
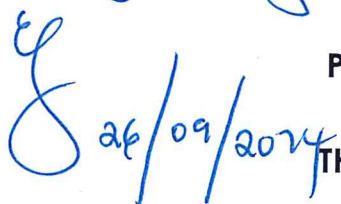


Rt. Hon. Speaker
Recommended for
approval for tabling



 26/9/24

 26/09/2024

PARLIAMENT OF KENYA

THIRTEENTH PARLIAMENT

THIRD SESSION - 2024

**REPORT OF JOINT SITTING OF THE NATIONAL ASSEMBLY DEPARTMENTAL
COMMITTEE ON FINANCE AND NATIONAL PLANNING AND THE SENATE STANDING
COMMITTEE ON FINANCE AND BUDGET**

ON

**THE APPROVAL HEARING FOR MR DAVID KIBET KEMEI, NOMINEE FOR
APPOINTMENT TO THE POSITION OF DIRECTOR GENERAL OF THE COMPETITION
AUTHORITY OF KENYA**

PAPERS LAID	
DATE	26/9/2024
TABLED BY	Chair, Finance and Budget
COMMITTEE	
CLERK AT THE TABLE	Cherop

Clerks' Chambers
Parliament Buildings
NAIROBI

September, 2024

TABLE OF CONTENTS

	1
CHAPTER ONE	9
1.0 PREFACE	9
1.1 ESTABLISHMENT AND MANDATE OF THE COMMITTEES	9
1.2 MEMBERSHIP OF THE COMMITTEES	11
CHAPTER TWO	13
2.0 BACKGROUND	13
CHAPTER THREE	15
3.0 LEGAL FRAMEWORK	15
3.1 The Office of the Director-General of the Competition Authority	15
3.2 Constitutional and statutory requirements in parliamentary approval of public appointments	16
3.3 Constitutional Provisions	17
3.4 The Public Appointments (Parliamentary Approval) Act (No. 33 of 2011)	19
3.5 The Leadership and Integrity Act	21
3.6 The Public Service (Values and Principles) Act	21
3.7 The Public Officer Ethics Act	22
CHAPTER FOUR	23
4.0 THE APPROVAL HEARING PROCESS	23
4.1 Clearance Requirements	23
4.2 Notification to the Nominee	24
4.3 Notification to the Public	25
4.4 Committees' Meetings	25
4.5 The Approval Hearing	25
4.6 The Nominee's Background	26
4.7 Academic and Professional Qualifications	26
4.8 Employment Record and Work Experience	26
4.9 Relevant experience for the position of Director General of the Competition Authority of Kenya–	27
4.10 Integrity and Leadership	27
4.11 Financial net worth	28
4.12 Conflict of Interest	28
4.13 Public Office, Political Activities and Affiliations	28
4.14 Key Issues Arising from the Vetting Process	28

4.15	Economic and Consumer Protection Strategies	28
4.16	Collaboration and Enforcement	30
4.17	Legal and Regulatory Framework	31
CHAPTER FIVE		32
5.0	COMMITTEES' OBSERVATIONS AND FINDINGS	32
5.1	COMMITTEES' OBSERVATIONS	32
5.1.1	Constitutional and Statutory Requirements	32
5.2	COMMITTEES' FINDINGS	32
CHAPTER SIX		34
6.0	COMMITTEES' RECOMMENDATION	34

LIST OF ABBREVIATION AND ACRONYMS

Ag CS.	-	Acting Cabinet Secretary
DCI	-	Directorate of Criminal Investigations
EACC	-	Ethics and Anti-Corruption Commission
H.E.	-	His Excellency
HELB	-	Higher Education Loans Board
KMTC	-	Kenya Medical Training College
KRA	-	Kenya Revenue Authority
ORPP	-	Office of the Registrar of Political Parties

ANNEXURES

- Annexure 1: Adoption List
- Annexure 2: Minutes
- Annexure 3: Message from Acting Cabinet Secretary Ministry of National Treasury and Economic Planning nominating the Director General of Competition Authority of Kenya
- Annexure 4: Communication from the Speaker of the Senate and the Speaker of the National Assembly
- Annexure 5: Advertisement notifying the public of the approval hearing
- Annexure 6: Letters from the Clerk of the National Assembly and the Clerk of the Senate inviting the nominee for the approval hearing
- Annexure 7: Letters from the Clerk of the National Assembly and the Clerk of the Senate to KRA, EACC, DCI, HELB and ORPP requesting for information on the nominee
- Annexure 8: Letters of clearance from EACC, KRA, DCI, ORPP and HELB
- Annexure 10: Curricula vitae of the nominee
- Annexure 11: Certificates and Testimonials

CHAIRPERSONS' FOREWORD

This report contains the proceedings of the National Assembly Departmental Committee on Finance and National Planning and the Senate Standing Committee on Finance and Budget during the approval hearing of Mr. David Kibet Kemei, nominee for appointment as Director General Competition Authority of Kenya as forwarded by the then Ag. CS H.E Musalia Mudavadi EGH, and communicated to both Houses by the Speakers of the Senate and the National Assembly.

Pursuant to section 12 of the Competition Act, Cap 504, the Ag. Cabinet Secretary, the National Treasury and Economic Planning forwarded to Parliament the nomination of Mr. David Kibet Kemei as Director General Competition Authority of Kenya vide letter Ref. No. TNT/CONF/268/011"C" (78) dated 6th August, 2024. The Speaker of the National Assembly conveyed this message to the National Assembly on 13th August, 2024 whereas the Speaker of the Senate conveyed the message to the Senate on 20th August, 2024 and subsequently referred the name of the nominee to the National Assembly Departmental Committee on Finance and National Planning and the Senate Standing Committee on Finance and Budget for approval hearing. While referring the matter to the Committees, the Speakers directed that the Committees undertake the vetting exercise within twenty-eight (28) days pursuant to section 8 of the Public Appointments (Parliamentary Approval) Act, 2011 and table its report before the House on or before Wednesday, 3rd October, 2024. The Speakers further directed the Clerks of the National Assembly and the Senate to notify the nominee and the general public of the time and place of holding the approval hearing, by placing advertisements in two newspapers of nationwide circulation and the Parliamentary Website.

In compliance with Article 118(b) of the Constitution and section 6(4) of the Public Appointments (Parliamentary Approval) Act, 2011, the Clerk of the Senate and National Assembly placed an advertisement in the print media on Friday, 30th August, 2024 informing the public of the nomination, date, time and place of the approval hearing. They also invited the public to submit memoranda by way of written statements on oath (*affidavits*) with supporting evidence on the suitability or otherwise of the nominee in conformity with section 6(9) of the Public Appointments (Parliamentary Approval) Act, 2011. The memoranda were to be received on or before Thursday, 12th September, 2024 at 5.00 p.m. (East African

Time). By the close of the submission deadline, the Committee had not received any memorandum against the nominee's suitability.

The Clerks jointly, wrote to the nominee vide letter Ref. No. *PAR/JOINT SITTINGS/AH/DG-CA/2024/007* dated 2nd September, 2024 inviting Mr. David Kibet Kemei for the approval hearing in accordance with section 6(3) of the Public Appointments (Parliamentary Approval) Act, 2011. They also engaged the Directorate of Criminal Investigations (DCI), Ethics and Anti-Corruption Commission (EACC), Higher Education Loans Board (HELB), Kenya Revenue Authority (KRA) and Office of the Registrar of Political Parties (ORPP) seeking references and background checks relating to the suitability of the nominee.

The nominee appeared before the Committee on Tuesday, 17th September, 2024 for the approval hearing. The Committees examined his suitability based on the criteria set out in section 7 of the Public Appointments (Parliamentary Approval) Act, 2011. In addition, the Committees examined his academic credentials, relevant experience, knowledge of sector issues and on leadership and integrity. The Committee paid due regard to the procedure used to arrive at the nominee, the constitutional or statutory requirements relating to the office in question and the suitability of the nominee for the proposed appointment having regard to whether the nominee's abilities, experience and qualities meet the needs of the Competition Authority.

Committee Recommendation

The Committees, having held the approval hearing of the nominee regarding his suitability, observed that due process was followed in the nomination of the nominee in accordance with section 12 of the Competition Act, Cap 504 as read together with sections 3 and 5 of the Public Appointments (Parliamentary Approval) Act, 2011. The Committees, therefore, recommends that the National Assembly and the Senate **APPROVE** the nomination of Mr. David Kibet Kemei for appointment as Director General Competition Authority of Kenya.

Acknowledgments

The Committee registers its appreciation to the Office of the Speakers National Assembly and the Senate, Office of the Clerks of the National Assembly and the Senate and the Committee Secretariat for the logistical support extended during the approval hearing process.

In addition, the Committee thanks the nominee for his cooperation during the Parliamentary approval hearing. Finally, the Committee appreciates the DCI, EACC, HELB, KRA and ORPP for providing references and background checks relating to the suitability of the nominee.

We acknowledge and appreciate Members of the Committees for their patience, sacrifice and commitment which enabled the Committees to complete the task within the required timelines.

On behalf of the National Assembly Departmental Committee on Finance and National Planning and the Senate Standing Committee on Finance and Budget, and pursuant to sections 3 and 5 of the Public Appointments (Parliamentary Approval) Act, 2011 and provisions of Standing Order 45(4) of the National Assembly standing Orders and standing orders 77(3) of the Senate Standing Orders, it is our pleasure to present the joint Report on the Approval Hearing of Mr. David Kibet Kemei, Nominee for Appointment as Director General, Competition Authority of Kenya for debate and adoption.

Signed.....

Hon. CPA. Kuria Kimani, MP

Chairperson

Date.....26th Sept. 2024.....

Signed.....

Sen. (Capt.) Ali Ibrahim Roba, EGH, MP

Chairperson

Date.....27/09/24.....

CHAPTER ONE

1.0 PREFACE

1.1 ESTABLISHMENT AND MANDATE OF THE COMMITTEES

1. Article 124 (1) of the Constitution provides that each House of Parliament may establish Committees and shall make Standing Orders for the orderly conduct of its proceedings, including the proceedings of its committees.
2. The National Assembly Departmental Committee on Finance and National Planning is established under Standing Order 216 whose mandates pursuant to the Standing Order 216 (5) are as follows-
 - (a) To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;
 - (b) To study the programme and policy objectives of ministries and departments and the effectiveness of the implementation;
 - (c) on a quarterly basis, monitor and report on the implementation of the national budget in respect of its mandate;
 - (d) To study and review all legislation referred to it;
 - (e) To study, assess and analyze the relative success of the ministries and departments as measured by the results obtained as compared with their stated objectives;
 - (f) *To vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (Committee on Appointments); To examine treaties, agreements and conventions;*
 - (g) To make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;
 - (h) To consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and
 - (i) To examine any questions raised by Members on a matter within its mandate.
3. The Senate Standing Committee on Finance and Budget is established pursuant section 8 (1) of the Public Finance Management Act, 2012 and standing order 228 of the Senate Standing Orders, and is mandated to-

- a) Investigate, inquire into and report on all matters relating to coordination, control, and monitoring of the county budgets and examine -
- i. the Budget Policy Statement presented to the Senate;
 - ii. the report on the budget allocated to constitutional Commissions and independent offices;
 - iii. the Division of Revenue Bill, the County Allocation of Revenue Bill, the County Governments Additional Allocations Bill, and the cash disbursement schedule for county governments;
 - iv. all matters related to resolutions and Bills for appropriations, the share of national revenue amongst the counties, matters concerning the national budget, including public finance and monetary policies and public debt, planning, and development policy; and
- b) Pursuant to Article 228 (6) of the Constitution, to examine the report of the Controller of Budget on the implementation of the budgets of county governments.
-

1.2 MEMBERSHIP OF THE COMMITTEES

1.2.1 National Assembly Committee Membership

4. The National Assembly Departmental Committee on Finance and National Planning comprises the following Members

Chairperson

Hon. CPA Kimani Kuria, MP
Molo Constituency

UDA Party

Vice-Chairperson

Hon. Amb. Benjamin Langat, CBS, MP
Ainamoi Constituency

UDA Party

Hon. Dr. Adan Keynan, CBS, MP
Eldas Constituency

Jubilee Party

Hon. David Mboni, MP
Kitui Rural Constituency

Wiper Party

Hon. Joseph K. Makilap, MP
Baringo North Constituency

UDA Party

Hon. CPA Julius Rutto, MP
Kesses Constituency

UDA Party

Hon. Paul Biego, MP
Chesumei Constituency

UDA Party

Hon. Dr. John Ariko, MP
Turkana South Constituency

ODM Party

Hon. George Sunkuya, MP
Kajiado West Constituency

UDA Party

Hon Andrew Okuome, MP
Karachuonyo Constituency

ODM Party

Hon. Joseph Oyula, MP
Butula Constituency

ODM Party

Hon. Umul Ker Kassim, MP
Mandera County

UDM Party

Hon. Shadrack Ithinji, MP
South Imenti Constituency

Jubilee Party

Hon. Joseph Munyoro, MP
Kigumo Constituency

UDA Party

Hon. Mohamed Machel, MP
Mvita Constituency

ODM Party

1.2.2 Committee Secretariat

5. The Committee is facilitated by the following staff.

Mr. Benjamin Magut
Principal Clerk Assistant /Head of Secretariat

Ms. Jeniffer Ndeto
Deputy Director Legal Services

Mr. Benson Kamande
Clerk Assistant III

Mr. Salem Lorot
Legal Counsel

Mr. Winfred Kambua
Clerk Assistant III

Mr. George Ndenjeshe
Fiscal Analyst II

Ms. Joyce Wachera
Hansard Officer

Mr. Andrew Jumanne Shangarai
Principal Serjeant-At-Arms

Mr. Benson Muthuri
Assistant Serjeant-At-Arms

Mr. James Macharia
Media Relations Officer

Ms. Nelly W.N Ondieki
Research Officer

1.2.3 Senate Standing Committee on Finance and Budget

6. The Senate Standing Committee on Finance and Budget comprises the following Members

- | | | |
|---|---|-------------------------|
| 1) Sen. (Capt.) Ali Ibrahim Roba, EGH, MP | - | Chairperson |
| 2) Sen. Maureen Tabitha Mutinda, MP | - | Vice-Chairperson |
| 3) Sen. (Dr.) Boni Khalwale, CBS, MP | - | Member |
| 4) Sen. Tabitha Karanja Keroche, MP | - | Member |
| 5) Sen. Joyce Chepkoech Korir, MP | - | Member |
| 6) Sen. Mohamed Faki Mwinyihaji, MP | - | Member |
| 7) Sen. Richard Momoima Onyonka, MP | - | Member |
| 8) Sen. Shakila Abdalla Mohamed, MP | - | Member |
| 9) Sen. Eddy Gicheru Oketch, MP | - | Member |

CHAPTER TWO

2.0 BACKGROUND

2.1 Competition Authority of Kenya

7. The Competition Authority of Kenya is established under the Competition Act, Cap 504. The Authority's mandate is to enforce the Act with the objective of enhancing the welfare of the people of Kenya by promoting and protecting effective competition in markets and preventing misleading market conduct throughout Kenya.

2.2 Office of the Director General of Competition Authority

8. The Office of the Director-General of the Competition Authority is established under section 12(1) of the Competition Act, Cap 504, in the following terms—

12. Director-General

(1) There shall be a Director-General of the Authority who shall be appointed by the Authority with the approval of Parliament from persons having knowledge and experience in competition matters.

9. Section 12(1) of the Competition Act also provides for the qualification for a person to be appointed as a Director-General of the Competition Authority as "having knowledge and experience in competition matters".

2.3 Communication of the Nomination by the Acting Cabinet Secretary, Ministry of National Treasury and Economic Planning

10. By a letter dated 6th August, 2024, the then Acting Cabinet Secretary for the National Treasury and Economic Planning conveyed a message to the Speaker of the National Assembly and the Speaker of the Senate of the nomination of Mr. David Kibet Kemei for appointment as the Director-General of the Competition Authority by the then Ag. Cabinet Secretary in exercise of powers conferred by section 12 of the Competition Act, Cap. 504.
11. In accordance with section 5 of the Public Appointments (Parliamentary Approval) Act, the Speaker of the National Assembly and the Speaker of the Senate received a message dated 6th August, 2024 from the then Acting Cabinet Secretary for the National Treasury and Economic Planning on the nomination of Mr. David Kibet Kemei for appointment as the Director-General of the Competition Authority, in exercise of powers conferred by section 12 of

the Competition Act, Cap. 504. The letter was accompanied by the nominee's curriculum vitae and testimonials.

12. The Speaker of the National Assembly duly conveyed this message to the Assembly, whereas the Speaker of the Senate did so to the Senate on Tuesday, 13th August, 2024 and 20th August, 2024 respectively.

2.4 Referral of Nomination to the Committees

13. In accordance with the provision of standing order 42(3)(c) of the National Assembly Standing Orders and standing order 47 of the Senate Standing Orders, the respective Speakers referred the Message to the National Assembly Departmental Committee on Finance and National Planning and the Senate Standing Committee on Finance and Budget for consideration.

2.5 Notification to the Public and to the Nominee

14. The Clerks of both Houses notified both Committees to hold approval hearings as required by section 6(1) of the Act. The Clerks of both Houses are also required to notify the nominee and the public of the time, date(s) and venue(s) for holding the approval hearings.
15. Consequently, in accordance with section 6(3) of the Act, the **Clerks of both Houses placed advertisements in the local dailies on Friday, 30th August, 2024** notifying and inviting the nominee to attend the approval hearing on **Tuesday, 17th September, 2024** in the **Mini-Chamber at County Hall**.
16. Further, pursuant to the provisions of Article 118 of the Constitution, section 6(3) of the Act and standing orders 45(3) and 77(2) of the National Assembly Standing Orders and the Senate Standing Orders respectively, both Clerks notified the general public of the intention of both Committees to conduct approval hearings on **Tuesday, 17th September, 2024** in the **Mini-Chamber at County Hall**.

CHAPTER THREE

3.0 LEGAL FRAMEWORK

3.1 The Office of the Director-General of the Competition Authority

17. The office of the Director-General of the Competition Authority is established under section 12(1) of the Competition Act, Cap 504, in the following terms—

12. Director-General

(1) There shall be a Director-General of the Authority who shall be appointed by the Authority with the approval of Parliament from persons having knowledge and experience in competition matters.

18. Section 12(1) of the Competition Act also provides for the qualification for a person to be appointed as a Director-General of the Competition Authority as “having knowledge and experience in competition matters”.

19. Pursuant to Standing Order 42(1) of the National Assembly Standing Orders and Standing Order 47 of the Senate Standing Orders, the Speaker of the Senate and the Speaker of the National Assembly on Tuesday, 20th August, 2024 and Tuesday, 13th August, 2024 respectively, conveyed a message to respective Houses from the then Acting Cabinet Secretary for the National Treasury and Economic Planning on the nomination of Mr. David Kibet Kemei for appointment as the Director-General of the Competition Authority, in the exercise of powers conferred by section 12 of the Competition Act, Cap. 504.

