



**REPUBLIC OF KENYA**

**ELEVENTH PARLIAMENT – (THIRD SESSION)**

**THE NATIONAL ASSEMBLY**

**VOTES AND PROCEEDINGS**

**THURSDAY, OCTOBER 08, 2015**

1. The House assembled at thirty minutes past Two O'clock
2. The Proceedings were opened with Prayer
3. **PRESIDING** – the Speaker
4. **PETITION REGARDING THE REMOVAL OF MAJOR (RTD.) MUIU SHADRACK MUTIA AS A MEMBER OF THE NATIONAL POLICE SERVICE COMMISSION**

The 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. I therefore wish to convey to the House that my office is in receipt of a petition regarding the removal of Major (Rtd.) Muiu Shadrack Mutia as a Member of the National Police Service Commission.

The Petition, signed by one Simon Katee, on behalf of a Community Based Organization, by the name *Juhudi Community Support Centre*, alleges that Major (Rtd.) Muiu Shadrack Mutia has consistently failed, neglected and/or refused to attend to his duties as a member of the National Police Service Commission. The Petitioners are further alleging that, Major (Rtd) Muiu is said to be physically incapacitated and can no longer discharge his functions as a Commissioner.

The Petitioners are therefore praying that the National Assembly:

- (i) resolves that this Petition discloses grounds for the removal of the said commissioner, under Article 251(b) and (c) of the Constitution; and
- (ii) recommends to H.E. the President to form a tribunal to investigate the said Commissioner.

Honourable Members,

The provisions of Article 251 of the Constitution on the removal of a member of a Constitutional Commission from office and Standing Order 230, shall therefore apply

in respect to this Petition. In this regard, I must clarify that the duty of the Committee shall be to guide this House on whether the Petition meets the threshold of the grounds for removal of a member of a Constitutional Commission, as spelt out in Article 251 of the Constitution.

Honourable Members,

This Petition therefore, stands committed to the Departmental Committee on Administration and National Security for consideration. In accordance with Article 251(1) of the Constitution and Standing Order 230(4), the Committee has **fourteen** days to report to this House its consideration of the said Petition.

For avoidance of doubt, once the Committee tables its report, the House will have **ten** days to decide whether or not the Petition discloses valid grounds for removal of the Commissioner.

I thank you”.

5. **PAPERS**

The following Papers were laid on the Table –

- (i) The Veterinary Surgeons and Veterinary Para-Professionals (Code of Ethics) Regulations, 2015 and the Explanatory Memorandum;
- (ii) The Report of the Auditor-General on the Financial Statements of the Constituencies Development Fund – Kiambaa Constituency 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 the Constituencies Development Fund – Laikipia North Constituency 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 – Laikipia East 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 the Constituencies Development Fund – Mukurweini Constituency 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 the Constituencies Development Fund – Juja Constituency 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 the Constituencies Development Fund – Rangwe Constituency for the year ended 30<sup>th</sup> June, 2014 and the certificate therein;

- (viii) The Report of the Auditor-General on the Financial Statements of the Constituencies Development Fund – Kesses Constituency for the year ended 30<sup>th</sup> June, 2014 and the certificate therein;
- (ix) The Report of the Auditor-General on the Financial Statements of the Constituencies Development Fund – Jomvu Constituency for the year ended 30<sup>th</sup> June, 2014 and the certificate therein; and,
- (x) The Report of the Auditor-General on the Financial Statements of the Constituencies Development Fund – Limuru Constituency for the year ended 30<sup>th</sup> June, 2014 and the certificate therein.

*(The Leader of the Majority Party)*

6. **NOTICE OF MOTION – DECLARATION OF POACHING AS A NATIONAL DISASTER**  
(The Hon. Hassan Dukicha, M.P.)

**THAT**, aware that tourism in Kenya, which is largely wildlife-based, generates approximately 12% of the Country's Gross Domestic Product and creates over 18% of wage employment; further aware that poaching has brazenly continued to target Kenya's wildlife and that elephants and rhinoceros are key flagship species facing threats of extinction; deeply concerned that Kenya has become a major hub for smuggling and exporting illegal ivory, rhino horn and other illicit wildlife products from the region to other regions particularly Far East countries; noting that, although the Government has employed various measures to protect wildlife, these measures have not borne much fruit in combating the poaching menace in this country; cognizant of the need to protect this important resource for future generations, this House resolves that the Government declares poaching menace a national disaster and institutes long-term measures to mitigate the vice.

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, October 13, 2015.

8. **THE PARLIAMENTARY SOCIETY OF KENYA BILL (NATIONAL ASSEMBLY BILL NO. 35 OF 2013)**

Debate on the Third Reading having been concluded on Wednesday, October 7, 2015 (Morning Sitting);

Question put and agreed to;

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

9. **THE NATIONAL EMPLOYMENT AUTHORITY BILL (NATIONAL ASSEMBLY BILL NO. 08 OF 2015)**

Debate on the Third Reading having been concluded on Wednesday, October 7, 2015 (Morning Sitting);

Question put and agreed to;

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

10. **THE MAGISTRATES' COURTS BILL (NATIONAL ASSEMBLY BILL NO. 41 OF 2015)**

Order for Second Reading read;

Motion made and Question proposed –

THAT, the National Employment Authority Bill (National Assembly Bill No. 08 of 2015) be now read a Second Time

*(The Deputy Leader of the Majority Party – 01.10.2015)*

Debate on the Second Reading having been concluded Wednesday, October 7, 2015 (Afternoon Sitting);

Question put and agreed to;

Bill read a Second Time and committed to the Committee of the whole House tomorrow.

11. **THE HIGH COURT ORGANIZATION AND ADMINISTRATION BILL (NATIONAL ASSEMBLY BILL NO.47 OF 2015)**

Order for Second Reading read;

Motion made and Question proposed –

THAT, the High Court Organization and Administration Bill (National Assembly Bill No. 47 of 2015) be now read a Second Time

*(The Deputy Leader of the Majority Party – 07.10.2015)*

Debate interrupted on Wednesday, October 07, 2015 (Afternoon Sitting) resumed;

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

Debate ongoing;

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

Mover replied;

Question of the Second Reading deferred to another day.

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.

12. 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 today,  
Tuesday, October 13, 2015 at 2.30 p.m.

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