

REPUBLIC OF KENYA



THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT- THIRD SESSION


THE DEPARTMENTAL COMMITTEE ON ADMINISTRATION & NATIONAL SECURITY

REPORT ON THE PUBLIC SERVICE (VALUES & PEINICIPLES) (AMENDMENT)
BILL (NATIONAL ASSEMBLY BILL NO. 17 OF 2019)

*Approved
19/2/20
ASMT
[Signature]*

DIRECTORATE COMMITTEESERVICES
THE NATIONAL ASSEMBLY
PARLIAMENT BUILDINGS
NAIROBI

FEBRUARY, 2020

 THE NATIONAL ASSEMBLY BILLS LAID	
DATE: 19 FEB 2020	DAY: WEDNESDAY (Am)
TABLED BY:	HON. PETER KALUMA FOR ADMN & NATIONAL SECURITY
CLEANED BY: THE TAP	[Signature]

CONTENTS

APPENDICES	3
Chairpersons Foreword.....	4
1.0 PREFACE.....	5
2.0 COMMITTEE MEMBERS	6
2.1 Committee Secretariat.....	7
2.2 ADOPTION OF THE COMMITTEE REPORT	8
3.0 BACKGROUND	9
4.0 SITTINGS.....	9
5.0 SUMMARY OF THE PUBLIC SERVICE (VALUES & PEINCIPLES) (AMENDMENT) BILL, 2019	9
6.0 CONSIDERATION OF PUBLIC SERVICE (VALUES & PEINCIPLES) (AMENDMENT) BILL, 2019	10
7.0 PUBLIC PARTICIPATION	11
7.1 MEETING WITH HON. ANDREW MWADIME, MP.....	11
8.0 CLAUSE BY CLAUSE CONSIDERATION OF THE BILL.....	12
9.0 COMMITTEE OBSERVATIONS	12
10.0 COMMITTEE RECCOMMENDATIONS	12

APPENDICES

Annex 1-

Adoption list

Annex 2-

Minutes

Annex 3-

Request for the Submission of Memoranda

Annex 4-

Memoranda

Chairpersons Foreword

The Bill was read for the first time on Thursday, 2nd May, 2019 and subsequently committed to the Committee pursuant to the provisions of Standing Order 127 (1), it is on this basis that the Committee makes this Report. The Committee on Thursday 9th May, 2019 put an advert on local daily newspapers inviting for comments from the public on the Bill.

I take this opportunity to thank all Members of the Committee for their input in the consideration of the Public Service (Values & Principles) (Amendment) Bill, 2019. The Committee also takes this opportunity to thank the Offices of the Speaker and of the Clerk of the National Assembly for the logistical support accorded to it during the exercise. The Committee also appreciates the role played by the media following its coverage of the proceedings, thus enhancing accountability and transparency

Pursuant to provisions of Standing Order 199 (6), and on behalf of the Departmental Committee on Administration and National Security, it is my pleasant privilege and honour to present to this House the Report of the Committee on the Public Service (Values & Principles) (Amendment) Bill, 2019.

Hon. Paul Koinange, M.P. Chairperson

1.0 PREFACE

The Departmental Committee on Administration and National Security was constituted on 14th December 2017 pursuant to provisions of Standing Orders 216(1).

1. The Committee executes its mandate in accordance with the provisions of Standing Order 216 (5), from which it draws its mandate to, inter alia;
 - a) investigate, inquire into and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments; and
 - b) study and review all legislation referred to it;
 - c) To vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204.

Honourable Speaker,

2. In executing its mandate, the Committee oversees the following Ministries and Departments:

- i) The Ministry of Interior & Coordination of National Government
 - a) State Department of Interior
 - b) State Department of Border Control, Immigration and Registration of Persons.
 - c) State Department of Correctional Services
- ii) The National Police Service Commission
- iii) The Independent Policing Oversight Authority
- iv) The Public Service Commission

3. According to Schedule II of the Standing Orders, the Committee is mandated to

Consider the following subjects:

- i) National Security;
- ii) Police Services;
- iii) Home Affairs;
- iv) Public Administration;
- v) Public Service,
- vi) Prisons;
- vii) Immigration