20. The procedure of engagement for the Committees is set out in the Standing Orders of both Houses and the provisions of the Public Appointments (Parliamentary Approval) Act, Cap. 7F. It was resolved that the approval hearing shall proceed as follows-

- a. That, the approval hearing of the nominee proposed for appointment as the Director-General of the Competition Authority would be conducted by the National Assembly Departmental Committee on Finance and National Planning and the Senate Standing Committee on Finance and Budget;

- b. That, the quorum of the joint sittings would be the respective quorum of each of the Committees as stipulated by their respective Standing Orders;
 - c. That, as contemplated under Rule 9(6) and (7) of the Houses of Parliament (Joint Sittings) Rules, unless a decision is reached by consensus, any vote to be taken in the joint sitting of the Committees shall be by separate Houses. This would ensure that the numerical difference of the individual members representing the Houses in the joint sittings had no effect on the decisions of the joint sittings of the Committees;
 - d. That, the Committees having conducted the approval hearings, would submit a Joint Report to the respective Houses in the manner contemplated by paragraph 7 of Joint Rule No.9(8) of the Houses of Parliament (Joint Sittings) Rules; and
 - e. That, the approval hearing process would be conducted in accordance with the provisions of the Public Appointments (Parliamentary Approval) Act, Cap. 7F.
-

3.2 Constitutional and statutory requirements in parliamentary approval of public appointments

21. The Constitution and various statutes provide a clear framework for the conduct of parliamentary approval of public appointments. They are listed below-
- (a) Constitution- Chapter 6 on leadership and integrity; Article 10 on *national values and principles of governance*; Article 124(4) on *parliamentary approval of public appointments*; Article 118 on *public access and participation*; Article 232 on *values and principles of public service*;
 - (b) The Public Appointments (Parliamentary Approval) Act (No. 33 of 2011);
 - (c) The Leadership and Integrity Act (Cap. 182);
 - (d) The Central Bank of Kenya Act (Cap 491);
 - (e) The Public Service (Values and Principles) Act (No. 1A of 2015); and
 - (f) The Public Officer Ethics Act (Cap. 183).

3.3 Constitutional Provisions

22. The Constitution, in addition, sets out specific requirements regarding the appointment of persons to public office which include-

Chapter Six on Leadership and Integrity

23. The Committees, in determining the suitability of the nominees, took into consideration the provisions on leadership and integrity as outlined under Chapter Six of the Constitution. In particular, the Committee took cognizance of the following provisions-

- i. Article 73(2) of the Constitution provides that the guiding principles of leadership and integrity include-
 - (a) selection on the basis of personal integrity, competence and suitability, or election in free and fair elections;
 - (b) objectivity and impartiality in decision making, and in ensuring that decisions are not influenced by nepotism, favoritism, other improper motives or corrupt practices;
 - (c) selfless service based solely on the public interest, demonstrated by —
 - (i) honesty in the execution of public duties; and
 - (ii) the declaration of any personal interest that may conflict with public duties;
 - (d) accountability to the public for decisions and actions; and
 - (e) discipline and commitment in service to the people.
- ii. Article 75(1) of the Constitution that requires a State officer, whether in public or private life, to behave in a manner that avoids conflict between personal interest and public official duties and Article 75(3) of the Constitution that prohibits a State officer who has been removed from office under that Article from holding any other State office.
- iii. Article 77(1) of the Constitution that prohibits a full time State officer from participating in any other gainful employment.
- iv. Article 77(2) of the Constitution that prohibits an appointed State officer from holding office in a political party.
- v. Article 78 (1) of the Constitution that disqualifies persons who are not Kenyan citizens and persons holding dual citizenship from appointment as State officers.

Article 10(2) of the Constitution on national values and principles of governance

24. Article 10(2) of the Constitution provides for the national values and principles of governance which include patriotism, national unity, sharing and devolution of power, the rule of law, democracy and participation of the people; human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalised; good governance, integrity, transparency and accountability; and sustainable development.

Article 118 of the Constitution

25. Article 118 of the Constitution obligates Parliament to conduct its business in an open manner, and that its sittings and those of its committees shall be in public; and that Parliament shall facilitate public participation and involvement in the legislative and other business of Parliament and its committees. It also provides that Parliament may not exclude the public, or any media, from any sitting unless in exceptional circumstances the relevant Speaker has determined that there are justifiable reasons for the exclusion.

Article 124(4) of the Constitution on parliamentary approval of public appointments

26. Article 124(4) of the Constitution provides that when a House of Parliament considers any appointment for which its approval is required under the Constitution or an Act of Parliament, the appointment shall be considered by a committee of the relevant House; the committee's recommendation shall be tabled in the House for approval; and the proceedings of the committee and the House shall be in public.

Article 232 of the Constitution on Values and Principles of Public Service

27. Article 232 of the Constitution provides for the values and principles of public service which include high standards of professional ethics; efficient, effective and economic use of resources; responsive, prompt, effective, impartial and equitable provision of services; involvement of the people in the process of policy making; accountability for administrative acts; transparency

and provision to the public of timely, accurate information; fair competition and merit as the basis of appointments and promotions; representation of Kenya's diverse communities; and affording adequate and equal opportunities for appointment, training and advancement, at all levels of the public service of men and women; the members of all ethnic groups; and persons with disabilities.

3.4 The Public Appointments (Parliamentary Approval) Act (No. 33 of 2011)

28. Section 7 of the Public Appointments (Parliamentary Approval) Act provides for issues that the Parliament is supposed to consider in relation to any nomination. These are-

- (a) the procedure used to arrive at the nominee;
- (b) any constitutional or statutory requirements relating to the office in question; and
- (c) the suitability of the nominee for the appointment proposed having regard to whether the nominee's abilities, experience and qualities meet the needs of the body to which nomination is being made.

29. Section 6 of the Public Appointments (Parliamentary Approval) Act provides direction on the conduct of approval hearings. These are-

- (a) An approval hearing shall focus on a candidate's academic credentials, professional training and experience, personal integrity and background (section 6(7));
- (b) The criteria specified in the Schedule shall be used by a Committee during an approval hearing for the purposes of vetting a candidate (section 6(8));
- (c) Any person may, prior to the approval hearing, and by written statement on oath, provide the Clerk(s) with evidence contesting the suitability of a candidate to hold the office to which the candidate has been nominated (section 6(9)); and
- (d) A candidate may, at any time, by notice in writing addressed to the Clerk(s), withdraw from the approval process and the candidate's nomination shall end (section 6(10)).

30. The period for consideration of nomination is spelt out in the Act. Section 8(1) of the Public Appointments (Parliamentary Approval) Act provides that

both Committees shall consider the nomination and table their report to the House for debate and decision within twenty-eight (28) days from the date on which the notification of nomination was given. Section 9 of the Act stipulates that where the House(s) does not meet the prescribed timelines, the nominee shall be deemed to have been approved.

31. Pursuant to section 6(8) of the Act, the criteria for vetting is comprehensively contained in the Questionnaire in the Schedule to the Act. The Questionnaire allows both Committees to obtain information on, among other things-
- (a) Name of the nominee—to enable both Committees to ascertain the regional background and ethnicity of the nominee;
 - (b) Gender of the nominee —to enable both Committees to ascertain the gender of the nominee. This is to ensure compliance with Article 27(8) that requires the State to take measures to ensure that not more than two-thirds of members of appointive bodies shall be of the same gender;
 - (c) Age of the nominee —to enable both Committees to ascertain compliance with the provisions of Article 55 of the Constitution on inclusion of the youth in public appointments;
 - (d) Nationality of the nominee—to enable both Committees to ascertain the nationality of the nominee. This is to ensure compliance with Article 78 of the Constitution which requires certain State officers to be Kenyan Citizens;
 - (e) Educational background of the nominee;
 - (f) Employment record of the nominee;
 - (g) Honours or awards given to the nominees;
 - (h) Membership of the nominee to professional bodies;
 - (i) Public office and political affiliations held by the nominee —to enable both Committees to ascertain whether the nominee holds office in a political party. This is to ensure compliance with Article 77(2) of the Constitution which precludes appointed State officers from holding office in a political party;
 - (j) Information on whether the nominee has been removed from office under Article 75 of the Constitution which prohibits a State officer who has been removed from office under Article 75 (3) of the Constitution from holding any other State office;
 - (k) Nominee's finances;

- (l) Outside commitments that the nominee intends to undertake while in office (if appointed). Article 77(1) of the Constitution prohibits a full time State officer from participating in any other gainful employment;
 - (m) Tax compliance status of the nominee;
 - (n) Potential conflict of interest—Article 75(1) of the Constitution bars State officers from engagements or association that may give rise to conflict between official or public duties and personal interests;
 - (o) Whether a nominee has been charged in a court of law in the past three years; and
 - (p) Whether a nominee has been adversely mentioned in a report of Parliament or a Commission of inquiry in the past three years.
32. The Questionnaire is largely formulated based on Constitutional and statutory requirements for State Officers and other considerations that are of importance in order to make a determination on the suitability of a nominee.

3.5 The Leadership and Integrity Act

33. The Leadership and Integrity Act provides a number of obligations to a State officer. These are, among others: to respect and abide by the Constitution and the law, public trust, performance of duties in an honest and accountable manner, professionalism, financial integrity, not to engage in activities that amount to abuse of office, not to misuse public resources, accepting gifts that may compromise the officer's duties, wrongful or unlawful acquisition of property, and conflict of interest.
34. In addition, section 10 of the Leadership and Integrity Act, 2012 in particular provides that a State officer shall, to the best of their ability—
- (a) carry out the duties of the office efficiently and honestly;
 - (b) carry out the duties in a transparent and accountable manner;
 - (c) keep accurate records and documents relating to the functions of the office; and
 - (d) report truthfully on all matters of the organization which they represent.

3.6 The Public Service (Values and Principles) Act

35. Section 5 of the Public Service (Values and Principles) Act provides that a public officer shall maintain high standards of professional ethics, including being honest; displaying high standards of integrity, transparency,

accountability, respect to others, objectivity, patriotism, and observance of the rule of law.

3.7 The Public Officer Ethics Act

36. The Public Officer Ethics Act provides for obligations to be carried out by a public officer. These include professionalism, carrying out duties in accordance with the law, prohibition from unjust enrichment, avoiding conflict of interest, not using office as a venue for soliciting or collecting harambees; not acting for foreigners; care of property; political neutrality, not practicing nepotism or favoritisms, giving impartial advice, conducting private affairs in a way that maintains public confidence, bar from sexual harassment, and submission of declaration of income, assets and liabilities once every two years.

CHAPTER FOUR

4.0 THE APPROVAL HEARING PROCESS

37. Pursuant to Standing Orders 45(1) and 77(1) of the National Assembly Standing Orders and the Senate Standing Orders, respectively, the Speakers of both Houses of Parliament referred the nomination of Mr. David Kibet Kemei to the position of Director General, Competition Authority to the National Assembly Departmental Committee on Finance and National Planning and the Senate Standing Committee on Finance and Budget, to conduct a joint approval hearing and table a joint report to the respective Houses of Parliament within the stipulated period.

4.1 Clearance Requirements

38. Following the referral of the nomination to the Committees, the Clerks of both Houses of Parliament requested information on the nominee from the following statutory agencies-

	Institution	The nature of the information sought.
1.	Ethics & Anti-Corruption Commission	Compliance with Chapter 6 of the Constitution
2.	Kenya Revenue Authority	Tax compliance
3.	Higher Education Loans Board	Loans obligation
4.	Directorate of Criminal Investigations	Any criminal charge or conviction
5.	Office of the Registrar of Political Parties	Membership in any governing body of a Political Party

39. The Clerks of both Houses of Parliament received responses from various State agencies as follows-

- (a) by a letter dated 2nd September, 2024 Ref: KRA/5/1002/5(11243) the Kenya Revenue Authority indicated that the nominee was tax compliant;

- (b) by a letter dated 28th August, 2024 Ref: *HELB/RR/112009/V/323* the Higher Education Loans Board indicated that the nominee was not a beneficiary of a GOK/ HELB loan.
- (c) by letter dated 3rd September, 2024 and 16th September, 2024, Ref: *EACC.7/10/5 VOL XXVII (132)* and *EACC.7/10/1 VOL XX (105)*, the *Ethics and Anti-Corruption Commission* indicated that the nominee had a matter related to the judgment rendered by a Court in Kenya vide Petition No E018 of 2022 (Dr. Mirriam Ndunge Muthoka Vs KMTC and EACC as interested party). However, the EACC clarified that there was no criminal culpability or otherwise on the Nominee.
- (d) by a letter dated 28th August, 2024 Ref: *RPP/ORG/34 VOL VI(27)* the Office of the Registrar of Political Parties indicated that the nominee is not a member of any registered political party.

40. Additionally, the nominee presented before the Committees clearances from the Directorate of Criminal Investigations, the Higher Education Loans Board, the Ethics and Anti-Corruption Commission, the Kenya Revenue Authority and the Office of the Registrar of Political Parties.

4.2 Notification to the Nominee

- 41. By a letter dated 2nd September, 2024 Ref. No. *PAR/JOINT SITTINGS/AH/DG-CA/2024/007* the Clerks of both Houses of Parliament and pursuant to section 6(3) of the Public Appointments (Parliamentary Approval), 2011, notified the nominee of the date, time and venue for the approval hearing.
- 42. The nominee was required to present his original identity card, academic and professional certificates and other relevant testimonials. Additionally, the nominee was requested to bring clearances from the Ethics and Anti-Corruption Commission, Kenya Revenue Authority, Higher Education Loans Board and Directorate of Criminal Investigations and the Office of the Registrar of Political Parties.
- 43. Further, the nominee was required to fill and present to the Committees the questionnaire in the Schedule to the Public Appointments (Parliamentary Approval) Act, 2011.

4.3 Notification to the Public

44. Pursuant to the provisions of Article 118 of the Constitution, section 6(3) of the Act and Standing Orders 45(3) and 77(2) of the National Assembly Standing Orders and the Senate Standing Orders respectively, both Clerks notified the general public of the intention of both Committees to conduct approval hearings on **Tuesday, 17th September, 2024** in the **Mini-Chamber at County Hall**.
45. Section 6(9) of the **Public Appointments (Parliamentary Approval) Act, 2011**, permits any person to provide both Clerks with evidence contesting a candidate's suitability to hold the office to which the candidate has been nominated. **Notably, such evidence should be provided to both Clerks in the form of a written statement made on oath and must be submitted before the approval hearing.**
46. Consequently, the advertisement made on **Friday 30th August, 2024**, both Clerks invited the public to submit memoranda on the suitability or otherwise of the nominees **on or before Thursday, 12th September, 2024 at 5.00 pm.**
47. By the close of business on **12th September, 2024**, no memoranda had been received either in support or against the nominee. However, on Monday, 16th September 2024 the Committee received a petition by Mr. Francis Awino of the Bunge la Mwananchi contesting the suitability of the nominee on account of age.

4.4 Committees' Meetings

48. Prior to the approval hearing on **Tuesday, 17th September, 2024**, the Committees held a preparatory meeting to agree on the conduct of the approval hearing.

4.5 The Approval Hearing

49. Mr. David Kibet Kemei, the nominee for appointment to the position of Director General Competition Authority of Kenya, appeared before a joint sitting of the National Assembly Departmental Committee on Finance and National Planning and the Senate Standing Committee on Finance and

Budget on Tuesday, 17th September, 2024 at 11.00 am for the approval hearing.

50. In conducting the approval hearing, the Committees were guided by the Constitution, the Competition Authority Act, the Public Appointments (Parliamentary Approval), 2011, the Leadership and Integrity Act and the Standing Orders of the respective House.
51. The Committees considered the nominee's academic qualifications, employment record and work experience, membership to relevant professional associations, public office, political activities and affiliations, the potential conflict of interest, suitability to the position, tax compliance, integrity and other thematic areas relevant to the duties and responsibilities of a Director General Competition Authority of Kenya.

4.6 The Nominee's Background

52. The nominee is a male Kenyan citizen of Identification Card Number 8712962 and does not hold any other citizenship. He was born on 12th December, 1964 in Uasin Gishu County.

4.7 Academic and Professional Qualifications

53. The nominee holds a Masters in Business Administration (Finance option) and a Bachelor's Degree in Commerce (Accounting option) from the University of Nairobi; a Certified Public Accountant certification from KASNEB; Certified Regulation Specialist from the Institute of Private Public Partnership (IP3), Washington, DC, USA & Loughborough University; and a Practitioner Diploma in Executive Coaching from The Academy of Executive Coaching, United Kingdom.

4.8 Employment Record and Work Experience

54. The nominee has worked in the following capacities-
- a) as a Managing Director at DGMB Training Solutions Ltd from 2011 to date;
 - b) as a Director at Kenya Re-Insurance Company Ltd between 2014 and October 2020;
 - c) as a Chairman to the Board, Kenya Re-Insurance Company Ltd between June 2015 and July 2019;

- d) as a part-time Lecturer, Egerton, Kabarak, Moi Universities and Jomo Kenyatta University of Agriculture & Technology, and Kenya School of Monetary Studies between May 2011 and December 2015;
- e) as a Board Member, Africa Merchant Assurance Company between November 2008 and November 2012;
- f) as a Finance Analyst at the Energy Regulatory Commission between June 2000 and December 2007;
- g) as a Finance Manager at Windsor Golf Hotels & Country Club Ltd between September 1996 and September 1998;
- h) as a Lecturer at Oshwal College between January 1996 and November 1996;
- i) as a Revenue Accountant, Kenya Shell Ltd between May 1995 and September 1995;
- j) as a Group Credit Controller, Nation Media Group Ltd between May 1995 and September 1995;
- k) as a Lecturer at Kenya College of Accountancy between January 1994 and June 1994;
- l) as an Assistant Lecturer at the University of Nairobi from July 1993 to March 1994.

4.9 Relevant experience for the position of Director General of the Competition Authority of Kenya–

55. The nominee has over 33 years of experience across many sectors; academia, regulatory, tourism, health/communication and energy. He stated that working in these sectors has equipped him with the skills and expertise needed as the Director General for the Competition Authority.

4.10 Integrity and Leadership

56. The nominee demonstrated integrity in that he has not been charged in a court of law or mentioned in any investigatory reports of Parliament or any Commission of Inquiry in the last three (3) years. Further, he has never been dismissed or otherwise removed from office for contravention of the provisions of Article 75 of the Constitution.
57. However, he was tasked with his role on the recruitment of the Company Secretary of KMTC that was ruled unconstitutional and the board Members surcharged. The nominee stated that the board Members did the recruitment by creating diversity in the organization by promoting gender inclusivity and

internal talent. He informed the Committees that he was not aware of the court's decision to surcharge the board Members and was disadvantaged. He emphasized that if approved, he would ensure that there was a proper framework that guided critical decision-making.

58. Mr. Kemei at the age of 59 years, dismissed concerns relating to his age which are now a subject of a Petition in court, assuring the committees that he was capable and ready to serve.

4.11 Financial net worth

59. The nominee estimated his net worth to be KShs.153 million of which KShs. 30 Million is in liabilities. His other sources of income include a salary from DGMB firm and farming activities.

4.12 Conflict of Interest

60. The nominee declared that he is currently not associated with any persons or matters that would present a potential conflict of interest should he assume the office of Director General Competition Authority of Kenya. He stated that if such a matter arises, he will recuse himself from the position.

4.13 Public Office, Political Activities and Affiliations

61. The nominee informed the Committees that he is a member of the United Democratic Alliance (UDA) but not a governing council member.

4.14 Key Issues Arising from the Vetting Process

62. The nominee informed the Committees that, if appointed to the position of Director General of Competition Authority of Kenya he would endeavor to deal with key issues in the following broad areas.

4.15 Economic and Consumer Protection Strategies

On consumer protection

63. The nominee informed the Committee that if approved, he would deal with the prevalence of unfair trade practices by prioritizing consumers and dealing with corporate malpractices. He stated that he will also create a level of playing field for businesses and address issues such as high production costs and expensive bank loans.

64. He emphasized the need for collaboration with banks and the government to improve competition and lower cost of credit for Kenyans, particularly the agricultural sector. He stated that he will protect the small agricultural farmers through dealing with cartels and advice the government on policies that favors farmer's interests. He emphasized that there's need to relook at the production cost of sugar to ensure competitiveness in order to curb importation.
65. Further, the nominee informed the Committee that to ensure the banking sector remains accessible to common citizens in Kenya, the Competition Authority of Kenya will advocate for regulatory reforms that promote transparency and competition, encourage the development of inclusive financial products for underserved populations, support consumer education initiatives to empower informed decision-making, collaborate with the Central Bank of Kenya for a cohesive approach, and monitor market practices to prevent anti-competitive behaviors that hinder access to banking services.

