

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 1st July, 2014

The House met at 2.30 p.m.

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

PRAYERS

ADMINISTRATION OF OATH

The Oath of Allegiance was administered to the following Member:-
Opore Zebedeo John.

PETITION

Hon. Speaker: Hon. Hellen Chepkwony, do you not have your own card? Could it be the case that the card you are using is for hon. Erick arap Keter?

Hon. (Ms.) Chepkwony: Yes, hon. Speaker.

Hon. Speaker: Proceed.

COMPLACENCY BY THE CHIEF PHARMACIST

Hon. (Ms.) Chepkwony: Thank you, hon. Speaker.

I have a public petition by Barnabas Bargaroria on complacency by the Chief Pharmacist and Secretary to the Pharmacy and Poisons Board.

Hon. Speaker, on behalf of Barnabas Bargaroria, a citizen of Kenya and resident of Eldoret, I draw the attention of the House to the following:

THAT, aware that one of the key functions of the Chief Pharmacist of the Pharmacy and Poisons Board is to regulate the quality and ensure that drugs imported conform to the prescribed standards of quality, safety and efficacy for human consumption;

THAT, laxity and gross failure by the Chief Pharmacist threatens the lives of many Kenyans who unsuspectingly, purchase and consume drugs that do not conform to the prescribed standards of quality, safety and efficacy;

Noting that on 28th May, 2009, the petitioner, diabetic patient, purchased insulin drugs namely, Humulin 70/30 from Eldochem Limited in Eldoret Town; and that the drug had been imported by Statim Pharmaceuticals Limited;

THAT, after using the drug, the petitioner suffered near fatal injury and had to obtain emergency treatment at the Moi Teaching and Referral Hospital;

THAT, the drug was subsequently tested by the National Quality Control Laboratory and was found to be harmful since it did not conform to the prescribed quality, safety and efficacy standards;

THAT, this contravenes Article 43(1)(a) of the Constitution which provides that every person is entitled to the highest attainable standard of health, including the right to health care services;

THAT, the Chief Pharmacist lodged a case against the employees of the dispensing chemist at the Resident Magistrate's Court in Eldoret as Case No.4663 of 2009: Republic verses Nawaz Gulam and William Chumba;

THAT, the recurrent failure by the Chief Pharmacist to avail witnesses and exhibits led to the constant deferral of hearing of the case and subsequent discharge of the accused persons by the court on 25th May, 2010;

THAT, termination of the case denied the petitioner his right to compensation for injury or loss arising from defects in goods or services as provided for under Article 46(1)(d) of the Constitution;

THAT, the matter in respect of which this petition is made is not pending before a court of law;

Therefore, your humble petitioner prays that the National Assembly, through the Departmental Committee on Health:-

(i) intervenes to ensure that the petitioner's plight is addressed and urgent measures instituted to protect Kenyans who are unknowingly purchasing and consuming drugs that do not conform to the prescribed standards of quality, safety and efficacy, and

(ii) recommends that the Ministry of Health urgently puts in place measures that will guard against the manufacture or importation of drugs that do not conform to the prescribed standards of quality, safety and efficacy.

And your petitioner will ever pray.

Hon. Speaker, we know that there are very many patients who have died not because of the diseases they were ailing from but due to the poor quality of the drugs that have been imported. Therefore, my prayer and that of the petition is to make sure that we get proper medication for our patients. I lost my husband because of drugs which were not of standard. So, this petitioner's prayer is that the Government, through the Department of Health, works very hard to ensure that we get proper medication for patients in public hospitals as well as in private hospitals.

Thank you, hon. Speaker.

Hon. Speaker: Very well. Of course, it is the responsibility of the relevant Government Department to ensure that there is quality control. The Departmental Committee of the National Assembly may only make recommendations in that regard, which will merely be to buttress the provisions of the relevant provisions of the law regarding quality of drugs.

Nevertheless, the petition is committed to the Departmental Committee to deal with it in the normal manner.

Next Order!

PAPERS LAID

Hon. A.B. Duale: Hon. Speaker, I beg to lay the following Papers on the Table of the House:-

The Report of the Auditor-General on the Financial Statements of Jomo Kenyatta University of Agriculture and Technology for the year ended 30th June, 2013 and the Certificate of the Auditor-General therein

The Report of the Auditor-General on the Financial Statements of Teachers Service Commission for the year ended 30th June, 2013 and the Certificate of the Auditor-General therein

The Report of the Auditor-General on the Kenya Ports Authority Annual Reports and Financial Statements for the year 2012/2014

The Report of the Auditor-General on the Financial Statements of the Youth Enterprise Development Fund Board for the year ended 30th June, 2013 and the Certificate of the Auditor-General therein

The Report of the Auditor-General on the Financial Statements of Kenya Railways Corporation the year ended 30th June, 2013 and the Certificate of the Auditor-General therein

Thank you, hon. Speaker.

Hon. Speaker: Yes, Chairperson, Departmental Committee on Environment and Natural Resources!

Hon. (Ms.) Abdalla: Hon. Speaker, I beg to lay the following Paper on the Table of the House:-

Report of the Departmental Committee on Environment and Natural Resources in relation to a petition regarding environmental hazards caused by the Athi-River Mining Company Limited in Kaloleni, Kilifi County, raised by Human Rights Agenda (HURIA)

Hon. Speaker: Yes, Chairperson, Departmental Committee on Justice and Legal Affairs.

Hon. Chepkong'a: Hon. Speaker, may I, first of all, take this opportunity to congratulate hon. Zebedeo Opopo for being elected overwhelmingly as the Member of Parliament for Bonchari.

Hon. Speaker, I beg to lay the following Paper on the Table of the House:-

Report of the Departmental Committee on Justice and Legal Affairs on the Protection Against Domestic Violence Bill, 2013

Hon. Speaker: Hon. Ali Wario, what is your intervention about?

Hon. Wario: Mhe. Spika, ninaomba mwongozo kutoka kwako.

Wakati Mbunge mpya anapolishwa kiapo cha ofisi tunalazimika kusimama. Kanuni za Bunge, Vipengele vya 3 na 104 havisemi kwamba ni lazima tusimame wakati Mbunge mpya anapolishwa kiapo. Mwongozi wa sisi kusimama wakati Mbunge mpya analishwa kiapo umetoka wapi?

Naomba mwongozo kutoka kwa Mhe. Spika.

Hon. Speaker: Utaupata.

Hon. Wario: Ahsante, Bw. Spika.

Hon. Speaker: Next Order! Yes, hon. James Lusweti.

REQUESTS FOR STATEMENTS

RESETTLEMENT OF IDPs BETWEEN 1992 AND 2008

Hon. Mukwe: Hon. Speaker, I wish to request for a Statement from the Chairperson of the Departmental Committee on Administration and National Security regarding the resettling of approximately 372 families of Internally Displaced Persons (IDPs) between 1992 and 2008.

Hon. Speaker: Hon. Lusweti, do not go into the nitty-gritty of the Statement request. Just read out what is on the Order Paper. What you have written will go to the Chairperson of the Committee.

Hon. Mukwe: Yes, hon. Speaker, but---

Hon. Speaker: Hon. Lusweti, there is no "but"! I am going to implement the rule. If you do not do as directed, I will just direct that you sit down. Just read out what is on the Order Paper.

Hon. Mukwe: Hon. Speaker, I wish to request for a Statement from the Chairperson of the Departmental Committee on Administration and National Security regarding the resettlement of IDPs between 1992 and 2008.

Hon. Speaker: Very well! Yes, Chairperson!

Hon. Abongotum: Hon. Speaker, is the Statement request directed to me or the Leader of Majority Party?

Hon. Speaker: There is total confusion. At some point the Statement request shows that it is directed to the Leader of Majority Party but a handwritten script shows that it is directed to the Chairperson of the Committee on Administration and National Security.

Member for Kabuchai, who is it that you want to give you the response?

Hon. Mukwe: Hon. Speaker, I cannot tell who did the handwritten note. I was initially going to seek the Statement from the Leader of Majority Party but somebody inserted a handwritten note.

Hon. Speaker: Member for Kabuchai, that was done without my approval. Therefore, I do not recognise that bit. So, your request is directed to the Leader of Majority Party.

Could we have an undertaking, hon. Duale?

Hon. A.B. Duale: Hon. Speaker, I hope that is not part of the confusion as a result of the intended *Saba Saba* rally.

I will give an answer on Thursday, next week.

Hon. Speaker: That is *Saba Saba* day!

Hon. Mukwe: Hon. Speaker, I will give him the benefit of the doubt. If you can recall, the IDPs of 2007 and 2008 were resettled but those of 1992 and 1997 have not been resettled. If the two weeks will be sufficient, then I will say okay.

Hon. Speaker: Very well. Next is hon. Olago Aluoch

IMPLEMENTATION OF RIGHT TO EDUCATION FOR ADULTS

Hon. Aluoch: Thank you, hon. Speaker. The right to have education during adulthood is enshrined in the Constitution. I wish to ask for a Statement from the Leader of Majority Party on the state of education.

Hon. Speaker: Forget about that one; just read what is on the Order Paper. We must save time.

Hon. Aluoch: I will not take long

Hon. Speaker: No, you cannot be an exception.

Hon. Aluoch: In that case then, the Leader of Majority Party should issue a Statement in regard to implementation or the right to have education as provided for under Article 43(1)(f) of the Constitution of Kenya in reference to adult education.

Hon. Speaker: Leader of Majority Party

Hon. A.B Duale: Hon. Speaker, this is a straight matter and I will deliver an answer next Wednesday, morning session

Hon. Speaker: One week. Hon. Aluoch

Hon. Aluoch: That is okay with me, hon. Speaker

Hon. Speaker: Very well. Next, hon. Raymond Moi Kipruto

(Applause)

CONSTRUCTION OF LEVEL 5 HOSPITAL AT SALGAA

Hon. Moi: Thank you, very much. I wish to request for a Statement from the Chairperson of the Departmental Committee on Health.

Hon. Speaker: Are you saying anything?

Hon. Moi: I am seeking a Statement from the Chairperson of the Departmental Committee on Health regarding the construction of Level 5 hospital at Salgaa as promised by hon. Mwai Kibaki, the retired President in the year 2010.

Thank you.

Hon. Speaker: The Chairperson of the Departmental Committee on Health, hon. Nyamai.

Hon. (Ms.) R.K. Nyamai: Thank you, hon. Speaker. Two weeks.

Hon. Speaker: Two weeks, hon. Moi.

Hon. Moi: That is acceptable. Thank you.

Hon. Speaker: Okay, very well. Hon. Joseph Lekuton! You can use the Dispatch Box.

POWER VESTED IN OFFICES OF PARTY LEADERS

Hon. Lekuton: Thank you, hon. Speaker. I would like to request for a Statement from the Chairperson of the Departmental Committee on Justice and Legal Affairs on the powers of the offices of the Leader of Majority Party and the Leader of Minority Party in the National Assembly, in respect of Article 108 (2) of the Constitution. Thank you

Hon. Speaker: You want somebody to interpret to you Article 108(2)?

Hon. Lekuton: Yes, that is it hon. Speaker.

Hon. Speaker: No, questions and statements are never meant to be that way. When it comes to matters which are provided for in the law, you can only go and look for somebody in the courts to interpret.

Hon. Lekuton: So, can I now read the whole of it?

Hon. Speaker: If you have doubts about reading laws, then you cannot---

Hon. Lekuton: Let me repeat. I request for a Statement from the Chairperson of the Departmental Committee on Justice and Legal Affairs on whether Article 108 of the Constitution vests powers to the offices of the Leader of Majority Party and the Leader of Minority Party in the National Assembly to the exclusion of any other institution

Hon. Speaker: To the exclusion of any other institution?

Hon. Lekuton: Yes and specifically the Senate.

Hon. Speaker: Hon. John Mbadi, I am sure you want to do the interpretation. Do you and is that the nature of your intervention?

Hon. Ng'ongo: Thank you. Whereas I appreciate the request for the Statement from hon. Lekuton, that issue again is one that should engage our mind. I am wondering whether he has directed the issue to the right person because the people he is asking about are the same ones occupying the same positions that are in contention. I am wondering whether the Leader of Majority Party and the Leader of Minority Party in the National Assembly would be able to give unbiased interpretation. I can see there are other officers masquerading---

Hon. Speaker: The request is directed to the Chairperson of the Departmental Committee on Justice and Legal Affairs. That is fine because I can see there are others masquerading as the Leader of Majority Party and the Leader of Minority Party elsewhere. Thank you.

Hon. A. B. Duale: Hon. Speaker, I said earlier that there is a lot of confusion and that is a classical example of the *Saba Saba* confusion. Hon. Mbadi is not even reading the Statement as per the Order Paper because he is wondering whether the dialogue will take place before *Saba Saba* and if it does not take place, what will happen. I want to confirm to him that he should prepare for what will happen because the dialogue is very far from taking place before *Saba Saba*. The Statement was directed to the Chair of the Departmental Committee on Justice and Legal Affairs. He can seek interpretation from the Supreme Court and bring the answer to the House.

Hon. Speaker: Hon. Members, are these interventions related to this request?

Hon. Chepkonga you needed to make a response.

Hon. Chepkong'a: Thank you, hon. Speaker. This is a very weighty matter which requires serious interrogation, particularly as alleged by hon. Lekuton that some people are impersonating others. This is, in fact, a criminal offence in which somebody should be charged. So, the Director of Public Prosecution (DPP) may even be called so that we can advise him on how to charge some of these fellows who have misused the privileges of the House. Four weeks will be good enough to deal with impersonification of these persons. Thank you.

Hon. Speaker: Hon. Lekuton, is that okay? Very well, hon. Timothy Wanyonyi.

STATUS OF LAND TITLES FOR PUBLIC SCHOOLS

Hon. Wetangula: Thank you, hon. Speaker. I wish to request for a Statement from the Chairperson of the Departmental Committee on Education, Research and Technology regarding the status of land title deeds for public schools.

Hon. Speaker: Hon. Sabina Chege

Hon. (Ms.) S.W. Chege: Thank you, hon. Speaker. I would like the hon. Member to give the Committee two weeks.

Hon. Speaker: Very well. Hon. Wanyonyi

Hon. Wetangula: Hon. Speaker, two weeks is okay. I hope the hon. Chairlady means it by saying two weeks. Thank you.

Hon. Speaker: Well, I think two weeks has one ordinary meaning which is “two”, and a week has seven days. I assume we will all go by the ordinary meaning which we will all appreciate and understand. Hon. Leonard Sang.

STATUS OF SOTIK-CHEPLANGET-CHEBORGEI-RORET ROAD

Hon. Sang: Thank you, hon. Speaker. I wish to request for a Statement from the Chairperson of the Departmental Committee on Transport, Public Works and Housing regarding the status of tarmac roads in the country especially the Sotik-Cheplanget-Cheborgei-Roret Road which was started in 2011 and up to date it has not been completed. In the Statement, the Chairperson should---

Hon. Speaker: Enough! The Chairperson, respond.

Hon. Sang: Thank you

Hon. Speaker: Hon. Members, remember I told you in order to save time we should avoid these long stories about which road or river flows from which village to which and so forth so that we can save on time. So, once you know you have covered the gist of your issue, the Chairperson I am sure is informed. Hon. Mahmoud

Hon. (Eng.) Mahamud: Thank you very much, hon. Speaker. We will be able to give the answer on this matter in the next two weeks.

Hon. Speaker: Hon. Sang, is two weeks okay? Very well, thank you. Hon. Shakilla Abdalla.

Hon. (Ms.) Shakila: Thank you, hon. Speaker.

Hon. Speaker: Your name is somehow similar to hon. Shakeel Shabbir’s, but you are not him.

MPEKETONI MASSACRE

Hon. (Ms.) Shakila: Thank you, hon. Speaker, I would like to request for a Statement from the Chairperson of the Departmental Committee on Administration and National Security regarding the Mpeketoni Massacre.

