AUGUST 2016 KEWOPA MEMBERS HANSARD [NATIONAL ASSEMBLY]

CHAIRS

Date: 4th August 2016
Member of Parliament: Hon. Dr. Joyce Laboso
Contribution she made on: The Deputy Speaker

Date: 9th August 2016
Member of Parliament: Hon. Jessica Mbalu
Contribution she made on: The Temporary Deputy Speaker

Date: 10th August 2016
Member of Parliament: Hon. Dr. Joyce Laboso
Contribution she made on: The Deputy Speaker

Date: 10th August 2016
Member of Parliament: Hon. Rachel Shebesh
Contribution she made on: The Temporary Deputy Speaker

Date: 11th August 2016
Member of Parliament: Hon. Rachel Shebesh
Contribution she made on: The Temporary Deputy Speaker

Date: 16th August 2016
Member of Parliament: Hon. Jessica Mbalu
Contribution she made on: The Temporary Deputy Speaker
Date: 17th August 2016
Member of Parliament: Hon. Dr. Joyce Laboso
Contribution she made on: The Deputy Speaker

Date: 17th August 2016
Member of Parliament: Hon. Rachel Shebesh
Contribution she made on: The Temporary Deputy Speaker

Date: 18th August 2016
Member of Parliament: Hon. Dr. Joyce Laboso
Contribution she made on: The Deputy Speaker

Date: 24th August 2016
Member of Parliament: Hon. Dr. Joyce Laboso
Contribution she made on: The Deputy Speaker

Date: 25th August 2016
Member of Parliament: Hon. Dr. Joyce Laboso
Contribution she made on: The Deputy Speaker

Date: 25th August 2016
Member of Parliament: Hon. Rachel Shebesh
Contribution she made on: The Temporary Deputy Speaker
Hon. Temporary Deputy Chairman, I beg to move:

THAT, the Bill be amended by deleting Clause 2 and substituting therefore the following new clause—

(2) The Kenya National Examinations Council Act is amended by inserting the following new section immediately after section 10—

10A.(1) The Cabinet Secretary shall, in every academic year, rank institutions of basic education that offer primary education or secondary education based on—

(a) academic performance in national examinations; and
(b) performance in co-curricular activities.

(2) For purposes of ranking under Sub-Section (1) —
(a) the Kenya National Examinations Council shall submit to the Cabinet Secretary, data regarding the academic performance, in national examinations, of institutions of basic education that offer primary or secondary education; and

(b) every County Director of Education shall submit the data regarding the performance, in co-curricular activities, of institutions of basic education that offer primary or secondary education to the Director-General for transmission to the Cabinet Secretary.

(3) The Cabinet Secretary shall, as soon as practicable after the receipt of the data referred to under Subsection (2), announce and publish the results and ranks of institutions as prescribed in subsection(1).

(4) The Cabinet Secretary may make rules for the purpose of ranking of institutions of basic education that offer primary or secondary education.

(5) Without prejudice to the generality of subsection (4) the Cabinet Secretary may provide for—

(a) the form and method of categorisation of institutions of basic education that offer primary or secondary education for ranking purposes;

(b) the announcement and publication of the results in national examinations and co-
The Committee is in support of ranking of institutions of basic education. However, the bone of contention in this matter is on the criteria to be applied in order to achieve the intended result of ranking without only concentrating on academic ranking. The Committee proposes that optimum results both academic performance in national examination and co-curricular activities be taken into consideration in ranking in order to remove emphasis from ranking based on academic performances and also to consider co-curricular activities as a vital element in a child’s education.

We have a further amendment on 10A(2) for purposes of ranking under Subsection (1).

DATE: 3rd August 2016

Member of Parliament: Hon. (Ms.) S.W. Chege

Contribution she made on: THE KENYA NATIONAL EXAMINATION COUNCIL (AMENDMENT) BILL

The further amendment is on the same section... For purposes of ranking under Subsection (1)(a) the Kenya National Examinations Council shall submit to the Cabinet Secretary, data regarding the academic performance in national examinations, of institutions of basic education that offer primary or secondary education, and in (b) every County Director of Education shall
submit data regarding the performance in co-curricular activities of institutions of basic education that offer primary or secondary education to the Director-General for transmission to the CS.

DATE: 3rd August 2016

Member of Parliament: Hon. (Ms.) S.W. Chege

Contribution she made on: THE KENYA NATIONAL EXAMINATION COUNCIL (AMENDMENT) BILL

I stand guided. The Committee proposes that the CS will be mandated to rank institutions of basic education based on the data received from both KNEC with respect to examination results, and from County Directors of Education who will speak to co-curricular activities. They will then submit data via the Director-General.

Further, the Committee proposes to delegate legislation powers to the CS for the enactment of regulations and rules for purposes of effective ranking. In that regard, the rules may be stipulated to form the forms and methods of categorisation of institutions of basic education for purposes of ranking. This is in order to offer a level playing field for institutions and ensure that similar categorised institutions are ranked together.

Similarly, the criterion for ranking will also be stipulated in regulations in order to offer clarity and transparency to the public. Further, the CS is empowered to make rules on the modality of announcement and publication, including the announcement date.

For purposes of carrying out ranking better, the CS is empowered to make general rules and regulations for matters related to ranking.

Hon. Temporary Deputy Speaker, for purposes of consistency of the laws and removal of ambiguity in this section, the terms “County Director of Education” and “Director-General” have adopted the meaning under the Basic Education Act. When the Committee was discussing these amendments, there was a heated debate on how to rank schools fairly because some schools are disadvantaged. Schools are not on the same level. That is why the Committee said it will encourage ranking of schools with similar capacity. We know that national schools are provided with similar equipment. They are well facilitated by the Government. If you go to some day schools, their facilities are wanting. That is why we propose that ranking should be done on the schools of similar categories rather than generalisation.

We have seen schools being burnt. We have put a lot of emphasis on education. We have also put a lot of pressure on our teachers to perform. We want to appreciate the institutions which are doing very well in co-curricular activities because learning is not all about education and passing in examinations. We want to note the schools which do well in drama festivals, sports and other activities.

Thank you, Hon. Temporary Deputy Chairman.

(Question of the amendment proposed)

DATE: 3rd August 2016

Member of Parliament: Hon. Grace Kiptui
Contribution she made on: Motion on Provision of Water to Public Facilities

Thank you, Hon. Temporary Deputy Speaker. Water is important for every human being. We are told that in our bodies, we carry a large percentage of water and we cannot do without it. Now, when we talk of water, it is unfortunate that 50 years down the line, we have not been able to supply water to each and every individual. However, talking about institutions of learning like schools, that is where our young people are nurtured and issues of water is critical. I would ask my colleague to see how he will promote this Motion into a Bill because it is so essential. In our schools, we have so many needs. For instance, when the girl-child is in her days, water is a very essential commodity, especially in boarding schools where there is no water. It becomes a challenge and a health issue. I support and I thank him for bringing this Motion at this point. I hear people comparing the issue of provision of electricity and water. Being in a technological age, both these items are important. We should not be saying we are taking one as a priority against the other. The children must be digital and, at the same time, they must have the essential commodities like water. We request the Government to ensure that they go hand in hand.

Thank you.

DATE: 3rd August 2016

Member of Parliament: Hon. (Ms.) Shakila Mohamed

Contribution she made on: Motion on Provision of Water to Public Facilities

Thank you, Hon. Temporary Deputy Speaker. I am just concerned whether you do not see me because of my bui bui or what!

DATE: 3rd August 2016

Member of Parliament: Hon. (Ms.) Shakila Mohamed

Contribution she made on: Motion on Provision of Water to Public Facilities

Thank you, Hon. Temporary Deputy Speaker. First, I congratulate you on your new position. I can see you are doing very well although, sometimes, you do not see buibuis. I do not blame you. I take this opportunity to thank Hon. Mwadime for bringing this Motion, which is long overdue.

DATE: 3rd August 2016

Member of Parliament: Hon. (Ms.) Shakila Mohamed

Contribution she made on: Motion on Provision of Water to Public Facilities
Thank you, Hon. Temporary Deputy Speaker. Some schools have suffered a lot due to lack of water. I am a good example of a pupil who went to school carrying a bottle of water every day because of lack of water in the school. It is a big problem and, more so, at the grassroots. There is no water in many schools. Some schools even lack sanitation facilities due to lack of water. It is unfortunate that we teach our children to be hygienic and yet, we do not have water in our schools. It is not possible for them to be hygienic as we teach them to be. Water is very important. The Government should establish means and ways of supplying water to each and every school. That will solve a big problem where the girls who are in their menses avoid going to school due to lack of water. This is an important Motion. I urge the House to support it and, if possible, turn it into a Bill so that the Government can conduct research in all the schools. There are areas where, even if you drill boreholes, the water is salty. So, we need to come up with a way of tapping the rainwater or coming up with a formula to ensure that all schools are supplied with clean water.

Sometimes, children go for physical education and games. After that, it is important for them to have a shower and freshen up before they go back to the classes. However, those facilities are not available in many schools, which make it very difficult for children to keep clean. In some schools, children go to school with dirty clothes because of lack of water. They are not even able to have their clothes washed because water is a problem even to basic needs like showering and cooking.

I support the Motion. Thank you so much. I contributed for two minutes because I know there is a problem.

DATE: 3rd August 2016

Member of Parliament: Hon. (Ms.) Dorcas Kedogo

Contribution she made on: Motion on Provision of Water to Public Facilities

Thank you, Hon. Temporary Deputy Speaker. I congratulate you for this new position. Now that you are coming from the Opposition side, where we have tyranny of brains, you will be above average.

Let me now contribute on the Motion. I support this Motion and say that we need clean and safe water for drinking. In schools, we must have tanks.

DATE: 3rd August 2016

Member of Parliament: Hon. (Ms.) T.G. Ali

Contribution she made on: Motion on Provision of Water to Public Facilities

On a point of order, Hon. Temporary Deputy Speaker... Thank you, Hon. Temporary Deputy Speaker. Is Hon. Dorcas in order to say that the Opposition has tyranny of brains? What does that mean? She needs to withdraw that because if they had tyranny of brains, they would have won the elections. We are very excited and happy. We won because we have what it takes.
I was just saying that most students go to rivers to fetch water.


Thank you, Hon. Temporary Deputy Speaker. As I take the Floor, I just want to pass my congratulations to you for being appointed one of our assistant Speakers in the House. I rise to support this Motion and thank Hon. Odanga for bringing it to the House, especially when we are seeing a number of schools being burnt by students in various places in the country.
It is very important for schools to have chaplains. However, we should ask ourselves if those chaplains are going to be qualified persons. That is very important. Before we hand over our children to chaplains, we should know their qualifications. We, as parents, teachers and staff in schools must know the qualifications of chaplains joining our school community.

It will also be good because chaplains are more likely to provide guidance to students on issues concerning human relations and welfare services. We understand that most students, especially those in boarding schools, have no one to turn to when they have problems. They have no soft landing when they are surrounded by issues that are disturbing them. So, it will be very important to have qualified chaplains in school to take care of our children and listen to them. It will also be important because usually, chaplains provide prevention and are a rescue team to our children. Our children can run to the chaplains, who will be able to listen to them because they have all the time to listen to our children. At times school principals, teachers and other school workers are too busy to listen to our children. Qualified chaplains would really make a big difference in the lives of our students when they are in school.

The chaplains will also help students to find a better way of dealing with issues ranging from family breakdown to loneliness, drug abuse, stress and anxiety while in school. It is very important to have chaplains in school. I stress the fact that the chaplains must be qualified. Otherwise we might end up handing over our children to unqualified chaplains, who may change and abuse them and yet chaplains should be in school on a rescue mission.

The other reason I support this Motion is that the chaplains will also help to improve the lives of these young people while in school. Therefore, it is very important for schools and the Government to look for ways and means of hiring chaplains as part of the non-teaching staff in schools. We should make sure that every school has a chaplain who can help the principal, the teachers and the staff in counselling our children. This will help bring down the issues that we are seeing in schools lately, namely the burning down of schools by students just because somebody is not giving an ear to them. These are issues that could be prevented in the early stages so that parents do not end up paying huge sums of money just because a dormitory was burnt down by students who did not have somebody to listen to them. Therefore, I support this Motion by Hon. Odanga. It is very important that we pass it, so that we can have chaplains sent to every school across the country.

With those remarks, I beg to support.

DATE: 3rd August 2016

Member of Parliament: Hon. (Ms.) Dorcas Kedogo

Contribution she made on: DEPLOYMENT OF CHAPLAINS TO LEARNING INSTITUTIONS

I am on the queue, Hon. Temporary Deputy Speaker. I wanted to make an amendment on the issue of Muslim Sheikhs but it is being done. So, I am on the queue.

DATE: 3rd August 2016

Member of Parliament: Hon. (Ms.) Ombaka
Thank you, Hon. Temporary Deputy Speaker for giving me this chance. First of all, you are up to the task and congratulations.

First, this country is in turmoil. Young people are going through huge pressure from society. This is demonstrated in the way they respond to these pressures. They are committing suicide. Each and every day, you find a young boy or girl committing suicide. These are school kids. You will find them in the streets drunk and engaging in violence every day. These are signs of bad times for our young people and yet they are our future. What kind of young people are we bringing up and what kind of future are we seeing? I see a bleak society; a society that is collapsing and a society where parents have no control over their children; a society where schools have no control of the students and a society where students do not even want to do examinations. We are in turmoil.

DATE: 3rd August 2016

Member of Parliament: Hon. (Ms.) Juma

Contribution she made on: DEPLOYMENT OF CHAPLAINS TO LEARNING INSTITUTIONS

Thank you, Hon. Temporary Deputy Speaker for giving me this chance. First of all, you are up to the task and congratulations.

First, this country is in turmoil. Young people are going through huge pressure from society. This is demonstrated in the way they respond to these pressures. They are committing suicide. Each and every day, you find a young boy or girl committing suicide. These are school kids. You will find them in the streets drunk and engaging in violence every day. These are signs of bad times for our young people and yet they are our future. What kind of young people are we bringing up and what kind of future are we seeing? I see a bleak society; a society that is collapsing and a society where parents have no control over their children; a society where schools have no control of the students and a society where students do not even want to do examinations. We are in turmoil.

DATE: 3rd August 2016

Member of Parliament: Hon. (Ms.) Juma

Contribution she made on: Petition on Enactment of Legislation to Compel Acquisition of Interest-Free Loans


Ahsante.

DATE: 3rd August 2016

Member of Parliament: Hon. (Ms.) Gathecha

Contribution she made on: The Miscellaneous Fees and Levies Bill

Thank you, Hon. Temporary Deputy Chairman. I rise to support the new clause. The office of the Controller of Budget is a very important one and proper procedures need to be followed in order to determine who the successor will be as they continue to make very controversial
statements within the media that sometimes leave Hon. Members and the public at large in amazement.

DATE: 3rd August 2016

Member of Parliament: Hon. (Ms.) Sunjeev Birdi

Contribution she made on: The Miscellaneous Fees and Levies Bill

Hon. Temporary Deputy Chairman, I support the amendment by the Chairman of the Committee.

DATE: 3rd August 2016

Member of Parliament: Hon. (Ms.) W.K. Njuguna

Contribution she made on: The Miscellaneous Fees and Levies Bill

Thank you, Hon. Temporary Deputy Chairman. I rise to support this because the procedures are clearly stated.

(Question, that the new clause be read a Second Time, put and agreed to)

(The new clause was read a Second Time)

(Question, that the new clause be added to the Bill, put and agreed to)

New Clauses 19A and 19B

DATE: 3rd August 2016

Member of Parliament: Hon. (Ms.) Sara Lekorere

Contribution she made on: APPROVAL OF THE MEDIATED VERSION OF THE LAND LAWS (AMENDMENT) BILL


Kwa hivyo, tukizingatia kwamba ardhii nyingi ambazo la bahari hazijafanyiwa chochote ni ardhii za jamii, serikali za kaunti zinafaa kuhakikisha kuwa jamii ambazo zinamiliki dhuluma za kihistoria ambazo hao zao zimewa dhuluma za kihistoria. Hii Ripoti imengojewa sana na Wakenya, hasa tukizingatia kwamba jamii nyingi zimengoja kuona vile tutasuluhisha dhuluma za kihistoria ambazo zimewakumba.

DATE: 3rd August 2016

Member of Parliament: Hon. (Ms.) W.K. Njuguna

Contribution she made on: APPROVAL OF THE MEDIATED VERSION OF THE LAND LAWS (AMENDMENT) BILL

Thank you, Hon. Deputy Speaker, for giving me this chance to contribute and support this Report of the Mediation Committee on the Land Laws (Amendment) Bill.

Land matter is the mother of all communities and family conflicts due to lack of proper adherence to the existing laws. We have seen many places families fighting for land which they do not know the right owner. We also have historical injustices. Some counties, especially Kirinyaga County, claim land from other counties which has not been identified as theirs. We want these historical injustices to be corrected immediately after the conclusion of this Motion. People have suffered especially where there are land disputes. Some people register caveats or cautions on land because there are disputes. In most cases, the caveats are removed without the knowledge of one of the parties and this causes a big problem among the people who claim
that land. Therefore, these proper laws are going to streamline all these problems and create peace in the country. People have settled in certain land for a very long time and they have multiplied yet they do not have ownership over that land. They do not have title deeds. This causes a lot of conflicts in communities, for example, the Mwea Irrigation Scheme. The area has a high agricultural potential, but people who own the land rent it out. They are not motivated to improve it because they do not have title deeds.

If these laws are put in place, our people will get title deeds. This will solve a lot of problems because people will not steal other peoples’ land. At the Mwea Irrigation Scheme, owners of land only have copies of minutes written on a piece of paper to show evidence of ownership of land. When you have a title deed, nobody can claim your piece of land. These pieces of paper are not registered anywhere and the owners can even sell the land to many unsuspecting people, causing a lot of fights. I am very happy with these amendments. I congratulate the Mediation Committee for coming up with these laws, which are going to solve land historical injustices.

Still in Kirinyaga County, there is a dispute which has been appearing in newspapers, about 54,000 acres of land which is being claimed by the neighbouring county, yet it does not belong to them. The documents are there and I am sure this land is going to be given to the right owners after these amendments, which clearly identify the legal ownership of land, are passed. Therefore, I support the Report. It is going to solve a lot of our problems in this country.

DATE: 4th August 2016

Member of Parliament: Hon. (Ms.) S.W. Chege

Contribution she made on: Alleged Mismanagement of Murang’a University College

Thank you, Hon. Speaker. On Wednesday, 30th April, 2015, a Petition was presented in this House regarding alleged mismanagement of Murang’a University College. In the said Petition, the petitioners had prayed that the National Assembly, through the Departmental Committee on Education, Research and Technology conducts an inquiry into the representation of the local community in the University Board of Management and the entire institution. The Committee was also expected to initiate a review in the conduct of the University College Principal and the Registrar of Administration and Planning.

In consideration of the Petition, the Committee undertook a visit to the University College and held meetings with the University Board of Management and the Council of the University. The Committee also held a meeting with the Commission for University Education (CUE). After thorough consideration of the matter raised in the Petition, the Committee made the following observations: That the Board of Management of the University is constituted in line with the Murang’a University College Statute, 2013. According to the statute, the membership of the board should consist of the Principal; the Deputy Principal; the Finance Officer; the Registrar, Academic, Research and Innovation Extension; the Registrar, Administration, Planning and Development and such other members of senior management as the Council may determine.
Up and until September, 2011, Murang’a University College was previously Murang’a Institute of Technology before it was elevated. As a result, there were several challenges experienced during the transition including rationalisation of staff establishment. When it was Murang’a Institute of Technology, majority of the staff were drawn from the local community and as such, it was not easy to dismiss them after the change of status.

With respect to the conduct of the college Principal and the Registrar, Administration and Planning, the Committee was not able to conclusively establish whether the college Principal had an integrity-related issue while he was serving as the Managing Director for Chemelil Sugar Company as alleged in the Petition.

The Committee recommended that the matter be taken up by the Ethics and Anti-Corruption Commission (EACC) for further inquiry. The Committee established that the position of the Registrar of Administration and Planning was advertised after the current Registrar of Administration and Planning had been confirmed in the position. Therefore, the Committee directed the Cabinet Secretary for Science and Technology to carry out an inquiry on the conduct of the Council on the process of recruitment of the current Registrar and take necessary action.

Allegations of nepotism were also raised. The Committee could not conclusively find any evidence indicating that some members of staff had any relations amongst themselves. In this regard, the Committee recommended that the CUE develops a general transfer policy across public universities especially during transition from a technical training institute to a university to guard against any conflict of interest that may arise especially from the local community.

We, as a Committee, also saw a challenge when the universities are transformed from technical training colleges to universities where a university becomes a national institution. Therefore, the Committee recommended that there must be scrutiny before the institution is elevated to a university and proper procedures of the current staff in that institution should be followed before the elevation.

**DATE:** 4th August 2016

**Member of Parliament:** Hon. (Ms.) Grace Kiptui

**Contribution she made on:** Motion on Select Committee on Betting and Gambling

Thank you, Hon. Speaker. I rise to support the Motion. At the outset, let me say that as a mother, I feel distraught because this gambling issue is affecting the young people. The youth of this country, including our children who are in universities and colleges, are affected. How it came to the level that we licensed so many gambling institutions until now that we realise things have gone very far is unfortunate. We see the signs when we see children committing suicide as a result of their money having been blown away in gambling. Sincerely, those are not the values that we would want to inculcate in our youth. We tell them that we have to sweat to earn a living. However, this other activity shows them that they may sit in their room and become millionaires overnight.

In the television and radios, we see and hear people being declared millionaires. They scream with happiness. They say what they are going to do with their money. Those values are going to
destroy the hardworking skills that we want to inculcate. What am I saying? I am saying that it is important for us to look at it wholesomely and come up with regulations that will ensure we streamline their operations. Those could be challenges of the technological age where people gamble and you do not even know the age of those people. In the United States of America (USA), for instance, a state like Las Vegas has liberalised that and they gamble 24 hours seven days a week. Even at the airport as you board a plane, you find somebody gambling right next to the door of the plane. However, they know how to regulate it so much that when a person wins, taxes are deducted immediately, but in Kenya we are waking up to a rude shock because things seem to be happening so fast for us.

So, I support the Motion. This gambling practice is encouraging many other things. For instance, people call others on their mobile phones and tell them they have won some money and that they should tell them their telephone number. It encourages other side shows where criminals are taking advantage. God knows where all this money comes from. So, as I support and as my colleagues have said, the timeframe is good. I think they will manage to give us a genuine, concise and well researched report using technology. They should be aware that the Government can monitor using the cyber technology we have to see what is exactly going on. So, I do not think they will have to go to the country side, knock doors and ask questions. It can be dealt with technologically.

For the membership, Hon. Speaker, you can pay attention to the mood and feeling of the other colleagues. We need to have a team that can give us a report that can be passed without a lot of stress when it lands on the Floor of the House.

Thank you, Hon. Speaker.