On challenges in the digital economy

66. The nominee noted the legal gap that has hindered the sector regulation and emphasized that him will champion for policies to protect consumers and ensure fairness in the digital space if approved as the Director General.
67. The nominee emphasized that, if approved he will implement a number of policies that are geared towards job creation and economic growth such as; implementation of competition laws for all businesses to grow, elimination of all barriers to ensure businesses enter market and promotion of innovation among various sectors of the economy to create jobs among others.

On the creative economy

68. The nominee stated that to effectively manage competition in the creative economy space, the Competition Authority of Kenya (CAK) needs to develop a clear regulatory framework that supports fair competition and protects intellectual property rights, while also providing training programs for creatives on business management and market access. Further, the CAK should conduct market surveillance to monitor anti-competitive practices, collaborate with stakeholders to foster innovation, and promote policies that enhance the visibility of local content on digital platforms.

On cartels in the real estate industry

69. The nominee informed the committees that to address cartels inflating prices in Kenya's real estate sector, the Competition Authority of Kenya (CAK) should conduct thorough investigations into suspected collusion among developers and agents, imposing significant penalties to deter anti-competitive practices.
70. He further noted that to address the collapse of local businesses in the face of successful international firms in Kenya, the Competition Authority of Kenya (CAK) should enhance regulatory oversight to ensure fair competition and prevent anti-competitive practices by foreign companies, such as predatory pricing. That the CAK can advocate for supportive policies for local businesses, including tax incentives and access to financing, while also facilitating partnerships between local and international firms to promote knowledge transfer.

On monopolistic behaviors

71. The nominee stated that he does not advocate for monopolies and would endeavor to ensure competitiveness and an end to factors that highly influence monopolistic behaviors in some sectors. He noted that there is a need to relook at the dominance of these firms in ensuring there are no unfair practices, no barriers to entry and exit and no exploitation of consumers

4.16 Collaboration and Enforcement

On integration with regional and global markets

72. The nominee stated that to promote regional and global integration, the Competition Authority of Kenya needs to strengthen collaboration with regional bodies like the EAC to harmonize competition laws, engage in international partnerships for knowledge-sharing, advocate for policies that support local businesses in competing globally, promote consumer awareness of local products, and streamline processes for mergers and acquisitions involving regional players to foster a competitive environment that benefits both local and international businesses..
73. He informed the Committee that CAK's enforcement powers are essential for maintaining fair competition and that there's need for streamlining of the

legal process, strengthening penalties for non-compliance, and improving stakeholder engagement.

4.17 Legal and Regulatory Framework

On transparency of the mining sector and forex trading

74. The nominee stated that there's a need for CAK to work in collaboration with the Ministry of Mining to ensure enforcement of competition laws.
75. To prevent the exploitation of Kenyans engaged in forex trading, the nominee stated that the Competition Authority of Kenya (CAK) should enhance market surveillance and regulatory oversight of forex brokers, ensuring compliance with consumer protection laws and transparency in risk disclosures.

On Mergers and Acquisitions

76. The nominee noted that to oversee mergers and acquisitions in Kenya, especially in dominant industries, the Competition Authority of Kenya (CAK) will prioritize public interest by assessing the impact on employment and consumer choice, enforce strict regulatory compliance to prevent monopolies, promote transparency in the merger process, implement conditions for approval that safeguard competition, and engage continuously with stakeholders to gather insights and enhance market fairness.

On Competition law and policy

77. The nominee stated that the Competition Authority of Kenya will participate in promoting good competition in law-making by providing expert opinions on proposed legislation, assessing the impact of existing laws on market competition, conducting regulatory impact assessments, recommending amendments to enhance competition, advocating for consumer protection policies, and engaging in public awareness campaigns, all while collaborating with other regulatory bodies to develop a robust legal framework that supports fair market practices in Kenya.

CHAPTER FIVE

5.0 COMMITTEES' OBSERVATIONS AND FINDINGS

5.1 COMMITTEES' OBSERVATIONS

78. The Committees, having considered the nominee's filled questionnaire pursuant to section 6(8) of the Public Appointments (Parliamentary Approval) Act, 2011, curriculum vitae, and oral submissions during the approval hearing, made the following observations regarding the suitability of Mr. David Kibet Kemei for appointment as the Director General of Competition Authority of Kenya–

5.1.1 Constitutional and Statutory Requirements

79. The Committees observed as follows:

- a) That the nominee is a Kenyan citizen and is not a citizen of any other country and therefore meets the requirement of Article 78(1) of the Constitution;
- b) The nominee, having been cleared by KRA, HELB, EACC, DCI, ORPP, with regard to tax compliance, higher education loan repayments, ethics and integrity, criminal records and political party affiliations has met the statutory requirements for appointment to the Office.

5.2 COMMITTEES' FINDINGS

80. The Committees, having considered the nominee's filled questionnaire pursuant to section 6(8) of the Public Appointments (Parliamentary Approval) Act, 2011, curriculum vitae, his background, academic credentials and professional qualifications, work and professional experience, personal integrity as well as his performance during the approval hearing conducted on Tuesday 17th September, 2024 have made the following findings on the suitability of Mr. David Kibet Kemei for appointment as the Director General of Competition Authority of Kenya–

- a. The nominee possesses the relevant experience for the position of Director General the Competition Authority of Kenya. He is a managing director at DGMB Solution Ltd and has vast experience in developing and managing strategies vital to the running of an organization. A

background in management and organizational leadership is a critical tool for any person discharging the role of a Director General.

- b. The nominee clearly understood the current issues affecting the Competition Authority of Kenya. He also shared practical strategies to address the issues. This places him in a suitable position to provide leadership to the Competition Authority.
- c. The nominee demonstrated a satisfactory understanding of the mandate of the Competition Authority of Kenya; the need to ensure fair prices to protect consumers and promote a transparent business environment; and the enforcement strategies he would apply to monitor business.
- d. The nominee demonstrated his ability to effectively manage the funds and resources of an organization. He further demonstrated the ability to discharge the role of accounting officer that is required of a Director General.
- e. The nominee is fifty-nine (59) years old, having been born in 1964. The Committee further finds that the Competition Authority Act Cap 504 does not provide for the age requirement for the office holder of the Director General. In addition, Article 27(4) of the Constitution of Kenya precludes the State from discriminating against any Kenyan on account of age
- f. In relation to the matter raised by the Ethics and Anticorruption Commission (EACC) on the nominee regarding a court judgment to surcharge the KMTCC Board members for the impugned recruitment of the Corporation Secretary. The Committee finds that the nominee was not a party to the suit and therefore could not have had the opportunity to defend himself, therefore it would be gravely prejudicial to judge his suitability to hold office on that account.

6.0 COMMITTEES' RECOMMENDATION

81. Having considered the suitability, capacity and integrity of the nominee, and pursuant to section 12(1) of the Competition Act, Cap 504, sections 3 and 8 of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011), standing order 216(5)(f) of the National Assembly Standing Orders and standing order 77(3) of the Senate Standing Orders, the National Assembly Departmental Committee of Finance and National Planning and the Senate Standing Committee of Finance and Budget recommend that the National Assembly/the Senate **APPROVE** the nomination of **Mr. David Kibet Kemei** for appointment as the Director General of Competition Authority of Kenya.

Annexure 1- Adoption List









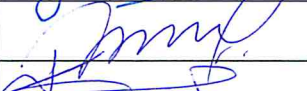
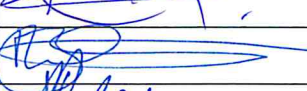

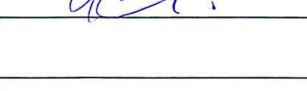
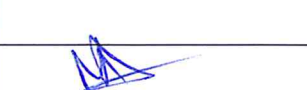



**PARLIAMENT OF KENYA
THIRTEENTH PARLIAMENT - THIRD SESSION - 2024**



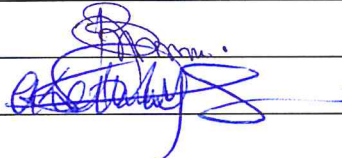
**NATIONAL ASSEMBLY DEPARTMENTAL COMMITTEE ON FINANCE AND NATIONAL PLANNING
AND THE SENATE STANDING COMMITTEE ON FINANCE AND BUDGET**

ADOPTION LIST

**REPORT ON THE APPROVAL HEARING FOR MR DAVID KIBET KEMEI, NOMINEE FOR
APPOINTMENT TO THE POSITION OF DIRECTOR GENERAL OF THE COMPETITION
AUTHORITY OF KENYA**

We, the Members of the National Assembly Departmental Committee on Finance and National Planning and the Senate Standing Committee on Finance and Budget have pursuant to Standing Order 199 of the National Assembly Standing Orders and Standing Order 223 of the Senate Standing Orders respectively, adopted this Report and affix our signatures to affirm our approval and confirm its accuracy, validity and authenticity today, **Wednesday 25th September 2024.**

S/NO.	NAME	SIGNATURE
National Assembly Members		
1.	Hon. (CPA). Kuria Kimani, MP - Chairperson	
2.	Hon. (Amb). Benjamin Kipkirui Langat, MP – Vice Chairperson	
3.	Hon. Dr. Adan Keynan Wehliye, MP	
4.	Hon. George Sunkuyia Risa, MP	
5.	Hon. (CPA) Joseph Maero Oyula, MP	
6.	Hon. Andrew Adipo Okuome, MP	
7.	Hon. David Mwalika Mboni, MP	
8.	Hon. Joseph Makilap Kipkoros, MP	
9.	Hon. Joseph Kamau Munyoro, MP	
10.	Hon. (Cpa) Julius Kipletting Rutto, MP	
11.	Hon. Paul Kibichiy Biego, MP	
12.	Hon. Umul Ker Sheikh Kassim, MP	
13.	Hon. Dr. Shadrack Mwiti Ithinji, MP	
14.	Hon. Dr. John Ariko Namoit, MP	
15.	Hon. Mohamed Soud Machele, MP	
Members of the Senate		
16.	Sen. (Capt.) Ali Ibrahim Roba, EGH, MP-	

	Chairman	
17	Sen. Maureen Tabitha Mutinda, MP – Vice Chairperson	
18	Sen. Joyce Chepkoech Korir, MP	
19	Sen. Mohamed Mwinyihaji Faki, CBS, MP	
20	Sen. Richard Momoima Onyonka, MP	
21	Sen. Tabitha Karanja Keroche, MGH, MP	
22	Sen. (Dr.) Boni Khalwale, CBS, MP	
23	Sen. Eddy Oketch Gicheru, MP	
24	Sen. Shakilla Abdalla, MP	

Annexure 2- Minutes

MINUTES OF THE THIRD (4TH) JOINT HYBRID SITTING OF THE NATIONAL ASSEMBLY DEPARTMENTAL COMMITTEE ON FINANCE AND NATIONAL PLANNING AND THE SENATE STANDING COMMITTEE ON FINANCE AND BUDGET HELD ON WEDNESDAY, 25TH SEPTEMBER, 2024 IN THE MINI CHAMBER, COUNTY HALL, FIRST FLOOR, PARLIAMENT BUILDINGS AT 12:30 PM.

THE NATIONAL ASSEMBLY

PRESENT

- | | | |
|---|---|--------------------|
| 1. Hon. CPA Kuria Kimani, MP | - | Chairperson |
| 2. Hon. (Dr.) Adan Keynan Wehliye, MP | - | Member |
| 3. Hon. CPA. Joseph Maero Oyula, MP | - | Member |
| 4. Hon. David Mwalika Mboni, MP | - | Member |
| 5. Hon. Joseph Makilap Kipkoros, MP | - | Member |
| 6. Hon. CPA Julius Kipletting Rutto, MP | - | Member |
| 7. Hon. Paul Kibichiy Biego, MP | - | Member |
| 8. Hon. (Dr.) John Ariko Namoit, MP | - | Member |

ABSENT WITH APOLOGY

- | | | |
|---|---|--------------------------|
| 1. Hon. (Amb.) Benjamin Kipkirui Langat, MP | - | Vice- Chairperson |
| 2. Hon. Umul Ker Sheikh Kassim, MP | - | Member |
| 3. Hon. Andrew Adipo Okuome, MP | - | Member |
| 4. Hon. Joseph Kamau Munyoro, MP | - | Member |
| 5. Hon. George Sunkuiya Risa, MP | - | Member |
| 6. Hon. (Dr.) Shadrack Mwiti Ithinji, MP | - | Member |
| 7. Hon. Mohamed Soud Machele, MP | - | Member |

THE SENATE

PRESENT

- | | | |
|---|---|-------------------------|
| 1. Sen. (Capt.) Ali Ibrahim Roba, EGH, MP | - | Chairperson |
| 2. Sen. Maureen Tabitha Mutinda, MP | - | Vice-Chairperson |
| 3. Sen. (Dr.) Boni Khalwale, CBS, MP | - | Member |
| 4. Sen. Richard Momoima Onyonka, MP | - | Member |
| 5. Sen. Eddy Oketch Gicheru, MP | - | Member - Virtually |

ABSENT WITH APOLOGY

- | | | |
|--|---|--------|
| 1. Sen. Mohamed Mwinyihaji Faki, CBS, MP | - | Member |
| 2. Sen. Joyce Chepkoech Korir, MP | - | Member |
| 3. Sen. Tabitha Karanja Keroche, MGH, MP | - | Member |
| 4. Sen. Shakila Abdalla Mohamed, MP | - | Member |

COMMITTEES SECRETARIAT

A. NATIONAL ASSEMBLY

- | | | |
|-----------------------|---|------------------------------|
| 1. Mr. Benjamin Magut | - | Principal Clerk Assistant II |
| 2. Mr. Benson Kamande | - | Clerk Assistant III |
| 3. Ms. Winfred Kambua | - | Clerk Assistant III |
| 4. Mr. Salem Lorot | - | Legal Counsel I |
| 5. Ms. Nelly Ondieki | - | Research Officer III |
| 6. Ms. Joyce Wachera | - | Hansard Officer |
| 7. Mr. Benson Muchiri | - | Audio Officer |
| 8. Mr. Benson Muthuri | - | Serjeant-At-Arms |
| 9. Mr. Ian Kinuthia | - | Intern |

B. SENATE

- | | | |
|----------------------------|---|------------------|
| 1. Mr. Christopher Gitonga | - | Clerk Assistant |
| 2. Ms. Beverlyne Chivadika | - | Clerk Assistant |
| 3. Ms. Lucy Radoli | - | Legal Counsel |
| 4. Ms. Hamun Mohamud | - | Research Officer |
| 5. Mr. Ian Otieno | - | Audio Officer |
| 6. Mr. Godana Mamo | - | Serjeant-At-Arms |

MIN/PAR/JOINT SITTING/016/2024

PRELIMINARIES

The Chairperson of the National Assembly Departmental Committee on Finance and National Planning called the meeting to order at 12:35 p.m. This was followed by a word of prayer.

MIN/PAR/JOINT SITTING/017/2024

ADPOTION OF THE AGENDA

The agenda was adopted, with amendments that the time of the meeting was 12:30 pm, after being proposed by Sen. Maureen Tabitha Mutinda, MP, and seconded by Hon. Paul Kibichiy Biego, MP, as listed below-

1. Prayer;
2. Adoption of the Agenda;
3. Confirmation of minutes of the 1st, 2nd and 3rd sittings
4. Consideration and adoption of the report on Approval Hearing of Mr. David Kibet Kemei, the Nominee to the position of the Director-General of the Competition Authority of Kenya (CAK);
5. Any Other Business; and
6. Adjournment.

MIN/PAR/JOINT SITTING/019/2024

CONFIRMATION OF MINUTES

- a) The Minutes of 1st meeting held on Monday, 16th September, 2024 at 2:00 p.m. were confirmed as a true record of the proceedings of Committee having been proposed by Hon. (Dr.) Adan Keynan Wehliye, MP, and seconded by Sen. (Dr.) Boni Khalwale, CBS, MP

- b) The Minutes of 2nd meeting held on Tuesday, 17th September, 2024 at 9:00 a.m. were confirmed as a true record of the proceedings of Committee having been proposed by Hon. CPA Julius Kipletting Rutto, MP, and seconded by Sen. Maureen Tabitha Mutinda, MP.
- c) The Minutes of 3rd meeting held on Tuesday, 17th September, 2024 at 11:00 a.m. were confirmed as a true record of the proceedings of Committee having been proposed by Sen. Maureen Tabitha Mutinda, MP, and seconded by Hon. Hon. Joseph Makilap Kipkoros, MP.

MIN/PAR/JOINT SITTING/020/2024

**CONSIDERATION AND ADOPTION OF
THE REPORT ON APPROVAL HEARING
OF MR. DAVID KIBET KEMEI, THE
NOMINEE TO THE POSITION OF THE
DIRECTOR-GENERAL OF THE
COMPETITION AUTHORITY OF KENYA
(CAK)**

The Committee considered the report on Approval Hearing of Mr. David Kibet Kemei, the nominee to the position of the Director-General of the Competition Authority of Kenya (CAK).

The Committee adopted the report having been proposed by Hon. (Dr.) Adan Keynan Wehliye, MP and seconded by Sen. (Dr.) Boni Khalwale, CBS, MP.

However, Hon. (Dr.) John Ariko Namoit, MP, did not agree with recommendations of the Committees in the report. The Member indicated that the nominee is not suitable for appointment to the said office due to the decision made during his tenure as a member of Kenya medical Training College (KMTC) Board. During this tenure, the Board unlawfully recruited KMTC's corporation secretary.

MIN/PAR/JOINT SITTING/021/2024

ANY OTHER BUSINESS

The Co- Chairpersons thanked the Members for commitment and participation to ensure the assigned task was completed.

MIN/PAR/JOINT SITTING/022/2024

ADJOURNMENT

There being no other business, the meeting was adjourned at 1:15 p.m.

Signed.....
Hon. CPA. Kuria Kimani, MP
Chairperson

Signed.....
Sen. (Capt.) Ali Ibrahim Roba, EGH, MP
Chairperson

Date.....

Date.....