Hon. Speaker: Hon. Kamama.

Hon. Abongotum: Due to the urgency of this matter and the gravity of this massacre, we intend to take one week to respond to hon. Shakila’s request.

Thank you, hon. Speaker.

Hon. Speaker: Very well, hon. Shakila is that okay?

Hon. (Ms.) Shakila: Thank you, hon. Speaker. As we are aware next week we are on recess. If he can do it maybe on Thursday, I will appreciate. This is because the tension is very high.

Thank you, hon. Speaker.

Hon. Speaker: You have said tension is very high? Hon. Kamama, is there anything you can do about this?

Hon. Abongotum: About the recess, I am not sure whether we will have one because that is anticipating debate. I will try because of the tension that she has just mentioned. Let me try by Thursday, if it is possible.

Hon. Speaker: But in the meantime, urge everybody to preach peace especially during this holy month of Ramadhan.

(Applause)

I can see several requests including the one by hon. Kathuri Murungi.

Hon. Murungi: Thank you, hon. Speaker. On 25th February, 2014, I presented a petition from the Imenti South Tea Farmers and you committed it to the Departmental Committee on Agriculture, Livestock and Cooperatives. Our Standing Order No. 227(2) clearly gives a timeline within which we should respond to the petitioners after their prayer has been read in this House. I have been following this issue with the Committee on Agriculture, Livestock and Cooperatives but now I have almost given up.

When I went to the constituency, these farmers requested me to write to the Clerk of the National Assembly asking whether their petition will ever be availed to them or what is happening. I kindly request your guidance because the Standing Order is very clear under No.227(2). What is happening to this Committee because they should not go that way? We have rules in this House. What is also happening in the tea sector? These farmers as we speak---

Hon. Speaker: No, hon. Kathuri.

Hon. Murungi: Mr. Speaker, it is because of frustrations, that is why I am going through this---

Hon. Speaker: Hon. Kathuri, you are raising a very pertinent issue, but of course the Chair is not going to know what is happening in the tea sector. It is not the business of the Chair. The issue you are raising is very fundamental and, indeed, I am making a communication regulating this matter as well as several others. There are several petitions which have been referred to committees and they are not presenting reports. We cannot continue this way, either the membership of those committees should be dissolved or the leadership therein be replaced. We cannot afford to go on this way.

The provisions relating to public petition is a matter which is in the Constitution, which Kenyans gave themselves when they voted overwhelmingly on 4th August, 2010. You have put it in your own Standing Orders; it cannot be that those matters are going to be taken lightly. Hon. Chepkwony has just presented some petition. The committee which is supposed to deal with it must begin work immediately. Tomorrow, I will be communicating to the House how many such petitions and even regulations have been presented here; they have timelines.

Some of them, if you go beyond 21 days, do not come to tell me you are tabling a report, they will have become rules. Committees are not bringing reports and we cannot continue this way. As much as I appreciate that you do that other work over weekends, please also remember you have another responsibility to the House, country and yourselves. So, hon. Members, it is important that the chairs of committees take these

issues of petitions which are being presented by Kenyans through you and some directly, with the seriousness that they deserve. This is because some and in many cases have timelines.

I do not want to have to deal with issues such as the ones raised by hon. Kathuri. It is not necessary, hon. Members. The Chairman of the Committee on Agriculture, Livestock and Cooperatives, what may you wish to say in response?

Hon. Nooru: Hon. Speaker, I quite agree with the Member that this matter has really delayed and we really apologize for the same. On the issue of agriculture, at the moment there is a lot of confusion because it is not only the tea sector, but also the coffee sector. We have the same problems with the governors, they are trying to do their own things and the national Government and the Ministry just keep aloof because of devolution. So, we are really put between a hard place and a rock. But we are trying to find a way to present that petition to the House.

Hon. Speaker: But hon. Members, it is not fair. I imagine that every committee chair is fully aware of the requirements and responsibilities. Your own Standing Orders are very clear;

“Whenever a petition is committed to a Departmental Committee, the Committee shall, in not more than sixty calendar days from the time of reading the prayer, respond to the petitioner by way of a report addressed to the petitioner or petitioners and laid on the Table of the House and no debate on or in relation to the report shall be allowed, but the Speaker may, in exceptional circumstances, allow comments or observations in relation to the Petitions for not more than twenty minutes.”

So, whether there is confusion in whatever field, bring a report within 60 calendar days. Hon. Nooru.

Hon. Nooru: The rules are very clear and we are going to abide by them.

Hon. Speaker: So, when can hon. Kathuri expect the response, so that he can go home and tell the villagers that he represents them and other Kenyans?

Hon. Nooru: Hon. Speaker, within the next three weeks because sometimes we are also interrupted by recess of the House and the caveat of committee meetings. If we do not proceed on recess, then within the next three weeks, we will give an answer.

Hon. Speaker: Hon. Kathuri, notwithstanding that you presented it on 25th February, 2014, in the next three weeks, you will get a response. Hon. William Cheptumo.

Hon. Cheptumo: Thank you, hon. Speaker. You will recall the Statement that was read by the Member for Kabuchai, he talked of a handwritten note. What we have is not as per what he said. I feel it was a bit un-procedural and it is something that should not occur again. What we have should really be what the Member read out. That is why I was asking for intervention on that.

Hon. Speaker: Agreed, hon. Limo.

Hon. Limo: Hon. Speaker, I also stand here under Standing Order No.43 on Statements. I have two important pending Statements. One which is very important is touching on maize necrosis, which has really threatened food security in this country. In my constituency as we are talking now, several farms have been affected by the same disease again this year. The Chair of the Committee on Agriculture, Livestock and Cooperatives has not come back with a response to the pertinent issues which I raised the

second time in March. So, I seek your guidance. Every time we ask they keep on pushing the date and never come back with a response. I also pray that the Cabinet Secretary comes as soon as possible so that they address these issues. The committee chairmen have been giving us lame excuses and this is not going to take us forward.

Hon. Speaker: Well, I suppose again that is to hon. Adan Nooru.

Hon. Nooru: Hon. Speaker, I will give that answer on Thursday afternoon this week.

Hon. Speaker: Very well. Hon. Kajuju.

Hon. (Ms.) Kajuju: Thank you, hon. Speaker. I appreciate the direction that you have given, but I am particularly concerned because over two weeks ago I requested for a Statement from the Departmental Committee on Administration and National Security on the issues that are happening in Meru where two doctors were killed within a span of two weeks. As late as last week on 27th June, a young man was carjacked with his father and he was brutally killed.

Hon. Speaker, yesterday I was in Meru County and there were demonstrations there against the security system. Business is at a standstill in Meru. People are living in fear. I think it is important that we get some response from this Committee so that we are able to see what to do when we go back there. This is because human life is sacred and any person who takes the life of another---

Hon. Speaker: Do not make it a debate. Who does not know that human life is sacred?

(Laughter)

This is not time for that.

Hon. (Ms.) Kajuju: Hon. Speaker but I am just expressing the pain that we feel at the county level.

Hon. Speaker: Let the hon. Asman Kamama respond to that. I am sure he appreciates the pain that you and several others have.

Hon. (Ms.) Kajuju: Thank you for your indulgence, hon. Speaker. I appreciate.

Hon. Speaker: Very well. Hon. Kamama.

Hon. Abongotum: Hon. Speaker, first of all, I want to say that we regret the loss of the two doctors and we are also concerned that there is general insecurity in that part of the country; that is Meru. So, I will find out from the Cabinet Secretary how far he has gone this week and I will also expedite to ensure that this Statement comes by Thursday this week.

Hon. Speaker: Lelelit Lati.

Hon. Lati: Thank you, hon. Speaker. Also to my good friend, hon. Kamama I asked for a Statement several weeks ago and I was told that it was coming up in ten days. I am still waiting and I want to know the progress. Thank you.

Hon. Speaker: Several weeks but you do not know the number of weeks?

Hon. Lati: Hon. Speaker, I asked for the Statement several weeks ago. It was supposed to come back in ten days. I just want to know the progress. Thank you.

Hon. Speaker: Hon. Kamama, can you remember that one of hon. Lati?

Hon. Abongotum: Hon. Speaker, I will combine it with the one of Meru because that issue is also urgent and the Committee might decide at some stage to visit Maralal to get the facts right. So, I will combine it with that one of Meru and present them on Thursday.

Hon. Speaker: Hon. Members, there are too many of you who have made requests. Are all of them interventions?

Hon. Akuja: Yes. Thank you, hon. Speaker. You recall that two weeks ago I requested for a Statement from the Chairman of the Departmental Committee on Labour and Social Welfare but they were out of this country. I requested for a Statement last year but when we went for a long recess it elapsed. Then I requested for it again in February and they gave me two weeks but up to now that Statement has not been issued. So, I seek your indulgence.

Hon. Speaker: Hon. David Were, the Vice-Chair. They are not here? Well, we have said several times about the futility of this. You see, if it was a directive from a Cabinet Secretary, the Leader of Majority Party would take up the matter and get the Cabinet Secretary dragged to this place very quickly. Now, hon. Were is a Member. He might be in his constituency because he is also part of what he has been elected to do and so is the Vice-Chair. So, how do you deal with these kinds of situations? Leader of Majority Party, are you willing to take up this one?

Hon. A.B. Duale: Yes, hon. Speaker. I think we have a solution. There is light at the end of the tunnel. When we come back from recess, and if the House agrees to that Motion, we will have the Cabinet Secretaries coming on Wednesdays and giving the House the answers.

However, again, I do not know why the Chair and the Vice-Chair are away. I do not know whether they are on parliamentary business but I will pass the message and make sure that they bring the answer next week on Tuesday.

Hon. Speaker: Very well. Daniel Maanzo.

Hon. Maanzo: Thank you, hon. Speaker. I had also sought a Statement a while ago from hon. Eng. Mahamud, the Chairman of the Committee relating to Government houses in Makueni which are currently being vandalised. He promised to issue the Statement in two weeks which are overdue. I would like him to confirm whether he will have any results soon.

Hon. Speaker: Eng. Mahamud.

Hon. (Eng.) Mahamud: Hon. Speaker, it is true that we promised to give the answer in two weeks' time. In fact, the two weeks will end on Thursday but I beg that we do it next week. Thank you.

Hon. Speaker: Grace Kipchoim.

Hon. (Ms.) Kipchoim: Thank you, hon. Speaker. On 25th February this year you can recall me reading a petition from the people of Mukutani Division and so far they have not been called to appear before any committee. They were petitioning the Government over the insecurity that has been rampant in that place. To date, these people have not been called to face the Departmental Committee on Administration and National Security. Their woes have not been heard.

Hon. Speaker: Hon. Kamama, there is a petition that is well over 60 days from hon. Grace Kipchoim.

Hon. Abongotum: Hon. Speaker, I want to confirm that we actually got the petition. I think within two weeks we requested the hon. Member to appear before the Committee together with the people from Ilchamus but on that particular day they never turned up. So, now that there is relative calm in that area I thought that she drops this issue. If she wants it resuscitated then we will summon those people in two weeks together with the hon. Member to come and give their facts.

Hon. Speaker, however, we did this following your instructions.

Hon. Speaker: Once you have invited the petitioners and they refuse to turn up, bring a report. There will be no debate. If there will be any debate, it will be at the discretion of the Speaker. Therefore, hon. Kipchoim, you better get in touch with hon. Abongotum to arrange when you can get a response. I think it is important that those petitioners be heard by the Committee.

Hon. (Ms.) Kipchoim: Thank you, hon. Speaker. I do not think we were invited. I do not have any notification with me. But if they did and they did not tell us, then it was not the problem of petitioners and me. But even if they come---

Hon. Speaker: My advice is that get in touch with hon. Abongotum.

Hon. (Ms.) Kipchoim: I will, hon. Speaker. Thank you.

Hon. Irea: Thank you, hon. Speaker. When hon. Abongotum was responding to the issue of the two doctors in Meru, he seemed not to have enough information. It is only four days ago that the businessman was picked from his hotel and his son who is a student at the university was murdered by thugs.

Hon. Speaker: That has been given by hon. (Ms.) Kajuju!

Hon. Irea: But hon. Abongotum does not seem facilitated enough. If he needs a chopper, the Government should provide it for him to move around and see what is happening.

Hon. Speaker: What are you suggesting?

Hon. Irea: Yes, he is not facilitated enough. Therefore, he is not able to get information about what is happening in the country.

Hon. Speaker: The hon. Abongotum is not enabled?

Hon. Irea: He is not, hon. Speaker.

Hon. Speaker: You need to buy him a chopper?

(Laughter)

Hon. Abongotum, there is an offer for a chopper.

Hon. Abongotum: Hon. Speaker, I agree with the hon. Member that my Committee requires proper facilitation. If we can get a chopper from this House, we will be more than pleased to take it and use it to address insecurity issues in the country. Therefore, we deserve to get it.

Hon. Speaker: But you will be responding to an event as you had promised earlier. Hon. Members, I just want to clear with these interventions so that we can go to the next business. You have the Floor, hon. Waiganjo.

Hon. Waiganjo: Thank you, hon. speaker. I had also sought a Statement from the Departmental Committee on Administration and National Security on the judicial inquest

into the Murder of one Erastus Chemorei, two months ago. I hope the Chair has a response or a promise to make.

Hon. Abongotum: Thank you, hon. Speaker. I recall, hon. Waiganjo prosecuting this matter sometimes back. Since this issue requires a lot of investigation, I want to promise that we will give information in the next ten days. The issue is really urgent and the family members are waiting for it. Therefore, we will take ten days to give feedback.

Hon. Irea: That is very well, hon. Speaker.

Hon. Speaker: Let us hear from Kenneth Okoth.

Hon. Okoth: Thank you, hon. Speaker. A few months ago, I also requested for two Statements from the Departmental Committee on Labour and Social Welfare about the issue of young people who are employed by the Government. Some employers within the Government are holding them and extending their probation period beyond 36 months, which is against the law.

Hon. Speaker, I had also requested a Statement from the same Committee on the welfare of the retired railway workers and the properties that are being disposed of by the railway trustees and the managers of the Pension Scheme.

I have not got feedback for those requests.

Hon. Speaker: Well. It does not appear like the Chairperson or the Vice-Chair has arrived. Maybe, the Leader of Majority Party can take up the matter with hon. David Were; just to remind them about the two requests from hon. Ken Okoth.

Leader of Majority Party, you have the Floor.

Hon. A.B. Duale: Hon. Speaker, I will also liaise with the Office of the Clerk and the Director of Committees so that all pending statement requests and petitions are responded to. I think we will also raise it in the House Business Committee (HBC).

We have employed more clerks and more staff. Committees must work within the timelines given on the Floor of the House. Two weeks should not be two weeks of *Saba Saba*; it should be serious two weeks.

I do not know why the leadership of CORD is missing. But at least, the place is being taken by a man I respect a lot and who can be the true --- These are hon. Dalmas Otieno and hon. Ababu Namwamba. These are the ideal leaders for the Opposition in our country.

Hon. (Ms.) Leshoomo: Asante sana, Bw. Spika. Ningependa kuuliza Mwenyekiti wa Kamati--- Kila mmoja wao anasema wiki mbili, wiki tatu au wiki nne. Hatuelewi kama hizi ni ripoti zinaletwa ama ni mchezo tu. Kwa sababu kila anayeamka anasema wiki mbili. Ukiangalia mambo kuhusu mashambulizi ya Lamu, Meru nakadhalika, pahali wananchi wanakufa na mali yao kuharibiwa wakati tunaka kujua ni nini kinafanyika, wenyeviti wanasema wiki mbili.

Bw. Spika tusaidie tupate ukweli.

