ORAL ANSWERS TO QUESTIONS

Date: 5th December 2012
Member of Parliament: Hon. Dr. Naomi Shaban
Contribution she made on: Delayed Disbursement of Loans By Women Enterprise Development Fund

She responded to the question by Mr. Oyugi by stating the following:

- It takes a minimum of one month and a maximum of two months upon application by a women group to access loans from the Women Enterprise Development Fund (WEDF).

- To remove bottlenecks to ensure quick access of these loans, the Ministry was taking the following initiatives:
  a) Decentralization of the operations
  b) Increased frequency of loan committee meetings
  c) Intensified financial literacy training using volunteers found in each constituency
  d) Use of public *barazas*, the provincial administration and the media to sensitize women on the need to pay their loans promptly to improve on the turn-around effect
  e) Use of m-pesa for loan repayment encourages timely payments and use of sms to remind women when to repay their loans;
  f) Continuous engagement of the financial intermediary partners to encourage them to simplify and relax their lending terms and conditions so that women can be able to access these loans
  g) Women are also being sensitized on the importance of forming their own cooperative societies which are expected to be more friendlier than financial institutions and, giving the fund legal autonomy through an act of parliament

- She informed the house that the draft bill had already been done and approved by the cabinet.

- She also informed Mr.Oyugi that she was aware that it had taken longer than the expected two months for the women groups to be able to access the loans but informed the house that some funds were to be released the following week.
She added that there was a special scheme at the constituency level that enabled the women groups to take loans without attracting any interest rates so that these women can be able to come up in big numbers to take the loans.

**Date: 18th December 2012**  
**Member of Parliament: Hon. Sophia Abdi Noor**  
**Contribution she made on: Averting Conflicts between Ranchers/Pastoralists in Lamu County**

She, on behalf of Ms. S. Abdalla, asked the Minister for Lands:-

- Whether he could provide a list of names of owners of all ranches, indicating the size of land they own in Lamu County;

- Why the Ministry had failed to provide grazing corridors for pastoralists when allocating vast portions of land to the ranchers, and;

- Whether he is aware that lack of grazing corridors for pastoralists in the area had caused conflicts between the ranchers and pastoralists which led to several pastoralists being injured, lose their livestock and harassment.

**Date: 19th December 2012**  
**Member of Parliament: Hon. Sophia Abdi Noor**  
**Contribution she made on: Expenditure on Drought Mitigation in Wajir District**

She asked the Minister for Finance to tell the house how much was used in total for drought mitigation.

**Date: 19th December 2012**  
**Member of Parliament: Hon. Millie Odhiambo**  
**Contribution she made on: Pending Bills for Constitutional Implementation**

She asked the leader of government business to clarify whether they were trying to frustrate devolution because despite the fact that the House prioritised certain Bills
Date: 27th December 2012
Member of Parliament: Hon. Millie Odhiambo
Contribution she made on: Budgetary Allocation for Construction of Ndhiwa Police Headquarters

➢ She asked the minister of State for Provincial Administration and Internal Security whether Authority to Incur Expenditure (AIE) had been issued.
QUESTIONS BY PRIVATE NOTICE

Date: 4th December 2012  
Member of Parliament: Hon. Millie Odhiambo  
Contribution she made on: Registration of voters in Mbeere North Constituency

-[She asked Mr. Cheptumo to clarify whether the same Biometric Voter Registration machines are going to be used for voter verification; and if so the assistant minister to clarify whether there would be a crisis since the at the machines were not enough to supply all polling stations.]

Date: 4th December 2012  
Member of Parliament: Hon. Martha Karua  
Contribution she made on: Registration of voters in Mbeere North Constituency

-[She asked Mr. Cheptumo to inform Kenyans of the shortage of the BVR machines so that they go to the polls prepared for the crisis.]

Date: 5th December 2012  
Member of Parliament: Hon. Shakila Abdalla  
Contribution she made on: Imminent Eviction Of Mpeketoni Farmers by Egerton University

She asked the Minister for Lands the following Question by Private Notice:-

- She asked whether the Minister aware that about 50 farmers and their families are about to be evicted from land they have occupied for close to 15 years by Egerton University in Mpeketoni, Lamu.

- She also asked for clarification on how the University acquired the land and from whom.

- She asked the Minister provide copies of ownership documents by the University.

- She called the minister on a point of on claiming inability to settle squatters they had created themselves.

Date: 5th December 2012  
Member of Parliament: Hon. Sophia Abdi Noor  
Contribution she made on: Imminent Eviction Of Mpeketoni Farmers by Egerton University
She asked for clarification on what the Ministry doing to stop the 50 households from being displaced, she also requested them to point out how they would handle the other people who had already been displaced after being fenced within the compound by Egerton University.

**Date: 18th December 2012**  
**Member of Parliament: Hon. Martha Karua**  
**Contribution she made on: Delayed Payment Of Salary/Allowances For Mr. Rashid M. Osakulo by Kampala Coach Ltd**

- She asked the Minister for Labour:-

  a) Whether the Minister was aware that M/s Kampala Coach Ltd. had not paid Mr. Rashid Maulid Osakulo his salary and allowances for the last seven months?

  b) She inquired the steps the Minister was taking to ensure that he and the other workers who had not been paid their dues were paid immediately?

**Date: 18th December 2012**  
**Member of Parliament: Hon. Rachel Shebesh**  
**Contribution she made on: Averting Imminent Clashes Between Kagumo / Kerugoya Markets**

- She requested Mr. Khangati to clarify the charges that were preferred against Phillip Mwangi Muthee alias Pilipili and whether those charges were related to belonging to unlawful groupings, or whether he was charged with a different crime and then branded Mungiki adherent?

