



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – THIRD SESSION

NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

THURSDAY, APRIL 02, 2015

1. The House assembled at thirty minutes past two O'clock.
2. The Proceedings were opened with Prayer.
3. **PRESIDING** - the Speaker
4. **PAPERS LAID**

The following Papers were laid of the Table –

- (i) The Report of the Auditor-General on the Financial Statements of Agri and Co-operative Training and Consultancy Services Limited for the year ended 30th June 2014, and the certificate of the Auditor-General therein.
- (ii) The Report of the Auditor-General on the Financial Statements of University of Nairobi Press for the year ended 30th June 2014, and the certificate of the Auditor-General therein.
- (iii) The Report of the Auditor-General on the Financial Statements of Office of the Director of Public Prosecutions for the year ended 30th June 2014, and the certificate of the Auditor-General therein.
- (iv) The Report of the Auditor-General on the Financial Statements of National Construction Authority for the year ended 30th June 2014, and the certificate of the Auditor-General therein.
- (v) The Report of the Auditor-General on the Financial Statements of Truth, Justice and Reconciliation Commission for the two months period ended 21st August 2013, and the certificate of the Auditor-General therein.
- (vi) The Report of the Auditor-General on the Financial Statements of National Drought Management Authority for the year ended 30th June 2014, and the certificate of the Auditor-General therein.
- (vii) The Report of the Auditor-General on the Financial Statements of Non-Governmental Organizations Co-ordination Board for the year ended 30th June 2014, and the certificate of the Auditor-General therein.
- (viii) The Report of the Auditor-General on the Financial Statements of Export Promotion Council for the year ended 30th June 2014, and the certificate of the Auditor-General therein.

(The Chief Whip of the Majority Party)

5. **PROCEDURAL MOTION – EXTENSION OF SITTING TIME**

Motion made and Question proposed –

THAT, pursuant to the provisions of Standing Order 30 (3) (a), this House resolves to extend its Sitting time today, until conclusion of Business appearing in the Order Paper

(The Chief Whip of the Majority Party)

Debate arising;

Question put and agreed to

6. **THE NATIONAL YOUTH EMPLOYMENT AUTHORITY BILL (NATIONAL ASSEMBLY BILL NO.8 OF 2015)**

(Hon. John Sakaja)

Order for First Reading read;

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

7. **THE HIGHER EDUCATION LOANS BOARD (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO.9 OF 2015)**

(Hon. Irungu Kangata)

Order for First Reading read;

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

8. **MOTION – APPROVAL OF APPOINTMENT TO COMMITTEES**

Motion made and Question proposed –

THAT, further to the resolution of the House on October 08, 2013 on appointment of Members to respective Committees, this House approves the appointment of the **Hon. Elijah Memusi, M.P.** to the Departmental Committee on Defence and Foreign Relations and the Joint Committee on National Cohesion and Equal Opportunity

(The Chairperson, Committee on Selection)

There being no Member willing to debate;

Question put and agreed to.

9. **COMMITTEE OF THE WHOLE HOUSE**

Order for Committee read;

IN THE COMMITTEE

Third Chairperson of Committees in the Chair

The Public Audit Bill (National Assembly Bill No.38 of 2014)

CLAUSE 30 – Amendment proposed

THAT, clause 30 of the Bill be amended by inserting the words “or information” immediately after the word “documents”.

(The Chairperson, Departmental Committee on Finance, Planning and Trade)

Debate arising;

Question of amendment proposed, put and agreed to;

Further Amendments proposed

THAT, clause 30 of the Bill be amended by inserting the words “and information” immediately after the word “documents”.

(Hon. Eng. Gumbo)

Proposed amendment dropped

Further Amendments proposed

THAT, clause 30 be amended by deleting the word “documents” and substituting therefor the word “information”.

(Hon. David Ochieng’)

Proposed amendment dropped

Clause 30 - as amended agreed to:

CLAUSE 31 - Amendment proposed

THAT, clause 31 of the Bill be amended by inserting the following new subclause immediately after subclause (6)—

“(6A) Where an audit report has been tabled, the Speaker of the National Assembly shall invite the Auditor General to present the report before the National Assembly.