Hon. Speaker: Basi usaidizi huo tumesema utakuwepo ikiwa Bunge hili litakubaliana na sisi kwamba, ikisemekana swali limetoka pahali fulani, tuite Waziri anayehusika aje ajibu maswali. Hii itapatia Kamati nafasi ya kufanya kazi zingine, kama hayo maombi. Yale maswali ambayo yameulizwa hapa ni mengi sana kwa Kamati.

Hata hivyo, tumeona kwamba hii njia ya kufanya kazi haifai hata kidogo.

Hon. Mohamed Abass: Thank you, hon. Speaker. On 19th April, 2014, I requested for a Statement from the Chairman of the Departmental Committee on Agriculture, Livestock and Co-operatives and to date I have not received a response.

(Loud consultations)

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Hon. Speaker: Hon. Oyoo, you cannot keep shouting across the House like that. You are not even listening. You are just busy shaking hands and you are a Member of Powers and Privileges Committee. Surely, hon. Oyoo---

Proceed, hon. Abass.

Hon. Mohamed Abass: Hon. Speaker, I was saying that I requested for Statement on 19th April from the Chairperson of the Departmental Committee on Agriculture, Livestock and Co-operatives regarding Kenya Meat Commission and to date, I have not received any response.

Thank you.

Hon. Speaker: Which Committee are you requesting a Statement from?

Hon. Mohamed Abass: The Departmental Committee on Agriculture, Livestock and Co-operatives, hon. Speaker.

Hon. Speaker: Hon. Nooru, the hon. Member from your neighbouring constituency is requesting for a Statement.

Hon. Nooru: Hon. Speaker, I have the answer to the hon. Member's request and I will give it tomorrow morning.

Hon. Speaker: Are you giving it tomorrow?

Hon. Nooru: Yes. I will give it tomorrow morning; as long as it is on the Order Paper.

Hon. Speaker: Very well. Hon. Members, these things about who has requested for a Statement--- There are too many interventions. Please, let it be done in a clear way.

Hon. Nakara: Hon. Speaker, I am standing on Standing Order No.107 concerning one of our hon. members who misled this House, hon. Linturi. He has not apologized to us after we signed his petition. May he apologise to us; he is in the House.

Hon. Speaker: What are you saying?

(Laughter)

Hon. Nakara: Hon. Speaker, I am saying that according to Standing Order No.107(1), when an hon. Member goes against the order of the House, we must impeach him or he must apologise to the House. You will remember that we signed the petition that hon. Linturi brought to us and he has not apologised.

Hon. Speaker: I have no way of remembering. I was not part of that. How do you--- I do not sign petitions.

(Laughter)

Hon. Nakara: He has just sneaked into the House and we need him to apologise to hon. Members because he misled us.

Hon. Speaker: You say he has sneaked into the House?

Hon. Members: Yes!

Hon. Speaker: Hon. Members do not sneak into the Chamber. You want him to address you on something?

Hon. Nakara: Yes!

Hon. (Ms.) Abdalla: On a point of order, hon. Speaker. My point of order is with regard to the question raised by hon. Abass. I am not sure if hon. Abass declared interest that he was the CEO of the Livestock Marketing and would know the answer to the question he is asking the Chairperson.

Hon. Speaker: Once hon. Nooru tables his report, I am sure that matter will be canvassed appropriately.

Hon. (Dr.) Pukose: Hon. Speaker, I am standing here to seek guidance on a very important matter and this is of national importance. Outside there, there have been a lot of comments that this House cannot debate very important issues especially in the national dialogue. As we approach *Saba Saba*, Kenyans are growing anxious that this is an issue that cannot be transacted in this House. As we are all aware, hon. Raila was incarcerated for about ten years. He has lost three very major elections and when you look at the statements he is making in the public, to me, as a doctor, it borders on insanity. I think this guy needs to be declared insane because he is driving this country to very dangerous grounds. I think he needs some mental assessment and we can ask someone to be his guardian.

(Loud consultations)

Hon. Speaker: Hon. (Dr.) Pukose, the person you have just named is not in the House. He cannot, therefore, defend himself against your very serious allegation relating to mental capacity and status. So, you are out of order!

Hon. Members: He should apologise.

Hon. (Ms.) Muhia: Hon. Speaker, on 10th March, 2014, I requested a Statement from the Departmental Committee on Education, Research and Technology about unrest at Kisii University. That Statement was to be urgent and the Committee promised to give a report within a week. Since 10th March to date, I have not seen the report. This week I heard that the report is at the Table Office but I cannot see it.

Hon. (Ms.) S.W. Chege: Hon. Speaker, it is true that the hon. Member asked for that Statement. We, as the Committee, invited her and other hon. Members to come before us. We have already compiled the report and submitted it to Room 8 waiting for it to be scheduled. We also have six more Statements waiting. So, the report is ready and anytime it is scheduled, we are ready to answer it. I also have a copy and if allowed I can read it now.

Hon. Speaker: Very well, today is not the day for responses but since the report is ready, it will be given normal prioritization.

Hon. (Dr.) Simiyu: Hon. Speaker, I am a medical practitioner and a registered one. I know the stages that one goes through before anybody's mental capabilities are questioned by the medical board. The one who purported to judge anybody mentally insane also happens to be a medical doctor. What he has just said goes against medical

ethics. In fact, if we report to the Medical Practitioners and Dentists Board on his statement here, he can be deregistered. So, what he has done is disrespectful to the profession and he needs to apologise to the profession at large for what he has just said.

(Loud consultations)

Hon. Speaker: Hon. Members, I have already ruled the remarks by Hon. (Dr.) Pukose out of order. I have ruled him out of order. I do not sit in the Medical Practitioners and Dentists Board. Therefore, I cannot here deal with issues that require to be dealt with by that particular profession. That is not the business of the Speaker.

Hon. Members: He should apologise!

Hon. Speaker: Hon. Members, read your own Standing Orders. These are simple things. You do not need to be reminded about some of these things. He has been ruled out of order. That is the end of that.

(Hon. Ng'ongo consulted loudly)

Hon. Ng'ongo it is not that if you do not speak, people do not understand what is being said. Let us go into business.

Hon. Musyimi: Hon. Speaker, thank you for indulging me. Hon. Members will know that I wrote to you petitioning you to allow us to set an inter-party political caucus and that letter was fortified by 115 signatures, no less, from sides of the isle. I take this opportunity, first of all, to thank hon. Members for their faith in me. Secondly, to thank you for acceding to our request and granting us your support so that we can set up an inter-party parliamentary caucus. The intention of this caucus is to give us the platform around which to seek national harmony and to deal with all those other issues that we are mandated by law to deal with. I wish to announce that we shall be meeting tomorrow at 1.00 p.m. around the small dining room. I think all of us know that, that matter is urgent.

Thank you.

Hon. Linturi: Hon. Speaker, I had an intervention because I wanted to make a response to an allegation made by one of my colleagues but since the matter has already been overtaken by events, I do not think it would be necessary. But with your guidance, I would be willing to do anything that you request me to.

Hon. Speaker: Hon. Members, it is only fair that the hon. Member for Turkana Central has heard hon. Linturi. I think the rest about the things you said people remember, which obviously I am not part of can be dealt with in the manner that is provided for in our own Standing Orders. The rest of the House is also at liberty to say and do what it chooses. Let us move to the next Order.

MOTION

ADOPTION OF REPORT ON DEVOLUTION OF HEALTH SERVICES

THAT, pursuant to Standing Order No.216(5), this House adopts the Report of the Departmental Committee on Health on Devolution of

Health Services, laid on the Table of this House on Thursday, 20th March 2014.

(Hon. (Ms.) R. K Nyamai on 26.6.2014)

(Resumption of Debate interrupted on 26.6 2014)

Hon. Speaker: Hon. Sumra was on the Floor with a balance of three-and-a-half minutes.

Proceed.

Hon. Sumra: Thank you very much, I think we were contributing on the Health Report. It was in regard to the Global Fund. If our country can borrow a policy like Tanzania then we can create more jobs. The Global Fund which comes here should have a policy that mosquito nets should be stitched here locally so that we create jobs. I support what the Health Committee has been doing. We should tap into the Global Fund.

I support this Report.

Hon. Speaker: Hon. Makali Mulu. Just to remind Members, this is the debate on the Adoption of Report on Devolution of Health Services.

Hon. Mulu: Thank you, hon. Speaker. I rise to support this Report. I want to start by thanking the Committee for taking time to deliberate on this important national matter. We all know that health is quite important to a nation because it determines labour productivity. We all know that when we are sick we cannot work. The whole of this nation is being put into jeopardy by the devolution of health services. It is important that this Report is discussed by the House.

I am a Member of the Budget and Appropriations Committee. During the public hearings on the Budget, this issue of funding Level 5 hospitals came up. The explanation we got is that, if nothing is done to this area, the health sector in this country is likely to collapse. I rise to support this Report because when you look at the Constitution, the whole issue of devolution had actually been staggered. We were supposed to take about three years to have some of these functions devolved to the county governments, but there was a bit of haste in devolving the services. For example, if you look at health, I strongly believe that devolution of the health function was not properly done. Why I am saying so basically is because the expectation was before the function was devolved, we should have done capacity assessment to see whether the county governments have the capacity to effectively carry out this function. When you look at what is happening in the counties, it is obvious that 70 per cent of the counties do not have these capacities. That is why you find the service suffering seriously in most of the counties.

On the recommendation of this Report that we need to revert back the functions to the national Government, I suggest that we do not do that. We need to get a team of experts to undertake capacity assessment in all the counties in terms of this function. Where we find that the counties have no capacity then such counties should be asked to allow the national Government to take over the function. As the Constitution stipulates, it is expected that whichever county will not be able to take this function, then the function should come back to the national Government and that coming back should be accompanied by resources. That is what the Constitution says.

The other recommendation which lacks in this Report is where we involve stakeholders. The health sector in this country is very specialized. There are lots of stakeholders. We have the health workers who include doctors, nurses and so on. We also have business people; people who supply things like equipment and drugs. We also have the public who actually benefit from the service. It is therefore important that even as we discuss this important sector, the stakeholders' input is considered. I think the county governments have to some extent ignored what the doctors are saying. Most Kenyans imagine that doctors have selfish interest. I think doctors have a point when they say that they need to be listened to so that their concerns are actually considered. So, this recommendation to involve all stakeholders is very important and it should be taken on board almost immediately so that it is considered.

The other recommendation which is coming from this Report and it is good is the whole issue of co-coordinating delivery of services. The Committee says that we need to start a commission so that these services are coordinated in the country. The question I asked myself is, if you create this commission and at the same time we have a Ministry, shall we not have a situation where there could be conflict? What I would propose is that, even the Ministry does coordination. I would prefer when the Ministry does that, so that everything is properly coordinated at the highest policy level. I think once this Report is adopted by the House - that is if we adopt it - the Implementation Committee of this House needs to take it up and implement the recommendations. This will be very important to this country so as to ensure that citizens of this country get the kind of service expected from hospitals and dispensaries. Otherwise, if we do not do that, we will continue suffering and I am sure that when our people suffer, even us who are in this honourable House will not be having some nice time. If we do not do that, we will continue to suffer. Even those of us who are in this honourable House do not have easy time because any time we go home people are complaining that they go to hospitals, they do not get services, they are not treated and drugs are not there. This is a major problem to our people.

Hon. Speaker, as I conclude I support the recommendations in this Report and request that they be implemented immediately to avoid problems. As we do this, let it not be seen as if the National Assembly is once more trying to take away functions which have been devolved. We are saying that we will support devolution but things must be done correctly, so that our people get efficient and effective services.

Thank you, hon. Speaker.

Hon. Langat: Thank you very much, hon. Speaker, for giving me this opportunity to contribute to this Report. On the day of the promulgation of the new Constitution, I was there at Uhuru Park, Kenyans were very hopeful that life would change the next day.

This Constitution was supposed to be a blessing to this country. However, because of the manner in which devolution issues were handled, sadly devolution has become a curse. This is because you cannot explain the system of working especially on how to get drugs, doctors--- Because of the manner in which this system was handled there was miscarriage. The problem is that our people are suffering.

I spoke to one of my nurses in one of our local dispensaries. For three weeks, there were no drugs, the systems are not there and people do not know who is supposed

to procure drugs. If there was a function which was supposed to have been done with precision it is the health services. This is because you cannot suspend life for a minute. This is a very serious issue and we should have been very sure before we handled the health sector the way in which we did it. I think it is time to stand and ask, how can we correct this mistake? This will ensure that our people do not think that devolution is a curse. We want our people to believe in devolution because it is properly done.

I know that part of the problem is because of the aggressive nature of some of the governors. They do not want to be told that they should wait and put systems in place. We even do not know who is supposed to supervise our district hospitals. Is it the Health Executive at the district? Are the Members of the County Assembly (MCAs) allowed to go to hospitals and start supervising our workers? Is the Executive in charge of health supposed to go to hospitals and start lecturing our doctors?

As we speak, many doctors have decided to leave employment for private sector because this one person comes, tells you this, and an MCA comes and gives you instructions. There is serious confusion. We should have started by saying that we devolve the infrastructure and we give counties the power to finance infrastructure. After that we have given them the opportunity to also look at the staffing issues gradually.

Hon. Speaker, health, as all of us know, is a serious matter. We do not want to lose our people just because systems are not working. We want to continue with the system which has already been tested.

The system was fine with KEMSA. It had become refined. People knew that drugs would come on this day. As we speak right now, we do not know who is supposed to procure and where to procure drugs from. In fact, I spoke with my MOH and he was confused. He did not know who should supply the drugs.

I read in the newspapers about pension. We want to put away something that has been established and then start something which we are not sure about. I think this House must stand firm and provide solutions. I think this is where national dialogue should happen.

I want to request our friends here that we dialogue. If there are issues, let us deal with them in Parliament because that is the constitutionally mandated body under Article 95 to resolve issues that pertain to people.

I want to encourage our colleagues who are the Members of this House from CORD that they should not take the power of Parliament to the streets. Parliament is here by Constitution and is the supreme body that represents people. The day you allow yourself to take debate outside this House you will be recalled to your constituency and other Members will come and debate serious issues.

We are being told that this House is not for serious debates but is just for small debates. This is the House that must resolve national issues constitutionally. Anything outside this House is unconstitutional and we should not allow it. In fact, I read that one of the topics for dialogue is devolution. We are now discussing problems of devolution and this is the right place. We are saying that should sit down in this House--- Let us look at where we made mistakes and correct them through a legally recognized system and not through an amorphous body outside this House.

Hon. Speaker, I want to repeat that health is a very serious matter that is special and unique in nature. We should do it very carefully and with precision, so that we do not cause miscarriage in provision services because of the manner in which we implement it.

With those few remarks, I support the Report and dialogue within the National Assembly or this Chamber.

Hon. S.S. Ahmed: Thank you, hon. Speaker. Earlier, I used to be the Chairman of the New Nyanza General Hospital.

First, I want to thank the Committee because it visited all the hospitals including the New Nyanza General Hospital. It was found that Kshs360 million, which was sent as discretionary funds to the Governor of Kisumu County, had not been given to the hospital. That hospital is running without drugs, yet Kshs360 million is lying in the county account. I take what my dear chairman, hon. Langat has said.

At Independence, there were three main issues namely poverty, disease and ignorance. Poverty is still a national issue and is co-ordinated by the national Government. The issues of ignorance and education are still co-ordinated by the national Government. Diseases must still be co-ordinated by the national Government. You cannot have a situation where the national Government does the policy and the county government does the implementation. There is a big problem here. The Constitution says that this should be devolved – it should have been devolved over time.