DATE: 4th August 2016

Member of Parliament: Hon. (Ms.) Ombaka

Contribution she made on: Motion on Select Committee on Betting and Gambling

Thank you, Hon. Speaker, for giving me this opportunity. I support the principle behind this Motion. Betting and gambling are popular games worldwide and those who are involved are so much thrilled. They are very excited. It is like a form of entertainment because they expect to get a lot of money out of that, but they do it outside working time like in the evenings and at night. So, part and parcel of the work of betting and gambling is also part of entertainment, but it has its own risks – the risk of spending money in a big way to an extent that one can become broke and bankrupt. The excitement of getting more money as you put little money makes one keep on playing it all the time hoping to win. By the end of the day, they spend so much and end up being broke and bankrupt. That is the beginning of family problems because it has a lot of effects on family life.

One thing that is very clear is that it comes in different ways. When I was growing up, I used to see things like bingo, jackpot, lucky dip and the slot machines. There were lottery tickets. There was betting in different ways. Today, we have internet gambling, the casinos and the street cards or dice that you cast and so many young people surround you as you play it on the streets.
Casinos are very dangerous and insecure places. They are situated in dangerous places where people die sometimes. They fight and kill each other because they have lost, and they are drunk. There is also prostitution among people who visit the casinos to gamble. It is a terrible place which requires regulations. We require regulations in the casinos because nobody cares who walks in there. Young girls and boys walk in there to drink and enjoy themselves as others gamble. We need to control the people who go into gambling houses, because we are exposing them to very dangerous areas. This is very bad. Although gambling is popular with many people who want to get as much money as possible, it is a very addictive game. It is very difficult to get people out of it. So, we need to look for ways of getting rid of gambling. Gamblers get addicted and become very dangerous members of the society.

I do not want to say very much because a lot has been said by the speakers who spoke before me. However, I want to highlight the fact that pata potea businesses invest little money. Some of the people who win on television are not genuine. They are doctored. Nobody wins those things. You cannot pay Kshs50 and come out with a Mercedes Benz. The winners are doctored. How do people win? You have all cast your dice here in Nairobi, but a winner comes from Mombasa, another one from Nyeri, and Kisumu. It is well distributed geographically. Why do people win in such a very logical geographical arrangement? You get winners from every sector and community in that order? It looks wrong. I do not believe that people win like that. The winners are doctored. Lotteries and betting are not genuine. We are being exploited.

I have received messages in the internet many times telling me that I have won a lot of money and yet, I have never gambled anywhere. They tell me that I have won millions of shillings, and they want my full name, address and bank account. There is total theft going on. There is a lot of corruption and exploitation in the betting and gambling industry. There is need to control it. This country is very poor. We cannot afford to have such kinds of games where we have billions of shillings, but people are so poor. The industry must be controlled. Taxation and restrictions must be put in place. We should either remove gambling completely or we regularise it in such a manner that it is done well so that nobody complains.

I support this Motion, Hon. Speaker. Thank you.

DATE: 4th August 2016

Member of Parliament: Hon. (Ms.) Peris Tobiko

Contribution she made on: Motion on Select Committee on Betting and Gambling

Thank you, Hon. Speaker. This Motion could not have come at a better time. I thank Hon. Midiwo for bringing it to the Floor of the House. The Motion is relevant and important. This House needs to take it with the seriousness it deserves. We have seen our children gambling, and wasting time trying to pursue what is not there. Kenyans lose money. The betting and gambling industry has become like a pyramid scheme. Kenyans have lost money, families have been broken, and a lot of pain has been caused to people. People lose money, and children lose school fees and they kill themselves out of frustrations. This Motion needs to get results in legislation, policy and in operationalising those policies and the necessary laws to protect Kenyans.
The previous speakers have raised a lot of issues. I do not intend to take a lot of time because there is a colleague who is giving me pressure to take one minute, so that he can also contribute. Hon. Midiwo and the Leader of the Majority Party, Hon. A.B. Duale, and all those others who have included themselves in the list can only do an honourable thing to review the list because it looks like another portion of a different game plan. When we speak here, the leadership of the House, Leader of the Minority Party and the Leader of the Majority Party, should listen to us. This list should have the face of this House. It should include Members who are not as busy as those ones who are included in the list. It should also involve a majority number or at least a fair number of those committees which are relevant on betting and gambling industry. The Departmental Committee on Labour and Social Welfare has a lot to do with the betting and gambling control. There is a Bill which would have been enriched by this Motion and debate. Hon. Midiwo can bring a lot of information to the Select Committee, so that there is value addition on the Bill. However, when it looks like there is a selected group and it raises eyebrows, then it will be fair you address the concerns of the Members.

I support the Motion, but Hon. Midiwo and the leadership of the House, including the Speaker, should review the list of the Select Committee. Thank you.

DATE: 4th August 2016

Member of Parliament: Hon. (Ms.) Sunjeev Birdi

Contribution she made on: Motion on Select Committee on Betting and Gambling

Thank you, Hon. Speaker. I was on a race against time and was really hoping that I would get a chance. I am thankful to God for having been given me this opportunity. I stand as a concerned person, because when you look at the Motion, the wording has got positive intentions. We are all in agreement of that fact. The problem here is the Members of the Select Committee.

I feel that by passing this Motion, in this House of rules, we might be losing out on something that is very important for our country. When I looked at the list, I saw Hon. Mary Keraa who is no. 11. Last night, one of the news houses reported that she is a nominated MP. I was surprised because I know all the nominated MPs in this House. I did some research and it turns out that the Member has had less than 15 appearances in this House. I am glad that she has been given this opportunity because she is a member of one Departmental Committee just like me. I thought it is probably a good thing to give her an opportunity to be in this Select Committee.

It would have been prudent to have this Motion undertaken by a relevant Departmental Committee. It would have more information. It would have carried out more in-depth work than this Select Committee. We are in a country where the dependency ratio is 81.5 per cent. That means certain people carry the burden of providing for other individuals and that puts them under a lot of pressure. What does an individual do when he has a lot of pressure to provide? He seeks out unscrupulous means which is basically wrong. This tends to form a bad society. Gambling is a social vice, it is unacceptable and we cannot have it in our culture.

We are having many companies entering this country. But it gives me a lot of pleasure when I see those companies being associated with international firms. That means we are doing very well, creating jobs and building the economy. I know there is pressure of time but please allow
me. I am getting pressure from my colleagues who are giving me daggers and I am feeling very warm. When there is an advertisement saying that drink more beer or alcohol so that you can win something, it sends the wrong message to the society and this should not be allowed. Every business should be responsible for bringing up responsible citizens. A lot has been said. I support this Motion but the membership of this Select Committee should be reconsidered.

DATE: 9th August 2016

Member of Parliament: Hon. (Ms.) Joyce Emanikor

Contribution she made on: Motion on Establishment of Policy on Alcohol and Drug Abuse Rehabilitation

Hon. Speaker, I beg to give notice of the following Motion:-

THAT, aware that the use of illicit alcohol and abuse of drugs has reached alarming levels and caused untold suffering to individuals and families throughout the country; further aware that consumption of illicit brew has claimed over 7,000 lives in the last four years; alarmed that the long term impact is detrimental to the socio-economic development of the state; concerned that most rehabilitation centres are in private hands and thus quite expensive for the common Kenyan to afford, particularly the recovering former alcoholics who have benefitted from the recent crackdowns on illicit brews; noting that there is no specific policy that ensures that victims are offered affordable and accessible psychosocial support, rehabilitation and treatment for addiction; this House resolves that the Government immediately establishes a policy that would promote regional level public rehabilitation facilities accessible to both urban and rural citizens.

DATE: 9th August 2016

Member of Parliament: Hon. (Ms.) Amina Abdalla

Contribution she made on: Approval of the Mediated Version of the Water Bill, 2015

Hon. Speaker, I beg to move the following Motion:-

THAT, pursuant to the provisions of Article 113(2) of the Constitution and Standing Order No.150, this House adopts the Report of the Mediation Committee on the Water Bill (National Assembly Bill No.8 of 2014), laid on the Table of the House on Thursday, 28th July 2016, and approves the Mediated Version of the Water Bill (National Assembly Bill No.8 of 2014). This House passed the Water Bill on 7th July, 2015, after which the Senate passed the same with amendments on 31st March, 2016. The Committee of the National Assembly considered the Senate’s amendments to the Bill on 7th June, 2016 and disagreed with the Senate on certain clauses. A Mediation Committee was established and mediation took place on 22nd July, 2016. The following are the decisions that have been agreed to with regard to the contentious clause: The
first contentious clause was the fact that the Senate had added a definition to the word “wetlands” yet that word does not appear in the Bill. As a Mediation Committee, we have agreed not to have the word “wetlands” defined in the Bill.

Secondly, on Clause 8, the Mediation Committee agreed that water for domestic use should be given priority under water works.

In Clause 8(b), the Mediation Committee agreed with the National Assembly that the review of the water strategy should remain at every three years and the overall change at every five years. The Mediation Committee also agreed with the National Assembly that the powers to make regulations should remain with the Cabinet Secretary as stipulated in Clause 140 of the Bill.

In Clause 64, the National Assembly agreed and expanded the proposals from the Senate that members of the board of water works agencies should come from the basin that the water work is located.

In Clause 75, we disagreed with the Senate on forming monopolies of water services providers. The mediated version is that every county should establish as many water services providers as they wish.

In Clause 102, the Mediation Committee agreed with the National Assembly that we should not replace the word “licensee” with the word “water user” because it would prejudice the rights of the licensee.

In Clause 114, the Mediation Committee noted and agreed with the Senate. The Committee only added the words “registered community organisation”. This is the clause that stipulates who the Water Trust Fund can loan money to. In the past, the loanees disappeared because they were not registered community groups. This version ensures that any group that is lent money by the Water Trust Fund is a registered community group so that the organisation does not lose money.

Hon. Speaker, I am very happy and proud of the mediated version of Clause 115. This is the clause in which the Senate had declined to have the Equalisation Fund and the county governments contributing to projects that are implemented by the Water Trust Fund. The mediated version retains that the Equalisation Fund money and county government money can be used to do joint ventures in the respective counties but with a rider that it can only be done when it has been only agreed between the respective recipient county or constituency that is to receive the Equalisation Fund. I am truly happy about this mediated version. Those were the contentious clauses and we finally agreed on everything. This is going to be the mediated version of the Bill. If passed today by my colleagues, it will be signed by the President.

I therefore, ask Hon. Njogu Barua who was the other Member of the Mediation Committee to second.

DATE: 9th August 2016

Member of Parliament: Hon. (Ms.) Joyce Emanikor

Contribution she made on: Approval of the Mediated Version of the Water Bill, 2015

Thank you, Hon. Speaker. I rise to support the mediated version of the Water Bill, 2015. As a Member of the Committee, I understand how widely consultative the process was. The
mediation has synchronised the Bill with the Constitution. It is a long awaited Bill which has taken close to two years. There is a lot of anxiety in the water industry among the stakeholders, the Ministry and other people. We are happy that we are finally there.

DATE: 9th August 2016

Member of Parliament: Hon. (Ms.) Amina Abdalla

Contribution she made on: Approval of the Mediated Version of the Water Bill, 2015

Thank you, Hon. Speaker.
I thank all my colleagues who supported this mediated version of the Water Bill. The process that this Bill has gone through is such that devolution has been very well respected. Even the institutions you could have had doubts on have been really streamlined to ensure that we respect the fact that water services and sanitation have been devolved.
I take this opportunity to thank your office for the support it has given to my committee on this by providing us with technical assistance. I would like to thank the Ministry of Environment, Water and Natural Resources and its former Cabinet Secretary, Prof. Judy Wakhungu. Let me also thank the current Cabinet Secretary and his team for all the support offered, I am really happy today.

DATE: 9th August 2016

Member of Parliament: Hon. (Ms.) T.G. Ali

Contribution she made on: THE PETROLEUM (EXPLORATION, DEVELOPMENT AND PRODUCTION) BILL

Thank you, Hon. Speaker. I also stand to support the Bill. The Bill on petroleum exploration and development is very important. I would also want to thank the Senate for their input.
Exploration of oil in this country is the in-thing now because there is quite a lot of information that many parts of this country have some petroleum deposits. It is important that we have a legislation that will ensure Kenyans benefit.
I stand to support.

DATE: 9th August 2016

Member of Parliament: Hon. (Ms.) Gathecha

Contribution she made on: In the Committee: Consideration of the Senate Amendments to Petroleum (Exploration, Development And Production) Bill

Thank you, Hon. Temporary Deputy Chairlady. I rise to support the amendment. It is streamlining and simplifying the Bill to ensure that there is no confusion. I support.
DATE: 9th August 2016

Member of Parliament: Hon. (Ms.) Joyce Emanikor

Contribution she made on: In the Committee: Consideration of the Senate Amendments to Petroleum (Exploration, Development and Production) Bill

Thank you, Hon. Temporary Deputy Chairlady. I rise to support the amendment because the addition enriches the clause.

DATE: 9th August 2016

Member of Parliament: Hon. (Ms.) Munene

Contribution she made on: In the Committee: Consideration of the Senate Amendments to Petroleum (Exploration, Development and Production) Bill

Hon. Temporary Deputy Chairlady, I rise to support and agree with what the Committee has recommended because we know what is happening in this country.

DATE: 9th August 2016

Member of Parliament: Hon. (Ms.) Mitaru

Contribution she made on: In the Committee: Consideration of the Senate Amendments to Petroleum (Exploration, Development and Production) Bill

Hon. Temporary Deputy Chairlady, I thank you for recognizing me. I support this amendment because our nation needs this law in order to help counties, families and children. Therefore, we need to support it.

DATE: 9th August 2016

Member of Parliament: Hon. (Ms.) Joyce Emanikor

Contribution she made on: In the Committee: Consideration of the Senate Amendments to Petroleum (Exploration, Development and Production) Bill

Hon. Temporary Deputy Chairlady, I want to join the Chair in rejecting the representation from KEPSA. I am wondering what will happen to the representation from the institution of higher learning. I seek clarification from the Chair.
Contribution she made on: In the Committee: Consideration of the Senate Amendments to Petroleum (Exploration, Development and Production) Bill

I support the Committee in rejecting the amendment because it is not clear.

DATE: 9th August 2016

Member of Parliament: Hon. (Ms.) Muia

Contribution she made on: In the Committee: Consideration of the Senate Amendments to Petroleum (Exploration, Development and Production) Bill

I support the Committee.

DATE: 9th August 2016

Member of Parliament: Hon. (Ms.) Joyce Emanikor

Contribution she made on: In the Committee: Consideration of the Senate Amendments to Petroleum (Exploration, Development and Production) Bill

Thank you, Hon. Temporary Deputy Chairlady. I concur.

DATE: 9th August 2016

Member of Parliament: Hon. (Ms.) Muia

Contribution she made on: In the Committee: Consideration of the Senate Amendments to Petroleum (Exploration, Development and Production) Bill

I do not have a different opinion. I rise to support this amendment because of public participation.

DATE: 9th August 2016

Member of Parliament: Hon. (Ms.) Munene

Contribution she made on: In the Committee: Consideration of the Senate Amendments to Petroleum (Exploration, Development and Production) Bill

Hon. Temporary Deputy Chairlady, I would like to support the amendment. It is good because our people will not get sick because of pollution.

REPORT AND THIRD READING
DATE: 9th August 2016

Member of Parliament: Hon. (Ms.) Jessica Mbalu

Contribution she made on: Senate Amendments to Petroleum (Exploration, Development and Production) Bill

Hon. Speaker, I beg to report that a Committee of the whole House has considered the Senate Amendments to the Petroleum (Exploration, Development and Production) Bill (National Assembly Bill No.44 of 2015) and approved the same with amendments.

DATE: 9th August 2016

Member of Parliament: Hon. (Ms.) Joyce Emanikor

Contribution she made on: Senate Amendments to Petroleum (Exploration, Development and Production) Bill

Thank you, Hon. Temporary Deputy Speaker. We agreed with most Senate amendments because they added value in terms of aligning the Bill to the Constitution, access to information, improving areas on public participation and local content. The amendments seek to tame unscrupulous contractors who would otherwise abuse the provisions that were there before. The emotive issue of compensation has been dealt with well.

DATE: 9th August 2016

Member of Parliament: Hon. (Ms.) Joyce Emanikor

Contribution she made on: The Proceeds of Crime and Anti-Money Laundering (Amendment) Bill- Second Reading

Thank you, Hon. Temporary Deputy Speaker. I rise to support this Bill. It is long overdue. This country is suffering in terms of losing a lot of money through corrupt deals. We need to fast-track this Bill in order to salvage what we can. The Bill has created the Anti-Money Laundering Advisory Board in Clause 49 and the Financial Reporting Centre in Clause 21. The mandate of the Anti-Money Laundering Advisory Board is to analyse suspect transactions, monitor and regulate the cash flow. They have also been given the ability to confiscate and impose penalties, compile statistics and maintain databases and publish the information where it is needed. They will generally deal with non-compliance with the law on money laundering and other related crimes. We know very well that through corruption and fraud, many public servants in Kenya have a lot of ill-gotten money. Some of this money has been siphoned out of Kenya and some is hidden in people’s houses. People have dug big safes in their houses to put stolen money. Public servants have acquired a lot of assets within no time. Through devolution, public servants have acquired a lot of assets in less than three years in the counties. A lot of money is being transported by
road and there are no checks. It is also being put in banks without any suspicion. I am happy that this Bill will take care of this. The Financial Reporting Centre can send information to law enforcers, intelligence agencies and supervisory agencies on the same.

What worries Kenyans and what has frustrated them is the fact that these criminals in money laundering and other crimes have taken advantage of corrupt individuals in the agencies which have been tasked by the Government to enforce the law. They have taken advantage of corrupt investigators. This has greatly frustrated Kenyans who know what is happening yet they feel helpless. Reports are taken to these agencies and nothing is done. This is happening because corruption has permeated all these areas. The penalty for failure to comply or giving false information and obstructing inspection should be higher than what we have in the Bill. The Bill provides for either three years imprisonment or a Kshs1 million fine or both, for individuals and Kshs5 million for corporate entities. These penalties should be 10 times more because we are talking of people who are already handling billions of shillings.

With those few remarks, I wish to support this Bill.

DATE: 9th August 2016

Member of Parliament: Hon. (Ms.) Wanyama

Contribution she made on: The Proceeds of Crime and Anti-Money Laundering (Amendment) Bill- Second Reading

Asante Mhe. Naibu Spika wa Muda kwa kunipatia nafasi hii ili nichangie Mswada huu utioletwa na Mhe. Duale.

Kama wanenaji wa kwanza walivyosema, ni kweli kuna ufisadi katika nchi yetu. Watu wanachukua pesa za umma na kufanya mambo ya kuwafaidi wenyewe. Utakuta mtu ameajirwa leo na kesho amenunua nyumba kubwa ama gari la kifahari. Mswada huu utatusaidia kurekebisha baadhi ya mambo ya baadhi ya kifahari kama hivyo.


Tunahitaji kuwa nata maana wanafundisha pesa wanatafuta mahali pa kujificha. Ile adhabu inewekwa haijifichaji. Juu, mwana muziki, Koffi Olomide, alipomzaba mtu makofi alifukuzwa. Tunafaa adhabu kubwa kwa wale ambao wanaipa pesa za umma ili watu wajue kwamba wakionyesha kitendo kama hicho, watapatikana na mkono wa sheria.

Kwa hayo machache, ninaunga mkono Mswada huu.

DATE: 10th August 2016

Member of Parliament: Hon. (Ms.) Chae

Contribution she made on: The Public Benefits Organisations (Amendment) Bill - Second Reading

Thank you, Hon. Deputy Speaker, for giving me the opportunity to support the Public Benefits Organisations (Amendment) Bill that has been brought by Hon. Neto. This Bill is going to do a lot bearing in mind that we all realise what the sector does for Kenyans. It is a sector that has actually promoted social welfare of the people of Kenya and has improved the conditions and the quality of lives of Kenyans.

The sector has employed very many people and handles a lot of money. This means that it has to be regulated and streamlined. It is a sector that needs to be clear to every Kenyan so that we can all engage in all these activities to grow socially, be socially active and be felt.

If all of us support this amendment Bill, we will see transparency and accountability. There will be no NGO operating without the public knowing what it does. This is bearing in mind that we have very many handbag NGOs that people do not know what they do in our country. If this Bill gets operationalized, it will be easy to know what each NGO, Community Based Organisations (CBOs) and other sectors do so that we can create harmony. Instead of duplicating roles, we will appreciate and complement each other so that we grow together as a sector and as a country.

This Bill was passed in 2013 and up to now it is not in operation. Very many things are at stake because people are not sure of what they are supposed to do. This will enhance the formation, operation and the growth of the Public Benefits Organisations (PBOs). These institutions have the framework within which they are supposed to perform or conduct their affairs so that we know what they are doing.

The legal regulatory systems will ensure that they have strengthened the civil society which will promote the social welfare and improve the standards of living of the people within which these organisations work. To delay this Bill is to delay maintaining the high standards that are needed for effective self-regulation of this sector. If we need them to be compliant, we need to ensure that all the legal obligations are in place and are working. Imagine the only thing that is required of the Cabinet Secretary is just gazettement; to gazette and ensure all things are in place. It has to be operational within 14 days and we will be happy with the knowledge of what the NGOs are doing. This will promote the spirit of co-operation and shared responsibility within the Government, the donor community and other interested persons in their dealings with the PBOs.
Hon. Deputy Speaker, it is high time we all ensured that this works because it has come a long way from 2013. Remember that there are other Acts of Parliament that have been passed and are lying on the shelves. This should be a wakeup call to all Cabinet Secretaries (CSs) who have been given the mandate to ensure that what has been passed by Parliament should be implemented immediately. The way forward should be for the Committee on Implementation, through a framework, to ensure that we make a follow up of all the Acts to make them operational in order to assist our people.

**DATE:** 10th August 2016

**Member of Parliament:** Hon. (Ms.) Sunjeev Birdi

**Contribution she made on:** The Public Benefits Organisations (Amendment) Bill- Second Reading

Thank you for giving me this opportunity, Hon. Temporary Deputy Speaker.

At the outset, I would like to thank Hon. Neto for bringing this Bill. Let me say that prior to my joining the field of politics, I was very much present and vibrant in philanthropy. One of the questions that came into my mind many times was, why is poverty a “hole”? In my opinion, the term “poverty” is where people or organisations will keep on putting money. So, it was very beautiful to see that whenever one kept on giving to the society, things used to get lost. In some cases, some people actually become used to being given and they take it for granted. They take it as their right to be given. So, giving and receiving were being abused. It was very painful for me to recognise that at that point in time. So, I applaud Hon. Neto for bringing this amendment. It is a pity that we have had to wait for too long but they say better late than never. As it stands today, Parliament is correcting the requirements that are needed very desperately in our economy today.

We have to recognise that PBOs, like NGOs, play a very important role in supporting the economy and legislation is important. It is important to note the depth within which these NGOs conduct their business because some of them run programmes abroad. They send misbehaving children from abroad to countries like Kenya. They come here and learn the lifestyles of poor people so that they can give back to society. They learn something and go back. There is a vital role that NGOs play and this Bill is for their benefit. I applaud it once again.