**MINUTES OF THE THIRD (3RD) JOINT SITTING OF THE NATIONAL ASSEMBLY
DEPARTMENTAL COMMITTEE ON FINANCE AND NATIONAL PLANNING AND
THE SENATE STANDING COMMITTEE ON FINANCE AND BUDGET HELD ON
TUESDAY, 17TH SEPTEMBER, 2024 IN THE MINI CHAMBER, COUNTY HALL, FIRST
FLOOR, PARLIAMENT BUILDINGS AT 11:00 AM.**

THE NATIONAL ASSEMBLY

PRESENT

- | | | |
|---|---|-------------------|
| 1. Hon. CPA Kuria Kimani, MP | - | Chairperson |
| 2. Hon. (Amb.) Benjamin Kipkirui Langat, MP | - | Vice- Chairperson |
| 3. Hon. (Dr.) Adan Keynan Wehliye, MP | - | Member |
| 4. Hon. CPA. Joseph Maero Oyula, MP | - | Member |
| 5. Hon. Andrew Adipo Okuome, MP | - | Member |
| 6. Hon. David Mwalika Mboni, MP | - | Member |
| 7. Hon. Joseph Kamau Munyoro, MP | - | Member |
| 8. Hon. George Sunkuiya Risa, MP | - | Member |
| 9. Hon. Joseph Makilap Kipkoros, MP | - | Member |
| 10. Hon. CPA Julius Kipletting Ruto, MP | - | Member |
| 11. Hon. Paul Kibichiy Biego, MP | - | Member |
| 12. Hon. (Dr.) John Ariko Namoit, MP | - | Member |

ABSENT WITH APOLOGY

- | | | |
|--|---|--------|
| 1. Hon. Umul Ker Sheikh Kassim, MP | - | Member |
| 2. Hon. (Dr.) Shadrack Mwiti Ithinji, MP | - | Member |
| 3. Hon. Mohamed Soud Machele, MP | - | Member |

THE SENATE

PRESENT

- | | | |
|--------------------------------------|---|------------------|
| 1. Sen. Maureen Tabitha Mutinda, MP | - | Vice-Chairperson |
| 2. Sen. (Dr.) Boni Khalwale, CBS, MP | - | Member |
| 3. Sen. Eddy Oketch Gicheru, MP | - | Member |
| 4. Sen. Richard Momoima Onyonka, MP | - | Member |

ABSENT WITH APOLOGY

- | | | |
|---|---|-------------|
| 1. Sen. (Capt.) Ali Ibrahim Roba, EGH, MP | - | Chairperson |
| 2. Sen. Mohamed Mwinyihaji Faki, CBS, MP | - | Member |

- | | | |
|--|---|--------|
| 3. Sen. Joyce Chepkoech Korir,MP | - | Member |
| 4. Sen. Tabitha Karanja Keroche, MGH, MP | - | Member |
| 5. Sen. Shakila Abdalla Mohamed, MP | - | Member |

COMMITTEES SECRETARIAT

A. NATIONAL ASSEMBLY

- | | | |
|----------------------------|---|------------------------------|
| 1. Mr. Benjamin Magut | - | Principal Clerk Assistant II |
| 2. Mr. Benson Kamande | - | Clerk Assistant III |
| 3. Ms. Winfred Kambua | - | Clerk Assistant III |
| 4. Mr. Salem Lorot | - | Legal Counsel I |
| 5. Ms. Nelly Ondieki | - | Research Officer III |
| 6. Ms. Joyce Wachera | - | Hansard Officer |
| 7. Mr. Benson Muchiri | - | Audio Officer |
| 8. Mr. Benson Muthuri | - | Serjeant-At-Arms |
| 9. Mr. Ian Kinuthia | - | Intern |
| 10. Mr. Allan Kimani Ngugi | - | Intern |

B. SENATE

- | | | |
|----------------------------|---|------------------|
| 1. Mr. Christopher Gitonga | - | Clerk Assistant |
| 2. Ms. Beverlyne Chivadika | - | Clerk Assistant |
| 3. Ms. Lucy Radoli | - | Legal Counsel |
| 4. Mr. Constant Wamayuyi | - | Research Officer |
| 5. Ms. Hamun Mohamud | - | Research Officer |
| 6. Mr. Ian Otieno | - | Audio Officer |
| 7. Mr. Stephen Maru | - | Serjeant-At-Arms |
| 8. Ms. Angelica Wachira | - | Protocol Officer |

IN ATTENDANCE- NOMINEE

- | | | |
|--------------------------|---|---------|
| 1. Mr. David Kibet Kemei | - | Nominee |
|--------------------------|---|---------|

MIN/PAR/JOINT SITTING/010/2024: PRELIMINARIES

The National Assembly Departmental Committee on Finance and National Planning Chairperson called the meeting to order at 11:08 a.m. This was followed by a word of prayer and a round of introduction.

MIN/PAR/JOINT SITTING/011/2024: ADOPTION OF THE AGENDA

The agenda was adopted after being proposed by Sen. Eddy Oketch Gicheru, MP, and seconded by Hon. (Dr.) John Ariko Namoit, MP, as listed below-

1. Prayer;
2. Introductions;
3. Adoption of the Agenda;
4. Substantive agenda: Joint Approval hearing of Mr. David Kibet Kemei, the Nominee to the position of the Director-General of the Competition Authority of Kenya (CAK);
5. Any Other Business; and
6. Adjournment.

MIN/PAR/JOINT SITTING/012/2024: JOINT APPROVAL HEARING OF MR. DAVID KIBET KEMEI, THE NOMINEE TO THE POSITION OF THE DIRECTOR-GENERAL OF THE COMPETITION AUTHORITY OF KENYA (CAK)

1. Following the introduction, the Chairperson of the National Assembly Departmental Committee on Finance and National Planning welcomed Mr. David Kibet Kemei, the nominee for the position of the Director-General of the Competition Authority of Kenya, to the meeting.
2. Thereafter, the Chairperson informed the meeting that the vetting exercise was being carried out pursuant to the Public Appointments (Parliamentary Approval) Act, and Competition Act.
3. The nominee took an oath in accordance with Standing Order 191 of the National Assembly Standing Orders.
4. The Committee vetted the nominee based on academic qualifications, employment record and work experience, membership to relevant professional associations, public office, political activities and affiliations, the potential conflict of interest, suitability to the position, integrity and other thematic areas relevant to the duties and responsibilities of a Director General, Competition Authority of Kenya as summarised below-

The Nominee's background

5. The nominee informed the meeting that he is a Kenyan citizen, born on 12th December, 1964 in Uasin Gishu County.

Academic and Professional qualifications

6. The nominee informed the meeting that he holds a-
 - a) Master of Business Administration (Finance Option) and a Bachelor of Commerce (Accounting Option) from the University of Nairobi;
 - b) Certified Public Accountant of Kenya certification from KASNEB; and

- c) Diploma in Executive Coaching from the Academy of Executive Coaching, United Kingdom.

Employment Record and Work Experience

7. The nominee informed the meeting that he had previously served as-
- a) Assistant lecturer at the University of Nairobi after attaining a Master Degree in 1993.
 - b) In the private sector, he worked as a Credit Controller at Nation Media Group. In addition, I worked as Revenue Accountant Manager at Kenya Shell Ltd between May and September 1995.
 - c) In the tourism sector, he worked as Finance Manager at Windsor Golf Hotels & Country Club Ltd between September 1996 and September 1998.
 - d) From 2001 to 2007, he worked as a Financial Analyst at the Energy Regulatory Commission.
 - e) From 2007 and 2010, he worked as a freelance consultant.
 - f) From 2010 to date, he served as the CEO or Managing Director at DGMB Training Solutions Ltd, which was a firm he had established.
 - g) He had served as
 - Director of the Board, Kenya Re-Insurance Company Ltd between 2014 and October 2020;
 - Chairman to the Board, Kenya Re-Insurance Company Ltd between June 2015 and July 2019;
 - Director of the Board, Kenya Medical Training College (KMTC) between 2015 and 2018
 - h) the Chairperson of the Audit Committee at the Commission on Revenue Allocation from 2017 and 2020.
 - i) a part-time Lecturer at Egerton University, Kabarak University, Moi University, Jomo Kenyatta University of Agriculture & Technology, and the Kenya School of Monetary Studies between May 2011 and December 2015.

Relevant experience for the position of Director General of the Competition Authority of Kenya

8. The nominee stated that had over 33 years of experience in public service, private sector, academia, tourism, regulatory, commerce, energy, communication, health and finance. Further, he has over 15 years of experience in Senior Management roles. This had adequately equipped him for the position of Director-General of CAK, if approved by Parliament.

9. Over the years, he has acquired experience in evidence-based decision-making, leadership, and the importance of collaboration in both local and international settings in the economic space.
10. Having Chaired the Audit and Governance Committee as KMTC Board Member, he was responsible for ensuring adequate internal controls and risk management frameworks; if approved, he will ensure the Competition Authority has adequate internal controls and risk management framework.
11. Further, the role entailed monitoring/oversight of the institution's strategic plan, human resource development, talent management, and governance, all of which have prepared him for the position. As a Director General of the Competition Authority, he will monitor and ensure the Corporation's working strategic plan and oversee the enforcement of competition laws.

Integrity and Leadership

12. The Committee asked the nominee to provide clarification on the Ethics and Anti-Corruption Commission (EACC) submission regarding the irregular recruitment of the Corporation Secretary of KMTC in 2015, who did not meet the required qualifications, by the Board of Directors, where he served as a member. The court had ruled that the Board Members should be surcharged for the loss of taxpayers' money. The nominee averred that-
 - a) The Board Members recruited a Corporation Secretary through an internal advert. The recruitment was aimed to promote internal talent, equity, diversity, and gender inclusivity in senior management of the Institution. This is because there was just one female in the executive body.
 - b) The decision was unanimous and could not recall any dissenting/opposing voices during the decision-making process by the Board.
 - c) He stated that he was unaware of the court's ruling to surcharge the Board Members, until he was invited to the approval hearing by Parliament.
 - d) He did not participate in court proceedings and was not informed of the ruling to surcharge Board Members, which disadvantaged him.
 - e) He will pursue legal recourse.
 - f) He emphasized that if approved, he will ensure appropriate framework/structure is in place to guide critical decision making and that due diligence is carried out prior to making a decision.
13. In response to Francis Awino's court petition on the matter of age, the nominee stated that he was 59 years old and had not yet reached the retirement age of 60. The advertisement

for the position did not specify an age limit, and he assured the meeting that he was capable and ready to serve. He also claimed that the Constitution prohibits discrimination based on age.

14. The nominee stated that he has not been charged in a court of law or mentioned in any Parliament's investigatory reports or Commission of Inquiry in the last three (3) years. Further, he has never been dismissed or otherwise removed from office for contravention of the provisions of the Constitution or any other law.
15. He committed to maintaining high ethical standards if approved for the role.

Sector-specific matters

16. The nominee informed the meeting that, if appointed to the position of Director General of the Competition Authority of Kenya, he would endeavor to deal with key issues in the following broad areas.

a) Economic and Consumer Protection Strategies

On consumer protection

17. The nominee informed the Committee that if approved, he would-
 - deal with the unfair trade practices and corporate malpractices by prioritizing consumer protection, and will ensure fair competition to enhance market efficiency.
 - undertake to create a level playing field for businesses and address issues such as high production costs and expensive bank loans.
 - emphasize on the need for collaboration with banks and the government to improve competition and lower cost for Kenyans, particularly in the agricultural sector.
 - endeavour to protect the small agricultural farmers through dealing with cartels and advice the government on policies that favours farmer' s interests.
 - put effort aiming at making the banking sector accessible to all Kenyans by advocating for regulatory reforms that promote transparency and competition, developing inclusive financial products for underserved populations, supporting consumer education initiatives, collaborating with the Central Bank of Kenya, and monitoring market practices to prevent anti-competitive behaviors.

On challenges in the digital economy

18. The nominee noted the legal gap that has hindered the sector regulation and emphasized that he will champion for policies to protect consumers and ensure fairness in the digital space.

19. The nominee stated that, if approved, he will implement a number of policies that will be geared towards job creation and economic growth such as; the implementation of competition laws for all businesses to grow, elimination of all barriers to ensure businesses market entry and promotion of innovation among various sectors of the economy to create jobs, among others.

On the creative economy

20. The nominee stated that to effectively manage competition in the creative economy space, the Authority needs to develop a clear regulatory framework that supports fair competition and protect intellectual property rights, while providing training programs for creatives on business management and market access.
21. Further, the CAK should conduct market surveillance to monitor anti-competitive practices, collaborate with stakeholders to foster innovation and promote policies that enhance the visibility of local content on digital platforms.

On cartels in the real estate industry

22. The nominee informed the Committees that to address cartels inflating prices in Kenya's real estate sector, CAK should conduct thorough investigations into suspected collusion among developers and agents, imposing significant penalties to deter anti-competitive practices.
23. To address the collapse of local businesses in the face of successful international firms in Kenya, the CAK should enhance regulatory oversight to ensure fair competition and prevent anti-competitive practices by foreign companies, such as predatory pricing.
24. The CAK should advocate for supportive policies for local businesses, including tax incentives and financing access, while facilitating partnerships between local and international firms to promote knowledge transfer.

On monopolistic behaviours

25. The nominee stated that he does not advocate for monopolies unless under exceptional circumstances. It is important to consider the factors that highly influence monopolistic behaviours in some sectors.
26. He stated that there is need to relook at the dominance of such firms in ensuring there are no unfair practices, no barriers to entry and exit, and exploitation of consumers.

b) Collaboration and Enforcement

On integration with regional and global markets

27. The nominee stated that to promote regional and global integration, the Competition Authority of Kenya needs to-

- strengthen collaboration with regional bodies like the EAC to harmonize competition laws;
- engage in international partnerships for knowledge-sharing;
- advocate for policies that support local businesses to compete globally;
- promote consumer awareness of local products;
- streamline processes for mergers and acquisitions to ensure this does not lead to unfair competition both at local, regional and global level.

c) Legal and Regulatory framework

On transparency of mining sector and forex trading

28. The nominee stated that there's need for CAK to work in collaboration with the Ministry of Mining to ensure enforcement of competition laws.

29. To prevent the exploitation of Kenyans engaged in forex trading, the nominee stated that the (CAK) should enhance market surveillance and regulatory oversight of forex brokers, ensuring compliance with consumer protection laws and transparency in risk disclosures.

On Mergers and Acquisitions

30. The nominee stated that the CAK will prioritise public interest by assessing the impact mergers and acquisitions on employment, prices and consumer choice, enforcing strict regulatory compliance to prevent monopolies, promoting transparency in the merger process, implementing conditions for approval that safeguard competition, and engaging stakeholders to enhance market fairness.

On Competition law and policy

31. The nominee stated that the CAK will-

- participate in promoting good competition by providing expert opinions on proposed legislation;
- assess the impact of existing laws on market competition, conducting regulatory impact assessments;
- recommend amendments to the law or introduce regulations or policies that will enhance fair competition;
- advocate for consumer protection policies;
- Will ensure market players are subjected to the same conditions except on exceptional circumstances;

- Engage in public awareness campaigns while collaborating with other regulatory bodies to develop a robust legal framework that supports fair market practices in Kenya.

Financial net worth and sources of income

32. The nominee reported a net worth of approximately Kshs.153 million, including land in Uasin Gishu and Nandi worth Kshs.30 million and Kshs.40 million respectively, a vehicle worth Kshs.3 million and a house in Karen worth Kshs.70 million. His mortgage liabilities totalling Kshs.30 million. His sources of income include a salary as a Director at DGMB Training Solutions Ltd and farming activities. The meeting noted that the nominee had not valued his consultancy or DGMB firm.

Conflict of Interest

33. The nominee stated that he has no existing affiliations or interests that could create conflict of interest if appointed as Director General of the Competition Authority of Kenya. He stated that if such situation arises, he will declare a conflict of interest and will not participate in decision making.

Public Office, Political Activities and Affiliations

34. The nominee informed the meeting that he is a member of a political party the United Democratic Alliance (UDA), and that he is not a member of any governing body of a political party.

Member of a professional body

35. The nominee informed the meeting that he is not a member of a professional body since he had not renewed his subscriptions.

Thereafter, the Co- Chairpersons appreciated the nominee for availing himself and responding to all the issues posed to him.

MIN/PAR/JOINT SITTING/013/2024: ANY OTHER BUSINESS

The Committee resolved to hold another meeting to consider and adopt the report on the joint approval hearing of the nominee for the position of Director General of the Competition Authority.

The date and time of the next meeting will be communicated in due course following consultation with the co-chairpersons.

MIN/PAR/JOINT SITTING/014/2024: ADJOURNMENT

There being no other business, the meeting was adjourned at 1:45 p.m. The next meeting shall be held by notice.

Signed.....


Hon. CPA. Kuria Kimani, MP

Chairperson

Signed.....

Sen. (Capt.) Ali Ibrahim Roba, EGH, MP

Chairperson

Date.....

Date.....

MINUTES OF THE 2ND JOINT SITTING OF THE DEPARTMENTAL COMMITTEE ON FINANCE AND NATIONAL PLANNING AND THE SENATE STANDING COMMITTEE ON FINANCE AND BUDGET HELD ON MONDAY 17TH SEPTEMBER, 2024 IN THE MINI CHAMBER, COUNTY HALL, PARLIAMENT BUILDINGS AT 9:00 AM.

NA MEMBERS PRESENT

- | | |
|---|---------------------|
| 1. Hon. CPA Kuria Kimani, MP | - Chairperson |
| 2. Hon. (Amb.) Benjamin Kipkirui Langat, MP | - Vice- Chairperson |
| 3. Hon. (Dr.) Adan Keynan Wehliye, MP | |
| 4. Hon. CPA. Joseph Maero Oyula, MP | |
| 5. Hon. Andrew Adipo Okuome, MP | |
| 6. Hon. David Mwalika Mboni, MP | |
| 7. Hon. Joseph Kamau Munyoro, MP | |
| 8. Hon. George Sunkuiya Risa, MP | |
| 9. Hon. Joseph Makilap Kipkoros, MP | |
| 10. Hon. CPA Julius Kipletting Ruto, MP | |
| 11. Hon. Paul Kibichiy Biego, MP | |
| 12. Hon. Dr. John Ariko Namoit, MP | |

SENATE MEMBERS PRESENT

- | | | |
|--------------------------------------|---|-------------------------|
| 1. Sen. Maureen Tabitha Mutinda, MP | - | Vice-Chairperson |
| 2. Sen. (Dr.) Boni Khalwale, CBS, MP | - | Member |
| 3. Sen. Eddy Oketch Gicheru, MP | - | Member |
| 4. Sen. Richard Momoima Onyonka, MP | - | Member |
| 5. Sen. Samson Cherargey, MP | - | Member |

NA MEMBERS ABSENT WITH APOLOGY

1. Hon. Umul Ker Sheikh Kassim, MP
2. Hon. Dr. Shadrack Mwiti Ithinji, MP
3. Hon. Mohamed Soud Machele, MP

SENATE MEMBERS ABSENT WITH APOLOGY

- | | | |
|---|---|--------------------|
| 1. Sen. (Capt.) Ali Ibrahim Roba, EGH, MP | - | Chairperson |
|---|---|--------------------|

- | | | |
|--|---|--------|
| 2. Sen. Mohamed Mwinyihaji Faki, CBS, MP | - | Member |
| 3. Sen. Joyce Chepkoech Korir,MP | - | Member |
| 4. Sen. Tabitha Karanja Keroche, MGH, MP | - | Member |
| 5. Sen. Shakila Abdalla Mohamed, MP | - | Member |

NATIONAL ASSEMBLY SECRETARIAT

- | | | |
|----------------------------|---|------------------------------|
| 1. Mr. Benjamin Magut | - | Principal Clerk Assistant II |
| 2. Mr. Benson Kamande | - | Clerk Assistant III |
| 3. Ms. Winfred Kambua | - | Clerk Assistant III |
| 4. Mr. Salem Lorot | - | Legal Counsel I |
| 5. Ms. Nelly Ondieki | - | Research Officer III |
| 6. Ms. Joyce Wachera | - | Hansard Officer |
| 7. Mr. Benson Muchiri | - | Audio Officer |
| 8. Mr. Benson Muthuri | - | Serjeant At Arms |
| 9. Mr. Ian Kinuthia | - | Intern |
| 10. Mr. Allan Kimani Ngugi | - | Intern |

SENATE SECRETARIAT

- | | | |
|----------------------------|---|------------------|
| 1. Mr. Christopher Gitonga | - | Clerk Assistant |
| 2. Ms. Beverlyne Chivadika | - | Clerk Assistant |
| 3. Ms. Lucy Radoli | - | Legal Counsel |
| 4. Mr. Constant Wamayuyi | - | Research Officer |
| 5. Ms. Hamun Mohamud | - | Research Officer |
| 6. Mr. Simiyu Johnstone | - | Audio Officer |
| 7. Mr. David Barasa | - | Sergeant-At-Arms |

IN ATTENDANCE

AGENDA

Prehearing on the Joint Vetting of Mr. David Kibet Kemei, the Nominee to the position of the Director-General of the Competition Authority of Kenya (CAK);

MIN No. PAR/JOINT SITTING/2024 /005: PRELIMINARIES

The meeting was called to order at 9.25 am followed by prayer and introductions.

The agenda of the day was proposed by Sen. Eddy Oketch Gicheru, MP, and seconded by Hon. Dr. John Ariko Namoi, MP.

MIN No. PAR/JOINT SITTING/2024 /006: CONFIRMATION OF PREVIOUS MINUTES

Confirmations of the minutes of the previous sittings was deferred to the next sitting.

