

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Thursday, 14th March, 2019

*The House met at the Senate Chamber,
Parliament Buildings, at 2.30 p.m.*

[The Speaker (Hon. Lusaka) in the Chair]

PRAYER

PETITIONS

EXCHANGE AND FINAL TRANSFER OF TITLES TO TWO PARCELS OF LAND IN NAKURU COUNTY

The Speaker (Hon. Lusaka): Hon. Senators, pursuant to Standing Orders 226(1) (a) and 230(2) (b), I hereby report to the Senate that a Petition has been submitted through the Clerk by Mr. Fredrick Kahia Thugi and four others, being residents of Kiambu County regarding the exchange and final transfer of titles in respect of two parcels of land in Nakuru County.

As you are aware, Article 119(1) of the Constitution states:-

“Every person has a right to petition Parliament to consider any matter within its authority, including to enact, amend or repeal any legislation.”

The salient issues raised in the said Petition are as follows:-

- (a) That the petitioners are members of a 5000 members group, which came together and in the year 1980, purchased an 8,000 hectare parcel of land in Solai, Nakuru County, which came to be known as Larry Nyakinyua Solai Farm;
- (b) That a different group by the name Fiobei Farm Limited had purchased an 80 acre parcel of land at Gilgil, also in Nakuru County;
- (c) Following negotiations the two groups resolved to exchange the said two parcels of land;
- (d) Subsequently, the members of the other group managed to occupy the Larry Nyakinyua Solai Farm with the National Lands Commission (NLC) granting approval in the year 2016 for survey and subdivision of the said parcel of land among the new beneficiaries; and,
- (e) That on the other hand, the petitioners have been unable to occupy the Fiobei Farm Limited at Gilgil, Nakuru County as it has been occupied by

illegal squatters who have proceeded to develop the said property and barred the petitioners from accessing it.

The petitioners, therefore, pray that the Senate investigates this matter with a view to ensuring that the petitioners are facilitated to enter into and settle on their parcel of land.

Pursuant to the Standing Orders, I shall now allow comments, observations or clarifications in relation to the Petition for not more than 30 minutes.

Seemingly, there is no interest.

Sen. Wambua, what is your point of order?

Sen. Wambua: Mr. Speaker, Sir, I rise on a point of order regarding a procedural issue. On the 6th December, 2018, I presented a Petition before this House---

(An hon. Senator spoke off record)

There is no interest in the current petition.

The Speaker (Hon. Lusaka): Hon. Senator, let us dispense off with this Petition and then you can give a comment on your Petition.

Sen. Wambua: Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): Hon. Senators, pursuant to Standing Order 232 (1), the Petition stands committed to the Standing Committee on Land, Environment and Natural Resources. In terms of Standing Order 232 (2), the Committee is required in not more than 60 days from the time of reading the prayer to respond to the petitioners by way of report addressed to the petitioners and laid on the Table of the Senate.

I thank you.

Kindly proceed, Sen. Wambua.

NON-PAYMENT OF PENDING BILLS BY THE COUNTY GOVERNMENT OF KITUI

Sen. Wambua: Mr. Speaker, Sir, on 6th December, 2018, I presented a Petition from contractors in Kitui County with regard to pending bills. The ruling of the Speaker was that the Committee on Finance and Budget was supposed to give us a response on that matter not later than 2nd March, 2019.

Almost two weeks after the deadline, I have not received any communication. Likewise, the petitioners have also not received any communication. I, therefore, seek your guidance on how to deal with this matter because the petitioners are in real trouble. They are really suffering for non-payment of monies due to them owing to contracts that they were given by the county government.

I thank you.

The Speaker (Hon. Lusaka): I do not see the Chairperson of the Committee on Finance and Budget, but I can see a Member of that Committee.

Sen. Farhiya, can you comment on that?

Sen. Farhiya: Mr. Speaker, Sir, we got that Petition before we went for recess. Subsequently, in our meeting yesterday, we discussed that Petition and it was agreed that

we invite the Ethics and Anti-Corruption Commission (EACC) as well as Kitui County to come and clarify the issue before we submit a report to the House.

The Speaker (Hon. Lusaka): That is alright. What is the timeframe?

Sen. Farhiya: Mr. Speaker, Sir, I do not remember the dates, but letters are already being written to those institutions to appear before the Committee. I do not want to commit on record because I do not remember the exact days.

The Speaker (Hon. Lusaka): Can you provide an answer by Tuesday?

Sen. Farhiya: Mr. Speaker, Sir, I will ask the Chairperson to do that.

The Speaker (Hon. Lusaka): Sen. Seneta.

Sen. Seneta: Mr. Speaker, Sir, thank you for giving me a chance to add my voice to this Petition from Kitui. I request that in your ruling on this Petition, you encourage the committees to handle petitions within the timeframe in our Standing Orders.

I also have two petitions that have been in the Committee on Labour and Social Welfare for some time. I was informed that they concluded one, yet they have not presented a report to me, and the petitioners are still waiting. I know that there are many other cases in this House which are suffering the same fate. I, therefore, request that petitions should be acted on within the timeframe that is required.

Mr. Speaker, Sir, many of our citizens have hope in this House. It is very unfortunate if we discourage them from presenting their issues here, because we take too long. The suffering forces many of them to go to court. This is something that we need to discuss and get a way forward.

Sen. Wetangula: Mr. Speaker, Sir, if there is anything that this House has not done well, it is in the handling of petitions. I want to suggest to you that, administratively, when you commit a petition to a committee to report back in 60 days, you do what courts do because this is a quasi-judicial sitting. In 50 days, you should set a mention date so that the Clerks-at-the-Table can put those petitions on the Order Paper for the Chairpersons of the Committees to give a commitment to the House. If they have difficulties, they can explain.

Mr. Speaker, Sir, we have had petitions that have been in committees for six months and sometimes even one year. It completely defeats the purpose of *wananchi* who have got full confidence in this House and by-pass going to any other organ for resolution of their disputes and frustrations and come to this House.

For instance, with regard to the petition that you read to us, those members who have petitioned could have very well gone to the NLC or the court. However, it shows that they have more confidence in this House than those two other institutions, and that is why they have come here. Therefore, if six months down the line we will not have done anything, we will start looking just as bad as the other institutions.

The Speaker (Hon. Lusaka): I agree with hon. Senators because this matter has been raised with the Chairpersons of the various Committees. We will look for a mechanism, just like it has been suggested, to see how this can be fast-tracked or where we put them on notice to operate within the stipulated time.

COMMUNICATION FROM THE CHAIRVISITING DELEGATION FROM FRIENDS SCHOOL
BOKOLI, BUNGOMA COUNTY

The Speaker (Hon. Lusaka): Hon. Senators, I have a Communication to make.

I would like to acknowledge the presence in the Speaker's Gallery this afternoon of visiting students and teachers from Friends School Bokoli, Bungoma County.

In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them. On behalf of the Senate and my own behalf, I wish them a fruitful visit.

I thank you.

(Applause)

Sen. Wetangula: Mr. Speaker, Sir, I join you and the House in welcoming the students and their teachers from a very senior school in my county, Friends Bokoli High School. This school is one of the beacons of education in my county. It is a school that prides to have been the school where one of our luminaries, hon. Mukhisa Kituyi, and many others went to.

I can see another school in the public gallery. Before you say who they are, I also welcome them. I take the opportunity to encourage the students and their teachers that while in this House, this is a House of reasonable and mature people; a House of reference, revision and mature debate.

As the students and their teachers come to this House, Mr. Speaker, Sir, we encourage them to learn the much they can; to see how debates in civilized parliaments are done, with decorum, dignity and respect. We wish that, in future, some of the students in the gallery will aspire to replace us when we exit the stage at the time God has planned.

I want to welcome the students and their teachers. I am proud of them as their Senator, and how I wish they came here when there was serious debate in motion to see how their Senator debates.

(Laughter)

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): Sen. (Dr.) Getrude Musuruve.

Sen. (Dr.) Musuruve: Mr. Speaker, Sir, thank you very much for giving me this opportunity to support you in welcoming the students from Bokoli School. This is a neighbouring County, and I am really proud that the students have come all the way from Bungoma to see what happens in the House. It is an act that I would encourage and congratulate the teachers who have accompanied the students.

I want to say clearly, on the Floor of this House, that it is in the formative years that we can impart the right attitude and skills to our students. These students and their teachers have done a very good job because, the skills that they are going to acquire here, they are going to use them not now but later on. I am seeing in the House, future leaders, future legislators and future ambassadors.

It is a noble thing that these students have done. We must encourage students to continually come to the House and listen to the debates that we make in this House. They will realize that the debates we make in this House are not about ourselves but for the nation and the citizens of this nation. We want to come up with debates and policies that are going to help in legislation and laws that will help this nation.

Mr. Speaker, sir, I support you in welcoming the students who have come to be with us in the House. Thank you.

The Speaker (Hon. Lusaka): Sen. (Dr.) Langat, who is also the Chairman of the Committee on Education.

Sen. (Dr.) Langat: Thank you very much, Mr. Speaker, Sir. May I also join you in welcoming the students who have visited the Senate today and are seated in the Gallery. I want to do this with a lot of happiness because, when students from my County, Bomet, visited this particular Senate, they demanded that they be addressed by Sen. Wetangula from Bungoma. So, I want to tell these particular students from Bungoma and the others, I am not sure where they are coming from, that they have a great Senator, who is well known throughout this country and that when students from my own county visited the Senate, they demanded to be addressed by Sen. Wetangula. They were addressed by Sen. Wetangula and they are still happy to date.

I want to tell them that this is a House that helps to protect the counties that they come from; this is the House that legislates laws that help to boost the progress and development of different counties. This is also the House that is highly respected throughout this country and is a very important House that they should aspire to be in future.

I would have also wished that they arrived here when we are roasting one another through very interesting debates. It is only that they arrived earlier when we are doing one or two things smoothly.

I welcome them to this House. I would also like to appreciate that your county has produced a very brilliant Speaker of the Senate by the name, hon. Kenneth Lusaka. I think it is a county that we should encourage our people from various counties to seek wives from in future, so that we share the brilliance. This is a county that produces very important people.

Thank you very much Mr. Speaker, Sir.

(Laughter)

VISITING DELEGATION FROM OTHAYA
GIRLS HIGH SCHOOL, NYERI COUNTY

The Speaker (Hon. Lusaka): Okay, hon. Senators. I also wish to acknowledge the presence, in the Public Gallery of visiting students and teachers from Othaya Girls High School, Nyeri County.

In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them and on behalf of the Senate and my own behalf, wish them a fruitful visit.

I thank you.

Sen. Ndwiga: Thank you, Mr. Speaker, Sir. I wish to join my colleagues in welcoming students from Othaya. Othaya, as we all know, is the home of our former immediate President. Those who have not been to Othaya, it is very beautiful countryside. We know that this school does very well, because I know it. It is the beacon and girls from that school are working in various sectors of the economy in this country.

I wish to join my colleagues in welcoming my friends from Othaya. We are neighbours around that mountain, and we want to welcome you to the Senate. We hope that they will learn many things. The fact that the former President is retired, it does not mean that is the end. We want more leaders to come from Othaya, and these students are the future of Othaya.

I would also wish, Mr. Speaker, Sir, to welcome the students from Bungoma. As Sen. Wetangula said, it is the school of Dr. Mukhisa Kituyi and I have been to that school with Dr. Mukhisa, so, I know the school. This afternoon, I am privileged to welcome students from two schools that I know very well. We want them to be good ambassadors when they get back to their schools and share with the others what they learned in the Senate. As your Senator said, this is a House of reason. After the forthcoming referendum, the future of this country will rest on this House. So, we want them to aspire to be Senators in the future.

I thank you, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): Sen. Farhiya

Sen. Farhiya: Thank you, Mr. Speaker, Sir. I want to join you in welcoming the students from Othaya and Bungoma.

As my fellow speakers have said that this is a House of good debate and a lot of wisdom, so, they have come to the right place. I also want to tell the girls from Othaya that we had a male president from Othaya, now let us have a woman president from there, so that women can go to the next level; so that we are not only Senators and Members of Parliament but we become the President of this country.

I am sure that if we have a woman president in this country, all the ills that are bedeviling this country will be long gone, for example, corruption.

(Laughter)

The Speaker (Hon. Lusaka): Sen. Wambua Enoch.

Sen. Wambua: Thank you, Mr. Speaker, Sir. As I join you and my colleagues in welcoming visiting students and teachers, I am not very sure what to make of the statement by Sen. Farhiya; that is debate for another day.

Mr. Speaker, Sir, I want to welcome students from Bungoma. I have had opportunity to visit Bungoma and had the privilege to address the County Assembly of Bungoma. I can assure the Students and the visiting teachers that Kitui and Bungoma are neighbours in the Senate. If you have any doubt about that, just look at the sitting arrangements.

I challenge the students from Othaya to do better than the leaders that we have had from Othaya. We have had---- Perhaps, one of the best performing presidents in this country is from Othaya. The challenge for students and the people from Othaya is to give us better leaders than we had.

Otherwise I welcome them to this House. They should be inspired to join this House and other legislative assemblies to push the agenda of development in this country. I thank you, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): Let us go to the next Order.

PAPERS LAID

REPORT ON THE NATIONAL ASSEMBLY AMENDMENTS TO THE WAREHOUSE RECEIPT SYSTEM BILL

Sen. Ndwiga: Mr. Speaker, Sir, I beg to lay the following paper on the Table of the Senate today, Thursday, 14th March, 2019.

The Report on the Consideration of Amendments passed by the National Assembly to the Warehouse Receipt System Bill (Senate Bills No.10 of 2017).

(Sen. Ndwiga laid the document on the Table)

ANNUAL CORPORATE REPORT 2017-2018

The Senate Majority Leader (Sen. Murkomen): Mr. Speaker, Sir, I beg to lay the following paper on the Table of the Senate today, Thursday, 14th March, 2019.

Office of the Auditor General Annual Corporate Report 2017-2018.

(Sen. Murkomen laid the document on the Table)

NATIONAL GOVERNMENT BUDGET IMPLEMENTATION REVIEW REPORT FOR FY 2018/2019

The Senate Majority Leader (Sen. Murkomen): Mr. Speaker, Sir, I beg to lay the following paper on the Table of the Senate today, Thursday, 14th March, 2019.

Office of the Controller of Budget half year National Government Budget Implementation Review Report, Financial Year 2018/2019.

