



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – FOURTH SESSION

NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, AUGUST 16, 2016

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

The following Petitions were presented –

- (i) **Removal of the Chairperson of Ethics and Anti-Corruption Commission, Mr. Philip Kinisu**

The Speaker conveyed the following Petition –

“Honourable Members,

Standing Order 225 requires the Speaker to report to the House any petition other than those presented through a Member. In this regard, I wish to report to the House that my office is in receipt of a petition regarding the removal of the Chairperson of the Ethics and Anti-Corruption Commission (EACC), Commissioner Philip Kinisu.

Honourable Members, the Petition is signed by a Mr. Albert Mokono Ondieki of P.O. Box 7947- 00100, Nairobi. The Petitioner states, *inter alia*;

- (a) That the Chairperson is the majority shareholder in a firm alleged to have had irregular dealings with the National Youth Service (NYS), the subject of which may be under investigations by the Commission and thereby creating obvious conflict of interest;
- (b) That the integrity of the Chairperson is injured by his association with a company that has dealt with and benefited from payments from the NYS; and,
- (c) That Mr. Philip Kinisu, did not satisfy the requirements of Chapter Six of the Constitution and ought not have been appointed to the position of Commissioner of the EACC were the current claims disclosed to Parliament and the appointing authority at the time of vetting and subsequent appointment.

In this regard, the Petitioner prays that the National Assembly interrogates the grounds in the Petition with a view of recommending the vacation from office of the Chairperson in accordance with the provisions of Article 251 of the Constitution.

Honourable Members, having keenly considered the Petition, I am satisfied that it is presented in the proper form as contemplated under Article 251 of the Constitution, the *Petition to Parliament (Procedure) Act, 2012* and our Standing Orders. Consequently and in keeping with paragraph (3) of Standing Order 230, this Petition stands committed to the Departmental Committee on Justice and Legal Affairs for consideration. The Committee is expected to guide the House, by way of a Report, on whether the Petition satisfies the grounds for removal of a member of a Constitutional Commission as set out in paragraphs (1) and (2) of Article 251 of the Constitution.

Honourable Members, aware that the consideration of a petition for removal of persons from office in accordance with Article 251 of the Constitution is different from that of an ordinary public petition, the applicable timelines ought to be strictly adhered to by the Committee and indeed the House. For the avoidance of doubt and unless the House resolves otherwise, the Committee is required to submit its report to the House within fourteen (14) days as required by Standing Order 230(4). Thereafter, the House shall within ten (10) days consider the report and resolve whether or not the Petition discloses grounds for removal of the Chairperson in accordance with Article 251 of the Constitution.

Thank you”.

- (ii) The Petition regarding alleged unlawful interdiction of one Ephraim Kamuhu Wambugu by the Teachers’ Service Commission, presented by the Member for Ruiru Town (Hon. Esther Gathogo); and
- (iii) The Petition regarding alleged murder of the late Cosmas Mutunga at Kenyatta National Hospital, presented by the Member for Mwingi North (Hon. John Munuve).

Petitions referred to the relevant Departmental Committees pursuant to Standing Order 227(1)

5. **PAPERS LAID**

The following Papers were laid on the Table –

- (i) The National Treasury Quarterly Economic and Budgetary Review for the Fourth Quarter, Financial Year 2015/2016, period ending 30th June, 2016;
- (ii) Report of the Auditor General on the Financial Statements of the Truth, Justice and Reconciliation Commission for the two (2) months ending 21st August, 2014 and the certificate therein;
- (iii) Report of the Auditor General on the Financial Statements of the United Republican Party for the year ending 30th June, 2015 and the certificate therein;
- (iv) Annual Report and Financial Statements of Chuka University for the year 2014/2015.

(Leader of the Majority Party)

- (v) The Report of the Departmental Committee on Energy, Communication and Information Delegation on the Visit to Nuclear Plants in China from 11th to 19th June, 2016.

(Vice-Chairperson, Departmental Committee on Transport, Public Works and Housing)

- (vi) The Report of the Departmental Committee on Transport, Public Works and Housing on its consideration of the Civil Aviation (Amendment) Bill (National Assembly Bill No. 14 of 2016).

(Chairperson, Departmental Committee on Energy, Communication and Information)

6. **MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE SENATE AMENDMENTS TO THE FISHERIES MANAGEMENT AND DEVELOPMENT BILL, 2014**

Motion made and Question proposed -

THAT, the House do agree with the Report of the Committee of the whole House on the consideration of the Senate amendments to the Fisheries Management and Development Bill (National Assembly Bill No. 20 of 2014).

(The Leader of the Majority Party)

Debate on the Motion having been concluded on Thursday, August 11, 2015;

Question put and agreed to.

7. **MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE SENATE AMENDMENTS TO ACCESS TO INFORMATION BILL, 2015**

Motion made and Question proposed -

THAT, the House do agree with the Report of the Committee of the whole House on the consideration of the Senate amendments to the Access to Information Bill (National Assembly Bill No. 36 of 2015).

(Hon. Priscilla Nyokabi)

Debate on the Motion having been concluded on Thursday, August 11, 2015;

Question put and agreed to.

8. **THE CIVIL AVIATION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO.14 OF 2016)**

Order for Second Reading read;

Motion made and Question proposed –

THAT, the Civil Aviation (Amendment) Bill (National Assembly Bill No.14 of 2016) be now read a Second Time

(The Leader of the Majority Party – 11.08.2016)

Debate interrupted on Thursday, August 11, 2016 resumed;

Mover replied;

Question of the Second Reading deferred to another day.

9. **THE KENYA REGIMENT (TERRITORIAL FORCE) (REPEAL) BILL(NATIONAL ASSEMBLY BILL NO. 39 OF 2015)**

Order for Second Reading read;

Motion made and Question proposed –

THAT, the Kenya Regiment (Territorial Force) (Repeal) Bill (National Assembly Bill No.39 of 2015) be now read a Second Time

(The Leader of the Majority Party)

Debate arising;

Mover replied;

Question of the Second Reading deferred to another day.

10. **MOTION – ADOPTION OF THE REPORT OF THE PUBLIC ACCOUNTS COMMITTEE ON THE GOVERNMENT OF KENYA ACCOUNTS FOR THE YEAR 2013/2014**

Motion made and Question proposed –

THAT, this House **adopts** the Report of the Public Accounts Committee on the Government of Kenya Accounts (Volume I and Volume II) for the year 2013/2014, laid on the Table of the House on Wednesday, June 22, 2016.

(Chairperson, Public Accounts Committee – 10.8.2016)

Debate interrupted on Wednesday, August 10, 2016 resumed;

(Change of Chair from the Speaker to the Third Chairperson)

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

11. **HOUSE ROSE** - at thirty minutes past Six O'clock

M E M O R A N D U M

The Speaker will take the Chair on
Wednesday, August 17, 2016 at 9.30 a.m.

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