(The Chairperson, Departmental Committee on Finance, Planning and Trade)

Debate arising;

Question of amendment proposed, put and agreed to;

Further Amendments proposed

THAT, clause 31 of the Bill be amended by inserting a new subclause immediately after subclause (6)—

“(6A) The Speaker of the National Assembly shall convene a special sitting of the committee of the whole House where the Auditor-General shall present his or her final report without debate or questions being put.”

(Hon. Eng. Gumbo),

Proposed amendment dropped

Further Amendments Proposed

THAT, clause 31 of the Bill be amended by inserting the following new sub clause immediately after sub clause (6)—

“(7) The Speaker of the National Assembly shall determine and invite the Auditor General to table the report before the committee of the whole House.”

(Hon. David Ochieng’),

Proposed amendment dropped

Clause 31 – as amended agreed to

CLAUSES 32, 33 & 34 – agreed to

CLAUSE 35 – amendment proposed

THAT clause 35 of the Bill be amended by deleting the word “may” appearing immediately after the word “Auditor-General” and substituting therefore the word “shall”.

(Hon. (Dr.) Eseli Simiyu)

Debate arising;

Question of amendment proposed, put and agreed to;

Further Amendments Proposed

THAT, clause 35 of the Bill be amended by—

(a) renumbering the existing provision as subclause (1);

(b) inserting a new subclause immediately the renumbered subclause (1)—

“ (2) The Auditor-General may undertake a comprehensive performance audit within six months after the completion of any national or county project to evaluate whether the citizen has got value for money in the project and submit that report to Parliament or county assembly for tabling and debate.”

(Chairperson, Departmental Committee on Finance, Planning and Trade)

Debate arising;

Question of amendment proposed, put and agreed to;

Clause 35– as amended agreed to

CLAUSE 36 – amendment proposed

THAT, clause 36 of the Bill be amended by inserting the words “by Parliament” immediately after the words “upon request.

(Chairperson, Departmental Committee on Finance, Planning and Trade)

Debate arising;

Question of amendment proposed, put and agreed to;

Further Amendments Proposed

THAT clause 36 of the Bill be amended by deleting the word “may” appearing immediately after the word “Auditor-General” and substituting therefore the word “shall”.

(Hon. (Dr.) Eseli Simiyu)

Proposed amendment withdrawn.

Clause 36 - as amended agreed to

CLAUSE 37 – Amendment proposed

THAT, clause 37 of the Bill be deleted.

(The Chairperson, Departmental Committee on Finance, Planning and Trade)

Debate arising;

Question of amendment proposed, put and agreed to;

Further Amendments Proposed

THAT clause 37 of the Bill be deleted.

(Hon. (Dr.) Eseli Simiyu)

Proposed amendment dropped.

Further Amendments Proposed

THAT, clause 37 of the Bill be amended by—

- (a) renumbering the existing provision as subclause (1);
- (b) inserting a new sub clause immediately after the renumbered subclause (1)—

“(2) The Auditor-General may seek professional assistance in conducting an environmental audit as provided for under subsection (1).”

(Hon. Eng. Gumbo),

Proposed amendment dropped.

Clause 37 - deleted

CLAUSE 38 – amendment proposed

THAT, Clause 38 of the Bill be amended by deleting the word “may” appearing immediately after the words “The Auditor-General” and substituting therefor “shall”.

(The Chairperson, Departmental Committee on Finance, Planning and Trade)

Debate arising;

Question of amendment proposed, put and negatived;

Further Amendments Proposed

THAT, clause 38 of the Bill be amended by—

- (a) renumbering the existing provision as subclause (1);
 - (b) inserting a new sub clause immediately after the renumbered subclause (1)—
- “(2) The Auditor-General may seek professional assistance in examining a public procurement and asset disposal process under subsection (1).”