MIN No. PAR/JOINT SITTING/2024 /007: BRIEFING BY THE LEGAL COUNSEL

The Legal Counsel Mr. Salem Lorot appeared before the Committee and briefed as follows:

1. Section 7 of the Public Appointments (Parliamentary Approval) Act outlines the issues for consideration by the House in relation to nomination of the nominee as—
 - (a) the procedure used to arrive at the nominee;
 - (b) the constitutional and statutory requirements relating to the office in question; and
 - (c) the suitability of the nominee for the appointment proposed having regard to whether the nominee's abilities, experience and qualities meet the needs of the body to which the nomination is being made.
2. The procedure for appointment of Director-General of the Competition Authority is outlined under the **Public Appointments (Parliamentary Approval) Act, Cap. 7F**, the **Leadership and Integrity Act, Cap. 185C** and the **Competition Act, Cap. 504**.
3. Both Committees, in jointly determining the suitability of a nominee, should be guided by the provisions on leadership and integrity as outlined under Chapter Six of the Constitution. In particular, Article 73(2) provides that the guiding principles of leadership and integrity include—
 - (a) *selection on the basis of personal integrity, competence and suitability, or election in free and fair elections;*
 - (b) *objectivity and impartiality in decision making, and in ensuring that decisions are not influenced by nepotism, favoritism, other improper motives or corrupt practices;*
 - (c) *selfless service based solely on the public interest, demonstrated by—*
 - (i) *honesty in the execution of public duties; and*
 - (ii) *the declaration of any personal interest that may conflict with public duties;*
 - (d) *accountability to the public for decisions and actions; and*

(e) discipline and commitment in service to the people.

4. Article 75(1) of the Constitution also requires a State officer, whether in public or private life to behave in a manner that avoids conflict between personal interest and public official duties. This Article further prohibits a State officer who has been removed from office under that Article from holding any other State office.
5. Article 77(1) of the Constitution prohibits a full time State officer from participating in any other gainful employment.
6. Article 77(2) of the Constitution prohibits an appointed State officer from holding office in a political party.
7. Article 78 of the Constitution disqualifies persons who are not Kenyan citizens from appointment as State Officers. Further, a State officer is barred from holding dual citizenship.
8. In addition, section 10 of the Leadership and Integrity Act, 2012 in particular provides that a State officer shall, to the best of their ability—
 - (a) carry out the duties of the office efficiently and honestly;*
 - (b) carry out the duties in a transparent and accountable manner;*
 - (c) keep accurate records and documents relating to the functions of the office; and*
 - (d) report truthfully on all matters of the organization which they represent.*
9. The suitability of a nominee should be holistically gauged after scrutiny of the nominee's credentials, experience, background and qualities as well as the performance of the nominee during the approval hearing. This may be done through questioning nominees on sector-specific issues handled on a day-to-day basis in the docket to which they have been nominated for appointment.

**MIN No. PAR/JOINT SITTING /2024 /008: BRIEFING BY THE LEGAL COUNSEL
WITH REGARDS TO THE EACC LETTERS.**

The Legal Counsel Ms. Lucy Radoli appeared before the Committee and briefed as follows:

1. This Brief provides a legal opinion on the letter received from the Ethics and Anti Corruption Commission on the suitability of Mr. David Kibet Kemei for appointment to the position of Director-General of the Competition Authority.
2. The EACC, in a letter Ref. EACC.7/10/5 VOL XXVIII (132) dated 3rd September, 2024, state as follows—

- (a) The Commission investigated an allegation that the Board of Directors of Kenya Medical Training Institute (KMTC) irregularly recruited a candidate for the position of Corporation Secretary in 2015 who did not have the required qualifications;
 - (b) The Commission's investigations established that the Board of Directors were responsible for the irregular recruitment. The nominee, Mr. David Kibet Kemei, served as a member of the said Board at the time of this recruitment;
 - (c) The Commission also called the attention of the Committee to the judgement in *ELRC Petition No. E018 of 2022 Dr. Miriam Ndunge Muthoka vs. Kenya Medical Training College; and Ethics and Anti-Corruption Commission as Interested Party*, the court found that the wrongful appointment of the applicant, Dr. Miriam Ndunge, to the position of Corporation Secretary was unfair benefit and an injustice to the Kenyan taxpayer for which the appointing authority and its Board Members ought to be surcharged for the loss;
10. By a letter dated 15th September, 2024, the nominee, through his advocates Messrs Lilan and Koech Associates, LLP, wrote to the Clerk of the Senate and the Clerk of the National Assembly in response to issues raised by the EACC. Through his advocates, the nominee made the following assertions. That-
- (a) the letter written by the EACC was based on an erroneous understanding of the judgment in ELRC Petition No. E018 of 2022. That the judgment does not assign any culpability to the nominee and cannot be the basis for impugning the nominee's candidacy to the position of Director-General of the Competition Authority;
 - (b) the nominee was not a party to the petition to which the judgment relates;
 - (c) the court did not make any dispositive order specifically directing that the nominee be surcharged;
 - (d) the petitioner sought nine (9) orders from the court none of which was directed at the nominee;
 - (e) the court framed five issues (5) issues for determination none of which involved the nominee; and
 - (f) the nominee had no prior knowledge of the judgment before the commencement of the approval process of his nomination to the position of Director-General.

From the foregoing, we make the following observations—

1. In *Dr. Miriam Ndunge Muthoka vs. Kenya Medical Training College; and Ethics and Anti-Corruption Commission as Interested Party (ELRC Petition No. E018 of 2022)*, the Court found that the employment of Dr. Miriam, the Petitioner in the suit, as the Corporation Secretary to KMTC to be irregular, unlawful, and illegal;
2. Paragraph 125 of the judgement in *Dr. Miriam Ndunge Muthoka vs. Kenya Medical Training College; and Ethics and Anti-Corruption Commission as Interested Party (ELRC Petition No. E018 of 2022)* reads as follows—

125. The appointment of the petitioner by the respondent without meeting the required threshold rendered such appointment invalid. It cannot be justified and or sanctioned by subsequent communication directing her to get the required qualification post-employment. Such appointment ought not to have taken place in the first instance. The appointing authority, the respondent and its Board members ought to be surcharged for the loss.

3. That while the remarks of the judge relating to the question of surcharge may be considered *obiter* and not part of the binding part of the judgement nevertheless remains significant to the findings of the court. While *obiter* may not be binding in nature it may be recommendatory and persuasive.
4. That the Public Authorities Limitations Act is not applicable to the circumstances of this matter.
5. The EACC, in its letter, indicates that the nominee was a Board member at the time when the illegal recruitment of the Corporation Secretary was conducted. In the response by the nominee's advocates, this fact is not denied. It will be important for the Joint Committee to confirm this from the nominee during the approval hearing.
6. From the reading of Chapter Six of the Constitution, the Public Appointment (Parliamentary Approval) Act and the relevant statutes cited above, the threshold of integrity envisaged is high and it does not necessarily mean that it only applies in instances of criminal culpability.
7. In a subsequent letter dated 16th September, 2024, Ref: EACC.7/10/1VOLXX(105) addressed to the nominee's advocates (a copy of which was delivered to the Office of the Clerk of the Senate), the EACC clarifies that the letter addressed to the Clerks of the National Assembly and the Senate dated 3rd September, 2024, does not purport

to impute criminal culpability or otherwise on the part of the nominee as no criminal charges have been preferred or are intended to be brought against the nominee.

8. Section 6(7) of the Public Appointments (Parliamentary Approval) Act, Cap. 7F provides that—

*An approval hearing shall focus on a candidate's academic credentials, professional training and experience, **personal integrity** and background.*

9. The Joint Committee, therefore, will have an opportunity to examine the nominee's personal integrity in relation to the subject matter during the approval hearing and make a determination.

Committee recommendation.

The Committee resolved to carry on with the vetting exercise owing to the EACC clarification that the letter addressed to the Clerks of the National Assembly and the Senate dated 3rd September, 2024, does not purport to impute criminal culpability or otherwise on the part of the nominee as no criminal charges have been preferred or are intended to be brought against the nominee.

MIN No. PAR/JOINT SITTING/2024 /009: ADJOURNMENT

There being no other business, the meeting was adjourned at 10:20 AM. The next meeting will be held on notice.

SIGNED:  DATE: 25th Sept, 2024

HON. CPA. KURIA KIMANI, MP

CHAIRPERSON, DEPARTMENTAL COMMITTEE ON FINANCE AND NATIONAL PLANNING.

FOR SEN. ALI ROBA



SEN. TABITHA NKURUNDA.

25th / 9 / 24

MINUTES OF THE 1ST JOINT SITTING OF THE DEPARTMENTAL COMMITTEE ON FINANCE AND NATIONAL PLANNING AND THE SENATE STANDING COMMITTEE ON FINANCE AND BUDGET HELD ON MONDAY 16TH SEPTEMBER, 2024 IN THE MINI CHAMBER, COUNTY HALL, PARLIAMENT BUILDINGS AT 2:00PM.

NA MEMBERS PRESENT

- | | | |
|--|---|-------------|
| 1. Hon. CPA Kuria Kimani, MP | - | Chairperson |
| 2. Hon. George Sunkuiya Risa, MP | | |
| 3. Hon. Joseph Makilap Kipkoros, MP | | |
| 4. Hon. CPA Julius Kipletting Ruto, MP | | |
| 5. Hon. Paul Kibichiy Biego, MP | | |
| 6. Hon. Dr. John Ariko Namoit, MP | | |

SENATE MEMBERS PRESENT

- | | | |
|--------------------------------------|---|------------------|
| 1. Sen. Maureen Tabitha Mutinda, MP | - | Vice-Chairperson |
| 2. Sen. (Dr.) Boni Khalwale, CBS, MP | - | Member |
| 3. Sen. Eddy Oketch Gicheru, MP | - | Member (Virtual) |

NA MEMBERS ABSENT WITH APOLOGY

- | | | |
|---|---|-------------------|
| 1. Hon. (Amb.) Benjamin Kipkirui Langat, MP | - | Vice- Chairperson |
| 2. Hon. (Dr.) Adan Keynan Wehliye, MP | | |
| 3. Hon. CPA. Joseph Maero Oyula, MP | | |
| 4. Hon. Andrew Adipo Okuome, MP | | |
| 5. Hon. David Mwalika Mboni, MP | | |
| 6. Hon. Joseph Kamau Munyoro, MP | | |
| 7. Hon. Umul Ker Sheikh Kassim, MP | | |
| 8. Hon. Dr. Shadrack Mwiti Ithinji, MP | | |
| 9. Hon. Mohamed Soud Machele, MP | | |

SENATE MEMBERS ABSENT WITH APOLOGY

- | | | |
|---|---|-------------|
| 1. Sen. (Capt.) Ali Ibrahim Roba, EGH, MP | - | Chairperson |
| 2. Sen. Mohamed Mwinyihaji Faki, CBS, MP | - | Member |
| 3. Sen. Joyce Chepkoech Korir,MP | - | Member |
| 4. Sen. Tabitha Karanja Keroche, MGH, MP | - | Member |
| 5. Sen. Richard Momoima Onyonka, MP | - | Member |
| 6. Sen. Shakila Abdalla Mohamed, MP | - | Member |

NATIONAL ASSEMBLY SECRETARIAT

- | | | |
|-----------------------|---|------------------------------|
| 1. Mr. Benjamin Magut | - | Principal Clerk Assistant II |
| 2. Mr. Benson Kamande | - | Clerk Assistant III |
| 3. Ms. Winfred Kambua | - | Clerk Assistant III |
| 4. Mr. Salem Lorot | - | Legal Counsel I |
| 5. Ms. Nelly Ondieki | - | Research Officer III |
| 6. Ms. Joyce Wachera | - | Hansard Officer |

- | | | |
|-----------------------|---|------------------|
| 7. Mr. Benson Muthuri | - | Serjeant At Arms |
| 8. Mr. Ian Kinuthia | - | Intern |

SENATE SECRETARIAT

- | | | |
|----------------------------|---|------------------|
| 1. Mr. Christopher Gitonga | - | Clerk Assistant |
| 2. Ms. Beverlyne Chivadika | - | Clerk Assistant |
| 3. Ms. Lucy Radoli | - | Legal Counsel |
| 4. Mr. Constant Wamayuyi | - | Research Officer |
| 5. Ms. Hamun Mohamud | - | Research Officer |
| 6. Mr. Simiyu Johnstone | - | Audio Officer |
| 7. Mr. David Barasa | - | Sergeant-At-Arms |

IN ATTENDANCE

- | | | |
|-----------------------|---|------------------------------|
| 1. Mr. Francis Awino | - | President, Bunge La Wananchi |
| 2. Mr. Mc Olonde | - | Bunge La Wananchi |
| 3. Mr. Maurice Mosiga | - | Bunge La Wananchi |
| 4. Mr. Comrade Bush | - | Bunge La Wananchi |
| 5. Ms. Stella Sifuna | - | Bunge La Wananchi |
| 6. Mr. Ouma Jowi | - | Bunge La Wananchi |
| 7. Mr. Javan Onyango | - | Bunge La Wananchi |
| 8. Mr. Brian Odunga | - | Bunge La Wananchi |

AGENDA

- a) Briefing on the status of High Court Petition No. HCCHRPET/E460/2024 regarding the appointment of Mr. David Kibet Kemei to the position of Director General to the CAK.
- b) Meeting with Mr. Francis Awino, A petitioner with regards to the vetting of Mr. David Kibet Kemei, the Nominee for appointment to the position of Director General of Competition Authority.

MIN No. PAR/JOINT SITTING/2024 /001: PRELIMINARIES

The meeting was called to order at 2.25 pm followed by prayer and introductions.

MIN No. PAR/JOINT SITTING/2024 /002: BRIEFING BY THE DIRECTORATE OF LITIGATION AND COMPLIANCE SERVICES.

The Litigation and Compliance Services officers appeared before the Committee and briefed as follows:

1. The Petition was filed in court on 6th September 2024 by Mr. Francis Owano against the **Parliament of Kenya and the Senate. Mr. David Kibet Kemei** has joined the suit as an Interested Party.
2. The Petition, dated 6th September 2024, primarily challenges the nomination of Mr. David Kibet Kemei to the position of the Director General of the Competition Authority. The Petitioner contends that the nominee has exceeded the retirement age of 60 years and, therefore, should not be permitted to hold any public office.
3. Consequently, the Petitioner was seeking the following orders:
 - (a) *An order of declaration declaring that the Interested Party is not qualified to hold the office of the Director General of the Competition Authority.*
 - (b) *An order barring the Cabinet Secretary, Ministry of National Treasury & Economic Planning from entering into any new Local Agreement with the Interested Party as the Director General of the Competition Authority.*
 - (c) ***An order of declaration to the effect that it is an act of abuse of office and corruption for the Respondents to approve the Interested Party to continue holding office as the Director General of the Competition Authority.***
 - (d) *That the Honourable Court be pleased to exercise its power under Article 23 (3) of the Constitution to issue any other appropriate relief.*
 - (e) *An order that the Respondents do pay the costs of this Petition.*
4. The Petitioner had also filed an Application under a Certificate of Urgency dated 6th September 2024, seeking conservatory orders against the National Assembly and the Senate. The Application seek orders that, pending the hearing and determination of both the Petition and the Application, the Court issues **an order restricting and/or barring the Respondents, their agents, employees, assignees, assignors or anyone whomsoever from conducting the Interested Party's approval hearing for the appointment to the office of the Director General of the Competition Authority**, which is scheduled for **17th September 2024**.
5. On 9th September 2024, the Application was mentioned before Hon. **Mr. Justice Bahati Mwamuye**, who issued the following orders:
 - a. *The Application dated 6th September, 2024 be and is hereby certified urgent and shall be heard on a priority basis.*

- b. *The Petitioner/Applicant shall serve the Respondents and the Interested Party, David Kibet Kemei, with the Application and the Petition immediately and file an Affidavit (s) of Service in that regard by close of business 10th September, 2024.*
- c. *The Respondents and the Interested Party shall file and serve their responses to the Application by close of business 13th September, 2024.*
- d. *The Petitioner/Applicant shall be at liberty to file and serve a rejoinder, if need be, by close of business 16th September, 2024.*
- e. ***The Application shall come up for hearing virtually on 17th September, 2024 at 10:30am.***

(A copy of the Order and the pleadings are enclosed herein for reference)

- 6. However, on Friday, 13th September 2024, the Directorate of Litigation and Compliance Services received a notification from the High Court stating that Hon. Mr. Justice Bahati Mwamuye would be **away on official duty from 16th to 20th September 2024**. Consequently, all matters scheduled for hearing before him on 17th September 2024, including the current matter, had been rescheduled to **24th September 2024**.
- 7. Pursuant to Section 5(1) and (2) of the Public Appointments (Parliamentary Approval) Act, CAP 7F Laws of Kenya, on 6th August 2024, the Office of the Clerk of the National Assembly received a notification of the nomination of Mr. David Kibet Kemei from the then Acting Cabinet Secretary for National Treasury and Economic Planning for the position of Director General of the Competition Authority of Kenya.
- 8. The nomination was then referred to the Joint Committee comprising the National Assembly Departmental Committee on Finance and National Planning and the Senate Standing Committee on Finance and Budget for the purpose of conducting an approval hearing to evaluate the nominee's suitability for the appointment.
- 9. Consequently, on 30th August 2024, the Clerk of the National Assembly and the Clerk of the Senate issued a public notification announcing the nomination of Mr. David Kibet Kemei for the position of Director General of the Competition Authority of Kenya. The notice also informed the public that the Joint Committee would hold an approval hearing for the nominee on **17th September 2024** to determine his suitability for the position.
- 10. The notice also informed the nominee of the specific documents he was required to bring to the Joint Committee during the hearing.
- 11. On the same date, the Clerk of the National Assembly, jointly with the Clerk of the Senate, invited members of the public to submit any

representations regarding the nominee's suitability. Such representations were to be submitted in the form of written affidavits accompanied by supporting evidence.

12. Notably, being aware of the Petitioner's reservations expressed in this Petition, the Clerk of the National Assembly and the Clerk of the Senate issued an invitation to the Petitioner via a letter dated 12th September 2024. The invitation requested the Petitioner to appear before the Joint Committee on Monday, 16th September 2024, to present his reservations and any additional representations concerning the nominee's suitability.
13. Article 27(4) of the Constitution of Kenya, 2010, provides that the **state shall not discriminate** directly or indirectly against any person on any ground, including race, sex, pregnancy, marital status, health status, ethnic or social origin, colour, **age**, disability, religion, conscience, belief, culture, dress, language or birth. The nominee should not be barred from appearing before the National Assembly Departmental Committee on Finance and National Planning and the Senate Standing Committee on Finance and Budget on account of his age. He should be allowed to go through the whole approval hearing process, and his suitability for office thereafter determined.
14. Section 12(2) of the Competition Act, 2010 provides that there shall be a Director-General of the Authority who shall hold office on such terms and conditions of employment as the Authority may determine in the instrument of appointment or otherwise in writing from time to time. The Act **does not prescribe the age** for one's appointment as the Director-General of the Authority, rather it states that the terms and conditions of employment may be determined in the instrument of appointment or otherwise in writing from time to time.
15. Section 4(1) of the Fair Administrative Action Act, 2015 provides that every person has the right to administrative action which is expeditious, efficient, lawful, reasonable and procedurally fair. **The nominee should not be condemned unheard**, and instead be given a fair chance to appear before the National Assembly Departmental Committee on Finance and National Planning and the Senate Standing Committee on Finance and Budget on approval hearing on 17th September, 2024 and thereafter his suitability for office be determined.
16. The Honourable Court in **Okiya Omtatah Okiiti v Selection Panel for the National Land Commission & 3 others; Gershom Otachi Bw'omanwa & 7 others (Interested Parties)** while opining that the issues raised in the Constitutional Petition could be raised before the relevant committee for consideration observed as follows:
"62. Having considered the arguments above, it is my finding that this Court will not interfere with the process currently before the Parliamentary Committee because the Petitioner still has a chance to raise issues he is currently raising before that committee."

