



THIRTEENTH PARLIAMENT
THE SENATE
OFFICIAL REPORT



Fifth Session

Thursday, 12th March, 2026 at 2.30 p.m.

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Thursday, 12th March, 2026

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

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

PRAYER

DETERMINATION OF QUORUM AT COMMENCEMENT OF SITTING

The Speaker (Hon. Kingi): Clerk, do we have quorum?

(The Clerk-at-the-Table consulted with the Speaker)

Serjeant-at-Arms, kindly ring the Quorum Bell for 10 minutes.

(The Quorum Bell was rung)

Order, hon. Senators. We now have quorum. Clerk, you may call the first Order.

NOTICES OF MOTIONS

The Speaker (Hon. Kingi): Sen. Veronica Maina.

That business is deferred.

MAINSTREAMING GENDER PERSPECTIVES IN LEGISLATIVE AND POLICY PROCESSES

THAT AWARE THAT, Article 27 of the Constitution of Kenya guarantees the right to equality and freedom from discrimination, with Article 27(3) providing that women and men have the right to equal treatment, including the right to equal opportunities in political, economic, cultural and social spheres;

FURTHER AWARE that Article 27(8) obligates the State to take legislative and other measures to redress any disadvantage suffered by individuals

or groups as a result of past discrimination, and to ensure that not more than two-thirds of members of elective or appointive bodies shall be of the same gender;

COGNIZANT THAT mainstreaming gender perspectives in all aspects of governance is essential to achieving inclusive development and safeguarding the rights and welfare of all citizens, particularly women, girls and other marginalised groups;

CONCERNED THAT the integration of gender considerations remains inconsistent across the two levels of government and that legislative processes have often resulted to policies that do not adequately address gender-specific needs and realities;

NOW THEREFORE, the Senate-

(i) Urges Parliament, County Assemblies and their respective legislative committees to incorporate a gender analysis in the scrutiny of legislation, policies, programmes and budgets before them, including through the use of gender impact assessments and consultation with gender-focused stakeholders to ensure gender-responsive governance;

(ii) Recommends that the National Gender and Equality Commission and the State Department for Gender develops clear guidelines and tools to support the integration of gender perspectives in legislative, policy and budgetary analysis, and ensures these are disseminated and adopted by relevant government and legislative bodies;

(iii) Further urges the National Gender and Equality Commission and State Department for Gender to collaborate with the Kenya Law Reform Commission, and County Assembly Service Boards to build capacity for gender analysis among technical and legislative staff;

(iv) Urges the State Department for Gender to submit to Parliament a comprehensive biannual report detailing actions taken by Ministries, Departments and Agencies to promote gender mainstreaming, key achievements, emerging challenges, and proposed interventions; and,

(v) Resolves that the Standing Committee on Labour and Social Welfare continuously monitors the implementation of these resolutions and tables biannual reports on the status of implementation.

(Notice of Motion deferred)

Sen. Karungo Thang'wa. That business is deferred.

PROMOTING ARTIFICIAL INTELLIGENCE
AND INNOVATION POLICY

THAT AWARE THAT, the Fourth Industrial Revolution is redefining economies globally through emerging technologies such as Artificial Intelligence (AI), blockchain, and financial technology (Fintech);

FURTHER AWARE THAT Kenya has made commendable strides in digital infrastructure and mobile innovation, positioning itself as a potential leader in Africa's tech-driven future;

NOTING THAT in a landmark decision, the African Union Executive Council endorsed the Continental AI Strategy during its 45th Ordinary Session in Accra, Ghana, on July 18-19, 2024 to underscore Africa's commitment to an Africa-centric, development-focused approach to AI, promoting ethical, responsible, and equitable practices;

COGNISANT THAT the Continental AI Strategy calls for unified national approaches among AU Member States to navigate the opportunities of AI-driven change, aiming to strengthen regional and global cooperation and position Africa as a leader in inclusive and responsible AI development;

APPRECIATING THAT the Ministry of Information, Communications and the Digital Economy recently formulated and launched the Kenya National Artificial Intelligence (AI) Strategy 2025-2030;

RECOGNISING the need to align Kenya's development with global standards in AI adoption while also safeguarding national values, inclusivity, and employment;

CONCERNED THAT the absence of a comprehensive framework may hinder innovation among local start-ups and youth-led tech enterprises and slow down Kenya's ability to harness AI for inclusive growth;

NOW THEREFORE, the Senate resolves that the Ministry of Information, Communication and Digital Economy develops a Policy to promote Artificial Intelligence and emerging technologies with particular emphasis on:-

- (i) Promoting research and development of locally relevant AI solutions;
- (ii) Facilitating ethical guidelines to ensure responsible and beneficial application of AI;
- (iii) Creating innovation-friendly 'Sandboxes' for supervised testing of AI and emerging technologies;
- (iv) Strengthening public-private partnerships to build digital skills and innovation ecosystems; and,
- (v) Integrating AI and coding into the education curriculum to prepare the next generation for the digital economy.

(Notice of Motion deferred)

Next Order.

QUESTIONS AND STATEMENTS

STATEMENTS

The Speaker (Hon. Kingi): Statement pursuant to Standing Order No.53(1). Senator for Bungoma County, Hon. David Wakoli.

STATUS OF PENDING BILLS BY THE COUNTY
GOVERNMENT OF BUNGOMA

Sen. Wafula: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee on Finance and Budget on a matter of county-wide concern regarding the status of pending bills for the County Government of Bungoma.

In the statement, the committee should address the following-

(1) The total amount of pending bills for the County Government of Bungoma as at 30th June 2025, including details in the respective amounts owed to each affected contractor, as well as, one, the financial year in which the amounts became due, and two, the projects undertaken, goods supplied or the services rendered by each of the contractors.

(2) Whether there has been a verification and audit exercise for the pending bills and if so, disclose the findings.

(3) The plan and associated timelines for settling all the pending bills.

(4) The reasons for the accumulation of the pending bills, including whether investigations have been initiated to establish the individual capability of county government officials, and if so, obtain information on the actions taken to hold the officials accountable.

(5) The measures in place, as well as the procurement planning or financial management reforms being considered to prevent further accumulation of pending bills by the County Government.

Thank you.

The Speaker (Hon. Kingi): Senator for Vihiga County, Hon. Osotsi.

DETERIORATING INFRASTRUCTURE AT WILSON AIRPORT

The Deputy Speaker (Sen. Kathuri): Sen. Osotsi is not here? The statement is deferred.

(Statement deferred)

Next statement by Hon. Catherine Mumma, MP? Yes, Senator for Nairobi City County?

Sen. Sifuna: Mr. Speaker, Sir, I confirm that I have authorisation in writing from Sen. Catherine Mumma to the request statement on her behalf.

The Speaker (Hon. Kingi): I am in receipt of that authorisation.

Sen. Sifuna: Thank you, Mr. Speaker, Sir, but just as a leader in the House, maybe the Senate Business Committee (SBC) needed to take note of the reasons for the absence of Sen. Thang'wa in the current week. We are aware that he lost his mother. Maybe preserve the business that originates from his office until that matter is done. I take this opportunity to send my condolences to him.

MEASURES TO IMPROVE ACCESS TO BASIC SERVICES
FOR THE URBAN POOR CITIZENS

Mr. Speaker, Sir, on behalf of Sen. Catherine Mumma, I rise pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee on Devolution and Intergovernmental Relations on a matter of inter-county concern regarding the measures being undertaken by the host county governments of Kenya's five chartered cities; Nairobi, Mombasa, Kisumu, Nakuru and Eldoret, to facilitate access to basic services for the urban poor, particularly those living in informal settlements.

Mr. Speaker, Sir, the urban poor are equal citizens under the Constitution of Kenya 2010. However, many residents of informal settlements remain inadequately served due to persistent planning, infrastructure and service delivery gaps. Further, Article 27 obligates the State to ensure access to services without discrimination.

In the statement, the committee should address the following-

(1) The county plans to facilitate access to basic services for the urban poor, especially in informal settlements, including access to clean water and sanitation, healthcare, education and skills training facilities, namely in early childhood development and education centres and technical and vocational colleges.

(2) The plans for upgrading informal settlements to support dignified livelihoods, including housing improvements and the provision of essential amenities such as electricity and street lighting.

(3) The status of intergovernmental consultations and cooperation with the national Government, including any engagements held or agreements signed to support infrastructure development that ensures equitable access to primary and tertiary education services and security services for the urban poor.

(4) The protective measures to safeguard residents of informal settlements, especially children, adolescents and youth from the thriving illicit trade in drugs and firearms and the attendant violence, including measures to prevent and respond to gender-based violence and the unchecked defilement of children and adolescents.

This is sought on behalf of Sen. Catherine Mumma, MP, Nominated Senator.

Thank you.

The Speaker (Hon. Kingi): Sen. Osotsi, you may now proceed to make your request.

DETERIORATING INFRASTRUCTURE AT WILSON AIRPORT

Sen. Osotsi: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee on Roads, Transportation, and Housing on a matter of national concern regarding the deteriorating infrastructure at the Wilson Airport in Nairobi City County.

In the statement, the committee should address the following-

(1) The current state of the infrastructure and safety systems at Wilson Airport in Nairobi City County, including the runway, drainage, rescue, and firefighting facilities, air control systems and power backup installation.

(2) Steps being taken by the Ministry of Roads and Transport, the Kenya Airports Authority and the Kenya Civil Aviation Authority to address the deterioration of the infrastructure at the airport and ensure continued compliance with international safety standards.

(3) The findings of the investigation into recent incidents of aviation accidents around Wilson Airport and the measures being taken to ensure that such incidents do not recur.

(4) The timelines for demolishing buildings and other developments rising above the prescribed height restriction along the flight path around Wilson Airport.

(5) The plans by the Government to upgrade, expand or modernise Wilson Airport to enhance its operational capacity and safety.

Thank you.

The Speaker (Hon. Kingi): Senator from Busia County, Hon. Andrew Omtatah.

DEFORESTATION BY MANUFACTURING
COMPANIES THAT USE WOOD-BASED FUEL

Sen. Okiya Omtatah: Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1), to seek a statement from the Standing Committee on Land, Environment, and Natural Resources on a matter of countrywide concern regarding the alarming increase in deforestation linked to the growing use of firewood and wood-based biomass fuel by large manufacturing companies across the country.

Mr. Speaker, Sir, several major industries, particularly within Thika, Limuru, Nakuru, Mukurweini and other industrial zones, have transitioned from furnace oil, industrial diesel oil and gas to firewood and wood briquettes due to rising energy costs. While energy transition is commendable, the current shift appears to be occurring without adequate safeguards to ensure sustainable sourcing of biomass fuel.

The volume of wood required to sustain large-scale industrial boilers is substantial and may be contributing to accelerated deforestation in natural forests and community lands. This trend, if not urgently addressed, may reverse the gains Kenya has made in forest conservation, undermine water towers, reduce agricultural productivity and expose the country to severe climate shocks in the near future.