2.0 COMMITTEE MEMBERS

Chairperson

Hon. Paul Karuga Koinange, MP
County MP for Kiambaa Constituency

Jubilee Party

Vice-Chairperson

Hon. John Waluke, MP ()
M.P for Sirisia Constituency

Jubilee Party

Hon. Wamunyinyi, Athanas Misiko
Wafula,
MP for Kanduyi Constituency
Ford Kenya Party

Hon. Josphat Kabinga Wachira
Wathayu, MP
MP for Mwea Constituency
Jubilee Party

Hon. Kaluma, George Peter Joseph, MP
MP for Homa Bay Town Constituency
ODM Party

Hon. Nimrod Mbithuka Mbai, MP
MP for Kitui East Constituency
Jubilee Party

Hon. (Dr.) Makali Mulu, MP
MP for Kitui Central Constituency
Wiper Party

Hon. Martin Ngunjiri Wambugu, MP
MP for Nyeri Town Constituency
Jubilee Party

Hon. Theuri George, MP
MP for Embakasi West Constituency
Jubilee Party

Hon. Abdi Omar Shurie, MP
MP for Balambala Constituency
Jubilee Party

Hon. Joshua Aduma Owuor, MP
MP for Nyakach Constituency
ODM Party

Hon. Halima Mucheke Yussuf, MP
Nominated Member
Jubilee Party

Hon. Capt. (Rtd) Didmus Wekesa
Barasa Mutua, MP
MP for Kimilili Constituency
Jubilee Party

Hon. Edward Oku Kaunya, MP
MP for Teso North Constituency
ANC Party

Hon. Col. (Rtd) Geoffrey Muturi,
King'ang'i, MP
MP for Mbeere South Constituency
Jubilee Party

Hon. Peter Francis Masara, MP
MP for Suna West Constituency
Independent Party

Hon. Arbelle, Marselino Malimo, MP
MP for Laisamis Constituency
Jubilee Party

Hon. Ahmed Kolosh Mohamed, MP
MP for Wajir West Constituency
Jubilee Party

Hon. (Dr.) Tecla Chebet Tum, MP
MP for Nandi County
Jubilee Party

2.1 Committee Secretariat

The Committee is facilitated by the following Secretariat:-

Mr George Gazemba, ACarb, CPM
Principal Clerk Assistant
Lead Clerk

Mr. Joshua Ondari
Clerk Assistant

Mr. Donald Manyala
Research Officer

Ms. Brigitta Mati
Legal Counsel

Mr. Yaqub Ahmed
Media Officer

Mr. Edison Odhiambo
Fiscal Analyst

Mr. Ian Otieno
Audio Officer

2.2 ADOPTION OF THE COMMITTEE REPORT

We, the undersigned Members of the Departmental Committee on Administration and National Security have, pursuant to Standing Order 199, adopted this report and appended our signatures to affirm our approval and confirm its accuracy and authenticity. (*See Attached Annexes*)

1. Hon. Paul Koinange, MP Chairperson
2. Hon. John Waluke, MP (Vice-Chairperson)
3. Hon. Athanas Wamunyinyi, MP
4. Hon. George Theuri, MP
5. Hon. Peter George Kaluma, MP
6. Hon. Makali Mulu, MP
7. Hon. Didmus Wekesa Barasa Mutua, MP
8. Hon. Geoffrey Kingagi Muturi, MP
9. Hon. Marselino Malimo Arbelle, MP
10. Hon. Tecla Chebet Tum, MP
11. Hon. Josphat Kabinga Wachira, MP
12. Hon. Nimrod Mbithuka Mbai, MP
13. Hon. Martin Deric Ngunjiri Wambugu, MP
14. Hon. Abdi Omar Shurie, MP
15. Hon. Yussuf Mucheke Halima, MP
16. Hon. Peter Masara, MP
17. Hon. Ahmed Kolosh Mohammed, MP
18. Hon. Aduma Owuor, MP
19. Hon. Edward Oku Kaunya, MP

3.0 BACKGROUND

Article 109 of the Constitution states that “Parliament shall exercise its legislative power through Bills passed by Parliament and assented to by the President.