At this point in time our hospitals are on their knees. Our people are dying and all we are concerned about is the discretionary amounts. I strongly support the fact that the Ministry of Health must take back the health function and manage it up to the time when the county governments will show us that they can run hospitals. As I speak, they cannot even run health centres. We have health centres which we built with money from the CDF, yet the county governments cannot run them. The County of Kisumu has a fogging machine for malaria but it lies idle. We cannot even have the machine fog Kisumu for malaria. I think there is a big gap and mismatch. I hope that this House will find a way of us adopting this Report, so that we ask the national Government to take over this functions for a period of time. A baby is not born and then it starts running.

Hon. Melly: Thank you, hon. Speaker. I would like to support the Motion. First of all, the health sector as currently run is in a paralysis. I want to note that as counties reorganize themselves to run this important sector, there are so many things that they are not yet prepared to do. One is the issue of procurement of drugs. You will find that in all the hospitals, the MOHs were given the AIE by the central Government. Right now, the County Executives for Health are interfering with how drugs are supposed to be procured. There is also the issue where money from the CDF has been used to construct some health centres, but they neither have nurses nor drugs. They do not have water supplies, disposal units and even incinerators. The county governments are not prepared.

The county governments are supposed to ensure that all the hospitals in the county, especially Level III and Level IV hospitals, which have maternity and theatre wings, are well stocked with drugs. However, doctors are not motivated enough. Many of them have resigned. They are being supervised by individuals who do not understand what the health system is, and what it means to be a health practitioner.

The health sector ought to have been devolved in phases as per the Fourth Schedule of the Constitution. This is very important because the general hospitals would

tackle issues concerning terminal diseases. Patients would be required to go to, for example, hospitals in Kapsabet or Nandi Hills, where certain important drugs are supposed to be urgently procured. It is unfortunate that you find that drugs are not procured. In areas where the county government is supposed to procure drugs on time the delivery of those drugs is delayed. We do not want to mess up with the health of our people. We need to understand why workers are not paid on time. A number of nurses and doctors have decided to go to the private sector, because they are not paid on time. Their risk allowance does not come on time. They are not listened to whenever they raise issues concerning their duties.

In the county integrated plans the health sector, which is very critical, has not been given enough attention as compared to roads and other sectors in the country. With regard to training, you will realize that doctors who are supposed to appraise themselves do not attend seminars conducted for purposes of training them. I support this Motion and I urge that it be **adopted**.

Hon. Oyugi: Thank you, hon. Speaker. Before I contribute I would like your guidance. I requested to move amendments to this particular report. However, the amendments reached you late. Is it in order that you allow me to proceed with the amendments?

Hon. Speaker: Somebody tells me that you trained in law not too long ago?

Hon. Oyugi: Yes, Mr. Speaker.

Hon. Speaker: You read your Standing Order No.55.

Hon. Oyugi: Thank you, Mr. Speaker. I am duly guided and I appreciate it.

I am then constrained to oppose this particular Report. I agree with the spirit of this Report, but I disagree with its form. The Report speaks to one of the cardinal rights under the Constitution. I listened to hon. Rachel Nyamai when she was moving this Motion. She spoke to Article 43 of the Constitution, which is the right to health. She also made reference to Section 15 of the Sixth Schedule and Article 187 of the Constitution.

It is true that the health sector is facing numerous problems. It is also true that there is a lot of confusion and personnel flight from the various hospitals. Medical personnel are leaving various hospitals! The health sector is in dire need of reforms. It is in dire need of being taken care of. The form which this Report is in is what I disagree with. We were seized of the matter of devolution of health as a caucus, and we agreed that the Departmental Committee on Health needed to look at urgent means of dealing with the health sector.

Recommendation No.1 speaks to the fact that devolution ought to take three years. That is the truth because devolution ought to have been phased out in a manner that--- Three years is what the Transitional Authority should have had in place. The counties ought to have applied for the functions that they were capable of implementing. That did not happen. Now that devolution did not take place in three years does not mean that functions are not being devolved. That simply means that devolution for a fact is a reality. If you want to take away devolution from the counties then what we ought to deal with is the spirit of Article 187 of the Constitution. If you want to transfer particular functions between levels of governments, then Article 187 is very clear:

“A function or power of government at one level may be transferred to a government at the other level by agreement between the governments.”

This Report does not speak anywhere about an agreement between the county government and the national Government. So, whereas it is true that we need to transfer the function from the county governments, that ought to be done procedurally. I am constrained to think that if we proceed in the manner the Report recommends then we will be committing two constitutional violations. The first one is in the order of devolving functions slightly before the three-year period.

Hon. Speaker, the second thing that Article 187 seeks to do is that transfer of functions or powers should not be prohibited by legislation. If you want to transfer in the manner the Report recommends in Recommendation No.2, then we need to be looking at the County Governments Act and a raft of other laws which speak about transfer of functions and powers between levels of government. If we pass this Report in its current form we will be continue to destabilize the Constitution. That is why I spoke at length with hon. Rachel Nyamai. We in the human rights caucus have no problem whatsoever in terms of the recommendations they have come up with, but we have a problem with the form of the Report.

Article 187 that they rely on, does not speak to the spirit of what the Committee has presented here. It is true that the committee needs to look at how to sort out the mess in the health sector and move in the manner recommended in Article 187. Their second recommendation goes really against the spirit of Articles 181 and 187 of the Constitution, which is something I am really constrained to support.

The third recommendation is that the committee talked of the Health Policy and Health Bill being given priority. Nothing stops the committee, for example, from bringing the Health Policy and Bill. That is within their mandate; in fact, part of the Committee's core mandate is to bring the Health Policy and Bill; if that does not take place, it ought not to be a function that needs to be recommended; actually, it is supposed to be the initiative of the Committee.

The second paragraph of recommendation three is where I have my problem. We cannot transfer a function of the county government in the manner that they propose. If all, for example, they want Level 3, 4 and 5 hospitals to be taken back by the national Government, that is in order, but that ought to be done in line with Article 187 of the Constitution. That is why I am saying in its current form, I am fairly constrained not to support it.

The fourth recommendation, which is on involvement of health workers and key stakeholders--- It is, of course, a constitutional requirement for public participation in all the things that we do, in terms of making law. That even ought not to be a recommendation in itself. The other problem I have with this particular report is the fact that the Committee is talking about drugs being procured by KEMSA and saying it is very uniform. I have no problem with whoever procures drugs; at least I do not supply drugs; but county governments have been given the power to do whatever they want because they are governments. My recommendation would have been--- For example, KEMSA could have done it as a transitional process, and then the county governments allowed to procure drugs in whatever manner, they would have wanted, so long as the national Government designed policy. This is because the national Government is supposed to design policy in terms of how to move the health sector forward. You can

really not constrain the county governments in terms of where they want to get personnel from and how they want to get medicine.

Lastly, to say that there ought to be a taskforce on the devolution of health to be set up to create a supervised reversal. You cannot reverse devolution in this manner. You can only reverse devolution in the manner provided by Article 187 of the Constitution; that is not what this particular Report speaks to.

I agree with my colleagues who spoke to the fact that there is a problem in the health care sector. But if there is a problem, it was occasioned by the fact that, devolution was implemented in a hurry, because we did not stick to Article 15 of the Sixth Schedule of the Constitution.

So, we are going to commit two wrongs by, for example, creating a taskforce that the law does not anticipate, so that we reverse the process of devolution. That is the reason why I am constrained--- I really like the spirit of this particular report; it is very good in terms of how it wants to move the health sector forward, but the form in which the recommendations are is one that goes contrary to the laws of this country, particularly Article 187 and Section 15 of the Sixth Schedule of the Constitution. I begrudgingly oppose this particular Motion on the Report.

Thank you, hon. Speaker.

Hon. Speaker: The Leader of the Majority Party.

Hon. A.B. Duale: Thank you, hon. Speaker. First on the HANSARD, I want to contribute to this report as a Member for Garissa Town and not as the Leader of the Majority Party.

I want to pick up from where my colleague, hon. Neto, left off. I have a lot of respect for the Chair and the Members of the Committee on Health. But, this report should have been the Senate's. Why do I say so? Looking at the at the recommendations, which are very true---

Hon. Speaker, I come from a county where there is a level 5 hospital, I am sure my neighbour, hon. (Dr.) Mohamed, of Dadaab, who is one of the most respected medical doctors from my county, will confirm even dispensaries and health centers in our constituency are collapsing. The level 5 and district hospitals are collapsing; devolving the health sector is not the preserve of this House.

If you look at Schedule Four of the Constitution, county health bodies include the following: county health facilities and pharmacies; ambulance services and others. We are discussing a function which has been devolved. What does that mean? That means our hands are tied. Let us face the Constitution. A report and recommendation of this House cannot contradict the provisions of the Constitution; as far as the health sector is concerned, and as far as the chapter on devolution is concerned---

Our mistake was how fast we transferred the health services; the Constitution has given it a three-year period. Did we hurry in transferring it? The institutions that are concerned with this, the Transitional Authority, the Council of Governors, the Summit chaired by the President and the CIOC--- These are the concerned institutions. The concern that we should discuss is that we have devolved the health sector faster than it should have been. The health sector, as per the framework of the Constitution, is a devolved function.

So, any resolution of this House, in my opinion--- One of the reasons why I have serious issues, even out there, with those who are calling for the dialogue is respect for the Constitution. Today, I want to differ with my colleague and a chair in my coalition over Article 95 of the Constitution. When the Constitution was promulgated, I choose to be a Member of Parliament because I knew the powers bestowed upon a Member of the National Assembly.

If you allow me, the country must be told that this House is not a debating House; it deals with matters of the Constitution. Article 95 of the Constitution--- I will read it for the benefit of the country; it says;

“(1) The National Assembly represents the people of the constituencies and special interests in the National Assembly.

(2) The National Assembly deliberates on and resolves issues of concern to the people of Kenya”.

I want people to just get Article 95(2) as leaders in this House. It resolves and deliberates on issues of concern to the people of Kenya. That is not debating. I did debating in my primary and high school. The people of Garissa Township never sent me to debate; they sent me to oversee the Jubilee Government and do the Budget that we finished. They sent everyone of the 349 Members here to legislate; that is why we have Bills, reports and petitions. Petitions are coming to this House. That is why we vet the Cabinet. Vetting the 18 Cabinet Secretaries and constitutional office holders, in my opinion, is not debating.

Hon. Speaker, if you allow me to continue as per Article 95(2) then each of us should go back and do soul searching before *Saba Saba rally*; this is not about a debate.

The matter I am raising is not trivial. I am fasting today. I do not want to be naughty and trivial. I want to read the Constitution for those who do not want to read it, because I am a serious man. I am a Muslim and I am fasting.

Hon. Speaker, Article 251 is under Chapter 15 of the Constitution. The sub-title of that Chapter is “Commissions and Independent Offices”. If you allow me--- I am coming to the constitutionality of this Report.

Hon. Members: On a point of order, hon. Speaker.

Hon. Speaker: Hon. Members, if you sit in your places and start shouting as you are doing now, you can bet that you will not even be anywhere near my eye. So, use the machine and then I will see you.

Hon. A.B. Duale: Hon. Speaker, hon. Neto, my good colleague, raised constitutional issues. So, I am bringing my constitutional argument to this Report.

Hon. Speaker: Hon. David Ochieng, what is your point of order?

Hon. Ochieng: On a point of order, Hon. Speaker. Is the hon. Duale in order in terms of relevance to discuss issues of like *Saba Saba rally* and constitutional commissions when we are discussing a health issue?

Hon. A.B. Duale: Hon. Speaker, the matter before us is a matter of constitutionality and I swore to defend the Constitution.

Hon. Speaker: Hon. David Ochieng, look at this Report. Indeed the hon. Aden Duale is raising very fundamental issues. If a committee of the House makes a recommendation that is in contradiction of constitutional provisions without proposing

specific amendments to the Constitution then that report is in futility. I am sure the hon. David Ochieng appreciates this.

Hon. Ochieng: Hon. Speaker, I agree absolutely with what you have said but my point is: Where is *Saba Saba* rally in this?

Hon. Speaker: Hon. David Ochieng, I am not dealing with issues which are not before the House now. Do not draw me into that.

Hon. A.B. Duale: Hon. Speaker, *saba saba* are Kiswahili words. It means “seven seven” and it is not an unparliamentary word. If it is a unparliamentary word the Speaker will sanction me. I can as well say *nane nane* or *kumi kumi*.

Hon. Speaker, my friend hon. Neto said that the Report is good, but it is not in conformity with the Constitution. Let me go back to Chapter 15 on commissions and independent offices. The difference between me and some my colleagues is that I served in the last Parliament which, enacted this Constitution; I was in the “Yes Team”. If you want to remove the nine commissions of the Teachers Service Commission (TSC), the Judicial Service Commission (JSC), the Independent Electoral and Boundaries Commission (IEBC), the Public Service Commission (PSC), the Commission on Revenue Allocation (CRA) and the two independent offices of the Controller of Budget and that of the Auditor-General, the route you will take is Article 251 of the Constitution. That route goes through this Parliament, where a petition will come.

Hon. Speaker, if you want to discuss devolution there is a whole chapter on devolution and Kenyans in their wisdom went to a referendum and created a bicameral parliament. They said the Senate will only deal with matters of county governments. So, if you have serious issues like the one the hon. Chair of the Departmental Committee on Health brought--- The issues facing Level Five hospitals today in a devolved system cannot be discussed by leaders outside the Senate and the National Assembly.

Hon. Speaker, I want to say it even to my President that you cannot dialogue outside the confines and the institutions that have been set by this Constitution. I will be the first guy to resign as the Leader of the Majority Party if hon. Uhuru Kenyatta starts a dialogue outside the confines of this Constitution. We must respect the Constitution.

Hon. Speaker, I have made my point that this is not a debating hall. This is a House that deliberates and resolves issues of concern to the people of Kenya, which range from security to agriculture and the IEBC. If it is corruption you will go to the Ethics and Anti-Corruption Commission (EACC). If you have issues with corruption you can also go to the Controller of Budget.

Hon. Speaker, coming back to this Report, it is very good but it is in the wrong place. This Report should not go to the dialogue conference. This Report should go to the Senate.

Hon. Obura: Why?

Hon. A.B. Duale: It should go to the Senate under Article 96 because the hon. Member for Kisumu City has asked why it should go there. If you go to Article 96 of the Constitution--- I will tell you why this Report should go to the Senate. I want to say that maybe the Chair of the Health Committee of the Senate, my former Minister and my good friend, Dr. Kuti, is listening to us. The Senate represents counties and serves to protect their interests and their governments. The health sector is a devolved function, whether it has been devolved within three years or one year.

Hon. Speaker, so, I am torn between upholding the Constitution and I will die with it. It is a very important thing. This function is one of the Senate and I want to urge the Departmental Committee on Health that in their wisdom this Report is good but it should be debated in the Senate. This Report should bring together all the stakeholders and make sure that the health sector comes back.

For Level Five hospitals, I think that the number of institutions which have been created – that is the Summit, the Council of Governors and the Transitional Authority (TA) – can come together as one family and resolve this issue.

With those many remarks, I have made my point that this House is not a debating club. If you want to look for a debating club go to Garissa High School or Garissa Primary School which are very key institutions in my constituency but if you want serious issues to deal with the people of Kenya and their concerns, you can make a number of rounds but ultimately you will end up here.

Thank you, hon. Speaker.

Hon. Speaker: Hon. Yusuf Chanzu.

Hon. Chanzu: Thank you, hon. Speaker. I want to agree with what hon. Neto and hon. Duale have said. However, I just want to give the Committee some information. Of course apart from that I want to congratulate them for coming up with this Report because it forms some basis on which we can be able to work.

However, I want to give them the benefit of doubt and assume that in Recommendation 7, I think they intended that the issues that are being raised here by hon. Neto and the Leader of the Majority Party would be dealt with here, so that they can now be followed from there. Although they talk of a task force, I would have said that a team on devolution of health functions be set up to co-ordinate and supervise the reversal of the already devolved health functions, most of which have compromised health services.