(Hon. Eng. Gumbo),

Debate arising;

Question of amendment proposed, put and negatived;

Clause 38 – agreed to;

CLAUSE 39 – amendment proposed

THAT, clause 39 of the Bill be deleted.

(Chairperson, Departmental Committee on Finance, Planning and Trade)

(Hon. Eng. Gumbo),

Debate arising;

Question of amendment proposed, put and negatived;

Further Amendments Proposed

THAT, clause 39 be deleted.

(Hon. David Ochieng’),

Proposed amendment dropped.

Clause 39 - agreed to;

CLAUSE 40 - amendment proposed

THAT, clause 40 be deleted and replaced with the following new clause—

Auditing of national security organs. **40.** (1) In auditing national security organs, the Auditor-General and his or her representatives shall hold an inception meeting, at the highest level, to agree on the areas which may touch on national security and consequently determine the scope of the audit coverage.

(2) The audit reports on national security organs may be redacted to shield the identities of persons as well as assets and liabilities as the case may be.

(3) All staff of the Office of the Auditor-General carrying out audit under this section shall undergo a vetting process carried out by the appropriate security agency.

(Hon. David Ochieng'),

Debate arising;

Question of amendment proposed, put and agreed to;

Further Amendments Proposed

THAT, clause 40 of the Bill be amended—

- (a) by renumbering subclause (1) as subclause (1A);
- (b) by inserting the following new subclause immediately before the renumbered subclause (1A)—

“(1) The Auditor General shall audit national security organs and confidential expenditure in the process of carrying out his or her mandate under the Constitution, this Act and any other written law”;

- (c) in the renumbered subclause (1A)(b), by—
 - (i) inserting the words “ in consultation with the National Security Council,” immediately before the words “has issued a certificate”;
 - (ii) deleting the words “Attorney General” appearing immediately after the words “opinion of the” and substituting therefore the words “ National Security Council”;
- (d) in subclause (2) by—
 - (i) deleting the words “or relations between the two levels of government” appearing in paragraph (c);
 - (ii) deleting paragraph (d);
 - (iii) inserting the word “foreign” immediately before the word “persons” appearing in paragraph (e);
- (e) in subclause (3), by deleting the words “special or joint committee of Parliament and the President” appearing immediately after the words “disclose to a” and substituting therefor the words “ a relevant committee of Parliament and the National Security Council”;
- (f) in subclause (5) by—
 - (i) deleting the words “carrying out” appearing immediately after the word “Auditor-General” and substituting therefor the words “ and staff of the relevant security organ involved in”;

- (ii) deleting the words “and such officers shall be at a grade equivalent to deputy Director of Audit or above.” appearing immediately after the words “oath of confidentiality”;
- (g) in subclause (6), by deleting the word “Cabinet” appearing immediately after the words “purposes of this section” and substituting therefor the words “National Security Council”;
- (h) in subclause (7) by—
 - (i) deleting the word “ Cabinet” appearing immediately after the words “decision of the” and substituting therefor the words “ National Security Council”;
 - (ii) inserting the words “in charge” immediately after the words “the Cabinet Secretary”.

(The Chairperson, Departmental Committee on Finance, Planning and Trade)

Proposed amendment dropped.

Further Amendments Proposed

THAT, clause 40 of the Bill be amended —

- (a) in subclause (1) by deleting paragraph (b) and substituting therefor the following new paragraph—

“(b) such information has been agreed upon between the Auditor-General and the respective national security organ or their representatives, not to be covered in the scope of audit”;

- (b) in subclause (2) by deleting paragraph (d);
- (c) in subclause (4) by deleting the words “ because the Attorney-General has issued a certificate under paragraph (1) (b) in relation to the information” and substitute therefor “for reasons cited under subsection (1)”;
- (d) by deleting subclause (6);
- (e) by deleting subclause (7).

(Hon. Eng. Gumbo),

Proposed amendment dropped.