The Public Service (Values and Principles) (Amendments) Bill, 2019, by Hon. Andrew Mwadime, MP.

The Public Service (Values & Principles) (Amendment) Bill, 2019 was read for the first time on Thursday 2nd May, 2019 and subsequently committed to the Committee pursuant to the provisions of Standing Order 127 (1) and report to the House.

The Bill proposes an amendment to the Public Service (Values and Principles) to require state organs in the national and county governments, state corporations, Constitutional Commissions, Independent Offices and County Public Service Boards to submit annual reports on details of the human resources in constitutional commissions, independent offices and county Public Service Boards and County Assembly Service Board.

The reports should contain details outlining the total number of employees and highlighting their gender, age country of birth and county of residence.

4.0 SITTINGS.

The Committee considered the Public Service (Values and Principles) (Amendments) Bill, 2019 in its sittings held on Friday 16th August, 2019 and adopted its report on Tuesday 22nd October, 2019.

5.0 SUMMARY OF THE PUBLIC SERVICE (VALUES & PEINICIPLES) (AMENDMENT) BILL, 2019

The Bill proposes an amendment to the Public Service (Values and Principles) Act to require state organs in the national and county governments, state corporations, Constitutional Commissions, Independent Offices and County Public Service Boards to submit annual reports on details of the human resources in constitutional commissions, independent offices and county Public Service Boards and County Assembly Service Board.

Clause 1 of the Bill provides for the short title of the Bill.

Clause 2 of the Bill provides for amendment to section 16(3) of the Public Service (Values and Principles) Act.

**6.0 CONSIDERATION OF PUBLIC SERVICE (VALUES & PEINCIPLES)
(AMENDMENT) BILL, 2019**

Analysis of the Bill

PRINCIPAL ACT	PROPOSED AMENDMENT
<p>Section 16 Reports</p> <p>(1) Once every year, each service commission shall prepare a report on the status of the promotion of the values and principles of public service</p> <p>(2) Each service Commission shall submit the report prepared under subsection (1) to the President and Parliament, and the Governor and county assembly, where relevant, by 31st December or each year.</p> <p>(3) The report under this section shall provide information on-</p> <p>(a) Measures taken to promote the values and principles of public service;</p> <p>(b) The progress achieved in the promotion of values and principles of public service;</p> <p>(c) The challenges faced in the promotion of values and principles of public service;</p> <p>(d) Any recommendations for the progressive realization of values and principles of public service; and</p> <p>(e) Any other matter that may be relevant to the realization of the values and principles of public service.</p>	<p>The Public Service (Values and Principles) Amendment Act is amended in section 16(3) by inserting the following paragraph immediately after paragraph (d)—</p> <p>‘(da) details on the human resource establishment within the service Commission outlining the total number of employees and highlighting their gender, age, county of birth and county of residence.</p>

OBSERVATIONS

Article 232 of the Constitution provides for principles and values of public service which include inter-alia-

- (a) high standards of professional ethics;
- (b) efficient, effective and economic use of resources;
- (c) responsive, prompt, effective, impartial and equitable provision of services;
- (d) involvement of the people in the process of policy making;
- (e) accountability for administrative acts
- (f) transparency and provision to the public of timely accurate information;
- (g) subject to paragraph (h) and (i), fair competition and merit as the basis of appointments and promotions;
- (h) representation of Kenya’s diverse communities; and
- (i) affording adequate and equal opportunities for appointment, training and advancement at all levels of the public service of-
 - (i) Men and women;
 - (ii) The members of all ethnic groups; and
 - (iii) Persons with disabilities

The proposed Bill seeks to ensure that the public service reflects the Nation's diverse communities and affords adequate and equal opportunities for appointment of women, men, members of all ethnic groups and persons with disabilities.

7.0 PUBLIC PARTICIPATION

Pursuant to Article 118 of the Constitution and Standing Order 127 (3) the committee invited memoranda from the public vide a notice in the local dailies.

One of the most important features of the Country constitutional framework is the requirement of public participation in governance and other administrative activities. Specifically, the provisions of the following Articles are pertinent.