(Sen. Murkomen laid the document on the Table)

REPORTS ON THE FINANCIAL STATEMENTS OF VARIOUS COUNTY EXECUTIVES/GOVERNMENTS

The Senate Majority Leader (Sen. Murkomen): Mr. Speaker, Sir, I beg to lay the following papers on the Table of the Senate today, Thursday, 14th March, 2019:-

- (i) Report of the Auditor-General on the Financial Statements of the County Executive of Laikipia for the Year ended 30th June, 2018;
- (ii) Report of the Auditor-General on the Financial Statements of Garissa County Executive for the Year ended 30th June, 2018;

- (iii) Report of the Auditor-General on the Financial Statements of Wajir County Executive for the Year ended 30th June, 2018;
- (iv) Report of the Auditor-General on the Financial Statements of Nandi County Executive for the Year ended 30th June, 2018;
- (v) Report of the Auditor-General on the Financial Statements of Uasin Gishu County Executive for the Year ended 30th June, 2018;
- (vi) Report of the Auditor-General on the Financial Statements of West Pokot County Executive for the Year ended 30th June, 2018;
- (vii) Report of the Auditor-General on the Financial Statements of the County Executive of Bomet for the Year ended 30th June, 2018;
- (viii) Report of the Auditor-General on the Financial Statements of the County Executive of Kwale for the Year ended 30th June, 2018;
- (ix) Report of the Auditor-General on the Financial Statements of Kiambu County Executive for the Year ended 30th June, 2018;
- (x) Report of the Auditor-General on the Financial Statements of the County Executive of Machakos for the Year ended 30th June, 2018;
- (xi) Report of the Auditor-General on the Financial Statements of the County Executive of Nyandarua for the Year ended 30th June, 2018;
- (xii) Report of the Auditor-General on the Financial Statements of the County Executive of Baringo for the Year ended 30th June, 2018;
- (xiii) Report of the Auditor-General on the Financial Statements of County Executive of Kericho for the Year ended 30th June, 2018;
- (xiv) Report of the Auditor-General on the Financial Statements of County Executive of Makueni for the Year ended 30th June, 2018;
- (xv) Report of the Auditor-General on the Financial Statements County Executive of Kajiado for the Year ended 30th June, 2018;
- (xvi) Report of the Auditor-General on the Financial Statements of County Executive of Narok for the Year ended 30th June, 2018;
- (xvii) Report of the Auditor-General on the Financial Statements of County Executive of Nakuru for the Year ended 30th June, 2018;
- (xviii) Report of the Auditor-General on the Financial Statements of Vihiga County Government for the Year ended 30th June, 2018;
- (xix) Report of the Auditor-General on the Financial Statements of Elgeyo-Marakwet County Government for the Year ended 30th June, 2018; and,
- (xx) Report of the Auditor-General on the Financial Statements of Homa Bay County Government for the Year ended 30th June, 2018;

(Sen. Murkomen laid the documents on the Table)

The Speaker (Hon. Lusaka): Let us go to the next Order.

NOTICE OF MOTION

APPROVAL OF SENATORS TO SERVE IN SELECT COMMITTEES

The Senate Majority Leader (Sen. Murkomen): Mr. Speaker, Sir, I beg to give notice of the following Motion:-

THAT, pursuant to Standing Orders 187 and 189, the House approves the nomination of Senators to serve in Select Committees of the Senate as follows -

(a) Standing Committee on Energy

Sen. George Ochillo-Ayacko Mbogo, EGH, MP to replace Sen. Mercy Chebeni, MP

(b) Standing Committee on National Cohesion, Equal Opportunity and Regional Integration

Sen. Mercy Chebeni, MP to replace Sen. George Ochillo-Ayacko Mbogo, EGH, MP

The Speaker (Hon. Lusaka): Senate Majority Leader, I am aware you would like to move a Motion pursuant to Standing Order No.15 which I will allow you to move at this point.

PROCEDURAL MOTION

ELECTION OF SENATORS TO PRESIDE OVER SITTINGS OF THE HOUSE PURSUANT TO STANDING ORDER NO.15 AND ARTICLE 107(1) OF THE CONSTITUTION

The Senate Majority Leader (Sen. Murkomen): With your permission, Mr. Speaker, Sir, I beg to move the following Procedural Motion:-

THAT, pursuant to Senate Standing Order No.15 and Article 107(1)(c) of the Constitution, the Senate elects Sen. Abshiro Halake and Sen. (Dr.) Agnes Philomena Zani to preside over the sittings of the Senate for the remainder of the day.

As the House is aware, most Members of the Speakers Panel are out on official duty. We have those who went to attend the conference that deals with matters of gender. It is also because the Deputy Speaker cannot be assumed to preside over the sittings for the next three and a half hours because that is not humanly possible.

Mr. Speaker, Sir, having consulted with you, it became prudent that we have two temporary Speakers so that they replace you in the course of the day.

In her first assignment as the Temporary Speaker, Sen. Halake did exceptionally well. I saw how she did when I was in the House and I also watched her on television. She is learning very fast. Therefore she is gaining the necessary experience. Who knows? It might add something to her life in future.

Sen. (Dr.) Zani has been here and this is the second term she is serving. I know her competences, not just by virtue of being a Zani. You know who Zani is in this country. She comes from a family of professors. She was a lecturer at the University of Nairobi and my friend. That was long before she came to this House and I know about

her competences and abilities. Again, you never know where the Lord may be leading her with the temporary assignment that she will undertake this afternoon.

(Sen. Orengo entered into the Chamber)

Mr. Speaker, Sir, I urge the House to support this Motion and ask the Senate Minority Leader to second it.

The Senate Minority Leader (Sen. Orengo): Mr. Speaker, Sir, I always arrive at the right time. This is a straightforward Motion. Therefore, I beg to second.

(Question proposed)

(Question put and agreed to)

The Speaker (Hon. Lusaka): Next Order.

STATEMENTS

POLICY ON THE DEVOLVED SYSTEM OF GOVERNMENT

Sen. (Dr.) Zani: Thank you, Mr. Speaker, Sir. Pursuant to Standing Order No. 48(1), I rise to seek a Statement from the Standing Committee on Devolution and Intergovernmental Relations on the policy on devolved system of Government.

In the Statement, the Committee should:-

(1) Explain why the document published by the Ministry of Devolution and ASAL in October, 2016 entitled “*Policy on Devolved System of Government*” was not tabled in the Senate.

(2) State the authenticity of the policy document and the status of its implementation.

This is mainly because there seems to be certain things that are implied or put in the policy but they have not yet operationalised. We know that, for example, costing of all functions was meant to happen right from the beginning of devolution. However, there are functions that have gone to the counties and have not been costed and some functions have not yet been absorbed within the counties.

What policy is being used on issues of devolution and devolved national projects especially by the national Government for projects that are being done across the various counties? Is it per the policy and is there such a thing stated in the policy? Is it being implemented and how is it followed?

The critical issue is on county taxes and business licensing. Again, there is no standardization across the board and counties are applying this arbitrarily. The reasoning behind this Statement is that there is a policy that has been worked on. However, it has not been tabled and we are not following it. That policy would help us to answer the various questions and reduce this level of contradiction.

Lastly, I want to guide the Committee as they get answers for this Statement, on the issue of Regional Development Authorities (RDAs). We know that part of the work

that they do should have already been devolved. Therefore, what is the status of implementation? This is because if we find out the status, I am sure we will clearly get that we are guided by this policy.

(3) Explain whether the institutions affected by the proposed policy are aware of its existence and whether they refer to it. If they refer to it, why do we still have inconsistencies in devolved functions within the various counties, six years down the line?

The Senate Majority Leader (Sen. Murkomen): Mr. Speaker, Sir, this is one of the most important questions that must be addressed in this House.

From 2013 when devolution started to be implemented by the new county governments, the Government and the people of Kenya have not had an adopted policy. Again, I go back to my time when I served on the taskforce on devolved government where we developed a huge document which was the guiding policy that informed the six Bills that were finally passed which were, The County Governments Act, The Urban Areas and Cities Act, The Inter-Governmental Relations Act, The Public Finance Management Act, which was merged with The County Governments Act. I will try to remember one more.

Mr. Speaker, Sir, the point I am trying to make is that from that policy draft that we had provided, we came up with a certain legislative framework. That policy had positions on issues related on grants and loans. If you look at the draft policy, we had suggested that we should have a grants and loans council to deal with how resources will be shared, if they are borrowed, between funding county and national functions.

At the moment, this House is passing so many grants to county governments. However, county government's functions are funded by donor funding. In the counties, there is no framework for them to borrow because in sectors that are devolved in nature, there is no guiding principle on how county governments would have borrowed with the guarantorship of the national Government as provide for in the Constitution.

Another policy issue is the regional integration and how counties relate amongst each other. There needs to be a clear policy framework. However, more importantly, is how national Government and county governments relate when it comes to functions such as agriculture, health and environment that, in nature, the two levels of Government have concurrent jurisdiction.

Therefore, what Sen. Mwilu --- sorry, Sen. (Dr.) Zani has ---

(Sen. (Dr.) Zani consulted loudly)

Mr. Speaker, Sir, I confuse Sen. (Dr.) Philomena Zani with the Deputy Chief Justice (DCJ) Philomena Mwilu. However, it is not a bad thing to confuse her with the DCJ.

What Sen. (Dr.) Zani has suggested is so critical that it would form the bulk of the responsibility of the Committee on Devolved Government and Intergovernmental Relations. It can spend the rest of five years trying to ensure that various policy positions have been developed, not just from the perspective of the guiding policy from the Ministry of Devolution and ASAL but also push for policy frameworks in other sectors, for example, in health, agriculture and environment. That way, we will not only have a

clear framework for relationship between the national Government and county governments but on how the national Government will achieve the responsibility of devolution.

Mr. Speaker, Sir, lastly, I want to emphasize that every time we talk about devolution, we confuse it with counties and their governments. People must separate the two. Devolution is the system of governance that does not just guide county governments but also the national Government. That is why in Article 174 of the Constitution, one of the objectives of devolution is how national Government can devolve its responsibilities and institutions closer to the people.

Therefore, when we ask our Committee on Devolved Government and Intergovernmental Relations to look at the policies that we have at the national level, we do not want them to come back with a discussion only on counties; we want them to come back with a discussion on how this House can oversight the national Government on how it is carrying out devolution of their responsibilities and institutions, whether it is National Identification Cards (IDs) that are given by the national Government, a security function or a human rights related monitoring function. All these must be felt at the local level because that is the objective of devolution.

I am looking forward to this answer with a lot of expectation. I hope that when the Committee will engage on this issue, they will involve the rest of the Senate and invite us for a whole sitting with the Ministry because it is not an adversarial issue. We are just trying to find out where exactly the country is headed when it comes to matters devolution.

Sen. Mwaruma: Thank you, Mr. Speaker, Sir, for this opportunity. It is true that we need to have a policy framework to govern the way counties and devolution work. It is also true that there are so many functions that have been devolved, but then the money has not followed the functions. This is for the simple reason that Sen. (Dr.) Zani alluded to; that the functions have not been costed very well.

More importantly, Mr. Speaker, Sir, I would like to speak to the issue of how taxation is done. You will discover that sometimes the poor people are overtaxed. The way that taxation is done, for want of a clear framework for public participation, you will discover that we might have people being taxed without public participation. Sometimes they are taxed once, twice or thrice; and sometimes goods move through counties and the people are taxed several times. We, therefore, need to have a clear policy framework which will guide how taxation is done within the counties. Once again, as the Senate Majority Leader alluded to, I will be waiting for the answer with a lot of expectation.

Thank you, Mr. Speaker, Sir.

Sen. (Eng.) Mahamud: Mr. Speaker, Sir, let me also contribute to this very important Statement read by Sen. (Dr.) Zani. Devolution is now six years old and it is time to take stock and see what is happening. This is because we are also realising that ministries are growing bigger at the headquarters; for example, the Ministry of Health, which is almost 90 per cent devolved and it is growing in terms of its budget and staff. The same applies to the Ministry of Agriculture, Livestock and Fisheries.

Mr. Speaker, Sir, on the policy of revenue collection by counties, a lot of work has been going on between the Council of Governors (CoG) and the national Treasury, but this has not come to the Senate yet. The last time when we were doing the Budget

Policy Statement (BPS), we were told that it was at the Government Printer. We have actually recommended that it must be in the Senate by the 15th of March, 2019. We are now being told that there is also a Bill at the National Assembly – I do not know how it landed there – discussing how to raise revenue for counties. All these efforts need to be coordinated. My Committee will be very willing to cooperate with the Ministry of Devolution and ASALs; and the Ministry of Interior and Coordination of National Government so that we can work together and get this thing out of the way.

Mr. Speaker, Sir, we better take stock of what has been devolved and what is held by the national Government so that we can know how to make devolution work. This will also include the budget issues, because a lot of resources are being held at the headquarters.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): hon. Senators, I have a communication to make.

COMMUNICATIONS FROM THE CHAIR

VISITING DELEGATION FROM GATHANJI PRIMARY SCHOOL, MURANG'A COUNTY

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting students and teachers from Gathanji Primary School in Murang'a County. In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them. On behalf of the Senate and on my own behalf, I wish them a fruitful visit.

I thank you.

VISITING DELEGATION FROM ST. PETERS SANG'ALO CENTRAL SCHOOL, NANDI COUNTY

Hon. Senators, I would also wish to acknowledge the presence, in the Public Gallery this afternoon, of visiting students and teacher from St. Peters Sang'alo Central School, Nandi County. In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them. On behalf of the Senate and on my own behalf, I wish them a fruitful visit.

I thank you.

(Applause)

The Speaker (Hon. Lusaka): Proceed, Sen. Zani.

STATEMENT

Sen. (Dr.) Zani: Thank you, Mr. Speaker, Sir. Maybe I could just take the opportunity, as I move on to make the next Statement, to acknowledge and support you in welcoming the visitors who are in the Public Gallery this afternoon.

We are looking at devolution within the counties and raising specific questions and answers to the process of devolution over time. We are in the second phase of devolution and clearly, during the first devolution, various issues arose. As you know, when you are implementing something, issues come out; these include huge bills within the counties, human resource needs to be reorganised; the issue of own resource revenue, which is critical within the various counties; and issue of policies, which are key.

I, therefore, hope that as you watch us this afternoon, you will be able to take something back to your counties and also play your rightful role. There is space for you within devolution, because you can engage in public participation at whatever level. You can do so through the media, newspapers, online social media and forums so that you, as citizens within these counties, can also indicate what is going wrong. Together, we want the second phase of devolution to take us to the next level.

On that note, Mr. Speaker, Sir, I will proceed to my second Statement.

OVERSUPPLY OF TEXTBOOKS TO SCHOOLS

Pursuant to Standing Order 48(1), I rise to seek a Statement from the Standing Committee on Education on the text book supply policy managed by the Ministry of Education.

Initially, Mr. Speaker, Sir, the policy was very clear that capitation would be given to specific schools to buy text books. Therefore, schools would be given a certain amount of money and then they would buy the textbooks. However, that policy changed so that the Government now would supply the books. The scenario now is that there has been an oversupply of textbooks within the schools. Initially, it was meant to be one textbook for one student for a particular subject. However, we can now find that a student has more than two or three textbooks for the same subject, yet that is an oversupply for that particular student.

Mr. Speaker, Sir, in that Statement, the Committee should explain the extent to which the textbook supply policy has been implemented, including the number of counties covered and the number of books supplied to the school within these counties. This is so that we can vet whether the policy has been abused while it was being implemented. Maybe that was not meant to be the purpose; and it was meant to be only one book per student. This is so that we can curtail this exercise and tell whether more than enough books have been supplied. If these books are just being loaded onto schools because there is an opportunity to buy these books, then we might be having a problem.

Secondly, Mr. Speaker, Sir, the Committee should state the reason that prompted the move to change the policy from buying books directly from the booksellers and publishers. Initially, when capitation went directly to the schools, they would be able to select the specific booksellers and publishers. That way, they would have a role to play about the various publishers and probably indicate the books that would be adequate within the school system. To what extent do they still have that role; or has it been taken away from them?

Lastly, the Committee should state whether this policy is going to be sustainable, given the amount of money that is being used in the overproduction and over selling of

these books. They should also state whether it might be time for the Ministry to revert back to the old policy.

Thank you, Mr. Speaker, Sir.

Sen. (Dr.) Milgo: Thank you, Mr. Speaker, Sir. I rise to support the Statement from Sen. (Dr.) Zani over the supply of textbooks to schools. The policy of supplying textbooks to schools was to enhance performance. However, the way the textbooks are being supplied right now actually defeats sense, because every student that joins a school is given books to carry all the way to form four. In the past, we would take care of the resources by ensuring that once a student clears a particular class, they would let the books to be used by the in-coming student.

