



**REPUBLIC OF KENYA**

**ELEVENTH PARLIAMENT – (THIRD SESSION)**

**THE NATIONAL ASSEMBLY**

**VOTES AND PROCEEDINGS**

**THURSDAY, JULY 30, 2015**

1. The House assembled at thirty minutes past Two O'clock
2. The Proceedings were opened with Prayer
3. **PRESIDING** – the Deputy Speaker
4. **PETITION REGARDING AMENDMENT OF THE CANCER PREVENTION AND CONTROL ACT, 2012**

The Deputy Speaker conveyed the following Petition -

“Honourable Members,

Standing Order 225(2)(b) requires that the Speaker reports to the House any Petition, other than those presented through a Member. In this regard, I wish to convey to the House that I have received a petition, signed by one Mr. Solomon Muriungi Mburung'a, requesting the National Assembly to urgently amend the Cancer Prevention and Control Act, 2012.

Honourable Members, in amending the Act, the Petitioner is suggesting that the National Assembly makes provisions in regard to the following proposals:-

- (i) provision of free cancer diagnosis and treatment to patients;
- (ii) provision of free prosthesis or artificial breast to all women who undergo mastectomy;
- (iii) categorization of cancer patients and survivors as persons with disabilities with a view to exempting them from paying income tax as is the case with Persons with Disability Act, 2003;
- (iv) outlawing all forms of discrimination and stigmatization of cancer patients in public and media; and
- (v) introducing cancer education in the curricula for secondary schools and tertiary institutions as a way of increasing awareness on this killer disease.

Honourable Members, in accordance with Standing order 227(1), I hereby refer the Petition to the Departmental Committee on Justice and Legal Affairs for consideration.

Thank you".

5. **PAPERS LAID**

The following Papers were laid on the Table –

- (i) The Report of the Auditor-General on the Financial Statements of Machakos University College for the year ended 30<sup>th</sup> June, 2014 and the certificate therein;
- (ii) The Report of the Auditor-General on the Financial Statements of Higher Education Loans Board for the year ended 30<sup>th</sup> June, 2014 and the certificate therein;
- (iii) The Report of the Auditor-General on the Financial Statements of Commission for University Education for the year ended 30<sup>th</sup> June, 2014 and the certificate therein;
- (iv) The Report of the Auditor-General on the Financial Statements of the Constituencies Development Fund – Embakasi Central Constituency for the year ended 30<sup>th</sup> June, 2014 and the certificate therein;
- (v) The Report of the Auditor-General on the Financial Statements of Rural Electrification Authority for the year ended 30<sup>th</sup> June, 2014 and the certificate therein;
- (vi) The Report of the Auditor-General on the Financial Statements of South Eastern Kenya University for the year ended 30<sup>th</sup> June, 2014 and the certificate therein;
- (vii) The Report of the Auditor-General on the Financial Statements of Kenyatta International Convention Centre for the year ended 30<sup>th</sup> June, 2014 and the certificate therein; and,
- (viii) The Performance Audit Report of the Auditor-General on Delivery of Health Care Services to Spinal Injury Patients by the National Spinal Injury Referral Hospital.

*(The Leader of the Majority Party)*

- (ix) Reports of the Departmental Committee on Justice and Legal Affairs on its consideration of –
  - (a) The Constitution of Kenya (Amendment) (No.2) Bill, 2015;
  - (b) The Constitution of Kenya (Amendment) (No.3) Bill, 2015; and,
  - (c) The Political Parties (Amendment) Bill, 2015

*(The Chairperson, Departmental Committee on Justice & Legal Affairs)*

6. **STATEMENT PURSUANT TO STANDING ORDERS**

The Chairperson, Departmental Committee on Justice and Legal Affairs issued a Statement in response to another statement issued by the Member for Kiminini (Hon.Chris Wamalwa) regarding alleged harassment and intimidation of staff at Kiminini Constituencies Development Fund offices by the Ethics and Anti-Corruption Commission (EACC) officers.

Thereupon, the Chairperson informed the House that he had taken upon himself to discuss the allegations with EACC and had established that the Commission had in a letter dated 29th July 2015 written to the Clerk to clarify the matter and copied the same to Hon. Chris Wamalwa. In the letter, the Commission said that pursuant to its constitutional and statutory mandate, it undertakes investigations on its own initiative or on receipt of reports. The investigations that they undertake are very professional and in total observance of the law.

However, with regard to the issues that were raised by Hon. Chris Wamalwa, they confirmed, in writing, that they had not commenced any investigation against Hon. Chris Wamalwa or in his Constituencies Development Fund (CDF). Therefore, what was stated was not correct in that investigations had not been commenced. However, they stated that they were undertaking a study/research on evaluation of corruption in devolved funds in Kenya. The study/research is not restricted to a single constituency, county or even region, but is on a selected sample.