- i) Article 10 recognizes public participation as one of the national values;
- ii) Article 27 provides for equal treatment of all persons, while affirmative action in governance is provided for in Articles 54 and 56 of the Constitution;
- iii) Article 35 provides for the right of access to information held by the State or another person which is necessary for the exercise of any right or fundamental freedom;
- iv) Article 118 requires Parliament to conduct its business in an open manner and to facilitate public participation and involvement in the legislative and other business of Parliament and its committees. It also prohibits Parliament from denying the public and media access into its sittings unless there are any justifiable reasons.

The Constitution obligates the State and all State organs to ensure adequate public consultation on all public policies, legislation or any decision that is likely to impact on the people of Kenya. Failure to factor in the mandatory requirement of public participation exposes the legislative instrument or policy framework to constitutional challenges of legitimacy, hence making it actionable for unconstitutionality in a court of law.

Effective public consultation is based on principles of openness, transparency, integrity and mutual respect. The open process facilitates acceptability amongst the key stakeholders, subsequently facilitating efficient and effective implementation of the legislative instrument.

The committee put an advert on the Bill on the local dailies inviting for comments from the public.

7.1 MEETING WITH HON. ANDREW MWADIME, MP

On Thursday 13th June, 2019, the Hon. Andrew Mwadime, MP appeared before the Committee and informed the Committee as follows:- That,

- a) The Bill was seeking to amend Public Service (Services and Principles) Act to require all state organs in the national and county governments and state corporations to submit annual reports on details of the human resource.
- b) The report should contain details outlining the total number of employees and highlighting their gender, age, county of birth and county of residence;
- c) This would facilitate the public service values and principles that require the public service to reflect Kenya's diverse communities and afford adequate and equal opportunities for appointment of women and men, members of all ethnic groups and persons with disabilities pursuant to Article 232 of the Constitution;
- d) By reviewing annual reports, legislatures could discharge the oversight role bestowed upon them as they would be able to analyze and query non-compliant state organs;

- e) The Bill concerned county governments in terms of Articles 110(1)(c) of the Constitution; and

8.0 CLAUSE BY CLAUSE CONSIDERATION OF THE BILL

CLAUSE 1- SHORT TITLE

Clause 1 relates to the short title

Committee observations and recommendation on clause 1

The Committee observed that there were no stakeholder comments received on this provision. The Committee recommends that the Clause be agreed to as it appears in the Bill.

CLAUSE 2- AMENDMENT OF SECTION 16 OF NO.1A OF 2015

The clause proposes an amendment to the Public Service (Values and Principles) to require state organs in the national and county governments, state corporations, Constitutional Commissions, Independent Offices and County Public Service Boards to submit annual reports on details of the human resources outlining the total number of employees and highlighting their gender, age, county of birth and county of residence.

9.0 COMMITTEE OBSERVATIONS

The Committee observed that—

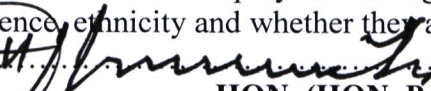
- (a) The proposed Bill seeks to ensure that the public service reflects the Nation’s diverse communities and affords adequate and equal opportunities for appointment of women, men, members of all ethnic groups and persons with disabilities;
- (b) In order to realise Article 232 (h) and (i), there is need to insert more factors that the report is to provide information on. These factors include ethnicity and persons living with disabilities;
- (c) There is need for such a provision in order for institutions and appointing authorities to take into account principles such as the principle and composition of offices to take into account regional and ethnic diversity.

10.0 COMMITTEE RECOMMENDATIONS

The Committee having considered the Public Service (Values and Principles) Bill, 2019 resolved the Bill should be amended as follows-

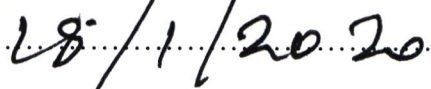
That clause 2 of the Bill be amended by deleting the proposed new paragraph (da) and substituting therefor the following new paragraph—

“(da) details on the human resource establishment within the service Commission outlining the total number of employees and highlighting their gender, age, county of birth, county of residence, ethnicity and whether they are persons living with disabilities.”