Further Amendments Proposed

THAT clause 40 of the Bill be amended –

- (a) in sub clause (1) by –
 - (i) deleting the words “for any of the reasons set out in subsection (2); and” appearing immediately after the word “interest” in paragraph (a);
 - (ii) deleting paragraph (b);
- (b) by deleting sub clause (2);
- (c) by deleting sub clause (3) and substituting therefor the following new sub clause –

“(3) The Auditor-General shall be required, at a closed door session, to disclose to a committee of Parliament and to the President information that has been withheld under subsection (1)(a)”;
- (d) in sub clause (4) by –
 - (i) deleting the words “because the Attorney-General has issued a certificate under paragraph (1)(b) in relation to the information” appearing immediately after the words “public report”;

- (ii) deleting paragraph (b) and substituting therefor the following new paragraph –
“(b) the reason for that omission.”

 - (e) in sub clause (5) by deleting the words “and such officers shall be at a grade equivalent to Deputy Director of Audit or above” appearing immediately after the word “confidentiality”;
 - (f) by deleting sub clauses (6), (7) and (8).
- (Hon. (Dr.) Eseli Simiyu)*

Proposed amendment dropped.

Clause 40 – as amended agreed to;

CLAUSE 41 – amendment proposed

THAT clause 41 of the Bill be amended in subclause (1) (c) by deleting the words “and approved by Parliament”.

(Hon. Eng. Gumbo),

Debate arising;

Question of amendment proposed, put and agreed to;

Further Amendments Proposed

THAT, clause 41 subclause (1) of the Bill be amended in paragraph (c) by deleting the words “and approved by Parliament”

(Hon. David Ochieng’),

Proposed amendment dropped.

Clause 41 – as amended agreed to;

CLAUSE 42 – amendment proposed

THAT, clause 42 of the Bill be amended by inserting a new subclause immediately after subclause (1)—

“(1A) Procedures prescribing the appointment of external auditors under this section shall be as provided for in the regulations”.

(Hon. Eng. Gumbo),

Debate arising;

Question of amendment proposed, put and negatived;

Clause 42 – agreed to;

CLAUSES 43, 44, 45, 46 & 47 – agreed to;

CLAUSE 48 – amendment proposed

THAT, clause 48 of the Bill be amended —

- (a) in subclause (2) by deleting the word “it” appearing immediately after the words “county assembly”;
- (b) by deleting subclause (5).

(Hon. Eng. Gumbo),

Debate arising;

Question of amendment proposed, put and agreed to;

Further Amendments Proposed

THAT, clause 48 be amended in subclause (4) by deleting subclause the phrase “thirty (30)” and substituting therefor the word “sixty”.

(The Chairperson, Departmental Committee on Finance, Planning and Trade)

Debate arising;

Question of amendment proposed, put and agreed to;

Further Amendments Proposed

THAT, clause 48 be amended by deleting sub clause (5).

(Hon. David Ochieng’),

Proposed amendment dropped.

Clause 48 – as amended agreed to;

CLAUSE 49 – agreed to;

CLAUSE 50 – amendment proposed

THAT, clause 50 of the Bill be amended by deleting the word “publicization” and substituting therefor “publication”.

(Hon. Eng. Gumbo),

Debate arising;

Question of amendment proposed, put and agreed to;

Clause 50 – as amended agreed to;

CLAUSES 51, 52 & 53 – agreed to;

CLAUSE 54 – amendment proposed

THAT, clause 54 of the bill be deleted and replaced with the following new clause—

Observing code of conduct.	54. The Auditor-General in discharging his or her functions and responsibilities shall determine the code of conduct and ethics for all the Public Officers of the Office of the Auditor General which shall be in line with those prescribed by the Constitution, this Act, the Public Officer Ethics Act, 2003 and the relevant professional bodies.
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(Chairperson, Departmental Committee on Finance, Planning and Trade)

Debate arising;

Question of amendment proposed, put and agreed to;

Further Amendments Proposed

THAT, clause 54 be deleted and replaced with the following new clause —

Determination of code of conduct and ethics.	54. The Auditor General in discharging his or her functions and responsibilities, shall determine the code of conduct and ethics for all the Public Officers of the Office of the Auditor General which shall be in line with those prescribed by the Constitution, this Act, the Public Officers Ethics Act, 2003 and the relevant professional bodies.
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(Hon. David Ochieng’),

Proposed amendment dropped.