Hon. Speaker, I still believe that whether we are talking about the Senate or this National Assembly, all of us are supposed to be representing the interests of Kenyans at the end of day. That is whether it is at the county level the way the Senate is supposed to be doing or dealing with the constituencies.

Hon. Speaker, I want to agree with the content of the Report, particularly the recommendation at the end, which says: “The Committee, therefore, recommends the reversal” and also recommendation 3 about the levels of hospitals.

Thirdly, about those levels of hospitals, as I have said, there are levels six and seven. The Constitution is exhaustive on them. The Constitution requires that we debate them and create the law that can govern what it was intended to govern. Therefore, healthcare in this country is in a very deplorable condition. Of course, in some areas there has been an improvement but in others there has been deterioration.

Hon. Speaker, when we come to the issue of the new Constitution, healthcare, as we know it, and as my colleagues have said, it is very important in our lives. There are a number of issues we would like taken into account, especially Article 187, because we must have the facts. There is need for medical care for every Kenyan. The way things are now, in some of the counties like my Vihiga county, there is no medicine even in a district hospital.

Hon. Speaker, as hon. Members, sometimes we find people coming to us; it happens most of the time when we are in the constituencies. They go to hospitals and they are given prescriptions; they are not able to buy medicines because hospitals do not have medicine. It is for that reason that I believe that issues that raised in this report cannot be wished away.

There is also need for proper structures even as we talk about devolution of health services now or even if it was to wait. We need to have proper structures in place for this to work. For example, if you look at KEMSA, we could be having a lot of drugs in the country. But if this body is not decentralized, then getting drugs from Nairobi to all over the country will be a very tedious exercise. It takes a long time before drugs get to the required centres. This can be handled in the same way the Teachers Service Commission (TSC) was handled, so that we have drugs in the county stores.

Hon. Speaker, there is also need for proper management. If you look at Vihiga District Hospital, which is supposed to be a key hospital within that region, all the doctors--- When these functions were devolved, most of the doctors resigned because they did not want to work under the county governments. Therefore, we are having an acute shortage of doctors and people are suffering. There has been no employment of doctors since that time. We are now using clinical officers who were employed under Economic Stimulus Programme. Therefore, there is need to address the problem of lack of healthcare seriously and in accordance with the recommendations of this report.

Hon. Speaker, there are ethical issues which also need to be addressed. The issue of standards and what should be done in order that people get good treatment, or care, is very important. The issue of level one to level three hospitals and then level four to level six is important; if you go to some of the hospitals--- If we get these hospitals to be at level--- You can have a number of functions being carried out there; examples are training and teaching; these can be done there. Health service is so essential that the Government needs to render it to its people.

Hon. Speaker, if you look at the campaigns by all the successive governments, healthcare was among them. Over 50 years since Independence, we have not been able to achieve what was expected by those who fought; at the time of Independence, Kenyans had adequate medical care. It is imperative that the recommendations of the report be taken seriously. If possible, the committees should be asked to look at the seventh recommendation and see whether they can tailor it in such a way that it can assist them to address issues that have been raised by two colleagues here.

Hon. Speaker, if by any chance we get health services brought back to the national Government, so that the Government runs them the way it has done from 1963, then we will not be addressing the problems. I think the best thing is that--- If that were to happen at the end of the day, then we should model it the way we have run the Constituency Development Fund (CDF). Hon. Members are more at the grassroots than even the governors; they will address these issues much more effectively. This has always been the intention of this house, that we get services at the grassroots level; these are health, water and even agriculture. If they are modeled that way, then we will be more devolved than what devolution is today. It is important that this report is taken into account.

Regarding the issue of national dialogue, I just wonder about hon. Members who are supporting the way things are being done now. I do not know what would happen if for those who lost elections were given a chance to spearhead matters in the constituencies. This is the trend that we are trying to introduce, that is to get election losers to be the ones to spearhead the national agenda. I think it is a very unfortunate situation that people would want to be led by somebody who does not have mandate from wananchi; he wants to lead us into national dialogue.

Another thing is that there will be a lot man hours lost in these campaigns about national dialogue. People are not even working because they are waiting and, therefore, there is a lot of anxiety. I think it is high time the issue of people running up and down got stopped. We have got only five years; I think almost two years are gone. For those who want to contest elections, they will have 2017 to do so; they include the ones we defeated in the last election.

With those few remarks, I wish to support the report.

Hon. Gichigi: Thank you, hon. Speaker. I rise to support this particular report. I agree with some of the hon. Members who have stated that---

Hon. Speaker: What is it? I can see a point of order from hon. (Ms.) Sabina Chege.

Hon. (Ms.) Chege: On a point of order, hon. Speaker. I rise under Standing Order No. 96 to request that this debate be adjourned. Listening to my colleagues on the Floor of the House, especially hon. Neto--- He indicated that there are some amendments he would have wished to move from the Floor of the House, but he was late in submitting them to the Speaker. Is it in order to give him a chance, so that the said amendments can be brought to the Floor of this House?

Hon. Speaker, listening to hon. Members, this Motion has issues that are touch on the Senate and county governments. I would wish that this debate is now adjourned, so that we can have the amendments brought to the House later.

I would ask hon. Gichigi to second me.

Thank you, hon. Speaker.

Hon. Speaker: Hon. Gichigi, are you seconding? I thought you were contributing?

Hon. Gichigi: I am sorry, I was engaged with my colleague and I am caught by surprise. I do second that debate on the Motion be adjourned.

Hon. Speaker, I second the Motion. Even as I support the report, I want to say that it must be with certain amendments. The spirit of the report is very good, and people out there---

Hon. Speaker: Do you support?

Hon. Gichigi: I support the adjournment for purposes of the amendment because we cannot leave this issue hanging. We should not kill this particular Report. We should perfect it, so that it serves the country without violating the cardinal laws of this country.

I support the adjournment.

*(Question, that debate be adjourned, put and agreed to)
(Debate on the Motion was adjourned)*

Hon. Speaker: Hon. Members, debate may resume tomorrow.

BILL

Second reading

THE KENYA QUALIFICATIONS FRAMEWORK BILL

(Hon. A.B. Duale on 11.3.2014)

(Resumption of debate interrupted on 24.6.2014)

Hon. Speaker: Hon. Members, when debate on this Motion was last adjourned, Hon. Kipyegon had a balance of four minutes.

Hon. Members: He is absent!

Hon. Speaker: The Member for Emurrua Dikirr is absent, not desiring to be present, his chance is lost. Therefore, any other hon. Member wishing to contribute to The Kenya Qualifications Framework Bill, National Assembly Bill No.29 of 2013---

(Hon. Gichigi stood up in his place)

Hon. Gichigi, the record shows you spoke on this one on 11th March, 2014. Hon. Members, for avoidance of doubt, so that those of you who have spoken may know themselves, the record shows that debate on this Motion was moved by the Leader of the Majority Party, Hon. A.B. Duale, seconded by Hon. Chepkonga. The following hon. Members have spoken:-

Hon. Peter Kaluma,
Hon. Samwel Gichigi,
Hon. Chris Wamwalwa,
Hon. Robert Pukose,
Hon. Francis Nyenze,
Hon. David Gikaria,
Hon. (Eng.) Nicholas Gumbo,
Hon. Richard Tong'I,
Hon. (Ms.) Rose Nyamunga,
Hon. Yusuf Chanzu,
Hon. Ali Rasso,
Hon. (Ms.) Joyce Lay,
Hon. Ferdinand Wanyonyi,
Hon. George Muchai,
Hon. Partick Wangamati,
Hon. (Ms.) Christine Ombaka,
Hon. (Eng.) John Kirago,
Hon. (Ms.) Mary Wamboi,
Hon. (Dr.) James Nyikal,

Hon. (Dr.) Naomi Shaban,
Hon. Johana Kipyegon was the last person to speak, but is absent and his chance is now lost.

Hon. Baiya: Hon. Speaker, I had put my request for the Motion on Health Committee. I, nevertheless, wish to contribute and supporting the amendment on the Kenya Qualifications Framework Bill.

Hon. M'Eruaki: Hon. Speaker, I rise to support this Bill. It is very important because this is going to bring a kind of order, and bring to focus qualifications. We have a number of institutions that are offering various qualifications. So, it is high time we had a framework that will give guidance on how to consider various qualifications.

One of the objectives of this Bill is to establish the Kenya Qualifications Authority and the standards for recognizing various qualifications. This Bill will give an opportunity to all Kenyans---Qualifications for various jobs will be based on the competence of the individual member and not only on papers. This is an opportunity to support those with TIVET and polytechnics.

It is also the basis for qualification at the level of competence of individual members. This creates a possibility for hon. Members who have qualifications to be recognized; the recognition will not be only on the basis of papers but also on the basis of how one can perform the task he is entrusted with. This kind of framework is going to bring enable ability to be vetted; it will be possible for somebody to be recognized for what the have a distinct competence or ability to accomplish. So, I support this because it is going to have an authority that will have the role of co-ordinating and supervising development of policies on national qualifications. This will develop the framework for how we accredit bodies. At the moment we have different bodies that award the various qualifications like KASNEB, KNEC and institutions like universities. So, this particular Bill provides for an authority that will be established to review the interrelationships between the various bodies and stakeholders. We will then come up with a structured way of identifying people and their competencies.

This will also result in creating a database of various qualifications that we have at the national level. This will bring order in terms of competence and an opportunity to look at what is important, because we have people with papers but who are not competent for do anything. This body will bring sanity in the area of qualifications. This Bill also has a provision for people who are to be involved or are to participate in the governance of the authority. Again this will make Kenya competitive and people will value the understanding of what they do and the competence of individuals.

With those few remarks, I beg to support.

Hon. Maanzo: Thank you hon. Speaker for giving me this opportunity. I also rise to support the Bill and without repeating what my colleagues have said in previous contributions, I will go straight to say that stakeholders, who are recognized in this Bill, will go a long way in making policies and other laws relating to this area. The authority established herein--- One will be able to trace different professionals in different areas, and different fields through the authority; Kenya will be able to deal with other similar bodies and associations in other establishments of the world. A national database of national qualifications is important. Manuals will be published so that professionals in different areas can be traced.

When it comes to law making or implementation of the Constitution one will have will have ready reference from which to know what stakeholders to consult in different fields and where they are in the world. Therefore, this is a very important law and the authority to be set up will be very important, even when it comes to Kenya dealing with the rest of the world in relation to people who are qualified.

There are many Kenyans nowadays required in many parts of the world; our nurses are required in the South Africa, South Sudan and in other parts of Africa. Nowadays our teachers in demand; even the legal body, to which I belong, as a legal professional--- We have legal practice in East Africa; one can practise in that jurisdiction. There are also international courts, where legal professionals are needed as experts in certain fields. I support and I say that this will be very useful in our country.

Thank you, hon. Speaker.

Hon. Barua: Thank you hon. Speaker for giving me this opportunity to contribute to this very important Bill. I would like to say from the outset that this Bill is beneficial to the whole country and even beyond. From the outset, I would like to say that one of the Millennium Development Goals talks about education for all; in this country since Independence we have been having training in various educational institutions managed by the Government. At this particular time, 50 years after Independence, we have many private sector institutions conducting various training programmes. It is important for us and the country to get a way of harmonizing the qualifications. This Bill will go a long way in harmonizing qualifications from various trainers, so that potential employers do not have to question the integrity of certificates. Once people get trained in different institutions, we will have a way of getting harmonization and equivalent of training, so that it can be recognized at various job opportunities.

It is clear that in this country, people like teachers, who have got very high qualifications, earn very low salaries. Once you get this harmonization of qualifications-- - I would like to propose that qualifications should also be harmonized with pay and benefits for the same services. For us to give education to majority of Kenyans, we must encourage the private sector to conduct the training. We cannot do so if their certificates will be questioned. I would like to support this Bill because it is going to give a solution to--- The other reason for which I would like to support this Bill is because, there are some of our students who did not go through the former curriculum and they go to technical institutions. Some of these students have had difficulties in the past in joining universities. Once this Bill is passed, it will be possible for a student who has gone through a technical training college, to get their achievements evaluated and harmonized to those of other people who are trained even in the normal education systems, thereby enabling such people to join universities and other institutions of higher learning.

With those few remarks, I would like to say that this Bill is timely and on behalf of my people of Gichugu, I would like to support it. I would also like to conclude by saying that as we talk about this Bill, we also need to say that this is one of the issues that are so critical and dear to every member of this country; if we are going to have any dialogue in this Chamber, and not in other fora, these are the things that should put us together. We need to have dialogue to discuss education; we need to have national

dialogue to discuss health services and agriculture; but we should not have dialogue aimed at having a referendum or civil unrest.

With those few remarks, I support.

Hon. Speaker: Hon. Anami, Member for Shinyalu

Hon. Anami: Thank you hon. Speaker, I would like to support this Bill. We do participate in regional economic communities where our co-operation, as a country, is very important. We would like to work together and co-operate with other neighboring countries; it is important that we have standard-setting instruments like the one we are discussing. If we do not have set standards, then it will be very difficult for us to manage our affairs as professionals; it will also be very difficult for us to manage qualifications of different persons in different fields of excellence both qualitatively and quantitatively.

This Bill seeks to establish an authority that will do the co-ordination. It is very important that this co-ordination is anchored in our legal instruments. When we have co-ordination processes anchored in law, then we will have services for everyone, fair treatment of every citizen; this is what we should endeavour to achieve. I support this very much because we have institutions within and without. Institutions of governance are very important; we need to have certain levels of qualifications that will guarantee us good performance, quality performance and provision of service to the citizens of this country. We have experience where people are charged with responsibilities that are beyond their ability to perform; this Bill seeks to prevent this. We need to support this Bill and establishment of the proposed institutions and the processes that have been suggested for us to be able to deliver quality service to the Kenyan people.

I support.

(The Speaker (Hon. Muturi) left the Chair)

(The Temporary Deputy Speaker (Hon. Cheboi) took the Chair)

Temporary Deputy Speaker (hon. Cheboi): Very well, I will jump the queue and give the chance to the hon. Member for Migori.

Hon. (Ms) Ghati: Thank you very much Temporary Deputy Speaker. I wish to say that I support the Bill; the Bill is in good faith. For a long time, we find that our education levels have not been regulated. We have so many graduates in this country who have masters and PhD degrees, but who are tarmaking on the roads. You find another person with no qualification at all, having so much in terms of employment and accessing a lot of benefits that come with employment. I really feel that institutions should be regulated and told the minimum qualifications that are required for certain jobs in this country. We have heard and seen some bogus institutions in this country that offer degrees to our people, yet when it comes to employment these are the same people who get jobs.

Hon. Temporary Deputy Speaker, we should have a body that really regulates and has a mandate to say that certain qualifications go with certain jobs. Otherwise, we will water down requirements for employment and education. Going forward we should ensure that our education system is in order. You will find very many students who spend

a lifetime looking for education, but when they come out of the institutions like universities they are not able to access employment.

Hon. Temporary Deputy Speaker, I support this Bill because it is good for our children and the future generations of this country.

Thank you very much.

The Temporary Deputy Speaker (Hon. Cheboi): I will give this chance to hon. S.W. Chege. I am told that she has special needs and she is also the Chair of the Departmental Committee on Education, Research and Technology.

Hon. (Ms.) S.W. Chege: Thank you, hon. Temporary Deputy Speaker. I want to support the Bill. As the Chair of the Departmental Committee on Education, Research and Technology, I just want to assure hon. Members of this House that we have gone through this Bill, and it is good. Although this is the case, we will have some few amendments at the Committee Stage. I also want to give assurance to the examiners that their job is not being taken away.

It is high time that Kenya had an umbrella body that can look at the various qualifications. We have had several instances where teachers go through degree programmes only for them to be told that they cannot teach in the universities because they did not take the right combination of subjects.