The role that the NGOs play is actually a shared responsibility between the Government and other people as a whole. Philanthropists like Dr. Manu Chandaria, who is very well known, will be very happy today to see the passage of this Bill being fast-tracked. He would also like it to be streamlined so that business can go on as usual. If the input of NGOs is in excess of Kshs100 billion, it is very important for such a sector to be regulated because we know one person’s gain can be another person’s disadvantage. We do not want people to be disadvantaged because we stand for the benefit of the people.

With those many remarks, I support the Public Benefits Organisations (Amendment) Bill.

**DATE:** 10th August 2016
Member of Parliament: Hon. (Ms.) T.G. Ali

Contribution she made on: The Public Benefits Organisations (Amendment) Bill- Second Reading

Thank you, Hon. Temporary Deputy Speaker. I have just been informed that the reason why the Act was not operationalised was because the substantive and comprehensive amendment that is pending before our Committee has not been disposed of. There was the issue of diplomats, NGOs, communities and other interested parties who said they have not been consulted on this Bill. There are a number of issues that need to be amended. So, that is pending before our Committee. I urge, if it is possible that we fast-track it and ensure that we bring it so that before it is operationalised, we address the interests of all the people who are concerned in this matter.

DATE: 10th August 2016

Member of Parliament: Hon. (Ms.) T.G. Ali

Contribution she made on: The Public Benefits Organisations (Amendment) Bill- Second Reading

Thank you, Hon. Temporary Deputy Speaker. I am only informing the House that we have substantive amendments that are coming. At whatever point they come in, it is important that this House knows that we have those amendments.

DATE: 10th August 2016

Member of Parliament: Hon. (Ms.) Gatheca

Contribution she made on: The Public Benefits Organisations (Amendment) Bill- Second Reading

Thank you, Hon. Temporary Deputy Speaker. I rise to support the Public Benefits Organisations (Amendment) Bill. We are fully aware of the good work that is being done by NGOs especially in areas where Ministries are not able to channel development to the local community.

We have seen many projects such as schools and in the area of water being done by NGOs. These projects have significantly benefited the local communities. This Bill, as presented will limit many direct benefits to local communities through a proposal that the Ministry should handle the implementation. We are aware that there are some areas which are inaccessible. The work that is done by the NGOs significantly benefit the local communities and their priorities may not necessarily be those identified.

In the interest of ensuring that benefits continue to accrue to communities, I will introduce some amendments at the Committee stage. This will ensure that at whatever level, we understand the impact and the role that was played by some NGOs in the last elections by showing their support to certain political parties. It is important that at the end of the day, we
are able to recognise the importance of ensuring that the people in areas that are not accessible and are of special interest are also funded by NGOs. It may be important to adjust certain areas to ensure that the benefits worked out are only in the interest of the public and not political.
I support, Hon. Temporary Deputy Speaker.

DATE: 10th August 2016

Member of Parliament: Hon. (Ms.) Grace Kiptui

Contribution she made on: The Public Benefits Organisations (Amendment) Bill- Second Reading

Thank you, Hon. Temporary Deputy Speaker. I rise to also support this Bill. It is important that we value and recognise the efforts of non-State actors. Normally, for the success of a country, there is room for the Government and the civil society or non-State actors. When this Bill is signed into law, it will help in regulating the relationship between the Government and non-State actors. We recognise the immense contribution that non-State actors make in the development of our nation.

Indeed, both the Government and non-State actors serve the citizens of this country. However, there is need for close scrutiny of who the Government allows to go into the societies and do whatever activities they want to do. We have seen in the recent past non-State actors related to religious institutions or bodies sometimes going out of their way and engaging in activities that are injurious to the country. My call is that we need to license and monitor people we allow to go to the countryside and engage with the people, considering the fact that most of the rural folk may not be aware. They may not be on the lookout. They may consume wholesomely whatever information that those bodies bring, especially where money is involved. They may be lured to accept everything and such activities may not be conducive or progressive to the nation.

One time I went to Morocco with the Departmental Committee on Administration and National Security and we realised that in that country, the King is in charge of all the faithful. He has been given the mandate to scrutinise the literature of religious bodies in that country. He is the one who knows the religious leaders that are released into the community and they occasionally meet to ensure that, especially in this time and age of radicalisation, not everybody just goes into the community and tries to pass some information that may be injurious to the nation. So, we also need to be very careful. We need to scrutinise their activities in a way that we do not limit their freedom to contribute to the wellbeing of the nation. At the same time, we need to be very cautious on issues of security.

Thank you, Hon. Temporary Deputy Speaker.

DATE: 10th August 2016

Member of Parliament: Hon. (Ms.) Joyce Emanikor

Contribution she made on: The Public Benefits Organisations (Amendment) Bill- Second Reading
Thank you, Hon. Temporary Deputy Speaker. I rise to support this Bill and to thank Hon. Neto for actually thinking of a way to operationalise the Bill that we passed three years ago. It was an emotive Bill and many people were waiting to see it in force.

Hon. Temporary Deputy Speaker, operationalisation of this Bill is very important and if we were just waiting for the whims of the Cabinet Secretary (CS), then we are doing a disservice to the people of Kenya knowing very well how much work the BPOs have done.

When I grew up as a small girl in Turkana, we knew NGOs as our Government; actually NGOs and the church because of the work that they were doing. It is only later on that I learnt that NGOs were only complementing the work of the Government and actually bringing extra and additional resources that the Government so badly needs, including food security, water, security and even currently governance and accountability policy work and advocacy. It is a lot of work. In Kenya, we know how much work the PBOs have done in terms of social and political reforms in this country. We are talking of genuine checks and balances for the Government. Their work also serves very well as a gauge for democracy for this country.

With those few remarks, I support this Bill. I am really looking forward to the operationalisation of the Act.

DATE: 10th August 2016

Member of Parliament: Hon. (Ms.) Otucho

Contribution she made on: The Public Benefits Organisations (Amendment) Bill- Second Reading

Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. I also want to join my colleagues to congratulate the Hon. Member for bringing this Bill.

It is a very straightforward Bill. We have had issues with implementation of laws and legislation. We cannot leave it to the whims of the Cabinet Secretary (CS) to decide when such an important and critical Bill should be implemented, when we know and appreciate the work that the NGOs are doing in this country. The object and purpose of the Public Benefits Organisations (PBO) Act was to encourage and support the work of those organizations as they meet the diverse needs of the people of Kenya. Just yesterday, I spoke to an official from one of the NGOs which is providing water in one of the areas in Teso South Constituency. I was very happy. They just needed some support towards community contribution.

This is a very critical Bill. It is very timely. We should all support it. The provisions of that Bill should be implemented immediately so that we provide a conducive working environment for the PBO sector to grow and expand. We need to provide the administrative and legislative framework to enable them to carry out their activities. They are very important to this country and are reaching out to the most needy and vulnerable as already mentioned by one of my colleagues. I support this Bill.

DATE: 10th August 2016
Member of Parliament: Hon. (Ms.) Mary Seneta

Contribution she made on: The Public Benefits Organisations (Amendment) Bill- Second Reading

Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to also support this important Bill.

At the outset, I was once an employee of one of the organisations in my county and so, I have been mentored by the NGOs. Many organisations work round the clock to ensure that many of our communities get the services that they may not get through our inadequate Government allocations. They also complement Government resources. Therefore, there is need to support this Bill which gives a framework of how they should also work.

Many of those public organizations or NGOs also support our counties quite a lot in terms of resources. They also bring the community together especially when they are looking for community cost-sharing projects. They bring our communities together. They also help in terms of capacity building, especially for women. They do quite a lot in terms of women empowerment and also in the fight for human rights. It is high time that we create a conducive environment for them so that they can also work within a certain framework. I also support the fact that they should be regulated or have a framework which they can work on so that they can also have a regulated system.

I support this Bill and urge that it is implemented as proposed by our colleague, Hon. Neto.

DATE: 10th August 2016

Member of Parliament: Hon. (Ms.) Grace Kiptui

Contribution she made on: Motion on Deployment of Chaplains to Learning Institutions

Thank you, Hon. Temporary Deputy Speaker.

Despite the fact that the Mover was not here, I have the side of this Motion. To me, I cannot see how we can say having a chaplain in a school is expensive. Look at the converse of that. Recently, when we came face to face with the burning of schools by students, some of the reasons were that parents no longer have enough time to bring up kids. They are very busy trying to look for economic strength to send them to school, clothe them, and feed them and all that. That is so much so that there must be somebody else in the society who can pay attention to challenges those young people are facing. I read a lot in the newspaper. It was clear that the young people of now are very fragile. When they get challenges and there is nobody they can turn to, we have witnessed even cases of suicide like in the universities where some students used school fees to gamble. When they realised they had no money, were there someone they could turn to and relate the story, maybe, they would have been counselled.

Chaplains are very key in such institutions because those are people who are learned in human psychology. The human brain is very delicate. It can be twisted to whichever direction by people who have studied human psychology.
Children who are in boarding schools are very far from their homes. When they have challenges like disciplinary issues or where they feel the administration is not giving them enough room to express themselves, maybe, they would turn to chaplains in the schools.

When we talk of issues of spiritual matters, we cannot divorce spiritual matters with learning. Those are people who are growing. They need to be complemented so much so that they become holistic in their studies. We know, for sure, academics are not enough to bring out an all rounded human being.

To me, this is something we cannot compromise on as a nation, unless we do not care about our tomorrow. We should do those things for posterity. That is so that we have well rounded people to whom we can turn over the running of our nation in the days to come.

If the burning schools is anything to go by, there must be some lack of backbone for our young people to be able to say: “This is wrong. We should not do it”. Why is it that it is so easy for someone to influence them that easily for them to do so much destruction and yet, they know they will need the classes tomorrow and other people who will be born tomorrow will need the same classes? There is something about their conscience which is not right. We need to beef it up so that we have human beings who are scared of doing evil and people who can even report when someone is planning something which is not good. When the chaplains are there, they can trust them more than the teachers. The teachers are administrators. Those other guy is able to talk to them in a way that is not like when the teachers are talking to them. Most of those students fear the teachers, in any case. They are friendlier to the chaplains.

I propose and support that every institution should have a chaplain because of the nature of our country at the moment.

When I was in school, we had one. I know the benefits that one gets when there is a chaplain. They help a lot especially where there is lack of parental guidance. Some children have difficulties relating with their parents. Where do they turn to? They cannot go to the teacher. If they hold those issues, they will burst. So, it is better to have an outlet where they are able to communicate.

Thank you.

DATE: 10th August 2016

Member of Parliament: Hon. (Ms.) Keraa

Contribution she made on: Motion on Deployment of Chaplains to Learning Institutions

Thank you, Hon. Temporary Deputy Speaker. I rise to support this Motion. Deployment of chaplains in learning institutions is in order because in schools, children cannot only rely on academics. They also need spiritual nourishment. I thank the owner of this Motion. At this time when schools are being burnt, we need those chaplains to give our students and pupils in primary, secondary schools and in higher learning institutions spiritual nourishment because without them, the teachers alone cannot curb radicalisation and drug use in school.

Those in boarding schools are away from their parents and the teachers only go to class when they have lessons. We hope chaplains will help us to instil moral values to those students. The
Government should put a budget in place so that they can be considered in payment. There are those small schools which cannot afford to pay the chaplains. The Government should come in and pay them so that our children can grow up morally in schools. I support this Motion.

DATE: 10th August 2016

Member of Parliament: Hon. (Ms.) Otucho

Contribution she made on: Motion on Deployment of Chaplains to Learning Institutions

Hon. Temporary Deputy Speaker, I beg to lay the following Paper on the Table of the House today:-
Report of the Departmental Committee on Information, Communication and Technology on its consideration of the Senate Amendments to the Access to Information Bill, 2015

DATE: 10th August 2016

Member of Parliament: Hon. (Ms.) Amina Abdalla

Contribution she made on: Rehabilitation of Kakamega Airstrip

Thank you, Hon. Speaker. I wish to comment on this very important Petition by Hon. Shinali. The Departmental Committee on Environmental and Natural Resources was in Kakamega last Friday. We had to fly to Kisumu and then drive to Kakamega. Those of us who used the airstrip to overfly the Kakamega Forest can tell you that it requires a plane. We used a small Cessna plane. We had to go round so that it could fly out because that airstrip is very short. In fact, the tourism sector is highly affected by lack of a reliable airstrip in that region. There are very beautiful retreat sights in Kakamega Forest, which is the only rain forest in Kenya. The repair of that airstrip will go a long way to help that region get commercial planes to land in Kakamega. I look forward to the report from the Committee on this very important airstrip.

DATE: 10th August 2016

Member of Parliament: Hon. (Ms.) Amina Abdalla

Contribution she made on: Status Report on Business Pending Before The Committee on Environment and Natural Resources

Thank you, Hon. Speaker. I will speak on the business pending before the Committee as of 10th August, 2016. There are six petitions. The Petition by Hon. Abdullahi Diriye, MP, on behalf of the residents of Ewaso Nyiro North catchment area is with regard to the management of River Ewaso Nyiro by the Water Resource Management Authority. We have concluded the report and it is awaiting adoption.
The Petition by Hon. Ahmed Ibrahim Abass, MP, on behalf of the residents of Ijara Constituency is with regard to irregular gazettement of Boni-Ijara Forest. The Committee undertook a field visit from 28th to 30th July, 2016 and the report is being considered by the Committee.

The Petition by Hon. Silverse Anami, MP, on behalf of the residents of Kakamega County is on deforestation of Kakamega Rain Forest. The Committee undertook a field visit last Friday and the report is being concluded.

The Petition by Hon. Francis Mwangangi, MP, on behalf of the residents of Yatta Constituency is with regard to pollution in River Athi. The Committee had scheduled to visit the area this Friday but the area Member of Parliament has requested a postponement.

The Petition by Hon. Sara Korere, MP, is with regard to human-wildlife conflict in Laikipia North Sub-county. A field visit is scheduled between 2nd and 4th September, 2016.

The Petition by Hon. Andrew Mwadime, MP, on behalf of the residents of Mwatate Constituency is with regard to illegal grazing in Tsavo West National Park and human-wildlife conflict. This Petition is under consideration and the Committee intends to schedule a meeting with the Petitioner.

On Bills, the Hydrologists Bill, 2016 is under consideration by the committee while the following Bills were referred to the Mediation Committee on 3rd August, 2016. The Committee scheduled to have its first sitting on Thursday, 11th August, 2016 to consider the Forest Conservation and Management Bill, 2015 and the Natural Resources (Classes of Transactions Subject to Ratification) Bill, National Assembly Bill No.54 of 2015.

I am happy to report that this House passed the mediated version of the Water Bill this morning. That is all the business that is before us.

**Committee of the Whole House**

**DATE: 10th August 2016**

**Member of Parliament: Hon. (Ms.) Rachel Nyamai**

**Contribution she made on: Consideration of the Senate Amendments to the Energy Bill**

Thank you, Hon. Temporary Deputy Chairman. This amendment is a bit ambiguous because it says that two persons shall be nominated by the organisation representing the largest number of persons. Which organisation will this be? It is a vague amendment. I want to agree with the Committee that this amendment is not clear. It does not tell which organisation it is going to be. Is it a company or, what kind of an institution is it? It is likely to be discriminative.

**DATE: 10th August 2016**

**Member of Parliament: Hon. (Ms.) Sunjeev Birdi**

**Contribution she made on: The Bribery Bill- Second Reading**
Thank you very much, Hon. Temporary Deputy Speaker, for giving me this chance to contribute to one of the most significant Bills that this Parliament will have passed. I would like to start by saying that I am a Member of APNEC Kenya. It is a parliamentary committee that is spearheading parliamentarians who are against corruption.

This Bill is long overdue. A point to be noted is that this Bill is seriously being supported by the Kenya Private Sector Alliance which heads the private sector. So, it is important to note that there is goodwill both from the Government and from the private sector. That is the good side. What we have to note is that we have had to go an extra mile to curb corruption, especially in the private sector. It is deemed that if somebody wants to get something done, he has to “warm somebody’s pockets”. So, fingers are pointed at the people who give bribes, in this case, the private sector.

When we talk about the private sector, we also include multi-national companies. We want to ascertain that people in the top-most leadership of those multi-nationals or the private sector are held liable. We are trying to say that the king is equally liable as the servant. This is a very important thing. You cannot just expect the king to give orders and the servant not to listen. Everybody is going to sing the same song. While everybody is singing the same song, we expect equal responsibility as far as giving or taking a bribe is concerned. That is why I applaud the section of the Bill which says that there is duty of reporting bribery within 24 hours. We are saying that people should report cases of bribery as soon as possible.

Clause 10(2) of the Bill says that it shall be mandatory for a private entity to prove that it has put in place adequate procedures designed to prevent bribery. There is a very thin line between bribery and stealing. That is why you find that these two terms have been used so often this afternoon in Parliament but, you will find that the stark difference is that when a person is called corrupt, the person will have a smile on his face. He will not feel so bad but when he is called a thief, he will feel that something is wrong and he will actually be demeaned in society. This general tendency in society where people feel that it is okay to be called corrupt should be laid plainly and simply and everybody should know that being corrupt is actually not a good thing. It is a serious and grave crime.

This Bill is long overdue. I would like to complete by giving a historical quote: “It is to be regretted that the rich and powerful too often bear the acts of Government to their own selfish purposes”. It is very sad to say that it is only the rich who are corrupt. It is unfortunate that it has always been deemed that way. I hope and pray that this Bill brings to light the perpetrators involved in skinning our country and doing terrible things that have been going on so far. With those many remarks, let me say that when this Bill first came into being, I was one of the most excited people because I thought it was high time that these issues were addressed. I feel that if taking a bribe is a crime, giving a bribe is equally sinful and a crime.

Thank you. I support.

DATE: 10th August 2016

Member of Parliament: Hon. (Ms.) Juma

Contribution she made on: The Bribery Bill- Second Reading

Kandarasi katika Serikali Kuu na serikali za kaunti hazipeanwi inavyotakikana kisheria. Ni mpaka watu watoe hongo ndio kandarasi zao ziangaliwe na wakubali kugawanya senti na maafisa wa Serikali.

DATE: 10th August 2016
Member of Parliament: Hon. (Ms.) Keraa

Contribution she made on: The Bribery Bill - Second Reading

Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to also contribute to this important Bill about bribery.

Bribery and corruption have paralysed this country very much. When you go to hospitals, you do not get free services. You must give something to get services quickly. When you are on the road, sometimes you overspeed and you have to give something to the police to be let free. I support this Bill very much. Measures should be put in place to prevent bribery. This Bill provides for the giver to be penalised, although sometimes, one is forced to do so. For example, you may be looking for a passport and there is no way out, but to give something. We have to put it here that if you are forced to bribe, then you have to report this to the authorities, so that they know that you were forced to do so.

We have many forms of bribery one being in employment. For example, in our counties, there are very many job opportunities, but you cannot get them for free. Most people in the counties have sold their land to secure jobs in the county. This is a problem which we need to solve and prevent.

I support this Bill.

DATE: 10th August 2016

Member of Parliament: Hon. (Ms.) Muhia

Contribution she made on: The Bribery Bill - Second Reading

Thank you, Hon. Temporary Deputy Speaker. I will take a shorter time than my colleague because this is a Bill that every Member wants to contribute to.

I come from a school of thought where I feel we may not succeed by making and attempting to implement all these laws. I am in the school of thought with Hon. Kang’ata that until the day we shall hang somebody and celebrate that the person has been hanged and gone to live with the creator either in hell or heaven, we will not succeed in the fight against corruption. That is the only time we shall succeed in this war against corruption. Corruption has become a societal problem. It has gone a notch higher and spread to our children. They are cheating in examinations because they believe if they do so, they will succeed. Today, young people believe that they can only be rich and make money very easily through corruption.

We have a problem with the EACC. When a corrupt person is summoned by the EACC, he or she is escorted by boda bodas and women dancing. It is like we celebrate corruption in this country. We only need one law. May be we should merge all the laws and mete out punishment that befits the crime. When people steal billion of shillings from our public coffers, our roads and hospitals cannot be constructed.

Last year, we engaged in the fight against illicit brew. Most of the alcohol that we poured out was very well labelled and stamped and bore the Kenya Bureau of Standards (KEBS) stamp yet
our young men and women were dying from these illicit brews. Corruption will not end soon unless we properly deal with it.

We need to take very serious action to aid institutions of higher learning. We have seen the media sometimes pointing out some institutions which are endangering our lives. You find a school of aviation training students in engineering and aviation. How will they qualify as pilots from such institutions? How have these institutions acquired their licences? I witnessed in one prestigious hospital here in Nairobi a qualified graduate doctor struggling to identify the vein in a baby. These are students who have cheated in examinations and are assumed to have passed these examinations. There is lack of respect for the rule of law in our country which we need to condemn strongly until the condemnation becomes a reality.

With those few remarks, I support the Bill, but we need to propose very radical amendments during the Committee of the whole House stage. I hope I have left some few minutes for my good colleagues.

PAPERS LAID

DATE: 11th August 2016

Member of Parliament: Hon. (Ms.) Rachel Nyamai

Contribution she made on: Papers Laid

Hon. Speaker, I beg to lay the following Paper on the Table of the House today Thursday, 11th August 2016: -
The Report of the Departmental Committee on Health on its consideration of the Petition regarding alleged irregularities at Medanta Africare Groups of Hospitals, a private health facility.

Hon. Speaker, I would like to make a few comments on this matter as we have been guided.

DATE: 11th August 2016

Member of Parliament: Hon. (Ms.) Rachel Nyamai

Contribution she made on: Papers Laid

I stand guided, Hon. Speaker.

DATE: 11th August 2016

Member of Parliament: Hon. (Ms.) Amina Abdalla

Contribution she made on: Human-Wildlife Conflict In Meru County
Thank you, Hon. Speaker. The petition I am reporting on is by Hon. Florence Kajuju on behalf of the residents of Meru County regarding human-wildlife conflict in Meru County. The Report was laid on the Table of the House on 21st July, 2016.

The Petitioners’ prayers were as follows:-
Recommend the erection of an electric fence covering the entire park and provision of additional forest stations and wardens.
Recommend that the Ministry of Environment and Natural Resources puts in place mechanisms to ensure human-wildlife conflict ceases forthwith.
Recommend the qualification and compensation of victims of human-wildlife conflict and such other affected persons and/or families and properties as a result of damage suffered due to the massive destruction of homes, crops and loss of life.
Make any other directions or consideration that fits in the circumstances.

In considering the Petition, the Committee held a meeting with the petitioner, Hon. (Ms.) Kajuju on 28th April 2016 and also undertook a field visit to Meru County between 26th and 28th May, 2016.

The following are the observations that the Committee made:-
There is need to put up a permanent electric fence as attacks by wildlife has caused immense destruction.
The leadership in the human-wildlife conflict hotspot areas has, through the CDF, allocated funds towards fencing while the residents have provided labour towards the cost.
The claims for compensation have been forwarded to the Ministry of Environment and Natural Resources. However, no compensation has been done since January 2015 and the time when we went there.