Further Amendments Proposed

THAT clause 54 of the bill be deleted and replaced with the following new clause—

Observing the code of conduct **54.** The Auditor General, in discharging his or her functions and responsibilities shall strictly observe the code of conduct for all public officers as relates to the Office of the Auditor General, which shall be in line with those prescribed by the Constitution, this Act, Public Officers Ethics Act, 2003 and the relevant professional bodies.
(Hon. Eng. Gumbo),

Proposed amendment dropped.

Clause 54 – as amended agreed to;

CLAUSE 55 – agreed to;

CLAUSE 56 – amendment proposed

THAT clause 56 of the Bill be amended by inserting the words “any way in” immediately after the words “or corrupted in”.

(Hon. Eng. Gumbo),

Debate arising;

Question of amendment proposed, put and agreed to;

Clause 56 – as amended agreed to;

CLAUSE 57– amendment proposed

THAT, clause 57 of the Bill be amended in subclause (1) by inserting the words “without prejudice” immediately after the words “bound to disclose”.

(The Chairperson, Departmental Committee on Finance, Planning and Trade)

Debate arising;

Question of amendment proposed, put and agreed to;

Further Amendments Proposed

THAT, clause 57(2) of the Bill be amended by inserting the word “as” immediately after the words “for official purposes”.

(Hon. Eng. Gumbo)

Debate arising;

Question of amendment proposed, put and agreed to;

Clause 57 – as amended agreed to;

CLAUSE 58 – amendment proposed

THAT, clause 58(1) of the Bill be amended by deleting the words “for consideration in” and substituting therefor “under consideration by”

(Hon. Eng. Gumbo),

Debate arising;

Question of amendment proposed, put and agreed to;

Clause 58 – as amended agreed to;

CLAUSE 59 – agreed to;

CLAUSE 60 – amendment proposed

THAT, clause 60 be amended—

- (a) in subclause (1) by deleting paragraphs (e), (f) and (g); and
- (b) by deleting sub clause (2) and substituting therefor the following new sub clause—

“(2) An officer of the office of the Auditor-General who commits an offence under subsection (1) shall be disciplined in line with the code of ethics of the profession and where necessary criminal proceedings shall be preferred.”

(Hon. David Ochieng’)

Proposed amendment dropped.

Amendments Proposed - Subclause (1)

THAT, clause 60 of the Bill be amended—

- (a) in subclause (1) by—

- (i) inserting the words “contrary to the Official Secrets Act or any other relevant law” immediately after the words “national security organs” appearing in paragraph (e);

(The Chairperson, Departmental Committee on Finance, Planning and Trade)

Proposed amendment dropped.

- (ii) deleting paragraph (f) and substituting therefor the following new paragraph—

“(f) knowingly and willfully discloses, publishes or publicizes the Auditor-General’s report or its contents to third parties including the media before the report is finalized and formally submitted to Parliament or county assembly and copied to the audited entity and other authorized offices; or”;

- (iii) deleting paragraph (g);

(The Chairperson, Departmental Committee on Finance, Planning and Trade)

Debate arising;

Question of amendment proposed, put and agreed to;

Further Amendments Proposed on Sub Clause 1

THAT, clause 60 of the Bill be amended—

- (a) in subclause (1)—

- (i) by deleting paragraph (e);
- (ii) in paragraph (f) by inserting the words “ knowingly” immediately before the word “Discloses”;
- (iii) in paragraph (g) by deleting the words “ or decision”;

(Hon. Eng. Gumbo)

Debate arising;

Question of amendment proposed, put and agreed to;

Amendments Proposed - Subclause (2)

THAT, clause 60 of the Bill be amended—

- (b) in subclause (2) by—

- (i) deleting the words “ten million shillings” and substituting therefor the words “five million shillings”;
- (ii) deleting the words “five years” and substituting therefor the words “three years”.

