



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – THIRD SESSION

NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, FEBRUARY 17, 2015

1. The House assembled at thirty minutes past two O'clock.
2. The Proceedings were opened with Prayer.
3. **Presiding** – the Speaker
4. **COMMUNICATION FROM THE CHAIR**

The Speaker conveyed the following communication;-

Honourable Members,

I wish to introduce to you a delegation from the Parliament of Zambia who are seated at the Speaker's Row. The delegation comprises of the following Honourable Members: -

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| 1. The Hon. P. M. Mucheleka, MP | - Committee Chairperson/ Leader of Delegation |
| 2. The Hon. C. K. Banda, SC, MP | - Deputy Chairperson of Committees of the Whole House/Member |
| 3. The Hon. S. Katuka, MP | - Member |
| 4. The Hon. K. N. Simbao, MP | - Member |
| 5. The Hon. I. K Banda, MP | - Member |
| 6. Hon. M. Lubezhi, MP | - Member |
| 7. Hon. (Dr.) E. C. Lungu, MP | - Member |

"Honourable Members, The delegation is accompanied by the following members of staff: Mr. T. Kamanga, Principal Clerk, who is the Delegation Secretary and Mr. M. K. Phiri, Assistant Programme Officer. The Committee is in the country to benchmark, learn and share experiences with the Members of this House.

On my behalf and that of the House, I wish to welcome them to the National Assembly and wish them fruitful engagements.

I thank you.

5. **MESSAGE FROM H. E. THE PRESIDENT**

The Speaker conveyed the following Message;

Honourable Members,

Pursuant to the provisions of Standing Orders 42(1) of the National Assembly Standing Orders, I wish to convey a Message from H. E. The President asking Parliament to approve one Joseph Kipchirchir Boinett for appointment as the Inspector-General of Police. In the Message, H. E. the President conveys that, in exercise of powers vested in him under Article 245(2) (a) of the Constitution and section 12(2) of the National Police Service Act (No. 11A of 2011) as amended by the Security Laws (Amendment) Act, 2014, he nominates **Joseph Kipchirchir Boinett** for appointment to the position of the Inspector General of Police.

Honourable Members, Article 245(2) (a) of the Constitution states that- ***"The Inspector-General is Appointed by the President with the Approval of Parliament"***. Further, section 12 of the National Police Service Act (No. 11A of 2011) as amended by section 11 of the National Police Service (Amendment) Act 2104 and further amendment by section 86 of the Security Laws (Amendment) Act 2014 reads, and I quote-

"12(1) Pursuant to Article 245(2)(a) of the Constitution, the Inspector-General of the Service shall be appointed by the President with the approval of Parliament.

(2) The President shall, within fourteen days after a vacancy occurs in the office of the Inspector- General, nominate a person for appointment as an Inspector-General and submit the name of the nominee to Parliament"

Honourable Members, You may recall that the approval of appointment of the immediate former Inspector-General of Police was granted by the National Assembly acting as both Houses as contemplated by Paragraph 11 of the Sixth Schedule to the Constitution. I wish therefore to note that, this is the first instance that the two Houses of Parliament are required to approve the appointment of a candidate to a public office. In this regard, a couple of unprecedented aspects with regard to the process would be expected to arise. However, as Members are aware, Parliament is not helpless as the two Speakers are well empowered to deal with such scenarios. Consequently, and in order for Parliament to effectively conduct the vetting process, the Speaker of the Senate and I have consulted on the most judicious manner of facilitating Parliament to discharge this important task. In the interest of economy of time and resources, the requirements of the Public Appointments (Parliamentary Approval) Act, 2011, the Standing Orders of both Houses and the practices of Parliament, we have agreed as follows-

- (i) **THAT**, the vetting of the nominee for appointment as Inspector-General of Police shall be conducted jointly by the Committees of the two Houses mandated to deal with matters of national security. The vetting process will therefore be conducted by the Departmental Committee on Administration and National Security of the National Assembly sitting jointly with the Standing Committee on National Security and Foreign Relations of the Senate;
- (ii) **THAT**, the Chairpersons of the two respective committees will Co-Chair the joint sittings and the Secretariat will comprise officers of the two Houses;
- (iii) **THAT**, the quorum of the joint sittings will be the respective quorums of each of the committees as stipulated by the respective Standing Orders;
- (iv) 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 sitting 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;
- (v) **THAT**, the Committees shall, having conducted the vetting hearings, submit a Joint Report to the respective Houses in the manner contemplated by paragraph (7) of Joint Rule 9.