Our recommendations on this Petition are as follows:-
The Kenya Wildlife service should include in its budget Kshs100 million to complete the remaining 34-kilometre stretch that remains unfenced. Hence, the Agency should consider engaging community wardens as a local solution to enhancing the capacity of rangers and to boost response rate.
The National Treasury should allocate Kshs4.8 billion that is requested by the Committee in its report on the estimates for the Financial Year 2016/2017. The funds would go towards offsetting pending claims of compensation for victims of human-wildlife conflict.
The Ministry of Environment and Natural Resources should clear all pending bills amounting to Kshs4.8 billion on compensation to victims of human-wildlife conflict. Some of these funds should go towards offsetting the pending claims in Meru County.
The Kenya Wildlife Service should explore a partnership with the Nyayo Tea Zone to build a belt of 100 metres next to Imenti Forest to act as a buffer zone to prevent elephants from leaving the forest.

The second Petition was by James Mwangi Gakuya on the massive dumping of soil in Ngong River on the Reuben side, opposite St. Elizabeth Primary School. That Report was tabled in the House on 28th July 2016.

The prayers by the Petitioner were:-
Recommend immediate halt of dumping of soil in the school compound and Ngong River.
Recommend that the Ministry of Environment and Natural Resources intervenes and restores broken sewers and river bank.  
Make any other order or direction that it deems fit in the circumstances.  
We held a meeting with the Petitioner. We also held a meeting at Mukuru Slums where the school is located. We had further meetings with Water Resource Management Authority (WARMA) and the Ministry of Interior and Coordination of National Government.  
The Committee also held a public forum. Our observation was as follows:-  
It was unfair that St. Elizabeth School which was meant for children from needy families is unable to meet its objectives due to constant closures occasioned by floods and yet, the children do not have alternatives.  
There was massive dumping in the river which has raised the river bed and altered the original course of the river.  
There was massive encroachment on the river catchment. That is a major problem that needs to be addressed.  
Our recommendations are as follows:-  
On its first prayer, WARMA should mark the riparian area along Ngong River so as to initiate the process of reclamation.  
The Ministry of Environment and Natural Resources should use the funds allocated to the Urban Rivers Rehabilitation Programme in the Budget Estimates for the Financial Year 2016/2017 to rehabilitate Ngong River on the Reuben side to its original state.  
The Nairobi City County Government is urged to stop issuing further licences and revoke already issued licences for dumping of excavated soils next to Ngong River on the Ruben side. Further, the Committee urges the county government to repair all broken lines in Lunga Lunga village.  
Thank you.

DATE: 11th August 2016

Member of Parliament: Hon. (Ms.) Sunjeev Birdi

Contribution she made on: Petition on Human-Wildlife Conflict in Meru County

Thank you, Hon. Speaker. Today, I stand a very worried person because of one reason. As our able Chair of the Departmental Committee on Environment and Natural Resources tables the Report of the Petition, let me say that I am a Member of that Committee. Unfortunately, I was not available to accompany them when our Committee went to the ground, but I have been a frequent visitor to that area.  
Hon. Speaker, it is sad to note that a Committee works so hard in trying to deliver to the people what is theirs, but there are some rogue people who do not take note of the law. As our Committee was investigating this particular matter, the prayer of this particular Petition was that soil dumping should be stopped. However, by the time we had finished reporting, soil dumping had been completed and people had migrated to that land to make their shanties and so, the situation was out of control. People had abrogated their duties and I did not even see the basis of this Petition. Sometimes, I feel the hands of the Committee are tied. This is because
even if we go on the ground, relevant authorities do not take notice of what is supposed to be done. When the Committee on Implementation will go there, they will probably report that the Petition has been overtaken by events. In situations like these, it will need justice to be served to the people.

Thank you, Hon. Speaker.

DATE: 11th August 2016

Member of Parliament: Hon. (Ms.) Rachel Nyamai

Contribution she made on: Petition on Alleged Irregularities at Medanta Africare Group of Hospitals

Thank you, Hon. Speaker for giving me this opportunity. I will make few remarks on the Petition by Mr. Brian Onyango regarding the alleged irregularities at Medanta Africare Group of Hospitals which is a private healthcare facility.

Hon. Speaker, you referred this Petition to the Parliamentary Committee and the allegations were that the hospital institutes criminal charges against local staff and subsequently terminates their services and that they were establishing several departments and institutions across the country without proper registration.

The Petition further alleged that the hospital had been referring patients to its current hospital, Medanta India for ailments and a charge of $2,000 was being charged for the referrals. The Petitioner alleged that the objective of such referrals was to defraud the National Hospital Insurance Fund (NHIF).

Hon. Speaker, the Departmental Committee on Health invited various institutions and individuals. It met the Petitioner himself, the hospital management, the Kenya Medical Practitioners and Dentists Board (KMPDB), NHIF and also the Committee conducted a visit to the institution. These were the observations:-
- That, indeed, there was a problem with the registration of the facility. The facility was registered in different names under several agencies as follows:-
  - From the Registrar of Companies, it is referred to Africare Limited. At the KMPDB, it also had a different name, Africare Limited Hospital and at NHIF it is registered as Medanta Africare. This was a problem because in case of any loss, it was difficult to know who was responsible. NHIF had entered into an agreement with Medanta Africare Limited which is not seen at the Registrar of Companies and it is not recognised at KMPDB. Some referrals, indeed, for patients were being referred to Medanta India. It indicated that they were not warranted because they could have been handled locally. There was no clear relationship between Medanta Kenya and Medanta India. The Committee felt that this name may have been used as a marketing tool. From the list of the staff that was provided, the biggest number of staff are salespeople. From each department, they were required to meet a certain level of income. This was why some of the staff were being fired from the hospital. The high number of police scans that were done also raises concerns because from the Ministry of Health and also from other institutions and individuals that presented information, MRI scans ought to be done on case by case basis. But in
the case of the police, it was done on 250 officers on the same day. There was an indication that majority of the patients being referred to India were also doing it on their own request and their bills were being footed by NHIF.

Hon. Speaker, the submissions by KMPDB had reported some facts also on this matter. For example, the board had reported that 75 cases had been referred to India but, when Medanta Hospital management brought us the number of people who had been referred, it was 83. So, there was a difference. The medical board submitted that the respondent, Medanta Africare, was directed to pay Kshs250,000 to it as cost of sittings of the preliminary inquiry committee of the board. The board should not charge its clients for carrying out its own responsibilities. The investigations by the Medical Board and its subsequent submissions appeared to have been compromised. Medanta Africare Limited expansion strategy was also questionable, because they were starting so many hospitals at the same time. So, the Committee was concerned about this.

Hon. Speaker, we made some recommendations:-
(i) Medanta Africare Limited should ensure that it is properly registered so that when there is a problem with NHIF, then we know who is responsible.
(ii) The Ministry of Health as a matter of urgency should develop a policy on international referrals so that patients do not go to the institutions and seek referrals themselves on matters that can be handled in Kenya and having NHIF foot such big bills that can be handled here.
(iii) Medanta Africare Limited should put its expansion plans on hold and address the matters that were raised by the Committee and also by the Ministry of Health and from there they can continue with their expansion plans.
(iv) The Kenya Medical Practitioners and Dentists Board should report back to the Ministry and also to the Committee.
(v) The Ministry of Health should ensure that it builds capacity of KMPDB as a regulatory body so that it can handle matters such as these ones of Medanta Africare Limited.

On termination of services of petitioners who brought this Petition, the Committee could not pronounce itself on this matter because it seems that it was very complicated and the Committee felt it was not its responsibility to pronounce itself on this matter.

I would like to thank the Members of the Departmental Committee on Health for being supportive in doing this investigation.

Thank you, Hon. Speaker.

DATE: 11th August 2016

Member of Parliament: Hon. (Ms.) Kanyua

Contribution she made on: Motion on The Fisheries Management and Management Bill

Hon. Speaker, I beg to move the following Motion:-
THAT, the Senate Amendments to the Access to Information Bill (National Assembly Bill No. 36 of 2015) be now considered.
The amendments are largely editorial but quite useful in terms of cleaning up the legislation. As it is a constitutional Bill, we are in good time in the sense of completing it before 27th August, 2016.

Now that I am here during my maternity leave, allow me to note that the baby room has not been sufficiently prepared. The House has agreed that mothers should bring their babies to the Assembly to do both the national legislative work and what we have to do as mothers. It will be very useful if the baby room is completed as early as possible.

I now request the Vice-Chairman of the Departmental Committee on Energy, Communication and Information, Hon. Kiptanui, to second the Motion.

DATE: 11th August 2016

Member of Parliament: Hon. (Ms.) Kanyua

Contribution she made on: Consideration of the Senate Amendments To The Fisheries Management and Development Bill – Committee of the Whole House

Thank you, Hon. Temporary Deputy Chairlady. I support the amendments as well as what the Committee has done in terms of processing. In terms of guiding our speed on this Bill, I want to say that we are in agreement. Most of these amendments are largely editorial amendments that aim at cleaning up the Bill and making it easier for implementation. So, there really should not be so much debate on the amendments.

DATE: 11th August 2016

Member of Parliament: Hon. (Ms.) Kanyua

Contribution she made on: Consideration of the Senate Amendments To The Fisheries Management and Development Bill – Committee of the Whole House

Thank you, Hon. Temporary Deputy Chairlady. Let me help in the definition of “private body”, which is already in the body of the Bill. First of all, the definition comes from Article 35 of the Constitution. It is the right of every citizen to receive information from public authorities, but where fundamental rights are concerned, he can get information from a private body, according to Article 35 of the Constitution. The private body defined here is the one that receives public resources and benefits, utilises public funds, engages in public functions, provides public services, and it has exclusive contracts to exploit natural resources. It is also in possession of information which is of significant public interest in its relation to protection of human rights. There are private bodies which are concerned with some of these matters. In fact, in this era, we have a lot of Government resources which are being used by private bodies. In that instance, then the private body has to comply with this Act.

On the matter of reasonable cost, that is a genuine concern which can be addressed by regulations. The language by the Senate is understandable. It is neater in law than the word
“inexpensive’ because a lot of court decisions have interpreted what is reasonable for the different categories of information and citizens, but all that would be in the regulations.

DATE: 11th August 2016

Member of Parliament: Hon. (Ms.) Kanyua

Contribution she made on: Consideration of the Senate Amendments To The Fisheries Management and Development Bill – Committee of the Whole House

Hon. Temporary Deputy Chairlady, I want to support the amendments as well in terms of the categories of information that are protected. It is, indeed, true that even as we seek access to information, there are particular categories of information that should be protected, at least, for sometime if not always or until decisions are made.

The inclusion of the areas that the Senate has brought in is quite useful in terms of the question of national security. Again, the Bill has a lot of interpretation of what is going to be captured under national security. These deliberations are used in interpretation of the law to add that its objective is to free information around Budget processes, how the public uses funds and much less, on what is going on with national security, but a lot more on what is going on with taxpayers’ money.

DATE: 11th August 2016

Member of Parliament: Hon. (Ms.) Kanyua

Contribution she made on: Consideration of the Senate Amendments To The Fisheries Management and Development Bill – Reports and Third Readings

Hon. Temporary Deputy Speaker, I beg to report that a Committee of the whole House has considered the Senate Amendments to the Fisheries Management and Development Bill (National Assembly Bill No.18 of 2014) and approved the same without amendments.

I beg the Chair of the Committee to second.

DATE: 11th August 2016

Member of Parliament: Hon. (Ms.) Kanyua

Contribution she made on: Consideration of the Senate Amendments To The Fisheries Management and Development Bill – Reports and Third Readings

Hon. Temporary Deputy Speaker, I beg to report that a Committee of the whole House has considered the Senate Amendments to the Access to Information Bill (National Assembly Bill No.36 of 2015) and approved the same without amendments.
DATE: 16th August 2016

Member of Parliament: Hon. (Ms.) Esther Gathogo

Contribution she made on: Petition on Interdiction Of Mr. Empraim K. Wambugu by Teachers Service Commission

This is a Petition by a former school principal on unlawful interdiction by the TSC.
I, the undersigned, Esther Nyambura Gathogo, Member of Parliament -Mama ako sawa, aendelee na kazi - on behalf of Ephraim Kamuhu Wambugu, a Kenyan citizen draw the attention of the House to the following:-
THAT, in 1993, Mr. Ephraim Kamuhu Wambugu was engaged by the Teachers Service Commission (TSC) as a graduate Teacher and posted to Masinga Girls Secondary School;
THAT, in 1997, the petitioner was promoted to the position of Deputy Principal and further promoted to the position of Principal at Kiamariga Secondary School in 2006;
THAT, in addition to being a principal, the petitioner was also elected and served as the Chairman of Mathira District Schools Head Association;
THAT, the petitioner served as the principal in Kiamariga Secondary School until December, 2011;
THAT, in 2012, the petitioner was demoted and transferred to Kangocho Secondary as an ordinary class teacher;
THAT, this has caused him social, emotional and psychological trauma and led to depression;
THAT, on 16th March, 2015, the petitioner was interdicted with allegation of desertion of duty;
THAT, the petitioner launched several appeals with the TSC for intervention regarding the matter but efforts to resolve the matter have borne no fruits;
THAT, the matter presented in this Petition is not pending before any tribunal or court of law;
Therefore, your humble petitioner prays that the National Assembly, through the Departmental Committee on Education, Research and Technology:-
  i. recommends reinstatement of Mr. Ephraim Kamuhu Wambugu as the principal by the TSC and payment of his dues;
  ii. ensures that the petitioner’s plight is addressed; and,
  iii. makes any other order or direction that it deems fit in the circumstances of the case.

And your petitioner will forever pray.
I do not know why people laughed at me when I said “mama ako sawa, aendelee na kazi 2017 to 2022”.
Thank you.

DATE: 16th August 2016

Member of Parliament: Hon. (Ms.) Florence Kajuju

Contribution she made on: Comments on Petitions Laid
Thank you, Hon. Speaker for this opportunity to support the Petition that has been presented by Hon. Esther Gathogo. The Leader of the Majority Party is guiding me that it is Mama aendelee na 2017 up to 2022 which I support. She is one of the most hardworking women in this Parliament, and so, she has my blessings. I wish I could vote for her.

(Applause)

Hon. Speaker, I support this Petition because teachers have had general issues as far as their career progression is concerned. When I look at this Petition, I notice that this is a teacher who had risen from the post of a Deputy Principal to a Principal and then demoted. We know that there are primary school teachers who have gone back to school to obtain bachelors and Masters degrees which are not recognised by the TSC. Teachers ought to be respected and honoured in their call of duty. I also noticed that money has been set aside for retired teachers. That is something that should be made in haste so that they are paid because they have served this country.

I support this Petition and pray that the matter is solved expeditiously for justice to be done to that teacher.

Thank you, Hon. Speaker.

DATE: 16th August 2016

Member of Parliament: Hon. (Ms.) Odhiambo-Mabona

Contribution she made on: The Kenya Regiment (Territorial Force) (Repeal) Bill

Thank you, Hon. Speaker for giving me this opportunity to speak to this Bill.

First of all, I am very happy to be back home. I have been away at the Pan-African Parliament for a while.

Last week, I was privileged to observe the elections in Zambia. Even as I support this Bill, I want to say that if there is something that is wonderful and we can emulate from Zambia, not necessarily from the elections, it is the fact that they are largely united along ethnic lines. Issues of elections do not divide them as much as it does here.

What I want to say in regard to this law is that it is fairly straightforward. Even as we repeal it because we have a legislative framework in place, I urge that we ensure we implement the laws that are there. This is especially on the inclusion of women in our armed forces.

Recently, I was in Uganda talking to the new Parliament. I was training the women parliamentarians in Uganda and one of the things that came up is that the Ugandan legislature has the defence forces represented in Parliament. They were sharing that many women in practice are still excluded in the armed forces. It is a fact here. We know there are women who were excluded because they were suspected to be pregnant. I know they can be given other roles in the armed forces. We should not penalise motherhood, especially in certain professions.

Finally, I just want to thank you for acknowledging the students visiting from the USA. They are also linked to Mbita. They come from Mbita, specifically from Rusinga Island. They have a heritage there. I am glad they are visiting our country and you have acknowledged them.

Thank you, Hon. Speaker.
I support.

DATE: 16th August 2016

Member of Parliament: Hon. (Ms.) S.W. Chege

Contribution she made on: Adoption Of The Public Accounts Committee Report For 2013/2014

Thank you, Hon. Temporary Deputy Speaker. I want to support this Report. I noted with a lot of concern the issues raised on the education sector, especially on the accountability of the free primary education and the money that is given for free secondary education. It is very sad for heads of institutions to inflate the numbers so that they can get more capitations from the Ministry. I noted that the Committee recommended that a special audit be done in all our schools and a report be tabled by December 2016. I am very keen to see that audit report. It is high time Kenyans embraced the issue of values and integrity. We need to name and shame some of the people who will be taking Government money. We invest a lot of money in education. I note, with a lot of concern that, a lot of that money does not reach the intention of the Government. This is very sad, knowing that education is the key and driver of this country and the economy at large.

I also note the issue of opening private banking accounts by Government institutions. I urge the Committee to also audit public universities which open private accounts and private institutions outside Kenya so that we know where they get the money from. This is public money. How can the public universities open campuses outside this country? Whose account do they operate on? We need to really do a lot of scrutiny on the public accounts that are being opened by Government institutions. Who manages them, who audits them and where does the money go? It is also important for the Office of the Auditor-General, as they give their report, to make sure that they harmonise their findings with the ministries concerned before bringing that information to the public. I want to note that there are several Members of this House whose names appeared in the local dailies saying that they had not submitted their imprests. It is important for us to be sure that the report is harmonised with the institutions concerned before we start pointing fingers at people.

Finally, I will talk on the issue of pending bills. It is important for officials who have been entrusted with spending of Government money to make sure that they put everything in the Budget. We need to be very careful because we might give them money which they divert to other things that are not in the Budget and then, we end up with pending bills. We need to start asking for personal responsibility. Right now, money goes to the county governments. This money comes from the national Government. Many governors and other officials in the counties might over-engage and put money into projects simply because they want to pass it on to their campaign kitties. Some of them know that they will not be re-elected next year. Therefore, they want to spend money meant for certain projects on other things and leave the burden of paying the bills to the taxpayers. It is important for Government officials to know that they can take personal responsibility. They should spend monies for the intended purposes.
DATE: 16th August 2016

Member of Parliament: Hon. (Ms.) Joyce Emanikor

Contribution she made on: Adoption Of The Public Accounts Committee Report For 2013/2014

Thank you, Hon. Temporary Deputy Speaker, for giving me this chance. I want to start by congratulating the Chairperson of this Committee, Hon. (Eng.) Gumbo and his Committee for the good work they have done. They have pulled out all the key issues that are worrying to all Kenyans. When I read the Report, I saw that one of the issues that delayed the tabling of this Report is lack of co-operation from the Accounting Officers, who kept on postponing the meetings. Matters accounts, finance and accountability are so serious that we cannot allow non-co-operation to hinder the process.

I also saw that political parties need to be included in this comprehensive blue book in terms of reporting so that we do not get piecemeal reports because of different bodies. They have done a good job.

Because of time, I want to mention the issue of wastage and unsupported expenditure to the tune of close to Kshs67 billion. The issues of excess expenditure and pending bills are in the Report. In March this year, the Senate Committee dealing with Finance issues highlighted---

DATE: 16th August 2016

Member of Parliament: Hon. (Ms.) Joyce Emanikor

Contribution she made on: Adoption Of The Public Accounts Committee Report For 2013/2014

Thank you, Hon. Temporary Deputy Speaker. I was talking about the pending bills, the excess expenditure and wastage of public funds in the ministries, departments and agencies. I remember in March this year, the Senate Committee on Finance highlighted the most extravagant counties, including Bungoma County, Turkana County, Kisumu County, Nakuru County and Vihiga County. This is a drop in the ocean of what is happening behind there. I agree with the Committee that failure to settle those bills distorts the financial statements. It impairs the performance of suppliers, the national economy, and the procurement procedures in the ministries, departments and agencies.

I also agree with the recommendation which the Committee has given that the pending bills in the ministries must be cleared within the third financial year. The Committee has also recommended that there should be timely exchequer releases, and lifestyle audit of public servants in the national Government and county governments. You know what is happening in the counties.
Thank you, Hon. Temporary Deputy Speaker. I wish to thank Hon. Mule for choosing me to be part of his favourite to contribute to this Bill. I would like to say that this is a very important Bill. It is like having a beautiful car and you do not have a mechanic who can fix it when it breaks down. That is the severity within which we are looking at this sector. As we know, a large population of youth want to have jobs. At this point in time, our country is experiencing an acute shortage of such people in this sector. I surely believe that our citizens are looking forward to employment in this sector. The average salary of people in this sector is between Kshs100,000 to Kshs450,000 per month. It is useful for our people to know that they should go out and study in this field so that they will be employable.

This work touches the lives of people. This is important because we understand that the World Health Organisation (WHO) is looking at putting the countries in the map at international standards, which we need to be part of.

Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. I support this Bill because it is very important. Any country must remember its people; any country must remember its heroes. Kenyatta was a hero. He was the founding father of the nation. He was not only a politician, but he was also a writer. He wrote *Facing Mount Kenya*; a book we have read and enjoyed very much; a book that has given us enough to talk about Kenyan history.

The role he played politically will always be remembered. I know when he died, it was a huge funeral. All this is part of history. His grave lies over here. We have never been there before and we do not know what is there. We just hear rumours of the things that happen there. But we really want to know how he is laid to rest. We only get to know about him again and again every year on his anniversary when flowers are taken there. It would be nice if the whole country can have access to the mausoleum so that we can pay our respects.

More than that, we need to know more about him. More books have been written, but there is so much that has not been written as well. Not only do we want to know about his political life, but we also want to know about his family life. It is really admirable, particularly his relationship with Mama Ngina. Some of the pictures that we have come across look very attractive and one
feels like you want to know more about them. That needs to be part of that history. Therefore, we need a lot more in the mausoleum so that we can remember him. The whole world has its history. If you travel all over the world, people have statues. Kenyatta’s statue is there, but where is Mama Ngina’s. That is necessary because the role she played and the other wives he had is part of our history. We need to know more about our founding father. I want to add that it is not only Jomo Kenyatta’s mausoleum that we may have. We can have more. The names have been mentioned here, particularly the heroes of this country. We also have women who are heroes. That is why I mentioned the wives of the late President Kenyatta. We need to know more about them. But we have other women. We have Prof. Wangari Mathai. Even that is history of this country. We need a mausoleum for her and a statue. She is a significant person. We have many other women in this country who have passed on and played a great role in the history of this country. Those are part of memories. This is the history of our people and cultural heritage and it is preservation of a people’s culture. They are also part and parcel of our lives. We get a lot of inspiration from the people who have passed on. A lot of their work becomes part of the knowledge of the nation.

That is why I support this Bill. It is critical that we appreciate what the late founding father did for us. It is not only a mausoleum. A museum is even bigger and can do much more. We can have more information about him in a museum.