In the statement, the Committee should address the following-

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

(1) The current extent of industrial biomass fuel usage in Kenya, including the companies that have officially converted firewood or wood-based fuel for industrial operations.

(2) Whether the National Environment and Management Authority (NEMA) has conducted environmental impact assessments and formally approved the use of biomass fuel at industrial scale.

(3) Whether the Kenya Forest Service has issued harvesting permits corresponding to the quantities of wood currently consumed by industries and the basis for such approvals.

(4) The mechanisms in place to verify that biomass fuel used by industries is sourced from sustainable plantations rather than from gazetted or protected forests.

(5) Whether the regulatory framework under the Forest Conservation and Management Act and the Environmental Management and Coordination Act is adequate to regulate industrial biomass fuel consumption and the urgent measures the government is taking to prevent a looming environmental crisis arising from industrial scale deforestation.

Signed,

Senator Andrew Omtatah, MP. Senator from Busia.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Senator for Kirinyaga County, the hon. James Murango.

PERFORMANCE OF KALRO IN SOIL TESTING AND ANALYSIS

Sen. (Dr.) Murango: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee on Agriculture, Livestock and Fisheries on a matter of national concern regarding the performance of the Kenya Agricultural Livestock Research Organisation (KALRO) in soil testing and analysis.

Mr. Speaker, Sir, despite the importance of soil testing and analysis in modern agriculture, farmers across the country face delays in receiving soil tests and analysis results from KALRO. They have also expressed concern that, once issued, the results are often highly technical and difficult to translate into practical farm action. This has left most farmers at the risk of investing in costly farm inputs without commensurate yields.

In the statement, the committee should address the following-

(1) the current capacity of the Kenya Agricultural Livestock Research Organisation (KALRO) to undertake soil testing and analysis and obtain information on the number of distribution of operational soil testing laboratories across the country, as well as the average number of soil samples processed in the laboratory annually;

(2) the short and long-term interventions being implemented to address the delay in the release of soil results to farmers to ensure that, once released, the results are simplified and accompanied by practical farmer-friendly recommendations;

(3) the existing coordination mechanism between KALRO, county governments and agricultural extension officers to ensure that farmers receive appropriate follow-up and advisory services after soil analysis and;

(4) the steps taken by the Ministers of Agriculture and Livestock Development to expand access to soil testing services and promote their uptake, particularly among smallholder farmers.

LAND ADJUDICATION, OWNERSHIP AND CHALLENGES
IN MWEA SETTLEMENT SCHEME

Mr. Speaker, Sir, my second Statement is on the request for a statement on land adjudication, ownership, and settlement challenges in Mwea Settlement Scheme.

I rise pursuant to Standing Order 53(1) to seek a statement from the Standing Committee on Land, Environment, and Natural Resources on a matter of county-wide concern regarding the long-standing land ownership, adjudication, and settlement challenges affecting residents of Mwea Settlement Scheme in Kirinyaga County.

The scheme is one of the country's key major agricultural zones and has supported livelihoods in national food production for decades. However, many families living in settlement villages within the scheme, some of whom have occupied the land since the 1950s, continue to live without the title deeds or formal land ownership documents.

This has perpetuated insecurity of tenure, hindered planning and development. This has limited access to public services and investment and has raised concern over the continued absence of a clear and comprehensive framework for regularising settlement areas within the scheme.

In the statement, the committee should address the following-

(1) The status of land ownership, tenuous settlement rights in the villages located within Mwea Irrigation Scheme, particularly in Gathigiriri, Thiba, Tebere and Wamomo wards, including the status of the settlement areas said to comprise approximately 8,050 acres that have not undergone formal land adjudication registration;

(2) The reasons why residents who have occupied settlement areas within the Mwea Settlement Scheme for several decades have not been issued with title deeds or other formal ownership documents, including obstacles that have delayed regularisation of their tenure;

(3) The measures in place to undertake comprehensive mapping of all villages within Mwea Settlement Scheme, prepare an official cadastral map for the settlement areas and initiate land adjudication and registration processes to enable current occupants to obtain title deeds;

(4) Targeted policy or legislative measures to facilitate the processing and issuance of title deeds to residents living in settlement villages within irrigation schemes; and,

(5) The measures in place to undertake factfinding visits, stakeholder consultation, and community engagements in the affected villages are the timelines which the Government intends to resolve the land tenure and ownership challenges affecting residents of Mwea Irrigation Scheme.

Signed by Senator James Kamau Murango, Kirinyaga County.
Thank you, Mr. Speaker, Sir.

ALLOCATION OF KISIMA LAND TO CIVIL
SERVANTS IN NJORO SUB-COUNTY

The Speaker (Hon. Kingi): The statement by the Senator for Nakuru County, Sen. Tabitha Keroche, is deferred.

(Statement deferred)

We will now move to Statement pursuant to Standing Order No.57(1) by the Senate Majority Leader.

BUSINESS FOR THE WEEK COMMENCING
TUESDAY, 17TH MARCH, 2026

The Senate Majority Leader (Sen. Cheruiyot): I thank you. Mr. Speaker, Sir, I rise pursuant to Standing Order No.57(1) to hereby present to the Senate the business for the week that will commence on Tuesday, 17th March, 2026.

The legislative business for the Senate is as follows –

We have 60 Bills that are pending conclusion, of which 42 are at the Second Reading stage, 16 are at the Committee of the Whole, two are awaiting First Reading.

We have 10 Motions that are pending conclusion; 18 petitions are pending conclusion by the respective standing committees; 464 statements pursuant to Standing Order No.53(1) are under consideration by the respective committees.

At the next sitting of the Senate, on Tuesday, 17th March, 2026, the tentative business for the day will include business not concluded from today's Order Paper, as well as indicated in the Notice Paper.

The tentative business for Wednesday 18th March 2026 will include Questions to the Cabinet Secretaries as approved by the Senate Business Committee (SBC) as well as Motions.

The Cabinet Secretaries slotted to appear before us next week are:

The Cabinet Secretary for Roads and Transport, Cabinet Secretary for Investments, Trade and Industry, the Cabinet Secretary for Cooperatives and Micro, Small and Medium Enterprises Development, responding to various questions asked by various members, including Sen. (Prof.) Tom Ojenda as well as others who have questions before those particular ministries and State Departments.

For Thursday and Wednesday afternoon, we will include any of the business that will not have been concluded on Tuesday or Wednesday morning.

Just a brief highlight of the Bills that are on the Second Reading Stage. They include-

1. The County Governments (State Officers' Removal from Office) Procedure Bill, 2024. I said this is a Bill which those Members that are keen on running to be county

governors need to be keen on, but they do not appear to be listening to me, so I will carry on;

2. The County Governments (Amendment) Bill (Senate Bills No. 39 of 2024);
3. The Street Naming and Property Addressing System Bill;
4. The County Government Laws (Amendment) Bill and;
5. The Energy (Amendment) Bill.

We have 16 Bills that are at the Committee of the Whole. We will be calling upon Members that we do what we did, I think, two weeks ago, which is to dedicate perhaps Wednesday afternoon, next week, to conclude on those Bills.

On all these Bills, we have already done the necessary amendments. What is remaining is the division. It is an exercise which we can quickly conclude if Members can avail themselves in the House on Wednesday afternoon.

Mr. Speaker, Sir, it is important that I also mention that we are nearing the 31st March, which is the deadline for consideration by the County Public Accounts Committee (CPAIC) of the various audit reports of the county governments. You will remember last year, we had to work until very late in the night, and the reports were quite voluminous.

Mr. Speaker, Sir, through you, I do not see the Chairperson of the County Public Accounts Committee (CPAC), but I see the Members such as Sen. Sifuna, Sen. Mwaruma, and I think Omtatah. They can save the House if they can bring those reports, the ones at least that they have concluded on early in advance. This is especially bearing in mind that we are proceeding on recess, I think, the week of 2nd April, so that we avoid the scenario of what happened last year. I hope they can communicate to their committee.

That is it for the business that is before us in the week. I hope Members will be available, so that we conclude on that business.

I thank you, and do hereby lay this Statement on the Table of the Senate.

(Sen. Cheruiyot laid the document on the Table)

The Speaker (Hon. Kingi): Hon. Senators, I will allow comments for not more than 15 minutes on the statements that have been sought. If you get an opportunity to speak, please, do so for not more than three minutes.

Sen. Onyonka: Mr. Speaker, Sir, I take this opportunity to thank my colleague on the issue that he has raised about the challenges you have in Mwea. Some of these land issues, historically, involve situations where individuals have been settled in areas for periods not less than 30 or 50 years, even beyond the normal statute of limitation periods. I think the Committee on Land, Environment and Natural Resources needs to take these matters very seriously.

I am very happy because in Kisii County, we had a matter of historical injustice where a community actually gave land in 1947. When we sat with the Committee of Land, Environment and Natural Resources, we went through the normal ups and downs.

Finally, I was happy that the Chairman, Hon. Faki, managed to have these people receive government compensation after about 49 years. That is what our responsibility is and that is what this House should do.

Just the way the Committee handled the matter in Kisii, I pray that all the other outstanding land issues in Kenya are dealt with expeditiously, so that some of these friction-causing matters that exist in our neighborhoods can be reduced. I believe that is the direction that Kenyans want our country to go.

Sen. Chute: Thank you very much, hon. Speaker. I support the statement by Sen. Osotsi. About a month ago, I brought a statement here on Jomo Kenyatta International Airport (JKIA). That statement is before the committee chaired by our able Senator, Eddy Oketch, and to date, nothing has been done. Again, issues have been raised by Sen. Osotsi.

I have four things to say about Wilson Airport. I landed in Wilson Airport about two weeks ago, and the runway 07 was being repaired. That repair has caused a lot of problems. I think, as a committee, what we need to ask the management of that institution to come before the committee and explain to this country what is happening.

The second issue is that the committee should make a point to visit those institutions to see for themselves what is going on there. What Senator Osotsi is talking about is something very serious.

Three, I think it is time the Government makes a decision to relocate Wilson Airport from where it is now to a bit further, so that we can have affordable housing. I think that land is about 80 to 100 acres.

Since Sen. Osotsi is bringing an issue of landing and taking off, there are buildings that have come up there. We cannot stop development. When we start doing affordable housing, we need land, and the land we need to construct on is land that we have, which is Wilson Airport.

So, finally, I want to ask and emphasize to the committee, to which I also belong, to visit JKIA and Wilson Airport in the next two weeks, so that we have a report on what is going on.

Sen. Osotsi: Thank you, Mr. Speaker, Sir. Let me comment on the statement of pending bills by Sen. Wakoli of Bungoma. This is a chronic problem in all the counties. We have had many of us here, including myself, that have brought statements on the same topic about pending bills in our counties. I brought a statement here, which committed to the Committee on Finance and Budget and nothing seems to be moving on the matter of pending bills.

In fact, the situation of pending bills in our county is a moving target. When they say they want to clear, the next minute, you hear that the number has gone up. It is not even clear in some counties how much is pending bills. The figures they bring before our various committees keep on oscillating.