Mr. Speaker, Sir, textbooks are not the only resource that will be required to ensure that students excel in national examinations. We are supplying these textbooks at the expense of construction of classrooms; supply of laboratory equipment and very many other items, such Information Communication Technology (ICT) infrastructure. We all know about the Laptop Project, which failed miserably. In any case, ICT is a very important asset when it comes to excelling, because students would be able to use ICT related equipment to conduct research.

Mr. Speaker, Sir, the Committee on Education should go into the details of this policy so as to pre-empt this, so that we do not go the whole four years and, at the end of it all, the government will not be able to supply textbooks again. I support this Statement because the oversupply of textbooks is another way of wasting resources. As it is now, this policy might open many channels of corruption. We have witnessed a lot of corruption in very many institutions, and this one might also, in a short while, be affected by a similar vice.

Thank you, Mr. Speaker, Sir. I beg to support.

Sen. Ochillo-Ayacko: Thank you, Mr. Speaker, Sir, for the opportunity to talk to this topic. First, I thank Sen. (Dr.) Zani for raising this very important issue. There is a twin issue that the Government has put in place which is a policy that there should be 100 per cent transition to secondary school. This means that nearly all primary school going children who complete should transit to form one.

It is important that we, as a House, as this matter is referred to the relevant Committee, get to know how this policy is implemented to be able to let our students who are in secondary school access textbooks. If they do not access books adequately, then there is a problem which might lead to challenges in terms of equal opportunities.

I ask the Committee that will issue the Statement, in addition to the response sought by Sen. (Dr.) Zani, to also give us an indication as to whether all the schools in this country have received textbooks. This is because we are kind of apprehensive that there are quite a number of schools who have not received these textbooks.

I beg to support.

Sen. (Dr.) Ali: Thank you, Mr. Speaker, Sir. I also stand to support the Statement by Sen. (Dr.) Zani.

Let me just point out as has been stated, that the supply of these textbooks is sort of corruption going on in education sector. Why do you need to buy textbooks to every child who comes to a class that year instead of using the same textbooks for the next class?

I have been told by a friend who is a Member of the National Assembly that there is a school in a constituency somewhere which has 300 children and they are supplied with 450 textbooks every year. So, when they are given the 300, there is a balance of 150. This has been going on for the last several years. It has gone to the extent that the school says it does not have anywhere to keep those books and want to know why those books are being supplied to it.

These cartels which are bringing the textbooks are not doing the right thing. We do not need all those textbooks. Something should be done about it. The Committee on Education should work hard and tell us where this policy came from, where it is leading and why it should not stop.

Sen. (Dr.) Musuruve: Thank you, Mr. Speaker, Sir, for giving me an opportunity to also contribute to this Statement. I would like to thank Sen. (Dr.) Zani for coming up with this Statement.

This is a Statement that should be interrogated further. Before I came to Parliament, I was a lecturer. I also had opportunity to teach in secondary schools when I was young.

Mr. Speaker, Sir, that contact between the teacher and the learner is very important. Textbooks are resource materials. However, we cannot wish them away and say that we can do only with the Information Communication and Technology (ICT).

Mr. Speaker, Sir, it is important that textbooks are distributed to schools in a transparent manner. The Ministry of Education should keep its house in order. They must have an inventory of the number of textbooks that are supplied to each school. It is important to keep a database of the number of children in every school in the country. There must be a register showing how many textbooks have been supplied to each school and the number of students who have benefited from this programme. It is the only way we can know if there are any inadequacies.

When you talk of issues of books, there are schools that do not have books up to now. Let me say without fear, some special schools do not have enough textbooks. They even lack competency books from early childhood or class one to form four. That is something that needs to be addressed because even special learners need to be given textbooks.

Let me also say on the Floor of this House that there is need to relook the policy of supplying textbooks to schools in this country. There are some textbooks supplied to schools, but they are very irrelevant. They are not being used by teachers and are gathering dust on shelves. For example, some books used in special needs for teaching learners with disabilities, especially the deaf, are very irrelevant. The teachers are not using them because they are very irrelevant and not helping in literacy. It is sad such books are still being supplied to those schools. This is an issue that needs thorough interrogation.

Mr. Speaker, Sir, there is also need to look at the content of the books that are being supplied to schools. I commend publishers who do a commendable job of publishing books that are relevant to students. However, there are some books with errors in schools that are not helping our children.

I am sure the Committee on Education will get to the bottom of the matter and ensure they are giving our students quality education. We want to pass the right baton to

the right learners whom we have mentored all the way from early childhood up to secondary school and beyond.

Sen. Wambua: Thank you, Mr. Speaker, Sir, for this opportunity. I congratulate Sen. (Dr.) Zani, for bringing this issue.

When this matter is finally committed to the Committee on Education, I think there is something that every Kenyan in this country wants to understand about this policy. What would be the role of school headteachers in the purchase and supply of these textbooks? Initially what used to happen is that teachers would get allocations from the Ministry, they would buy the books that they need from approved bookshops locally in a way supporting local businesses. What is more, there was a very personal and important relationship between the school heads and the people in the business of supplying books to the extent that teachers would even access these textbooks for students and effect the payments later.

Now, here is a situation where we are going back to what I used to see when I was in school where learning materials were supplied by the Kenya School Equipment Scheme (KSES). We had to wait for the Government to dispatch books to every school in this country. The sustainability of this current policy is very questionable. The cost of managing the programme, may end up being abused which will result in the cost of supplying the books to the schools equal or more to the cost of buying them.

It is very important that these issues are clarified even as we support this policy of full transition from primary to secondary schools.

I support.

The Senate Majority Leader (Sen. Murkomen): On a point of order, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): What is the point of order, Senate Majority Leader?

POINT OF ORDER

FAILURE BY SEN. WAMATANGI TO COMPLY WITH THE OFFICIAL DRESS CODE

The Senate Majority Leader (Sen. Murkomen): On a point of order, Mr. Speaker, Sir. I rise to ask whether Sen. Wamatangi is properly dressed for the Senate of the Republic of Kenya.

(Laughter)

I know Sen. Wamatangi has appeared like that on several television morning shows. He can appear like that in a market in Banana Town or a shopping centre in

Ichaweri or address Inoorero University the way he is. However, is he properly dressed for the Senate of the Republic of Kenya, with merely a shirt and a half coat? I need your direction.

The Speaker (Hon. Lusaka): Sen. Wamatangi, respond before I give direction.

Sen. Wamatangi: Mr. Speaker, Sir, as far as the dress code of the Senate and Parliament is concerned, the definition and clarification is that a male Senator or parliamentarian who comes to the Chamber should be dressed in a tie. I am in a tie and properly dressed. We have had this discussion here before, if you indulge me just for a second. The question has been and was: Can a Senator dress like Sen. (Eng.) Mahamud is? He has been allowed to come in with the religious hat because of his religion.

Lady parliamentarians also brought the issue and asked whether one can be dressed in decent African attire. It was ruled that they can. The qualification for a male Senator is to be neatly and smartly dressed in a tie, but the qualification of the Senate Majority Leader assumes that one must have an overcoat. That is not contained in the regulations of Parliament.

The Speaker (Hon. Lusaka): What is your point of order, because I want to make a ruling?

The Senate Majority Leader (Sen. Murkomen): Mr. Speaker, Sir, your rules which I am sure you are very much aware of provide that a male Senator shall be dressed in a coat, collar, tie, long pair of trousers - and not short pair of trousers - socks and shoes - not slippers. It is not 'must have a coat or a tie.' It says that the coat goes together with a tie, shoes, a pair of trousers and socks.

Mr. Speaker, Sir, I beg that you rule accordingly. Since he is referring to Sen. (Eng.) Mahamud, the only alternative given is that either you have service uniform or religious attire, which is in the situation of Sen. (Eng.) Mahamud, and any other approved dressing. Can you confirm whether that is an approved dressing?

The Speaker (Hon. Lusaka): Hon. Senators, let us not waste a lot of time on this. What is your intervention, Sen. Wamatangi?

Sen. Wamatangi: Mr. Speaker, Sir, the only determination that you have to make in that case, which would be an exception in my view, is whether the interpretation by the Senate Majority Leader on the length of the sleeves of a coat, which he described as a half-coat. I am in a coat and the length of the sleeves of the coat should not be the issue.

(Laughter)

What the Senate Majority Leader is intending to do is to define the kind of coat that one would feel comfortable wearing. I am in a coat that he calls "a half coat". I call it a coat.

Mr. Speaker, Sir, if you want me to walk to the front, I can confirm that I have shoes, socks, and a belt, a pair of trousers, a shirt and tie. There is no way he can get away with that.

The Speaker (Hon. Lusaka): Order, hon. Senators. The definition of a coat the way we know it is a long coat. I am sure Sen. Wamatangi knows that and he did not leave home the way he is now. Since I know your coat is just around the corner, I will give you a few minutes maybe to take leave, put it on and come back.

(Sen. Wamatangi spoke off record as he walked out of the Chamber)

It is ruled, Sen. Wamatangi.
Next Order!

STATEMENT

The Senate Majority Leader(Sen. Murkomen): Mr. Speaker, Sir, while Sen. Wamatangi is still walking out, can I seek that with your indulgence, he comes back because we need the numbers.

(Laughter)

The Speaker (Hon. Lusaka): I gave him just a few minutes.

BUSINESS FOR THE WEEK COMMENCING TUESDAY, 19TH MARCH, 2019

The Majority Leader (Sen. Murkomen): Thank you, Mr. Speaker, Sir. Pursuant to Standing Order 52(1), I hereby present to the Senate, the business of the House for the week commencing Tuesday, 19th March, 2019.

On Tuesday, 19th March, 2019, the Senate Business Committee (SBC) will meet to schedule the business of the Senate for the week. Subject to further directions by the SBC, the Senate will on Tuesday, 19th March, 2019, consider Bills scheduled for Second Reading and those at the Committee of the Whole. The Senate will also continue with consideration of business that will not be concluded in today's Order Paper.

On Wednesday, 20th March and Thursday, 21st March, 2019, the Senate will consider business that will not be concluded on Tuesday and any other business scheduled by the SBC.

Hon. Senators, there are 12 Bills due for Second Reading. In addition, there are 16 Bills at the Committee of the Whole Stage. These are: -

(1)The County Governments Retirement Scheme Bill (National Assembly Bills No. 10 of 2018);

(2)The Public Participation Bill (Senate Bills No.4 of 2018);

(3)The Retirement Benefits (Deputy President and Designated State Officers) (Amendment) Bill (Senate Bills No.2 of 2018);

(4)The County Governments (Amendment) Bill (Senate Bills No.13 of 2018);

(5)The Impeachment Procedure Bill (Senate Bills No.15 of 2018);

(6)The Care and Protection of Older Members of Society Bill (Senate Bills No.17 of 2018);

(7)The Prevention of Terrorism (Amendment) Bill (Senate Bills No.20 of 2018);

(8)The Petition to County Assemblies (Procedure) Bill (Senate Bills No.22 of 2018);

(9)The Data Protection Bill (Senate Bills No.16 of 2018);

(10)The County Planning (Roads, Pavements and Parking Bays) Bill (Senate Bills No.18 of 2018);

(11)The County Outdoor Advertising Control Bill (Senate Bills No.19 of 2018);

(12)The Treaty Making and Ratification (Amendment) Bill (Senate Bills No.23 of 2018);

(13)The Local Content Bill (Senate Bills No.10 of 2018);

(14)The Statutory Instruments (Amendment) Bill (Senate Bills No.24 of 2018);

(15)The County Law Compliance and Enforcement Bill (Senate Bills No.25 of 2018); and,

(16)The County Early Childhood Education Bill (Senate Bills No.26 of 2018).

Hon. Senators, I continue to urge Standing Committees to expedite consideration of the Bills referred to them and table reports in the House. This will facilitate the House to effectively navigate the Committee of the Whole stage and enrich debate at the Second Reading stage.

In conclusion, you all noted that Kenyans have exhibited their confidence in the Senate to address their concerns by the high number of petitions being reported in the House on various issues. As at now, we have a total of 29 Petitions that are overdue and pending before respective Standing Committees. I take this opportunity to urge the Committees to expeditiously consider the Petitions and table reports on them within the stipulated timelines.

Mr. Speaker, Sir, I thank you and hereby lay the Statement on the Table of the Senate.

(Sen. Murkomen laid the document on the Table)

The Speaker (Hon. Lusaka): Sen. Kinyua.

Sen. Kinyua: Mr. Speaker, Sir, there were requests for Statements by Sen. (Dr.) Zani from my Committee, which you did not commit to it. Sen. (Eng.) Mahamud suggested that we can do a joint Committee. You did not give a ruling.

The Speaker (Hon. Lusaka): According to the Standing Orders, it just stands committed to the Committees to take note and take action.

Sen. Kinyua: Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): Sen. (Dr.) Zani.

Sen. (Dr.) Zani: Mr. Speaker, Sir, I just want to respond and support the Statement that has just been made by Sen. Murkomen. Despite the fact that as a House we are doing well in terms of our business, petitions are a thorny issue and it is not the first time that this House is being faced with it. It keeps coming up.

For whatever reason, it seems like the Senate seems to be more popular as far as petitions are concerned, because quite a number of them come to this House. We will be overwhelmed sooner than later because the number of petitions coming seems to be far more than the time we are using to prosecute them.

I propose that maybe we could consider sub committees within the various Committees where these petitions go, to expedite them. We could form sub committees that are dedicated specifically to petitions. That might help us to move them a little bit faster and keep to the timeline that we are expected to keep.

Mr. Speaker, Sir, thank you and I submit.

COMMUNICATION FROM THE CHAIR

VISITING STAFF FROM PARLIAMENT OF NAMIBIA

The Speaker (Hon. Lusaka): I would like to acknowledge the presence in the Speaker's Gallery this afternoon of a visiting member of staff from the National Assembly of Namibia. I request Ms. Carolyn Ann Estonzene, Deputy Director; Legal Directorate, to stand so that she may be acknowledged in the Senate tradition.

(Applause)

The Speaker (Hon. Lusaka): In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to her and on behalf of the Senate and on my own behalf, wish her a fruitful visit. I thank you.

Next Order.

BILLS

THE COUNTY STATUTORY INSTRUMENTS BILL (SENATE BILLS NO.21 OF 2018)

(Sen. Farhiya on 12.3.2019)

(Resumption of Debate interrupted on 13.3.2019)

The Speaker (Hon. Lusaka): We will defer that to next week.

(Bill deferred)

Next order; read Order Nos. 9, 10 and 11.

Hon. Senators, we would also defer Order Nos. 10 and 11 to next week.

COMMITTEE OF WHOLE

THE ASSUMPTION OF OFFICE OF THE COUNTY GOVERNOR BILL (SENATE BILLS NO. 1 OF 2018)

(Committee of the Whole deferred)

COMMITTEE OF WHOLE

THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILLS NO. 13 OF 2018)

(Committee of the Whole deferred)

Therefore, we will go to Order No. 9; Committee of the Whole.