(The Chairperson, Departmental Committee on Finance, Planning and Trade)

Debate arising;

Question of amendment proposed, put and negatived;

Further Amendments Proposed - Subclause (2)

THAT, clause 60 of the Bill be amended—

- (b) in subclause (2) by deleting the words “ liable on conviction to a fine not exceeding ten million shillings or to imprisonment for a term not exceeding five years, or to both” and substituting therefor “ disciplined in line with the established code of ethics and liable on conviction to a fine not exceeding five million shillings or to imprisonment for a term not exceeding three years, or to both”

(Hon. Eng. Gumbo),

Debate arising;

Proposed amendment withdrawn;

Clause 60 – as amended agreed to;

CLAUSE 61 - Amendments Proposed

THAT, clause 61 of the Bill be amended in subclause (1) in—

- (a) paragraph (a) by inserting the words “ or a professional” immediately after the words “Auditor-General”;
- (b) paragraph (d) by inserting the words “ or a professional” immediately after the words “Auditor-General”.

(Hon. Eng. Gumbo)

Debate arising;

Question of amendment proposed, put and agreed to;

Further Amendments Proposed

THAT, clause 61 of the Bill be amended —

- (a) in subclause (1) by inserting a new paragraph immediately after paragraph (b)—
 - “(ba) without justification, fail to provide information within reasonable time that is required under this Act”;
- (b) in subclause (2) by—
 - (i) deleting the words “two million shillings” and substituting therefor the words “five million shillings”;
 - (ii) deleting the words “one year” and substituting therefor the words “three years”.

(The Chairperson, Departmental Committee on Finance, Planning and Trade)

Debate arising;

Question of amendment proposed, put and agreed to;

Clause 61 – as amended agreed to;

CLAUSE 62 - Amendments Proposed

THAT, clause 62 of the Bill be amended by deleting the words “for committing” appearing immediately after the words “found guilty” and substituting therefor the word “of”.

(Hon. Eng. Gumbo)

Debate arising;

Question of amendment proposed, put and agreed to;

Clause 62 – as amended agreed to;

CLAUSES 63 & 64 – agreed to;

CLAUSE 65 - Amendments Proposed

THAT, clause 65 of the Bill be amended by deleting the word “ten” appearing immediately after the words “a period of” and substituting therefor “five”.

(The Chairperson, Departmental Committee on Finance, Planning and Trade)

Debate arising;

Question of amendment proposed, put and negatived;

Clause 65 – agreed to;

CLAUSE 66 – agreed to;

CLAUSE 67 - Amendments Proposed

THAT, clause 67 be deleted.

(Hon. Eng. Gumbo),

Debate arising;

Question of amendment proposed, put and agreed to;

Further Amendments Proposed

THAT, clause 67 of the Bill be deleted.

(Hon. David Ochieng’)

Debate arising;

Proposed amendment dropped.

Clause 67 – deleted;

CLAUSE 68 - Amendments Proposed

THAT, clause 68 of the Bill be amended by—

- (a) deleting the words “ The Cabinet Secretary responsible for finance, in consultation with the Auditor-General” and substituting therefor the words “The Auditor-General, in consultation with the Cabinet Secretary responsible for finance”;
- (b) by renumbering the existing provision as subclause (1);
- (c) by inserting a new subclause immediately after the renumbered subclause (1)—

“(2) The power to make regulations shall be exercised only after a draft of the proposed regulations has been approved by the National Assembly.”

(The Chairperson, Departmental Committee on Finance, Planning and Trade)

Debate arising;

Question of amendment proposed, put and negatived;

Further Amendments Proposed

THAT, clause 68 of the Bill be amended by—

- (a) renumbering the existing provision as subclause (1);
- (b) inserting a new subclause immediately after the renumbered subclause (1)—
“*(2) The regulations made under this section shall be tabled before the National Assembly pursuant to the provisions of the Statutory instruments Act.*”.