This House has made a resolution. There was a Motion by Sen. Olekina that was passed by this House on how we intended to deal with pending bills. It seems as if nothing is being done again by the Controller of Budget (CoB) to help us realize the resolutions that we made in that motion.

Mr. Speaker, Sir, I think the Committee on Finance and Budget can do better than what they are doing to help us address the matter of pending bills. This is because people have lost their businesses and properties, and some have died. I know, in my county, of contractors or the suppliers who have died because of the stress emanating from not being

paid, yet they had taken loans. This is a serious matter. I hope the Committee on Finance and Budget, which is chaired by Sen. Roba, who is a former governor that understands what pending bills are, can help this House to get a solution to this matter.

We cannot be helpless on this matter. When we go to our various counties, we are confronted by people asking what this House is doing to address the issue of pending bills. I call upon the Committee on Finance and Budget to help us unravel this problem, which is affecting all our 47 counties.

I support.

Sen. Abass: Thank you, Hon. Speaker. I also wish to contribute to the statement by Hon. Wakoli on pending bills as the Chairperson of the Standing Committee on Devolution and Intergovernmental Relations. It is unfortunate that pending bills are accumulating in counties across the board. This goes back to 2013 and it continues to increase.

There is no reason for counties to have huge pending bills. This House supports counties to receive their equitable share and additional funds. Unfortunately, the bills keep increasing. In my county, the pending bill in 2018 was Kshs5.5 billion. Today, it stands higher and continues to grow. I do not understand why this money has not been paid.

Hon. Speaker, this House must help. Many people who invested in counties, especially contractors, are suffering. Their families are suffering. They are out of business. There is no reason why counties should keep people's money. Pensioners are not able to get their money. Contributions are not remitted to statutory institutions. Monies not remitted continue to attract interest. The last report showed that interest alone has ballooned to Kshs155 billion. I believe this House can do better. As Senators, who oversight counties, we must act. As Sen. Osotsi mentioned, the Senate Committee on Finance and Budget must wake up and tell us how best to help counties and the people investing in them.

The other issue is the disaster highlighted by Hon. Osotsi. Wilson Airport is a strategic airport and one of the oldest for local travel. However, it has been encroached from all sides and is a disaster in waiting, unless something is done. The runways are old and need repair. What worries me most is the number of buildings encroaching on Wilson Airport. This must be controlled. It should be audited seriously to---

The Speaker (Hon. Kingi): Sen. Faki.

Sen. Faki: Thank you, Mr. Speaker, Sir. I wish to comment on the statement made by Sen. Ososti on the deteriorating situation at Wilson Airport. Even the Moi International Airport in Mombasa is experiencing similar challenges.

In Terminal 2 of that airport, the baggage belt has not worked for the last three years. Complaints have been made to the management, but no action has been taken. Travellers using Jambojet and Skyward Express and other local airlines struggle to get their luggage once flights arrive in Mombasa. This is not a unique situation. We have seen it before and it shows that the Kenya Airports Authority (KAA) is sleeping on the job.

Secondly, we visited Phenom Estate pursuant to a statement requested by Sen. Hamida Kibwana. Residents raised concerns about encroachment by a developer who

was constructing a playing field near the estate. He also encroached on the perimeter fence of Wilson Airport. In the event of an emergency, evacuating passengers and other people would be a problem because the road meant to serve as an exit from the airport has been closed.

The Speaker (Hon. Kingi): Yes, the Senate Majority Leader.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, the issue of Wilson Airport concerns all Kenyans who use it frequently. Any user of that airport must be concerned for their safety and we cannot continue the way things are.

As mentioned by Sen. Chute, Runway 07 is under repair. If you observe the pace of the contractor, it is extremely slow. At that rate, it may take years before the runway is completed. Meanwhile, planes landing on Runway 025 or Runway 14 must overfly Langata Road, which is hazardous, including to young children at Langata Primary School who spend their afternoons with planes flying directly above their playing compound.

The complications at Wilson Airport require special attention. I hope the Cabinet Secretary in charge will address this matter when he appears before the House next week. The security situation is also worrying. How many times, Sen. Osotsi, does someone drive out with a bag and directly boards a plane? Security checks are lackluster. It is a risk even to Hon. Members. Insisting on bag checks is not unfair; it is for our own safety.

There are many wrong things at Wilson Airport. I hope when the Standing Committee on Roads, Transportation and Housing is considering this statement, they will provide a roadmap. More importantly, when the Cabinet Secretary appears next Wednesday, we must take him to task on the operations at Wilson Airport and demand clear plans. Remember that Wilson is not just an airport; it is also a training school. Many trainee pilots learn their trade there, yet high-rise buildings are being put up in front of the students. That is disaster in waiting.

I hope the Cabinet Secretary will provide an update on the exact plan for Wilson Airport. I know it is not specifically what he is coming to answer, but a good and diligent public servant should always be prepared to respond to matters under their jurisdiction. The way things are, this is not how to run an airport. It is disaster in waiting and we must not allow it.

The Speaker (Hon. Kingi): Sen. Mwaruma.

Sen. Mwaruma: Thank you, Hon. Speaker, for this opportunity to comment on the statement by Sen. Wakoli, the Senator for Bungoma County, about pending bills. This is a very serious issue and sometimes the Senate is blamed. In my village, someone asked me, "Senator, why can you not help the Governor to pay the pending bills?" I wondered how I could even do that. The record shows that, as Senate, we have tried even passing a Motion to disallow the National Treasury from releasing money to counties with pending bills.

The culprits in the growing pending bills are mainly two. First, over-projection of own-source revenue. Counties over-project because vote heads are allocated in terms of percentages. For example, if in the County Allocation of Revenue Act (CARA) we pass 13 per cent to go to assemblies and the assemblies over-project by Kshs500 million, they get more money than expected.

Second, voiding of payments. As the County Public Accounts Committee (CPAC), we have tried to understand why counties void payments. Identifying culprits who divert money meant for contractors or other people who have done business with counties is very difficult. When you ask the auditors why payments were voided and whether the money was paid later on, they say they cannot know where that money went to without analysis by an expert. We wonder who will help us to reduce the pending bills that come as a result of voiding of payments?

We have tried and the Controller of Budget (CoB) has told counties to give a repayment plan for the pending bills. When the CoB has that repayment plan, without the Senate's Committee on Finance and Budget having a copy, how will we make sure that the repayment schedule is followed? When a county makes a repayment plan or schedule to the CoB, a copy should be given to the Senate's Committee on Finance and Budget, so that they ensure the repayment plan is followed. Otherwise, they will continue--

Sen. Mungatana, MGH: Thank you, Mr. Speaker, Sir. I rise to comment on the statement by Sen. (Dr.) Murango. The problems that are experienced in Mwea Tebere Irrigation Scheme are not different from the problems that we are experiencing at the Bura Irrigation Scheme in Tana North.

The men and women who came and settled there and were given portions of land now have children who do not have their own allocation of land. This has created very difficult situations for the parents of these children, who are now adults with wives and families. The question of proper allocation of land to growing families in Bura Irrigation Scheme must also be looked at when the Committee on Agriculture, Livestock and Fisheries sits. As they solve the problems in Mwea Tebere Irrigation Scheme, they can expand their scope and include a way to investigate and resolve the problems faced by very hardworking farmers of Bura Irrigation Scheme.

Sen. Kinyua: Asante, Bw. Spika. Nataka kuchangia kauli iliyoletwa na Sen. (Dr.) Murango kuhusu Shirika la Utafiti. Shirika hili ni tegemeo kuu kwa mambo ya mchanga kwa sababu wakulima wanafaa wajue ni mchanga upi watatumia ili wajue aina ya mbolea watakayoiweka na mimea watakayopanda. Lakini, ikiwa shirika hili linazembea katika kazi yake, ni jambo la kuvunja moyo sana.

Bunge hili limekuwa kama bunge la manung'uniko na masikitiko. Sen. Chute aliuliza kauli kuhusu Uwanja wa Ndege wa Kimataifa wa Jomo Kenyatta, lakini hakuna kauli yoyote imeletwa katika Bunge hili. Leo ndio Sen. Osotsi ameleta kauli kuhusu Uwanja wa Ndege wa Wilson.

Bw. Spika, sijui ni nini kitatendeka kwa sababu itabaki kuwa sisi tumekuja Bunge hili kuomba taarifa ambazo hazishughulikiwi. Sen. Wakoli na Sen. Osotsi walileta kauli kuhusu madeni ambayo yanaendelea kukumba Wakenya ambao wanashughulikia mambo katika Jamhuri ya Kenya. Pia, kuna Hoja iliyoletwa na Sen. Olekina kuhusu mambo hayo.

Itakuwaje kazi yetu ni kuongea na hakuna mambo yeyote yanatendwa? Ningependa kumwuliza Kiongozi wa Waliowengi tutengeneze Kamati ya kufuatilia mapendekezo ya Seneti hii. Isiwe kazi yetu ni kuongea tu na baadaye tunaenda nyumbani. Wakenya hawaoni matokeo yoyote kwa kauli zinazoletwa hapa.

Leo, kauli imeletwa kuhusu Uwanja wa Ndege wa Wilson. Nimesikia Kiongozi wa Waliowengi akisema wanakandarasi waliopewa kazi wanafanya pole pole kwa mwendo wa kinyonga. Kwa hivyo, ninamrai Kiongozi wa Waliowengi, tuanzishe Kamati ya kufuatilia mambo ambayo tumependekeza hapa.

Sen. Wakili Sigei: Thank you, Mr. Speaker, Sir. I rise to support and contribute to the statement by Sen. Wakoli on the pending bills in our counties. These pending bills are not confined to the county that Sen. Wakoli represents. This House previously dealt with a Motion that was brought by the Minority Whip, Sen. Olekina, on the way to treat the outstanding pending bills in almost the 47 counties in this country. I dare say that I doubt whether there is a county that does not have pending bills.

From the information that we collect almost every day, the quickest way to die in this country as a contractor or a businessman is to trade with our county governments. You will invest your money, but you will never get paid. That statement, therefore, is coming, in addition to the various statements that have been brought to this House by various Members.

I recall that I also brought a statement to deal with the issue of over Kshs1.5 billion pending bills in the County Government of Bomet, which I represent. Therefore, if there is anything that this House has done, as a matter of attention, is to pass a resolution to deal with this very serious issue on pending bills.

Sen. Mwaruma has made reference to what is called voiding, which is an act that our irresponsible county governments do in order to make sure that they do not pay validated bills which are due. They void them, so that they pay those who are compliant in the sense that they are able to pay back a certain percentage of what is due from the county government.

We should therefore expect the committee that this particular statement will be committed to will ensure that besides the specific County Government of Bungoma, it deals with the substantive aspect on this issue on pending bills. It has been there and will continue to be there because even the resources that we allow and send out to the county governments---

I expect that, for instance, as long as we speak about it, they will know that they are being watched. They will therefore undertake a responsible act of, at least, making it a first charge on the funds that are paid to them.