We have had issues with the engineers. We have also had issues with other people in other professional bodies who are not allowed to practise because they are told that they do not have proper qualifications. This is a win-win situation for the people who are undertaking technical training. We want to tell Kenyans that they can now start from the so-called village polytechnics, which are now youth polytechnics, and go all the way to technical institutes and universities and get proper qualifications.

We also want our people, especially plumbers and others who are doing technical work to have a chance; we can recommend them and get them jobs outside this country. The only way that can happen is if there are standards and a framework for vetting giving them certificates that conform to international standards.

Hon. Temporary Deputy Speaker, I urge hon. Members of this House that even as we go to the Committee Stage we support this Bill. I want to assure other bodies that their work is not being taken away; we will actually make sure that if employers are looking for qualifications, we have a central place, or server, where they can verify the kind of competence they want.

I support this Bill. Thank you.

Hon. Chumel: Thank you very much hon. Temporary Deputy Speaker for giving me this opportunity to add my voice to debate on this important Bill.

As my colleagues have said, this Bill will bring sanity to our education system. This will be in the way we award those who have put a lot of effort into the educational field. The problems we are now facing are because of the imbalances which were created after we got Independence. Instead of balancing provision of education and employment when the colonialists left some parts of the country benefited more. That is why some areas were left behind. Even now, we have some people who are very qualified, be it in the medical field, engineering or piloting, but these are not found in the marginalized areas like pastoralist areas. However, nobody gave people in these areas a chance to participate in education at the national level.

We have a person like Dr. Parklea who is doing very well. In fact, if we compare him with most medical doctors, they cannot compete with him. However, he does not hold a senior position in the medical field. That is from the directors to the medical officers who work in the big hospitals. This is because he comes from a small tribe who people are now crying that they are disturbing people here and there. These people are doing that because of these inequalities.

Hon. Temporary Deputy Speaker, this Bill will bring order in the Government system, especially in employment and education. In fact, some of us praise the devolved government. This is because for the first time we can now have colleges in our places. Before that, colleges were only concentrated in some areas. This left other areas without education.

Some mechanisms should be put in place if this Bill is passed to ensure that those who will be in charge of the proposed Authority come from the most marginalized areas, so that they can consider those who have papers but have no godfathers to support them. We will pass this Bill today but people who are in charge of big offices come from a few areas.

Hon. Temporary Deputy Speaker, I support this Bill.

Hon. Bunyasi: Thank you, hon. Temporary Deputy Speaker. I rise to contribute to this Bill. In principle, I support the idea of setting up an institution that will look at accreditation and other forms of harmonization and standardization. I think it is long overdue particularly in a liberalized education environment; the fact is that we have a wide range of our students outside this country. We have a wide range of students in various institutions across counties and so on. So, this will bring some order to the whole process of getting a uniform and standardized qualification framework.

My worries are that we are setting up yet another authority. We are in a year in which the wage bill is a major concern. I had wished as this debate was initiated that we got this authority as an appendage to an existing institution until it builds up sufficiently and then we can pluck it off. The danger with this kind of setting-up is that supply creates demand. As an institution, it will be filled. There will be need to increase employment and we will end up with a bloated institution. None of what we have now will indicate what type of institution we should have. My worry here is that we are going to end up with a huge parastatal. The sentiments expressed by my colleagues in the House are in terms of how this will bring order and diversify the education qualifications settings.

One additional comment I would like to make is that we tend to be fascinated with the pay structures leading to qualifications. I think pay should be related to capacity to deliver; whether you have a Masters Degree or a PhD that might influence an entry level. Growth over time must entirely be related to capacity. At the same time, I hope that an institution of this nature will not be used to provide preferential treatment, for example, to the home universities over foreign ones, or to discriminate against degrees from a particular area and so on. We used to have those kinds of problems relating to qualifications from certain countries. This is beginning to emerge within the community as well, where there is a feeling that if you do not qualify from Kenya, anything else out there does not cut it. I hope that, that kind of confidence will, probably, be brought back when we have an institution of this kind. It needs to get back and work properly.

I support the Bill.

Hon. Kang'ata: Thank you, hon. Temporary Deputy Speaker for affording me this opportunity to contribute to this Bill. The principle appears to be a good one although I do share the sentiments that have just been rendered by my colleague that we need to stop creating so many institutions during this time when we want to reduce the wage bill. So, the question is: Is there a possibility where we can achieve what we want to achieve without creating a new authority? That authority is going to incur a lot of expenses. It is going to become a very big institution because it is going to employ so many people and it will require so many resources and yet, probably, an inter-ministerial committee would have sufficed to do that.

But, be that as it may, assuming the principle is basically to harmonize recognition of certificates in the country, it is a good idea. I have seen conflicts in this nation in two professions--- I know there are students doing engineering in, say, Masinde Muliro University of Science and Technology and Mombasa Technical University. The Engineering Board has refused, for one reason or another, to recognize those certificates. As a result, students are really suffering. I have also seen my fellow colleagues in the legal profession doing that course in some other institutions and there, degrees are not recognized---

The Temporary Deputy Speaker (Hon. Cheboi): Order, hon. Kang'ata! What is it, Eng. Gumbo?

Hon. (Eng.) Gumbo: Hon. Temporary Deputy Speaker, much as I would not want to interrupt my brother, hon. Kang'ata, he has made a statement to imply that the Engineers Registration Board has refused to register students. Would I be in order to remind hon. Kang'ata, who is a lawyer and I am an engineer that, for you to be accredited as a professional, there is a certain programme that you have to go through? Hon. Kang'ata may not exactly be in order because this is an issue that has come up before. It came up when we were debating the Engineers Bill. He may wish to know that some of those universities that purport to offer engineering courses actually use technicians to train engineers, which is against the law. Really, I do not think it is right for hon. Kang'ata to imply wholesale that the Engineers Registration Board has refused to register students when what they are insisting on is fidelity to the procedures for registration.

The Temporary Deputy Speaker (Hon. Cheboi): You have made your point, Eng. Gumbo. I think what you have just done is to use the point of order to give information which is--- Well, I am sure he has heard you.

Hon. (Eng.) Gumbo: Hon. Temporary Deputy Speaker and that is not a "by the way" because the person giving information is only one of---

The Temporary Deputy Speaker (Hon. Cheboi): That is really in public domain. You have brought out your point very well but, half-way through, you ended up giving information which he did not solicit. Let us hear from hon. Kang'ata. Hon. Kang'ata, remember you are dealing with an engineer here and you are a lawyer yourself. Those are some of the things that are in the public domain.

Hon. Kang'ata: Hon. Temporary Deputy Speaker, I agree. The whole idea is that I am supposing that this Bill is going to address that issue where we have students complaining that they have gone to some training and yet, their degrees or whatever qualifications they have are not recognized. I would imagine that when we have this Authority in place, which is meant to harmonize recognition, then it is going to be a

progression instead of leaving that issue of recognition to specific and respective professional bodies.

Be that as it may, I draw the attention of this House to specific areas of my concern. I draw the attention of this House to the failure of this Bill to provide what is called a scope. In my opinion, the scope is: Will this Bill, if enacted into law, affect primary school, secondary school, colleges or university qualifications alone? When you look at other legislation, it is Section 2 of Bills that usually defines the scope of a Bill, say, in terms of defining a word or creating a jurisdiction of that law. This proposed Bill fails to do so. In fact, if enacted the way it is, a question will arise: Does this entity created here affect colleges, primary schools or universities? I am of the view that an amendment should be done in Section 2 or Section 3 or Section 4 to define what institution is going to be affected by this Bill.

The other area is Clause 4. It provides:-

“An institution shall not award a national qualification which is not authorized or accredited in accordance with this Act.”

The question then arises: What of an international institution? When you look at Clause 4(2), it provides a penalty for a person who contravenes the previous Sub-clause (1). However, the question is about cross-border enforcement of that law. Will this Act apply against international institutions, for example, Kampala International University or University of South Africa (UNISA)? We should be very clear as to how this clause is going to affect international institutions which are outside the jurisdiction of this country.

Hon. Temporary Deputy Speaker, I draw your attention, again, to Clause 6 of this Bill. It establishes the headquarters of the Authority to be in Nairobi. That is good but I have issues. You never know, because this country may at one moment shift its capital city and in such kind of instance, this way of drafting a Bill and expressly providing that the headquarters shall be in Nairobi, I am of the view, is too static. It is not dynamic and it does not foresee changes in the way our country is configured. I am of the view that the issue of headquarters should never find itself in the Bill before Parliament.

I also draw your attention to Clause 7. It establishes the functions of the Authority that is going to be created by this law. When you look at these functions, it does not expressly give this Authority the power to accredit – it does not do so. It is not very clear, therefore, whether this Authority is the one which will actually be doing the accreditation. Is its work only to formulate policies? If we are just creating an Authority to create policies, I am of the view that this Bill should not be accepted. We should give this Authority express powers to do the actual work that is related to the issue of qualification and that is accreditation. I am of the view that Clause 7 should be amended to expressly give this Authority the power to do actual accreditation.

Hon. Temporary Deputy Speaker, I refer you to Clause 9 of the Bill, which seeks to establish a council. The council will be the management authority of the institution that we are creating. However, it is not fully representative, in my opinion. The Bill has failed to incorporate other key institutions. For example, we have the Kenya National Examination Council and other entities which deal with accreditation. I draw your attention to a sub-clause proposing the Chairperson of the Association of Professional Societies in East Africa. That person may be Ugandan or Tanzanian. In such scenario, I do not know how such person is going to fit in the Authority.

Finally, Clause 29 is giving power to the Cabinet Secretary to do away with the authority by a Gazette Notice. It is very dangerous to give the Cabinet Secretary such sweeping powers.

Thank you.

The Temporary Deputy Speaker (Hon. Cheboi): Very well. Let us have hon. Hassan Osman. If he is absent, let us have hon. Ben Momonyi.

Hon. Momanyi: Thank you, hon. Temporary Deputy Speaker, for giving me a chance to contribute to this noble Bill. I also stand to support the Bill.

We have quite a number of bodies in various professions, which coordinate the activities of the council. However, it is now time that we have a single body to regulate all Kenyans in terms of certificates and qualifications that one is supposed to have in order to serve in a certain office. My only worry is that this Bill seeks to give to the Executive all the powers, right from appointment to removal of individuals from office. The work of the National Assembly is to just debate and pass the Bill. Thereafter, we have no role to play.

Hon. Temporary Deputy Speaker, we have seen people complain that we have people from certain communities only in certain offices. If we also give a role to the National Assembly in this Bill, it will serve Kenyans better instead of giving sweeping powers to Cabinet Secretaries, who will choose the people they want and who will run the proposed authority in the way they want. Therefore, amendments should be introduced at an appropriate time, so that we can also give a role to the National Assembly in terms of appointment or removal of individuals from office or monitoring the authority in terms of the way they use their finances.

With those few remarks, I also support the Bill, so that we can have a national authority which will regulate the kind of qualifications that one is supposed to have in order to serve in any given office.

Thank you.

The Temporary Deputy Speaker (Hon. Cheboi): Very well. Let us have the Member for Dagoreti South.

Hon. Waweru: Thank you, hon. Speaker. I want to oppose this Bill because, firstly, as per the Constitution, before any Bill becomes law, there has to be consultations and public participation. Having listened to some of the stakeholders, I have gotten the feeling that there have not been a lot of consultations in the various sectors that are supposed to be consulted. So, I feel that this is a half-baked Bill which needs to be looked at afresh.

I totally agree with the spirit of the Bill that we need to have regulations in the various industries, disciplines and professions because this is a country where we find various bodies, universities and colleges---

The Temporary Deputy Speaker (Hon. Cheboi): Order Member for Dagoretti South!

Hon. Seneta, what is it?

Hon. (Ms.) Seneta: Hon. Temporary Deputy Speaker, is my colleague in order to say that this Bill is half-baked? The Bill was brought to the Departmental Committee on Education, Research and Technology, to which I am a Member. It was also gazetted. We

held several meetings with stakeholders. We invited to the Committee various stakeholders to contribute to the Bill. So, the Bill is totally baked.

The Temporary Deputy Speaker (Hon. Cheboi): That makes perfect sense. It is a matter of public knowledge; it was in the newspapers that it was published. It has been here for quite a while.

Member for Dagoretti South, the Bill is fairly well baked.

Hon. Waweru: Hon. Temporary Deputy Speaker, it is almost baked but not fully baked.

The Temporary Deputy Speaker (Hon. Cheboi): How baked would you have expected?

Hon. Waweru: Hon. Temporary Deputy Speaker, I said that there were no adequate consultations and public participation. I also said that the spirit of the Bill is good as it is important for us to have a more regulated environment, so that we can have professionalism in our various disciplines. As we all know, with a regulated discipline, we will have professionalism in the manner things will be done. More importantly, we can have adequate accreditation and certification in various disciplines. In the past, we have had disputes as to whether somebody has graduated in a certain discipline or not. This is something we need to---

The Temporary Deputy Speaker (Hon. Cheboi): Order, hon. Waweru!

What is out of order, hon. Limo?

Hon. Limo: Hon. Temporary Deputy Speaker, is the hon. Member in order to discredit the work that has been done by the Committee even after being told that the requirement on public participation was adhered to? He is insisting and using un-parliamentary language like "it is still half-baked". Is he in order?

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Limo, the term "half-baked" is not un-parliamentary. But I agree with the bit that the information that is before the House is that the Bill is fully baked.

So, Member for Dagoretti South, just proceed and wind up your submissions. You can leave the issue of the Bill having been fully baked or otherwise for another day.

Hon. Waweru: Hon. Temporary Deputy Speaker, I stand guided.

I must thank the Committee. My colleagues have done a good job. I have a lot of respect for Committees of the House. However, it is important for us to have some set standards. In this country, we have had quite a number of universities. We need some regulations and order in our professions and studies. In this country, we have had associations of surveyors, architects, doctors, nurses, *et cetera*. It is time we also have, for example, associations of financial analysts, so that we can have the competences that we require to be able to achieve Vision 2030 and become a medium income country. It is important for us to have discipline in the various professional disciplines.

Therefore, given the spirit of the Bill, I fully support it but I will bring a number of amendments during the Committee Stage.

With those few remarks, I support the Bill with amendments.

The Temporary Deputy Speaker (Hon. Cheboi): Very well. Let us have the Member for Sigor.

Hon. Rotino: Thank you, hon. Temporary Deputy Speaker, for giving me the opportunity to join my colleagues in supporting this very important Bill. On the outset,

this Bill is long over due because it is something that should have been passed long time ago. That is because in any country, society or institution, we should have accreditation or standards passed. I believe that this Bill will go along way in standardizing the qualifications that we get in various institutions.

There are many of us who have gone to various institutions outside this country and when they come back, they have a problem in trying to get the balance in the ministry. This Bill will go a long way in ensuring that those particular people who come from outside the country, when they come back, they will be slotted in within the standards which have been set. We do this haphazardly at the moment. For example, when they announced that Members of Parliament need to give their qualifications so as to contest, many people ran to the Ministry of Education and Kenya National Examinations Council to get their certificates accredited, so that they could be recognized.

If this institution was there, we could not have that problem; we could have a one central point, office or institution that is going to accredit all our certificates for all our students, institutions and people coming from outside and those doing different courses. All these can be standardized. I want to support this Bill very much but with a few amendments. I believe we should detail the functions of this authority. They were rushed; we need to add some other functions which give them some teething powers, so that when something amiss happens, the Authority can have powers to take one to court. I believe if they had not mentioned it inside there, then it will come up during the Third Reading. I want to support this so much and say that this Bill has been long overdue.

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Hon. Cheboi): Very well, let us have the Member for Wajir - that is hon. Fatma.