(Hon. Eng. Gumbo),

Debate arising;

Question of amendment proposed, put and agreed to;

Further Amendments Proposed

THAT, clause 68 be amended by deleting the words “the Cabinet Secretary responsible for finance in consultation with”.

(Hon. David Ochieng’),

Debate arising;

Question of amendment proposed, put and agreed to;

Clause 68 – as amended agreed to;

CLAUSES 69, 70 & 71 – agreed to;

CLAUSE 72 - Amendments Proposed

THAT, clause 72 be deleted.

(Hon. David Ochieng’)

Debate arising;

Question of amendment proposed, put and agreed to;

Further Amendments Proposed

THAT, clause 72 of the Bill be deleted.

(Hon. Eng. Gumbo),

Proposed amendment dropped.

Further Amendments Proposed

THAT clause 72 of the Bill be deleted.

(Hon. (Dr.) Eseli Simiyu)

Proposed amendment dropped.

Further Amendments Proposed

THAT, clause 72 of the Bill be amended by—

- (a) inserting the words “the national or county” immediately after the words “policy objective of”;
- (b) deleting the words “or any other state organ or public entity” appearing immediately after the word “government”.

(The Chairperson, Departmental Committee on Finance, Planning and Trade)

Proposed amendment dropped.

Clause 72 – deleted;

CLAUSE 73 – agreed to;

CLAUSE 74 - Amendments Proposed

THAT, clause 74 of the Bill be amended in subclause (2) by deleting paragraph (f) and substituting therefor the following new paragraph—

“(f) a contract subsisting between the Kenya National Audit Office and any other person before the commencement of this Act shall continue to exist as a contract entered into between the office of the Auditor-General and that other person”.

(Chairperson, Departmental Committee on Finance, Planning and Trade)

Debate arising;

Question of amendment proposed, put and agreed to;

Further Amendments Proposed

THAT, clause 74 be amended in sub clause (2) by deleting paragraph (f).

(Hon. David Ochieng’),

Proposed amendment dropped.

Clause 74 – as amended agreed to;

NEW CLAUSE – NEW CLAUSE 31A – amendment proposed

THAT the following new clause be inserted immediately after clause 31—

Audit reports to be submitted to Parliament and the relevant county assembly.	31A. (1) All reports of an audit shall be submitted to Parliament or the relevant county assembly. (2) Within seven days of receiving the report, Parliament or the relevant county assembly shall publicise it on their official website and other public spaces. (3) Within fourteen days after the expiry of days upon submitting the report to Parliament or the relevant county assembly, the Auditor-General shall publicise the report on their official website and other public spaces.
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(Hon. David Ochieng’)

Motion made and Question proposed:-

THAT, the New Clause 31A be now read a Second Time;

Question put and agreed to.

Motion made and Question proposed;

THAT, the New Clause 31A be part of the Bill

Debate arising;

Question put and agreed to.

Further Amendments Proposed

THAT, the following new clause be inserted immediately after clause 31—

Audit reports to be submitted to Parliament and the relevant county assembly.	31A. (1) All reports of an audit shall be submitted to Parliament or the relevant county assembly and made available to any person who applies for information or part thereof, except in cases where access to such information is restricted by law.
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(The Chairperson, Departmental Committee on Finance, Planning and Trade)

Proposed amendment withdrawn.

SCHEDULE - Amendments Proposed

THAT, the Schedule be amended by deleting the words “Chief Justice” and substituting therefor the words “President of the Republic of Kenya”.

(Hon. Eng. Gumbo),

Debate arising;

Proposed amendment withdrawn.

SCHEDULE – agreed to

CLAUSE 2 - Amendments Proposed

THAT, clause 2 of the Bill be amended in the definition of “effectiveness” by inserting the word “cost effective” immediately after the word “means”.