The Senator for Baringo County (Sen. Cheburet Kiprono Chemitei): Mr. Speaker, Sir, thank you for giving me this opportunity to address the House. This is my first time to have this opportunity to say something.

(Applause)

You have gotten me off guard.

(Laughter)

I did not expect you to ask me to say something. I am still learning. In life, we learn slowly and it is a process. So, within no time, I will catch up and will be a good debater in the House.

(Applause)

The Speaker (Hon. Kingi): Thank you. Very well, Sen. Chemitei. If you do not want to speak, do not log in. I will have your name here and I will certainly ask you to speak.

Hon. Senators, we have done more than 15 minutes and, therefore, we will move to the next Order.

Clerk, next Order.

BILL

Second Reading

THE AGRICULTURE PRODUCE (MINIMUM GUARANTEED RETURNS) BILL (SENATE BILLS NO.17 OF 2025)

The Speaker (Hon. Kingi): This Order is deferred because the Mover is not present.

(Bill deferred)

Next Order.

BILL

Second Reading

THE CULTURE BILL (NATIONAL ASSEMBLY BILLS NO.12 OF 2024)

The Speaker (Hon. Kingi): We are also going to defer Order No.9 because it is due for division.

(Bill deferred)

Sen. Mwaruma: On a point of order, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Yes, Sen. Mwaruma.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

Sen. Mwaruma: Mr. Speaker, Sir, now that some of us were not there to contribute to The Agriculture Produce (Minimum Guaranteed Returns) Bill (Senate Bills No.17 of 2025), is it possible for you to give us an opportunity to speak to the Bill, because the Mover is not here to reply?

The Speaker (Hon. Kingi): Sorry, what have you said because the Senator for Mombasa was consulting?

Sen. Mwaruma: I was seeking your indulgence. Some of us have not contributed to the Agriculture Produce (Minimum Guaranteed Returns) Bill (Senate Bills No.17 of 2025). Now that the Mover is not here to reply, we would like to seek your indulgence for us to make our contributions to the Bill.

The Speaker (Hon. Kingi): That hurdle has long been crossed and, therefore, this Order is up today for a response from the Mover, not to open debate. If you were not present when it was open for debate, then I am afraid, I may not be in a position to reopen debate at this particular juncture.

We will now move to Order No.10. You may proceed to call that Order, Clerk.

BILL

Second Reading

THE PUBLIC AUDIT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO.4 OF 2024)

(Sen. Cheruiyot on 10.03.2026)

(Resumption of debate interrupted on 11.03.2026 - Afternoon Sitting)

The Speaker (Hon. Kingi): When debate was interrupted on Wednesday 11th March, 2026, Sen. Alan Chesang had the Floor and he had a balance of 12 minutes. I do not see the hon. Senator in the Chamber and, therefore, we will proceed with debate.

Senator for Nairobi City County, the Hon. Edwin Sifuna.

Sen. Sifuna: Mr. Speaker, Sir, thank you for giving me the opportunity to contribute to this Bill.

As you know, I am a Member of the County Public Accounts Committee (CPAC) and I was listening to the Senate Majority Leader advising us on the timelines when we need to submit some of the reports.

I want to confirm to the Majority Leader that there was a report-writing retreat this weekend and some of those reports are ready. The challenge we have had in the committee is the challenge that you are aware of as part of the leadership of this House; that some of the entities, some governors have refused to appear before CPAC and the County Public Investments and Special Funds Committee (CPISFC).

We are happy that not all governors have fallen into that bad habit. In fact, today, the Governor for Siaya, the Hon. James Orenge, appeared before the CPISFC and we processed two county assemblies. As a committee, we noted that the County Assembly of

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

Kakamega is one of the few assemblies that has considered the Auditor-General's report, tabled and adopted it.

We also had the County Assembly of Murang'a appearing before us this morning. So, we are doing our best. I am being reminded by the Vice-Chairperson that there was also Marsabit. We are doing our best to beat those deadlines and the House will be more than happy with the reports that we will present.

Mr. Speaker, Sir, there are governors who think that by refusing to show up the work of this House will stop. We will continue with our work. We will also make recommendations and come to this House to defend them. We hope that the House will adopt the recommendations that we will make.

Whenever a Bill is before us in the House, I always go straight to the objects for which the Bill is proposed. There is usually attached to the Bill a memorandum of objects and reasons. When I went through these proposed amendments to the Public Audit Act that is a Bill from the National Assembly, you will see there in the memorandum of objects and reasons, that the purpose of this Bill is to amend the Public Audit Act, in order to align it with the Constitution, following a declaration issued by the High Court in the case of Transparency International versus the Attorney General and the Auditor-General as a first interested party, Africa Centre for Open Governance and a few other parties there - Petition No.388 of 2016, declaring certain sections of the Public Audit Act to be unconstitutional.

I have printed out that specific judgment that was delivered on 16th February, 2018 by Justice Mwita and I will be making reference to that judgment extensively. This is because the memorandum of objects and reasons for the amendments that are being proposed states that it is in order to bring the Bill in conformity with the judgment of Justice Mwita.

Mr. Speaker, Sir, if we want to believe that this Bill is supposed to respond to this judgment, it is important to know what the judgment was and the reasoning of the judge in declaring certain sections of the Public Audit Act as unconstitutional. If you skip to paragraph 76 of the judgment where the judge turns to answer the issues raised in the Petition, the first issue that was raised in court was that sub-section (2) of the then Section 4 had defined the Auditor-General as a statutory head, which in ordinary circumstances and in the wisdom of the judge reduced a constitutional office - because we know the Auditor-General is a constitutional office and is one of those independent offices under the Constitution - to a statutory one. Therefore, if you want to see the response in the amendment, we must have an amendment that cures the problem that the judge pointed out.

When you go to the amendment that touches on Section 4(2), you will see here that what the National Assembly has done is to change the words "statutory head" and replace the words with "accounting officer." I have a problem with that because if you listen to the reasoning of the judge, he was telling the National Assembly or the Petitioners, the Respondents in this case, that the Constitution has already defined who the Auditor-General is. It is a constitutional office, so that you do not need to add any other terms when describing that office. We already have a constitutional definition with the responsibilities of that particular office.

Mr. Speaker, Sir, when the previous Act had the words “statutory head”, it made it seem like the Auditor-General is being given a role to oversee a team, that there is a team there. However, the Constitution recognises an individual. Actually, the words of Article 229 are-

“There shall be an Auditor-General---“

That is the problem that the judge had with this particular section as was then provided for.

Therefore, the judge has spoken in addition to the definition of the office of Auditor-General, the law already provides the functions and responsibilities of the Auditor-General, so that you cannot bring legislation to try and purport to either add any functions on top of the ones that are in the Constitution or attempt to expand that definition of the functions and responsibilities of the Auditor-General.

Mr. Speaker, Sir, the first point of departure is that I do not see how the National Assembly replacing the words “statutory head” in the definition of the Auditor-General and replacing it with what they are calling “accounting officer” will evade that constitutional trap that had been set in the previous Act. Therefore, this particular amendment, as proposed, is not in conformance with the findings of the judge.

Secondly, Mr. Speaker, Sir, there is a provision here in terms of the Auditor-General's powers under Article 252(1). The Constitution is clear that each commission and each holder of an independent office shall recruit its own staff. The judge says here, to that extent therefore, and giving a holistic reading to Articles 229, 234, 249, 252, reveals that the Auditor-General cannot be subject to the public service when either recruiting or disciplining itself. In fact, the Auditor-General is given the role, constitutionally to be able to come up with their own staff establishment. I have seen a proposal in this amendment here, to create the office of somebody they are calling a Deputy Auditor-General.

Mr. Speaker, Sir, I will leave it to the constitutional scholars to advise us if, indeed, it is possible for you to create a deputy of a constitutional office, outside the Constitution itself. I have given the example of other constitutional offices. For instance, there is a Chief Justice, and in that same Constitution, it provides for the Deputy Chief Justice.

So, I wonder, is it possible for us to create an office for the Auditor-General as Parliament, when he or she has been given the constitutional duty and mandate to have his or her own staff establishment in the current case, so that they should be the ones to decide that we need two deputies or one deputy? Can Parliament really abrogate themselves that responsibility of creating a staff establishment for the Auditor-General?

Mr. Speaker, Sir, the other problem that the judge raised with the previous provisions of the law was the question of the board. Let me find the paragraph. You will see that this particular amendment has tried to provide for something that they are calling an Audit Advisory Board. Let me find that particular provision. It is Clause 17 on the Bill, amending Section 25. This law proposes to establish an Audit Advisory Board. You will see the proposed membership in that section. The functions of that board are provided for at provision No.19, which seeks to amend Section 27 of the Act. That-

“Subject to Section 10 of this Act, and upon approval by the Auditor-General, the Audit Advisory Board shall generally be responsible for providing advisory on budget plans and estimates.”

At (b) it says human resource management and development, then any other matter that might be referred to the Board.

Mr. Speaker, Sir, this is what the judge said-

“Having an Audit Advisory Board is an interference with the institutional and individual independence of the Office of the Auditor-General. It alters the constitutional architecture of the independent Office of the Auditor-General and the principles of independence contemplated by the Constitution. It also violates Article 249(2)(b), which says that he is an independent and not subject to direction or control of any person. There can be no doubt that the function of the Audit Advisory Board to advise the Auditor-General in the performance of his functions under the Constitution violates the constitutional values and principles of independence of the Auditor-General in Articles 229 and 249(2).”

So, if indeed this Bill was brought in order to conform with this decision of the High Court, my argument is that we needed to do away entirely with that Audit Advisory Board because as the court has observed, it interferes with its institutional and individual independence as an independent office in the Constitution. Therefore, in my opinion, that particular section has to go. I hope that when we come to the Committee of the Whole at some point, we shall have amendments to this Bill, to align it properly with what it stated as the objective in the memorandum of objects and reasons.

Mr. Speaker, Sir, let me move to another issue that I wanted to raise with the Bill. Not everything is doom and gloom, but because they expressed it as a Bill to conform with this particular judgement, we have to make sure that it complies. Otherwise, it will suffer the same fate.

I am very happy. There is a provision under Clause 26 of the Bill that now grants the Auditor-General independence in terms of initiating forensic or investigative audits. When people appear before us at the Senate’s County Public Accounts Committee (CPAC), sometimes we see a need for forensic audits, especially where there is grave suspicion that public money has been lost.

The previous law was that forensic audit could only be initiated from a request by Parliament or from Parliament. So, the Auditor-General could not undertake forensic audit on their own. They had to get a request from Parliament and its committees for them to initiate that. However, this is giving the Auditor General a free hand. So, the new section says-

“The Auditor-General may, on his or her initiative or upon request, conduct forensic or investigative audits.”

The removal of the word “Parliament” after request opens it up to requests from other agencies, not just Parliament, and that they can do it on their own accord.

Mr. Speaker, Sir, there is also provision under Clause 28 for the Auditor-General to conduct compliance audits to examine whether a public entity has complied with relevant laws, regulations and policies. That is important because it is not just about money and the financials. These are compliance audits, which are compliant with laws.