COMMITTEE OF THE WHOLE

(Order for Committee read)

[The Speaker (Hon. Lusaka) left the Chair]

IN THE COMMITTEE

[The Temporary Chairperson (Sen. (Dr.) Zani) took the Chair]

THE WAREHOUSE RECEIPTS SYSTEM BILL (SENATE BILLS NO. 10 OF 2017)

(Consideration of National Assembly Amendments)

(Resumption of Debate interrupted on 12.3.2019)

*(The Temporary Chairperson (Sen.(Dr.) Zani)
Consulted the Clerks-at-the-Table)*

The Temporary Chairperson (Sen. (Dr.) Zani): Order, Senators. We are just trying to reorganise ourselves so that we can vote. We are just dealing with a technical matter and then we proceed with the Committee of the Whole, so bear with us for a few minutes. Thank you.

(Low consultations)

Order, Senators. We are about to proceed with the Committee of the whole on The Warehouse Receipts System Bill (Senate Bills No. 10 of 2017). We are considering the National Assembly Amendments to The Warehouse Receipts System Bill (Senate Bills No.10 of 2017). We are going to go to Division, so I order that the door be closed and the bar be drawn.

Can we proceed with that? Sorry. Serjeant-at-Arms, can we just request for the bell to be rung for two minutes?

(The Division Bell was rung)

Order, Senators. The bell has stopped ringing and we are about to vote. Can we, please, take our seats and be ready to vote; the machine has been enabled; draw the bars and close the doors. Sen. (Dr.) Milgo---

(Sen. (Dr.) Milgo entered the Chamber)

(The bars were drawn and doors locked)

The Temporary Chairperson (Sen. (Dr.) Zani): Senators who are coming to vote manually, welcome to the desk.

(Voting in progress)

DIVISION

ELECTRONIC VOTING

(Question, that the National Assembly Amendments to Clauses 3,4,9,10,11 16,17,21,23,24,25,27 30,31,32,39,41,43,44,45,48 and 50, the Schedule and Clause 2 of the Bill be approved put, and the Senate proceeded to vote by County Delegations)

AYES: Nil.

NOES: Sen. (Dr.) Ali, Wajir County; Sen. Cheruiyot, Kericho County; Sen. Farhiya, Nairobi County; Sen. Halake, Isiolo County; Sen. Khaniri, Vihiga County; Sen. (Eng.) Mahamud, Mandera County; Sen. (Dr.) Milgo, Bomet County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. Nderitu, Laikipia County; Sen. Omogeni, Nyamira County; Sen. Seneta, Kajiado County; Sen. Wambua, Kitui County; and Sen. Wario, Tana River County.

ABSTENTIONS: Nil

The Temporary Chairperson (Sen. (Dr.) Zani): Order Senators, we have the results of the vote.

AYES: Nil

NOES: 15

ABSTENTIONS: Nil

The “Noes” have it.

(Question negated by 15 votes to Nil)

The Temporary Chairperson (Sen. (Dr.) Zani): I now call upon the Mover.

The Senate Majority Leader (Sen. Murkomen): Hon. Chairperson, I beg to move that the Committee do report to the Senate its considerations of the National Assembly amendment to the Warehouse Receipts Systems Bill (Senate Bills No. 10 of 2017) and its rejection thereof.

(Question proposed)

(Question put and agreed to)

The Temporary Chairperson (Sen. (Dr.) Zani) left the chair)

(The House resumed)

The Temporary Speaker (Sen. Halake) in the chair)

The Temporary Speaker (Sen. Halake): Chairperson.

Sen. (Dr.) Zani: Madam Temporary Speaker, I beg to report that the Committee of the Whole has considered the National Assembly amendments to the Warehouse Receipts System Bill (Senate Bills No. 10 of 2017) and rejected it thereof.

The Temporary Speaker (Sen. Halake): Mover.

The Senate Majority Leader (Sen. Murkomen): Madam Temporary Speaker, I beg to move that the House do agree with the Committee on the said report and ask Sen. Khaniri to second.

Sen. Khaniri: Madam Temporary Speaker, I second.

(Question proposed)

(Question put and agreed to)

The Temporary Speaker (Sen. Halake): Order Hon. Senators, pursuant to Standing Order No. 159 (4) (b) the Bill is rejected and hence will be referred to the Mediation Committee.

Next Order.

BILLS

Second Reading

THE TEA BILL (SENATE BILLS NO. 36 OF 2018)

(Sen. Cheruiyot on 13.3.2019)

(Resumption of debate interrupted on 13.3.2019)

The Temporary Speaker (Sen. Halake): Sen. Farhiya.

Sen. Farhiya: Thank you, Madam Temporary Speaker and congratulations for being elevated to that position. Next time they should make it permanent.

Madam Temporary Speaker, sometimes businesses do not go well because people forget the most important element of any business which is the customer and by extension the consumer. In this Bill, there is nowhere, as much as producers have been mentioned and these producers produce in order to sell their tea whether abroad or in the country, but this Bill ignores that part of the end product in terms of the people who

consume that tea. My County of Wajir, among many others, is the biggest consumers of this commodity. So, the sponsor of the Bill needs to consider an amendment to include some section in terms of the consumers of this commodity, so that the chain is complete.

Madam Temporary Speaker, another thing that I see in this Bill is; it looks like it is a bit of duplication of Kenya Tea Development Authority (KTDA). Where one starts and where the other ends is not clear. So, that needs to be clarified. The sponsor of the Bill is not paying attention and I need his attention for this.

(Sen. Cheruiyot spoke off record)

It is only women who have multi-tasking capacity, so I want him to listen. One of the issues I raised is that consumers are missing in this equation and they need to be included because they have an interest in the production of that and how it ends up in our cups or abroad when we export it.

The other thing, Madam Temporary Speaker, is KTDA and the body proposed in this Bill; it is not clear where one begins and the other ends, and this needs to be considered. In terms of Clause 4, it is proposing that the headquarters of this Authority should be in Kericho County. So, if all authorities in respective counties would go to where the production takes place, that is a good idea because you either take it where it is produced or where it is marketed more. So, whichever costs you more, you make it closer. If that is the case, then the Kenya Meat Commission (KMC) should move to Wajir County, because that is one of the greatest counties that produce meat products.

Madam Temporary Speaker, the other thing that I want to comment about this Bill is on the constitution of the board. It is proposed that seven persons should be nominated by governors from counties that produces the highest amounts of tea. This needs to be specified. The Kenya Breweries Limited has been cited. If that is the case, then the same data should also be used to analyze which county in Kenya has the highest consumption of tea. Therefore, one of the board members should be from that county.

(Laughter)

Madam Temporary Speaker, the other proposal that I have is that instead of having seven members, we should have five. Four from the highest producing county, one from the highest consuming county and then one from the initial proposal, where one person is nominated by association of the largest number of growers. The other two slots be given to small growers.

Madam Temporary Speaker, Clause 7 says one of the conditions that can make you cease to be a member of the board is failure to attend three consecutive meetings without the permission of the chairperson. To me, it is a bit subjective. It is either without the permission of the chairperson or without a reasonable excuse. This is because if the chairperson does not like you and you fall sick one day and you are in a hospital bed for three consecutive meeting, the next time you report, you will be sent home packing.

Madam Temporary Speaker, the other thing I want to comment on is about pension. The Bill says; “the board may establish and make contributions to pension’s

scheme.” That is a good provision. Any subsequent Bill should have such a provision. The National Social Security Fund Act 2013 made it mandatory for both employers and employees to contribute 6 per cent, respectively. This was meant to be a national pension scheme irrespective of who was to manage it. Unfortunately, up to today because of the court battles, it has never been operationalized. This is very sad because there are so many Kenyans who are working so hard and yet there is no law in this country that is making pension mandatory.

The Retirement Benefits Act only takes care of schemes that are existing. It does not make it mandatory for such a scheme to exist. So, that is one of the issues that we need to probably consider as a House to demand for operationalization of the NSSF Act. I am applauding the drafters of this Bill for including that bit.

Madam Temporary Speaker, Clause 11 is on remuneration payable to members of the board. I am always against the term ‘remuneration.’ I know allowances and such stuff is one of the methods of remuneration. However, knowing Kenyans, once you give them give a window; they will take all the things that include their remuneration and other allowances. We need to be more specific and say they will earn allowances instead of remuneration. This is because remuneration includes salary, allowances and so forth. It is much more than allowances. Kenyans are known for taking advantage of such provision in the law to ensure that they adequately remunerate themselves more than what they are entitled to.

Madam Temporary Speaker, in terms of the qualifications of the Chief Executive Officer (CEO) of that board, I think five years’ experience is not a lot for a CEO of a company. Here it says “five years in senior positions.” This needs to be expanded. We could say five years in senior positions and a number of years also in other positions.

Madam Temporary Speaker, the other thing that I have a problem with in this Bill, or that which could be improved, is the tea growers registering with one processor. I feel this is making the situation of tea growers to remain the same or worse. This is because if we are limiting these tea growers to one processor, they can be taken advantage of.

I want to bring this other bit of research that is being done that now agriculture is left with an aging population of people aged 60 years and above. Part of the reason why this is growing is because of cartels within these industries of tea and coffee. Agriculture is no longer attractive to young people who understand the market dynamics and feel that it is not paying more.

If this situation is allowed to continue, we might end up in a situation where we do not produce any more. We might end up becoming a net consumer. This will affect development, the Gross Domestic Product (GDP) and food security. This is because the Kenyan economy is predominantly dependent on agriculture, both livestock and farming. We are producers and not manufactures. However, with these restrictions proposed in this Bill, in the end, we might end up abandoning our farms and all of us relocating to cities.

Clause 23 says the authority shall keep books of accounts and other undertakings, among other things. I do not want to read all that because I am sure you all have the Bill. Clause 23(a) says: “Balance sheet showing---”. We stopped using balance sheet long time ago. It has been replaced by statement of financial position. If you are doing a balance sheet; it is not a complete set of accounts, so my proposal is to remove Clause 23(a) and

leave it Clause 23(b) and say all books of accounts and statements. That way, it becomes comprehensive.

Otherwise, if we want to be more specific, then we say statement of financial position, statement of financial performance, which used to be called profit and loss account, and statement of financial cash flow. Those are mandatory things needed for any accounting to be produced whether in the private or the public sector. We either remove specificity and replace it with general books of accounts and leave it at that, or write according to the accounting standards and the requirements of book keeping.

Madam Temporary Speaker, there are two clauses that had the same things. We do not need Clause 4 because Clause 3 will suffice since it is talking about the same thing.

The other thing I would like to talk about is Clause 24(2) which states that:-

“The Authority shall, if the Cabinet Secretary so requires, publish the report, balance sheet and statements submitted to him under subsection (1) in such a manner as the Cabinet Secretary may specify.”

We should not restrict people to the wishes of the Cabinet Secretary. We are in a society where our Constitution demands transparency. So, we should make it mandatory for the Authority to put its reports on its website. It is even better that way because anybody with an interest can access them, which is being more transparent.

In terms of submitting reports within 14 days, as a Member of the Committee on Finance and Budget, I can tell you that, that short time is creating problems for many institutions. I recommend that it should be 21 days to allow the Cabinet Secretary to give feedback bearing in mind that there could be back and forth on a matter.

I want to talk about Clause 28 on penalties. This needs to be reviewed because I feel it is being a bit lenient to the people who will be working for the Authority. These are public offices and the penal code on theft and other vices should apply. Good governance should be encouraged. This is like laissez-faire which means that they can do anything that they wish.

In terms of marketing, like I talked about the consumers, the marketing and other stuff need to be handled properly. The farmers are the ones who know where the shoe pinches. So, farmers and consumers as well should be consulted extensively so that at the end of the day, what makes them not to be productive is not replicated in this Bill because we shall be leaving them in the same position. When you read this Bill, there are a lot of issues that inhibit them. So, a lot of improvements are required in this Bill.

I thank Sen. Cheruiyot for sponsoring this Bill which aims to take care of the people of Kericho. I did a little research and found out that Kericho is the highest producer of tea in Kenya.

The other issue I wanted to address is that as much as we think about our smallholder farmers and how we should address some of their issues, let us not forget large scale farmers because at the end of the day they provide jobs to poor people thus creating employment in the counties. They are also already established and aware of what is going on. That will improve our export of tea and the market that exists currently.

I thank you, Madam Temporary Speaker.

Sen. (Dr.) Zani: Madam Temporary Speaker, I congratulate you for being on that Chair as we progress with the work of the Senate. From the outset, I support this Bill

because I saw the passion and enthusiasm of Sen. Cheruiyot when he was moving it. It is not only a tea sector problem but we have a bigger problem. For example, in the recent past, we have had the Maize Report. Basically, our whole agricultural sector is in some problem in one way or another.

I want to talk about the coast where I come from. In the 1970s, we had cashew nuts and cassava farming but all these have diminished. Technically, that means that something is wrong.

This Bill seeks to streamline and remove responsibilities from the Agriculture and Food Authority (AFA) to the Tea Regulatory Authority of Kenya, so that there is more focus in the tea industry and, therefore, in a sense, liberalise the tea industry to enhance quick processing of tea. As we know, tea is a big income earner in this country as is coffee.

This Bill is very simple and straightforward. It seeks to establish an Authority and a Board and provides specific responsibilities for the Authority and the Board.

Part III brings out the gist of the Bill because it is about Regulatory Provisions. For example, in Clause 17(1), it will be required that every tea grower registers with a processor so that people align themselves. They will be required to give the name, location, parcel number, acreage, variety and all the necessary information so that once the tea is ready for harvesting, there will already be somebody in mind to process it.

This Bill seeks to give the Authority some responsibilities and that is something key. It shall be known as the Tea Regulatory Authority of Kenya. The relevant Clauses give the specific aspects that the Authority shall be responsible for. Of course there shall be a Board but the Authority is clearly articulated. The functions of the Authority are in Clause 5 which states as follows:-

- “(1) The Authority shall perform the following functions—
- (a) regulate, develop and promote the tea industry;
 - (b) co-ordinate the activities of individuals and organizations within the tea industry; and
 - (c) facilitate equitable access to the benefits and resources of the tea industry by all interested parties.
- (2) Without prejudice to the generality of subsection (1), the Authority shall—
- (a) in consultation with the Cabinet Secretary, initiate the formulation of policies and make rules to regulate the tea industry;
 - (b) register and regulate the operations of tea growers and processors;
 - (c) licence tea dealers and processors;
 - (d) licence managing factories and their agents;
 - (e) licence tea brokers;
 - (f) provide advisory services on tea production and quality enhancement;
 - (g) collect and analyze statistics related to, and maintain a database for the tea industry;
 - (h) co-ordinate the prioritization of research and utilization of available funds; and

(i) arbitrate in any dispute related to the tea industry referred to it under Section 26.”

My question is; where will the funds that will go to the Authority come from? Without answering this question clearly, then we will have an authority with a lot of responsibilities. However, it might not carry out some of the functions because we shall have the Authority, the Board and the general standards of operations.

I do not know to what extent we have resolved the issues that we have always had because according to me, this is automatically a candidate for a money Bill because it will require allocation of money to the Authority for it to carry out its functions.

Part IV of the Bill is about Financial Provisions. Clause 21 states that:-

“The funds and assets of the Authority shall comprise of—

(a) such monies or assets as may accrue to or vest in the Authority in the course of the exercise of its powers or the performance of its functions under this Act;

(b) such monies as may be payable to the Authority pursuant to this Act or any other written law;

(c) such gifts as may be donated to the Authority; and

(d) monies from any other source granted, donated or lent to the Authority.”

Given anything else, I would say this is a standard Bill that can be used for all the other sectors. It can be a copy Bill but the most critical thing is the cash that will be required.

As the Senate, we must lobby as much as we can for money to be put into such institutions, which will unlock potential within various counties.