**Date: 18th December 2012**  
**Member of Parliament: Hon. Joyce Laboso**  
**Contribution she made on: Delayed Compensation for Land Acquired for Construction of KCC-Gorgor Road**

She asked the Minister for Roads the following Question by Private Notice.

- Why have the residents along KCC-Gorgor Road that was being tarmacked had not been compensated for land acquired during the construction of the road?

- When they would be compensated.
Date: 20th December 2012  
Member of Parliament: Hon. Millie Odhiambo  
Contribution she made on: Errors of Omission and Commission by Government Printer on Publishing Laws

She requested the Deputy Leader of Government Business to clarify why the Bills that had passed the Third Stage such as Treaty Making and Ratification Bill had not been assented to.
MOTIONS

Date: 20th December 2012
Member of Parliament: Hon. Millie Odhiambo
Contribution she made on: Adoption of Report on Appointment of Mr. David Kimaiyo as Inspector-General of Police

- She rose to support the selection of Mr. Kimaiyo as a suitable candidate for the position of inspector-general.

Date: 20th December 2012
Member of Parliament: Hon. Millie Odhiambo
Contribution she made on: The Technical and Vocational Education and Training Bill

- She rose to support the Bill. Indeed, what the Minister has done is to try and revolutionize the education sector and pointed out that the Bill was a much better improvement on the Universities Bill because it provides higher standards, as its infrastructure standards were clearer in terms of strengthening issue of human rights, it provided for participation of stakeholders, it provided for marginalized groupings, persons with disabilities and inclusion of gender or gender parity in education. It also provided for consistent monitoring and evaluation of education standards.

- She proposed that there should be an amendment that enhanced the sentences where a person misled the public by indicating that they could provide education when the institution is not accredited. She proposed a fine of Kshs5 million.

- She thanked the Minister for also focusing on innovation, self-evaluation by institutions and for integrating internship because for most of our people whenever they are looking for jobs, they are told that they do not have experience.

Date: 20th December 2012
Member of Parliament: Hon. Prof. Margret Kamar
Contribution she made on: The Technical and Vocational Education and Training Bill

- She thanked the members for their contribution on The Technical and Vocational Education and Training Bill and assured them that the bill would ensure that the standards and the quality within these institutions were high enough to enable the country have human resource that could be employed anywhere in the world.
Date: 12th September 2012  
Member of Parliament: Hon. Wavinya Ndeti  
Contribution she made on: Approval of Deployment of Kenya Defence Forces to Tana Delta

- She pointed out that in conflict it was women and children who suffer most and this was also the case in the Tana River clashes. She pointed out that this situation had been subtly building up in the course of time and the best way to solve it would be to explore the underlying factors and see whether they were political, economical or social issues.
- She questioned the rationale behind deploying about 200-300 police to Syokimau while the priority in the country was the Tana River clashes. She went on to add that the police should be more proactive in ensuring peace is restored. She supported the move to send the army to quell the conflict in the Tana River delta.

Date: 12th September 2012  
Member of Parliament: Hon. Wavinya Ndeti  
Contribution she made on: Approval of Deployment of Kenya Defence Forces to Tana Delta

- She supported the amendment by stating that as leaders they had the responsibility to do things the right way. She raised her concerns over the clashes and pointed out that it was very saddening to see women and children being killed for no good reason.
- She added that it was their responsibility to ensure the safety of the citizens of the country and this would require an approval of the amendment so that peace can be restored as soon as possible.

Date: 25th September 2012  
Member of Parliament: Hon. Martha Karua  
Contribution she made on: Adoption of Report on Vetting of Nominees to the National Police Service Commission

- She supported the Motion and noted that this matter had been attended by unnecessary controversy and that there had been even undertones of negative ethnicity but, nevertheless she congratulated the Committee of the House for finally bringing this matter to the Floor and also to the two principals who delayed this matter.
- She pointed out that those who now were slated to go through as members of the Police Service Commission must look at the Act carefully to see what
their duties are and added that they include fair procedures for discipline of the force.

- She recommended the Salaries and Remuneration Commission should offer fair remuneration to those serving in the force. They have the duty to ensure that the curricula of the police are adjusted to reflect what the Constitution stipulates. The curriculum should comply with constitutional standards of human rights and training should go to the highest standards of competency.
NOTICE OF MOTIONS

Date: 20th December 2012
Member of Parliament: Hon. Beth Mugo
Contribution she made on: Adoption of Draft Regulations On Breast Milk Substitutes Regulation And Control Act 2012

She gave notice of the following Motion:-

- THAT, this House adopts the draft regulations on the Breast Milk Substitutes Regulation and Control Act 2012, laid on the Table of the House, Thursday, 20th December, 2012.
BILLS

Date: 4th December 2012
Member of Parliament: Hon. Millie Odhiambo
Contribution she made on: The Election (Amendment) Bill [3rd Reading]

- She supported the bill and added that if Kenyans were not issued with identity cards, many Kenyans would be disenfranchised, especially young people.

- She added that the Constitution provides that Kenyans can use any document of identification, where the document of identification would not necessarily be an identity card. She thence suggested that Kenyans could use their waiting cards to vote.

- She also suggested that since aspiring leaders must be nominated by registered party members, the parties should be allowed to create the list of members to allow the voters choose their favourite candidate.