The best example I can give you is--- As you know, I am the Secretary General of the Orange Democratic Movement (ODM), where we also have compliance audits by the Office of the Registrar of Political Parties. In the last one that was conducted on all political parties in Kenya, the report from the Office of the Registrar of Political Parties (ORPP) states that ODM is the only political Party in Kenya, fully compliant with all the laws that govern the operations of political parties. I am very proud of that. I do not want to mention any other party. I can see the way the Speaker is looking at me. I might get into trouble.

Mr. Speaker, Sir, at 38(c), it also provides that the Auditor-General may conduct any other audit that he or she may deem necessary for the better carrying out of his functions. Those are provisions that I find are going to be very useful.

There are provisions of timelines at Clause 29, which proposes to amend Section 39 of the principle Act, giving us six months after Parliament or the County Assembly has made recommendations. So, for instance, we made recommendations here to county governments. In fact, the process that we have been doing right now is to follow up on those recommendations.

Mr. Speaker, Sir, you will recall that we, as a Senate, had to pass a Special Motion for us to continue engaging with these entities, for instance, for the county governments to follow-up on recommendations. Here, they have been given a period of six months. Within those six months of the recommendations being passed, they shall submit a report to Parliament on how it has addressed the recommendations of previous years' audit. I believe this is going to be helpful in terms of aiding transparency in the work that we do both as a Senate, and specifically, as the CPAC and the County Public Investments and Special Funds Committee (CPISFC).

Mr. Speaker, Sir, at Section 43, one of the issues that the public has really been reigning on us, not just as the Senate CPAC, but also as a Senate, is that we make all these good recommendations. They can see we are doing our oversight, but then they ask, where is the output? We have struggled to explain to them that we also depend on other agencies for us to bring rogue governors to heel. You are aware that we had to summon the Inspector General (IG) of Police, for instance, before the Senate's CPAC and ask him to give the assurance that if the Senate wants or requires the presence of a specific governor, that his office will be able to deliver.

I, Sifuna, as the Senator of Nairobi City County, have no powers of arrest. That is not to mean I do not have the desire to arrest some of these governors. If I had those powers, some of these people would be in jail. However, we depend on other constitutional offices.

Clause 49 states as follows-

“The principal Act is amended by repealing Section 64 and substituting therefor the following new section-

“64(1) Where the Auditor-General establishes that any person, supplier, company or audited entity has been involved in fraud or corrupt practice, the Auditor-General may collaborate with other investigative, enforcement, regulatory and oversight agencies, including the National Police Service, Ethics and Anti-Corruption Commission, Office of the Director of Public

Prosecutions and Public Procurement Administrative Review Board and the National Treasury for their action.”

I believe this is going to help us because previously, reports of the Auditor-General came to us, as Parliament, then we made recommendations. This Act will give the Auditor-General the mandate of collaborating directly with these people. For instance, in the collaboration, my expectation is that the Auditor-General should tell the National Treasury to stop funds going to entities that are found to have misused public funds or the Public Procurement Administrative Review Board (PPARB). You can see there in Clause 49(2) that the Auditor-General can make recommendations for debarment.

In my time in the CPAC, there are notorious companies that always show up. For instance, in the area of systems for revenue collection, you will find one entity having brought problems in Nairobi. Next time you interact with Narok, you find out that they have given that same company the job of collecting revenue on their behalf. You can also find them springing up somewhere in Murang'a. That is because we have not had the Auditor-General's authority to make recommendations for debarment of some of these firms, so that they stay away from public resources.

Mr. Speaker, Sir, those are the ones I have identified as positives. We hope that we will have conversations about the negatives that I have pointed out, especially stemming from the judgement of the High Court, so that we align this Act with the judgment. Our biggest fear as people who swore to defend the Constitution is because of certain pronouncements, especially from people in executive authority both at the national and county levels, castigating independent offices.

We have heard words being thrown by very senior individuals in this country at, for instance, Margaret Nyakang'o, Office of the Auditor-General (OAG) and the Controller of Budget (CoB). Sometimes we fear when we see such legislation because there could be a motive to either stifle operations of a certain office, to cripple them or to control them for some reason. For instance, one of the issues that was raised in the petition and the judgement is that it was very heavy with national Government officials. In fact, the court had a problem with the Attorney-General being a member of the advisory board. As you know, the office of the Attorney-General is also subject to audit by the OAG.

We have reasons to be skeptical because some of the headlines we have been seeing coming from the Controller of Budget (CoB) are not very flattering to the Executive. For instance, when we saw reports on the Social Health Authority (SHA) or the Talanta Stadium and the billions of shillings that she is pointing out, we have to be very careful because we swore to defend the Constitution that some of these amendments do not end up fettering the independence of these offices in---

The Speaker (Hon. Kingi): Proceed, Sen. Enock.

Sen. Wambua: I thank you, Mr. Speaker, Sir, for granting me this opportunity to also add my voice to the Public Audit (Amendment) Bill (National Assembly Bills No.4 of 2024). I will be very brief. I just want to limit myself to the issue captured in the Bill on repealing of Section 25 of Cap. 412.

First things first. The Office of the Auditor General is a constitutional independent office established under Article 229 of the Constitution of Kenya 2010. Let credit be given where it is due. Human beings give character to offices. The lady called Nancy Janet Kabui Gathungu has given character to the Office of the Auditor General during her term of office. In the eyes of the public, she has done extremely well in holding public entities to account in as far as management of public finances is concerned. When you see a proposed amendment that seeks to establish an audit advisory board, you smell a rat. The question to ask would be: What advice does the Office of the Auditor General need from people sitting outside the office on how to carry out their mandate?

As Sen. Sifuna has mentioned, one of the persons that is supposed to sit on the proposed board is the Attorney-General or a representative from the Office of the Attorney-General. The Office of the Attorney-General is a public office that draws money from the Exchequer. Therefore, it is a subject of audit by the Office of the Auditor General.

One wonders then, if the Attorney-General sits on the advisory board to advise the Auditor-General, what advice will that office give when it comes to auditing their own accounts? What advice is the Attorney-General supposed to give to the Auditor-General on an audit of the office of the Attorney-General? That is a serious conflict right there.

The real poison in this amendment for me is when you define the roles of that advisory board. It is supposed to advise on budget plans and estimates for the Office of the Auditor General. You know that the best way of killing an independent institution is to deny it the necessary tools, including the budget to undertake its mandate. Now you are bringing in a board that is supposed to advise the OAG on what their budget for their own operations is supposed to be and look like. Another proposal is that the board should also advise the OAG on management of their human resource.

From where I sit, there is a reason why this office was established and framers of the Constitution were very clear on why they needed the independence of the OAG. One of the things that was very clear is that this is an office that should check on expenditure of public resources by persons that resources are assigned to. Trying to bring a board to advise that office is utterly watering down the effectiveness of that office.

Mr. Speaker, Sir, we should be ready to draw parallels from outside the country. In the United States of America (USA), there is the Government Accountability Office (GAO) which operates within the legislative branch of the Federal Government of the US. That office is given a single non-renewable term of 15 years, so that they are able to carry out audits without interference from the executive. The President of the United States of America (USA), a friendly country that we should not make a lot of comments on, has a problem with congressional auditors. However, I have never seen people from the side of government bringing an amendment to the GAO just because they do not agree with the things that she says. That lady, Orice Williams Brown, has been very firm on her audits, just as much as our own, Nancy.

My plea is that whatever happens to this Bill, I urge my colleagues to be very cautious in accepting the establishment of an advisory board to the Office of the Auditor-General (OAG). Whatever we do with this Bill, let us ensure that instead of watering

down the operational capacity of the OAG, we enhance it. The best way of doing it is to reject the establishment of an advisory board to that office.

Mr. Speaker, Sir, least of all, even if the worst was to come to the worst and these Members here would agree - I do not see them agreeing to the establishment of the board - then the office of the Attorney-General can never sit on that board. You cannot sit as an advisor to an office that is supposed to audit your own operations.

With those few remarks, I support the Bill, but with amendments to remove the proposal of the board.

I thank you, Mr. Speaker, sir.

The Speaker (Hon. Kingi): Sen. Wakili Sigei, proceed.

Sen. Wakili Sigei: Mr. Speaker, sir, I thank you for giving me the opportunity to contribute to this particular Bill.

Before I make my comments, I appreciate the Senator for Nairobi City County, Sen. Sifuna. He has done justice to this law particularly on the basis of its objective. If indeed it is true that it is founded on the desire to comply with the pronouncements of the court, that has not been fully done by the provisions in this Bill. I, therefore, fully associate myself with the comments made by Hon. Justice Mwita on the clauses that in his judgement, he pronounced himself on how the law should be interpreted and how the OAG should be treated because it is a constitutional office.

This office is very important. It is a sacrosanct office. That is why it is founded under the provisions of Article 229 of the Constitution. It is not only Article 229 that speaks to the OAG, but also Article 248 makes reference to this office as the only other independent office besides the office of the Controller of Budget (CoB) over and above, the constitutional commissions. Therefore, that reference of this office as an independent office is in itself very critical.

Beyond that, the reference to the OAG under Article 252(3) gives it the mandate among the few offices that are granted the mandate to order witnesses to appear before it and testify on any matter. This gives it the additional independence and importance. Therefore, we should jealously protect that independence to the extent that whichever law that we are seeking to amend or introduce, must be a law that improves it and not diminishes the OAG.

The appointment of the Auditor-General in itself, a very highly guided office, must be subjected to Parliament for approval. The holder of that office sits in that office for a single non-renewable term of eight years. Those requirements and the process leading to the holder of that office being appointed, gives it the importance. Therefore, even as we debate the proposals to amend this 2015 law, we must be alive to the fact that, at the end of it all, this office must jealously be protected by all of us in order to make sure that we give it the independence that the Constitution gives it.

Mr. Speaker, Sir, what this House largely does as an oversight House emanates from the report of the Auditor-General. In fact, if the OAG was to be watered down in its mandate, then largely, this House will have no business to do. The county governments that we oversight almost on a daily basis with regards to the misuse of public funds and resources will definitely have a field day. Therefore, even as we support this Bill, we must be very cautious of protecting the independence of the OAG. If there is any

provision that seeks to take away even an inch of that mandate, it should be sufficient ground to reject such provisions. As a House, we should be ready to do that even if it means rejecting the entirety of the proposals to amend.

Now to be specific, there are various clauses in this Public Audit (Amendment) Bill (National Assembly Bills No.4 of 2024) that are supporting and enhancing the mandate of the OAG and giving a guide in its management and administration. Of course, we would support such proposals. However, there are some clauses which we must either amend in the Committee of the Whole or totally reject, because we must protect this office.

In the time available to me, I will attempt to look at those particular clauses that I will ask Members of this House to support, where necessary, and those which we must reject or amend in order to protect the sacrosanct of the OAG. The proposal under Clause 5 that seeks to amend Section 7 of the original Public Audit Act is a provision that is seeking to strengthen the purpose of the OAG. It seeks to introduce a Clause 7(c)(a) that requires the Auditor-General to satisfy himself or herself in terms of the utility of the public resources that a Government entity has been mandated to utilise.