Honourable Members, section 8 (1) of the Public Appointments (Parliamentary Approval) Act, 2011 states, and I quote-

"Unless otherwise provided in any law, a Committee shall consider a nomination and table its report in the relevant House for debate and decision within fourteen days from the date on which the notification of the nomination was given in accordance with section 5"

Further, section 9 of the said law states that-

*"If after the expiry of the period for consideration specified in section 8, Parliament has neither approved nor rejected a nomination of a candidate, the candidate shall be deemed to have been approved"*In this regard, the period on the matter that is now before Parliament starts running from tomorrow, Wednesday, February 18, 2015. In order to facilitate the commencement of the deliberations, the first joint sitting of the Committees will be held **tomorrow, Wednesday, February 18, 2015 at 9.30 am at the Mini-Chamber, County Hall in Parliament Building**. It is also advisable that the concerned Committees expeditiously proceed to **jointly** notify the nominee and the public and conduct the joint sittings so as to conclude the exercise timeously. The Committees should Table the joint Report on or before Thursday, February 26, 2015 to enable the Houses of Parliament to consider the Report in good time.

This Message therefore, together with the résumé of the nominee, stands committed to the Departmental Committee on Administration and National Security of the National Assembly sitting jointly with the Standing Committee on National Security and Foreign Relations of the Senate.

I thank you.

6. **PETITION**

The Nominated Member (Hon. Isaac Mwaura) presented a Petition on behalf of Persons Living with Disabilities regarding construction of a foot-bridge on Waiyaki Way Construction to link ABC Place Bus Stop and the National Council for Persons with Disabilities Office, Westlands, Nairobi.

Petition referred to the Departmental Committee on Transport, Housing and Public Works pursuant to Standing Order 227(2)

7. **PAPERS LAID**

The following Papers were laid on the Table –

- i. The National Treasury Medium Term Budget Policy Statement, February 2015 (*pursuant to section 25 of the Public Finance Management Act, 2012*)
- ii. The National Treasury Medium Term Debt Management Strategy, 2015 (*pursuant to section 33 of the Public Finance Management Act, 2012*)
- iii. The National Treasury Quarterly Economic and Budgetary Review (QEBR) for the First Half, Financial Year 2014/2015, period ending 31st December 2014
- iv. The Public Private Partnerships Regulations, 2014 and the Explanatory Memorandum (*pursuant to section 15 of the Public Private Partnership Act, 2013*)
- v. The EAC Protocol on Peace and Security and the Mutual Peace and Security Pact of the Northern Corridor Integration Projects and the accompanying Memoranda (*pursuant to section 8 of the Treaty Making and Ratification Act, 2012*).
- vi. The Council of Governors Statutory Annual Report for the period 2013/2014 (*pursuant to section 22 (1) of the Intergovernmental Relations Act, 2012*).

(The Leader of the Majority Party)

- vii. The Report on the Departmental Committee on Transport, Public Works and Housing on the consideration of the Traffic (Amendment) Bill, 2014.

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

8. **NOTICE OF MOTION** - **ADOPTION OF THE SPECIAL REPORT OF THE PUBLIC INVESTMENTS COMMITTEE**
(Chairperson, Public Investments Committee)

THAT, this House adopts the Special Report of the Public Investments Committee on the Procurement of the Tender for the proposed Kenya Bureau of Standards Coast regional offices and laboratories in Mombasa, laid on the Table of House on Wednesday, June 4, 2014.

9. **NOTICE OF MOTION** - **ADOPTION OF THE SPECIAL REPORTS OF THE PUBLIC INVESTMENTS COMMITTEE**
(Chairperson, Public Investments Committee)

THAT, this House adopts the Special Report of the Public Investments Committee on the Restructuring of Kenya Petroleum Refinery Limited laid on the Table of the House on Tuesday, April 29, 2014.

10. **NOTICE OF MOTION** - **ADOPTION OF THE SPECIAL REPORTS OF THE PUBLIC INVESTMENTS COMMITTEE**
(Chairperson, Public Investments Committee)

THAT, this House adopts the Special Report of the Public Investments Committee on the Recapitalization and Balance sheet Restructuring of Telkom Kenya Limited laid on the Table of the House on Tuesday, April 29, 2014.

8. **NOTICE OF MOTION** - **ADOPTION OF THE SPECIAL REPORT OF THE PUBLIC INVESTMENTS COMMITTEE**
(Chairperson, Public Investments Committee)

THAT, this House adopts the Special Report of the Public Investment Committee on the Procurement and Financing of the National Social Security Fund Tassia II Infrastructure development project, laid on the Table of the House on Wednesday April 30, 2014.

9. **THE PUBLIC AUDIT BILL (NATIONAL ASSEMBLY BILL NO. 38 OF 2014)**

Order for Second Reading read;

Motion made and Question proposed;

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

Debate interrupted on Thursday, February 12, 2015 – Afternoon sitting resumed;

Debate arising;

Mover replied;

Question of the Second Reading deferred.

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 on
Wednesday, February 18, 2015 at 9.30 a.m.

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