Date: 4th December 2012
Member of Parliament: Hon. Dr. Naomi Shaban
Contribution she made on: The Election (Amendment) Bill [3rd Reading]

- She appreciated Mr. Midiwo for the good intentions, she then added that there were too many restrictions and people could stay up to three years without getting their identity cards yet by allowing waiting cards to be used in registration would clear the problems.

- She also added that the house should make sure that the Registrar of Persons had capacity to produce identity cards very quickly.

Date: 4th December 2012
Member of Parliament: Hon. Prof. Margret Kamar
Contribution she made on: The Elections (Amendment) Bill [3rd Reading]

- She thanked Mr. Midiwo for bringing the amendment to the house, for it would allow Kenyans to vote with waiting cards. She thus supported the bill.

Date: 4th December 2012
Member of Parliament: Hon. Prof. Margret Kamar
Contribution she made on: The Science, Technology and Innovation Bill [2nd Reading]

- She informed the house that an effective innovation system is required for a country like Kenya to harness the potential offered by modern science and
technology to its social and economic development. She requested move the bill and for Mr. Namwamba to second her.

**Date: 4th December 2012**  
**Member of Parliament: Hon. Millie Odhiambo**  
**Contribution she made on:** The Science, Technology and Innovation Bill [2nd Reading]

- She supported the bill and thanked the minister for bringing the bill to the house. She added that the issue of innovation should be strengthened.

**Date: 5th December 2012**  
**Member of Parliament: Hon. Sophia Abdi Noor**  
**Contribution she made on:** The Public Benefit Organisation Bill [2nd Reading]

- She moved that the bill be read second time adding that the bill sought to provide a legislative framework to govern the establishment and operation of public benefit organizations (PBOs).

- She informed the house that the PBOs supported development; they also provided social cohesion and tolerance within the society. In addition, they promote democracy and the respect for rule of law and provided accountability mechanisms that contribute to improved governance.

- She informed the house that there were challenges facing the sector such as; overlapping legal and regulatory framework for public benefits organizations, which presented the Government with difficulties in designing and harmonizing plans for the sector.

- The other challenge was the difficulties in ensuring accountability by public benefits organizations in the country because it is very difficult for any organ of the country to have the capacity that the NGO Board has to undertake accountability or monitor properly the civil society organizations and public benefits organizations in the country.

**Date: 5th December 2012**  
**Member of Parliament: Hon. Millie Odhiambo**  
**Contribution she made on:** The Public Benefit Organisation Bill [2nd Reading]

- She thanked the minister for bringing the bill to the house but supported it with reservations because the bill sought to abolish a Government institution and set up another in its place. She added that the relevant Ministry had not
told the house whether they were comfortable with that the establishment of the institution and the reasons for the abolition of the existing entity.

- She requested the minister to clarify the fate of the NGO Council, and suggested the improvement of the current sector instead of abolishing the whole body that gives some semblance of order in that sector.

- She added that the civil society entity has actually been the body providing the social security network that the Government should have provided. She also informed the house that there were some civil society organisations which were in the development sector and that it was such organisations have been responsible for provision of roads in areas which had no roads like Northern Kenya.

- She also asked the minister to deal with the issue of double registration as it was one of the issues she was seeking to address.

**Date: 5th December 2012**
**Member of Parliament: Hon. Linah Jebi Kilimo**
**Contribution she made on: The Public Benefit Organisation Bill [2nd Reading]**

She supported and appreciated the work of Hon. Sophia, she then contributed to the bill by:-

- First appreciating the work done by the civil society especially in regards to the efforts made to assist the girl child.

- She supported the establishment of the regulatory board but had an issue with Article 10, Part III on resumption of registration where it says that upon the expiry of 60 days from the date, a public benefit organisation made an application for registration under Section 8(1) and no decision had been made by the Commission. The public benefit organisation shall be deemed to have been automatically registered under this Act and may apply to the tribunal for an order requiring the Commission to issue to it a certificate of registration.

**Date: 5th December 2012**
**Member of Parliament: Hon. Sophia Abdi Noor**
**Contribution she made on: The Public Benefit Organisation Bill [2nd Reading]**

- She appreciated and thanked all the hon. members who had contributed to the Bill and all those who wanted to contribute, but did not get that chance, she then informed the members that the Act was seeking to repeal or review

**Date: 5th December 2012**  
**Member of Parliament: Hon. Beatrice Kones**  
**Contribution she made on: The Custom and Excise (Amendment) Bill**

- She moved for the second reading of the bill and called upon hon. Midiwo to second her.

**Date: 5th December 2012**  
**Member of Parliament: Hon. Sophia Abdi Noor**  
**Contribution she made on: The Custom and Excise (Amendment) Bill**

- She congratulated the minister for bringing the amendment bill to the house and supported.

**Date: 18th December 2012**  
**Member of Parliament: Hon. Prof. Margret Kamar**  
**Contribution she made on: The Sports Bill**

- She rose to second the Bill, adding that the establishment of an Authority to be known as the Kenya Sports Development Authority which would promote, co-ordinate and implement grassroots, national and international sports programmes for Kenyans.

- She added that the Bill also outlined that it was going to manage and maintain the current facilities as outlined in Schedule 1 and the provision number was going to deal with any other sports facilities.

**Date: 18th December 2012**  
**Member of Parliament: Hon. Sophia Abdi Noor**  
**Contribution she made on: The Sports Bill**

- She supported the bill adding that she was interested in the establishment of a sports institute, facilities, administration and management of sports in the country.