If you have been to Israel, it has so many statues. It has so much history and biblical in nature. People remember from time immemorial. That is why people need to remember its people through different ways. We can have a mausoleum for the late founding father. We can have a statue for another hero somewhere, for example, Tom Mboya. We can have them not only in Nairobi, but also in other counties where our heroes come from. We can have Ronald Ngala in Mombasa, somebody in Nakuru, somebody in Kisumu and other places. So, we do not have to have Nairobi being the centre where we can have museums and mausoleums. We can have statues that are appreciated; statues of politicians, musicians and athletes. This is the part of our history that we must remember.

I want to extend the fact that it is not just Jomo Kenyatta’s mausoleum we need to rebuild and put in more information. There are many other people we may consider alongside that. Mheshimiwa Oburu talked about a museum that is dedicated to his father in his home. I have been there. It is extremely informative so much so that you do not want to leave the place. They have done a great job for Jaramogi Oginga Odinga. You trace his life from long ago. You can trace his political life, family life, leisure activities, what he liked, his clothes and shoes. It is a masterpiece. We should go that way. We should remember our historical figures through putting up statues, constructing mausoleums or putting up a museum where we have all this.

We also need a museum to remember those who have suffered, people who died in a bad manner like we had in 2007 or those who were burnt in a church. If you remember the six million people that were burnt in Germany by Hitler, there is memorial for them in Israel. I was there once. It is a huge museum with their names inscribed. You do not have to have their pictures but their names are inscribed. Some of this is part of our memory. The 2007 post-election violence victims who died need to be remembered by having their names inscribed in a museum. That is my contribution.

I support the Bill.
DATE: 17th August 2016

Member of Parliament: Hon. (Ms.) Florence Kajuju

Contribution she made on: Petition on Alleged Harassment Of Moi Ndabi Settlement Scheme Allotees

Thank you, Hon. Speaker... I stand to support the Petition by my brother Hon. M’eruaki and state that this is not just a county affair, but a national issue. This is because---

(Hon. A.B. Duale interjected)

Protect me from the Leader of the Majority Party. We know his strengths, but we also know his weaknesses. Let him allow me to proceed.

DATE: 17th August 2016

Member of Parliament: Hon. (Ms.) Florence Kajuju

Contribution she made on: Petition on Alleged Harassment Of Moi Ndabi Settlement Scheme Allotees

There is something known as the SWOT principle. That is where you look at strengths, weakness, opportunities and threats. That is what I am saying in simple terms. This is a Petition that deserves to be looked at and a lot of sympathy expressed to our soldiers. When there is an issue of this magnitude that affects a soldier, and most importantly on sickness, then there is no reason why that particular soldier was being mistreated in that manner.

I know generally that the way trials are conducted in the Kenya Defence Forces is not the best in as far as the principle of natural justice, the rule of law and anything that appertains to justice is concerned.

It is important that Hon. M’eruaki has brought this Petition so that any other soldier who is undergoing that kind of suffering can know that they can get relief from this House. I pray that the Departmental Committee on Defence and Foreign Relations looks at it and ensures that justice is done to that brother and voter of mine.

DATE: 17th August 2016

Member of Parliament: Hon. (Ms.) Florence Kajuju

Contribution she made on: Papers Laid

It appears today I woke up on the right side of the bed, as we say in our community. Hon. Speaker, I beg to lay the following Paper on the Table of the House:-

The Report of the Select Committee on Regional Integration on a benchmarking visit to the Economic Community of West African States (ECOWAS).
DATE: 17th August 2016

Member of Parliament: Hon. (Ms.) Rachel Nyamai

Contribution she made on: Statement on Extension of Period for Joint Parliamentary Select Committee on IEBC

Hon. Speaker, I rise to present the pending business before the Departmental Committee on Health.

DATE: 17th August 2016

Member of Parliament: Hon. (Ms.) Joyce Emanikor

Contribution she made on: Motion on Adoption of the Public Accounts Committee Report for 2013/2014

Thank you, Hon. Speaker for giving me this chance. I rise to support the adoption of the Report of the Public Accounts Committee on the Government of Kenya Accounts for the year 2013/2014. I want to start from where I left yesterday.

This Report reveals a lot of malpractices and misappropriation of public funds. There are issues like wastage of money, unsupported expenses, pending bills amounting to over Kshs17 billion, mismanagement of imprest and unaccounted for or unrecovered salary advances. Those are some of the discrepancies that this Report is showing. We are wondering how the Ministry of Sports, Culture and Arts cannot account for imprest running up to Kshs135 million, when our athletes are hustling in foreign land with no support.

In the Ministry of Education, Science and Technology---

DATE: 17th August 2016

Member of Parliament: Hon. (Ms.) Joyce Emanikor

Contribution she made on: Motion on Adoption of the Public Accounts Committee Report for 2013/2014

Thank you, Hon. Speaker. The Report indicates that the Ministry of Education, Research and Technology has pending bills to the tune of Kshs17 billion. I wonder how those bills can be accounted for when teachers are perennially on strike for salary increases. How do you account for small discrepancies that could have been dealt with internally? This is reflected in the Report.

Worst of all is the unaccountability for donor-funded projects. One of them is GoK/UNICEF Education for Young People Programme where, out of a total of Kshs213 million expenditure, 96 per cent is not supported by any documents and, hence, it is really difficult to know the
propriety of the total amount. The Government of Kenya Water and Sanitation Programme (GoK/WSP) Programme which provides food assistance to schools in Arid and Semi-Arid Lands (ASALs) and for disadvantaged urban children, millions of shillings are not accounted for by the education officers. Exaggeration of enrolment in schools is part of the wastage of money. The school feeding programme vote-head is indicated in the Report as having been used by officers to attend the Head Teachers’ Conference in Mombasa, instead of using the respective directorate vote-heads.

Over Kshs297 million for the sanitary towels programme was paid to suppliers, but there were no returns from the education officers. This is very disastrous and unacceptable. For goodness sake, we are talking about children. We know the commitment and vision of the Jubilee Government on education. They have reduced examination fees, increased capitation, increased free primary school funds and have increased the Higher Education Loans Board funds. Those are some of the commitments that the Jubilee Government has put in place. The monies are being misappropriated by public officers who are employed by the same Government. We are just wondering whether this is not jeopardising or sabotaging the efforts of the Jubilee Government to provide Kenyans with what they promised in the manifesto in education, energy, social protection, devolution, health and many other big projects that the Government is putting in place.

With those few remarks, I wish to support the adoption of the Report.

DATE: 18th August 2016

Member of Parliament: Hon. (Ms.) Rachel Nyamai

Contribution she made on: Statement on Pending Business Before the Departmental Committee on Health

Thank you, Hon. Deputy Speaker. I would like to present the business pending before the Departmental Committee on Health.

So far, in this Session, we have concluded six Petitions, three Bills and six legislative proposals.

However, we have the following business that is still pending before us:-

(i) The Traditional Practitioners Health Bill, 2014 - This Bill is still under consideration by the Committee and we tabled its Report on 23rd April, 2015. The reason for the delay is because we decided to give priority to the Health Bill.

(ii) The Pharmacy Practitioners Bill, 2014 - This Bill is still under consideration for the same reason that we have given priority to the Health Bill that has already been considered by this House and the Senate.

(iii) The Biomedical Engineers Bill, 2015 – The Report was tabled on 17th February, 2016, and we finished Second Reading yesterday.

(iv) The HIV/AIDS Prevention and Control (Amendment) Bill (Senate Bill No.4 of 2015) is still under consideration by the Committee.
The Health Bill, 2015 - Amendments from the Senate were brought on 20th July, 2016. It is still under consideration and the Report will be tabled on 25th August, 2016.

The Cancer Prevention Control (Amendment) Bill (Senate Bill No.3 of 2015) was brought on 20th July 2016 and is still under consideration.

The Committee, as I said earlier, has handled six Petitions. We have a pending Petition on the direct employment of graduate nurses by the Public Service Commission (PSC), which was presented by Hon. Abdikadir Omar, MP. It is still under consideration and we were given 60 days.

The Committee wishes to request for extension of period to report back to this House because we are still meeting with stakeholders and feel that we may not handle it within the stipulated timeline.

The Cancer Prevention Control (Amendment) Bill, (Senate Bill No. 3 of 2015) was presented on 3rd May, 2016 and the Report is ready for adoption by the Committee. The Social Health Insurance Fund Bill by Hon. Namwamba was presented on 2nd May, 2016. The Committee has concluded consideration of this legislative proposal and will be submitting its report soon.

The following Bills are still under Committee consideration: The Government Chemist Agency Bill, presented on 17th May, 2016; the Nutritionist and Dieticians (Amendment) Bill, presented on 17th May, 2016 and the Kenya Food and Drugs Authority Bill, presented on 16th June, 2016.

We will be handling the agreement between the Republic of Kenya and the Government of the United States of America today concerning Cooperation in Threat Reduction in Biological Engagement Programmes. This matter is under consideration by the Committee and we will be meeting with the stakeholders. We shall table this Report very soon for ratification of the agreement by the House. That is the pending business before the Departmental Committee on Health.

In conclusion, the reason as to why there are so many pending Bills is because we agreed to give priority to the Health Bill which is the ranking Bill that will give direction to the other Bills that have been proposed.

DATE: 18th August 2016

Member of Parliament: Hon. (Ms.) Otucho

Contribution she made on: The Finance Bill – Second Reading

Thank you, Hon. Deputy Speaker, for this opportunity. I have been longing for it. This is a very important Bill. I know that whenever we discuss the Budget Policy Statement (BPS) and consequently interrogate and approve the Budget Estimates and further discuss the Division of Revenue Bill, the emphasis has always been on the expenditure side and how we are going to share the money. However, this Bill brings into the limelight the revenue-raising measures and how the Government is going to raise the money we are going to expend. So, it is a very
important Bill that focuses on the formulation of money raising measures and proposes to bring amendments to specific tax laws and laws that relate to the financial sector. This Bill will make amendments to the Income Tax Act, the Excise Duty Act, VAT Act and tax procedures. These amendments are basically intended to streamline the operations of these laws and to help enhance compliance by the taxpayer by making it easy to pay tax. It is also meant to enhance revenue collection.

What the Committee has done is to give highlights of the proposed amendments as contained in the Bill. I am a Member of the Committee and the Committee will subject the Bill to public participation and meet a number of stakeholders. You have heard our Chairman inviting Members who had proposed amendments to make sure that they submit them to the Committee, so that as we go for the retreat over the weekend, we can interrogate and deliberate on them and bring to this House a substantive Report.

I want to mention a few highlights that are contained in Clause 2 through to Clause 16, which contain amendments to the Income Tax Act. One of them has already been mentioned. This is on the residential rental Income Tax. This Bill proposes to reduce the rate from 12 per cent to 10 per cent. It also proposes to introduce a taxable minimum threshold of Kshs144,000 per annum, which translates to a minimum of Kshs12,000 per month which is a good thing. It is not a new tax. It has been there. Residential house owners have been paying the tax, but at a higher rate. So, this Bill is proposing to reduce it to 10 percent and that is a good thing.

In Clause 6, the Bill seeks to empower the Income Tax Commissioner to appoint withholding agents for residential income tax. This will also help in improving putting structures in place that will assist the Commissioner in collecting the revenues. Clauses 7 to 11 seek to repeal a number of sections in the principal Act to realign it to the provisions of the Income Tax procedures. Clause 8 seeks to repeal Section 51(a) that deals with filing of tax returns and keeping of records. We know that with the advent of digitisation, the iTax and Electronic Tax Register (ETR) have been rendered redundant and we do not need that clause. So, those are some of the main proposed amendments from that section.

I also want to mention that this Bill proposes some tax exemptions for bonuses, overtime and retirement benefits for those employees whose taxable employment before taxation is below the lowest tax band. So, for those people earning less within the specified tax bands, they have proposed exemptions. There is also a proposed exemption to the interest income on bonds which are issued by the East African Development Bank (EADB). Also, there is a proposed relief to enhance personal relief by 10 per cent. However, when we look at that proposed relief, it comes to about Kshs118. We had a concern there as it does not translate to much considering the increased cost of living. So, that is one of the areas that are contentious that we shall be looking into.

This Bill also proposes to reduce Corporate Tax from 30 to 20 per cent to give incentives to companies that construct, at least 1,000 residential units. This will be encouraging investors who want to invest in the housing sector to be able to invest more units. If you are able to put up 1,000 units then you have a less Corporate Tax to pay. Those are some of the highlights I wanted to mention.

Clauses 17 to 22, propose amendments to the Excise Duty Act. One of the highlights which we were concerned about, as a Committee, is the imposition of a duty of Kshs7.20 per litre on
We know that most Kenyans who cannot afford gas or electricity depend on kerosene. So, increasing duty on kerosene will be touching on the vulnerable people in this country and that is an area we will be looking at. It would not be good for the economy. It also proposes to introduce a duty on cosmetics and beauty products at a rate of 10 per cent in Clause 21(b). It is excluding water from Excise Duty under Clause 21(c) and that is a good thing because this is a basic commodity and everyone needs water. So, taxing water would not be a good thing to do.

Under that section, the Bill proposes a specific Excise Duty on vehicles as mentioned. It is reducing the tax to 20 per cent and that would make the taxable value less than what was previously paid. It also seeks to exempt goods that are used in the implementation of official aid funded projects. This will encourage our partners who are supporting or partnering with this country in aid funded projects to bring many projects to this country and this is a good thing as is provided for in the financing contract.

Clauses 23 to 28 propose amendments to the VAT and some of the key items that are proposed for exemption. The service charge in lieu of tips has already been mentioned. Raw materials for animal feeds will encourage agribusiness and ensure that we are guaranteed food security. Many of our farmers will be encouraged to venture into livestock keeping because the feeds will be cheaper and most of the farmers will afford to buy. That is a good proposed amendment to this section. Also, among the items is the equipment and machinery imported or purchased locally for use by the Kenya Defence Forces (KDF), National Police Service (NPS) or Military supplies.

We realise that these institutions purchase huge equipment and most of them are imported, even uniforms for the KDF are imported into this country. So, if this amendment is carried forward, it will encourage many local Kenyan manufacturers to manufacture uniforms and will build our own businesspeople in this country. Among other items in that list proposed for exemption are wheat seeds and petroleum gas as most Kenyans use gas for cooking, garments and leather footwear manufactured in our Export Processing Zones (EPZs). We know that our EPZs are creating employment for our youth.

**DATE: 18th August 2016**

**Member of Parliament: Hon. (Ms.) Muia**

**Contribution she made on: The Finance Bill – Second Reading**

Thank you, Hon. Temporary Deputy Speaker. I have only been given one minute, therefore, I just want to touch on one sector which is tourism. For the last three years, the tourists who used to come here have migrated to South Africa and Zimbabwe because they have low taxes. Israel makes a lot of money through tourism. We need to look at the sectors which can generate a lot of revenue for this country. So, I support this Bill about exemption of tax on gate fees charged at the parks. I wish I had more time.

Thank you.

**DATE: 24th August 2016**
Member of Parliament: Hon. (Dr.) Joyce Emanikor

Contribution she made on: Approval of the Mediated Version of the Forest Conservation and Management Bill

Hon. Temporary Speaker, I beg to second this Motion. Having participated in the Mediation Committee, we realised that most of the things were actually a misunderstanding. Secondly, it was an oversight on our side because, for instance, on the issue of the forests, we had not really gone through the details of the Schedules to discover that some forests had been repeated.

We thank the Senate for the value addition in the amendments which we agreed with. With those few remarks, I beg to second.

DATE: 24th August 2016

Member of Parliament: Hon. (Dr.) Mary Seneta

Contribution she made on: The Universities (Amendment) Bill – Second Reading

Thank you, Hon. Temporary Deputy Speaker, for giving me this chance to also support this Bill. It seeks to streamline the operations of the universities. I support this Bill, especially in Clause 13, where it clarifies the provisions relating to the students’ associations in our universities. Recently, we had issues with the Students Organisation of Nairobi University (SONU) elections and other elections pertaining to students’ associations in our universities. We have students who cause chaos and riots in the elections. This is due to lack of clear guidelines on appointments and election terms in our universities. Therefore, students are elected and some of them overstay in those offices. So, this Bill seeks to streamline and clarify the provisions relating to students’ associations.

There is this particular case of the University of Nairobi (UoN). We are told that Babu Owino is like a career politician in the university. He has been elected for four terms and it seems as if his term has no end. This Bill seeks to cure such cases in our universities. This happens not only in UoN, but also in other public universities. It will clarify on the terms of elections of the students’ association officials.

This Bill also seeks to give the Commission powers to regulate courses that are taught in our universities. I really want to support because many of our universities, especially public universities, have ended up allowing the teaching of certificates and diplomas and leaving out PhD and degree courses. This amendment seeks to give the Commission the mandate to regulate courses in the universities such that universities will concentrate majorly on bachelors and master’s degrees and also PhDs, so that our students can get quality education. Currently, the universities take certificate and diploma students and do not concentrate on the quality of the certificates and degrees that are offered to our students. So, I support this Bill in that it will amend the Universities Act and give universities more concentration on what they are supposed to teach. I support this Bill.
Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. I would like to support this Bill with a few remarks. If you look at the history of universities in Kenya, you will know we have come a long way. During our days, you would find 4,500 students only in the whole nation who had qualified to access university education. Before that, we only had Dar-es-Salaam, Nairobi and Makerere universities in this region. For a long time, university education was a preserve for a few people. We now have thousands of students accessing university education. As we expand, we should recognise the fact that the standards should be kept high and should get even better.

I would like to support this Bill because it aims to streamline the management of the universities, the courses, mentorship and much more. Section 56 of the amendment will allow placement of university students to relevant courses. Right now, we have many cases of students who may have done very well and have their own aspirations. Maybe, some of them wanted to be doctors, lawyers, engineers and things like that. Sometimes, students with grade “A” are placed anywhere. The reason is because there is no proper guidance and alignment. Students are just placed without proper guidance and counselling. It is very important that mentorship of students does not stop in high school. It should go up to the university level because that is where students’ lives are determined. That is where they come to realise their dreams.

Research is very important for any institution and, more so, for our universities. We lack research courses in our institutions and universities are just moving on. The world is moving on with technology, but our universities are at a standstill. Old tricks are still being used in the 21st Century. It is very important that a board that will give guidance is put in place. Money should also be allocated appropriately according to this Bill so that issues of research are well taken care of. That is because with research, we will endeavour to give our students what they need and the nation at large. If you look at developed countries, places like Korea and Singapore, we were at the same level with them at some point. Where did Kenya go wrong? It went wrong because we neglected some of the things that this Bill seeks to put in place. If we need to be industrialised, there are things that we must put in place for us to achieve that. We must have the right education and research if we are to turn and make our villages into small towns. Koreans are now reclaiming land from the sea to make cities out of it because of land scarcity.

In Kenya, we have a lot of land and we can start developing that. Without putting that in people’s minds, the nation as a whole, the leadership and even the students---They should now know where we are shifting to. Are we shifting from the traditional courses like law and medicine? We should now shift from such courses to the relevant courses which will make us move from where we are to the next level. If we need to industrialise, what should we put in place, what kind of students should we have and what level of research should we have at the university level?
Something that has already been mentioned by some of my colleagues is the issue of making available all courses in all universities. Kenyatta University was the only university offering a course in education. It is good to diversify. It is very important but I think they are over-doing it. We are focusing more on many numbers. It is better I have children in the house who have gone to university without jobs than having children who have not gone to school at all. You find some universities offering courses starting from certificate, diploma, higher diploma up to degree level. That should be avoided. We have middle-level colleges which should take care of the certificates, diplomas and higher diplomas and then the universities should concentrate on offering first degrees and master’s moving forward.

Some of the clauses in this Bill are very important, like the issue of funding. It is important to know how universities will be funded according to their needs. That should also be put in place so that some of them are not over-staffed at the expense of others. Some are over-staffed and over-funded. Too many courses do not make sense. University education should be well researched. We should go for technology because that is where we need to go. I think this is an important Bill. University education must be regulated, funded and guided properly. Students must be guided in terms of career choices. If you ask students what course they want to do, they have no idea. A lot of mentorship should be done on students so that they can know what they want to be in future. We should also have those colleges segmented. Long time ago, if you wanted to be a doctor, you would go to Makerere University and if you wanted to do an engineering course, you would go to the University of Nairobi. Why is it now done haphazardly and every university wants to offer everything? Every faculty in each college should be segmented. It is important.

I wish to support the Bill.

DATE: 24th August 2016

Member of Parliament: Hon. (Ms) Sunjeev Birdi

Contribution she made on: The Universities (Amendment) Bill – Second Reading

Thank you Hon. Deputy Speaker for giving me this opportunity.

DATE: 24th August 2016

Member of Parliament: Hon. (Ms) Sunjeev Birdi

Contribution she made on: The Universities (Amendment) Bill – Second Reading

May I proceed?

DATE: 24th August 2016

Member of Parliament: Hon. (Ms) Sunjeev Birdi

Contribution she made on: The Universities (Amendment) Bill – Second Reading
Thank you, Hon. Deputy Speaker for giving me this opportunity to add my voice to what everybody is contributing to; the Universities (Amendment) Bill, 2015. Hon. Deputy Speaker, it is important to note that the students that we churn from our educational institutions end up being very important and strong members of our country. For this reason, it is necessary to have a streamlined process so that those institutions can function to get those quality individuals in our society. Therefore, I stand to support this Bill.

We have to note that this Bill is basically cracking down on those universities that act as rogue institutions that fleece money from students by offering them courses that do not have any face. In other words, you might end up enrolling for a course that is substandard and bogus. In the end, the students’ parents are robbed of their hard-earned money. That is an act of daylight robbery. I really applaud this action of streamlining universities so that we can make them valid.

There is a high demand for education in our country and it is partly because of demographic reasons. For this reason, we should strive to offer quality education and programmes.

Hon. Deputy Speaker, this Bill also gives direction on rules of election of students. As has been said before by other Members of Parliament, we are not micro-managing those universities. We are simply putting a guideline in place so that the student leadership can be checked a bit.

When I read what has been happening in one institution where a chairperson is elected more than once, I, sometimes, wonder at the aptitude of that sort of student who has very many people following him. As leaders, we always actually admire when a certain person manages to gather so much support behind him. For someone to have this sort of support, it is actually admirable but, of course, if this admiration is left unchecked, some questions may be left unanswered. I am glad that this Bill also brings that into check.

I would like to mention that I recently attended a function where a local enterprise has opened its doors to students by offering them education abroad in different countries. The Chairman of UNIPASS, an organisation that gives accreditation to such organisations, was present. The Chairman of the government organisation that offers accreditation said that it is equally important to give accreditation to local enterprises like UNIPASS who take students abroad.

Why are they doing that? It is because our people here in Kenya have the capability of sending their children abroad for better education. From that point of view, we have to accept that Kenya is an international platform in the education sector. So, from that point of view, we have to equip ourselves. How do we do that? This Bill will help us to equip ourselves. We should get ready for that.

Recently, I found out, and it is not a joke, that people find it very difficult to get education that is not very expensive as it is in this country. What do we have to do? We have to get our students to institutions that are accredited and give value for money.

In my closing statement, I like this Bill because it provides career guidance programmes for the benefit of not only universities, but also for all the students who want to be somebody. Not everybody knows what they want to be in the future. Sometimes, parents do not have the best guidance to give on career guidance. So, this Bill brings that out.