17. In line with the above authorities and the provisions of the Law, section 7 of the Public Appointments (Parliamentary Approval) Act requires that that the Joint Committee's approval hearing shall involve establishment and confirmation of the procedure used to arrive at the nominee, any constitutional or statutory requirements relating to the office in question and the suitability of the nominee for the appointment with regard to whether the nominee's abilities, experience and qualities.
18. The issues raised in the Petition herein were issues that ought to be raised to the Joint Committee for consideration during the approval hearing process. The petitioner was expected to exhaust this statutory mechanism since the subject of the petition was still alive before the Joint Committee of two Houses of Parliament. Additionally, the Joint Committee was yet to make a finding on the suitability of the nominee.
19. Accordingly, the issues raised in the petition were not ripe for judicial determination as the Parliamentary approval hearing process had not been concluded.
20. Courts are usually prevented from determining an issue when it is too early or an issue brought before them simply out of apprehension since the issue is considered to be premature.
21. For this reason, the Directorate of Litigation and Compliance Services has filed a Notice of Preliminary Objection challenging the jurisdiction of the Court in interfering with an ongoing internal process of Parliament. Additionally, the directorate intended to file an Application seeking to stay the proceedings of the court in the matter pending the conclusion of the Joint Committee approval hearing as the issues raised in the petition may have a bearing on the approval process currently ongoing.

MIN No. PAR/JOINT SITTING/2024 /003:

**SUBMISSION BY MR. FRANCIS
AWINO.**

Mr Francis Awino and his team appeared before the Joint Committee and submitted that, the petitioner primarily challenged the nomination of Mr. David Kibet Kemei to the position of the Director General of the Competition Authority. The Petitioner contends that the nominee has exceeded the retirement age of 60 years and, therefore, should not be permitted to hold any public office.

Committee Observation.

The Joint Committee observed that Article 27(4) of the Constitution of Kenya, 2010, provides that the state shall not discriminate directly or indirectly against any person on any ground, including race, sex, pregnancy, marital status, health status, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, dress, language or birth. The nominee should not be barred from appearing before the National Assembly Departmental Committee on Finance and National Planning and the Senate Standing

Committee on Finance and Budget because of his age. He should be allowed to go through the whole approval hearing process, and his suitability for office thereafter determined.

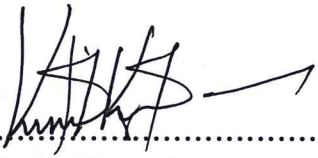
Committees Recommendation.


Based on the observation, the Joint Committees resolved to allow the nominee to go through the whole approval hearing process, and his suitability for office thereafter was determined.

MIN No. PAR/JOINT SITTING/2024 /004:

ADJOURNMENT

There being no other business, the meeting was adjourned at 3:40 PM. The next meeting will be held on notice.

Signed.....
Hon. CPA. Kuria Kimani, MP
Chairperson

Signed.....
Sen. (Capt.) Ali Ibrahim Roba, EGH, MP
Chairperson

Date.....25th Sept, 2024.....

Date.....25th SEP 2024.....

Annexure 3-

Message from Acting Cabinet Secretary Ministry of National Treasury and Economic Planning nominating the Director General of Competition Authority of Kenya



REPUBLIC OF KENYA
THE NATIONAL TREASURY AND ECONOMIC PLANNING

Telegraphic Address: 22921
FINANCE – NAIROBI
Fax No. 315779
Telephone: 2252299
When replying please quote

THE NATIONAL TREASURY
P.O. Box 30007 - 00100
NAIROBI
KENYA

Ref: TNT/CONF/268/011 "C" (78)

Date: 6th August, 2024

Mr. Samuel Njoroge, CBS
Clerk of the National Assembly
Parliament Building
NAIROBI

J. M. Nyegenye, CBS
Clerk/Chief Executive Officer
Parliamentary Service Commission
Parliament Buildings
NAIROBI



Dear *Nyegenye,*

**APPOINTMENT OF THE DIRECTOR GENERAL OF THE COMPETITION
AUTHORITY OF KENYA**

The above subject refers. Competition Authority of Kenya (CAK) is a State Corporation under the National Treasury established by the Competition Act of 2010. A competitive process was undertaken by the Board of the Authority to identify a suitable candidate for the position.

The National Treasury recommends the appointment of **Mr. David Kibet Kemei** to the position of the Director General to the Authority. However, the Competition Act 2010, Section 12 guides that approval for the appointment of the Director General shall be sought from the National Assembly:

"There shall be a Director-General of the Authority who shall be appointed by the Authority with the approval of Parliament from persons having knowledge and experience in competition matters".

The purpose of this letter is to forward to the National Assembly the name of recommended candidate, Mr. David Kibet Kemei, for approval to be appointed the Director-General to the Competition Authority of Kenya.

Yours *Sincerely*

H. E. DR. MUSALIA MUDAVADI, EGH
AG. CABINET SECRETARY
THE NATIONAL TREASURY AND ECONOMIC PLANNING

DDSec
please clear
MJH
12/8/2024
@ Ms. Nthiri
Kindly deal.
Sub.
13/08/24

Annexure 4-

Communication from the Speaker of the Senate and the Speaker of the National Assembly

② DC (MA)

Submitted for further processing
20/8/24

③ Clerk

for your approval
MA
20/8/24

④

DLPS

Submitted for your approval.

A. Macharia

20/8/2024

REPUBLIC OF KENYA



THIRTEENTH PARLIAMENT | THIRD SESSION

Rt. Hon. Speaker
You may approve/lead
20/8/24

COMMUNICATION FROM THE CHAIR

[No. of 2024]

ON THE NOMINEE FOR APPOINTMENT TO THE POSITION OF DIRECTOR GENERAL OF THE COMPETITION AUTHORITY

Honourable Senators,

1. Section 12(1) of the Competition Act provides for the position of the Director-General of the Competition Authority who shall be appointed by the Authority with the approval of Parliament.
2. Vide a letter, Ref. TNT/CONF/263/011"C" (78), dated 6th August, 2024, the Office of the Clerk received communication from His Excellency Dr. Musalia Mudavadi, EGH, the then Acting Cabinet Secretary of the National Treasury and Economic Planning, on the nominee for appointment to the position of the Director General of the Competition Authority of Kenya.
3. In the letter, the then Acting Cabinet Secretary indicated that, in exercise of the powers conferred by section 12 of the Competition Act, CAP 504, Mr. David Kibet Kemei had been nominated for appointment to the position of the Director-General of the Competition Authority and was, therefore seeking the approval of Parliament.

Honourable Senators,

4. The Act does not provide specific timelines within which Parliament is to consider the matter. However, section 8(1) of the Public Appointments (Parliamentary Approval) Act requires the Committee to undertake the

exercise within twenty-eight (28) days from the date on which the notification of nomination was given in accordance with section 5.

5. Since the approval of Parliament is required and taking cognizance of the need to dispose of the matter expeditiously, I direct that the relevant committee of the Senate, namely the Standing Committee on Finance and Budget undertakes the approval hearing jointly with the equivalent committee of the National Assembly, namely the Departmental Committee on Finance and National Planning within the framework set out in the Public Appointments (Parliamentary Approval) Act as well as the Houses of Parliament (Joint Sitzings) Rules.

I thank you.

**RT. HON. AMASON J. KINGI, EGH, MP,
SPEAKER OF THE SENATE.**

Tuesday, 20th August, 2024



REPUBLIC OF KENYA

**THIRTEENTH PARLIAMENT (THIRD SESSION)
THE NATIONAL ASSEMBLY**

MESSAGES

MESSAGE FROM THE NATIONAL EXECUTIVE

_____ (No. 002 of 2024) _____

**NOMINATION OF A PERSON FOR APPOINTMENT AS THE
DIRECTOR-GENERAL OF THE COMPETITION AUTHORITY**

Honourable Members,

1. Pursuant to the provisions of Standing Order 42(4), I wish to report to the House that I received a Message from the then Acting Cabinet Secretary for the National Treasury and Economic Planning dated 6th August 2024 on the nomination of a person for appointment as the Director-General of the Competition Authority.
2. **Honourable Members,** in the Message, the Ag. Cabinet Secretary conveys that, in exercise of powers conferred by section 12 of the Competition Act, CAP 504, he nominates **Mr. David Kibet Kemei** for appointment as the Director-General of the Competition Authority. The Ag. Cabinet Secretary therefore seeks the approval of the said nominee by Parliament.
3. **Honourable Members,** you may wish to note that section 12(1) of the Competition Act prescribes process of the approval of appointment of a Director-General of the Competition Authority by Parliament.

4. In this regard, the vetting of the nominee will be undertaken by a joint sitting of the relevant committees of the respective Houses of Parliament, in accordance with the established practice.

5. For clarity, **Honourable Members**, the vetting exercise shall proceed in the following manner –

(i) **THAT**, the vetting of the nominee for appointment as Director-General of the Competition Authority of Kenya shall be conducted by the National Assembly Departmental Committee on Finance and National Planning and the relevant Senate Standing Committee;

(ii) **THAT**, the quorum of the joint sittings of the Committees will be the respective quorums of each of the committees as stipulated in the Standing Orders of the respective Houses;


(iii) **THAT**, as contemplated under Rule 9(6) of the Joint Rules, unless a decision is reached by consensus, any vote to be taken in the joint sittings of the Committees shall be by separate Houses. This will ensure that the numerical difference of the individual Members representing the Houses in the joint sittings has no effect on the decisions of the joint sittings of the Committees;

(iv) **THAT**, the Joint Committee shall, upon conclusion of the approval hearings, submit a Joint Report to the respective Houses in the manner contemplated by paragraph 7 of Joint Rule No. 9; and

(v) **THAT**, the approval process shall be conducted in accordance with the provisions of the Public Appointments (Parliamentary Approval) Act, CAP 7F.

6. **Honourable Members**, whereas the Competition Act, CAP 504 does not provide specific timelines within which the House is to consider the nominee, section 8(1) of the Public Appointments (Parliamentary Approval) Act, CAP 5F requires the relevant House to undertake the exercise **within twenty-eight (28) days**. Conscious of the fact that the House is scheduled to proceed for recess this week, I hasten to clarify that the counting of days with respect to the consideration of the nominee will cease during the recess period and resume when the House first sits upon resumption. Therefore, the Departmental Committee shall submit the Joint Report on or before **Thursday, 3rd October 2024** to enable the House to consider the proposed appointment.
7. **Honourable Members**, the Committees are expected to forthwith jointly commence the approval process and notify the nominee and the general public of the time and place for holding the approval hearings and upon conclusion, table their report within the statutory timelines.

I thank you!


THE RT. HON. (DR.) MOSES F. M. WETANGULA, EGH, MP
SPEAKER OF THE NATIONAL ASSEMBLY
Tuesday, 13th August 2024

Annexure 5-

Advertisement notifying the public of the approval hearing




NOTICE OF THE ANNUAL GENERAL MEETING

AGENDA

ORDINARY BUSINESS

2. To table the proxies, apologies and note the presence of a quorum
3. To read the notice convening the meeting
4. To approve the minutes of the Annual General Meeting held on 21st September 2023
5. To receive, consider and, if thought fit, adopt the Report of the Board for the year ended 31st December, 2023
6. To receive, consider and, if thought fit, adopt the Audited Financial Statements of the Company for the year ended 31st December, 2023 together with the Auditors' Report therein
7. To Approve the Board Remuneration report in accordance with Article 41 of the Company's Articles of Association
8. Retire by Rotation and Election of Directors:
 - 7.1 To note that Dr. David Githanga, would have but for his resignation on 24th July, 2024, retired by rotation in accordance with Articles 42 and 43 of the Articles of Association of the Company and fill the vacancy through election
 - 7.2 To note that Mrs. Ludmila Shitakha, would have but for her resignation on 29th July, 2024, retired by rotation in accordance with Articles 42 and 43 of the Articles of Association of the Company and fill the vacancy through election.
 - 7.3 To note that Dr. Magdalene Muthoka, PhD retires by rotation in accordance with Articles 42 and 43 of the Articles of Association of the Company and being eligible, offers herself for re-election as a Director of the Company
 - 7.4 To fill through election a vacancy arising from the resignation of Dr. Maj (rtd) W. Irungu Ndirangu on 29th July, 2024.
9. To elect trustees to the Kenya Hospital Association Board of Trustees.
10. To authorize the Board of Management to appoint the External Auditors for the Financial Year 2024 in accordance with Section 719 (2) of the Companies Act, 2015 and to fix the External Auditors' remuneration for the Financial Year 2024

der of the Board

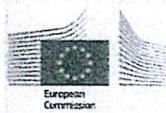

CS. Gilbert Nyamweya
Company Secretary

Dated 30th August, 2024

Notes:

1. Notice of a Special Business should be delivered in the form of a resolution to the Company Secretary's office by 13th September 2024 at 5:00 P.M. or emailed to kha@nbihosp.org.
2. All proxy forms should be delivered to the KHA office or emailed to kha@nbihosp.org on or before 25th September 2024 at 2:00 P.M. in line with Article 34 of the Articles of Association.
3. Members are encouraged to continuously monitor the Company's website for further details on how to register for virtual participation at the Annual General Meeting should they choose that mode of participation.

Healthcare with a difference!



EUROPEAN COMMISSION

Directorate General for European Civil
Protection and Humanitarian Aid Operations
(ECHO)

VACANCY ANNOUNCEMENT (NAIROBI)

PROGRAMME OFFICER-DP (1 POST)

Application Deadline: 13th September 2024, 18:00 hours

Applications to be entered at:

<https://www.ats.flexi-personnel.com/jobs>

For full details on how to apply, job description & specifications, visit: http://eeas.europa.eu/delegations/kenya_en



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT - THIRD SESSION

IN THE MATTER OF THE APPROVAL BY PARLIAMENT OF MR. DAVID KIBET KEMEI FOR APPOINTMENT TO THE POSITION OF DIRECTOR GENERAL FOR COMPETITION AUTHORITY.

INVITATION TO SUBMIT MEMORANDA

WHEREAS, Article 118(1) (b) of the Constitution of Kenya requires Parliament to facilitate public participation and involvement in the legislative and other business of Parliament and its Committees;

AND WHEREAS, Pursuant to the provisions of section 12 (1) of the Competition Act (CAP 504) and section 5 of the Public Appointments (Parliamentary Approval) Act, 2011, the acting Cabinet Secretary for National Treasury and Economic Planning has nominated **Mr. David Kibet Kemei** for appointment to the position of Director General for Competition Authority.

Following receipt of the nomination, the **National Assembly Departmental Committee on Finance and National Planning** and the **Senate Standing Committee on Finance and Budget** are mandated to conduct approval hearings to consider the suitability of the nominee for appointment to office.

IT IS NOTIFIED that in accordance with section 6(9) of the Public Appointments (Parliamentary Approval) Act, 2011, the Committees now invite interested members of the public to submit any representations, by **written statements on oath (Affidavits)**, with supporting evidence, on the suitability of the nominee for appointments to office.

The representations may be forwarded to the **Clerk of the National Assembly** or the **Clerk of the Senate**, P.O Box 41842-001000, **Nairobi**; hand-delivered to the **Offices of the Clerks, Main Parliament Buildings, Nairobi**; or emailed to ena@parliament.go.ke and clerk.senate@parliament.go.ke to be received on or before **Thursday 12th September 2024 at 5.00 pm**.

S. NJORGE, CBS
CLERK OF THE NATIONAL ASSEMBLY

**J.M. NYEGENYE, CBS
CLERK OF THE SENATE**

"For the Welfare of Society and the just Government of the People"



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT - THIRD SESSION

IN THE MATTER OF THE APPROVAL BY PARLIAMENT OF MR. DAVID KIBET
KEMEI FOR APPOINTMENT TO THE POSITION OF DIRECTOR GENERAL FOR
THE COMPETITION AUTHORITY.

**NOTIFICATION OF APPROVAL HEARING OF MR. DAVID KIBET KEMEI,
THE NOMINEE FOR APPOINTMENT TO THE POSITION OF DIRECTOR GENERAL
FOR COMPETITION AUTHORITY.**

Pursuant to the provisions of section 12 (1) of the Competition Act (CAP 504) and section 5 of the Public Appointments (Parliamentary Approval) Act, 2011, the acting Cabinet Secretary for National Treasury and Economic Planning has nominated **Mr. David Kibet Kemei** for appointment to the position of Director General for Competition Authority.

In accordance with section 6(4) of the Public Appointments (Parliamentary Approval) Act, 2011, the general public is hereby notified that the **National Assembly Departmental Committee on Finance and National Planning** and the **Senate Standing Committee on Finance and Budget** shall hold an approval hearing for the said nominee on **Tuesday, 17th September 2024** in the **Mini Chamber, First floor, County Hall, Parliament Buildings** at **10:00 am**.

The nominee should bring originals of his identity card, academic and professional certificates and other relevant testimonials. In addition, the nominee is required to obtain letters/certificates of clearance/compliance from the following institutions-

1. The Ethics and Anti-Corruption Commission
2. Kenya Revenue Authority
3. The Higher Education Loans Board
4. The Directorate of Criminal Investigation and
5. Any of the Credit Reference Bureaus

**S. NJORGE, CBS
CLERK OF THE NATIONAL ASSEMBLY**

**J.M. NYEGENYE, CBS
CLERK OF THE SENATE**

"For the Welfare of Society and the just Government of the People"

Annexure 6-

Letters from the Clerk of the National Assembly and the Clerk of the Senate inviting the nominee for the approval hearing

REPUBLIC OF KENYA

Telegraphic Address
'Bunge', Nairobi
Telephone 2848000
Fax: 2243694
E-mail: clerk.senate@parliament.go.ke
ena@parliament.go.ke



Clerk's Chambers
Parliament Buildings
P. O. Box 41842 - 00100
NAIROBI, Kenya

PARLIAMENT

Ref. PAR/JOINT SITTINGS/AH/DG-CA/2024/007

2nd September, 2024

Mr. David Kibet Kemei,
NAIROBI.

Dear

Mr. Kibet

RE: APPROVAL HEARING FOR MR. DAVID KIBET KEMEI, NOMINEE FOR
APPOINTMENT TO THE POSITION OF DIRECTOR-GENERAL OF THE
COMPETITION AUTHORITY

By a letter, reference TNT/CONF/268/011 "C" (78), dated 6th August, 2024, H.E. Hon. Musalia Mudavadi, EGH, Prime Cabinet Secretary and the then Acting Cabinet Secretary for the National Treasury and Economic Planning, nominated Mr. David Kibet Kemei for appointment to the position of Director-General of the Competition Authority.

Section 12(1) of the Competition Act, Cap. 504, requires that the nominee be approved by Parliament and thereafter appointed by the Competition Authority.

Consequently, following receipt of the nomination, the Speakers of the Houses of Parliament referred the matter to the National Assembly Departmental Committee on Finance and National Planning and the Senate Standing Committee on Finance and Budget, respectively, for the joint consideration of the Committees.

Pursuant to section 7 of the Public Appointments (Parliamentary Approval) Act, Cap. 7F, the Committees are required, among other things, to consider and determine whether the nominee meets the constitutional and statutory requirements for appointment to the position of Director-General of the Competition Authority.

Pursuant to section 6(3) of the Public Appointments (Parliamentary Approval) Act, Cap. 7F, the Committees hereby invites you for the approval hearing which will be held on **Tuesday, 17th September, 2024 at 10.00 a.m.** at the Mini Chamber, First Floor, County Hall, Parliament Buildings, Nairobi.


Kindly fill the attached Questionnaire and submit the same to the Office of the Clerk of the National Assembly and the Office of the Clerk of the Senate, First Floor, Main Parliament Buildings, Nairobi, or on email to ena@parliament.go.ke and clerk.senate@parliament.go.ke, on or before **Thursday, 12th September, 2024 at 5.00 p.m.**


You are further requested to bring your identity card and your original academic and professional certificates and any other relevant testimonials at the approval hearing. In addition, you are requested to obtain and submit letters or certificates of clearance or compliance from the following institutions-

1. The Ethics and Anti-Corruption Commission;
2. The Kenya Revenue Authority;
3. The Higher Education Loans Board;
4. The Directorate of Criminal Investigations; and
5. Any of the credit reference bureaus.