- She pointed out that the Second Schedule provides how sports bodies were going to be registered, how they were going to elect their officials and conduct their affairs.

- She added that giving youth recreation facilities gives them an opportunity for growth.
Date: 18th December 2012  
Member of Parliament: Hon. Prof. Margret Kamar  
Contribution she made on: The Technical and Vocational Education and Training Bill

- She proposed to move that The Technical and Vocational Education and Training Bill be read a Second Time by leave of the House.

- She pointed out that the foundation of any nation is the education of its young people. The way the youth of any nation are brought up and educated determined the future and prosperity of that nation.

Date: 19th December 2012  
Member of Parliament: Hon. Millie Odhiambo  
Contribution she made on: The Constituencies Development Fund Bill

- She supported the bill and added that she may not necessarily agree with some of the structures but she supports and promised to bring any proposed amendments at the third stage.

Date: 19th December 2012  
Member of Parliament: Hon. Linah Jebi Kilimo  
Contribution she made on: The Constituencies Development Fund Bill

- She appreciate the retention of the CDF; She read out CDF Clause 24(4) which stated that:-
  “The first meeting of the Constituency Development Fund Committee shall be convened within the first sixty days of a new Parliament or a by-election, by the national government official at the constituency or in his or her absence, by an officer of the Board seconded to the constituency, on such day as may be designated by the Cabinet Secretary”.

- She then proposed that the Member of Parliament be the one to call the first meeting.

- She also read Clause 24(1) which stated that:-
  “(1) There shall be a Constituency Development Fund Committee for every constituency.
  (2) Each Constituency Development Fund Committee shall comprise

      a) The national government official at the constituency as may be designated by the Cabinet Secretary or an alternate;
b) Three men nominated by the ward development committees and one of whom shall be a youth at the date of appointment;

c) Three women nominated by the ward development committees and one of whom is a youth at the date of appointment;

d) One person with disability nominated by the ward development committees;

e) One person nominated from among the active Non-Governmental Organizations in the constituency;

f) An officer of the Board seconded to the Constituency Development Fund Committee by the Board who shall be ex-officio and shall serve as the Secretary to the Constituency Development Fund Committee.

- She suggested that the Member of Parliament should convene, so that the selection is done in his or her presence.

**Date: 19th December 2012**
**Member of Parliament: Hon. Sophia Abdi Noor**
**Contribution she made on: The Constituencies Development Fund Bill**

- She started by congratulating the Committee for reactivating the CDF Bill. She pointed out that the fund has impacted the whole country particularly in matters like education, health and vulnerability.

**Date: 19th December 2012**
**Member of Parliament: Hon. Sophia Abdi Noor**
**Contribution she made on: The Constituencies Development Fund Bill**

- She rose to support the Bill but had few concerns. She therefore proposed that there be a role that the Member of Parliament played in terms of ensuring that we get the right people in the committee have some democratic process of identifying them. But more importantly, the patron role that the Member of Parliament had been playing should continue to be so as a way of ensuring that members know what was going on.
PETITIONS

Date: 6th December 2012
Member of Parliament: Hon. Martha Karua
Contribution she made on: Payment Of Pension To Retired Public Servants

- She presented a petition approved by the Speaker from the Kenya National Union of Teachers (KNUT) relating to the current dispute on teachers’ wages. She stated that this in particular, it related to the Legal Notice No.16 of 2003. The teachers state that this legal notice is void and that the notice that should be discussed is the Legal Notice No.534 of 1997. They have set out the particulars in this petition which show that Legal Notice No.16 of 2003 was gazetted without their knowledge and without the requirements of the law, that is consultation with the teachers, and that the Government has already partly performed conditions of Legal Notice No.534 of 1997.

- She further stated that as late as 2007 they were still implementing it; the petitioners are, therefore, praying that this Parliament looks into the matter and comes out authoritatively on this issue. She went on to state that it is to be remembered that for two weeks now the teachers have been on strike. The casualties are children, who are suffering.

- She pointed out that the teachers’ demands were legitimate yet the Government had failed to take any concrete steps on how to fulfill the teachers’ demands which were agreed upon in a bargained agreement. She also stated that she was aware that this House has a Committee on Delegated Legislation which would be best suited to deal with the dispute on the legal notice together with the Committee on Education, Research and Technology, which is currently handling the matter of the strike.
She proposed to move:-

- THAT, the Bill be amended in sub-clause (1) of Clause 3 by inserting following new Paragraph- (k) promotion of equalization of opportunities for persons with disabilities, minorities and other marginalized groups.

- She added that the idea was to ensure that one of the objectives of university education is to equalize opportunities for persons with disabilities. She moved the amendment to Clause 5 as on the Order Paper with a further amendment to her amendment to provide for the words “relevance in” after the words “and assure” and before the words “the quality of university education”.

- THAT Clause 6 be amended (b) by inserting the following new sub-clause immediately after sub-clause (7) - (8) In rejecting any of the names submitted under sub-clause (2), the Cabinet Secretary shall attach a memorandum giving reasons for the rejection of the candidate or candidates. The essence of that being, avoiding misuse of Executive power by the Cabinet Secretary. That is, in rejecting any name the Cabinet Secretary will need to give reasons, so that one did not reject somebody’s name because they did not like the way they dressed or like their face.

- THAT, the Bill be amended in Clause (8) by inserting the following new sub-clause immediately after sub-clause (3) - (3A) Where a person who has vacated office under sub-clause (3) is not found culpable of any unlawful act by a competent legal authority, the person shall be reinstated to the position of a Commissioner.