Finally, I believe our Cabinet Secretary (CS) Dr. Matiangi is doing pretty well in this sector, but he needs extra support from us.

I support.
Member of Parliament: Hon. (Prof) Hellen Sambili

Contribution she made on: The Universities (Amendment) Bill – Second Reading

Thank you, Hon. Deputy Speaker for giving me the opportunity. I strongly support this Bill. We need to do everything within our means to promote quality education in our country, especially at the university level. I would like to suggest three very important things we should do. First, this Parliament needs to allocate enough money for research in our universities. The Science Technology and Innovation (STI) Act says 3 per cent of the national revenue, but at the moment, we allocate less than half of that percentage. Second, we need to ensure there is diversification in the management of our universities. We need to avoid “localization” of management positions. Let there be less than 20 per cent of the top management coming from the local area of where a university is situated. Third, we need to enhance career guidance to the students, particularly in secondary schools, so as to promote their placement to appropriate programmes which will contribute to the development of this country.

As some of my colleagues have stated earlier, we should avoid focusing on liberal arts, but on science and technology courses. We also need to ensure that our students do courses that help promote quality of life, particularly medicine. In my constituency, we have lost several mothers because doctors may not have been trained to diagnose the problems they suffer from. I strongly support this Bill. We should promote quality university education.

Member of Parliament: Hon. (Ms) S.W. Chege

Contribution she made on: Investigation Into Conduct Of Former Directors of Nanga Kihoto Limited

Thank you, Hon. Deputy Speaker. I, the undersigned, on behalf of shareholders of Nanga Kihoto Naivasha Limited draw the attention of the House on the following: -

THAT, Nanga Kihoto Naivasha Limited is a land buying company with a membership of 1,768 members;
THAT, the original shareholders were mostly from Gatanga Sub-county who acquired shareholdings through deductions from proceeds of coffee sold from their farms;
THAT, the company owns two parcels of land namely L.R No.10423/2, L.R No.17599/9, L.R No.5658/11 and LR No.18499/1 located in Naivasha Constituency.
THAT, the last annual general meeting was held in 2012 and efforts by the shareholders to hold annual general meetings in the subsequent years to deliberate on various matters including subdivision of the parcels of land have been futile;

THAT, in December, 2013, a former Director, Mr. Pharis Mbure Ngugi fraudulently and without authorisation from other directors and shareholders withdrew a sum of Kshs495,000 from the company’s bank account at the Co-operative Bank, Thika Branch;

THAT, shareholders reported the matter at the Thika Police Station but no action was taken;

Further to that, the former director made an application of consent from the Naivasha Land Control Board without the knowledge and approval of the shareholders;

THAT, the shareholders reported the matter to Naivasha Police Station but the police failed to take action;

THAT, the alleged sale of the land has generated a lot of resentment among the shareholders which if not addressed may lead to fatal conflicts;

THAT, efforts to resolve this matter with the relevant authorities have been futile; and,

THAT, the matter presented in this Petition is not pending before any tribunal or court of law.

Therefore, your humble petitioners pray that the National Assembly, through the Departmental Committee on Lands:

(i) ensures that the Ministry of Land, Housing and Urban Development puts a caveat on the said parcels of land until an annual general meeting is held to resolve any outstanding issues;

(ii) causes the shareholders and the Ministry of Land, Housing and Urban Development to ensure speedy sub-division of the land and issuance of title deeds to the shareholders to avoid further conflicts;

(iii) causes investigation on the former directors of the said company and officers stationed at the Thika and Naivasha police stations for fraudulent withdrawal of the company’s funds and failure to take necessary action respectively.

(iv) ensures that the petitioners’ plight is addressed; and,

(v) makes any other order or direction that it deems fit to address the prayers contained

And your petitioners will ever pray. It is presented by Maitu wa County, directors and myself, Ms. Sabina Chege.

DATE: 24th August 2016

Member of Parliament: Hon. (Ms) Florence Kajuju

Contribution she made on: Investigation Into Conduct Of Former Directors of Nanga Kihoto Limited

Hon. Speaker, I am sure the Leader of the Majority Party does not know what has happened from 2013 until now. Hon. Sabina from Murang’a County has signed a deed poll with my legal office. She is now legally recognized as Maitu wa County ya Murang’a, just like we have Kikali in Meru County.

Back on track, I have looked at this Petition---
DATE: 24th August 2016

Member of Parliament: Hon. (Ms) Florence Kajuju

Contribution she made on: Investigation Into Conduct Of Former Directors of Nanga Kihoto Limited

Hon. Deputy Speaker, I would have finished if it were not for the interruptions by the Leader of the Majority Party. Hon. Deputy Speaker, I have seen the Petition and it has been signed by almost 2,000 members. They want to know how their funds have been used and how their land is being subdivided and sold.

DATE: 24th August 2016

Member of Parliament: Hon. (Ms) Florence Kajuju

Contribution she made on: Investigation Into Conduct Of Former Directors of Nanga Kihoto Limited

Hon. Deputy Speaker, such issues and conflicts about land have even led to deaths, especially in Murang’a County. So, I am praying that the Departmental Committee on Lands looks at these issues and arbitrate. This is because the owners of this land do not have money to seek judicial redress. This is the best place for them to get a remedy and I hope that the Petition can be expedited so that we do not have any issues that affect the shareholders. Thank you, Hon. Deputy Speaker. I support.

DATE: 24th August 2016

Member of Parliament: Hon. (Dr) Naomi Shaban

Contribution she made on: Select Committee on Matters Relating To The Independent Electoral and Boundaries Commission

Hon. Deputy Speaker, I beg to move the following Special Motion:-
THAT, pursuant to the resolution of the House of 6th July, 2016 regarding the establishment of a Joint Parliamentary Select Committee on matters relating to the Independent Electoral and Boundaries Commission (IEBC), and paragraphs 7 and 8 of the Houses of Parliament (Joint Sittings) Rules, this House:
(i) adopts the Report of the Committee laid on the Table of the House on Thursday, 18th August, 2016.
(ii) commits to the recommendations of the Committee regarding:
a) allegations against Commissioners and the Secretariat of the Independent Electoral and Boundaries Commission, specifically on credibility, impartiality, integrity and independence;
b) legal mechanisms for the vacation from office of the current Commissioners and the Secretariat of the Independent Electoral and Boundaries Commission in accordance with the Constitution.

c) legal, policy and institutional reforms to strengthen the Independent Electoral and Boundaries Commission so as to ensure the August, 2017 elections are free and fair and are administered in an impartial, efficient, simple, accurate, verifiable, secure, accountable and transparent manner, and

d) legal, policy and institutional reforms to improve the electoral system and processes so as to ensure the August, 2017 elections are free and fair and are administered in an impartial, efficient, simple, accurate, verifiable, secure, accountable and transparent manner, and

(iii) resolves to establish a mechanism by which it shall oversee the implementation of the recommendations in the Report and the electoral processes until the 2017 General Elections.

Hon. Deputy Speaker, you will recall that on Tuesday, 5th July, 2016 and on Wednesday, 6th July, 2016, the Senate and the National Assembly, respectively, approved a Motion to establish a Parliamentary Select Committee on matters relating to the IEBC.


Further, the Motion recognises that through pronouncements, sections of society had raised issues on the credibility, impartiality, integrity and independence of the IEBC, electoral processes and laws.

The mandate of the Committee, as stated in the Motion, was as follows:-

(i) Inquire into the allegations against the Independent Electoral and Boundaries Commission Commissioners and the Secretariat;

(ii) On the findings of (a) above, may recommend legal mechanisms for the vacation from office of the current Commissioners of the Independent Electoral and Boundaries Commission and Secretariat in accordance with the Constitution;

(iii) Recommend legal, policy and institutional reforms to strengthen the Independent Electoral and Boundaries Commission and improve the electoral system and processes so as to ensure the August, 2017 elections are free and fair and are administered in an impartial, efficient, simple, accurate, verifiable, secure, accountable and transparent manner; and,

(iv) On the basis of the findings and recommendations in (a), (b) and (c), prepare a Report and a draft Bill or draft Bills.

The Committee was furthered required to receive views from experts, members of the public, the business community, civil society, religious groups, political parties, county governments and any other persons on matters relating to the Independent Electoral and Boundaries Commission and the electoral process.

The House resolved that the membership of the Committee should be 14. They included the following:-

(1) Sen. Kiraitu Murungi (Co-Chair)
(2) Sen. James Orengo (Co-Chair)
(3) Sen. Kipchumba Murkomen
Hon. Deputy Speaker, following its establishment, the Joint Parliamentary Select Committee on Matters Relating to the Independent Electoral and Boundaries Commission held its first meeting on 12th July, 2016 and other preparatory meetings. It considered and adopted its rules of procedure and a work plan, identified stakeholders for engagement with the Committee and prepared a framework for public hearings.

In fulfillment of its mandate and pursuant to Article 118 of the Constitution and Standing Order Nos.127(3) and 130(4) of the National Assembly and the Senate respectively, the Clerks of the Houses of Parliament invited members of the public through a public advertisement to submit their views to the Committee.

As a general guide, members of the public and stakeholders were requested to submit their views along four thematic areas, namely:

1. Allegations against Commissioners and the Secretariat of the Independent Electoral and Boundaries Commission, specifically on—
   (a) credibility;
   (b) impartiality;
   (c) integrity; and,
   (d) independence.

2. Recommendations on legal mechanisms for the vacation from office of the current Commissioners and the Secretariat of the Independent Electoral and Boundaries Commission in accordance with the Constitution.

3. Recommendations on legal, policy and institutional reforms to strengthen the Independent Electoral and Boundaries Commission so as to ensure that the August, 2017 elections are free and fair---

**DATE: 24th August 2016**

**Member of Parliament: Hon. (Dr) Naomi Shaban**

**Contribution she made on: Select Committee on Matters Relating To The Independent Electoral and Boundaries Commission**
Hon. Deputy Speaker, Thematic Area No.3 concerned recommendations on legal, policy and institutional reforms to strengthen the Independent Electoral and Boundaries Commission so as to ensure that the August, 2017 elections are free and fair, and are administered in an impartial, efficient, simple, accurate, verifiable, secure, accountable and transparent manner. The submissions were specifically required to address the following issues:-
(i) Composition of the Independent Electoral and Boundaries Commission and the Secretariat; and,
(ii) Appointment, term of office, terms of service and removal from office of the Commissioners and the Secretariat of the Independent Electoral and Boundaries Commission.

Thematic Area No.4 is on recommendations on legal, policy and institutional reforms to improve the electoral system and processes so as to ensure that the August, 2017 elections are free and fair, and are administered in an impartial, efficient, simple, accurate, verifiable, secure, accountable and transparent manner. This thematic area covered the following aspects:-
a) Voter registration;
b) Voter education;
c) Nomination and registration of candidates;
d) Campaign management;
e) Publicity and media;
f) Use of Information and Communication Technology in elections;
g) Voting process;
h) Transmission and declaration of election results;
i) Allocation of special seats;
j) Election observation, monitoring and evaluation; and,
k) Dispute resolution (including nomination and petitions).

The Committee held public hearings from 18th July, 2016 to 3rd August, 2016 and it received 58 oral submissions and 113 written memoranda from members of the public and other stakeholders. Thereafter, the Committee proceeded on a working retreat to consider the submissions of the public and stakeholders, and to further draft, consider and approve its Report and draft Bills. The Report of the Committee contains a number of recommendations made by consensus and based on the four thematic areas identified by the Committee. The Report further includes two draft Bills namely, the Elections Laws (Amendment) Bill, 2016 and the Election Offences Bill, 2016. The Report and the draft Bills are proposed by the Committee for adoption by the Houses of Parliament.

With regard to Thematic Area No.1, the Committee received representations from the public varying from a lack of public confidence in the current commission to conduct free and fair elections to both general and specific allegations touching on the credibility, impartiality, independence and integrity of the commission, commissioners and members of the Secretariat of the Commission. These largely related to the conduct of the March, 2013 elections. In its consideration of the allegations, the Committee took into account the following factors:-
(a) the provisions of the Constitution and the law on the process for disposal of allegations against the Commissioners and the Secretariat; and,
(b) the views received from the public and the stakeholders;

(Hon. Ng’ongo and Hon. Midiwo consulted loudly)
Hon. Deputy Speaker, the Chairman of the ODM is consulting too loudly.

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Contribution she made on: Select Committee on Matters Relating To The Independent Electoral and Boundaries Commission

Unfortunately, it cannot be, Hon. Deputy Speaker. I wish this could be easy to summarise. It is important for everybody to understand what we have gone through.
We also considered:-
(a) the time remaining to the August, 2017 General Elections;
(b) the need to ensure stability, public confidence and an orderly transition in the commission; and,
(c) The offer by the commissioners to vacate from office in the event of a negotiated settlement being reached.

In light of the above factors, the Committee made no finding on the allegations against members of the Commission and the Secretariat.
In reference to the Report, I would like to refer my colleagues to pages 24 to 35 on the issues of allegations and what we had to go through to come up with the conclusion. The Committee made no finding on the allegations because most of the accusations were on the Biometric Voter Registration (BVR) kits. That was a Government to Government procurement because it was done between the Government of Kenya and the Government of Canada.
On the Second Thematic Area, and drawing from its recommendation on the allegations against the Commissioners and Secretariat of the IEBC, the Committee explored the available legal mechanisms for the vacation from office of the current Commissioners and the Secretariat of the IEBC in accordance with the Constitution.
These mechanisms included:-
(i) removal from office of the Commissioners under Article 251 of the Constitution;

(ii) resignation from office;
(iii) a negotiated settlement for the exit of the Commissioners; and,
(iv) amendment of the Constitution and repeal or amendment of the Independent Electoral and Boundaries Commission Act, 2011.
Again, considering the fast approaching elections and the limitations of time and potential legal challenge to some of the other options, the Committee settled for and recommends that a
dignified vacation from office of the current Commissioners of the IEBC be negotiated and agreed upon in accordance with the law within two weeks of the adoption of this Report of the Committee by Parliament.

Hon. Deputy Speaker, it will be noted that the Commissioners, out of their own volition, expressly stated on HANSARD as reflected on paragraph 81 through to paragraph 89 of the Report that they are open to such a negotiated settlement as long as it guarantees them a dignified exit.

The remarks of the Chairman of the IEBC, Mr. Ahmed Isaack Hassan, as concerns that issue, which were also echoed by all his colleagues said:-

“There are only eight Commissioners plus the Chairman. We are very few and the country is bigger than all of us. We are also Kenyans. We want to work and live here. We do not have a spare country to go to. If a political settlement is reached which requires what you have read from the stakeholders, I have said this before, and I can confirm again that the Commissioners will not be a stumbling block and stand on the way of the settlement.”

The Vice-Chairperson of the Commission, Ms. Lilian Mahiri-Zaja stated:-

“I fully subscribe to the words and sentiments of my Chairman. We took an oath of office. We uphold the principles in the Constitution. We have served the country with great honour and we appreciate the leadership this Committee has shown in the process.”

All the other commissioners, one by one, subscribed and agreed to what their Chairman had stated.

Hon. Deputy Speaker, it is the Committee’s further recommendation that the current commissioners leave office when the new commissioners are sworn-in, which should not be later than 30th September, 2016. The Commission will deal with any disciplinary matter relating to the Secretariat through internal policies and mechanisms so as not to adversely affect preparations for the August, 2017 elections.

Under Thematic Area No.3, this House had tasked the Committee to make recommendations on legal, policy and institutional reforms to strengthen the IEBC so as to ensure the August, 2017 elections are free and fair---

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Hon. Deputy Speaker, as a counterbalance, given the use of the identity cards as a principal registration and identification document, and also considering the electronic electoral process, the Committee recommended the abolition of the use of the waiting cards largely owing to the fact that it has no security features.

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Hon. Deputy Speaker, in addition to the above recommendations on the Fourth Thematic Area, the Committee recommends various legal, policy and institutional reforms to improve the electoral system and processes. Key among them is:-
(i) The Elections Act be amended to increase the period for verification of the register of voters and scrutiny and closing of the register before elections from the current 60 days to 90 days;
(ii) the Commission ensures that the registration of prisoners as voters for presidential elections is implemented and that a progress report on this matter be included in the Commission’s Annual Report to the President and Parliament;
(iii) the Commission ensures that mechanisms and targets for the progressive realisation of registration of Kenyans abroad as voters are put in place---

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The Commission ensures that there is a progress report of the registration of prisoners for presidential elections. There should also be a progress report on the progressive realisation of registration of Kenyans abroad. The use of waiting cards should also be disallowed in the registration of voters. The other recommendations are:-
(i) with respect to the nomination and registration of candidates, imposition of various timelines to make the nomination process more transparent and democratic and further ensure that all party primaries are concluded, at least, 60 days before a general election;
(ii) the mainstreaming of the needs of persons with disabilities in voter education and on voting day;
(iii) that the Elections Act be amended to require the use of technology in the electoral process;
(iv) with respect to the use of ICT in elections, except for the August 2017 General election, any new technology be introduced in the election process at least one year before an election;
(v) for purposes of the 2017 General Election, the technology to be used be limited to the registration and identification of voters and results transmission (BVR, EVID and RTS);
(vi) all procurement of ICT equipment for the 2017 General Election be concluded, at least, eight months before the election and the equipment be tested at least 60 days before the next General Election;
(vii) the Commission, in consultation with all relevant stakeholders, including political parties and other relevant agencies and institutions, make regulations to govern the use of technology
in the elections, and that the regulations be tabled in Parliament within 30 days from the date of enactment of the proposed Election Laws (Amendment) Bill, 2016;

(viii) a structured and scheduled capacity building programme be put in place and implemented for the training of staff and other stakeholders on the technology to be used in the electoral process;

(ix) the Elections Act be amended to limit the number of voters in each polling station to a maximum of 500;

(x) the Elections Act be amended to provide for the electronic transmission of the tabulated results of an election for the President from a polling station to the constituency centres and to the national tallying centre;

(xi) the Commission amends the regulations to require the publication of the party lists submitted by political parties under Article 90 of the Constitution before the General Election; and

(xii) with respect to the presidential election, within 48 hours of the serving of a petition challenging the election of a President-elect, that the Commission delivers documents supporting the presidential election results to the Supreme Court.

Hon. Deputy Speaker, if you can recall this was the main bone of contention and it is important that my colleagues note that within 48 hours after the serving of a petition challenging the election of a President elect, the documents will be delivered to the Supreme Court by the IEBC.

With regard to the electoral malpractices, we realise from---

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Not yet, Hon. Deputy Speaker.

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Member of Parliament: Hon. (Dr) Naomi Shaban

Contribution she made on: Select Committee on Matters Relating To The Independent Electoral and Boundaries Commission

Hon. Deputy Speaker, add me three more minutes.

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Member of Parliament: Hon. (Dr) Naomi Shaban

Contribution she made on: Select Committee on Matters Relating To
DATE: 24th August 2016

Member of Parliament: Hon. (Dr) Naomi Shaban

Contribution she made on: Select Committee on Matters Relating To The Independent Electoral and Boundaries Commission

Hon. Deputy Speaker, it is very important. Since election offences are spread all over, we have come up with a proposed Election Offences Bill, 2016 and also set time limits within which the DPP may commence proceedings in relation to an election offence. I would like my colleagues to hear this. There has always been an offence of treating voters where---

(Loud consultations)

Please listen. Even if you called your voters to your house and gave them a cup of tea, you will be taken to court because you have caused--- Relax please. We have thought it is important for us to put all these and remove that particular offence of treating voters in the Election Offences Bill. We have removed it. So, it is important for you to understand why we put this in one document.

There is need for continuous oversight of the electoral process in Kenya to ensure that the above far-reaching recommendations made by the Joint Parliamentary Select Committee are fully implemented. In the circumstances, the Committee additionally recommends that Parliament establishes a mechanism by which it shall adequately oversee the implementation of the recommendations in this Report since we have only 349 days to the next election.

Hon. Deputy Speaker, the Committee wishes to thank the offices of the Speaker of the National Assembly and the Speaker of the Senate as well as the offices of the Clerk of the National Assembly and the Clerk of the Senate for the support extended to the Committee in the execution of its mandate.

The Committee further extends its appreciation to the members of the public and the various institutions and organisations that appeared before it or submitted memoranda to the Committee for their well-researched and eloquent submissions in this matter.

The Committee also appreciates the technical support accorded by the Office of the Attorney-General, the Office of DPP, the Judiciary, the Kenya Law Reform Commission (KLRC), the IEBC and the Computer Society of Kenya (CSK).

The Committee also benefitted immensely from the Panel of Experts and the joint rapporteurs who worked with the Committee throughout the process. The Committee wishes to acknowledge all the members of the public who have continued to keenly follow the
proceedings of the Committee and the media who ensured that the country remained updated at all times.

Hon. Deputy Speaker, I, therefore, beg to move that this House:

(i) adopts the Report of the Committee laid on the Table of the House on Thursday, 18th August, 2016;

(ii) notes the recommendationns of the Committee regarding:
(a) allegations against Commissioners and the Secretariat of the IEBC, specifically on credibility, impartiality, integrity and independence;
(b) legal mechanisms for the vacation from office of the current commissioners and the secretariat of the IEBC, in accordance with the Constitution;
(c) legal, policy and institutional reforms to strengthen the IEBC so as to ensure the August, 2017 elections are free and fair and are administered in an impartial, efficient, simple, accurate, verifiable, secure, accountable and transparent manner and,
(d) legal, policy and institutional reforms to improve the electoral system and processes so as to ensure the August, 2017 elections are free, fair, accountable and transparent manner.

(iii) resolves to establish a mechanism by which it shall oversee the implementation of the recommendations of the Report and the electoral processes until the 2017 General Election.

Hon. Deputy Speaker, I beg to move.

As I sit down, I ask my colleague, Hon. (Dr.) David Eseli, to second this Special Motion.

\[ (Hon. (Ms.) (Dr.) Shaban laid the document on the Table) \]

\[ (Applause) \]

DATE: 24th August 2016

Member of Parliament: Hon. (Ms) Korere

Contribution she made on: Select Committee on Matters Relating To
The Independent Electoral and Boundaries Commission


\[ (Loud consultations) \]

Mhe. Naibu wa Spika, naomba unilinde dhidi ya hawa mabwenyenye.

DATE: 24th August 2016
Member of Parliament: Hon. (Ms) Korere

Contribution she made on: Select Committee on Matters Relating To The Independent Electoral and Boundaries Commission

Mhe. Naibu wa Spika, naomba unilinde tafadhali.

DATE: 24th August 2016

Member of Parliament: Hon. (Ms) Korere

Contribution she made on: Select Committee on Matters Relating To The Independent Electoral and Boundaries Commission

Mhe. Naibu wa Spika, nataka kuwafahamisha Wabunge wenzangu kwamba nimezoea kelele hata nilikotoka lakini mimi husema ninayotaka kusema.

(Loud consultations)
Nasikitika kwa sababu leo nimeketi upande mbaya wa Jumba hili, lakini nitaendelea.

DATE: 24th August 2016

Member of Parliament: Hon. (Ms) Korere

Contribution she made on: Select Committee on Matters Relating To The Independent Electoral and Boundaries Commission

Siwezi kuketi chini! Kwendeni huko!