SIGNED..........

HON. (HON. PAUL KOINANGE, MP)
(CHAIRPERSON)

DEPARTMENTAL COMMITTEE ON ADMINISTRATION & NATIONAL SECURITY

DATE..........

REPUBLIC OF KENYA



NATIONAL ASSEMBLY

DEPARTMENTAL COMMITTEE ON ADMINISTRATION & NATIONAL SECURITY

ATTENDANCE SCHEDULE


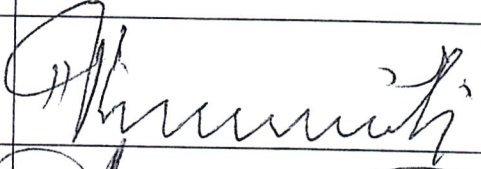
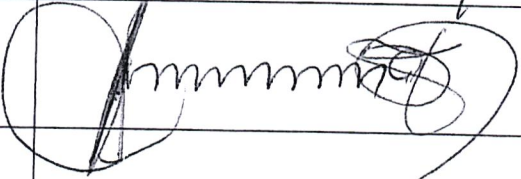

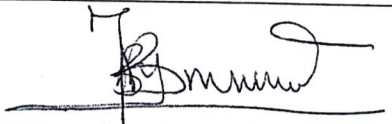
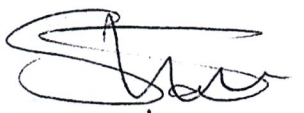

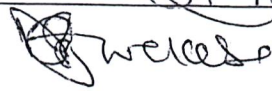

DATE: 29th October, 2019


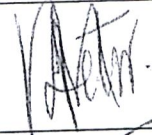
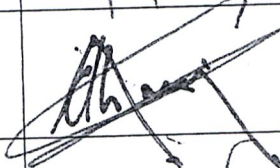
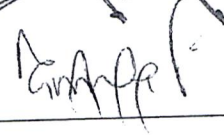
TIME: 11.00 a.m.

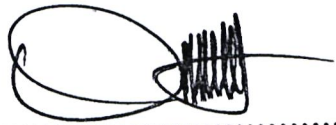
VENUE: Boardroom on 11th Floor, Protection House

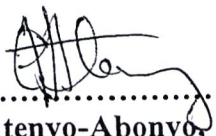
AGENDA: Adoption of the following reports on bills:

- a. The Public Service (Values & Principles) (Amendment) Bill, 2019
- b. The National Disaster Management Authority Bill, 2019
- c. The County Government (Amendment) Bill, 2018

NO.	NAME	SIGNATURE
1.	Hon. Paul Koinange, MP - Chairperson	
2.	Hon. John Waluke, MP - Vice Chairperson	
3.	Hon. Wafula Wamunyinyi, MP	
4.	Hon. George Peter Kaluma, MP	
5.	Hon. Dr. Makali Mulu, MP	
6.	Hon. George Theuri, MP	
7.	Hon. Aduma Owuor, MP	
8.	Hon. Didmus Wekesa Barasa Mutua, MP	
9.	Hon. Geoffrey Kingagi Muturi, MP	

10.	Hon. Marselino Malimo Arbelle, MP	
11.	Hon. Dr. Tecla Chebet Tum, MP	
12.	Hon. Josphat Kabinga Wachira, MP	
13.	Hon. Nimrod Mbithuka Mbai, MP	
14.	Hon. Ngunjiri Wambugu, MP	
15.	Hon. Abdi Omar Shurie, MP	
16.	Hon. Halima Mucheke, MP	
17.	Hon. Peter Masara, MP	
18.	Hon. Oku Kaunya, MP	
19.	Hon. Ahmed Kolosh Mohamed, MP	


 Signed.....Date.....
 George Gazemba, ACI Arb, CPM,
 Principal Clerk Assistant,
 Departmental Committee on Administration and National Security.


 Signed.....Date.....
 Florence Atenyo-Abonyo,
 Director, Committee Services.