Hon. (Ms.) F. I. Ali: Thank you hon. Temporary Deputy Speaker for allowing me to speak to this Bill. I want to oppose it. That is because the establishment of that Authority will really not add any value. If you look at Sub-section 3, the object of this Authority is to give mandate to existing institutions. There are various institutions that exist and that can do that mandate. That Authority will not add any value but only increase the wage bill of this country.

Hon. Speaker, when you create an institution with very few mandates, which are being done by various other institutions, it is a waste of public resources. It is a duplication of mandates and functions of other institutions. It will increase the wage bill because of the number of staff and the directorate required to establish that institution. If you look at the membership, it is drawn from existing institutions. There are no single civilians included in the membership and that is why I said that the mandate of that Authority can be done by other institutions that exist. I strongly oppose the creation of that Authority since we want to reduce the wage bill and free more money for development purposes.

Unless we are creating unnecessary institutions to create jobs, there is no value for money to create such an Authority. It is very clear that the membership is Nairobi based and drawn from huge institutions that are very common in this area, as opposed to grassroots institutions or organizations that can make a difference. That Authority might create an impression that will undermine existing institutions that are doing the same

work. One of its functions is to build relationships and linkages. If the Government is very committed to create some quality assurance and standardization, it can empower, especially, the Ministry of Education, Research and Technology to do some of those functions. It is not prudent and there is no value for money in creating such an Authority to do things that are being done by existing institutions. I agree and support that we need to harmonize and create some sanity in creating data and information on qualifications of various sectors in society so that we have some understanding and clarity. The remedy is not to create an Authority to do these things.

I stand to oppose this Bill. Thank you, hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Cheboi): Very well. Let us have hon. Pkosing.

Hon. Losiakou: Thank you, hon. Temporary Deputy Speaker, for giving me this opportunity. From the outset, I want to join my colleagues who earlier said that this Bill is long overdue. I would like to say that we need to support it and pass it very fast. I am saying this because of two things. One, we want an institution which will harmonize the time of training, particularly a diploma holder. In my previous life as a Chief Executive Officer (CEO), I had a very difficult time when the qualifications of an employee was a diploma. I would find people coming with different times of study; one comes with 6 months, another one year and another 3 years and they all say they are diplomas.

The question which we need to ask ourselves - and I want to agree and support this Bill and that is why it has come to this House - is: Do we need time scales? We need to agree and say: Is a diploma equivalent to one year or two years of study? If it is two years, it is standardized across the fields and disciplines. Look at the degree. It has a minimum of four years. We need also to have minimum standards for diplomas. We should say it is two years, for example. Then we go down to a certificate. What is a certificate? We know the way Kenyans are hungry for education. Particularly now when we move to elections and so on and everybody would like to rush here and there just to acquire something called a certificate or a diploma. I really support it so that this issue is cured once and for all. That is because there has been a lot of confusion in this field.

The number two issue that draws my support to this Bill is what is a degree? I want to support it and ask Kenyans that, once we establish this Board or Authority, the first place for this job should be Teachers Service Commission (TSC). That is because we have a big problem there. What is going on is that many teachers have graduated as P1s. They are now moving towards getting degrees. The qualification for a P1 is a C. Most people who are now pursuing degrees have C, C- and D+ grades. When they complete those courses and present those certificates to say they have acquired degrees, somebody in the Teachers Service Commission (TSC) says: "You guys did not get a C+." This is because a qualification in this country today for a degree is a C+. Everybody knows that. So, what about our brothers and sisters who are now pursuing degrees and who did not have a C+? Where do they go? Are they condemned? Who do they go to?

Hon. Temporary Deputy Speaker, that is why this Bill and the House will make history by establishing that Authority. That is so that somebody sits down and gives a clear picture so that a Kenyan knows that if you have a C, you cannot get a degree. Everybody should know the procedure of getting a degree. When people proceed that way, then I am very sure that we will have quality and we will also give confidence to

our brothers and sisters who are pursuing degrees, but not necessarily having a C+. Maybe, most of the Members of Parliament here had a C+ and above but, Article 95 gives us an opportunity to hear, listen and resolve the issues of the people. People are saying that even if they do not have a C+, they need degrees. So, how is that going to be recognised? That is why we need this Authority like yesterday.

Hon. Temporary Deputy Speaker, finally, I want to end with another debate that also requires some “Authority for standardization”, which is this thing called “dialogue” that is going on. Dialogue outside Parliament is a vote of no confidence to Members who were elected by the people of Kenya. I want to inform my colleagues on the other side who are supporting this issue of having dialogue outside the House that it means that their leader has no respect for them and that is why he does not have confidence in them.

The Temporary Deputy Speaker (Hon. Cheboi): No, hon. Pkosing.

Hon. Losiakou: It is still standardisation, hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Pkosing, there is the rule of irrelevance.

Hon. Losiakou: Hon. Temporary Deputy Speaker, I am dealing with qualifications.

The Temporary Deputy Speaker (Hon. Cheboi): I am trying to put together the issue of qualification and that of dialogue and it is not coming out clearly.

Hon. Losiakou: Hon. Temporary Deputy Speaker, but that is qualification. If you give me one minute---

The Temporary Deputy Speaker (Hon. Cheboi): Are you saying by any chance that there must be some qualification to dialogue?

Hon. Losiakou: Exactly and the people of Kenya gave the qualification last year in 2013. The qualification is in the House and not outside the House. If you are doing it outside the House, you have no qualification and that is why somebody has no confidence in the other side. That is why he is saying we come out. Our President has confidence in us. We want dialogue inside the House and that is the qualification. Thank you, hon. Temporary Deputy Speaker.

(Laughter)

The Temporary Deputy Speaker (Hon. Cheboi): It is good you have finalised because I think you were getting irrelevant. So, let us have the hon. Member for Dadaab, hon. Duale, who is not the Leader of the Majority Party.

Hon. M.D. Duale: Thank you, hon. Temporary Deputy Speaker. From the onset, I want to thank you for giving me an opportunity to contribute to this Bill. I really support this Bill because having a framework for standardisation of qualification is one of the greatest things we can do for this country.

In this country, education has become very accessible. It has also, at the same time, become very commercial. As a result, we have a proliferation of institutions that are offering many courses. Some of them are not very relevant for the needs of this country and I think that this framework will help us improve career guidance for our students. It will also help to bring sanity to the employers. That is because as the last speaker has said, there are students who are going for degree courses who have C minus and D plus

and yet, when they get their degrees, they are asked what qualifications they had in their O level examinations.

It will also help to contribute to the professional bodies in terms of regulating their professions. That is because as somebody said, sometimes, some degrees are not recognised by certain professions and that institution will be able to guide those kinds of professional bodies not to reject people who have spent their time studying.

Hon. Temporary Deputy Speaker, I think that this framework, other than looking at from the point of view of the financial burden on the Exchequer, its outcome will really be something that will be great and which will help this country in terms of standardising qualifications both from outside and within. It will also help to market our qualified personnel to countries within the region and outside because we will have one institution which will be able to give them a level of certification that can be used as a reference for that.

Hon. Temporary Deputy Speaker, with those few remarks, I support this Bill. Thank you very much.

The Temporary Deputy Speaker (Hon. Cheboi): Let us have the Member for Moyale.

Hon. Duba: Thank you, hon. Temporary Deputy Speaker. I am a little bit concerned about the queuing order because I am of the view that I have waited for too long. I have a feeling that some Members who logged in much later after I did get a chance to speak. I am not casting any aspersions on your work, but I am just raising a concern.

The Temporary Deputy Speaker (Hon. Cheboi): Now, you should proceed because you are one of the few who also canvassed. But I still followed the queue anyway. So, just proceed.

Hon. Duba: Thank you, hon. Temporary Deputy Speaker. I think this Bill needs to be supported. Its intent is good. The purpose that it intends to serve has been quite a problem. For example, it has just been contributed minutes ago that we have qualifications in accountancy that the Institute of Certified Public Accountants of Kenya (ICPAK) does not recognise when they come from abroad and vice-versa. So, a chartered accountant from Kenya does not get a place across the borders because we also do not recognise foreign qualifications. Since there is no accreditation system, I think that is what contributes to that problem.

Hon. Temporary Deputy Speaker, my brother, Eng. Gumbo, said that some institutions have subordinate lecturers to the intended qualifications that the institution intends to give. For example, somebody from a village polytechnic will be lecturing at the university. I do not think that is the issue. The issue is that they are practicing closed shop. Engineering and other areas like law have long been known to ring-fence themselves so that others do not get an opportunity to qualify. That authority is likely to solve that kind of problem.

The University of Nairobi (UoN) gives a qualification in engineering that is not recognised by Moi University and Jomo Kenyatta University of Agriculture and Technology (JKUAT). I mean those are public universities. The Engineering Registration Board does not recognise this or the other qualification from public institutions. I think those are the things that we need to solve like yesterday. It is important to realise that

without that accreditation and standardisation body, then we will continue having problems in recognising our professionals whenever they qualify outside the country and when they also do it internally.

Hon. Temporary Deputy Speaker, I also want to contribute also to the part of the Bill that nominates institutions save for the fact that it says the Chairperson of the Association of Professions Society of East Africa. But the rest are Kenyans and they are professionals who are likely to contribute very well to the Authority.

It is also noteworthy that employers' representatives have also been appointed and I am also impressed that the workers bodies like Central Organisation of Trade Unions (COTU) and the Federation of Kenya Employers (FKE) form part of the Authority and that will go a long way in injecting professionalism in the Authority.

Hon. Temporary Deputy Speaker, mention has been made of the dangers of duplication. There have been many authorities of a similar type. But I think this is very unique and we need to appreciate that. If you go to Section 13 of the Bill, it talks about the appointments that should reflect the regional and ethnic diversity of Kenya. This citation appears in many proposed Bills, but it is hardly implemented.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Melly, hon. Ng'ang'a, and hon. Mitaru, you place your cards at the intervention slot and I will know how to handle them. Proceed, hon. Duba.

Hon. Duba: Thank you, hon. Temporary Deputy Speaker. The other point where an hon. Member contributed on Section 29 is about the dissolution of the council. I concur with him that there is no need to dissolve the council. That power should not vest with the Cabinet Secretary. If there is an officer or an institution, council or an institute which conducts itself in a manner not becoming, there are other procedures to hold them to account. We have the Kenya Ethics and Anti-Corruption Commission (EACC) and the Efficiency Monitoring Unit (EMU). All those agencies can take care of any misconduct on the part of officers of the Authority. There is no need to give the Cabinet Secretary sweeping powers by a stroke of a pen to dissolve such an important authority.

Hon. Temporary Deputy Speaker, I would want also to appreciate the database that the authority is likely to keep. It is important and we have been lucky. We have been having accreditation in terms of order of merit. For example, Kenya National Examination Council (KNEC) has been classifying qualification on the basis of ABCDE. It does not show for many years. I do not know whether there have been any revision of those qualifications to show whether grade C is any better than A.

At one time, it was decided that this matter be left, so that whoever intends to employ a person can make a determination on his or her own. These are our fears. It is the absence of such an Authority that would have, otherwise, guided us. Some institutions have orders of merit ascending while others have merit of descending. Therefore, the Authority will bring uniformity.

Hon. Temporary Deputy Speaker, in East Africa here - Tanzania, Burundi and Rwanda - if we cannot have an institution that can accredit qualifications obtained within the Community, we have serious shortcomings in our system. Therefore, this Authority is likely to be very important and I support save for a possible amendment at the Third Reading.

Thank you very much.

The Temporary Deputy Speaker (Hon. Cheboi): We will still proceed with the order we had. I am aware that the cards of hon. (Ms.) Mitaru, Ng'ang'a and hon. Melly, who were slightly lower--- I know where they are and I will fix you at that particular time. Therefore, we will have hon. Bett followed by hon. Gumbo, in that order. Then we come to the others.

By the way, hon. (Eng.) Gumbo, why is your carded slotted as having an interest? You have already contributed to his one. Have you not?

Hon. (Eng.) Gumbo: Hon. Temporary Deputy Speaker, that was about four months ago. I forgot.

The Temporary Deputy Speaker (Hon. Cheboi): Okay, you have been duly reminded. But you would have had a chance but, unfortunately, you have spoken to this and you know what the Standing Orders state on this. Therefore, let us have hon. Bett

Hon. J.K. Bett: Thank you, hon. Speaker, for giving me this opportunity to contribute to this Bill, which establishes an Authority to co-ordinate development of policies on national qualifications. I want to say that our communities are investing heavily in education. Others are even sending their children outside the country. There is pressure to expand teaching and learning institutions; that is secondary schools, tertiary institutions and universities. People are really struggling to increase their chances of promotion and employment.

Hon. Temporary Deputy Speaker, it is through this Bill that most of the challenges we have been facing have been addressed, especially on situations in various institutions. Whenever they have vacancies, they insist on requirement for certain qualifications from recognized institutions. You will realize that, in most cases, determination of whether an applicant's academic qualifications are from a recognized institution is, in most cases, prone to abuse. In most cases, it is the panel which decides whether such documents are from recognized institutions or not. That is what this Bill will assist us in determining.

This Bill will assist in addressing the marginalization, shelving and discrimination practices that we have had over the years. It will bring standardization and uniformity. The envisaged Authority will be tasked to co-ordinate and standardize the sector because, currently, most of our universities and colleges are heavily borrowing programmes from overseas colleges and institutions. Before learners enroll for such programmes, first and foremost, they must have confidence in the programmes they are enrolling for and they should also have confidence in the institutions they are joining. It is true that with this Bill, confidence will be built. That is because it will assist in providing the necessary standardization and uniformity across the region.

With those remark, I support this Bill.

The Temporary Deputy Speaker (Hon. Cheboi): Very well. Let us hear from the Member of Parliament from Embu - hon. (Ms.) Rose Mitaru.

Hon. (Ms.) Mitaru: Thank you, hon. Temporary Deputy Speaker, for giving me this opportunity. I have been praying that I catch your eye so that you can give me a chance to contribute.

The Temporary Deputy Speaker (Hon. Cheboi): Definitely, your prayer has been very quickly answered.

Hon. (Ms.) Mitaru: Yes. I am very grateful. I am a Member of the Departmental Committee on Education, Research and Technology. We have discussed this matter very seriously because Kenya is one of the countries in Africa where you find a person of over 80 years going to Standard I to seek for knowledge and education. You would find mothers or fathers leaving their children and going to high school to learn.

Therefore, this country needs this kind of Bill like yesterday. I believe that every one of us in this House should support this Bill. I have seen people taking certificate courses in a few weeks; some take the same in a few months while some take several years. Then, when they go to look for jobs, somebody is confused. They do not know why this higher diploma, certificate or a degree took so long or a short time to get.

As a Member of the Departmental Committee on Education, Research and Technology, we have been looking forward to bringing this Bill to this House. I believe all of us who love Kenyan and education for Kenyans will support this Motion because, at the end of the day---- I remember when we joined politics, we were told to bring our verified certificates. There are those people who were disappointed because they went to schools which were not vetted. Therefore, we need an institution or a standardization institution so that everybody who goes to schools is aware of it. Whether they go at age 40 or age 80, when they do the examinations, Kenya will accept their certificates. When you go outside Kenya, people will know that this country has a system that vets, checks and ensures that the education and certificate levels are accepted all over the world. I am so proud to be a Kenyan because we in Kenya want to learn even at old age.

Hon. Temporary Deputy Speaker, I have seen some primary school teachers starting as P1 teachers and they are now teaching at the university. They have continuously gone to university and have worked hard. At times, they were told that they will not get better jobs. I have seen some students finishing university with education degrees and they end up not getting employment because nobody has followed this kind of information to know whether they passed well and whether they followed procedures or whether they got the right certificates.

Therefore, I want to support this Motion. I believe all of us in this House and Kenya at large will support this Motion so that when our people go outside Kenya, they go with certificates that have been properly verified.