The officers responsible for facilitating this matter are Mr. Benjamin Magut, Senior Clerk Assistant (Tel. No. 0712974966) and Mr. Christopher Gitonga, Clerk Assistant (Tel. No. 0723443437).

Yours Sincerely,


SAMUEL NJOROGE, CBS
CLERK OF THE NATIONAL ASSEMBLY


J. M. NYEGENYE, CBS
CLERK OF THE SENATE

Encls.

Annexure 7-

Letters from the Clerk of the National Assembly and the Clerk of the Senate to KRA, EACC, DCI, HELB and ORPP requesting for information on the nominee

REPUBLIC OF KENYA

Telegraphic Address

'Bunge', Nairobi

Telephone 2848000

Fax: 2243694

E-mail:

clerk.senate@parliament.go.ke

clerk.nationalassembly@parliament.go.ke



Clerk's Chambers

Parliament Buildings

P. O. Box 41842 -00100

NAIROBI, Kenya

PARLIAMENT

Ref. PAR/JOINT SITTINGS/AH/DG-CA/2024/003

22nd August, 2024

Mr. Humphrey Wattanga,
Commissioner General,
Kenya Revenue Authority,
Times Towers,
NAIROBI.

Dear

**RE: APPROVAL HEARING FOR MR. DAVID KIBET KEMEI FOR
APPOINTMENT TO THE POSITION OF DIRECTOR-GENERAL OF THE
COMPETITION AUTHORITY**

By a letter, reference TNT/CONF/268/011 "C" (78), dated 6th August, 2024, H.E. Hon. Musalia Mudavadi, EGH, Prime Cabinet Secretary and the then Acting Cabinet Secretary for the National Treasury and Economic Planning, nominated Mr. David Kibet Kemei for appointment to the position of Director-General of the Competition Authority.

Section 12(1) of the Competition Act, Cap. 504, requires that the nominee be approved by Parliament and thereafter appointed by the Competition Authority.

Consequently, following receipt of the nomination, the Speakers of the Houses of Parliament referred the matter to the National Assembly Departmental Committee on Finance and National Planning and the Senate Standing Committee on Finance and Budget, respectively, for the joint consideration of the Committees.

Pursuant to section 7 of the Public Appointments (Parliamentary Approval) Act, Cap. 7F, the Committees are required, among other things, to consider and determine whether the nominee meets the constitutional and statutory requirements for appointment to the position of Director-General of the Competition Authority.

The purpose of this letter is to request your office to provide a report on the tax compliance status of the nominee. We request that you send the information to the Office of the Clerk of the National Assembly and the Office of the Clerk of the Senate on or before **Thursday, 5th September, 2024.**

A soft copy of the report may be emailed to clerk.nationalassembly@parliament.go.ke and clerk.senate@parliament.go.ke.

The officers responsible for facilitating this matter are **Mr. Benjamin Magut**, Senior Clerk Assistant (Tel. No. 0712974966) and **Mr. Christopher Gitonga**, Clerk Assistant (Tel. No. 0723443437).

Yours



PC: SAMUEL NJOROGUE, CBS
CLERK OF THE NATIONAL ASSEMBLY



J. M. NYEGENYE, CBS
CLERK OF THE SENATE

REPUBLIC OF KENYA

Telegraphic Address
'Bunge', Nairobi
Telephone 2848000
Fax: 2243694
E-mail:

clerk.senate@parliament.go.ke
clerk.nationalassembly@parliament.go.ke



Clerk's Chambers
Parliament Buildings
P. O. Box 41842-00100
NAIROBI, Kenya

PARLIAMENT

Ref. PAR/JOINT SITTINGS/AH/DG-CA/2024/002

22nd August, 2024

Mr. Twalib Mbarak, CBS,
Commission Secretary,
Ethics and Anti-Corruption Commission,
Milimani/Valley Road Junction,
NAIROBI.

Dear

**RE: APPROVAL HEARING FOR MR. DAVID KIBET KEMEI FOR
APPOINTMENT TO THE POSITION OF DIRECTOR-GENERAL OF THE
COMPETITION AUTHORITY**

By a letter, reference TNT/CONF/268/011 "C" (78), dated 6th August, 2024, H.E. Hon. Musalia Mudavadi, EGH, Prime Cabinet Secretary and the then Acting Cabinet Secretary for the National Treasury and Economic Planning, nominated Mr. David Kibet Kemei for appointment to the position of Director-General of the Competition Authority.

Section 12(1) of the Competition Act, Cap. 504, requires that the nominee be approved by Parliament and thereafter appointed by the Competition Authority.

Consequently, following receipt of the nomination, the Speakers of the Houses of Parliament referred the matter to the National Assembly Departmental Committee on Finance and National Planning and the Senate Standing Committee on Finance and Budget, respectively, for the joint consideration of the Committees.


Pursuant to section 7 of the Public Appointments (Parliamentary Approval) Act, Cap. 7F, the Committees are required, among other things, to consider and determine whether the nominee meets the constitutional and statutory requirements for appointment to the position of Director-General of the Competition Authority.

The purpose of this letter is to request your office to provide a report on the integrity of the nominee as set out in Chapter Six of the Constitution. We request that you send the information to the Office of the Clerk of the National Assembly and the Office of the Clerk of the Senate on or before **Thursday, 5th September, 2024.**

A soft copy of the report may be emailed to clerk.nationalassembly@parliament.go.ke and clerk.senate@parliament.go.ke.

The officers responsible for facilitating this matter are **Mr. Benjamin Magut**, Senior Clerk Assistant (Tel. No. 0712974966) and **Mr. Christopher Gitonga**, Clerk Assistant (Tel. No. 0723443437).

Yours



for: **SAMUEL NJOROGUE, CBS**
CLERK OF THE NATIONAL ASSEMBLY



J. M. NYEGENYE, CBS
CLERK OF THE SENATE

REPUBLIC OF KENYA

Telegraphic Address

'Bunge', Nairobi

Telephone 2848000

Fax: 2243694

E-mail:

clerk.senate@parliament.go.ke

clerk.nationalassembly@parliament.go.ke



Clerk's Chambers

Parliament Buildings

P. O. Box 41842 -00100

NAIROBI, Kenya

PARLIAMENT

Ref. PAR/JOINT SITTINGS/AH/DG-CA/2024/001

22nd August, 2024

Mr. Mohamed I. Amin, EBS, OGW, Ndc(K),
Director,
Directorate of Criminal Investigations,
Mazingira Complex, Kiambu Road,
NAIROBI.

Dear

**RE: APPROVAL HEARING FOR MR. DAVID KIBET KEMEI FOR
APPOINTMENT TO THE POSITION OF DIRECTOR-GENERAL OF THE
COMPETITION AUTHORITY**

By a letter, reference TNT/CONF/268/011 "C" (78), dated 6th August, 2024, H.E. Hon. Musalia Mudavadi, EGH, Prime Cabinet Secretary and the then Acting Cabinet Secretary for the National Treasury and Economic Planning, nominated Mr. David Kibet Kemei for appointment to the position of Director-General of the Competition Authority.

Section 12(1) of the Competition Act, Cap. 504, requires that the nominee be approved by Parliament and thereafter appointed by the Competition Authority.

Consequently, following receipt of the nomination, the Speakers of the Houses of Parliament referred the matter to the National Assembly Departmental Committee on Finance and National Planning and the Senate Standing Committee on Finance and Budget, respectively, for the joint consideration of the Committees.

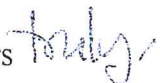
Pursuant to section 7 of the Public Appointments (Parliamentary Approval) Act, Cap. 7F, the Committees are required, among other things, to consider and determine whether the nominee meets the constitutional and statutory requirements for appointment to the position of Director-General of the Competition Authority.

The purpose of this letter is to request your office to provide a report on whether the nominee has been adversely mentioned in any investigation carried out by the Directorate of Criminal Investigations. We request that you send the information to the Office of the Clerk of the National Assembly and the Office of the Clerk of the Senate on or before **Thursday, 5th September, 2024.**

A soft copy of the report may be emailed to clerk.nationalassembly@parliament.go.ke and clerk.senate@parliament.go.ke.

The officers responsible for facilitating this matter are **Mr. Benjamin Magut**, Senior Clerk Assistant (Tel. No. 0712974966) and **Mr. Christopher Gitonga**, Clerk Assistant (Tel. No. 0723443437).

Yours



for: **SAMUEL NJOROGUE, CBS**
CLERK OF THE NATIONAL ASSEMBLY



J. M. NYEGENYE, CBS
CLERK OF THE SENATE

REPUBLIC OF KENYA

Telegraphic Address

'Bunge', Nairobi

Telephone 2848000

Fax: 2243694

E-mail:

clerk.senate@parliament.go.ke

clerk.nationalassembly@parliament.go.ke



Clerk's Chambers

Parliament Buildings

P. O. Box 41842 -00100

NAIROBI, Kenya

PARLIAMENT

Ref. PAR/JOINT SITTINGS/AH/DG-CA/2024/004

22nd August, 2024

FCPA Charles Ringera,
Chief Executive Officer,
Higher Education Loans Board,
Anniversary Towers, 19th Floor,
P.O Box, 69489-00400,
NAIROBI.

Dear

**RE: APPROVAL HEARING FOR MR. DAVID KIBET KEMEI FOR
APPOINTMENT TO THE POSITION OF DIRECTOR-GENERAL OF THE
COMPETITION AUTHORITY**

By a letter, reference TNT/CONF/268/011 "C" (78), dated 6th August, 2024, H.E. Hon. Musalia Mudavadi, EGH, Prime Cabinet Secretary and the then Acting Cabinet Secretary for the National Treasury and Economic Planning, nominated Mr. David Kibet Kemei for appointment to the position of Director-General of the Competition Authority.

Section 12(1) of the Competition Act, Cap. 504, requires that the nominee be approved by Parliament and thereafter appointed by the Competition Authority.

Consequently, following receipt of the nomination, the Speakers of the Houses of Parliament referred the matter to the National Assembly Departmental Committee on Finance and National Planning and the Senate Standing Committee on Finance and Budget, respectively, for the joint consideration of the Committees.

Pursuant to section 7 of the Public Appointments (Parliamentary Approval) Act, Cap. 7F, the Committees are required, among other things, to consider and determine whether the nominee meets the constitutional and statutory requirements for appointment to the position of Director-General of the Competition Authority.

The purpose of this letter is to request your office to provide a report on the repayment status of any loans that may have been advanced by the Higher Education Loans Board to the nominee. We request that you send the information to the Office of the Clerk of the National Assembly and the Office of the Clerk of the Senate on or before **Thursday, 5th September, 2024.**

A soft copy of the report may be emailed to clerk.nationalassembly@parliament.go.ke and clerk.senate@parliament.go.ke.

The officers responsible for facilitating this matter are **Mr. Benjamin Magut**, Senior Clerk Assistant (Tel. No. 0712974966) and **Mr. Christopher Gitonga**, Clerk Assistant (Tel. No. 0723443437).

Yours


for: **SAMUEL NJOROGI, CBS**
CLERK OF THE NATIONAL ASSEMBLY


J. M. NYEGENYE, CBS
CLERK OF THE SENATE

REPUBLIC OF KENYA

Telegraphic Address

'Bunge', Nairobi

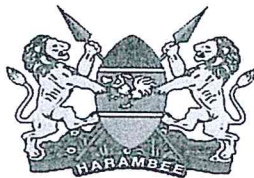
Telephone 2848000

Fax: 2243694

E-mail:

clerk.senate@parliament.go.ke

clerk.nationalassembly@parliament.go.ke



Clerk's Chambers

Parliament Buildings

P. O. Box 41842 -00100

NAIROBI, Kenya

PARLIAMENT

Ref. PAR/JOINT SITTINGS/AH/DG-CA/2024/005

22nd August, 2024

Ms. Anne N. Nderitu, CBS,
Registrar of Political Parties,
Lions Place, 1st Floor,
Karuna Close, Waiyaki Way,
Sarit Center,
NAIROBI.

Dear

**RE: APPROVAL HEARING FOR MR. DAVID KIBET KEMEI FOR
APPOINTMENT TO THE POSITION OF DIRECTOR-GENERAL OF THE
COMPETITION AUTHORITY**

By a letter, reference TNT/CONF/268/011 "C" (78), dated 6th August, 2024, H.E. Hon. Musalia Mudavadi, EGH, Prime Cabinet Secretary and the then Acting Cabinet Secretary for the National Treasury and Economic Planning, nominated Mr. David Kibet Kemei for appointment to the position of Director-General of the Competition Authority.

Section 12(1) of the Competition Act, Cap. 504, requires that the nominee be approved by Parliament and thereafter appointed by the Competition Authority.

Consequently, following receipt of the nomination, the Speakers of the Houses of Parliament referred the matter to the National Assembly Departmental Committee on Finance and National Planning and the Senate Standing Committee on Finance and Budget, respectively, for the joint consideration of the Committees.

Pursuant to section 7 of the Public Appointments (Parliamentary Approval) Act, Cap. 7F, the Committees are required, among other things, to consider and determine whether the nominee meets the constitutional and statutory requirements for appointment to the position of Director-General of the Competition Authority.

The purpose of this letter is to request your office to provide a report on whether the nominee holds an office in any political party in Kenya. We request that you send the information to the Office of the Clerk of the National Assembly and the Office of the Clerk of the Senate on or before **Thursday, 5th September, 2024.**

A soft copy of the report may be emailed to clerk.nationalassembly@parliament.go.ke and clerk.senate@parliament.go.ke.

The officers responsible for facilitating this matter are **Mr. Benjamin Magut**, Senior Clerk Assistant (Tel. No. 0712974966) and **Mr. Christopher Gitonga**, Clerk Assistant (Tel. No. 0723443437).

Yours


For: **SAMUEL NJOROGI, CBS**
CLERK OF THE NATIONAL ASSEMBLY


J. M. NYEGENYE, CBS
CLERK OF THE SENATE

REPUBLIC OF KENYA

Telegraphic Address

'Bunge', Nairobi

Telephone 2848000

Fax: 2243694

E-mail:

clerk.senate@parliament.go.ke

clerk.nationalassembly@parliament.go.ke



Clerk's Chambers

Parliament Buildings

P. O. Box 41842-00100

NAIROBI, Kenya

PARLIAMENT

Ref. PAR/JOINT SITTINGS/AH/DG-CA/2024/006

22nd August, 2024

Mr. Nordin Haji, CBS,
Director General,
National Intelligence Service,
Times Tower,
NAIROBI.

Dear

**RE: APPROVAL HEARING FOR MR. DAVID KIBET KEMEI FOR
APPOINTMENT TO THE POSITION OF DIRECTOR-GENERAL OF
THE COMPETITION AUTHORITY**

By a letter, reference TNT/CONF/268/011 "C" (78), dated 6th August, 2024, H.E. Hon. Musalia Mudavadi, EGH, Prime Cabinet Secretary and the then Acting Cabinet Secretary for the National Treasury and Economic Planning, nominated Mr. David Kibet Kemei for appointment to the position of Director-General of the Competition Authority.

Section 12(1) of the Competition Act, Cap. 504, requires that the nominee be approved by Parliament and thereafter appointed by the Competition Authority.

Consequently, following receipt of the nomination, the Speakers of the Houses of Parliament referred the matter to the National Assembly Departmental Committee on Finance and National Planning and the Senate Standing Committee on Finance and Budget, respectively, for the joint consideration of the Committees.

Pursuant to section 7 of the Public Appointments (Parliamentary Approval) Act, Cap. 7F, the Committees are required, among other things, to consider and determine whether the nominee meets the constitutional and statutory requirements for appointment to the position of Director-General of the Competition Authority.

The purpose of this letter is to request your office to provide a report on whether there is any adverse record or information on the nominee. We request that you send the information to the Office of the Clerk of the National Assembly and the Office of the Clerk of the Senate on or before **Thursday, 5th September, 2024.**

A soft copy of the report may be emailed to clerk.nationalassembly@parliament.go.ke and clerk.senate@parliament.go.ke.

The officers responsible for facilitating this matter are **Mr. Benjamin Magut**, Senior Clerk Assistant (Tel. No. 0712974966) and **Mr. Christopher Gitonga**, Clerk Assistant (Tel. No. 0723443437).

Yours



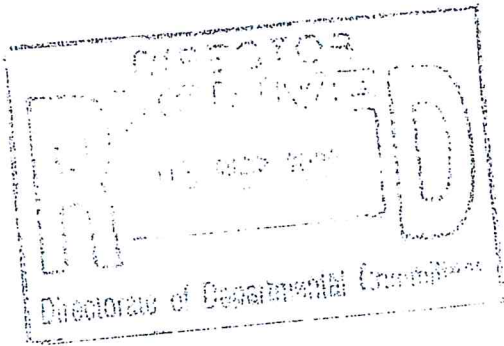
for: **SAMUEL NJOROGI, CBS**
CLERK OF THE NATIONAL ASSEMBLY



J. M. NYEGENYE, CBS
CLERK OF THE SENATE

Annexure 8-

**Letters of clearance from
EACC, KRA, DCI, ORPP and
HELB**



0000
8
4/9/27

ETHICS AND ANTI-CORRUPTION COMMISSION

INTEGRITY CENTRE (Jakaya Kikwete/Valley Road Junction) P.O. Box 61130 – 00200, NAIROBI, Kenya
TEL.: 254 (020) 4997000, MOBILE: 0709 781000; 0730 997000
EMAIL: eacc@integrity.go.ke WEBSITE: www.eacc.go.ke

When replying please quote:

Our Ref: EACC.7/10/5 VOL XXVIII (132)

3rd September 2024

Mr. Samuel Njoroge, CBS

Clerk
National Assembly
Office of the Clerk
Main Parliament Buildings
P O Box 41842 – 00100

NAIROBI

Mr. Benjamin Mager
Pls bring matter to the attention
of the Dept. Comm. on Finance.
DM 05/09/24

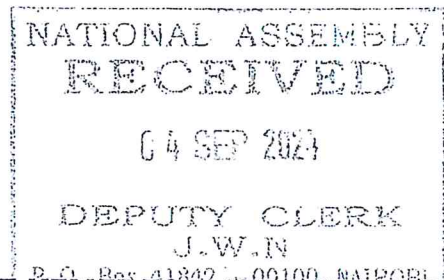
J. M. Nyegenye, CBS

Clerk of the Senate
Clerk's Chambers
Parliament Buildings
P O Box 41842 – 00100

NAIROBI

Dear

Mr Njoroge



**RE: APPROVAL HEARING FOR MR. DAVID KIBET KEMEI FOR APPOINTMENT
TO THE POSITION OF DIRECTOR-GENERAL OF THE COMPETITION
AUTHORITY**

Your letter referenced PAR/JOINT SITTINGS/AH/DG-CA/2024/002 dated 22nd August 2024, on the above subject matter refers.

The Commission investigated an allegation that the Board of Directors of Kenya Medical Training Institute (KMTI) irregularly recruited a candidate for the position of Corporation Secretary in the year 2015 who did not have the required qualifications.


The Commission's investigations established that the Board of Directors were responsible for the irregular recruitment. The nominee **Mr. David Kibet Kemei** served as a Member of the said Board. Further in a judgment rendered on 22nd September, 2022, vide **ELRC Petition No. E018 of 2022 (Dr. Miriam Ndunge Muthoka Vs Kenya Medical Training College: and Ethics and Anti-Corruption Commission as Interested Party)** the court found that the wrongful appointment of the applicant (Dr. Miriam

Ndunge) to the position of Corporation Secretary was unfair benefit and an injustice to the Kenyan taxpayer for which the appointing authority and its Board Members ought to be surcharged for the loss.

Consequently, and pursuant to the findings of the court, the Commission advised the Chairperson of the Board of KMTC to implement the judgment by **surcharging** the Members of the then Board jointly and severally, for the cumulative sum of **Kshs.23,541,557.50** being the net proceeds earned by the employee from irregular employment.

The information provided herein is based on records available as at **3rd September 2024**.