MINUTES OF THE FIFTIETH (50) SITTING OF THE DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND NATIONAL SECURITY HELD ON TUESDAY, 29TH OCTOBER, 2019 AT 10.00 A.M. IN THE BOARDROOM ON 11TH FLOOR, PROTECTION HOUSE, PARLIAMENT BUILDINGS

PRESENT

1. Hon. Paul Koinange, MP - *Chairperson*
2. Hon. John Waluke, MP *Vice – Chairperson*
3. Hon. Wafula Wamunyinyi, MP
4. Hon. Peter George Kaluma, MP
5. Hon. Dr. Makali Mulu, MP
6. Hon. George Theuri, MP
7. Hon. Aduma Owuor, MP
8. Hon. Peter Masara, MP
9. Hon. Oku Kaunya, MP
10. Hon. Ahmed Kolosh Mohamed, MP
11. Hon. Dr. Tecla Chebet Tum, MP
12. Hon. Didmus Wekesa Barasa Mutua, MP
13. Hon. Geoffrey Kingagi Muturi, MP

ABSENT

1. Hon. Abdi Omar Shurie, MP
2. Hon. Ngunjiri Wambugu, MP
3. Hon. Josphat Kabinga Wachira, MP
4. Hon. Halima Mucheke, MP
5. Hon. Marselino Malimo Arbelle, MP
6. Hon. Nimrod Mbithuka Mbai, MP

IN ATTENDANCE

COMMITTEE SECRETARIAT-

1. Mr. George Gazemba - Principal Clerk Assistant II
2. Mr. Joshua Ondari - Clerk Assistant
3. Mr. Donald Manyala - Research Assistant
4. Mr. Josphat Bundotich - Senior Serjeant-At-Arms
5. Mr. Ian Otieno - Audio Officer
6. Mr. James Oloo - Support Staff

MIN No.175 /2019:-

PRELIMINARIES

The chairperson officially welcomed Members to the meeting at 10.30 a.m. after prayers were said.

MIN No.176 /2019:-

CONFIRMATION OF MINUTES

1. Minutes of the 42nd sitting held on Friday, 27th September, 2019 were confirmed as a true record of the deliberations having been proposed and seconded by the Hon. Peter Kaluma, MP and the Hon. Peter Masara, MP respectively.
2. Minutes of the 43rd sitting held on Friday, 27th September, 2019 were confirmed as a true record of the deliberations having been proposed and seconded by the Hon. John Waluke – Vice-Chairperson, MP and the Hon. Oku Kaunya, MP respectively.
3. Minutes of the 44th sitting held on Tuesday, 15th October, 2019 were confirmed as a true record of the deliberations having been proposed and seconded by the Hon. Peter Kaluma, MP and the Hon. Wafula Wamunyinyi, MP respectively.
4. Minutes of the 45th sitting held on Thursday, 17th October, 2019 were confirmed as a true record of the deliberations having been proposed and seconded by the Hon. Peter Kaluma, MP and the Hon. Peter Masara, MP respectively.
5. Minutes of the 46th sitting held on Saturday, 19th October, 2019 were confirmed as a true record of the deliberations having been proposed and seconded by the Hon. Oku Kaunya, MP and the Hon. John Waluke – Vice-Chairperson, MP respectively.
6. Minutes of the 47th sitting held on Tuesday, 22nd October, 2019 were confirmed as a true record of the deliberations having been proposed and seconded by the Hon. Dr. Tecla Tum, MP and the Hon. Peter Kaluma, MP respectively.

MIN No. 177/2019:-

ADOPTION OF THE REPORTS ON BILLS

Report on the County Governments (Amendment) Bill (Senate Bill No. 13 of 2018)

The report was unanimously adopted by the Committee after having been proposed and seconded by the Hon. Peter Masara, MP and the Hon. Peter Kaluma, MP respectively.

Report on the National Disaster Management Authority Bill, 2019

The report was unanimously adopted by the Committee after having been proposed and seconded by the Hon. John Waluke, MP –Vice-Chairperson and the Hon. Wafula Wamunyinyi, MP respectively.


Report on the Public Service (Values & Principles) (Amendment) Bill, 2019

The report was unanimously adopted by the Committee after having been proposed and seconded by the Hon. Oku Kaunya and the Hon. Peter Kaluma, MP respectively.