7. **STATEMENT PURSUANT TO STANDING ORDER 44(2)(a)**

Pursuant to the provision of Standing Order 44(2) (a), the Leader of the Majority Party issued a Statement regarding the Business of the House for the week commencing Tuesday, August 4, 2015

8. **PROCEDURAL MOTION – REDUCTION OF PUBLICATION PERIOD**

Motion made and Question proposed –

**THAT**, pursuant to the provisions of Standing Order 120, this House resolves to reduce the Publication Period of the Constitution of Kenya (Amendment) (No.4) Bill (National Assembly Bill No.38 of 2015) from 14 to 6 days

*(The Leader of the Majority Party)*

Question put and agreed to.

9. **THE CONSTITUTION OF KENYA (AMENDMENT) (NO.4) BILL (NATIONAL ASSEMBLY BILL NO. 38 OF 2015)**

(The Leader of the Majority Party)

Order for First Reading read;

Bill read a First Time and referred to the relevant departmental Committee pursuant to Standing Order 127(1)

10. **MOTION - PERIOD OF SERVICE FOR POLICE OFFICERS AFTER COMPLETION OF SPECIALIZED TRAINING**

Motion made and Question proposed –

**THAT**, aware that the Kenya Police Service spends considerable resources on training officers among the cadre of trainees; further aware that many of the police detectives are hired by other government and private institutions as soon as they acquire the necessary expertise and experience; deeply concerned that this results in delayed and botched investigations and failed conclusion of critical prosecutions plus a high number of acquittals due to perennial shortage of specialized officers in critical departments such as ballistics, forensics, document examinations, fraud detection, money laundering, transnational crime and cybercrime; cognizant of the fact that private employers are able to offer superior terms, this House urges the Government to ensure that any Regular Police, Administration Police officer and Prisons Officer who benefits from specialized training at the taxpayers' expense should serve in the public sector for at least 10 years before leaving for the private sector or refund the public funds used in their training and further that the Government in turn considers proper remuneration, accommodation and welfare of all Police Officers.

*(Hon. John Waluke – 08.07.2015)*

Debate on the Motion as amended having been concluded;

Question put and agreed to.

11. **MOTION – ADOPTION OF SESSIONAL PAPER NO. 2 OF 2013**

Motion made and Question Proposed-

THAT, this House adopts Sessional Paper No.2 of 2014 on the National Industrial Training and Attachment Policy, laid on the Table of the House on December 03, 2013

*(Vice-Chairperson, Departmental Committee on Labour and Social Welfare – 29.07.2015 (PM))*

Debate on the Motion having been concluded on Wednesday, July 29, 2015 (Afternoon Sitting);

Question put and agreed to.

*(Change of Chair from the Deputy Speaker to the Second Chairperson)*

12. **COMMITTEE OF THE WHOLE HOUSE**

Order for Committee read;

**IN THE COMMITTEE**

The Second Chairperson in the Chair

**The Transfer of Prisoners Bill (National Assembly Bill No. 25 of 2014)**

Clauses 2, 3, 4, 5, 6, 7, 8, 9, & 10 - agreed to

Clauses 11,12,13,14,15,16,17,18,19 & 20 - agreed to

Clauses 21, 22,23, 24, 25, 26, 27, 28, 29, & 30 - agreed to

Clauses 31,32, 33, 34, 35, 36, 37, 38, 39 &40 - agreed to

Clauses 41, 42 & 43 - agreed to

Title - agreed to

Clause 1 - agreed to

Bill to be reported without amendments;

13. **HOUSE RESUMED** - the Second Chairperson in the Chair

Bill reported without amendments;

Motion made and Question proposed –

THAT, the House do agree with the Committee in the said report

*(The Leader of the Majority Party)*

Motion made and Question proposed –

THAT, the Transfer of Prisoners Bill (National Assembly Bill No.25 of 2014 be now read a Third Time

*(The Leader of the Majority Party)*

Debate arising;

Question of the Third Reading deferred to another day

14. **MOTION - ADOPTION OF SESSIONAL PAPER NO.3 OF 2013**

Motion made and Question proposed –

**THAT**, this House adopts Sessional Paper No. 3 of 2013 on the National Productivity Policy, laid on the Table of the House on Wednesday, July 17, 2013.

*(Vice-Chairperson, Departmental Committee on Labour and Social Welfare)*

Debate arising;

Mover replied;

Question of the Motion deferred to another day.

15. MOTION - ADOPTION OF SESSIONAL PAPER NO.4 OF 2013

Motion made and Question proposed –

**THAT**, this House adopts Sessional Paper No. 4 of 2013 on the Employment Policy and Strategy for Kenya, laid on the Table of the House on Tuesday, September 17, 2013

*(Vice-Chairperson, Departmental Committee on Labour and Social Welfare)*

Debate arising;

Mover replied;

Question of the Motion deferred to another day.

16. MOTION - ADOPTION OF SESSIONAL PAPER NO.9 OF 2013

Motion made and Question proposed –

**THAT**, this House adopts Sessional Paper No.9 of 2013 on the National Cohesion and Integration, laid on the Table of the House on Thursday, July 31, 2014

*(Chairperson, Joint Committee on National Cohesion & Equal Opportunity)*

Debate arising;

Mover replied;

Question of the Motion deferred to another day.

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

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

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M E M O R A N D U M

The Speaker will take the Chair on  
Tuesday, August 4, 2015 at 2.30 p.m.

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