(Hon. Eng. Gumbo),

Debate arising;

Question of amendment proposed, put and agreed to;

CLAUSE 1 – agreed to

Title – agreed to

Bill to be reported with amendments

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

The Public Audit Bill (National Assembly Bill No.38 of 2014)

Motion made and Question proposed –

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

(The Chief Whip of the Majority Party)

Question put and agreed to;

Motion made and Question proposed –

THAT, the Public Audit Bill (National Assembly Bill No.38 of 2014) be now read a Third Time

(The Chief Whip of the Majority Party)

Debate arising;

Question put and agreed to;

Bill read a Third Time and **passed**;

11. **MOTION – REPORT ON VETTING OF NOMINEES FOR APPOINTMENT AS COMMISSIONERS TO THE JUDICIAL SERVICE COMMISSION**

Motion made and Question proposed –

THAT, this House adopts the Report of the Departmental Committee on Justice and Legal Affairs on the vetting of the nominees for appointment as Commissioners to the Judicial Service Commission, *laid on the Table of the House on Tuesday, March 31, 2015*, and in accordance with the provisions of Article 171(2) of the Constitution and Section 15(1) of the Judicial Service Commission, **approves** the appointment of **Mr. Kipng'etich Arap Korir Bett**, and **Mrs. Winifred Waceka Guchu** as Commissioners to the Judicial Service Commission.

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

Debate arising;

Question put and agreed to;

Rising in their places on Points of Order, several Members claimed for a Division;

And there being requisite number of Members required rising in support of the claim;

And the Deputy Speaker acceding to the claim directed the Division Bell to be rung;

And after expiry of ten minutes, the Bar having been drawn and the doors closed;

Thereupon, the House proceeded to an electronic vote;

Question put and upon a Roll Call agreed to;

<u>AYES</u>	54	<u>NOES</u>	38	<u>ABSTENTIONS</u>	2
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12. **MOTION – ADOPTION OF THE SECOND REPORT OF THE COMMITTEE OF PRIVILEGES**

Order deferred by leave of the House.

13. **MOTION – RATIFICATION OF EIGHT (8) INTERNATIONAL CONVENTIONS AND PROTOCOLS**

Motion made and Question proposed -

THAT, this House adopts the Report of the Departmental Committee on Transport, Public Works & Housing on its consideration of Eight International Conventions and Protocols relating to the Maritime Industry laid on the Table of the House on Wednesday, 1 April 2015; and pursuant to Section 8 of the Treaty Making and Ratification Act, 2012, **approves** the ratification of –

- (i) The 1988 Protocol to the Load Lines Convention, 1966;
- (ii) The 1978 Protocol to the 1974 Safety of Life At Sea (Solus) Convention (Solus 78 Protocol);
- (iii) The Protocol of 1988 Relating to the International Convention for the Safety of Life At Sea, 1974;
- (iv) The International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001;

- (v) Convention on the Limitation of Liability for Maritime Claims 1976 (LLMC 1976) ;
- (vi) The 1996 Protocol to the Convention on Limitation of Liability for Maritime Claims (LLMC), 1976; **subject to reservation of the right to exclude claims for damage within the meaning of the Hazardous and Noxious Substances (HNS) convention to avoid two systems of liability arising from the consolidated LLMC and the HNS Convention.**
- (vii) The Nairobi International Convention on Removal of Wrecks, 2007; and
- (viii) The International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001.

(The Chairperson, Departmental Committee on Transport, Public Works & Housing)

Debate arising;

Question put and agreed to.

14. **MOTION - ADJOURNMENT OF THE HOUSE IN ACCORDANCE WITH THE CALENDAR OF THE NATIONAL ASSEMBLY**

Motion made and Question proposed -

THAT, pursuant to the provisions of Standing Order 28, this House adjourns until **Tuesday, April 14, 2015**, in accordance with the Calendar of the Assembly (Regular Sessions)

(The Chief Whip of the Majority Party)

Debate arising;

Question put and agreed to.

And the time being Ten minutes past Nine O'clock, the Deputy Speaker interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

15. **HOUSE ROSE** - at Ten minutes past Nine O'clock

M E M O R A N D U M

The Speaker will take the Chair on
Tuesday, April 14, 2015 at 2.30 p.m.