DATE: 24th August 2016

Member of Parliament: Hon. (Ms) Korere

Contribution she made on: Select Committee on Matters Relating To The Independent Electoral and Boundaries Commission

Itashika huyu kwanza.

DATE: 24th August 2016

Member of Parliament: Hon. (Ms) Odhiambo-Mabona

Contribution she made on: Select Committee on Matters Relating To The Independent Electoral and Boundaries Commission
Thank you, Hon. Deputy Speaker, for giving me this opportunity. I want to say that the elephant in the room is the issue of party hopping. We have just come from a very difficult situation, as a country. Only the other day, people demonstrated on the streets and several of them were killed. We have been given the responsibility, as Parliament, to push this country forward. Most of us, especially from the CORD coalition side, had agreed to support the Report without amendment of even a comma or a full stop. However, we have read the mood of the House, which is that people want party hopping because of the issue of lack of maturity of most of our political parties. Because of that, in order to enable this country to move forward, let us support the amendment by Hon. Olago Aluoch to allow members to party-hop as our parties grow and mature. Because other Members have also suggested that there are further amendments that should be introduced in the Report, as soon as we finish with the amendment by Hon. Olago, let the other Members move the subsequent amendments they may want to attach to the elephant in the room, which is party hopping. I plead with my fellow Members. I know that when we come here, sometimes there is excitement to do some sort of mob justice to a Report, but the country is looking at us. As Hon. Millie Odhiambo, I do not want us to go through the process of getting on the streets and getting people killed again. Please, let us give the country direction. Let us not throw away the baby with the bath water.

I support Hon. Olago Aluoch’s amendments.

DATE: 25th August 2016

Member of Parliament: Hon. (Dr.) Shaban

Contribution she made on: The Betting, Lotteries and Gaming (Amendment) Bill – Second Reading

Hon. Deputy Speaker, I beg to move that the Betting, Lotteries and Gaming (Amendment) Bill (National Assembly Bill No.30 of 2015) be now read a Second Time.

This Bill seeks to amend the Betting, Lotteries and Gaming Act, Cap. 131 to introduce tax payable by operators of lotteries and gaming and prize competitions in Kenya because currently, they do not pay any tax. This Bill is supposed to conform to the imposition of taxation under Article 209 of the Constitution, which is the sole mandate of the national Government.

I would like to refer to revenue raising powers and the public debt under Article 209. It states in Part 3:-

“Power to impose taxes and charges

209(1) Only the national government may impose-

(a) income tax;
(b) value-added tax;
(c) customs duties and other duties on import and export goods; and
(d) excise tax.”
This can only be done, if this amendment goes through, so that the people who are operating in the field of betting, lotteries and gaming can pay their taxes and plough back what they have been getting from Kenyans.

It is important for us to note that of late there are a number of issues which have been coming up in this field. The lotteries are reaping too much money from Kenyans. We need to regulate that so that they can plough back something to the Government in terms of taxation.

This Bill does not concern county governments. We need to address these issues because of the lotteries that are going on in our country. We need to borrow a leaf from countries that have been doing this for many years so that we do not find ourselves in a situation where it negatively affects our society. We need to protect the society and further amendments will be coming later on so that this can be covered. The Government can collect its taxes, but at the same time we can, thorough legislation, protect Kenyans.

This is unlawful although there is no law; it is clandestinely unlawful. Gambling has been going on in our country with too much money being collected. This is the case and yet very little is being ploughed back. People have become multi-billionaires overnight because of the amount of money they have been collecting from Kenyans. We need to regulate this. However, this cannot happen unless we put some laws in place.

This being the first amendment which allows for taxation by the Government, it has come at the right time. On top of this, we need to do many more amendments in order to bring some regulations to this field.

DATE: 25th August 2016

Member of Parliament: Hon. (Ms) Muhia

Contribution she made on: The Betting, Lotteries and Gaming (Amendment) Bill – Second Reading

Thank you very much, Hon. Temporary Deputy Speaker. I stand to support this Bill, which is indeed timely considering that our country is slowly moving to a betting culture. It is unfortunate that the Kenya Revenue Authority (KRA) has not identified the sources of the money. It is also very unfortunate that *mama mbogas* and *boda boda* riders are being pushed to pay taxes as millions of shillings are being repatriated overseas.

I see the Betting and Control Board, who are supposed to be regulating this sector, as part and parcel of the casinos. Why do I say this? I imagine that they are creative enough to come up with regulations before they give permits or licences to casino owners. They should set aside some shareholding for Kenyans so that part of the money they make can remain in this country.

We know that the Government is suffering because we want good roads, good hospitals and good learning institutions. We need a lot of money. Such institutions like casinos, lottery clubs and betting companies make millions of money yet the Government is suffering. Some of these businessmen are asking for a good business environment. This is quite unfortunate.

I urge the KRA team to sit and look at all the avenues of collecting more taxes. I would like us to amend the law so that some of the stakeholders can be Kenyans. Countries like Rwanda,
Ethiopia and many other African countries have incorporated such proposals in their statutes. If you are expatriate from whichever country and you want to do a certain kind of business, you have to give some shares to some citizens.

It is quite unfortunate that productivity amongst our youth has really gone down. Today our youth do not sleep. They use their phones betting on SportPesa 24/7. It makes sense and it is logical. Even if I was to be the one to make money using a phone rather than go looking for a job, I would do it. This is another culture where our youth might be wasted. They may not think or become creative, innovative or adapt to the system of working. So, slowly we may be a betting country instead of a working country.

We have so many graduates today but rarely will you find them looking for jobs anymore. You always find them betting. The betting craze has even interfered with domestic lives. Husbands and wives are fighting because the *mama* may use the money she is given for *unga* to bet. She loses the Kshs100 and the family goes without eating. We can also look at this issue in more diverse ways and see the harm it is causing us. There is need for control. The issues of permits and shareholding are critical but most importantly, the CEO and his team must take control.

I will not conclude my submission without saying that it is normal standard in any other country, be it in Europe or America, for these organisations to be bound to pay back to the society because they also earn from the society. We do not see their corporate social responsibility at any point yet we know that many institutions today are in the frontline with corporate social responsibility. We expect charitable organisations to equally benefit from this business.

With those remarks, I support.

**DATE:** 25th August 2016

**Member of Parliament:** Hon. (Ms) Wahome

**Contribution she made on:** The Betting, Lotteries and Gaming (Amendment) Bill – Second Reading

Thank you, Hon. Temporary Deputy Speaker, for giving me the opportunity to contribute to this Bill. I want to support it because the regulations are timely now that the country needs to raise sufficient funds for development.

As we debate, it is important to say that there is still a challenge in the way we collect and manage our revenue. Collecting is one thing and managing the revenue is another. We still have not been able to collect sufficient revenue from all the areas we need to. Targeting this area is good. We all know that gaming and betting are kind of luxury games for people who may have more money than they need. It is not a matter of life and death. Therefore, it is important that we tax these businesses even as we encourage them to spend more. Most important is how we apply that revenue in our development to achieve our Vision 2030.

Hon. Temporary Deputy Speaker, there is a concern that is rising within the country – that we have so many games that have come up even in our villages. We have seen games where small school children need to pay just Kshs20 to start. Therefore, there is idling within the villages and
the shopping centres. It is becoming a menace. It is bringing more youth to towns to do nothing but gaming.

We need to find how county governments, even as we deal with this regulation, will help. This is because most of these businesses are being licensed by our county governments. It is unfortunate that the revenue received in our counties, looking at development, has had no pro-rata impact on the ground. We are not for the development of our counties. Applying back the revenue is not there in our counties.

My big concern is how we are regulating or keeping our school children from the gaming dens? How far from the villages, school centres and other education institutions are the games being allowed? Unless this regulation targets that aspect, we may not have achieved much. I know that gaming, lotteries and betting bring revenue. But, this is now being devolved to our villages. There are so many games that have been developed by people to basically collect money from members of the public. This is not good. We are not minding about the negative impact.

As the national Government and the National Assembly, it is time we regulated the kinds of games that are mushrooming in every bar, shop and within our villages. If we do not do something immediately, the education sector and the Ministry of Education, Science and Technology (MOEST) have a big challenge. They should assess its impact on education performance and even on the number of school dropouts to establish whether there is any correlation brought about by the presence of these games. We have raised the same concerns in my constituency.

Schools administrators do not seem to know what to do in terms of disciplining the children. They are reluctant because they seem to be part of the cartels that are benefiting from the funds received from gaming. All the businesses allowing school children to participate in gaming should be closed without reference to any law enforcement agency. Immediately a child is seen there, there is obvious violation of the law.

How do we capture every shilling we are entitled to in revenue in this business? How does the revenue officer know how much is coming in? There are many ways of avoiding revenue collection because we know it happens. Declaration of how much money has been collected is something that the regulations that will emanate from these provisions should target. As we come up with regulations, we need to target the gaps that exist or always take away revenue. Otherwise, the expected returns will be lost because of dishonesty amongst traders who may not declare sufficiently the revenue they collect.

There is also an element that the lottery is supposed to be charitable in a way. Many lotteries that come up sometimes use a deception aspect because they all overdo TV advertisements. People are losing a lot of money. How do we know that they are genuine lotteries so that even as we bet, we know we are not putting money to areas that are not honest or managed and run properly?

There are cartels developed to con Kenyans of their money. We have seen lotteries that just come up to quickly receive money from the people. Within a short while, money is gone and nobody will have gained from that lottery. That is something we must be alive to. The regulations we will develop can address that. Policing regulations and licensing of betting needs to be raised to ensure that we get rid of bad practices that accompany the licensing of betting and lotteries. They are there and we know them.
May I repeat that we must know which areas to allow these games across the country? Just like we were talking about regulation of bars, we must know how far we can take these games from our villages. These are luxury activities. Do they need to go to the rural areas? How deep should they be allowed to exist in our communities?

Because we are talking about collecting and increasing our revenue, I take this opportunity to thank His Excellency the President for signing the Banking (Amendment) Bill. We know that the President chose the side of the people. Therefore, I urge the banks to support the law now that it has been enacted because we are looking for ways of increasing investment and trade, and encourage more entrepreneurship. We can still receive more income and revenue locally from investors, small-scale traders, farmers and the women who nowadays borrow money even for school fees. Imagine the high interest rates when you are borrowing school fees. It is an investment of some form but repayment may become a challenge.

We want more revenue. The Office of the Commissioner-General of the KRA should be given support through regulation and licensing of the area of betting, gaming and so on. We should also discourage crooks who come to this country to con Kenyans of their little monies and run away before we earn anything, as a country.

With those remarks, I support this Bill.

DATE: 25th August 2016

Member of Parliament: Hon. (Ms) Peris Tobiko

Contribution she made on: The Betting, Lotteries and Gaming (Amendment) Bill – Second Reading

No, I am the Member of Kajiado East Constituency.

DATE: 25th August 2016

Member of Parliament: Hon. (Ms) Peris Tobiko

Contribution she made on: The Betting, Lotteries and Gaming (Amendment) Bill – Second Reading

Thank you, Hon. Temporary Deputy Speaker for the correction on The Hansard. I am definitely not the Member for Kajiado South. I am the Member for Kajiado East. You are my neighbour. You should know better.

DATE: 25th August 2016

Member of Parliament: Hon. (Ms) Peris Tobiko
Hon. Temporary Deputy Speaker, I rise to support this Bill.
As we said during Hon. Midiwo’s Motion on control of betting, this is a Bill whose time has come. Betting and gaming is a sector that has been left largely uncontrolled yet it is a sector which deals with huge amounts of money. We have companies like SportPesa and other lotteries. It is definitely more than welcome for the Government to start levying taxes on this sector. It is not just about taxation. Investigations in this area have to be done. As the Member for Kandara said, we need to know the genuine charities and lotteries in order to protect our people from being conned. We know that our youth spend a lot of time playing pool.
I remember some time back women in the country rose up to fight illicit brews. In my constituency, a lot of women had issues with pool gaming because our youth waste a lot of time in pool game dens. There are also games like horse racing and safari rallies, where a lot of money is involved. The Government could gain by regulating the sector by taxing these games. As a previous speaker mentioned, these are games for people who have money to spare. A number of people are addicted to betting. Others hope that they can make money out of them. In the process, they have lost money and have become frustrated. We have young people who have lost even the little money they had. There are those who even lose their bus fare and so they are unable to go home. This has caused a lot of emotional pain to families. Men have gambled and lost what was meant for the family. Whereas it may be a game for others, it is a matter of life and death for the poor people who lose the little money that they have. So, this Bill is necessary. It addresses a very crucial issue. I think we still need regulation.

Hon. Temporary Deputy Speaker, there is a lot of noise going on here.

DATE: 25th August 2016

Member of Parliament: Hon. (Ms) Peris Tobiko

Thank you, Hon. Temporary Deputy Speaker, for the protection. I was saying that this is an area that needs regulation even in terms of the age of participants. This is because our young people are getting roped into this whole thing through the digital instruments. They waste a lot of time and resources. There should be a way to regulate even the age of those who can participate and those who cannot in order for us to protect our youth.
I support but the Government needs to be focused on regulation to particularly protect our young people.

DATE: 25th August 2016
Member of Parliament: Hon. (Ms) Chebet

Contribution she made on: The National Government Constituencies Development Fund (Amendment) Bill

Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. I support the Bill. This Bill is very dear to us our constituencies because of what the CDF has done for us in the past. I know that the predecessor of the CDF – the NG-CDF – will also do a lot for us. We also have the Equalization Fund, which has been created by the Constitution to take care of the development of areas which have been lagging behind. The NG-CDF is good because it will raise the standards of education and enhance security. The most important thing is education because it will equalise our constituencies and communities. Once we have education, most of our youth will be taken care of.

We have debated the Betting, Lotteries and Gaming (Amendment) Bill. Betting and gaming have taken a toll on our youth because they spend a lot of time betting because they did not complete their education.

DATE: 25th August 2016

Member of Parliament: Hon. (Ms) Chebet

Contribution she made on: The National Government Constituencies Development Fund (Amendment) Bill

Thank you. We need education so that our youth can remain in school and stop the betting we are seeing currently. Recently, our youth burned schools enmass.

DATE: 25th August 2016

Member of Parliament: Hon. (Ms) Chebet

Contribution she made on: The National Government Constituencies Development Fund (Amendment) Bill

My argument is that---

DATE: 25th August 2016

Member of Parliament: Hon. (Ms) Chebet

Contribution she made on: The National Government Constituencies Development Fund (Amendment) Bill

I support this Bill.
Hon. Temporary Deputy Speaker, thank you for giving me this opportunity. There is nothing much I want to contribute other than celebrate the fact that the IEBC commissioners are out. This is because the majority of Kenyans wanted them out. This is a Report that gives us the process of appointing the new IEBC commissioners.

There are certain words that are used in this Report that are attractive. They are “free and fair elections, verifiable, objective, simple, accurate and transparent.” These are key words that we need to highlight all the time in the election process. This is not only for the IEBC alone but also for parties that are going to have nominations. Even nominations must put in place these values that we put for the IEBC. Parties must also have free and fair nominations. They must be verifiable, objective, simple, accurate and transparent so that the whole process of transparency, fairness and objectivity is maintained throughout the election process of which nomination is one of them. So, it is a big message to parties that they must streamline themselves so that even this party hopping that is being mentioned here does not occur. Nobody will party hop if a party is transparent, free and fair. So, we need to use all these words not only for the next elections but also for parties that are exercising nominations.

I want to conclude by talking a little bit about biometrics. We cannot run away from the fact that we are not well connected with electricity in this country. We have blackouts throughout the day. The blackouts run for three days in certain areas. My biggest worry if we are going to use the ICT during elections is if there is no power. We have to be realistic and, therefore, we must have plan “B”. We must have generators in every polling station so that should there be no power, we will still run the elections and transmit the results. Otherwise, we are not being realistic when we say that we are going digital. It is good to go digital but we are not ready as a country.

I support the Report.
Thank you, Hon. Temporary Deputy Speaker.
I want to bring to the attention of Members that we are the people to improve our party nominations. We are the people to believe in our parties because Ugandans will not come to believe in the Jubilee Coalition nor will the Tanzanians come and believe in CORD. We should believe in our parties, make regulations and implement them. When we say nominations will not be fair, then we are abetting that we hope to ever make good parties. It is possible to have free and fair nominations.

I stand here as a Member who was elected through a free and fair nomination exercise in Nyandarua County. We had over 450 polling stations. We are aware of the inefficiencies of party nominations especially when polling stations are merged. This is because this denies old persons and persons with disabilities an opportunity to go and cast their votes. All aspirants in Nyandarua County collected funds and presented them to The National Alliance (TNA) Headquarters which gave us what they had for other counties, and we conducted nominations in every polling station. I believe this nomination was free and fair. I also believe that it is possible to have free and fair nominations. We are the people who can make free and fair nominations. My good friend, Hon. Ababu, spoke about freedom of association which is denied members who want to party hop. Who is infringing on the right of the other? If you truly believe in a political party, your freedom is not infringed because you have freely joined that party. If you do not believe in the other party, you should just be independent or join another party. Therefore, because of this amendment, I will support this Report with reservation. We are the people to move the country progressively. We always operate at 100 per cent. If you look at this House today, you will see that the members who “party hopped” and made it to this House are statistically not more than 5 per cent. Many others “party hopped” but they never made it to this House.

Hon. Temporary Deputy Speaker, we were seven women during the election. When six were defeated in the nominations, they joined other parties. The six garnered 50,000 votes and I was elected with almost 200,000 votes. So, they still never made it to this House. When we talk about 5 per cent, I have to put this question to these members and I want to remain on record. Do we want to take the larger percentage of the country or the smaller percentage? This is because 95 per cent will make it to this House after nomination, while 5 per cent will make it to this House after party hopping. Do we want to go with the 5 per cent or with the 95 per cent?

Hon. Temporary Deputy Speaker, these are fundamental questions that every leader with a bigger picture--- Every leader would like the Jubilee Party to be like the Republican, the Democratic, the Conservative or the Labour parties. These are fundamental questions that we must ask ourselves.

The country should go the majority way because it is always said that the majority have their way, and the minority have their say. If we look at the percentage, then we should go the majority way.

Having said that let me conclude by saying that we are the people to make the change. Let us see the bigger picture and say to the people who do not believe in a party that they have the right to choose a party of their choice so that they can exercise their freedom.

With those few remarks, because of time constraint, I will stop there.

I support this Report for the sake of Kenya.
DATE: 31st August 2016

Member of Parliament: Hon. (Ms) Rachel Nyamai

Contribution she made on: Papers Laid

Hon. Speaker, I beg to lay the following Paper on the Table of the House, today, Wednesday, 31st August 2016:-

The Report of the Departmental Committee on Health on its consideration of Senate Amendments to the Health Bill, 2016.

DATE: 31st August 2016

Member of Parliament: Hon. (Ms) Jessica Mbalu

Contribution she made on: Construction of Standardized Staffrooms/Storage Facilities for Schools

Hon. Speaker, I beg to give notice of the following Motion:-
THAT, aware that education is an important tool for empowering people to actively engage in national development towards realization of Kenya’s Vision 2030 and Sustainable Development Goals (SDGs); noting that conducive working environment for teachers is essential for enhancing efficiency and safety of learning materials; cognizant of the fact that teachers in a number of public schools work from poor staffrooms while others operate in poor makeshift facilities in schools in all levels of Government, including Early Childhood Development (ECDs) some of which are without staffroom facilities, or equipment or books storage facilities; concerned that such poor working conditions constrain optimal service delivery by teachers and expose learning materials, including books purchased under the Free Primary Education (FPE) and subsidized secondary school capitation funds to destruction and theft; this House urges the National Government and the county governments to initiate a comprehensive programme to ensure that all public primary and secondary schools and ECDs have standardized staffrooms for teachers and safe custody of learning equipment and materials.

Thank you, Hon. Speaker.

DATE: 31st August 2016

Member of Parliament: Hon. (Ms) Jessica Mbalu

Contribution she made on: Reports and Third Readings: The Civil Aviation (Amendment) Bill

Hon. Temporary Deputy Speaker, I beg to report that the Committee of the Whole House has considered the Civil Aviation (Amendment) Bill, National Assembly Bill No.14 of 2016 and approved the same with amendments.
DATE: 31st August 2016

Member of Parliament: Hon. (Ms) Jessica Mbalu

Contribution she made on: The National Government Constituencies Development Fund (Amendment) Bill

Hon. Temporary Deputy Speaker, I beg to report that the Committee of the Whole House has considered the National Government Constituencies Development Fund (Amendment) Bill, National Assembly Bill No.34 of 2016 and approved the same with amendments.

DATE: 31st August 2016

Member of Parliament: Hon. (Ms) Nyasuna

Contribution she made on: The Election Laws (Amendment) Bill – Second Reading

Thank you, Hon. Temporary Deputy Speaker. The Leader of the Majority Party has brought in a very important point. It is actually in the Bill but the way in which he has raised it might create the perception that women who will be contesting for political seats will be given money under this Bill. The correct impression is that political parties that will bring in special interest groups will have an incentive as far as division of the political parties fund is concerned. Eighty five per cent of the Political Parties Fund will be shared out proportionately while 15 per cent will be shared out after the elections according to the number of special interest seats that a party won.

Thank you.

DATE: 31st August 2016

Member of Parliament: Hon. (Ms) Muia

Contribution she made on: The Election Laws (Amendment) Bill – Second Reading

On a point of order, Hon. Temporary Deputy Speaker

DATE: 31st August 2016

Member of Parliament: Hon. (Ms) Muia

Contribution she made on: The Election Laws (Amendment) Bill – Second Reading

Hon. Temporary Deputy Speaker, I am not rising on a point of order against him. I am rising under our Standing Orders to seek your indulgence that we limit time for debate by each Member to five minutes so that several Members can speak on this.
Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity. I wish to support the Bill and indicate that this is a negotiated document. A negotiated document is like a two-edged sword – it cuts both ways. That is why you heard Hon. Duale, while moving; making reference to the International Criminal Court (ICC). I remember that at the beginning of that saga, we spoke here and said, “Let us not be vague, let us go to the Hague” and then we came back from The Hague with a crashed egg on our face.

Today we are carrying the wheat and chaff because our role in Parliament is both political and legal. This is one of the times when we are doing both the legal and the political bits. We are doing the political, which is to carry the country forward. That is why you are seeing Hon. Duale and other leaders speaking strongly to non-amendments. However, that does not take away our constitutional right to amend the document, if we want. We are working both as politicians and legislators. That is why you see, for the first time, Hon. Duale being very thankful to Hon. Jakom for helping him and even enabling him to be appointed as Minister, something that he rarely does. It is only Hon. Isaac Mwaura that I have seen exercising a lot of maturity even as he wants to transit from his current political party. I want to congratulate him. We need to move in that direction as politicians. When you have been supported by a party and you get to a point where you want to leave, do not become the devil. It is probably because of his circumstances, which are dictated by the nation and sometimes by the ethnic nature of our country, that have forced him to go the direction he is going but he is thankful. I want to congratulate him for that decision.