MIN No.178 /2019:-

ADJOURNMENT

There being no other business to transact, the meeting was adjourned at noon until a date and time to be communicated to Members.

Signed.....

Chairperson

Date.....5th Dec 2019

REPUBLIC OF KENYA



THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT - THIRD SESSION

In the matters of consideration by the National Assembly:-

1. The Public Service (Values and Principles) (Amendment) Bill (National Assembly Bill No. 17 of 2019)
2. The Public Service Commission (Amendment) Bill (National Assembly Bill No. 27 of 2019)

SUBMISSION OF MEMORANDA

Article 118(1)(b) of the Constitution provides that, "Parliament shall facilitate public participation and involvement in the legislative and of Parliament and its Committees". The National Assembly Standing Order 127(3) provides that, "the Departmental Committee to which a Bill is committed shall facilitate public participation and take into account the views and recommendations of the public when the Committee makes its report to the House".

The Public Service (Values and Principles) (Amendment) Bill (National Assembly Bill No. 26 of 2019) seeks to amend the Public Service (Values and Principles) Act to require all state organs in the National and County Governments and State Corporations to submit annual reports on details of the human resource in Constitutional Commissions, Independent Offices, County Public Service Boards and County Assembly Service Boards.

The Public Service Commission (Amendment) Bill (National Assembly Bill No. 27 of 2019) seeks to amend the Public Service Act 2017 to prescribe the mandatory retirement age of sixty years in the Act. The Public Service Act, 2017 provides that the mandatory age is to be prescribed in the regulations.

The above mentioned Bills have undergone First Reading pursuant to Standing Order 127(3) and stands committed to the Departmental Committee on Administration and National Security for consideration and thereafter report to the House.

Pursuant to Article 118(1)(b) of the Constitution and Standing Order 127, the Committee invites interested members of the public to submit any representations they may have on the said Bills. The Submissions may be forwarded to the Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi; hand-delivered to the Office of the Clerk, Main Parliament Building, Nairobi; or emailed to clerk@parliament.go.ke; to be received on or before Wednesday, 15th May, 2019 at 5.00 pm.

MICHAEL R. SIALAL, EBS
CLERK OF THE NATIONAL ASSEMBLY

REPUBLIC OF KENYA



THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT - THIRD SESSION

In the matters of consideration by the National Assembly:-

1. The Labour Relations (Amendment) Bill (National Assembly) Bill, 2019
2. The National Drought Management Authority (Amendment) Bill (National Assembly) Bill, 2019

SUBMISSION OF MEMORANDA

Article 118(1)(b) of the Constitution provides that, "Parliament shall facilitate public participation and involvement in the legislative and of Parliament and its Committees". The National Assembly Standing Order 127(3) provides that, "the Departmental Committee to which a Bill is committed shall facilitate public participation and take into account the views and recommendations of the public when the Committee makes its report to the House".

The Labour Relations (Amendment) Bill (National Assembly) Bill, 2019 seeks to amend the Labour Relations Act, 2007 in order to set out the requirements that must be met by a trade union prior to calling and holding a strike in any essential services sector.

The National Drought Management Authority (Amendment) Bill (National Assembly) Bill, 2019 seeks to amend the National Drought Management Act, 2016 by amending the sections providing for the establishment of the coordinating committees and establishment of the management of the National Drought Emergencies Fund in the Act in order to enable the enactment of the National Drought Emergency Fund, Regulations under the Public Finance Management Act, 2012.

The above mentioned Bills have undergone First Reading pursuant to Standing Order 127(3) and stands committed to the Departmental Committee on Labour and Social Welfare for consideration and thereafter report to the House.

Pursuant to Article 118(1)(b) of the Constitution and Standing Order 127, the Committee invites interested members of the public to submit any representations they may have on the said Bills. The Submissions may be forwarded to the Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi; hand-delivered to the Office of the Clerk, Main Parliament Building, Nairobi; or emailed to clerk@parliament.go.ke; to be received on or before Wednesday, 15th May, 2019 at 5.00 pm.