With those remarks, I support this Motion with all my heart.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. (Ms.) Ng'ang'a, you were next. But you have not placed your card where I asked you to do.

An hon. Member: She is disqualified!

Hon. (Ms.) A.W. Ng'ang'a: She is now qualified!

Hon. Temporary Deputy Speaker, thank you. I stand to support this Bill although I think in the Third Reading it needs some few amendments here and there. It is good that when we have this kind of body, which is going to do proper research. We know so much research has been done in Kenya in the universities, but it has never been harmonized. Once students do their research on very important topics, they defend their papers at the Masters or PhD level. But once they do that, that is the end of their research papers. When we have a body like that one, it can make sure that all the universities can inter-link together so that people can know the fields that have been researched on or what to do further to the research that has already been undertaken. We have seen so many

problems in Kenya that can be sorted out because, before you research on a topic, it has to be a problem that you identify. After you identify it, then you start asking yourself what is it that you want to achieve from the problem that you have identified. That is when you come up with objectives.

When you research, that is when you have different methodologies and whichever route you take, a conclusion and recommendation has to be done. It has been done at universities but what happens after a paper or topic has been researched on is that it is archived. It is never implemented. With this kind of body, if at all we are researching on a financial or economic field, it is going to help us to realize our Vision 2030 because that how you know if the economy is going down and what makes it go down. You can research on that. If we want to make Nairobi a financial hub, we have to know how to go about it and when we bring all those bodies together; all the universities and tertiary colleges together. We can achieve whatever we want to achieve right now. All that I would like to ask from this Committee is to make sure that they harmonize everything else from different universities; everything else that has ever been researched on to make sure that we have a way to implement it. This is because most of our problems, once researched on--- You can find in every research paper that there are recommendations and what needs to be done. We have seen our students graduating and it is good. But once they are in the field, they are told that they are not qualified enough to perform a job that they performed very well at the university level. With this body, universities will have to pull up their socks. Before students graduate, they must make sure that their students can perform out there. They must make sure that they should publish their papers and what they did when they go for internship. Do they give back what they studied in the universities? If this body has to be there, it will need to be above board. It needs to oversee and oversight all other bodies so that we can have qualified personnel from the universities; our young boys and girls so that they can move this economy further.

But please make sure that all the research that has been done is implemented if possible. I support.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Melly would be next but I realize that the gentlemen on my left side have not spoken. I will, therefore, give a chance to hon. Ogalo first and then come back to you.

Hon. Ogalo: Hon. Temporary Deputy Speaker, thank you very much. I rise to oppose the creation of another superfluous body to do exactly nothing. If you look at this Bill, I only see a body being created and how it is supposed to use and account for money. I also see a council being created to run the body. I do not see how it is going to solve any problem that currently exists. I imagine a kid who goes to school, starts from pre-unit or nursery, then goes from Class One up to Class Eight, doing the first examination, the Kenya Certificate of Primary Education (KSPE) run by the Kenya National Examination Council (KNEC). The kid then goes to secondary from Form One to Form IV, sits the Kenya Certificate of Secondary Education (KCSE). Then the young boy or girl now can decide to go to the university---

Hon. (Eng.) Gumbo: On a point of order, hon. Temporary Deputy Speaker. The unique feature of our Constitution is that it guarantees all of us the freedom to speak but,

it does not guarantee listeners. Judging by the mood of the House, would I be in order to call on the Mover to reply because a lot of it is now repetition?

The Temporary Deputy Speaker (Hon. Cheboi): That would make perfect sense.

An hon. Member: But he had spoken!

The Temporary Deputy Speaker (Hon. Cheboi): Many hon. Members are beginning to repeat themselves but I think it should not come from you, hon. (Eng.) Gumbo. That is because you have already spoken to this. You have spoken to this and so, if it will come from somebody else, I will entertain it. But if it is coming from you who has spoken, I think that will be unfair to the rest of hon. Members who have not spoken.

Hon. Ogola: Thank you, hon. Temporary Deputy Speaker. Hon. (Eng.) Gumbo is a senior Member of Parliament and he knows the Standing Orders. He is trying to put me off shoot because he supported this nefarious authority.

What I am trying to say is that we cannot legislate for nothing; we must be solving a problem. I have listened to my colleagues make presentations in support of this Bill, but I am yet to hear what particular problem this Bill is going to solve. Some are saying that we have colleges along River Road that are giving certificates which do not meet the standards. We do not need an authority to solve that. It is very clear. We already have enough mechanisms that we can use to ensure that nobody gives a useless certificate in Kenya. I am hearing that we do not know how to grade the degree certificates from outside the country. We do not need another authority with 50 to 100 people employed and earning money, adding to the wage bill that is currently burdening Kenyans to just know that a university in Australia is fit or not fit to give Kenyans degrees. I think by all accounts, if the Cabinet Secretary, the Jubilee Government or the Leader of the Majority Party or whoever has brought it here wants an authority to do this, we can turn this Bill to be an amendment of KNEC law and Commission for Higher Education (CHE) law.

Hon. A.B. Duale: On a point of order, hon. Temporary Deputy Speaker. The Kenya Qualification Framework Bill, 2013, is not about a body being created. It talks about many things. The body is one of it. The hon. Member is talking about a body. There is no Bill that concerns a body and I am sure Members of the Departmental Committee on Education, Science and Technology will agree with me. It talks about a qualification framework. The standards set that Kenyan parents will pay for their money for a certificate that they are sure of. So, it is not about a body unless he is reading a different Bill. He is misleading the House. Is he in order?

Hon. Ogola: Hon. Temporary Deputy Speaker, the Leader of the Majority Party is just trying to get me off course. I have looked at this Bill and the sections. Section 7 talks about the functions. Only this section talks about functions. I am of the opinion and I think the Leader of the Majority Party cannot stop me from having an opinion in this House, that the Authority being created by this Bill is a useless authority and unnecessary because CHE is already there to manage higher education. KNEC is there to manage anything below CHE. We do not need another authority. These functions created here can be properly handled by KNEC and CHE. We do not need another Authority to do this.

I do not think the Kenyan economy, public sector and education sector require that Authority to function.

Temporary Deputy Speaker (Hon. Cheboi): Let us have hon. Melly

Hon. Melly: Thank you hon. Speaker, I rise to support this Bill. I want to say that this Bill is not just establishing an Institution; it is a Bill that comes out with standards, guidelines and a framework that is going to standardize the examination system in this country. It is a Bill that is seeking to ensure that all bodies that are carrying out examinations in this country are actually having particular guidelines. It wants to develop a system of accreditation to promote and ensure certification from across borders, internationally and regionally, is actually put in one established national database. I want to say that the issue of national qualification framework is a worldwide system. A good example is the South African Qualification Framework Authority that tries to standardize examinations and systems of accreditation across South Africa. I can also give examples in Latin America. I would want to say that, that body is also seeking to establish linkages and inter-relationship with local and foreign frameworks or qualification framework authorities. It seeks to establish and ensure that local institutions such as the Kenya National Examination Council, KASNEB and any other body that is carrying out examinations are supposed to meet particular standards and guidelines and ensure that what we have, as a country, in all sectors of examinations--- I want Members to know this: In all aspects of examinations and even accreditation and certification, all the bodies that are concerned--- That body is not going to take away the position of other examining bodies as Members might allude to. The Kenya National Examination shall continue to exist, KASNEB shall exist and all those other bodies. But the Kenya Qualification Framework is one that is going to set out clear guidelines, clear policies, clear standards that are supposed to be met. I want to say that the institution that is responsible for awarding national qualifications is going to have a particular council which is going to be drawn from among others professional bodies across the country and across the region. I want to say that this Bill is very essential because it will ensure that our young boys and girls are going to meet the required requisite international standards.

I support this Bill.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Seneta. Hon. Were, what is it?

Hon. Were: Hon. Temporary Speaker, I rise to request that the Mover be called upon to reply because we realize that Members are repeating what others have said.

Temporary Deputy Speaker (Hon. Cheboi): Well, that really makes perfect sense. But, unfortunately, I have given hon. (Ms) Seneta a chance. I am sure she will briefly wind up and then we will put the question. If it is taken, then the Mover will be called upon to respond.

Hon. (Ms) Seneta: Thank you, hon. Temporary Deputy Speaker. I wish you are going to give all the Education, Research and Technology Committee Members who are present here, to contribute to this Bill so that they can make more understanding of this Bill to the House. This Bill seeks to establish an authority that standardizes all certifications done in this country. This Bill also seeks to certify all other certifications that are done by other institutions. It is not going to be conflicting with the work that has been done by Kenya National Examination Council, neither the work that is done by TIFET; nor the work that is done by any other examination council. But it wants to certify all the other certifications that are done by those institutions. That body will also be able to coordinate all examination standards that are done in this country such that

even the competences and other skills can be certified. I think that body should be there. It should be given its mandates because we really require it as a country. Thank you.

The Temporary Deputy Speaker (Hon. Cheboi): Very well. We will, therefore, dispose the question requested by hon. Were, which is that the Mover be now called upon to reply.

(Question, that the mover be now called upon to reply, put and agreed to)

The Temporary Deputy Speaker (Hon. Cheboi): Hon. A.B. Duale.

Hon. A.B. Duale: Hon. Speaker I will take one minute to reply. I want to dispel the fear that--- I am sure all of us in our constituencies, people are opening the so-called colleges in make-shift kiosks and write: "Diploma in Computer." Our parents pay huge amounts of money for that education; only to be told that, that certificate is not recognized. What this Bill is trying to do is to create a standard way of recognizing qualifications obtained in Kenya and even outside Kenya. There are parents who send their children to India to do law and when they come back, they are told by the Kenya School of Law that they cannot be allowed to do diploma in law to become an advocate. Some go out to do medicine and when they come back they are told: "No! You will not go for internship." What is this Bill trying to do? It is going to bring a standard way or recognizing qualifications obtained in Kenya and even outside. Two, it is developing a system of competence, life-long learning process and, above all, it is giving us value for our money. I am sure this is the second reading of a Bill and you can oppose it or agree with it. If you oppose the Bill and you have issues with it, then at the Committee of the Whole House, you can bring the required necessary amendments that will enrich it. That is because, at the end of the day, we want the Bill that will go for assent to be a Bill that will carry all of us.

With those many remarks, I beg to reply.

The Temporary Deputy Speaker (Hon. Cheboi): Thank you very much. Next Order.

Well, before we move to the next Order, the question will not be put today for obvious reasons. It will be done tomorrow.

Second Reading

THE PRIVATE SECURITY REGULATION BILL

The Temporary Deputy Speaker (Hon. Cheboi): Leader of Majority Party.

Hon. A.B. Duale: I consulted and I think we can bring that Bill later. Let us go to the next one.

The Temporary Deputy Speaker (Hon. Cheboi): So, it is ruled.

(Bill deferred)

Let us move on to the next one.

Second Reading

THE SCRAPE METAL BILL

The Temporary Deputy Speaker (Hon. Cheboi): Leader of the Majority Party again.

Hon. A.B. Duale: Thank you, hon. Temporary Speaker. I beg to move that the Scrap Metal Bill, National Assembly Bill No.6 of 2014, be now read a Second Time.

The background to the Scrap Metal Bill 2014--- I hope one of my very good colleagues is a serious metal scrape dealer. This Bill is very important to him and I am sure he will contribute. This Scrap Metal Bill of 2014 is necessitated by a very urgent need. The need is to manage and regulate the scrap metal sector in our country. The question that begs an answer is this: Why do we want to regulate and manage the scrap metal sector? We want to manage it because of the rampant cable vandalism and the destruction of road infrastructure, among other things.

Hon. Temporary Deputy Speaker, last week, you heard that the Government is spending Kshs50 million on Thika Super Highway every year. Why do we spend that amount of money? That is because the illegal scrap metal dealers in this City do the business of stealing the road signage, guardrails and all the other development within the Thika Super Highway in the wee hours.

So, the Government has seen the need to facilitate the development of the iron and steel sector in line with our national vision. How do we look at the development of the steel and iron sector in line with Vision 2030? The Scrap Metal Bill, 2014 is seen by the Government and the Ministry of Industrialization and Enterprise Development as a panacea to the emerging problem in our country.

The current Scrap Metal Act, CAP.503 was reviewed a number of times but it does not help. So, what is the purpose of the Scrap Metal Bill, 2014? Very unscrupulous business people have continued to promote the wanton destruction of the country's infrastructure. That is both the rail and the road. To support the unsustainable appetite for scrap metal, which has become a source of raw material for millers in their metal industry, we felt that to reduce that destruction, this Bill is paramount.

Secondly, the current Scrap Metal Act, CAP.503 has become very ineffective and cannot help any more. That is because a number of Sections within CAP. 503 have been repealed. This has given rise to the illegal scrap metal dealers in our country.

Hon. Temporary Deputy Speaker, this Bill also tries to harmonize the licensing and traceability of scrap metal dealers. A scrap metal can be traced to a particular road or furniture that was destroyed. So, this Bill effectively abolish, create traceability and the licensing of scrap metal dealers in our country.

Thirdly, the Bill will effectively make the Government to monitor and regulate trade in scrap metal. This trade is huge in our country. It is estimated to be to the tune of Kshs4 billion a year, but the Government does not collect revenue and nobody can account for that business. So, what this Bill is trying to do is to make sure that it gives a platform for the Government to monitor and regulate the trade in scrap metal which, in my opinion and in the opinion of many people in this country, including the Government, has resulted in chaos and disorder over the last few years.

Hon. Temporary Deputy Speaker, the Scrap Metal Bill, 2014, therefore, seeks to introduce a number of new measures. These are measures that will bring sanity and better regulations to the sub-sector, amongst other things. It will also introduce regulations that will make it very difficult to buy and sell stolen metal products. As much as we want to create jobs, those who deal in illegal scrap metal and those who go Thika Super Highway to remove the road furniture, I can tell them with no fear of contradiction that the moment this Bill is passed and assented to, then their days will be numbered. This is because we want to bring sanity under the new Constitution.

The Scrap Metal Bill, 2014 also seeks to empower competent authorities with sufficient legal framework to issue regulations requiring identification and traceability. Therefore, those scrap metal dealers will have a legal framework governing the way they operate as business entities. This Bill proposes stiffer penalties that will act as a deterrent for those who wish to break the law. This will put them on notice. If we spend billions of shillings on road construction, railways, street lights and so on, then we must provide a legal framework that protects that Government investment and infrastructure from illegal business dealers whose work is to remove the road furniture.

This Bill will also try to create a consultative process that will give an opportunity to all the stakeholders in scrap metal dealing where they will be given a chance to air their views. They will appear, I think, before the Committee on Finance, Planning and Trade and address the issues that they face in their business of scrap metal. This will help in the development of iron and steel industry in this country.

Once this Bill is enacted into law we expect a great improvement in the monitoring and regulation of trade in scrap metal. We expect serious reduction in the illicit exportation of scrap metal. We also expect a total reduction or elimination of the destruction of the road furniture and infrastructure. This will create considerable savings by the utility companies and the country at large. We use a lot of money to maintain our roads. We want to maintain the tarmac. We do not want to keep on replacing the road furniture. This Bill has come at the right time. The KENHA stated that we spend Kshs50 million on replacing the road furniture along Thika Super Highway. The destruction of road furniture, especially road signs, drainage manholes and guard rails has increased and this has a bearing on road carnage. Once you destroy road furniture, then this is likely to cause more accidents.

The Temporary Deputy Speaker (Hon. Cheboi): Order, Leader of the Majority Party. You have spent ten minutes of your 45 minutes. Therefore, when the debate resumes, you will have a balance of 35 minutes.

ADJOURNMENT

Hon. Members, the time being 6.30 p.m., it is now time to adjourn the business of the House. This House stands adjourned until tomorrow Wednesday, 2nd July, 2014, at 9.30 a.m.

The House rose at 6.30 p.m.