



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – SECOND SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

THURSDAY, APRIL 20, 2023

1. The House assembled at thirty minutes past Two O'clock
2. The Proceedings were opened with Prayer
3. **Presiding** – the Deputy Speaker
4. **PAPERS**

The following Papers will be laid on the Table –

- (i) The East African Community (EAC) Multilateral Agreement on Aircraft Accident and Incident Investigations and Explanatory Memorandum from the Ministry of Foreign & Diaspora Affairs;
- (ii) Protocols relating to Amendments to Articles 50 and 56 of the Convention on International Civil Aviation (Chicago Convention) and Explanatory Memorandum from the Ministry of Foreign & Diaspora Affairs;
- (iii) Legal Notice No. 41 of 2023 relating to the Crops (Miraa) Regulations, 2023, the Explanatory Memorandum, the Regulatory Impact Statement and other related documents from the Ministry of Agriculture and Livestock Development;
- (iv) Annual Report and Financial Statements of Kenya Industrial Property Institute for the Financial Year Ended 30th June, 2021;
- (v) Report of the Auditor-General and Financial Statements on Industrial and Commercial Development Corporation (ICDC) for the year ended 30th June, 2020;
- (vi) Report of the Auditor-General and Financial Statements on Ramogi Institute of Advanced Technology for the year ended 30th June, 2021;
- (vii) Reports of the Auditor-General and Financial Statements in respect of the following Institutions for the year ended 30th June 2022: -
 - a) Government Clearing Agency Fund – National Treasury;
 - b) Kenya Water Security and Climate Resilience Project (IDA Credit No.5268/5674-KE) – Ministry of Water, Sanitation and Irrigation;
 - c) A case study on Integrated Delivery of Selected No-Communicable Diseases in Kenya (PHGF Grant No. TFOA5636) – Moi Teaching and Referral Hospital;

- d) Kenya Special Project for BRSM and SAICM – Ministry of Environment and Forestry;
- e) Upper Tana Catchment Natural Resource Management Project (UTaNRMP) IFAD Loan No.1-867-KE; IFAD Additional Financing Loan No.2000002597-KE; and Spanish Trust Fund Loan No.1-E-8-KE – Ministry of Water, Sanitation and Irrigation;
- f) Sound Chemicals Management Mainstreaming and UPOPS Reduction in Kenya Project (Grant No.P0099820) – Ministry of Environment and Forestry;
- g) Kenya Water Towers Project (Grant No. FED/2016/375-958) – Kenya Forest Service;
- h) Northern Corridor Transport Improvement Project IDA Credit No.3930-KE & No.4571-KE – Kenya National Highways Authority;
- i) Government Investments and Public Enterprises – Revenue Statements – National Treasury;
- j) Treasury Main Clearance Fund – National Treasury;
- k) Rural Enterprise Fund – National Treasury;
- l) Consolidated Fund Services – Salaries, Allowances and Miscellaneous Services – National Treasury;
- m) Witness Protection Agency Staff Housing Mortgage Scheme Fund;
- n) Combating Poaching and Illegal Wildlife Trafficking in Kenya through integrated approach (IWT-Kenya) Project – State Department for Wildlife;
- o) Emergency Locust Response Project (IDA Credit No.6648-KE) – State Department for Crop Development and Agricultural Research;
- p) Africa Centre of Excellence (ACE II) in Phytochemicals, Textiles and Renewable Energy (PTRE) Project (IDA Credit No.5798-KE) – Moi University;
- q) East Africa Tourist Visa Fee Collection Account – National Treasury;
- r) Revenue Statements of the Business Registration Service;
- s) Executive Office of the President;
- t) Stores and Services Fund – State Department for Public Works;
- u) Mechanical and Transport Fund;
- v) National Cohesion and Integration Commission;
- w) Coffee Cherry Advance Revolving Fund;
- x) Business Registration Service – Official Receiver;
- y) Competition Authority of Kenya; and
- z) Registration of Certified Public Secretaries Board.

(Deputy Leader of the Majority Party)

- (viii) Report of the Public Accounts Committee on the appointment of a firm to provide External Audit Services to the Office of the Auditor General (OAG) with respect to the Accounts of the Office of the Auditor General and the Financial Statements for Mortgage and Car Loan Scheme of the Office of the Auditor General.

(The Chairperson, Public Accounts Committee)

5. NOTICE OF MOTION

The following Notice of Motion was given –

Appointment of a firm to provide External Audit Services to the Office of the Auditor General (OAG)

THAT, this House **adopts** the Report of the Public Accounts Committee on the appointment of a firm to provide External Audit Services to the Office of the Auditor

General (OAG) with respect to the Accounts of the Office of the Auditor General and the Financial Statements for Mortgage and Car Loan Scheme of the Office of the Auditor General, *laid on the Table of the House on Thursday, April 20, 2023*, and pursuant to the provisions of Article 226(4) of the Constitution and section 43 of the Public Audit Act, 2015, **appoints M/s PKF Kenya LLP** for purposes of providing external audit services to the office of the Auditor General (OAG) with respect to –

- (i) the Accounts of the office of the Auditor General for the period 2020/2021 and 2021/2022; and,
- (ii) the Financial Statements for Staff Mortgage and Car Loan Scheme of the Office of the Auditor General for the Financial Years 2017/2018, 2018/2019, 2019/2020, 2020/2021, and 2021/2022.