MICHAEL R. SIALAL, EBS
CLERK OF THE NATIONAL ASSEMBLY

REPUBLIC OF KENYA



THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT - THIRD SESSION

In the matters of consideration by the National Assembly:-

1. The National Hospital Insurance Fund (Amendment) Bill (National Assembly Bill No. 5 of 2019)
2. The Kenya Food and Drugs Authority Bill (National Assembly Bill No. 31 of 2019)

SUBMISSION OF MEMORANDA

Article 118(1)(b) of the Constitution provides that, "Parliament shall facilitate public participation and involvement in the legislative and of Parliament and its Committees". The National Assembly Standing Order 127(3) provides that, "the Departmental Committee to which a Bill is committed shall facilitate public participation and take into account the views and recommendations of the public when the Committee makes its report to the House".

The National Hospital Insurance Fund (Amendment) Bill (National Assembly Bill No. 5 of 2019) seeks to amend the National Hospital Insurance Fund Act (Cap 255) to provide an opportunity for persons who have retired from employment to continue standard contribution to the Board, equivalent to the contribution the person was paying immediately before retirement.

The Kenya Food and Drugs Authority Bill (National Assembly Bill No. 31 of 2019) seeks to establish the Kenya Food and Drugs Authority to provide for the regulation and management of food, drugs and chemical substances; to provide for the regulation of medical devices and other health technologies; to give effect to the principles and objects of devolved government in food safety regulation and for connected purposes.

The above mentioned Bills have undergone First Reading pursuant to Standing Order 127(3) and stands committed to the Departmental Committee on Health for consideration and thereafter report to the House.

Pursuant to Article 118(1)(b) of the Constitution and Standing Order 127, the Committee invites interested members of the public to submit any representations they may have on the said Bills. The Submissions may be forwarded to the Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi; hand-delivered to the Office of the Clerk, Main Parliament Building, Nairobi; or emailed to clerk@parliament.go.ke; to be received on or before Wednesday, 15th May, 2019 at 5.00 pm.

MICHAEL R. SIALAL, EBS
CLERK OF THE NATIONAL ASSEMBLY

REPUBLIC OF KENYA



THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT - THIRD SESSION

In the matters of consideration by the National Assembly:-

1. The Public Finance Management (Amendment) Bill (National Assembly) Bill, 2019
2. The Sectional Properties Bill (National Assembly) Bill, 2019

SUBMISSION OF MEMORANDA

Article 118(1)(b) of the Constitution provides that, "Parliament shall facilitate public participation and involvement in the legislative and of Parliament and its Committees". The National Assembly Standing Order 127(3) provides that, "the Departmental Committee to which a Bill is committed shall facilitate public participation and take into account the views and recommendations of the public when the Committee makes its report to the House".

The Public Finance Management (Amendment) Bill, 2019 seeks to provide that a public entity may only deposit funds and invest surplus funds in government owned banks or a bank owned by the public through cooperative societies. The Bill further defines a government owned bank as bank in which the government owned or holds at least twenty percent of the Bank's share capital. The Bill also prohibits the practice of banks paying compensation to agents for procuring the deposit of funds from public bodies.

The Sectional Properties Bill, 2019 seeks to provide for the division of buildings into units to be owned by individual proprietors and common property to be owned by proprietors of the units as tenants in common and to provide for the use and management of the units and common property.

The Public Finance Management (Amendment) Bill, 2019 and the Sectional Properties Bill, 2019 have undergone First Reading pursuant to Standing Order 127(3) and stands committed to the Departmental Committee on Finance & National Planning and Departmental Committee on Lands respectively, for consideration and thereafter report to the House.

Pursuant to Article 118(1)(b) of the Constitution and Standing Order 127, the respective Committees invite interested members of the public to submit any representations they may have on the said Bills. The Submissions may be forwarded to the Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi; hand-delivered to the Office of the Clerk, Main Parliament Building, Nairobi; or emailed to clerk@parliament.go.ke; to be received on or before Wednesday, 15th May, 2019 at 5.00 pm.

MICHAEL R. SIALAL, EBS
CLERK OF THE NATIONAL ASSEMBLY