Yours

Sincerely


Twalib Mbarak, MGH, CBS
SECRETARY/CHIEF EXECUTIVE OFFICER
FN/rk

② Mr. E. Macar Le
Liaise with Magut
and deal
S.M.
16/9/24



① D.C.
Mr. Magut
For attention of the
Committee.
S.M.
16/9/24

ETHICS AND ANTI-CORRUPTION COMMISSION

INTEGRITY CENTRE (Jakaya Kikwete/Valley Road Junction) P.O. Box 61130 – 00200, NAIROBI, Kenya
TEL.: 254 (020) 4997000, MOBILE: 0709 781000; 0730 997000
EMAIL: eacc@integrity.go.ke WEBSITE: www.eacc.go.ke

When replying please quote:

Our Ref: EACC.7/10/1 VOL XX (105)

16th September 2024

Mr. Paul Lilan
Managing Partner
Lilan & Koech Associates, LLP
5th Avenue Office Suites, 2nd Floor, Suite No. 9
P O Box 9766-00100-00100
NAIROBI

Dear

**RE: APPROVAL HEARING FOR MR. DAVID KIBET KEMEI FOR APPOINTMENT
TO THE POSITION OF DIRECTOR GENERAL OF THE COMPETITION
AUTHORITY OF KENYA**

Reference is made to your letter ref No.DK/PL/LIT/732 dated 15th September 2024 the contents whereof have been noted.

The Commission wishes to clarify that our letter to the Clerk of the National Assembly and Senate dated 3rd September 2024 does not purport to impute criminal culpability or otherwise on the part of the nominee/client, since no criminal charges have been brought or intended to be instituted against him.

Yours

Abdi A. Mohamud, MBS
Deputy Chief Executive Officer
FOR: SECRETARY/CHIEF EXECUTIVE OFFICER



Copy to: **Mr. Samuel Njoroge, CBS**

Clerk


National Assembly

Office of the Clerk

Main Parliament Buildings

P O Box 41842 – 00100

NAIROBI



J. M. Nyegenye, CBS

Clerk of the Senate

Clerk's Chambers

Parliament Buildings

P O Box 41842 – 00100

NAIROBI

COPY

Office of the Commissioner General

KRA/5/1002/5(11243)

2nd September 2024

Mr. Samuel Njoroge
Clerk of the National Assembly
P. O. Box 42842 - 00100
Parliament Buildings
Nairobi

Mr. J. M. Nyegenye, CBS
Clerk of the Senate
P. O. Box 41842-00100
Parliament Buildings
Nairobi

Dear *Clerk of the National Assembly,*

**APPROVAL HEARING FOR MR. DAVID KIBET KEMEI FOR APPOINTMENT TO THE
POSITION OF DIRECTOR-GENERAL OF THE COMPETITION AUTHORITY**

Reference is made to your letter Ref: PAR/JOINT SITTINGS/AH/DG-CA/2024/003 dated 22nd August 2024, requesting the tax compliance report for Mr. David Kibet Kemei, the nominee for the position of Director General, Competition Authority.

In this regard, please see below his tax compliance status:

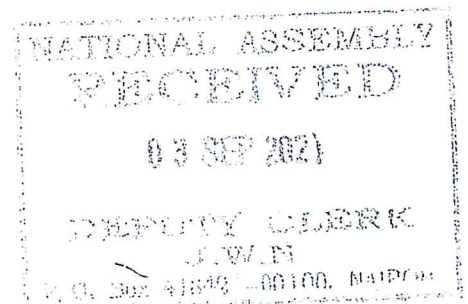
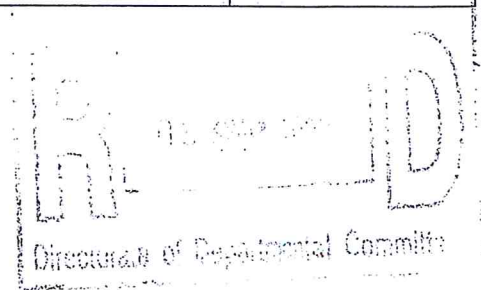
No.	Name	ID	PIN	Status
1.	David Kibet Kemei	8712962	A001644365Y	Compliant

This is submitted for your further action.

Yours

Sincerely
Paul Matuku

CS. Paul Matuku, EBS
For: COMMISSIONER GENERAL

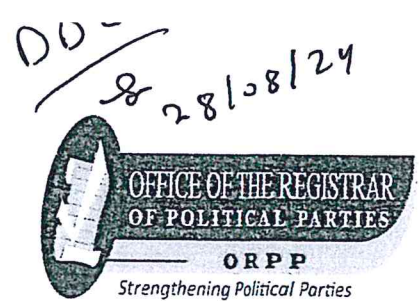


Tulipe Ushuru, Tujitegemee!



REPUBLIC OF KENYA

Telephone: +254(0)204022000
Mobile: 0772281357
Email: info@orpp.or.ke
Website: www.orpp.or.ke
When replying please quote



Lion Place, 1st & 4th Floor
Off Waiyaki Way
P.O. Box 1131-00606
Sarit Centre, Nairobi.

Ref: RPP/ORG/34 VOL.VIII (27)

Date: 28th August, 2024

Samuel Njoroge, CBS

Clerk of the National Assembly
Clerk's Chambers
Parliament Buildings
P.O. Box 41842-00100
NAIROBI

J. M. Nyegenye, CBS

Clerk of the Senate
Clerk's Chambers
Parliament Buildings
P.O. Box 41842-00100
NAIROBI

*Benjamin magut
to facilitate
consideration
29/8/24*

Dear **Sirs,**

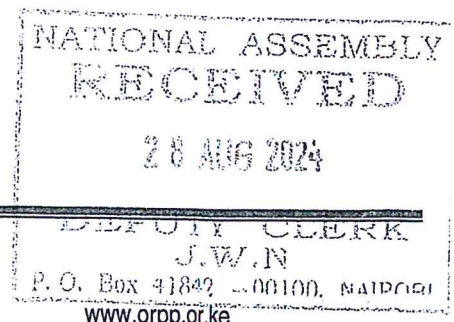
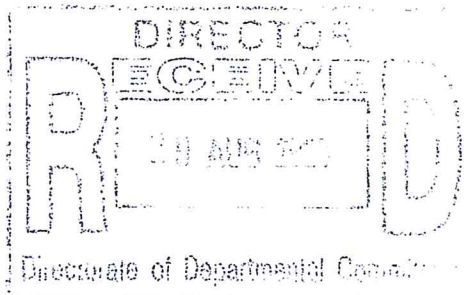
RE: APPROVAL HEARING FOR MR. DAVID KIBET KEMEI FOR APPOINTMENT TO THE POSITION OF DIRECTOR GENERAL OF THE COMPETITION AUTHORITY

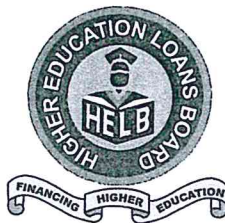
Reference is made to letter Ref. PAR/JOINT SITTINGS/AH/DG-CA/2024/005 dated 22nd August 2024 on the above subject matter.

Pursuant to Article 77 (2) of the Constitution and according to the records held by this Office as at 28th August 2024 **Mr. David Kibet Kemei** of ID No. **8712962** is **NOT** an official of any registered political party in Kenya.

Yours **Sincerely,**

Ann N. Nderitu, CBS
Registrar of Political Parties/CEO





006
319/21

HIGHER EDUCATION LOANS BOARD

Tel: 0711052000

E-mail: contactcentre@helb.co.ke

Website: www.helb.co.ke

Anniversary Towers
University Way
P.O Box 69489-00400
Nairobi, Kenya

HELB/RR/112009/V/323

28th August 2024

Mr. SAMUEL NJORGE, CBS
Clerk of the National Assembly
Parliament Buildings
P.O Box 41842-00100
NAIROBI

Benjamin magut
to facilitate
in 4/9/24

Dear Sir,

CLEARANCE FOR MR. DAVID KIBET KEMEI, NOMINEE FOR APPOINTMENT TO THE POSITION OF DIRECTOR-GENERAL OF THE COMPETITION AUTHORITY.

We acknowledge receipt of your letter dated 22 August 2024, with reference number PAR/JOINT SITTINGS/AH/DG-CA/2024/004, regarding the background check on the status of HELB loan repayment for Mr. David Kibet Kemei.

Our team has diligently reviewed the HELB loan repayment status of the above mentioned, ensuring accuracy and compliance with the provided information. We understand the importance of this inquiry in the overall assessment process.

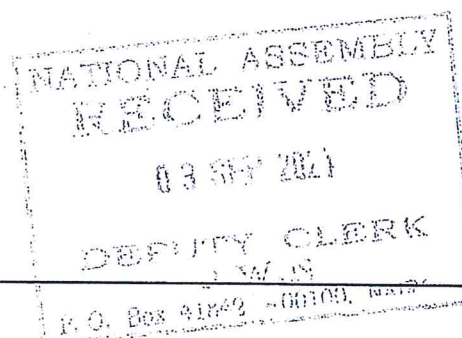
Please find below his status.

S/No.	NAME OF NOMINEE	ID NUMBER	STATUS	YEAR OF ISSUE
1	Mr. David Kibet Kemei	8712962	Cert No. 6291	2017

We appreciate the collaborative effort with the National Assembly and remain committed to maintaining the highest standards of professionalism and confidentiality throughout the background check process. Thank you for entrusting us with this responsibility. and we look forward to contributing to the successful appointment to the position of Director-General of the Competition Authority.

Yours Sincerely,

CPA SHEM GICHIMU
Ag. CHIEF EXECUTIVE OFFICER



ISO 9001:2015 Certified.

Annexure 10-

Curricula vitae of the

nominee

DAVID KIBET KEMEL, MBA, B. Com, CPA
Senior Executive & Management Specialist

Bridging Strategy, Governance, and Financial Expertise for Global Impact

Email: kidake21@gmail.com

00100 Nairobi, Kenya

Phone: +254722352680/+254731352680

Financial Management

Corporate Governance

Risk Management

A seasoned professional with 31 years of experience in multi-industry sectors, including regulatory, financial, academia, and corporate governance, with over **10 years in senior management positions**. Demonstrated proficiency in leadership roles with significant responsibilities, including corporate management, strategic planning, stakeholder engagement, and risk management. Holds strong academic credentials and has held senior positions in various organizations, aligning well with the role of Director-General for the Competition Authority of Kenya.

- **Accounting:** Over two decades of financial and strategic management experience in organizations like DGMB Training Solutions Ltd and Kenya Re-Insurance Company Limited.
- **Overseeing Implementation:** Experience as Financial Analyst at the Energy Regulatory Commission overseeing the Energy Sector Recovery Project.
- **Resource Mobilization:** As Managing Director of DGMB, oversaw resource management and budgetary controls of up to KES 70 million annually.
- **Advising Government:** Board roles at institutions like Kenya Medical Training College and Kenya Reinsurance Corporation, ensuring adherence to governance and policy issues.
- **Collaboration with Global Agencies:** Engaged in numerous international training sessions and workshops, demonstrating the ability to foster international collaborations.
- **Management of the Authority:** Demonstrated through roles as Managing Director at DGMB Training Solutions Ltd and Director at Kenya Re-Insurance Company.
- **Board Papers and Stakeholder Management:** As Chairman of Kenya Reinsurance Corporation, ensured high standards of corporate governance and board-level communications.
- **Stakeholder Management:** Successfully managed stakeholder relationships across all managerial roles, including liaising with internal and external auditors.

CORE SKILLS & COMPETENCIES

- | | | |
|-----------------------------------|---|----------------------|
| ■ Corporate Management | ■ Corporate Governance | ■ Strategy, Risk & |
| Financial Management | | |
| ■ Operations & General Management | ■ Coaching & Mentoring | ■ Interpersonal & |
| Communication Skills | | |
| ■ Performance Management | ■ Human Resource Management | ■ Strategic Advice & |
| Guidance | | |
| ■ Tax Administration & Compliance | ■ Innovation, Creativity & Digitization | ■ Financial |
| Management | | |

PROFESSIONAL EXPERIENCE

DGMB Training Solutions Ltd

MANAGING DIRECTOR

Jan 2011 – Present

- Oversees the company's performance as dictated by the board's overall strategy. Trains and develops 100+ staff to ensure that it achieves its mission and objectives.
- Prepares gain acceptance and monitors the implementation of the annual budget of up to KES 70 million to ensure that budget targets are met, that revenue flows are maximized, and that fixed costs are minimized.

- Directs and controls the work and resources of the company and ensures the recruitment and retention of the required numbers and types of well-motivated.
- Prepare a corporate and annual business plan and monitor progress against them to ensure that the company attains its objectives as cost-effectively and efficiently as possible.
- Provides strategic advice and guidance to the chair and board members to keep them aware of developments within the industry and ensures that the appropriate policies are developed to meet the company's mission and objectives and to comply with all relevant statutory and other statutory and other regulations.
- Establishes and maintains effective formal and informal links with major customers, relevant government departments and agencies, local authorities, key decision-makers, and other stakeholders to exchange views and ensure that the company provides the appropriate range and quality of services.
- Develops and directs the implementation of policies and procedures to ensure that the company complies with all health and safety and other statutory regulations.

Kenya Re-Insurance Company Limited

DIRECTOR

Jan 2014 – Oct 2020

- Governance: Collaborated with management to ensure adherence to relevant governance issues
- Strategic direction: Facilitated the development and implementation of strategy for Kenya Re.
- Accountability: Worked with management to ensure adherence to accountability issues.

Kenya Re-Insurance Company Limited

CHAIRMAN TO THE BOARD

Jun 2015 – Jul 2019

- Oversaw the board's performance and played a pivotal role in creating the conditions necessary for the overall board and individual director effectiveness inside and outside the boardroom.
- Promoted and oversaw the highest standards of corporate governance within the board.
- Led the board in discussing proposals by the executive team of 10, including strategy, risk management, governance, capital, financial reporting, and M&A activity.
- Launched an agenda for the board focused on strategic matters, forward-looking and evaluating and overseeing Kenya Re's businesses.
- Acted as a sounding board and mentor to the Group CEO. Ensured the board complied with the schedule of matters reserved.

Egerton, Kabarak & Moi Universities and Jomo Kenyatta University of Agriculture & Technology, Kenya School of Monetary

PART TIME LECTURER

May 2011 – Dec 2015

- Delivered lectures, seminars, and tutorials. Designed, prepared, and developed courses, modules, and teaching materials.
- Developed and implemented new methods of teaching to reflect changes in research.
- Assessed coursework of more than 100 students. Set, marked, and moderated examinations and assessments.
- Supervised students' research activities, including final-year undergraduate projects and dissertations. Supported students through a pastoral or advisory role.

EARLIER WORK EXPERIENCE

BOARD MEMBER ■ Africa Merchant Assurance Company
FINANCIAL ANALYST ■ Energy Regulatory Commission
FINANCE MANAGER ■ Windsor Golf Hotels & Country Club Ltd
LECTURER ■ Oshwal College
REVENUE ACCOUNTANT ■ Kenya Shell Ltd
GROUP CREDIT CONTROLLER ■ Nation Media Group Ltd

Nov 2008 – Nov 2012
 Jun 2000 – Dec 2007
 Sep 1996 – Sep 1998
 Jan 1996 – Nov 1996
 May 1995 – Sep 1995
 May 1995 – Sep 1995

LECTURER ■ Kenya College of Accountancy
ASSISTANT LECTURER ■ University of Nairobi

Jan 1994 – Jun 1994
Jul 1993 – Mar 1994

EDUCATION & PROFESSIONAL DEVELOPMENT

Masters of Business Administration - Finance Option ■ University of Nairobi Nov 1993
Bachelor of Commerce - Accounting ■ University of Nairobi Oct 1990

CERTIFICATIONS

The Practitioner Diploma in Executive Coaching ■ The Academy of Executive Coaching,
United Kingdom, Britain | Apr 2018

Certified Regulation Specialist ■ Institute of Private Public Partnership (IP3), Washington, DC,
USA & Loughborough University | May 2006

Certified Public Accountant of Kenya ■ KASNEB | Dec 1996

SEMINARS, WORKSHOPS & TRAINING COURSES

- **10-14 Feb 2020:** Developing Senior Leaders Capacity Training Program by Zoe Talent Management Consultants, Singapore.
- **15-19 July 2019:** Leadership, Innovation and Enterprise Skills: Creating Top Quality Professionals, Kuala Lumpur, Malaysia.
- **13-17 May 2019:** Integrated Management Program, UBC Sauder School of Business, Canada
- **2-5 Oct 2018:** Inaugural Annual Leadership Convention by ICPAK, Mombasa, Kenya
- **6-8 Dec 2017:** Leadership Masterclass by Blue Strategy Africa, Mombasa, Kenya
- **8-9 Jun 2017:** Development Programme for the Human Resources Committee of the Board of Directors, Naivasha Kenya.
- **6th Feb 2017:** Balanced Scorecard Training, Nairobi, Kenya
- **23-27 May 2016:** Leadership and Governance Seminar, Mombasa, Kenya
- **21-22 April 2016:** Corporate Governance Training Course by Centre for Corporate Governance, Masai Mara, Kenya
- **29th Jan 2016:** The Companies Act (2015) Training, by Kenya Institute of Management
- **24-27 Nov 2015:** 2015 African Corporate Governance Training Course by Advantage Training, Johannesburg, South Africa.
- **30th Nov – 2nd Dec 2015:** Mwongozo Induction Programme for Boards of State Corporations, Mombasa, Kenya.
- **6-8 July 2011:** Corporate Governance Training Course for Directors by Centre for Corporate Governance, Nairobi, Kenya
- **27-31 October 2014:** Corporate Governance Training Course for Directors by Centre for Corporate Governance, Mombasa, Kenya
- **2-4 Nov 2011:** IFRS for SMEs TOT Workshop by ICPAK, Nairobi, Kenya
- **23-27 March 2009:** Corporate Governance for Directors by Centre for Corporate Governance, Mombasa, Kenya.
- **May 2006:** Policies and Procedures for Effective Management of Regulatory Agencies, by IPP3, Cape Town, South Africa,
- **19-30 Sep 2005:** Load Forecasting Using Model for Analysis of Energy Demand (MAED) by Adica Consulting in Nairobi, Kenya,
- **23-27 Aug 2004:** Foundations Course in Utility Regulation in Africa, University of Cape Town, South Africa,
- **3-14 May 2004:** Advanced Issues in Regulating Electric Utilities and Energy Networks, Washington, DC, USA,

- **21-25 Oct 2003:** Electricity Regulation by Oxford Economic Research Associates of London, Nairobi, Kenya,
- **31st May 2003:** Team Building by KHI Training Consultants, Nairobi, Kenya,
- **1-12 July 2002:** Analysis of Operating and Capital Expenditure, London, UK,
- **14-16 May 2001:** Advanced Financial Statement Analysis Training in Amsterdam Institute of Finance, The Netherlands,
- **13-14 March 2001:** ECSAFA/UNCTAD Workshop on Environmental Accounting and Reporting, Nairobi, Kenya.

TECHNICAL TOOLS

Spreadsheets – MS Excel

Word Processing – MS Word,

Presentation – MS PowerPoint,

Statistical Package – SPSS

Accounting Systems: Sun Accounting System, Accpac, Micros Fidelio, and Tally and Basic IT Troubleshooting

REFERENCES

<p>Hon. Mr. Simon Chelugui Cabinet Secretary, Ministry of Labour and Social Services Tel: +254 710 978 535 Email: schelugui09@yahoo.com</p>	<p>Hon Ms. Farida Karoney Cabinet Secretary, Ministry of Lands & Physical Planning Tel: +254 722 518 689 Email: farida.karonei@gmail.com</p>	<p>HE Mr. Willy Kipkorir Bett Kenya High Commissioner to India Tel. +254 722 563 775 /+91 971 719 9736 Email: willy.bett@yahoo.com</p>
---	--	--