(The Chairperson, Public Accounts Committee)

6. STATEMENTS PURSUANT TO STANDING ORDER 44(2) (a)

Pursuant to the provisions of Standing Order 44(2)(a), the Leader of the Majority Party issued a Statement regarding the Business of the House for the week commencing Tuesday, April 25, 2023.

7. SPECIAL MOTION - CONSIDERATION OF NOMINEE FOR APPOINTMENT AS CHAIRPERSON OF THE ETHICS AND ANTI-CORRUPTION COMMISSION

Motion made and Question proposed –

THAT, taking into consideration the findings of the Departmental Committee on Justice and Legal Affairs in its Report on the vetting of a nominee for the appointment as the Chairperson of the Ethics and Anti-Corruption Commission, *laid on the Table of the House on Tuesday, 18th April 2023*, and pursuant to the provisions of section 10(3) of the Ethics and Anti-Corruption Commission Act, 2011 and section 8(1) of the Public Appointments (Parliamentary Approval) Act, 2011, this House **approves** the appointment of **Dr. David Adang Oginde** as the Chairperson of the Ethics and Anti-Corruption Commission.

(The Chairperson, Departmental Committee on Justice and Legal Affairs – 19.04.2023)

Debate interrupted on Wednesday, April 19, 2023 (Afternoon) resumed;

Rising in his place on a Point of Order pursuant to Standing Order 95, the Member for Endebess (Hon. Dr. Robert Pukose) claimed to move, *‘That the Mover be now called upon to reply’*;

And the Speaker acceding to the claim,

Question put and agreed to;

Thereupon, the Mover replied;

Question put and agreed to.

8. **MOTION- REPORT ON INQUIRY REGARDING SEXUAL HARASSMENT OF FEMALE WORKERS IN TEA ESTATES IN KERICHO COUNTY**

Motion made and Question proposed –

THAT, this House adopts the Report of the Departmental Committee on Labour on the inquiry regarding sexual harassment of female workers in tea estates in Kericho County, *laid on the Table of the House on Thursday, 23rd March, 2023.*

(The Chairperson, Departmental Committee on Labour – 18.4.2023)

Debate interrupted on Tuesday, April 18, 2023 resumed;

(Change of Chairperson from the Deputy Speaker to the Sixth Chairperson)

(Change of Chairperson from the Sixth Chairperson to Second Chairperson)

Amendment proposed-

THAT, the Motion be amended by-

- a) Insertion of the following words immediately after the figure “2023”:

“Subject to insertion of the following recommendations in paragraph 74 after sub-paragraph (ix) on page 23 of the Report:

“(x) Where the tea estates are found culpable of acts of commission or omission regarding the sexual harassment of their employees, the Government should ensure that the tea estates adequately compensate the victims for the damages occasioned by the heinous acts”; and

“(xi) The Government should provide psychosocial support to the victims to mitigate the effects of these traumatic experiences and aid them in their recovery”.

- b) **THAT**, the consequential amendments be effected in the Report thereof.

(Hon. Beatrice Kemei, MP)

Debate on the amendment arising;

Question on the amendment deferred.

9. **MOTION- GENERAL DEBATE ON THE PROPOSAL TO PARLIAMENT TO CONSIDER AMENDING THE CONSTITUTION AND THE STANDING ORDERS**

Motion made and Question proposed –

THAT, noting the contents of a Memorandum submitted to Parliament by His Excellency the President asking Parliament to consider initiating amendments to the Constitution; **Acknowledging that**, actualization of the proposals which relate to, *inter alia*, the composition of Parliament as provided for in Articles 97 and 98 of the Constitution in order to attain the two-thirds gender principle, the creation of the

office of Leader of Official Opposition in Parliament, and the inclusion of various funds in the Constitution, would necessitate amendment to the Constitution, while the restructuring of parliamentary oversight to allow for Cabinet Secretaries to appear before the Houses of Parliament to respond to Questions by Members would require the amendment of Standing Orders; **Further acknowledging that**, the Speaker, vide a Notification issued on 9th December 2022 referred the matters raised in the Memorandum to the *Departmental Committee on Justice and Legal Affairs* with regard to proposals relating to the implementation of the Two-Thirds Gender principle and the establishment of the Office of the Leader of Official Opposition; *The Joint Parliamentary Ad Hoc Committee* with regard to proposals to amend the Constitution to entrench the Constituency Development, Senate Oversight and National Government Affirmative Action Funds; and *The Procedure & House Rules Committee* with regard to proposals to amend the Standing Orders to strengthen parliamentary oversight of the Executive, so as to facilitate public participation pursuant to Article 118 of the Constitution; **NOW THEREFORE**, pursuant to the provisions of Articles 1(2) and 95(2) of the Constitution, this House **notes, considers and makes general comments** on the proposals contained in the Memorandum by His Excellency the President.

(The Leader of the Majority Party – 15.02.2023)

Order deferred.

10. THE STATUTE LAW (MISCELLANEOUS AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 60 OF 2022)

Order for Second Reading read;

Order deferred.

And the time being thirty minutes past six O'clock, the Second Chairperson of Committees interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

11. HOUSE ROSE - at Thirty Minutes past Six O'clock

M E M O R A N D U M

The Speaker will take the Chair on
Tuesday, April 25, 2023 at 2.30 pm

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