She adding that the essence of this amendment was to ensure that where a person was forced to vacate office because of any legal issue was not found culpable of any unlawful act by a competent legal authority, s/he should resume his/her position.

- THAT, Clause 13 of the Bill be amended in sub-clause (3) by inserting the following new paragraphs immediately after paragraph (g)-
  a) (gg) The core courses offered at the university;
  b) (hh) The infrastructure in place or proposed infrastructure and the locations or proposed locations thereof, including that of constituent
colleges, and which must comply with infrastructural standards established by the Commission.

- She proposed that the University Charter should provide for the core courses of the university and any proposed infrastructure for constituent colleges. She added that this was out of her concern about the low standards of infrastructure that they were providing for in the universities.

- THAT Clause 20 of the Bill be amended in sub-clause (1) -
  (a) by deleting paragraph (b);
  (c) in paragraph (e) by inserting the following words immediately after the word “colleges” - “which must conform to standards established by regulations made under this Act”.
  (d) by inserting the following new sub-clause immediately after sub-clause (1) - (2) Notwithstanding the generality of sub-section (1), constituent colleges and campuses of universities shall not share premises with other businesses and shall not be situated near bus parks, bars and markets.

- THAT, Clause 23 of the Bill be amended in sub-clause (2) by inserting the words “in any event not later than three months” after the word “practicable”. She added that this was to ensure that the University Council had a timeline to when they submit the statute of regulations.

- THAT, Clause 27 of the Bill be amended by inserting the following new sub-clauses immediately after sub-clause (2) -
  (3) Any foreign university approved under sub-clause (2) must first submit proof of accreditation from its country of origin to undertake university education in Kenya. (4) The Cabinet Secretary shall, at the beginning of each year and thereafter each quarter of the year, cause to be published in at least three newspapers of national circulation, the list of universities accredited to undertake university education in Kenya. (5) The Cabinet Secretary shall set up a department of accreditation whose mandate shall include undertaking research on universities to be accredited, undertaking research on universities worldwide and classifying their standards (6) Any person who purports to offer a degree through a university that is not accredited commits an offence and shall be liable upon conviction, to a fine of not less than 3 million Kenya Shillings or to a sentence of imprisonment of not less than 3 years or to both such fine and imprisonment. (7) Where the Government neglects or fails to inform members of the public about a university that is not accredited and allows the university to enrol and purport to train students, the Government shall compensate the students for any loss occasioned as a consequence of any such subsequent action in relation to the university
THAT, Clause 40 of the Bill be amended-
(a) in sub-clause (1) by deleting the words “elected by the student body as provided in its Charter”
(b) by inserting the following new sub-clause immediately after sub-clause (2)-
(3) Every university shall have a students’ council elected by the Students Association and no more than one third of the persons who sit in the Students Council shall be of the same gender.

She moved a further amendment by deletion of the the words “persons who sit in the students’---; to read: “Every university shall have a students' council, elected by the students’ association and no more than one-third of the council shall be of the same gender.” Clause 40(2) will be for the Minister.

THAT, Clause 53 of the Bill be amended-
(b) in Sub-clause (4) by inserting the words “which shall be fair and globally competitive” immediately after the word “universities” appearing in Paragraph (e). She added that the amendment sought to ensure that the universities pay staff members in a manner that is globally competitive.

THAT, Clause 55 of the Bill be amended by inserting the following new sub-clause immediately after Sub-clause (2)-
(3) The Placement Board shall establish criteria to enable students access the courses for which they applied taking into account the student’s qualification and listed priorities.

THAT, Clause 71 of the Bill be amended by inserting the words “subject to meeting the standards established under this Act” at the end of the clause.

THAT, Clause 72 of the Bill be amended-
(a) By deleting the words “shall be deemed to have been established under the provisions of this Act” and substituting therefore, the words “shall apply for accreditation within three months of the enactment of this Act and the college or campus shall be accredited as a college of the university after inspection for compliance with standards set out under this Act”;
(b) By inserting the following new sub-clause-
(2) A university, college or campus that was operational at the commencement of this Act shall be deemed to have Letters of Interim Authority until after an evaluation under this Act.

THAT, Clause 73 of the Bill be amended in sub-clause (1) by deleting the words “or for a period not exceeding one year whichever is less”.
Date: 5th December 2012  
Member of Parliament: Hon. Prof. Margret Kamar  
Contribution she made on: The University Bill

- She proposed the adoption of hon. Millie’s amendment in Clause 5, including the word “relevance” from the Chair. So, it will read “promote, set standards and assure the relevance and quality of university education.” She added that it was the latter part that was detail that arose in regulations rather than in a law.

- She proposed for paragraph (hh) not to have to come into the law itself because there were regulations which detail what standards are required at the point when a university was accredited under Clause 13.

- She proposed the amendment of Clause 20 by the removal of the word, “other” and say, “incompatible businesses” without going for the details of bus parks, bars and markets in the law. So they delete from “and” all the way to the end but remove “other” and say, “incompatible businesses”, then that could take care of everything.

- She proposed an amendment in Clause 40, by inserting an additional two words at the end of the new sub-clause 2, “Every university shall have a students’ council, elected by the students’ association and no more than one-third of the council shall be of the same gender, where applicable”.

- She moved an amendment to sub-clause (2) to change sub-clause (2) to be sub-clause (3) and to delete the word “association”.