It introduces a clause to the effect that the Auditor-General must ensure that they are satisfied that the resources have been used in an economic, efficient, effective, transparent and sustainable manner. The introduction of that clause speaks to the language of the Constitution that requires Government agencies to make sure that resources given to them are utilised in a transparent and sustainable manner. Such a proposal is welcome and supported.

Mr. Speaker, Sir, further, the introduction under Clause 6 of an additional provision that repeals Section 8 of the original Act and introduces a new Section 8, gives the OAG the mandate without delegating. Previously, the law provides that the Auditor-General can delegate some of his or her roles subject to the provisions of Article 234(5) of the Constitution. This particular proposal, therefore, takes away that delegation, and in itself, affirms the fact that the OAG is an independent office.

As the accounting officer, whatever decisions made can only be made by the Auditor General and not delegated to any other officer within or without the office of the Auditor General. The introduction of sub-clause 8G is an introduction. It is a new introduction. It provides that the Auditor General as part of his or her mandate is to conduct and prepare audits on human resource in the public service.

This is a new introduction which is highly welcome because besides the normal audits that we normally do, the scope of the audit that the Auditor General can conduct in public institutions has now been extended to human resource. Remember, there is a provision, later on that I will come to where we are talking about county governments having ballooned in terms of employment. They have become employment bureaus. They have gone beyond 35 per cent that the law allows of their shareable revenue and some even beyond 55 per cent. This provision will allow the Auditor General to conduct human resource audits on our public institutions, the public service and even the county governments because county governments are subject of the Auditor General's audit.

Secondly, the introduction of sub-clause 8(h), where the Auditor General is allowed in consultation with the Salaries and Remuneration Commission to establish

remuneration and benefits of each member of the staff. Previously, this was not fully recognised and therefore, the recognition of the role of the Salaries and Remuneration Commission similarly enhances the role that independent commissions will give to the office of the Auditor General. Notwithstanding the fact that it is an independent office, it is in law required to consult with SRC when it is seeking to establish the remuneration and benefits of members of the staff.

There is only an introduction that will render that particular section unconstitutional if it is not repealed. That is the introduction of Clause 8(2). This section is the one that establishes the office of the Audit Advisory Board. I will still come to this in a short while but having this particular clause under 8(2) renders that entire Bill unconstitutional because it is subjecting the Auditor General to seek advice of the Audit Advisory Board. That alone takes the independence of the Auditor General which is provided for in the Constitution and that sub-clause 2 of the new Clause 8 will render the whole Bill unconstitutional and, therefore, that should be deleted or amended. If not, it will make the whole act unconstitutional.

Now, under the newly introduced Clause 8A that introduces the office of an individual or a person called Head of Public Service Human Resource Audit Directorate - I want to disagree with my colleague, Sen. Sifuna, on this one because this particular directorate is under the office of the Auditor General. It does not take away the independence and this person is supposed to be the person supporting the Auditor General in managing the structure of that particular office. This is introduced under Clause 8A, which is new and it is directly under the office of the Auditor General. So, this person reports directly to the Auditor General and therefore, it does not in any way take away that independence which we are saying should be maintained, should be protected and any law that takes it away will definitely be unconstitutional.

Under New Clause 8B, which is a new clause also, this is the one that speaks to now the establishment of what Clause 8(1)(g) on Public Human Resource Public Audit. This one says that the Public Service Human Resource Audit Directorate - this newly introduced office under the office of the Auditor General - will be responsible for conducting and preparing audits on human resource in the public service. I have already submitted that counties have become employment bureaus. If they are not audited, if they are not controlled, they will be bureaus that only conduct employment and it will balloon their wage bill and there will be zero or no development because of the human resource that takes away the options that we have.

It will also help, by creating this particular directorate under the office of the Auditor General, enhance what we would call affirmative action in the persons to be put into that office. We have county governments, as I have said, which have employed persons beyond that which the system can absorb and it has completely eaten into the development of their counties. Therefore, if they will be enhancing the scope of the office of the Auditor General to ensure that they conduct audits on such public offices, this will also help this House and the public to ensure that we do not just employ because we have got resources. We employ because there is need and we employ in compliance with what the law requires of us as institutions to do.

The amendment to Section 11 of the Act by the newly introduced Clause 9, under B, provides for a timeline within which the office of the Auditor General, when it falls vacant, should be filled. The timeline which is provided for notification of this expiry of the term of the Office of the Auditor General provides for an opportunity for succession planning. That is a welcome provision that will facilitate replacement of that office within the requisite timeline, and it does not anticipate a vacuum in that particular office. Having it in law will help to ensure that, that is fully complied and by providing under the newly introduced Clause 11 D, the proviso to the effect that such an appointment should and must be appointed strictly within the timeline. This one also does not contemplate an existence of a vacuum in the office of the Auditor General.

Mr. Speaker, Sir, the proposal under Clause 11 that seeks to amend Section 14 of the existing Act is equally a welcome move. The introduction of subclause 2 that requires the office of the Auditor General, where this advisory board that reports because the new proposal in the Act says that the Auditor General shall be the Chairman of the Audit Board. This Audit Board, therefore, reports and takes instructions from the office of the Auditor General. Therefore, where the Auditor General is required to seek advice, the law as it is proposed here, uses the word “may.”

In that case, it gives the Auditor General the discretion whether to seek that advice or not. That way, we are still maintaining the independence of the office of the Auditor General and we are not going to allow any other third party or board, for that matter, to direct the Auditor General in any particular way.

Mr Speaker, Sir, Clause 17 of this Bill seeks to amend Section 20 of the Act by providing that any audit report that is submitted or made available by the Auditor General must be given to the entity and a copy of that particular report be availed to the National Assembly or the respective county assemblies. That was not available in the previous law. This means, therefore, the law, as it is, recognises the role that this particular House seeks to establish. I would, however, propose an amendment that the reference to a copy of the Auditor General's report should not only be submitted to the National Assembly alone. It should be submitted to the Senate because this House also has a mandate to oversight. This House also has a mandate to look at those audit reports, especially of institutions like county governments.

The drafters must appreciate that the Constitution recognises that the language should be ‘Parliament’ rather than reference to the National Assembly and the Senate. So, I would propose that this particular introduction of Clause 20A include submission of the report to this House. The requirement that, that particular report also--- Actually, let me read because this is very important in terms of budgetary allocation to the Office of the Auditor General.

“It provides that if the expenditure provided under Subsection 3 of this section are in the opinion of the OAG insufficient to allow the office to properly carry out its mandate, the Auditor General shall submit to the Speaker of the National Assembly and the Speaker of the Senate a special report to be presented to the committee responsible for matters related to budget and appropriation.”

This provision is being introduced to safeguard the funding of the office of the Auditor General. Remember, we have on very many occasions had the Auditor General complaining that they have insufficient resources allocated to them.

Now, the law allows them to submit a special report to you and the Speaker of the National Assembly, so that you have the relevant committee enhance the budgetary allocation. This way, we will be supporting the office of the Auditor General in terms of the budgetary allocation. This is a new and important introduction to the law that will enhance the allocation of the budget and support to the office of the Auditor General.

Clause 25 establishes the Audit Advisory Board. The only reason I would support this clause is to the extent that it provides that the chairperson of this board is the Auditor General. The previous law had provided that upon the establishment of this board, the first business of that board would be to elect from among themselves one of them to be the chairperson and directly and expressly excludes the Auditor General.

That is where the problem is because they will be undermining the office of the Auditor General to be subservient to a chairperson of the Advisory Board when the Auditor General is a constitutional office. This amendment says clearly and expressly that the chairperson of this board is the Auditor General himself or herself.

I entirely oppose the inclusion of the Attorney General in this particular board for obvious reasons. My colleagues have stated that the office of the Attorney General is audited by the Auditor General. There is no way we will have the Attorney General sitting in the advisory board in the office of the Auditor General for obvious reasons that this person reports to the Auditor General in terms of the audit. Therefore, we should delete the requirement of the person, a representative of the Attorney General or the Attorney General to sit in that Audit Advisory Board. As long as the Attorney General is not there, then we will pass the Bill as is.

Previously, there were six members of this Audit Advisory Board, which was an even number. Right now, the amendment has reduced the number to five, meaning they can make decisions because it is an odd number.

This is a very important Bill, if only we amend the various areas that are not compliant with the Constitution. Otherwise, if it goes as, it is, I am sure it will be rejected because it will be unconstitutional in a number of aspects.

Mr. Speaker, Sir, I had so much, but because of time, I will stop at that. Allow me just to mention one more important thing, which is the introduction of the new Section 38A. This section allows the Auditor General to conduct their own independent audits without any request by either Parliament or any other person.

It also facilitates periodic citizen accountability. Citizen accountability has previously been in the form of frameworks, but the moment it is in law as it is right now, citizens will be able to participate in audit of projects at the lowest level of representation, that is, at the ward level. This is because the Office of the Auditor General will have an avenue to conduct audits, where citizens are allowed to participate in the process of conducting audits without necessarily being a subject of a framework that has got no basis and not anchored in law. This introduction will be very important.

Mr. Speaker, Sir, with those many remarks, I support this Bill subject to the amendments on the various clauses which I and other colleagues have flagged out, because we need to protect the independence of the Office of the Auditor General.

Sen. Mwaruma: Asante, Bwana Spika, kwa kunipa fursa kuchangia Mswada huu wa marekebisho ya sheria ya public audit. Nichukue dakika moja kuelezea kidogo ya kwamba kuna taasisi mbalimbali za kufanya uangalizi wa fedha za serikali.

Katika kaunti kuna *county assembly* ambayo inashughulikia uangalizi wa gavana na mawaziri wake. Wakati mwaka wa fedha umeisha, Ibara ya 229 inasema ya kwamba, kufanywe uhasibu na Mhasibu Mkuu. Kumewekwa wakati wa kufanya uhasibu kwamba kufikia Desemba 31 ya kila mwaka, Mhasibu Mkuu awe ametoa ripoti na hiyo ripoti kufika katika Seneti, Bunge la Kitaifa na Bunge za magatuzi.

Mhasibu Mkuu anafanya kazi nzuri sana kwa sababu wakati matumizi katika kaunti yametekelezwa anatembea na kukutana na gavana na mawaziri wake na kuuliza maswali ya matumizi ya fedha za kaunti. Taasisi zingine kama vile mashule na vyuo vikuu pia zinafanyiwa uhasibu.

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

[The Temporary Speaker (Sen. Wakili Sigei) in the Chair]

Nimekuwa katika Kamati ya Uhasibu wa Fedha za Umma Katika Kaunti kwa miaka kadhaa. Sheria ambazo tunategemea ili kufanya uangalizi ni kwanza Katiba ya Kenya ambayo tulipitisha, 2010. Ya pili ni Public Finance Management (PFM) Act inayotusaidia kuangalia iwapo pesa zimetumika kwa mujibu wa sheria. Ya tatu ni County Governments Act, Cities and Municipalities Act. Ya mwisho ni Public Audit Act ambayo inafanyiwa marekebisho.