Earlier on, we spoke about own-source revenue, which is an issue in the counties. Many counties would like to have their own resources in terms of what they can do within particular counties, which is very important but the issue is how to unlock that. I know that many Bills try to put some authority within the county level such that we deal with funds that have already been devolved from the national resource kitty into the county kitty. That helps to make some things to move. Therefore, it is interesting and important to note that from the onset.

Madam Temporary Speaker, in the second phase of the relation between the national Assembly and the Senate, we might also have moved from where we were the last time. I hope we have because it is important.

The people of Kericho and the tea farmers need this Bill as we need many other Bills that are very critical in the agricultural sector on which a large number, almost 80 per cent of the people in Kenya, rely on.

With those remarks, I support.

Sen. (Dr.) Milgo: Thank you, Madam Temporary Speaker. I wish to add my voice to this Bill. First of all, I wish to thank the Senator for Kericho, Sen. Aaron Cheruiyot for thinking about the tea farmers.

Madam Temporary Speaker, I support this Bill because for the first time, it will separate the issues of tea from the general agricultural products. It is a fact that tea is the largest contributor to the Gross Domestic Product (GDP) of this country to the tune of 4

per cent. In any case, the tea industry brings on board over 700,000 farmers and it employs over 5 million youth and other cadres of employees.

My only point of contention is particularly on part II of the Bill that talks about the establishment of a Tea Regulatory Authority. I wish to say, on the onset, that, I am a large scale tea grower. However, we have had a lot of problems with Kenya Tea Development Agency (KTDA). Therefore, I wish to see, like one of my colleagues has pointed out, the separation between KTDA and the Tea Regulatory Authority. I have seen how KTDA has failed and how the Tea Regulatory Authority will cure the failures. This is because if we simply bring on board another regulatory authority, I am not sure whether it will continue with the same vice that has affected farmers.

Madam Temporary Speaker, the proposed Tea Regulatory Authority has already been given so many roles. For example, it has to control licensing, advisory research services, coordinating market research and issues of arbitration in the tea industry. As I said, what has been affecting the tea farmers is the issue of prices. I wish that this Bill could have identified a proposal for a marketing strategy or framework for marketing. This is because farmers have suffered when it comes to either the issue of quality as well as marketing their products. For example, recently, when the Middle East got out of our market, the tea prices dropped seriously. As I speak, the tea prices are still very low. Therefore, we need a lot of pragmatic changes to ensure that we bring this on board.

I wish the Mover of the Bill would clearly display the body that will market the tea away from the proposed Tea Regulatory Board. This is because KTDA has been affected because it has had to carry out production, sale, marketing as well as over-sighting itself. If in this case we have another body, it will show us, who, when and where.

In any case, our tea is mostly used as a raw material in other countries. Therefore, such a body would look into the issues of value addition, quality of tea so that it can attract better prices and to what extent we will look at the issues of production because much of the money from tea goes into production in the tea factories.

Otherwise, this Bill is long overdue more particularly because for the first time, we will have a Bill that will speak to the issues of tea. This is because about 26 per cent of exports funds that Kenya receives come from tea alone. Therefore, this particular Bill will go a long to ensure that we care for the crop that will enhance our economy.

Madam Temporary Speaker, I wish to speak to the issue of the proposal of a headquarters for the Authority. I support it because Kericho and its environs is the real home of tea.

I am in agreement with the issue of board management in Clause 6 apart from Clause 6 (1) (c) which states:-

“Seven persons nominated by the Council of Governors (CoGs), representing the top seven tea growing counties as per the records held at the Kenya bureau of Statistics as at the date of nomination”

Madam Temporary Speaker, I have not seen where the farmer will have an input. I am sure that the Senator for Kericho will agree with me that for a long time, the only people that the farmers have summoned and asked questions are the directors because they have a part in electing them.

This is a large group of board members that are to be nominated by CoGs and they could be corrupt. Therefore, farmers will not have any say and they might continue with the vice that we have seen.

Madam Temporary Speaker, for the Chief Executive Officer (CEO), experience of five years particularly in management is okay with me. This is because I have seen factories which have qualified CEOs that have skills in management do really well.

Part III of the Bill has provisions where farmers are supposed to register with a processor. The reason why farmers have been having a problem is because there has been monopoly for a long time. Issues of monopoly have affected prices and farmers have had to be at the mercy of the buyers. This is because there was no flexibility in terms of supplying the tea produce. In this particular case, something should be looked into when it comes to registering farmers so that a farmer can be allowed to supply their produce to more than one processor so that they will not be bound by one processor.

As I said, issues of monopoly have affected prices and supply. As I speak, there is an over-supply of tea. Farmers have been assisted by private tea processors. When they came on board, KTDA was forced to add the amount of money that is paid monthly for the tea. However, for a long time, the prices were stuck at one level.

Madam Temporary Speaker, this Bill is long overdue. Once again, I thank the Senator for Kericho County and the first Ad Hoc Committee that started to speak into these issues. However, there are still many other issues that farmers were able to contribute to. The major thing was that farmers or their representatives have never been on the decision-making table. That is why they have had to suffer a lot.

Madam Temporary Speaker, with those few remarks, I support this Bill with amendments.

The Temporary Speaker (Sen. Halake): Proceed, Sen. (Eng.) Mahamud.

Sen. (Eng.) Mahamud: Thank you very much, Madam Temporary Speaker. Let me also contribute to The Tea Bill, 2018.

I thank the Senator for Kericho for bringing this Bill so as to bring some sanity in the tea industry. Tea is very indigenous to our economy. Many people in the world think - it is true - that Kenya has the best tea, competing only with India and Sri Lanka. However, hardly do we see Kenyan tea on the shelves in international supermarkets.

I used to work in the embassies and in those days, it was difficult even to market Kenyan tea because we do not see it being marketed and value addition done in the country. I hope that among the functions of this Tea Regulatory Authority of Kenya is also to encourage our farmers to value-add, so that instead of just auctioning tea as a raw material at the auction in Mombasa, there is some value-addition done. We need to diversify so that our tea finds itself in the international market as a product of Kenya.

Madam Temporary Speaker, today tea which leaves our port in Mombasa, is mixed with others and by the time it is packed in tea bags under the Lipton brand, we are told that Kenyan tea is one of the teas that made it.

I do not know the role of Kenya Tea Development Agency (KTDA) because it is an association of farmers. However, they have apparently been doing all the work of promoting, marketing and reproducing. They are the only people you see outside the country trying to market Kenyan tea. The Bill is silent about their role. Maybe they are just part of the farmers. However, I am surprised that after all these years of our

Independence, we have not been able to put a regulatory authority in place to regulate the processing of our tea in Kenya. It is only the Agriculture and Food Authority (AFA), which puts many things together.

Madam Temporary Speaker, I see that the Bill proposes a tea Regulatory Authority. In fact, it is the only Authority. There is also the Board of that Authority and their functions. In fact, there is nothing on what happens now and how to transition from where we are into this Tea Regulatory Authority of Kenya. It is very important and maybe going forward, we need to add that.

I still believe that we can help and change the way we manage our tea. Kenya is known for growing good tea, which is managed by many multinationals. At one time, we had a lot of problems with our brothers in Egypt and they were stopping tea into that country because of the Common Market for Eastern and Southern Africa (COMESA). We did not even know who the Kenyan tea farmers were. There were many big names such as James Finley Tea. Sometimes one can hardly see any Kenyan name. I do not know what can be done so that indigenous people are also in the tea production, sales and marketing in this country.

The Tea Regulatory Authority of Kenya, as mentioned in the Bill shall perform the following functions:

“(a)Regulate, develop and promote the tea industry.

(b)Co-ordinate the activities of individuals and organisations within the tea industry.”

Hopefully, there will be no people who will monopolise and kick around the small farmers. Everybody should have an equal chance when it comes to tea production and marketing.

More than anything else, I wish to see that big factories are set in Kenya to value-add, so that Kenyan tea is branded and exported, instead of having tea in big containers at Mombasa tea auction, and later, when they go out of the country, it stops being Kenyan tea but a mixture of many teas.

Madam Temporary Speaker, attempts have been made by a few individuals to market the Kenya Tea Packers (KETEPA) and Kericho Gold. I think they are finding themselves in the market in small numbers. However, we would like this to be in large numbers because a lot of tracts of lands in Kenya are under tea cultivation. What we are seeing outside the country must be commensurate with the size of the plantations and activities that we are undertaking. Being a cash crop, we do not want the multinationals to export tea only as raw material and make money out of it, without passing the benefits to the rest of Kenyans.

Madam Temporary Speaker, the headquarters of this Tea Regulatory Authority of Kenya is not supposed to be in Kericho. Kericho produces tea, but other parts of the country also do. Therefore, I would have wished the headquarters to be in Nairobi. Yes, the farmers are many in Kericho, but we should not make it a localised institution. The headquarters should be in Nairobi, just as with many other authorities. The functions of this Authority are international and include marketing and auctioning in Mombasa for export. Therefore, I think Nairobi would be a better hub than Kericho.

As to the Board, I wish it be expanded to not only include people who grow tea, but also other Kenyans. There must be other Kenyans who are well qualified and can

help us to market this. It is okay when we put the Principal Secretary for the time being responsible for agriculture, seven persons nominated by the Council of Governors (CoG) and one person nominated by the association representing the largest number of tea growers in the country that is maybe KTDA or the rest. We could add two other Kenyans. Let us blend it so that even those who do not grow tea can help tea grower to effectively manage the industry and help them, so that it becomes a Kenyan issue.

Madam Temporary Speaker, with those many remarks, I wish to support.

The Temporary Speaker (Sen. Halake): Proceed, Sen. (Dr.) Langat.

Sen. (Dr.) Langat: Thank you very much, Madam Temporary Speaker, for giving me this opportunity to add my voice on this Bill. Three quarters of Bomet County, where I come from, consists of tea growers. It is the main cash crop that people rely on. I was in this Committee when we went round looking for the issues that are facing tea farmers. We realised that tea farmers in this country have got a lot of issues.

The KTDA which is now managing the tea industry is facing a lot of challenges, ranging from even the mistrust by the farmers themselves. It also has got issues to do with marketing and regulating this industry.

This Bill has come at the right time to save the farmers from several issues that they are currently facing. I support it fully. I also support the idea that the headquarters be in Kericho because it produces almost three quarters of the tea in the industry. Therefore, I think it is very much in order to have the headquarters there.

Madam Temporary Speaker, I want to add my voice on the same Clause 5(2)(a), that:

“Without prejudice to the generality of sub-section (1), the Authority shall –

(a) in consultation with the Cabinet Secretary, initiate the formulation of policies and make rules to regulate the tea industry.”

Tea, being in agriculture and largely a devolved function, I would have wished that it be in consultation with the Cabinet Secretary (CS) and governors in the tea growing areas be involved.

Clause 6 (c) talks about seven persons nominated by the Council of Governors (CoG). This might be political, unless with the consultation of the Senators from the tea growing areas. So, governors may end up nominating their political cronies. I think it is also wise to consult the Senators from the tea growing areas when nominating these people.

Otherwise, I support the areas to do with tea marketing because one of the greatest challenges that the tea sector has been facing has to do with the cartels. It is so ridiculous that when it comes to the tea industry, especially marketing, imagine it is not the farmers who determine the price but the cartels and the buyers. Imagine after doing all that, you have to take your product to the market and somebody else has to determine at how much they are supposed to purchase. However, this Authority gives a lot of powers to the farmers. The farmers have a lot of say when it comes to when their tea will be sold and also at how much.

I support this Bill and wish it the best in all the processes so that it may come to life as soon as possible for the sake of the tea industry in this country.

Sen. (Dr.) Musuruve: Madam Temporary Speaker, I would like to thank you for giving me the opportunity to support this Bill.

I commend the Mover of this Bill. It has come at the right time. Given the fact that agriculture plays an important role in this country and almost three-quarters of our constituents back home are farmers, it is important that we see how farmers can be encouraged and supported.

Let me remind and talk about the Maputo Declaration, which says that at least 10 per cent of a Government's national revenue should go to agriculture. The Declaration came that way because agriculture plays an important role to the Gross Domestic Product (GDP) of any country and even in the lives of people. You will find that quite a number of people practice agriculture, and in the process, they are able to educate their children. They are also employers contributing to the growth of the economy of this country.

Madam Temporary Speaker, tea is an important cash crop and it generates revenue for the farmers. There are quite a number of people who plant tea as a cash crop and they need to be encouraged. We should not discourage them. We can encourage them by coming up with appropriate policies that are friendly to the farmer and will make them see that they have value for their work because they play an important role.

There are some tea farmers who have been discouraged from farming. It is simply because they put in a lot of investment to ensure that they pay labourers to tender the crop and harvest it. When tea leaves are delivered to the factory, brokers emerge from nowhere and make sure that the amount of tea leaves that goes to the factory is underrated. I know of tea farmers who have decided not to continue with tea farming, and this is a very serious issue. As the Senate, we have to ensure that we encourage farmers because they play a big role in this country.

I want to believe that the Tea Regularity Authority of Kenya (TRAK) will add a lot of value in terms of managing tea production and also payment of tea farmers so that farmers are not discouraged. Even the fact that the farmers will register with a processor, I feel that is a plus because it means the farmers will not be dealing with brokers but processors themselves. When they do so, I imagine that there will be a contract that speaks to the farmer and deals with the processor. When there is a contract, the farmer knows that when he delivers the tea leaves, he will definitely have value for it and he will be paid. If the farmer has that kind of contract, then it should not be flouted. If the contract is followed and the farmer is paid, then the farmer will be encouraged to continue with tea farming.

Mr. Temporary Speaker, Sir, there is need to ensure that there is a market for tea. If you invest a lot of money, time and everything on farming and eventually, you do not have a market for your product, that is an insult to the energy that you have put in the work and the money or loan that you have taken to ensure that you have a product. If you have invested a lot of money, time and energy to have raw products that will help the citizens of this country, there should be value for it. There should be some form of incentive. The incentive would be that farmers will be paid when they deliver their goods and would be encouraged. There is need to have a mechanism in place which will ensure that there is law and regulation in the tea industry.

By the way, I am a real Maragoli; before I go to sleep, I have to take tea. When I come here, I have to take tea. People say that tea is for Maragolis but tea is now for

everyone. When we go to any committees, they serve us with the African tea. You find people leaving coffee and caffeine for tea. People should not say that tea is for Maragolis alone. I am proud to be a Maragoli, and I take tea in the morning, at 10.00 a.m. and even at lunch time when the sun is so hot, I will not mind taking tea. Before I go to sleep, I have to take tea. If I do not, I will wake up in the middle of the night to prepare tea because it has that therapeutic effect, it refreshes the soul and the mind and it has some form of relaxation. Once you take tea, you just relax. When you are stressed and then take tea, you just relax. This is an industry that we must encourage. We must see how exactly we can ensure that the industry is vibrant.

Madam Temporary Speaker, when you go to Kericho County, you will always find a bed of greenness which is so reassuring and beautiful. That greenness is all tea. You can imagine more than three-quarters of Kericho County is just tea. As you pass there, you just relax your mind. Tea farmers are in Kericho County and they need to be supported.

Even when we need this tea industry to come out strongly, we have to take that service to the people. In my view, I think it will be a good thing even for the main plant to be in Kericho County where people are obsessed with growing tea. When the plant is there, they should also remember to take it to Kakamega and Vihiga counties because the Maragolis are very good.

I wish Sen. Khaniri was here, because he would have supported me; Maragolis love tea and they plant it. Therefore, even if there is a plant in Kericho, there is need for a branch of the plant to go to Vihiga and other tea growing areas.