Date: 13th December 2012  
Member of Parliament: Hon. Millie Odhiambo  
Contribution she made on: The Election (Amendment) Bill

She proposed to move:-

- THAT, Clause be amended by deleting the proposed new subsection (3A) and substituting therefore the following proposed new subsections:

  a) “(3A) Despite subsection (3), a citizen who has attained the age of eighteen years and has registered for an identification card and is in possession of an acknowledgement of registration certificate shall, upon application, be registered as a voter using the acknowledgement of registration certificate, but may only vote using an identification card.”
b) (3B) For purposes of this section, an acknowledgment of registration certificate means a certificate issued by a registration officer under the Registration of Persons Act to a person who has applied for an identification card, pending the issuance of that card.

Date: 13th December 2012  
Member of Parliament: Hon. Millie Odhiambo  
Contribution she made on: The Agriculture, Livestock, Fisheries and Food Authority Bill

She proposed to move:-

➢ THAT, Clause 21 of the Bill be amended in sub-clause (3) by inserting the words “and fishing” immediately after the word “agricultural”.

She added that the amendment sought to include fisheries because the definition of “agriculture, tended to exclude fisheries.

➢ THAT Clause 22 of the Bill be amended in sub-clause (2)-
   a) By deleting the word “may” appearing in the opening paragraph and substituting therefore the word “shall”;

   b) By inserting the following new paragraphs immediately after paragraph (f)-(g) provide for ex situ fish breeding to supplement in situ fish breeding and thereby outlaw seasonal bans on fishing;

   c) (h) Provide for efficient and effective fishing methods that are sensitive to the socio-economic status of local communities;

   d) (i) Provide for technical and other assistance to fishing communities to enhance their socio-economic development, especially that of vulnerable groups, including women.

➢ She stated that this would provide for efficient and effective fishing methods that are sensitive to the socio-economic status of the local communities and to provide technical assistance to those communities especially to do away with the issues of sex for fish which affected women. She proposed THAT, Clause 25 of the Bill be amended in sub-clause (1) by inserting the words “or an interest” immediately after the word “control” appearing in the opening paragraph. She explained that the essence of this was to widen the number of people who can report a noxious weed.

➢ THAT, Clause 28 of the Bill be amended by inserting the following new sub-clause immediately after sub-clause (3)-
(4) Where the noxious or invasive weed is of such a nature or proportion that it cannot be cleared by an individual or community, the government shall take steps, within six months, of such notice given by an individual to the government, to clear the noxious or invasive weed.

**Date: 13rd December 2012**  
**Member of Parliament: Hon. Dr. Sally Kosgei**  
**Contribution she made on:** The Agriculture, Livestock, Fisheries and Food Authority Bill  

- She proposed to move that the Committee doth report to the House its consideration of The Agriculture, Livestock, Fisheries and Food Authority Bill (Bill No.61 of 2012) and its approval thereof with amendments and subject to committal of Clauses 4, 5 and 11

- She proposed to move that the House doth agree with the Committee Report.

**Date: 13rd December 2012**  
**Member of Parliament: Hon. Millie Odhiambo**  
**Contribution she made on:** The Election (Amendment) Bill  

- She seconded Mr. Oyugi move seeking to move the house to agree with the committee report. She also seconded the proposal of the third reading of the bill.

**Date: 13rd December 2012**  
**Member of Parliament: Hon. Millie Odhiambo**  
**Contribution she made on:** The Political Parties (Amendment) Bill  

- She seconded Mr. Oyugi move seeking to move the house to agree with the committee report. She also seconded the proposal of the third reading of the bill.

**Date: 18th December 2012**  
**Member of Parliament: Hon. Millie Odhiambo**  
**Contribution she made on:** The Office of The Attorney-General Bill  

- She proposed THAT, Clause 5 be amended—
  a) In sub-clause (1), by—
    i. Deleting the word “legislation” and substituting therefore the words “legislative proposals” in paragraph (e);
ii. Deleting paragraph (f); inserting the word “national” immediately before the word “Government” in paragraph (j);

b) in sub-clause (2), by deleting the words “and shall not be under the direction or control of any person or authority”. She added THAT, Clause 6 be amended in sub-clause (2), by—
i. Deleting paragraph (a) and substituting therefore the following new paragraph—“(a) with leave of the court or tribunal, appear at any stage of proceedings, appeal, execution or any incidental proceedings before any court or tribunal”;

ii. Inserting the word “services” immediately after the word “legal” in paragraph (d); (b) by deleting sub-clause (4) and substituting therefore the following new sub-clause—“(4) The Attorney-General may, upon request, appear and advise on any legal matter in any committee of Parliament”.

iii. a) THAT, Clause 15(2) be amended by deleting the words “or Commissions”. She clarified that the aim of this was to retain the independence of commissions.
b) THAT, Clause 21(8) be amended by inserting the word “services” immediately after the word “legal”.

**Date: 18th December 2012**  
**Member of Parliament: Hon. Joyce Laboso**  
**Contribution she made on: The Office of the Attorney-General Bill**

- She reported that a Committee of the whole House had considered The Agriculture, Livestock, Fisheries and Food Authority Bill, Bill No.61 of 2012, and approved the same with amendments.

**Date: 18th December 2012**  
**Member of Parliament: Hon. Joyce Laboso**  
**Contribution she made on: The Office of the Attorney-General Bill**

- She reported that a Committee of the whole House had considered The Public Health Officers (Training, Registration and Licensing) Bill (Bill No. 20 of 2009) and approved the same with amendments.