Kazi ya Bunge ni kutunga sheria. Wakati mwingine sheria inakuwa na *gaps* na kunapendekezwa kila wakati ipigwe msasa ili itumike vizuri.

Wakati uhasibu umeisha, zile ripoti zikitengenezwa zinawasilishwa Bungeni. Wabunge wanaita waliotumia zile pesa na kuwauliza maswali. Kama kuna matumizi ya pesa yasiyofaa ni yule yule Mhasibu Mkuu anayeangalia na kusema kuwa pesa hazikutumika kwa mujibu wa sheria.

Mara kwa mara, tunapata magavana wanakataa kuja kujibu maswali ambayo yameulizwa na Mhasibu Mkuu lakini ni sheria kwamba kila gavana anayetumia pesa, *County Assembly* na zile taasisi zote za serikali lazima zije Bungeni ili kujibu maswali.

Nilikuwa ninaangalia Kipengee cha 25 ambacho huu Mswada umependekeza kibadilishwe kwa kutengeneza Bodi ya Kutoa Ushauri kwa Mhasibu Mkuu. Nimeangalia na kusoma hii sheria na sijaona ni kwa nini mapendekezo kama haya ya kutengeneza Bodi hii yanatokea. Hii ni kwa sababu bodi hii inaweza kupunguza nguvu za Mhasibu Mkuu.

Mhe. Spika wa Muda, umetueleza ya kwamba hakutakuwa na shida yoyote iwapo utakuwa mwenyekiti wa bodi hiyo na utafanya kazi yako kulingana na sheria. Lakini iwapo bodi hiyo itaanzishwa, itahitaji quorum ama akidi ili mikutano ifanyike. Je, itakuwaje iwapo wajumbe wa bodi hiyo watakataa kuhudhuria mikutano hiyo?

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

Inamaanisha bodi hiyo haitafanya mikutano kwa kukosa quorum na kusababisha kazi ya Mkaguzi Mkuu wa Hesabu za Serikali kupata pigo.

Sijaona *gaps* au mapungufu yaliyopo kwa sheria ya 2015 yanayopelekea marekebisho ya kueka bodi. Kuna sheria za wakaguzi na kuna taasisi zinazowaangalia kama wanafanya kazi vizuri. Sioni haja yoyote ya kuweka bodi kama hii ambayo inahitaji Mkuu wa Sheria awepo ndani ilhali yeye mwenyewe anafanyiwa ukaguzi na Mkaguzi Mkuu wa Hesabu za Serikali. Hapo kuna conflict of interest kwa hii sheria.

Naunga mkono marekebisho haya ya sheria, lakini lazima tuifanyie marekebisho zaidi ili Mwanasheria Mkuu anayefaa kufanyiwa ukaguzi asiwepo kwa bodi inayofanyia ukaguzi Ofisi ya Mwanasheria Mkuu.

Kipengele cha 8B kinapendekeza kuwe na Directorate of Human Resource itakayofanyia ukaguzi wafanyakazi serikalini. Tayari ukaguzi unaendelea katika serikali za kaunti na serikali kuu. Sielewi ni mapungufu gani yaliyopo katika Ofisi ya Mkaguzi Mkuu wa Hesabu za Serikali yanayopelekea kuundwa kwa Directorate ya Human Resource.

Mwaka uliopita kaunti zote, 47, zilifanyiwa ukaguzi na kuchunguza idadi ya wafanyakazi wote wa kaunti. Ripoti ya kaunti zote ipo na imeshaletwa kwa Kamati ya Seneti ya Uhasibu na muda wowote tutawaita magavana ili watuelezee makosa yaliyopo kwa ripoti ya Mkaguzi Mkuu wa Hesabu za Serikali. Kwa hiyo, sielewi mapungufu yaliyokuwa kwa sheria iliyopo yaliyopelekea kupendekeza kuundwa kwa *Directorate* hii, lakini tutaitazama kwa ukaribu. Ile kamati iliyopo ikiona umuhimi wake, itabidi tuiache hapo.

Mhe. Spika wa Muda, Mkaguzi Mkuu wa Hesabu za Serikali amefanya kazi yake vizuri ingawaje kuna wakaguzi wengine walio na mapungufu. Lakini kwa ujumla, Ofisi ya Mkaguzi Mkuu wa Hesabu za Serikali imefanya kazi nzuri. Wamekagua mahali fedha za Serikali zimepotea na kutoa ripoti yao kila wakati. Kwa mfano, kuna ripoti ya Shilingi bilioni 11 zilizopotea kwa taasisi ya Social Healthy Authority (SHA).

Kama Seneti inataka kusaidia Mkaguzi Mkuu wa Hesabu za Serikali katika kazi yake, tusiweke chochote kitakachopunguza nguvu ya mkaguzi ama kuchakachua kazi inayofanywa na Mkaguzi Mkuu wa Hesabu za Serikali. Tunapofanya kazi yetu ya usimamizi hapa Seneti, kuna taasisi nyingine tunazotegemea kama Ofisi ya Mkaguzi Mkuu wa Hesabu za Serikali, Tume ya Maadili na Kupambana na Ufisadi, Idara ya Upelelezi wa Jinai na nyinginezo. Inafaa tujaribu kuhakikisha sheria tunazopitisha zisipunguze nguvu ya tume au ofisi hizi.

Mhe. Spika wa Muda, naunga mkono kupigwa msasa kwa sheria hii, lakini tuwe makini kuchunguza vipengele tunavyorekebisha. Kwa mfano, kuondoa Mwanasheria Mkuu kwa *Advisory Board of the Auditor General* itakuwa vyema. Sina mengi. Naomba turekebisha sheria hii kwa sababu ni muhimu kwa kufanya kazi ya usimamizi au *oversight*.

Asante sana kwa muda ulionipa.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. Mwaruma. The Chair was tempted, in the course of your contribution, to remind you as a seasoned Member of the House of the provisions of Standing Order No.92.

For the benefit of those present, you ought to have translated into Kiswahili the words “gaps, directorate and conflict of interest” that you used. I picked those three in your contribution that was made in Kiswahili. The Chair exercised discretion to allow you to proceed. Otherwise, you were required to make your entire contribution in the language you chose when you started.

Before I allow the next Member to make their contribution, I have a Communication to make.

(Interruption of debate on Bill)

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM KENYATTA UNIVERSITY
YOUTH ALLIANCE OF KENYA

Hon. Senators, I would like to acknowledge the presence, in the Speaker’s Gallery this afternoon, of visiting delegation from the Kenyatta University Youth Alliance of Kenya (KUYAK). The delegation comprises 15 student leaders and 10 members drawn from different county chapters, who are visiting the Senate on an academic tour.

On behalf of the Senate and on my own behalf, I extend a warm welcome to the delegation and wish them a fruitful learning.

Thank you.

As is the custom of this House, I will allow the next Member to speak. Before you make your contribution, Sen. (Dr.) Murango, kindly take one minute to welcome the delegation from KUYAK.

Sen. (Dr.) Murango: Asante sana, Mstahiki Spika wa Muda. Nawakaribisha wanafunzi wa muungano wa vyuo vikuu. Nitaongea kwa lugha ya Kiswahili kwa kuwa mimi ni mkereketwa wa lugha hii.

Hapa Seneti tunafanya mambo mengi na hakuna kitu kinawazuia ninyi kuja hapa wakati wenu utakapofika. Masomo ni mazuri na yote mtakayoyapata hapa yatakuwa ya manufaa kwa Wakenya.

(Resumption of debate on Bill)

Mstahiki Spika wa Muda, ukiona mti mara mbili msituni, ujue umepotea na pia mtoa chui zizini, haishiwi na kilio. Marekebisho tunayofanya ya kuondoa nguvu ya Mkaguzi Mkuu wa Hesabu za Serikali yatakuwa na madhara mengi sana. Sijaona upungufu unaopelekea marekebisho kwa sheria iliyopo.

Kwanza, Mwanasheria Mkuu anapata fedha zake kutoka pochi ya Serikali. Ili kuchunguza kama ametumia fedha hizo vizuri, Mkaguzi Mkuu wa Hesabu za Serikali anafanya ukaguzi huo. Sasa kumuweka katika bodi ni sawa na kuweka mbug’o katika bodi ambayo itakuwa inapeana ushauri kwa wale wanaangalia na kutibu ugonjwa wa malale.

Mimi sitasema tufanye marekebisho. Ninasema ya kwamba Mkaguzi Mkuu, Bi. Nancy Gathungu, amefanya kazi nzuri. Kama hatujaona upungufu, kwa nini tutunge sheria hii ya kuweka vikwazo kwa Mkaguzi Mkuu? Kwa hivyo, tunapotunga sheria hii, tuondoe kuwa na bodi kwa sababu sioni maana yake.

Bw. Spika wa Muda, Mwanasheria Mkuu ako na ofisi kubwa nchini. Ukiangalia, Mkaguzi Mkuu wa Hesabu ya Serikali inakaa kama ofisi ndogo. Chuma cha zoezi akiwezi kushindana na suko. Kwa hivyo, ukiweka Mwanasheria Mkuu pamoja na Mkaguzi Mkuu wa Hesabu, kwa sababu Mwanasheria Mkuu atakaa kwenye bodi ambayo inapeana ushauri, itakuwa vipi wakati atapatikana kwamba ametumia pesa za umma vibaya na ndiye anafaa kupea Mkaguzi Mkuu ushauri? Itakuwa ni njia moja ya kusema kwamba, kabla sijakupea ushauri, ondoa jina langu katika ratiba na majedwali ya wale wamevunja pesa za umma.

Mimi ninapinga hiyo. Lazima kama nchi, tuwache tabia ya kuweka *board* kwa kila kitu. Farasi akifa, tunaleta bodi, moja ichunguze kama anaweza kufufuka. Bodi ya pili, ione kama farasi anaweza kuzikwa. Hizi bodi nyingi ambazo zinatengenezwa kupitia sheria, zinanyonya pesa kidogo ambazo nchi iko nazo. Kwa hivyo, kama tuko na mama kama Nancy, kwa nini tusiwache afanye kazi yake bila kuingiliwa na kuwekewe bodi ya ushauri ambayo haina maana? Bodi hizi, ukiangalia, mwishowe zinazawadiwa watu ambao wameshindwa kufanya siasa.

Kwa hivyo, ninasema *bodi* hizi zifutiliwe mbali. Ninafaa nikuje na orodha ya taasisi na bodi zingine ambazo zinafaa kuvunjwa.

Saa zingine, unakutana na wenyekiti wa bodi kwa matanga na ni wengi kushinda wanaoomboleza. Hawa watu ndio wanavuja pesa zetu. Hizi bodi ni sawia na watengeneza jeneza ambao wanalia sana matangani ilhali wako kwa biashara ya kuuza jeneza.