I want to speak very quickly to certain issues. One of the proposed amendments is on the issue of a web portal, which is pretty good in theory but we know what Kenya is with technology. I am one of the people who are worried of technology. At the push of a button in technology, you can change the history of the world. In past elections, we believed that the course of this nation was changed at the click of a button. I was very fortunate to very recently, through the Pan African Parliament (PAP), to observe elections in Zambia. One of the things that we have not picked up – which I wish we had picked up from Zambia – is the tedious process they go through. They do name and photo verification when people go to vote. It just means that you have more polling clerks but you do not have dead voters and other people voting. The only challenge when we were leaving Zambia is that many people were saying that they wished we had stayed longer up to the point when people had been elected. Their concern is that many elections are stolen at the point of tallying. A lot of times elections are stolen electronically. We have moved away from hitting people with pangas and beating people to more of electronic violence. I am very worried of technology because it is a new way of doing voter rigging.

All I can do even as I sit here, if I want to change the course of many things, is to substitute Mbita with North Mugirango and all the election results of Mbita automatically will be exchanged with those of North Mugirango. I am worry of that sort of thing.
The issue of audit is very good. However, I would wish that we had defined what audit is because in law, the devil is in the detail. What is audit? If we say we shall audit and then we leave it to anybody to define what audit is, somebody can sleep in their house and when they wake up they say they dreamt that they audited and that qualifies as auditing or somebody might just read a document and say that they have audited. So, what exactly is auditing? Can we define “auditing” in this law?

I also want to speak to the issue of party-hopping. The last time I spoke in the House, I said—

(Loud consultations)

DATE: 31st August 2016

Member of Parliament: Hon. (Ms) Muia

Contribution she made on: The Election Laws (Amendment) Bill – Second Reading

Thank you, Hon. Temporary Deputy Speaker. I know one of the people consulting is my good friend, Hon. Aghostinho Neto, and I know why. He will have his time.

The last time I spoke I said that the elephant in the room is the issue of party-hopping. I want to reiterate what I said then, which I stand for now. In principle, I do not support party-hopping. I wish we had concurrent laws that also promote internal party democracy. We cannot be talking about democracy on one side and taking it away on the other. Democracy must be all-rounded. It must start with me at an individual level, move to the party and go to the country level. I do not support party-hopping but I am happy that a timeframe has been provided, whether it is 60 or 45 days, within which parties can submit the names of their nominees. I would have wished that within that framework, there was an internal party mechanism to deal with complaints.

If you look at all the Members who are unhappy, they have gone through very unfavourable experiences. I want to disabuse what Hon. Duale said about party leaders. A lot of times, I have been a victim. It is not the party leader. When I was denied my certificate, it was not Hon. Raila Amollo Odinga who denied me my certificate, it was a party official who denied me the certificate. In fact, Hon. Raila called him and told him to give me the certificate because I had won. Somebody else took me on a certificate chasing for four days. We must have party mechanisms for dealing with unruly people like that one in parties. That is why Members of Parliament are very hesitant about the issue of party-hopping.

On the issue of issuance of ids, in Mbita constituency, we are one of the people who are usually affected. What is the penalty? If what we provide in the law is not adhered to, there must be punitive measures for people who do not adhere to it.

The other issue is what my sister, Hon. Gladys Wanga, raised on a point of order; that, Hon. Duale was actually misleading the House. What this amendment seeks is to reward parties after elections. There is not going to be any money given to women or any other special interest groups to campaign. It is not provided for in this Bill. This Bill provides, for instance, right now, if the allocation was to be given to political parties, the ODM would get the least because I am the only elected woman in the whole country in the ODM Party. It would get the least amount. It is encouraging parties to ensure that more women are elected to the House.
I will give an example of what Hon. Duale has spoken about. He said that we will be promoting Rosemary to vie against Ken in Kibra. In Luo land, there is a saying which goes *mwanda ok en diend ng’ato*, meaning that if you want to go hunting, anybody can go hunting, but whoever gets the wild animal takes it home. In this instance, Hon. Kenneth Okoth, Member for Kibra and my friend, is doing excellent work. If I was a voter in Kibra, I would vote for him. However, *mwanda ok en diend ng’ato*. So, if Rosemary wants to vie against him, she cannot be stopped merely because she is Raila’s daughter. That is a right as a woman. As a woman, I am feeling lonely. I need more women in Orange Democratic Movement (ODM). I am the only one who was elected in the whole country. Let us not dismiss Rosemary merely because she is Raila’s daughter. Hon. Okoth is doing an excellent job, but I am not a voter in Kibra. Kibra people will make their choices, but let us not dismiss a woman merely because of her background.

Hon. Temporary Deputy Speaker, finally, on the Independent Electoral and Boundaries Commission (IEBC) appointment, this is part of the wheat and chaff we are picking. I do not like the process which is being used, but we have agreed to support it. I will support it. For records, the Committee said they did not make positive or negative findings on the IEBC.

Hon. Temporary Deputy Speaker I support the Bill.

**DATE: 31st August 2016**

**Member of Parliament: Hon. (Ms) Muia**

**Contribution she made on: The Election Laws (Amendment) Bill – Second Reading**

Thank you very much, Hon. Speaker. Just to recap, I had a concern on Clause 14 where Article 97(b) of the Constitution does not refer to women representatives as women representatives. I remember your ruling last year but one. You indicated that there is no women representative because it is clearly written that there shall be 47 women members from the counties elected by registered voters. So, I seek the clarification either from the Leader of the Majority Party or the Legal Department on this. We should get the right name.

I also had a concern with the 500 voters per polling station. I had the benefit to oversee the Tanzania elections and the provision of 500 voters per constituency was really working well. People do not queue for many hours. However, the clarification I also want to seek here is in connection with the 500 voters per polling station or per stream. We are aware there are some polling stations which have even 3,000 voters. In this case, they normally divide them into streams. So, is this Bill speaking about streams or polling stations?

Having said that, I continue supporting this Bill in totality. The main issue which has attracted a lot of attention is party-hopping, which I continue to oppose and support that there should be no party-hopping. Party-hopping has been misleading, mischievous and a sign of indiscipline. It is time now for us, as leaders, to guide this country and act without fear.

Parties like the Conservative and the Democratic started somewhere. I believe they had issues. So, we cannot continue holding nominations that have issues. It is time that we accept that they have had issues so that we rectify them and move on. To add more weight, even a woman
cannot be married by Man “A” and put another man in pocket “B” and say: “If things do not work, I will go to pocket “B”. You stick to one man until death do you part.

In the past, Members of Parliament have not been able to support their presidential candidate. We have witnessed several members lose their elections because of moving around with their presidential candidate. I am prepared to win the nomination, stay with my certificate, move to Malindi and face Hon. Aisha Jumwa. As she asks for votes for Hon. Raila, I will also put on a buibui and ask for votes for Hon. Uhuru.

Time and again, the people with disabilities have been left behind mainly because of the way polling stations have been merged. The issue of the Independent Electoral and Boundaries Commission (IEBC) is highly recommended. If we go this direction, we shall offer free and fair nominations to every person who is willing to participate.

A very big headache which members have possibly not realised, particularly those who sit at the county elections, is the agents. In Nyandarua County, I have 450 polling stations. When they are divided into streams, they increase to 2,000. In the last election, I paid 2,500 agents to represent me. If we go the IEBC way, I do not need to bother. Because of the madness of nominations, you do not need to look for an agent but a mighty agent. In this case, it is very difficult to get 2,000 mighty agents. So, this is a big headache that will be moved from the people who will be contesting at the county level.

Finally, as I say the amendment is good, we need to have a holiday on the nomination day. Why do I say this? The nominations are conducted by people who are normally in town. That is mainly those who are not working but have been paid and are willing to vote. Mothers and people who are working in towns and rural areas do not leave their work to go and participate in nominations. For this reason, the person nominated may not indicate the will of the people of that constituency. For that reason, I will ask the other parties to agree to move as one team and have nominations on the same day.

I ask Hon. Members to support because deep inside our hearts we are all sure that a party should represent a nation. No wonder The National Alliance (TNA) is a purely Central Region party. We try to bring on board people from other parts of the country but we do not get Members of Parliament from those areas. Going forward, this is a good Bill which will remove all the mischief. Candidates will also not be subjected to more than one election. In the past, we have been subjected to two elections. One goes through the hell of nomination and then goes through the elections process with the same candidates.

With those few words, I support.

DATE: 31st August 2016

Member of Parliament: Hon. (Ms) Nyasuna

Contribution she made on: The Election Laws (Amendment) Bill – Second Reading

Thank you, Hon. Speaker for giving me this opportunity. I would like to support the Election Laws (Amendment) Bill.

I thank our leadership and the Joint Parliamentary Select Committee that worked hard to build consensus and bring a Bill that is nearly acceptable. I thank the leaders of the two coalitions in
this country for agreeing to work together to move this country forward as far as electoral reforms are concerned.

Some of the people who agitated for electoral reforms lost their lives during the street protests that took place in this country. I honour them for putting their lives on the line so that we can have electoral reforms that will ensure we have free and fair elections that are representative of the will of the Kenyan people. Before making a few points at this juncture, I would like to say that we really struggled to get where we are today. However, we did not go to the streets to stop people from party-hopping, grass-hopping or any other kind of hopping.

(Applause)

I am disappointed that a course that was meant to be bigger than all of us has been hijacked by some later-day Pharisees to achieve their own selfish ends. I am a bit sad that we are going to stand here trying to help a few people to meet a few selfish ends of building one big basket party, and yet Kenya is a multiparty state.

Having made those remarks, I would like to say that the fact that we are going to have one voter register is very important because we have had a green book, a yellow book and a black book. It is now being provided in law that we shall have a single register of voters. The voter register is key because it was a key factor in getting us where we were as far as election outcomes were concerned in this country. I am happy that the voter register audit report will not just be retained by the IEBC but it will also be tabled in the National Assembly and the Senate. So as to establish that the audit has been properly done, after implementation, a Report will be brought to the Floor of this House. Apart from just a name appearing at a polling station, Clause 7 is very clear that one will need to have their biometrics along.

I have spoken about the issue of party-hopping. Stopping people from hopping from one party to the other is just returning our State to those dark days when people did not have a choice of which political party to belong to, albeit technically. You tell them that you can belong, but at the end of the day you do not belong.

There are fundamental issues if you look at Clause 14 as far as transmission of results is concerned. Clause 14(c) states that we shall publish the polling results forms on an online public portal to be maintained by the Commission. What this means is that as election results are transmitted, there will be a public portal that has polling station result forms so that any Kenyan can go to that portal and see, for example, Alara Korayo polling station where I vote, how people have voted. The actual form is visible.

I hope that technology does not let us down in the manner it has in the past. If we can see visible forms from every polling station publicly, we will not have to wait for that poster at the Bomas of Kenya. Everybody will be working out his or her own results and the correct person will be sworn in.

The Commission is now required by law to acquire this technology and test it. It should do this in consultation with the relevant agencies, institutions and stakeholders including political parties. I am happy that political parties will now have a stake in verifying and testing equipment as we move forward to the next elections.

“Madam” Speaker, the fact that under section 20 you have an appeal, it will now act as a stalemate— I am sorry, Hon. Speaker.
Hon. Speaker it is because of the laces.

Hon. Speaker, the fact that an appeal will act as a stalemate--- This will prevent us from having some Hon. Members in this House, while waiting for their appeals to be determined out there. That is a very important improvement.

Another important aspect which I had spoken to earlier on is the fact that political parties will now have an incentive to bring in more women members and special interest groups to Parliament. This is a very good incentive. I hope that my party, which I am Chair and work side by side with Hon. Kaluma in Homa Bay will now bring in more female members so that we can benefit effectively.

(Laughter)

The roles of the Commissioners and the Secretariat have been clearly delineated. The Commissioners will now not mix themselves up with procurement and other things that have made them to become very disgraced at the end of the day.

With those many remarks, I support. I hope we will not be used to meet any selfish ends of anyone. What we wanted was electoral reforms and the IEBC to go. We also wanted a new IEBC. We do not want to stop people from moving from one party to another or the same being used as an agenda to hijack what has been a very straight agenda for which Kenyans have lost their lives.

Thank you, Hon. Speaker.

Thank you, Hon. Speaker for giving me this chance. I rise to support this Bill in totality.

Before I go to my points on the Bill, I would like to react to comments made by Hon. Ngeno on how we were whipped and how we went under beds. This suggests that we are worshipping our leaders. I know Hon. Ngeno was addressing both sides of the political divide, because last week there was a coalition that was also whipped.
Hon. Speaker, every house which has a parent has rules. When parents summon their children, they go. I want to appreciate and understand Ngeno’s situation because he is yet to get into the family way, and understand how some of these things work.

(Laughter)

I want to support this Bill. It has addressed many issues. One of the critical issues that this Bill has addressed is the register of voters. It has decontaminated the whole system. It has freed it from irregularities that we previously heard. People were complaining that the IEBC was being an unfair referee. Many problems were bedevilling the Commission, and there was loss of public trust. All these are addressed in this Bill.

Clause 4 of the Bill amends Section 6 of the Elections Act to require the IEBC to maintain a portal to allow online inspection of the register of voters. This will increase efficiency and reduce the cumbersome procedures of visiting offices to check the manual registers.

Clause 5 gives 90 days for biometric verification of the register before elections. This is adequate time before elections. That addresses the issue of the election register. It also allows for the audit of the register by an independent firm for accuracy, six months before elections, and to report the findings to Parliament.

There is also the issue of ghost voters or non-existent voters. This Bill is basing eligibility of voting on the biometric voter register and the production of identification documents by the voter. This is a good thing.

Clause 14 amends Section 39 of the Elections Act to provide electronic transmission of results. This has always been the problem in previous elections where people have been suspicious of rigging and manipulation of results. It also reduces the complaints from agents who usually say they have been chased from the polling stations for manipulation of votes to take place. The transmission of results to the national tallying centre from the polling station, the constituency and the county tallying centres is a very good thing.

This Bill prescribes the processes and mechanisms for presentation of petitions. I know of a case in Turkana where after one member lost, she tried to present her petition to the Returning Officer. This is because people do not know the mechanisms and the processes of presenting petitions. The Bill also prescribes processes for nomination of independent candidates, submission of party lists and provision of voter education.

With those few remarks, I support this Bill.

Thank you.

DATE: 31st August 2016

Member of Parliament: Hon. (Ms) Peris Tobiko

Contribution she made on: The Election Offences Bill

Thank you, Hon. Speaker. I rise to support this Bill. As the earlier speakers have said, the offences and criminal acts that have been mentioned here are not necessarily new, but now they have all been put under one law. Particularly, when it comes to the electioneering period and party primaries, women have borne the brunt of election violence.
I am also happy because this Bill gives details of how to deal with violence during the election period. There are many other offences that have been mentioned in this Bill. I want to agree with Hon. Ochieng that we do not lack good laws in this country. The challenge has always been the implementing agencies. Either there has not been goodwill to implement those laws or we have deliberately decided to shove off the laws and operate as if we are in a jungle during the electioneering period.

Not long ago, there was a question of vacation of office by the Independent Electoral and Boundaries Commission (IEBC) commissioners. There is a procedure in law of removing them from office, but the other side of the divide went to the streets causing mayhem that left some Kenyans dead, just so they could push their wishes through. I am not sure, that even if we amalgamate those laws into one, or if we come up with a good piece of legislation, we will stop Kenyans from operating with impunity. I am not certain that there is goodwill by various political leaderships and the IEBC to implement these laws.

This Bill states that there shall be no use of public resources during the electioneering period. This is to ensure that we do not have undue advantage over the other aspirants. We should pass this Bill. This Bill, however, has major concerns. We should not keep saying this is a negotiated document and yet, there are flaws that need to be addressed. We will not be doing any justice as a House. Some of these issues will come back to haunt us.

Some penalties that are proposed in this Bill are excessive. When somebody is charged Kshs1 million or a jail term of about three years, then that raises concern about those two Bills that need to be addressed.

I want to call upon the House to rise up to the occasion and make sure that we do not pass laws that will not be implemented. I support this Bill.

After going through those two election Bills, I am yet to come across very specific---

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**DATE: 31st August 2016**

**Member of Parliament: Hon. (Ms) Odhiambo-Mabona**

**Contribution she made on: The Election Offences Bill**

On a point of order, Hon. Temporary Deputy Speaker.

**DATE: 31st August 2016**

**Member of Parliament: Hon. (Ms) Odhiambo-Mabona**

**Contribution she made on: The Election Offences Bill**

Thank you, Hon. Temporary Deputy Speaker. Is the Member in order to be relating the issue of demonstration to circumcision? Even though Kiswahili is not my mouth, if I heard her correctly, I was demonstrating, but I do not have any male organ, circumcised or otherwise. Is the Member in order to be equating issues of demonstrations with circumcision? She must respect the cultures of communities.

**DATE: 31st August 2016**

**Member of Parliament: Hon. (Ms) Korere**

**Contribution she made on: The Election Offences Bill**

Mhe. Spika wa Muda, kwa vile Nyumba ilivyotulivu leo na viwango vya joto vikiwa chini, naomba msamaha.
DATE: 31st August 2016

Member of Parliament: Hon. (Ms) Korere

Contribution she made on: The Election Offences Bill

Yes.

DATE: 31st August 2016

Member of Parliament: Hon. (Ms) Odhiambo-Mabona

Contribution she made on: The Election Offences Bill

Thank you, Hon. Temporary Deputy Speaker, for giving me the opportunity to contribute. I had closed my books. I thought we were adjourning. I had spoken generally on elections. I will bring amendments to this Bill. If we want to bring party-hopping, I have said from a governance perspective that there must be party discipline. I will bring amendments which will cause us to have party discipline. I am a victim of indiscipline in parties. I have said before it is not an issue of party leaders, but of individuals who take advantage. Unfortunately, I know there are new members who think they are the party owners. I have bad news for them. They are not, and will never be the party owners. I have a testimony from Hon. Oburu Odinga who is a brother to our party leader. He did not get his nomination certificate. So, those who are here and think they are closer to Hon. Raila Odinga more than Hon. Oburu are in for the greatest shock of their lives. We need to spur people who are misusing our parties. There are technocrats within parties and others who do not vie for elective positions. I will propose several amendments. I cannot say all of them. For example, in the definition of the word “election”, I will propose to add the words “and party primaries” so that we say, “ Election means a presidential, parliamentary or county election, and includes a by-election and party primaries, so that every offence we put here in relation to main elections must also apply to parties. If you bribe voters during main elections and primaries, you should pay Kshs1 million which you will force other people to pay. We cannot say we wait for the main elections. Some of us come from places where party primaries are the elections. If I get the party certificate in Mbita it is because I am doing an excellent job right now. Today, in the newspapers, it is shown that I officiated over the establishment of the first school in Sukuru Island since the era of the Zinjanthropus. The people of Mbita are happy with me. I do not want somebody who has never vied for any elective position to thwart the will of Mbita people by doing all manner of things including the shooting that happened during my own election.

The Directorate of Criminal Investigation (DCI) officer who was involved has not been transferred to date. Therefore, I am going to face the same challenges, I am not waiting. God has given me an opportunity to come to this House and so I do not mind if I fail but I will propose amendments that will bring discipline in our parties. I support the Bill with amendments.
DATE: 31st August 2016

Member of Parliament: Hon. (Dr) Naomi Shaban

Contribution she made on: The Election Offences Bill

Thank you, Hon. Temporary Deputy Speaker. I wish to donate one minute each to Hon. Regina Ndambuki from Kilome, Hon. Mwadeghu from Wundanyi and Hon. Savula. How many minutes do I have?

DATE: 31st August 2016

Member of Parliament: Hon. (Dr) Naomi Shaban

Contribution she made on: The Election Offences Bill

I will donate another minute to Hon. Macharia from Molo and Hon. Iringo. Those are five people. Finally, I will donate one minute to Hon. Nakara from Turkana.

DATE: 31st August 2016

Member of Parliament: Hon. (Ms) Muia

Contribution she made on: The Election Offences Bill

Thank you, Hon. Temporary Deputy Speaker. Since I have only been given one minute, I am going to make use of it.

DATE: 31st August 2016

Member of Parliament: Hon. (Ms) Muia

Contribution she made on: The Election Offences Bill

Hon. Temporary Deputy Speaker, I hope the light flashing is not for me.

DATE: 31st August 2016

Member of Parliament: Hon. (Ms) Muia

Contribution she made on: The Election Offences Bill

Hon. Temporary Deputy Speaker, I support this Bill. I hope the National Cohesion and Integration Commission (NCIC) will be given teeth to bite. We have read about this all the time. I
have seen some regions during elections where people fight, kill each other and burn cars yet no action is taken against them.

With regard to party-hopping, people must make decisions. If you want to vie for an elective---

DATE: 31st August 2016

Member of Parliament: Hon. (Ms) Wahome

Contribution she made on: The Election Offences Bill

Thank you, Hon. Temporary Deputy Speaker. I would like to thank the Deputy Leader of the Majority Party for giving me a minute to make my contribution. I support this Bill.
I was a victim of election violence and to date that case has not been concluded. Acts of destroying election materials and even defacing of candidates’ adverts still exist. Pulling down of candidates’ materials should be well catered for in this law.
We need to legislate against early campaigning because right now there are candidates already on the ground with posters even before the election period is declared.
Finally, I am also looking at Section---

DATE: 31st August 2016

Member of Parliament: Hon. (Dr) Naomi Shaban

Contribution she made on: The Election Offences Bill

Thank you, Hon. Temporary Deputy Speaker.
As I reply, I want to thank all the Members for all the support and contributions they have made. Even the Members who are planning to bring amendments are doing so within the mandate they have been given in this House.
I want to take this opportunity in also thanking the Joint Select Committee for the work that was put in. It was not an easy fete. Even when we came up with the decision of putting all the election offences that were scattered all over in one place, it is because a lot of work had gone into it. The Director of Public Prosecutions (DPP) also said he was having a very difficult time because even when he knows there are offences which have been committed, he would not know what to do because it was not being addressed in the laws of Kenya.
With the passage of this law, it will now be possible for the DPP to prosecute election offences in a more organised manner. He can even come in on issues which have been impossible in the past.
The Judiciary should also now take very serious steps in punishing offenders. This is because in the last Petitions, they chose to be silent on the issue of commission officials, most of the Returning Officers who really misbehaved in the last elections. None of them was really punished. Instead, the Independent Electoral and Boundaries Commission was punished on
their behalf. That will not make anybody responsible at the constituency or county level. Returning Officers were able to just get away with some of the naughty things they did. Hon. Peris Tobiko talked about these sentences and the fines which have been put there as being too much. I think she should not be worried because those are the maximum levels that any judgement can go to. There are minimum levels. It is actually very specific on not exceeding the sentences and the punishments which have been put there.

I know Members have been very keen on us having a new commission and also for us, as we are moving on to next year’s general election, Members are so keen to make sure that some of the obvious things which were going wrong should be corrected for us to have a fair and level paying ground.

I beg to reply.

DATE: 31st August 2016

Member of Parliament: Hon. (Dr) Naomi Shaban

Contribution she made on: The Election Offences Bill