Madam Temporary Speaker, we are living at a time when we need to support our farmers. Our business as a Senate is to support devolution. If we cannot support our farmers, we cannot say that we are at the centre stage of devolution. We can only be at the centre stage of devolution if we are supporting our farmers and what exactly is happening on the ground, because that is core business as a Senate.

I support this Bill, believing and hoping that it will see the light of day. Even when it goes to the First, Second and Third Reading, let people give their valuable input. Let them come in and propose amendments that are going to enrich this Bill. It needs to be enriched so that it can be of good quality and that, it is going to serve the people of this country.

Thank you for the opportunity that you have given me to contribute to this valuable Bill. I beg to support.

The Senate Majority Leader (Sen. Murkomen): Thank you, Madam Temporary Speaker, for the opportunity to make my contributions on this important Bill. First of all, let me congratulate Sen. Cheruiyot, who is the Senator for Kericho, for coming up with this important amendment.

It is in line with our responsibilities here, as legislators, that our interventions on matters that affect our citizens are either through legislation, representation or when we are doing our oversight work. This Bill is well thought out. I have had my quarrels with the Agriculture and Food Authority (AFA), as it is. This is because even if it was well intended to save resources that are being expended in various parastatals – which are in the tea, coffee, maize and coconut sectors, among others – the overhead costs of

regulation are nothing compared to the benefits that come with having institutions or entities dealing with specialized crops focusing on those crops.

Madam Temporary Speaker, I think it was a mistake, before the advent of devolution, for us to amalgamate and do away with the various entities, and replace with a huge Board which, in reality, is a representation of the Ministry of Agriculture and Irrigation. I am told that the reason why AFA is not working is because it is competing with the Ministry itself. The AFA has been amalgamated to carry everything that the Ministry has to do and, as such, a strong AFA is considered to be a strong Ministry. Therefore, there is a competition between the Cabinet Secretary (CS) and the institution that is called AFA.

To add to that complication is the fact that you have the Director-General of that institution as well as the directors of various sectors, including tea, who compete with each other. You will find a situation whereby the resources that are given to that one parastatal, because it is calculated to mean that it is just one parastatal compared to other parastatals, whether in energy, environment and so on, and so forth. Therefore, we have one body getting resources to manage various directorates that are naturally or initially parastatals competing for those resources.

Madam Temporary Speaker, the internal management challenges within the AFA which include, favouritism, competition, fear of succession and so on, and so forth, derail the most important issue; which is the fact that we need to make sure that agriculture continues to be our leading foreign exchange earner and employer in the country. We are discussing, as a nation, how we are struggling with employment of young people. We, therefore, need to move from merely agriculture for the sake of it, towards agribusiness. This is what Sen. Farhiya alluded to in her presentation; that we should not just think about the farmer producing tea; we must think about where the market is and who the consumer is.

This means that we need to become strategic in the manner in which we handle and manage various sectors of agriculture. The debate we had here about maize and tea should apply to coffee, coconut, pyrethrum, the livestock farming sector and different crops across the country.

Madam Temporary Speaker, I have said this here before; in this country, we like reaping where we did not sow. For instance, we do not invest in our athletes, but we want them to be the best athletes in the world. We want them to be the best in terms of marketing our country and employment of young people. We do not invest in agriculture, but we want to make the assumption that it is automatically going to be the leading foreign exchange earner and employer in the country.

Madam Temporary Speaker, I made my contribution earlier on the need to have a proper policy guiding devolution, and I emphasized it even during the Devolution Conference. We need to have one sitting, as a country, the same way we sat to discuss issues of corruption and many other issues, we must discuss about agricultural production and not just food security. I have seen that the Big Four Agenda is about food security; that is basic. We must move beyond food security. In fact, the component of food security, manufacturing and unemployment can all be sorted out using the agriculture sector. This is because in agriculture lies the question of value addition, employment,

food security and the ability for us to export and become the best country in terms of exports.

We must also, as a nation, identify our areas of comparative advantage. Tea still remains one of our areas of great comparative advantage. We now need to ask ourselves whether we are diversifying, even inside the tea sector. Are we introducing different varieties of tea? Are we discussing which varieties can go to Somalia? How do we target the Arab world? How can we target the European, Chinese and the American market? Do we have various actors who are committed to having sectoral focus that will make sure that the market is guaranteed?

Madam Temporary Speaker, during the Devolution Conference, I was very happy with Kirinyaga County. These are the simple ideas that we are talking about. They have found a market for their coffee in New York. It is a simple idea; they have connected a farmer to their market and then they have introduced value addition. In between it, you create jobs and manufacturing. Once you add this value, you now have a place you are exporting it to.

I have insisted on this issue, and I have said it for my county; sometimes it does not mean that all solutions to the problems that we have in the country must have an allocation of money from the national Government. When I went to Kirinyaga and saw what they were doing, it was clear in my mind that it was not about the money that we allocated to Kirinyaga County, but about wisdom and the ability for one to create ideas that are able to earn a living for our people and counties. Look, in that coffee sector, there is no money being expended by the Kirinyaga County Government. I believe that if Elgeyo Marakwet County, for example, would continue encouraging coffee farmers, because we have space for coffee farming; we have a bit of tea in a place called Kapcherop, which is a high-altitude area, where there is potential for us to have as much tea as possible from one end of the county called Metkei to the other end of the county in Kapcherop.

Madam Temporary Speaker, some of those ideas are just to encourage farmers; showing them what to do, giving them education and showing them where to buy the seeds. This is because we also do not want to create a mentality of dependency by citizens on social support by Government. We must also help them to create wealth. I believe that this Bill is well intended towards that direction.

I support the idea of having a Tea Regulatory Authority of this country. I support the objective of this tea authority, which includes promotion of the tea industry, regulating, developing, and coordinating the activities of individuals and organizations within the tea industry. It also includes facilitating equitable access to the benefits and resources of the tea industry by the interested parties so that we have an entity that you can go to. If the whole world wants to look for the best advice, we must have it here. I suggest that other than the regulation of tea, we must remove tea research from being a component of the Agriculture Food Authority (AFA). I hope Sen. Cheruiyot is listening to me. If we communicate here just about regulation, we must also have a place where it can contribute to new market products for the citizens.

The question we must continue asking ourselves is, should research become a national Government component, or should it be a function of private sector? My argument is that Government must continue having a say in the tea sector. However,

instead of having a Government parastatal doing it, let us have connection with universities. Sen. Cheruiyot should propose that the University of Kabianga be known as the Centre of National Tea Research. If you go there, you will know that, that is where tea research is done. Students are trained on new products of tea and also tea testers are trained there. If that is the headquarters of tea regulation, then we have a tea research centre there. We can also establish another tea centre in Limuru so that we have two research institutions.

These institutions will marry university education and the industry itself, which is the production at the market place. I do not know what Sen. Cheruiyot thinks about this. However, once it goes to the Committee stage, I would suggest that tea research be included and becomes a regulatory and research institution. We want it to do both regulation and research. That soughts out the question of how you fund this institution because the research component will attract donor, market and interested parties funding towards research on matters of tea.

It is important for national Government to work together in the composition of this body with county governments. However, I have a suggestion on the part, that the management of the Authority should have a board chaired by a chairperson, appointed by the President. I suggest that the chairperson appointed by the President because of the uniqueness of the tea sector, should be subjected to Parliamentary approval and a fixed term of five years. That will create seriousness because it will be approved by Parliament. It will not be just a normal board where one day the President might decide to change the chairperson at will. So, that person will be nominated by the President, but approved by Parliament.

On the question of the nominees of the Council of Governors (CoG), I have a suggestion that should be considered by the Committee and the Mover. I suggest that the leading seven tea-growing counties advertise those positions and their service of five years. You advertise in the county. Ultimately, you will get the best person approved by the county assembly. The CoG will just be the conveyor belt of submission of those names for purposes of gazetting. If not, it is submitted directly to the Authority by the county after advertising and getting qualified people approved by the county assembly to serve in this board.

Although they will serve on behalf of the counties, a little bit of public participation and engagement of county assembly will get us a more qualified person because they are coming to serve the nation. They are not just going to serve the leading tea producers. This is because you will lead tea producers today, but if tea does well in the country, it might attract the whole of Nakuru to plant tea and become a leading tea producing area. Kuresoi area is already doing well in tea production. Those are two suggestions, I urge the Mover and the Committee to think about.

I have also seen that one of the responsibilities of the regulatory body is to deal with questions of licencing. Clause 17 says that there must be a register for all tea growers. I totally agree. This facilitates update on whatever support, for example, if the Government was to give subsidised support to the tea sector like it does in other sectors, then it would be easy if you have a proper register of tea farmers. It also becomes necessary to know what tea we are growing and in which region. There is also the provision of what size of land and so forth.

Another provision says a person shall not export, import, market, or process tea or tea products unless he has applied for and obtained licence from the Authority. There is a sense of argument on both sides. On one hand, it is important because you are protecting people by telling them they must have licenses and so on. The only thing I am asking myself is the criminalisation of this. To what extent can we say that you punish someone for exporting tea without a licence?

Maybe we need to separate the question of export, import, and market and the question of processing tea and tea products. This is because processing tea and tea products has certain consequences in terms of consumption. However, the issue of licencing needs to be analysed further. We were having a high-level conversation somewhere with some of the leaders of this country. They are saying that regulation is part of the reason why some of these sectors are less successful. Someone said in Uganda - the Committee should find out whether it is true - that when they deregulated their coffee sector, it tripled its production. Unlike ourselves where we have to get licence for this and that.

My suggestion to the Mover is that the regulatory authority should not end up becoming a cartel of some sort. It should not be an alpha and omega in so far as the tea sector is concerned. Kenya is now working so hard to remove licences. In the ranking of doing business index by the World Bank, we have improved so much. I think we are now number 50 or 60 in the world. I saw there was an improvement last year, although I do not remember the statistics. Every time we pass legislation, we must be careful not to take our country back to the licencing era.

Madam Temporary Speaker, this Bill is commendable. I urge that we support it. After we are done with this, we should revisit the one for the food sector which comprises of maize and the other food entities, so that they are regulated separately. We must also think about legislating for pyrethrum, potatoes and so forth. Let us remove this idea that we will have one entity.

There is no much reliance in terms of the source of the regulatory authority from money defrayed from Treasury. If we can create a model that those entities will be as independent as possible and raise their resources within the sector for management, then we should not fear about having an entity that will regulate the various sectors as long as returns will be as high as possible in the sector.

I totally support this. I want to congratulate Sen. Cheruiyot again and wish him well. I look forward to us passing this Bill in a record time.

The Temporary Speaker (Sen. Halake): Sen. Omogeni.

Sen. Omogeni: Thank you, Madam Temporary Speaker. First, I congratulate the Mover of this Bill; my neighbour, Sen. Sen. Cheruiyot, for a job well done. Other than Kericho County being a tea growing county for large-scale farmers, they are neighbours to the east of the highlands in Nyamira County, who are also tea growers, although they do it on a small-scale basis.

Tea as a commercial crop makes significant contribution to the economy of this country. So, the intervention by Sen. Cheruiyot is something that we should all applaud. I hope that with the passage of this Bill, we can have some benefits accruing to our farmers who eke their living from tea farming.

Madam Temporary Speaker, tea has got a very long history from the date it was introduced in the country, way back in 1900. The first time the Government's attention was placed on tea, way back in 1964, the acreage on tea farming was 4,700. It has grown to the current about 100,000 hectares. So, you can see that there has been a lot of interest from Kenyans to engage in tea farming, which in itself is a good thing.

There is something that should capture our attention. We should not pay too much attention to only the large-scale farmers, but also give some due attention to the small-scale tea farmers. You will be surprised that from the total tea production in this country, 60 percent of that tea comes from the small-scale tea farmers. Together, they are the customers of over 60 tea factories in this country, which are under the management of Kenya Tea Development Authority (KTDA).

Madam Temporary Speaker, I am proud to say that most of us could not have gone to school or managed to have our fees paid if our parents were not tea farmers. So, we are people who have benefitted directly from the good returns of tea farming. Therefore, any tea initiative by this House to cushion the farmer and create incentives for them to continue engaging in tea farming, is something that I wholeheartedly support. I want to assure Sen. Cheruiyot that I am fully behind this Bill. I hope that this House will in the fullness of time enact it sooner than later.

Madam Temporary Speaker, a very good development has taken place in Kericho County, which under this Bill, is meant to be the headquarters of the agency that we are creating under this Bill. As you may be aware, the large-scale multinational tea farming takes place principally in Kericho County. Historically, the multinationals have been paying some nominal fee in terms of lease fee to the Government. But I am happy that some three weeks ago, I read in the newspapers - I believe that was factual news - reporting, that going forward, the multinationals will pay lease fees to the county government that reflects the value of the land that they occupy. That means the indigenous people of those counties will now have some benefit accruing from their ancestral land.

Madam Temporary Speaker, when the colonizers came to this country and decided to settle, they picked the most productive parts of this country, and some of them are in Kericho. So, I also support the initiative by the good Governor of Kericho County to ensure that the inhabitants of those counties benefit from the profits that the multinationals, who are also doing a good thing to this economy by engaging large-scale farming. They are able to give back to community the profits that accrue from the large-scale tea farming. That is something that we fully need to support.

Madam Temporary Speaker, going to the board that we have proposed under Clause 6, I want to persuade Sen. Cheruiyot to consider creating room for small-scale farmers to also get representation in this board. It says that there will be one person nominated by the association representing the largest number of tea growers in this country. As I have just said in my contribution, the small-scale tea farmers contribute about 60 percent of the tea production that goes to our tea factories. In total, there are more than 500,000 small-scale tea farmers. It is important that we add their voice in this board, so that they can also make some useful contribution in terms of the challenges that they face - there are many - in tea production.

Madam Temporary Speaker, one of the problems that have been recurring year in, year out, is the disparity in prices. Some farmers who grow tea around Mt. Kenya region earn bonuses which are double what the farmers in the Rift Valley, including my County of Nyamira, earn. When the bonuses are declared each year, you will find that farmers in Nyamira will be paid a tea bonus of, for example, Kshs20 per kilogramme. But tea farmers in counties like Murang'a or Nyeri, will attract a bonus of Kshs40 per kilogramme. This is demoralizing. Year in, year out these farmers keep on asking: "What is the difference between the tea that is grown in Kericho or Nyamira and the one that is grown in Murang'a and Nyeri?" There is no way these challenges will be brought to the attention of this agency, if we leave the small-scale farmers out of this board.

Madam Temporary Speaker, I fully support the suggestion by Sen. Murkomen that we should introduce the issue of research. The Government established a body called Tea Research Foundation of Kenya (TRFK) and the reason behind it was to ensure that they do research around tea production and pick the high yielding tea varieties. For example, if the high yielding variety is grown in Murang'a County, they can do research on that particular variety and it can be shared with other counties like Nyamira or Kericho. This will ensure that we have a variety that gives good returns that is more or less the same for all farmers in this country.

Tea auction that goes out of the country is done in Mombasa whether you are a farmer of Murang'a or Kericho. So, we want to see benefits accruing to farmers from both regions of this country. I, therefore, persuade my good friend, Sen. Cheruiyot, to consider introducing the issue of research in tea because we are now in an era where we have tissue culture. Even in banana farming, we now have varieties that mature early and give high returns. That is something that we should consider introducing for the tea industry.

