. Na ninadhani ni wazi ndio maana sheria inatoa sasa fursa kwa mtu kuadhibiwa yule ambaye hakufuata vile viwango vilivyowekwa. Kwa hiyo, katika mazingira hayo hakuna ndimi mbili, ulimi ni mmoja tu kwamba, viwango vipo, lakini yako mazingira ambayo wengine hawafuati hivyo viwango kwa hiyo, wanaingiza hivyo viuatilifu pamoja na hizo mbegu. (*Makofi*)

Katika mazingira hayo ndio maana sheria inatoa adhabu na hata Mheshimiwa Waziri ameshuhudia sasa kwamba, hata yeye ameshawahi kupata athari ya viuatilifu ambavyo havina viwango kwa hiyo, vinaweza kuingia, lakini si kwamba, vinaruhusiwa. Kwa hiyo, maana yake ni kwamba, haviruhusiwi kwasababu, havina viwango, lakini yako mazingira ambayo leo tumepitisha hapa sheria watu wataadhibiwa kwa kuingiza vile vitu ambavyo havina viwango.

Pamoja na hilo, lakini nimepata ujumbe hapa Mheshimiwa Waziri na Waheshimiwa Wabunge kuhusu hii hoja ya nafasi ya wanawake, hasa kwenye *board* ya hii taasisi inayoanzishwa au hii mamlaka inayoanzishwa na hicho kifungu mahususi kusema angalau wanawake wawili kati ya hao wajumbe. Nadhani sasa kwasababu, hili litanihitaji nitoe maelezo marefu na mimi sikusudii, lakini kifungu kile ukikisoma kwa sababu, hatuna nafasi tena ya kubadilisha kwa sasa tumeshapitisha, lakini kwa ujumla wake ukisema angalau maana yake wasipungue wawili. Lakini hoja ya jumla ambayo kwa nafasi yake Serikali inaweza kuangalia ni katika sasa Waziri yuko hapa, hata kama atakuja mwingine, lakini kimsingi ni kwamba, ukiweka wanawake wawili kama wanaume watakuwa sita tayari uwakilishi wa wanawake pale unakuwa kidogo umepelea.

Kwa hiyo, kwasababu, wanawake wanajishughulisha sana pia kwenye kilimo, nadhani ndio hoja ya Wabunge hapa kwamba, ile kusema angalau wawili inakuwa imewaweka mazingira ambayo ukiweka wawili utaona umetumiza takwa la sheria. Kwa hiyo, kama wako nane pengine wanawake kwa ujumla wake humu ndani sio wanawake peke yao hata wanaume wangependa labda wanawake wawe watano hivi, jambo kama hilo. Kwa hiyo, pale ilivyosema angalau wawili haiyumkiniki kwamba, wanawake watakuwa wawili ila inayumkinika kwamba, wanawake watakuwa zaidi ya wawili. (*Makofi*)

Kwa hiyo, nadhani kwasababu, sheria tumeshaitunga hilo litakaa hivyo, lakini kwa upande wetu kama Bunge,

nadhani Serikali iko hapa na imesikia na Miswada mingi inaendelea kuja. Muangalie namna ya kuweka hii idadi ya wanawake, ili tusifike mahali wakaonekana pamoja na wao kuwa wengi na ndio wanawapigia kura akinababa wote walioko humu ndani na mko asilimia zaidi ya 63 ndio wanawake wanawapigia kura huko kwa hiyo, watatamani kusikia wanaume mkiwatetea kwa nguvu sana.

Baada ya kusema hayo Waheshimiwa Wabunge, naahirisha shughuli za Bunge mpaka kesho Saa Nane Mchana.

(Saa 10.49 Jioni, Bunge liliahirishwa hadi siku ya Jumatano, Tarehe 20 Mei, 2020 Saa Nane Mchana)