**Date: 18th December 2012**  
**Member of Parliament: Hon. Joyce Laboso**  
**Contribution she made on: The Public Private Partnership Bill**

- She reported that Committee of the whole House had considered The Public Private Partnerships Bill (Bill No.12 of 2012) and approved the same with amendments.
Member of Parliament: Hon. Joyce Laboso  
Contribution she made on: The Public Private Partnership Bill

- She reported that the Committee of the whole House had considered The Office of the Attorney General Bill (Bill No.64 of 2012) and approved the same with amendments.

Date: 19th December 2012  
Member of Parliament: Hon. Sophia Abdi Noor  
Contribution she made on: The Social Assistance Bill

- She proposed THAT, Clause 2 of the Bill be amended by deleting the definition of the word “youth” and substituting therefore the following new definition– “youth” means the collectivity of all individuals in the Republic who-
  a) Have attained the age of eighteen years; but
  b) Have not attained the age of thirty-five years.

She clarified that they had put 30 years instead of 35 years as stated in the constitution.

- THAT the Bill be amended-
  a) In paragraph (a) by inserting the words “through a competitive and transparent process” immediately after the word “appointed”
  b) By deleting the paragraph (d).

- THAT, the Bill be amended in paragraph (f) by inserting the words “in consultation with the Board” immediately after the word “Minister.” THAT, the Bill be amended in sub-clause (1) by deleting the words “A disabled person” and substituting thereof the words “A person with disability” THAT, the long title be amended by inserting the words “to give effect to Article 43 (1) (e) of the Constitution” immediately after the words “Parliament”

Date: 19th December 2012  
Member of Parliament: Hon. Joyce Laboso  
Contribution she made on: The Social Assistance Bill

- She propose an amendment to Clause 5(2)(f) after the Law Society of Kenya, by inserting that the Gender Commission be represented. She proposed further amendment by inserting sub-clause (6) after “the Law Society of Kenya” to include representation of the Gender Commission of Kenya.
She proposed THAT, the Bill be amended in Clause 20(d) by inserting the words “or guardians” after the words “under the care of parents”. This was to provide for parents or guardians who were unable to provide for a child’s basic needs.

She further proposed to move that the Committee doth report to the House its consideration of The Social Assistance Bill (Bill No.10 of 2012) and its approval thereof with amendments.

Date: 19th December 2012
Member of Parliament: Hon. Beatrice Kones
Contribution she made on: The Customs and Excise (Amendment) Bill

- She proposed to move that the Committee doth report to the House its consideration of The Customs and Excise (Amendment) Bill and its approval thereof without amendments.

Date: 19th December 2012
Member of Parliament: Hon. Sophia Abdi Noor
Contribution she made on: The Public Benefit Organizations Bill

She proposed THAT, clause 2 be amended—

i. in the definition of “civil society”, by deleting paragraphs (e), (f), (g) and (h); (b) by deleting the definition of “Commission”; (c) by deleting the definition of “public benefit organization”, and substituting therefore the following new definition— “public benefit organisation” means a voluntary membership or non-membership grouping of individuals or organizations, which is autonomous, non-partisan, non-profit making, and which is— (d) organized and operated locally, nationally or internationally; (e) engages in public benefit activities; and (f) registered as such by the Commission, but does not include— (j) a trade union within the meaning of the Labour Relations Act, 2007; (k) a political party within the meaning of the Political Parties Act, 2011; (l) a co-operative society within the meaning of the Co-operative Societies Act; (m) a Sacco society within the meaning of the Sacco Societies Act, 2008;

ii. No. 14 of (n) a microfinance institution within the meaning of the 2007 Microfinance Act, 2006; or No. 11 of (o) a religious organization which is primarily devoted to 2011 religious worship. No. 14 of (d) in the definition of “register”, by deleting the word “Commission”2008 and substituting therefore the word “Authority”;

iii. No. 19 of (e) by inserting the following new definition in its proper alphabetical 2006 sequence— “Authority” means the Public Benefit Organisations Regulatory Authority established under section 27”. 
 THAT, Clause 11 be amended by deleting the word “Commission” and substituting therefore the word “Authority

She proposed to move that the House doth agree with the Committee in the Report. She proposed to move that the Public Benefits Organization Bill be now read the Third Time

**Date: 19th December 2012**  
**Member of Parliament: Hon. Joyce Laboso**  
**Contribution she made on: The Pyrethrum Bill**

She reported that the Committee of the whole House had considered The Pyrethrum Bill (Bill No.57 of 2011) and approved the same with amendments.

**Date: 19th December 2012**  
**Member of Parliament: Hon. Joyce Laboso**  
**Contribution she made on: The Public Benefit Organisations Bill**

- She reported that the Committee of the whole House had considered The Public Benefit Organisations Bill (Bill No.15 of 2012) and approved the same with amendments.
- She proposed to move that the Public Benefit Organizations Bill be now read the Third Time

**Date: 19th December 2012**  
**Member of Parliament: Hon. Joyce Laboso**  
**Contribution she made on: The Customs and Excise (Amendment) Bill**

- She beg to move that The Customs and Excise (Amendment) Bill, Bill No. 15 of 2011 Bill be now read the Third Time.

**Date: 19th December 2012**  
**Member of Parliament: Hon. Beatrice Kones**  
**Contribution she made on: The Customs and Excise (Amendment) Bill**

- She seconded the reading of the Customs and Excise (Amendment) Bill for the third time.
General responsibility for treaty initiation.

3A (1) Subject to the provisions of this Act, the national executive shall be responsible for initiating the treaty-making process, negotiating and ratifying treaties. (2) The responsibility provided for in sub section (1) may be delegated to a relevant State Department.