Madam Temporary Speaker, there is something that is interesting. Remember we are dealing with farmers, but if you read the qualifications of people who should sit in the board, under Clause 6, it says that they should at least have a university degree. I do not know what the experience is from my neighbouring county of Kericho, but if you go to my county of Nyamira, the best tea farmers never went up to university level. You are putting a qualification of a degree here; you will be picking people who have very good papers but they will have very little understanding about tea farming.

The people who run millions of shillings under the National Government Constituency Development Fund (NG-CDF) have a minimum qualification of D-plus, yet we entrust them with more than Kshs100 millions in our NG-CDF. If we put a qualification that may be says; somebody who has secondary school education, that will take care of the farmer that we need in this Board. If we put a degree as a minimum qualification, I am yet to see in my county of Nyamira, a farmer with a degree, who has accepted that the best occupation is to engage in tea farming. Therefore, I want to persuade my good friend, the mover of this Bill – Sen. Cheruiyot, to be a bit flexible on the qualifications. Perhaps, we can say the chairman can be somebody with a minimum qualification of a degree academically. However, to take care of the interests of the farmer, secondary school education will be sufficient.

Madam Temporary Speaker, another issue is with regard to the functions. I want us to look at a way that we make it as one of the functions – the way support can be

extended to tea farmers in terms of subsidy. Year in, year out, I hear statements from the Government that there will be subsidized fertilizer that will be extended to the maize growing farmers. This is a good thing because we want to have food security and good production on maize, because that is our staple food, but we always forget the tea farmer year in, year out.

I have never heard any initiative by the Government of extending subsidized fertilizer to tea farmers. I would propose that when we relook at the functions of the Authority under Clause 5, that is something that we should clearly capture, so that as we support our farmers, who engage in farming of other crops like tea.

Madam Temporary Speaker, if you go to these multinational factories and that is where our people work; the people we represent – the common *mwananchi* – you will find that some of them live in very deplorable conditions. You find that, the owners of the factories and the multinational managers stay in good compounds with electricity, but the workers, who stay in camps, have even been denied basic facilities like electricity. This is an issue of human rights.

If you own over 10,000 hectares of tea and you are earning profits that run into millions of shillings, and you have workers, who are facilitating the returns that you are getting; it is only fair and human that you ensure that they live in good conditions. These people have children who go to school but when they come home in the evening to do their homework, they do not have electricity connected to their homes where they live. These are estates that have been constructed by the owners of those multinational companies. How much will it take just to connect power to the workers who are working as tea pluckers for these multinational companies?

It is also good that we talk about the welfare of workers in those multinational firms, and this is something that I have seen personally. If you have employed people, it is also important that you ensure that they all have the National Hospital Insurance Fund (NHIF) cards, so that you take care health issues. A matter of having a healthy population is a matter of national interest.

This time when we are rolling the Universal Health Care (UHC) for all Kenyans, we need to loop in these guys so that they do not mistreat their workers. Some of the things that happen in this part of the world can never happen in places such as the United Kingdom (UK) – the headquarters of some of these multinational companies. There is no way you can have someone working for you and you are not taking care of his or her insurance. So, we need to bring those standards here, so that our people are also treated like human beings.

Finally, I have a genuine fear; that unless we protect the small-scale tea farmers, sub-division of land into small, uneconomic units is what poses a big danger to the future of the tea industry in this country. If you go round in Nairobi, some estates like Runda used to be coffee farms. However, because the coffee farmers were not getting good returns, they got tempted into subdividing those parcels of land, uprooting the coffee altogether and converting them into very good upmarket residential estates.

Madam Temporary Speaker, we are seeing an upsurge of growth of our economy in many counties. We may have a situation where if we do not have good incentives for farmers, people will be forced to do away with tea farming and go into other incomes like real estate, as it happened in Nairobi.

If you know about our economy, in fact, tea is among the first in terms of foreign exchange earner. In terms of the world market, if I am not wrong, we are number three in terms of export. So, if we are not creating an enabling ground where the farmer feels that he is appreciated by the Government to ensure that there are good returns from their farming, it will come a time when even our number three will be overtaken within the world market.

Therefore, this initiative by my good friend, Sen Cheruiyot, will address all these concerns. I hope that Senators will support this initiative and ensure that the small-scale and the large-scale farmer will feel appreciated by the Government; will create an incentive for them, so that we can increase our tea production. We have 500,000 small-scale farmers, we should be aiming at increasing this number going forward.

With those remarks, I support this Bill.

The Temporary Speaker (Sen. Halake): Very well. Hon. Senators, there being no other requests, I now call upon the Mover to reply.

Sen. Cheruiyot: Thank you, Madam Temporary Speaker, and also my colleagues. I have sat pensively listening to all the contributions one by one, by each distinguished Senator, speaking passionately about an issue that I hold dear to my heart. Listening to them, it is clear that it is something they also value. This is something about legislators; putting right at the heart of their work, the needs of the people who sent us to represent them in this House.

Madam Temporary Speaker, I have noted many of the concerns, points of agreement and convergence that my colleagues have on this issue. Just as my colleagues were speaking, I kept on reading. I cannot get tired reading about tea each day and the more I read about it, the more I am fascinated about this lovely drink that we enjoy almost on a daily basis.

One of the facts that I read this afternoon from a very reviewed - not just those online journals that you read - medical journal from one of the leading medical universities of the world, it states that amongst the drinks that any person, who hopes to live a healthy life needs to take on a daily basis, tea comes only second to water. After water, tea should be your favorite beverage. I know it is a struggle for some of our colleagues, but they have recommended only three cups. The rest of the cups, you can enjoy the rest of the drinks that you think about.

Divergence is also important. When you give a proposal in this House, it is also important to listen to colleagues who do not agree with you. I have done that and picked a few of them. As we head to the weekend, I will take time to think through. By the time we will have the Committee of the Whole, I will have incorporated the changes they have proposed because some of the ideas are extremely brilliant. Like they say, good ideas must always give way to better ideas and sometimes better ideas must give way to the best ideas.

I have listened to the people who spoke today and I have about five or six amendments that I am already considering, based on the contributions, the line of argument and persuasion of colleagues on this issue. Therefore, I wish to thank colleagues who have spoken. I want to assure them that it is not in vain. Tea farmers of this country will benefit immensely when we finish the work on this Bill.

I also know that a few colleagues had requested that we postpone debate on this Bill this afternoon because they wanted to contribute. Unfortunately, for one reason or the other, that was not possible. However, I will be reaching out to them to take note of the points of concern that they have and the things they feel we need to do to enrich this Bill.

Interestingly, some people who have spoken strongly in an enriching manner come from non-tea growing counties. These are people you will never imagine they even know how a tea plantation looks like but their points have moved me greatly. Life is about learning and getting to know things in a better way.

At an individual level, I will take time to respond to each of the Senators on some of the issues that I feel they have not properly understood what we intended to achieve. One of the issues that kept coming up was who represents small-scale farmers.

Kenya is among the top ten tea producers in the world. Kenya is unique because for the nine leading tea producing countries of the world, the tea is produced by multinationals. However, in Kenya, 65 to 70 per cent of our tea is produced by small-scale farmers. Therefore, that gives us a very unique experience, whereby, if we do not take care of this farming population, then we will lose our pride as a country. We come after China and India in terms of production. If we do not take care of small-scale farmers, we will lose that particular spot.

Perhaps what many of my colleagues did not understand is that by the representatives to the Board being nominated by the county government, it has to be someone who will represent the interests of small-scale farmers. Somebody posed the question on how to ensure that the person who will be nominated is not a friend of the governor, who could be a large-scale farmer. Somebody gave a brilliant idea that perhaps we may need to consider the names before being nominated by the Council of Governors (CoG) and approved by our county assemblies.

For sure, that is a good idea because occasionally even Members of County Assembly (MCAs) should be able to summon members of the Board to find out new developments at the Board level and share their concerns, so that when they sit at the board level, they can share and bring out the views of individual members of the public.

There was also concern about the issue of funding. It is an old debate that never ends in this House about Article 114 about money Bills. Therefore, we could not introduce the money element at this point. Otherwise, that would have meant that we sent the Bill first to the National Assembly before it comes to this House. We removed the element of how the Board will be funded but we have it in our onward transmission notes. Eventually, after we are done with this Bill in this House, we will suggest to the National Assembly what model we want this particular Board to have in terms of funding.

With those many remarks, I beg to reply. In line with Standing Order No.61(3), I request that you postpone subjecting this Bill to a vote until another time.

I thank you.

The Temporary Speaker (Sen. Halake): We will postpone putting of the question to Wednesday next week.

(Putting of the question on the Bill deferred)

Let us go to the next Order.

MOTIONS

ADOPTION OF REPORT ON THE COUNTY GOVERNMENTS' INFRASTRUCTURE PROJECTS

THAT, this House adopts the Report of the Standing Committee on Finance and Budget on the County Governments' infrastructure projects comprising County Executive Headquarter offices, Assembly Chambers and offices and County State officers' residences, laid on the Table of the Senate on Thursday, 29th November, 2018.

The Temporary Speaker (Sen. Halake): Since the Mover is not in the House, we will defer that.

(Motion deferred)

Next!

CREATION OF DISABILITY INCLUSIVE SCHOOL CLUBS IN ALL PUBLIC SCHOOLS

THAT, WHEREAS Article 19 of the Convention on the Rights of Persons with Disabilities (CRPD) affirms the equal right of all persons with disabilities to live in a community, with choices equal to others, equal access to services and facilities that are responsive to their needs;

AWARE THAT societal perception of disability is negative, mainly due to lack of socialization and integration during the formative years;

COGNIZANT THAT participation in school clubs provides important life skills that prepare children holistically for their future and plays a major role in transforming students' lives as they transit to various professions in adulthood;

CONCERNED THAT no policy exists addressing inclusivity in school clubs for persons with disability in the public school system;

NOW THEREFORE the Senate calls upon the coordinated effort of the National Government through the Ministry of Education, and the County Governments through the Council of Governors to develop policy that would ensure inclusiveness of special needs learners in school clubs in public schools beginning at the Early Childhood Development (ECD) level up to and including Secondary School level.

(Sen. (Dr.) Musuruve on 13.3.2019)

(Resumption of debate interrupted on 13.3.2019)

The Temporary Speaker (Sen. Halake): Sen. (Dr.) Musuruve, you had 12 minutes left. Please take the Floor.

Sen. (Dr.) Musuruve: Madam Temporary Speaker, thank you for giving me the opportunity to continue with this Motion. Just to ensure that strings run evenly, this Motion is about creating of disability inclusive clubs in all public schools.

Clubs are very important in schools because they are co-curricular activities that help even teachers to impart educational perceptions, skills and right attitudes to learners. There are very many ways through which children grow up while in school during their formative years. We have lessons that run from 8.00 a.m. to 3.20 p.m. and then after that, there are co-curricular activities like clubs. It is in the clubs that what is happening in the outside world is emphasised.

At an early age when children in school are sensitised or made aware about issues of disability, they grow up knowing that Persons With Disabilities (PWDs) are just like anybody else. That is a better way of creating awareness on issues of disability. It is in school clubs that children get to know about the careers in life. For example, we have mathematics and physics clubs. When students join such clubs, eventually they end up going for career-related areas in those subjects such as mathematics and science.

When it comes to inclusivity, we need to do it right from school. We have to get it right so that we send the right perceptions that PWDs need to be embraced. There are some people who imagine that disability is contagious. I remember there is a time I went somewhere and I was walking with crutches. When a small kid saw me, she ran away. I tried to smile but the kid did not even come to me because she had never seen someone walking on crutches. Therefore, we need to make the society aware, from an early age, that disability is not contagious and Persons Living with Disabilities (PWDs) can make a meaningful contribution in life. That, it will champion issues of disability.

Madam Temporary Speaker, I have evidence. For example, I got disabled when I was a lecturer at Jomo Kenyatta University of Agriculture and Technology (JKUAT). However, when I went back to teach, my students who had known me without disability helped me to carry books or drive the vehicle. They were helping me so that they could get the best from me. Therefore, we can help the society to know from an early age that PWDs can contribute positively to the country.

Madam Temporary Speaker, when learners exit school, they do not remember what they learnt, for example, mathematics, science *et cetera*; they remember what they did in school clubs. Therefore, they will remember that PWDs are just like anybody else. They can learn, live, work and marry them. There are some people who imagine that PWDs are not marriageable and cannot be wives or husbands because they have not been sensitized. They imagine that PWDs are sick. For example, if they marry a blind person, they will end up getting a blind child or they will not know how to make love, or if it is a disabled woman, she will not know how to manage a family or carry a pregnancy to term.

Madam Temporary Speaker, a good way to sensitize the society is in school clubs. It will be powerful and people will not segregate PWDs. Also, when children exit schools and become managers, they will carry out their Corporate Social Responsibility (CSR) on PWDs by helping them to have sustainable development that will help them break the cyclic nature of poverty. CSR on PWDs is mostly handouts. They are given food, water or fish which is not sustainable. If a person wants to sustain another person,

they should take them through capacity building on how to fish then give them a net to fish.

Therefore, the person will not go back to the person who helped them because they would have already known how to fish. However, most CSRs are about donating money, water and fruits which are forgotten and not sustainable. Therefore, we need to ensure that we sensitize everyone about issues of disability.

Madam Temporary Speaker some people get disabled through accidents. A person can wake up one morning and a tree falls on their hand and they lose it. A person can also have a road accident and lose one leg then he or she joins the club of PWDs. Therefore, there is need to sensitize everyone without leaving any population behind.

The people who knew me before I became disabled knew that I could perform. That is why they helped me. I have a lot of confidence in myself because of the people around me. They gave me a reason to press on. They made me believe that I can make a significant impact in this society. The students of JKUAT also helped me a lot.

Madam Temporary Speaker, I will be brief because I want other people to contribute to this Motion. This Motion suggests that we need a clear policy to inform the nation on the need to have a PWDs inclusive club which will help to create awareness and manage issues of inclusivity from the formative years. This will run across all the sections.

Madam Temporary Speaker, there is need for concerted effort of the national Government through the Ministry of Education working in collaboration with the county governments through the Council of Governors (CoGs) to come up with a policy that will ensure that disability inclusiveness is done in schools and becomes law. This is because we do not want to leave any section or population behind; we have to move with everyone. The disability inclusive clubs should start from primary all the way to secondary schools, Teachers Training Colleges (TTCs) *et cetera*. We do not want a society that is ignorant and unaware of issues of disability.

The entire world is becoming inclusive of PWDs. We do not want to continue to have special schools where PWDs are excluded. For example, we should not have churches or schools for PWDs. This is because, once we do that, there will be name tagging, labeling and all that. Once a person is labeled as disabled, people will not see their ability. Instead, they will only see their disability, for example, if a person is blind, it means that he or she cannot do anything. Therefore, that will make people to get into pity-paradigm. We are far from that. We should not allow pity-paradigm with regards to issues of disabilities.

I beg to move this Motion and ask Sen. (Dr.) Milgo to second.

Sen. (Dr.) Milgo: Thank you, Madam Temporary Speaker. I wish to second this Motion by speaking to a few things. First of all, I wish to thank Sen. (Dr.) Musuruve for thinking about another avenue through which we can help PWDs which is away from the formal learning in schools. Education is the only equalizer irrespective of an individual's nature, for example, class, creed or gender. Therefore, when it comes to formal learning, we should provide a platform to defeat inequality by removing every barrier that can affect children living with disabilities.

Another important factor is that education inculcates cohesion in children. Therefore, when it comes to school-going children, it is in the formative years where they

learn to coexist with others, not only children of different ethnic grouping or tribes but also with children with disabilities.