Sen. Onyonka: Bw. Spika wa Muda, mimi pia ningependa kutoa heshima zangu kwa ndugu zangu ambao wamezungumza kwa lugha ya taifa. Wakati mwingine ingekuwa vizuri tupate nafasi kuizungumza katika Bunge hili.

Jambo la kwanza, ningependa kuunga ndugu zangu ambao wametoa maoni ya kuhusu sheria hii ambayo inataka kubadilishwa. Mimi kama mmoja wa wanachama wa Kamati ya Fedha na Bajeti, tulimuita mama Nancy kumwuliza fikira zake kama kiongozi ambaye anakagua matumizi ya pesa za Serikali, na vile tunaendesha nchi yetu, anaonaje kama tungetafuta kamati ambayo itaketi na akishatoa audit report, wampe ushauri na kumwambia kile atakachokifaya au la.

Katika Kipengele 12(2) kinasema lazima *Auditor General* atafute ushauri kutoka kwa *audit advisory board*. Kazi ambayo *Auditor General* anafanya, haja yetu ni kupanga vile tutaleta maofisa wengine ili Mkaguzi wa Pesa za Serikali akishamaliza kufanya audit yake, hao watakuwa wanamwambia ukishapata mtu ameiba pesa za Serikali amuwache kwa sababu yeye ni mtu mkubwa ambaye anasaidia Serikali.

Pili, wanasema kutakuwa na naibu *auditor*. *Auditor* wa wakati huu ana naibu wawili na hakuna mtu ambaye amelalmika kuwa hawafanyi kazi. Hakuna mtu ameleta kesi na kusema haki zake zimedhulumiwa.

Sababu ya kuleta naibu wa Bi. Nancy ni kwa sababu wanatafuta mchungaji. Bi. Nancy akienda likizo, huyo ndiye anapiga *deals* zao uko ndani kama vile wanaiba pesa za Kenya. Hakuna mtu ameenda kortini na kuwasilisha malalamiko dhidi ya Bi. Nancy

anayesimamia na kufanya kazi ambayo ni ya kushtua. Angekuwa mwanaume, angekuwa amejificha kwa vyoo. Sasa, tunataka kumletea *gatekeeper* ambaye ni wakumchunga.

Kipengele cha 13(1) kinasema-

“Senior Deputy Auditor-general shall be the principal assistant to the Auditor-General”

Nani alisema yule ambaye anafanya kazi na Bi. Nancy wana shida naye? Kwa sababu gani walete mtu mwingine wa kumchunga Bi. Nancy ambaye amekuwa akifanya kazi nzuri?

Jambo lingine wamemependekeza ni ukiondoa *paragraph (a)* alafu ulete *paragraph* nyingine, kuna mtu mwingine ambaye sasa tunamuweka awe naibu wa *Auditor General* ambaye kazi yake ni kufanya kazi kikatiba.

Ni kazi gani hiyo watafanya kwa sababu Public Finance Management Act inasema tufanye *audit* kila mwaka na tumepewa masharti ya kufuata. Hiyo *audit* inakuja kwa Bunge hili. Ni sababu gani tunataka kuleta *deputy*?

Vile ninavyojua Kenya yetu tunayoipenda, sababu ya kuleta vipengele hivi vyote ni kutoa madaraka ya kikatiba ambayo inafanya Bi. Nancy afanye kazi yake kwa heshima na kisheria. Mpite kelele au msipige, kama itakuwa ‘*one term*’ au ‘*two term*,’ mkiiba, atawaambia.

Kwa hivyo, vipengele hivi vimeletwa kwa ukora na ukorofi. Tuwache huyu mama aendelee kufanya kazi yake kwa sababu sheria imehudumu na ndio tunapigania.

The Temporary Speaker (Sen. Wakili Sigei): I do not see Sen. Kajwang’ in the House. He ought to be the next. In his absence, as well as the Mover of this Motion, the Senate Majority Leader, I will defer reply to this Motion to the next sitting.

So, reply by the Mover is hereby deferred to the next sitting of the House.

(Reply to the Bill deferred)

I am just confirming from the Order Paper of today that Order Nos.11, 12, 13, 14 and 15 are subjects of Committee of the Whole. Therefore, we cannot proceed because there is no Chair around.

I defer Order Nos.11 to 15 to the next sitting.

COMMITTEE OF THE WHOLE

THE NUTS AND OIL CROPS DEVELOPMENT BILL
(SENATE BILLS NO.47 OF 2023)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

THE HERITAGE AND MUSEUMS BILL
(SENATE BILLS NO.8 OF 2023)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

THE STATUTORY INSTRUMENTS (AMENDMENT) BILL
(SENATE BILLS NO.10 OF 2024)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

THE COUNTY HALL OF FAME BILL
(SENATE BILLS NO.18 OF 2023)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

THE PUBLIC FUNDRAISING APPEALS BILL
(SENATE BILLS NO.36 OF 2024)

(Committee of the Whole deferred)

Order No.16 is also deferred because the Chair of Committee on Justice, Legal Affairs and Human Rights is yours truly and chairing the Senate. He ought to have been the one moving that Motion.

MOTION

ADOPTION OF REPORT ON PETITION ON THE PROPOSED
AMENDMENTS TO THE COUNTY GOVERNMENTS ACT (CAP.265)

THAT, the Senate adopts the, Report of the Standing Committee on Justice, Legal Affairs and Human Rights on a Petition to the Senate by Hon. Isaiah Maina, a Member of the County Assembly (MCA) of Nandi County representing Ol'lessos Ward on proposed amendments to the County Governments Act (CAP. 265), laid on the Table of the Senate on Wednesday, 11th March, 2026.

That is also hereby deferred.

(Motion deferred)

Order Nos. 17, 18, 19, 20, 21, 22, 23, 24, 25 and 26 are equally deferred because the Movers are not present in the House.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

BILL

Second Reading

THE HEALTH (AMENDMENT) BILL
(SENATE BILLS NO.12 OF 2025)

(Bill deferred)

BILL

Second Reading

THE COUNTY GOVERNMENTS LAWS (AMENDMENT) BILL
(SENATE BILLS NO. 14 OF 2025)

(Bill deferred)

BILL

Second Reading

THE NATIONAL CONSTRUCTION AUTHORITY (AMENDMENT) BILL
(SENATE BILLS NO. 15 OF 2025)

(Bill deferred)

BILL

Second Reading

THE COMMUNITY HEALTH PROMOTERS BILL
(NATIONAL ASSEMBLY BILL NO. 53 OF 2022)

(Bill deferred)

BILL

Second Reading

THE KENYA HEALTH PRODUCTS AND TECHNOLOGIES REGULATORY
AUTHORITY BILL (NATIONAL ASSEMBLY BILL NO. 54 OF 2022)

(Bill deferred)

BILL

Second Reading

THE KENYA ROADS (AMENDMENT) (NO. 3) BILL
(NATIONAL ASSEMBLY BILLS NO.34 OF 2025)

(Bill deferred)

BILL

Second Reading

THE ENVIRONMENTAL MANAGEMENT AND COORDINATION
(AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO.66 OF 2023)

(Bill deferred)

BILL

Second Reading

THE AUTISM MANAGEMENT BILL
(SENATE BILLS NO. 19 OF 2025)

(Bill deferred)

MOTION

PROVISION OF COUNTY GOVERNMENTS'
IFMIS REPORTS TO THE SENATE

THAT, AWARE that, Article 96 of the Constitution provides that the Senate represents the counties, and serves to protect their interests, determines the allocation of national revenue among counties, as provided in Article 217, and exercises oversight over national revenue allocated to the County Governments;

FURTHER AWARE THAT, in the case of Senate v Council of Governors and 6 others (Petition 24 and 27 of 2019 (consolidated) 2022) KESC 57(KLR), the Supreme Court affirmed that the Senate's oversight authority extends to both nationally allocated and locally generated revenue;

CONCERNED THAT, that Senators are constrained by lack of access to real time to data from the IFMIS system for the respective counties they represent, thus affecting effective oversight of County Governments;

FURTHER CONCERNED THAT, in some instances data and information presented to the Senate by the Auditor-General and the Controller of Budget are received and considered late as a result of the backlog resulting into too much information not getting properly reviewed by Senators;

NOTING THAT, as a result of unchecked financial information and systems, County Governments have continued to accumulate pending bills resulting from unplanned expenditures, unaccounted for and inflated cost of projects;

NOW THEREFORE, the Senate resolves, that the Cabinet Secretary in charge of the National Treasury shall on a monthly basis forward to the Clerk of the Senate all IFMIS transactions and reports for each County Government for onward transmission to the respective Senator for information on accountability and transparency, in order to strengthen their constitutional oversight and promote good governance in the management of public finances.

(Motion deferred)

MOTION

DELINK JSS SCHOOLS FROM PRIMARY SCHOOLS

THAT, AWARE that, the Ministry of Education in Kenya, introduced Junior Secondary Schools (JSS) as part of the Competency-Based Curriculum (CBC) implementation marking a major milestone for the country's education system, and a key opportunity to improve the quality of education available to students;

APPRECIATING THAT, the Junior Secondary Schools program play a vital role in shaping the academic trajectory of learners by providing students with a strong foundation in core subjects, helping them develop essential skills and offering them opportunities to participate in extracurricular activities promoting greater social inclusion;

CONCERNED THAT, the integration of Junior Secondary Schools within primary school setups has posed major challenges for Junior Secondary teachers, including inadequate training on the new competency-based curriculum, limited opportunities for career advancement, conflict in leadership, decision-making and resource allocation leading to strained relationships with head teachers;

FURTHER CONCERNED THAT Junior Secondary Schools (JSS) face critical shortages in essential infrastructure such as laboratories, libraries, ICT hubs, and science equipment necessary for the implementation of the JSS curriculum, coupled with inadequate access to approved learning materials and teaching resources, resulting in inconsistencies in curriculum delivery hindering effective teaching, learning, and overall student development;

NOW THEREFORE, the Senate resolves that the Ministry of Education, the Teachers Service Commission and the Kenya Institute of Curriculum Development should-

i) Provide for an independent administrative and operational framework for Junior Secondary Schools to enhance governance, streamline management, and create a more focused learning environment for the learners;

ii) Allocate adequate funds for the construction and equipping of Junior Secondary Schools with essential facilities such as science labs, libraries and ICT rooms, and provide adequate learning materials relevant with the curriculum;

iii) Offer professional development programs for Junior Secondary School teachers to help them specialize in specific subjects to effectively implement the JSS curriculum;

iv) Develop a clear career progression framework for Junior Secondary School teachers, including opportunities for promotions and additional responsibility allowances;

v) Formulate clear policies and guidelines outlining the structure, curriculum, and management of Junior Secondary Schools; and

vi) Ensure an optimal teacher-student ratio to facilitate personalized student attention and effective learning.

(Motion deferred)

ADJOURNMENT

The Temporary Speaker (Sen. Wakili Sigei): May the House rise now. Hon. Senators, on conclusion of the business of the House, there being no other business on the Order Paper, the Senate stands adjourned until Tuesday, 17th March, 2026 at 2.30 p.m.

The Senate rose at 4.52 p.m.