Initiation of treaty making process.

3B (1) Subject to the provisions of this Section, the relevant national executive or the relevant State Department shall initiate the treaty-making process in such manner as may be prescribed by the Cabinet Secretary. (2) When deciding whether to initiate the treaty-making process or not, the national executive or the relevant State Department shall consider the following-

a) The need that the new treaty is to meet;
b) The existing legal regime, including the extent of its applicability to the perceived problem;
c) The probability of reaching the required measure of agreement on the solution aimed for;
d) Any relevant legislative efforts related to the perceived problem;
e) The optimal form for the proposed treaty;
f) The likelihood that the proposed treaty shall be accepted by a sufficient number of states, where the treaty is multilateral;
g) The anticipated time schedule for completing the treaty-making process;
h) The expected costs of formulating and adopting the treaty to Kenya;
i) In formulating treaties relating to technical or scientific problems, whether extensive scientific studies or research have been carried out, to determine the parameters of the problem and the lines of potential solutions.

1. The national executive or the relevant State Department shall record whether the conditions in (2) are met, and shall present a proposal to commence treaty-making for approval by the Cabinet.

2. The Cabinet shall consider and approve or disapprove of a proposal for treaty making presented in accordance with sub section in (3) within a reasonable time.

Values and principles in negotiating treaties.

3C. (1) In negotiating treaties, the national executive or the relevant State Department shall be bound by the values and principles of the
Constitution; and shall take into account regulatory impact of any proposed treaty.

(2) When appointing persons to negotiate a treaty, the national executive or the relevant State Department shall appoint persons who are competent to undertake such negotiations in the interest of the people of Kenya.
POINTS OF ORDER

Date: 4th December 2012
Member of Parliament: Hon. Martha Karua
Contribution she made on: Failure to Gazette Members of the Lands Commission

- She sought a Ministerial Statement from the Minister for Lands
  
  a) She requested the Minister to tell the House why the Executive had failed to gazette the members of the Land Commission in spite of them having been approved by the House and in spite of the pending court cases having been finalized in October.

  b) She also requested the minister to tell the house when they intended to gazette the members of the Land Commission and whether they were still within the law for having delayed the gazettement.

Date: 27th December 2012
Member of Parliament: Hon. Millie Odhiambo
Contribution she made on: Removal of Water Hyacinth from Lake Victoria

- She responded to a point of order from Mr. Shakeel, by informing the members that there was a law that we passed in the House which obligated the Government to clear the water hyacinth within six months from the time.

- She requested the Minister for Environment and Natural Resources to indicate what the Government would do to ensure that the provisions of that law, the Agriculture, Livestock, Fisheries and Food Authority (ALFA) Bill or the ALFA Act, if it had been assented to were complied with.
MINISTERIAL STATEMENTS

Date: 19th December 2012
Member of Parliament: Hon. Dr. Beatrice Kones
Contribution she made on: On-Going Nurses Strike

- She asked for clarification from Mr. Anyang’ Nyong’o’s, asking him to explain what he had done to liaise with the Ministry of Labour, so that the nurses’ union was registered; despite the fact that the union did not fall under his ministry.

Date: 19th September 2012
Member of Parliament: Hon. Millie Odhiambo
Contribution she made on: Removal of Water Hyacinth from Winam Gulf

- She pointed out that while in the Minister’s response, he had given indication of the effects of the water hyacinth he had forgotten to indicate that it had now caused loss of lives, even as recent as last month. She further stated that there were fishermen who were marooned as they could not move out; they died as a consequence of that. She pointed out that government rescue efforts were too slow for the fishermen.

- She further stated that right now, the lake was completely choked and there was no activity that was going on by persons who purely undertake fishing as their main stay. She asked the Minister to clarify whether they have undertaken a comprehensive study on how to deal with water hyacinth menace.

- She argued that at this time the Ministry’s’ response appeared to be very reactionary and further requested the Minister to confirm in his response if they have considered bio-control methods, including using species such as weevils and Argentine Water Hyacinth moth that were used in States like Louisiana and Mississippi in the US as well as explaining whether the Government had looked, very comprehensively, into dealing with this menace.

Date: 19th September 2012
Member of Parliament: Hon. Martha Karua
Contribution she made on: Protection to Mr. Matthew Logulale

- She sought a Ministerial Statement from the Minister of State for Provincial Administration and Internal Security regarding the circumstances in which on the night of 13th September, 2012 the house of Mr. Matthew Logulale, a
Governor aspirant for NARC Kenya in Turkana County was torched and his bedroom was burnt down and his properties destroyed.

- She further stated that she would have liked to know how far the investigations had gone and if there had been any arrests and any arraignment of suspects in court as well as whether the Minister was doing to stop such politically motivated attacks not only on this aspirant, but also on other aspirants in the country.

- She further sought to know whether the Minister had provided security to this particular aspirant who was now targeted and his family and also if the Government would offer humanitarian support to this person like the Government has been doing in other situations where there was a humanitarian crisis.

- She concluded by asking if the was Minister able to assure us that no such incidents would occur in the future.
PRIME MINISTERIAL STATEMENTS

Date: 12th September 2012
Member of Parliament: Hon. Rachel Shebesh
Contribution she made on: Intimidation of witnesses by KAA Board

- She requested the Prime Minister to clarify whether there was a purported cancellation of the Greenfield project because it was the reason the committee of the House was asked to investigate the matter and subsequently that led to the victimization of the Managing Director of the Kenya airports Authority.