Madam Temporary Speaker, it is in school where children also interact for the first time. Therefore, they should learn that PWDs are abled differently. School clubs are an informal way through which a school can assist its children to learn ideas that they cannot access through the normal classroom.

As per the Ministry of Education requirement, every school is required to be child friendly. This is where the environment is friendly to every child by providing facilities that can enable even Persons with Disability's (PWDs) access to all learning areas, dormitories, toilets; name them. In any case, this one goes a long way to even include school clubs. We used to say that societal perception of disability, in this case as a negative vice, can be removed or rather treated very early. In this case, aspects of socialisation and integration in the formative years of the children can, in this case, be inculcated into the school-going children so that they will know that PWDs or challenged children can do what the other normal children can do.

Madam Temporary Speaker, there are very many types of school clubs; they are as many as one can think about. Normally, clubs may focus on issues of interest, ideas and imparting skills as well as talents on the children. It is a way to provide children with experiential skills within the school setup. It is here that children will learn leadership and decision- making skills. One good thing with the clubs is that, once schools have formed them, they are normally allowed to be semi-autonomous units where children are taught to care for one another's welfare.

Madam Temporary Speaker, children are encouraged to also bring on board activities that will attract PWD children to the clubs. That is why we have even realized that various institutions and employment circles have employed PWDs. For example, we already have a Cabinet Secretary (CS) in the Cabinet; and we have PWDs in our Parliaments. Such very special people should challenge those children that are physically challenged in whichever way they are able to go through various activities.

Madam Temporary Speaker, school clubs would normally focus on such interests as drama, ball games, music and environmental activities such as tree planting. I am sure that it is through schools that we normally get children to go to paralympic games. Those games have been developed as a result of introducing clubs in the school set-up that take part in these particular activities. We have seen PWDs even participating in the World Cup and world games. We want to praise those schools that were able to train those particular children to the extent that they were able to join those activities.

Children in clubs also learn such activities as music and drama. In this case, once school children are informed that PWDs are the same as normal children and, as such, can participate in activities such as music. That is why I still remember one very famous singer called Mary Atieno who was able to learn and become a musician. I still remember that while at the Kenyatta University, there was one PWD who was blind – I forgot the name – and he was a very good pianist as well as a musician. That case shows that so long as we are provided with the enabling environment within the school, these children will be able to take part in these various projects.

Madam Temporary Speaker, on issues of the environment, such planting trees and cleaning, I am sure that as long as we are challenging the schools' leadership and boards

of management to ensure that children are taught very early to ensure that they assist PWDs to take part in the agricultural and environmental clubs, and in tree planting, that will touch on others. I was a principal before joining this honourable House, and I tried to inculcate in the students the issue of appreciating PWDs. Every time the students came from home, we would visit a school with physically challenged children. They would go there, observe and assist them to clean. By the time they were coming back, they would explain to me how even some of the PWDs were able to wash and do various activities. That way, I would then have a place to input my thoughts, and tell them that those children are enabled differently.

Madam Temporary Speaker, I thank Sen. (Dr.) Musuruve once again, because it is through the school clubs where we can have membership and relationships where we can develop a case of remembering one another. That is peer to peer mentorship. We, therefore, need to encourage college and school principals and headteachers to assist students to develop what we call peer to peer mentorship. This is where a student will take up a PWD child and walk them around, mentor them and help them to take up various skills based on what is going on within the school. By the end of it all, that physically challenged student will feel that they are appreciated and that they are part of the society.

Finally, there is need for our country to put in place a policy framework, through the Ministry of Education, to ensure that clubs and societies in schools are all-inclusive. This is because inclusivity is what we are crying for everywhere. We, as women, have been crying for inclusive laws, and PWDs are no exception. We are supposed to bring them on board so that we talk about clubs, academia and whatever else.

They should be able to use clubs to gain talents and skills to even solve their own problems. It is through clubs that children can also be allowed to communicate, as happens in debating clubs. Actually, some of the greatest debaters in Parliament have been members of debating clubs. In the same way, we can enable PWDs to express themselves; that way, they can even be allowed to explain how they are feeling. It is through this that they learn problem-solving skills such as communication, decision-making and so on, and so forth.

Madam Temporary Speaker, there are also clubs that are subjects-related. From here, PWDs can be enabled to learn and excel such that in the future, they can join institutions of higher learning or, in this case, they can excel and be able to join the job market like any other person.

Madam Temporary Speaker, with those few remarks, I beg to support this Motion. It should be taken up seriously; I even wish that it was a Bill so that it will be implemented within the school environment. This is because in the 21st century, it is long overdue that, as a democratic country, we must have an all-inclusive learning environment in schools.

Thank you, Madam Temporary Speaker.

(Question proposed)

Sen. Farhiya: Thank you, Madam Temporary Speaker, for allowing me to contribute to this Motion.

From the onset, I support this Motion because it speaks to the heart of our Constitution. In the Bill of Rights, Article 27 on Equality and Freedom from Discrimination says:

“Every person is equal before the law and has the right to equal protection and equal benefit of the law.”

Equally, Article 27(4), says:

“The State shall not discriminate directly or indirectly against any person on any ground, including race, sex, pregnancy, marital status, health status, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, dress, language or birth.”

Madam Temporary Speaker, if the Constitution has recognized the rights of everybody in the Bill of Rights, then who is a school or anybody else to go against that?

Given that this is entrenched within our Constitution, every person in the society or every public school is obliged by the Constitution, which is the superior law in this country. Therefore, nobody else has any grounds to stand by and not providing an enabling environment or discriminating persons with disability.

Article 27 (6) of the Constitution states:-

“To give full effect to the realization of the rights guaranteed under this Article, the state shall take legislative and other measures, including affirmative action programmes and policies designed to redress any disadvantage suffered by individuals or groups because of past discrimination.”

Let me also commend Sen. (Dr.) Musuruve because she is effecting the legislative part of the people living with disability. The party that nominated Sen. (Dr.) Musuruve did not go wrong in their choice. I am saying this because people with disability in this House are over-represented by one lady, Sen. (Dr.) Musuruve.

Madam Temporary Speaker, there is a saying in my language – and allow me to translate directly - that goes: Any person as long as they are alive should contemplate in their mind that one day they can be disabled. Given that anybody can become disabled at any time in their lives, who are we not to support that?

People with disability should be supported by everybody who has the right thinking and mind. Kenyans are brilliant people and given the weighty matter in terms of disability and the impact it has in our society, it was entrenched in our Constitution. The schools should be able to ensure that we have an inclusive society that involves people with disability in all the clubs and the society.

We had a blind champion who used to run 200 metres. If people living with disability are developed, just like anybody else, they can meet their potential. People with disability give their best. It is my belief that they can even give better in terms of results. Therefore, nobody has the right to discriminate them, especially in our schools.

A student could be blind, but their ability to speak is clear. We could teach such a student French and make him or her part of a French club. The Chinese are taking over the world. Teach them Chinese and let them join those clubs. There could be those who have abilities in mathematics and science. We are told that Albert Einstein was not even able to speak properly at the age of 10. If he lived in a society where people were shunned, probably, all the physics discoveries that we have through him would not have been possible.

In some communities whenever a child is born with disability, he or she is discriminated. Sometimes it is associated with a curse. However, we thank God that because of education, many people are more informed. If we allow disabled people to be included in everything, the society will let go some barbaric beliefs. I do not have a better word for it, because of the magnitude of the issues.

Therefore, because now there are such inclusions in schools, even people who come from such communities with very bad beliefs will be better informed that these are human beings like the rest of us and they have dreams and inspirations like anybody else. Then because of the learning and of the inclusion, such persons if they ever have a child who is disabled, they will treat that child differently from their societal beliefs.

Madam Temporary Speaker, we should pass this Motion because it creates the background and the environment that is so enabling, inclusive, and that will make a difference to a whole society. It is my belief that the people who are living with disability should actually form their own constituency and elect Sen. (Dr.) Musuruve as their Member of Parliament (MP). You know why? She constantly keeps this House to never forget that people with disability are here to be represented and are here fully.

As Senators, who are specially elected, we also represent them. That is why you can see in this House, there are only women left to discuss this issue. When people call us slay queens and that we came here the wrong way, I think they should come to this House because they will be informed differently because we speak to the issues that affect our society. In the same breath, marginalised people or people who are discriminated; the other time there was a court ruling regarding hijab.

There are a couple of schools, students have been sent home because of wearing religious attires. In our religion, wearing hijab is not an option, it is a religious requirement. So, in the same breath of us representing people who are marginalised for the sake of inclusion and even extended beyond that, then the Ministry of Education should fast-track policies that clearly spell out people with disabilities are included in clubs and in education, among other things.

In the same breath, people are also discriminated because of their religious beliefs. In the same Constitution, in the Bill of Rights, religion is one of the issues that you cannot be discriminated against. We have seen schools sending away girls because of wearing hijab, which is compulsory in our religion – we do not have a choice in terms of our religious beliefs.

In terms of inclusion of people with disability and people who are discriminated, the Ministry of Education should fast track policies around those issues so that schools do not send students who are dressed like me because of their religious beliefs or because somebody with crutches like Sen. (Dr.) Musuruve is empowered to go about her business in terms of where she needs to go in terms of access of access in schools and students getting what they need to thrive as a society and in terms of their dreams and inspirations.

Just like everybody else, people with disabilities need their space as well. They are part of this society and the earlier we include those policies in schools and the Ministry should develop those regulations or policies to ensure that schools take care of that. By this House passing this resolution through this Motion, I believe there will be changes in our society in terms of how we view our people with disability who are part and parcel of us because we are their sisters, mothers, brothers, sons or fathers. There is

no way we can just ignore a whole constituent of people who need to be addressed through different approaches in terms we how--- we only do it slightly different, but inclusion is a must; we do not have a choice. This is because the Constitution of this country never gave us this choice.

Madam Temporary Speaker, I support the Motion.

Sen. (Dr.) Zani: Thank you, Madam Temporary Speaker. I will speak for a few minutes so that I can allow Sen. (Rev.) Waqo, who I think is also trying to put in a word.

Madam Temporary Speaker, the important processes that sociologists always talk about and the impact of sociologists and socialization is key. How you socialize, how you are meant to feel and how people respond to you is very critical. I was very privileged to listen to both Sen. (Dr.) Musuruve and the Principal Secretary (PS) in Charge Special Programmes in the Ministry of Devolution and ASALs, Madam Mukobe, last week at a Mombasa function, where we were addressing young accountant women.

I listened to their story and it was a story of transformation. Therefore, one, it is very important to have role models in your life. Two, it was very important to hear about the need to be loved and accepted for who you are. Three and most important are the enormous achievements. This was a sample of only two leaders but from across the world. I was looking at a caption just a few days ago, of a young very short man who did not have limbs and he is managing, and another one with a family; it is all in the mind. We say that anybody can become disabled at any time, although there are those who are born with. However, the worst thing that people can do is to create disaggregation and try to make people feel different.

Madam Temporary Speaker, one of the principles of equality across the board is inclusivity. The many groups that we talk about, which are not included in that inclusivity are women, if you are looking at the gender question. We also have Persons with Disability (PWDs) and other different sorts of discrimination based on age. You will, therefore, find that maybe the youth are discriminated across the board.

As Sen. Farhiya has said, the Constitution was very cognizant of this and tried to ensure that we have equality because we are also trying to address the key thing of marginalization. It is unfortunate that in many societies, it is a struggle for that inclusivity. It should be natural, because when you look at the benefit that is brought on board by having PWDs and members of different groups who are not included, it is enormous. They can make a big contribution to development, and they have made a contribution to development. In fact, most of the times, they tend to be very cognizant and sensitive to issues that broke others, because they have experienced and lived through this.

Madam Temporary Speaker, I am happy we have the champion of PWDs in Sen. Musuruve. I do not think we can have any Motion or Bill without that voice being heard. It is always being heard, and it is very important because this is what representation is all about. That aspect of inclusivity, right from the beginning, is crucial.

The Motion clearly says:-

“Let us have inclusivity and let us not have special schools, for example; let us have them mainstreamed.”

We have been to various schools; I remember when we went to Uasin Gishu, as the Senate, we went to visit one of the schools. We found children living with albinism

and the other children there and everyone there was very happy and they coexisted with each other. In fact, the best remedy and gift you can give to a PWD is to show them that you do not even see that disability. In fact, many do not want to have that reference to the disability. When you have just absorbed and included them fully, then you make a big difference and unleash their potential in the process.

I beg to support this Motion.

Sen. (Rev.) Waqo: Thank you, Madam Temporary Speaker. I know I have very few minutes remaining, but I will be as fast as I can. I stand to support this Motion on the creation of disability inclusive school clubs in all public schools. As one of the mothers in this nation and a woman leader, I stand to support this Motion because our children who are born with different disabilities, are not able to get opportunities that other children get. In the entire world, according to some report, 15 per cent of the world's populations are people living with disability. In Kenya, for example, they are about 3.5 per cent. If we, as a nation, cannot take care of our people, we will not be doing the right thing.

When God created us, He created us the way we are, so that we can be our brothers' keeper, and we can take care of one another. However, most of the time, as human beings, we are tempted to go the other way round. Even when parents give birth to children, sometimes they admire those who look very good and those who are admirable. Sometimes, when you have a child with disability, even parents themselves cannot accept; leave alone the society.

I thank our hon. Senator for thinking about thousands and thousands of children who were born with disability and asking that they be treated in equal manner in schools and be given this opportunity. To me, it is a great idea. I want to congratulate Sen. (Dr.) Musuruve for always standing up and fighting for the right of the disadvantaged.

Madam Temporary Speaker, the success of every one of us, or every person depends on education. We are who we are because of the education that we went through. We are who we are because of the experience that we have had in our schools when we were growing up. If it were not because of that, we would have been completely different. Today that process has moulded us to be what we are. That is why, the issue of having clubs in all public schools, is something that the Senate should fight and stand for, because this will give an equal opportunity to the ordinary, and the children that are born with different disabilities. This will open up their mind, give them opportunity to interact and accept one another. That will also---

The Temporary Speaker (Sen. Halake): Hon. Senator, conclude as quickly as possible so that she may reply.

Sen. (Rev.) Waqo: Madam Temporary Speaker, I support this Motion. I wish I had more time. I pray that all the policies that are relevant will be put in place.

The Temporary Speaker (Sen. Halake): I now call upon the Mover to reply. Senator, organize your thoughts and do it very quickly because time is not on our side.

Sen. (Dr.) Musuruve: Thank you, Madam Temporary Speaker, for giving me this opportunity to reply to this Motion. I want to thank all the Senators who have contributed to this Motion. I want to thank Sen. (Dr.) Milgo for seconding, Sen. (Rev.) Waqo, Sen. Haji, and Sen. (Dr.) Zani for their contributions.

All the speakers affirmed the fact that clubs are important if we are to assist children with disabilities in schools. This will ensure that we meet the constitutional

requirement of Article 27. I also want to thank them for their invaluable and enormous contribution. They have contributed more than I did.

I beg to move.

The Temporary Speaker (Sen. Halake): Senator, you beg to reply.

Sen. (Dr.) Musuruve: Thanks for the correction, Madam Temporary Speaker. I beg to reply.

The Temporary Speaker (Sen. Halake): Great. I confirm that this Motion does not concern counties. I, therefore, proceed to put the question.

(Question put and agreed to)

ADJOURNMENT

Hon. Senators, it is now 6.30 p.m., time to interrupt the business of the House. The Senate, therefore, stands adjourned until Tuesday, 19th March, 2019 at 2.30 p.m.

The Senate rose at 6.30 p.m.