

Approved for tabling,

Blaise NA
22/4/15

REPUBLIC OF KENYA



KENYA NATIONAL ASSEMBLY

ELEVENTH PARLIAMENT – THIRD SESSION - 2015

REPORT OF THE
DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND NATIONAL
SECURITY ON ITS CONSIDERATION OF SENATE AMENDMENTS TO THE
PUBLIC SERVICE (VALUES AND PRINCIPLES) BILL, 2014



CLERK'S CHAMBERS
PARLIAMENT BUILDINGS
NAIROBI

APRIL, 2015

1.0 PREFACE

1.1 Committee Mandate

Mr. Speaker, Sir,

The Departmental Committee on Administration and National Security was constituted pursuant to the provisions of Standing Order No. 216(1) of the National Assembly and has executed its mandate in accordance with the provisions of the said Standing Order 216 (5), which mandates the Committee to, inter alia;

- (i) study and review all legislation referred to it;*
- (ii) make reports and recommendations to the House as often as possible, including recommendation of proposed legislation.*

Mr. Speaker,

The Committee, according to Schedule II of the Standing Orders, examines the following subjects:

- i) Public Administration
- ii) National security
- iii) Internal Security
- iv) Immigration
- v) Prisons Service
- vi) National Youth Service, and;
- vii) Natural disasters

The Committee oversees the following Ministries and Departments:

- i) The Presidency (Cabinet Services & State Affairs)
- ii) Ministry of Interior and Coordination of National Government
- iii) Public Service Commission
- iv) National Police Service Commission
- v) Independent Policing Oversight Authority

1.2 Committee Membership

The following are the Members of the Committee:

1. Hon. Asman Kamama, MGH, OGW, MP - **Chairperson**
2. Hon. Alois M. Lentoimaga, MP – **Vice Chairperson**
3. Hon. Ababu Namwamba, EGH, MP
4. Hon. Joseph Lekuton, MP
5. Hon. Alice Wahome, MP
6. Hon. Zakayo K. Cheruiyot, MP

7. Hon. Timothy W. Wetangula, MP
8. Hon. Patrick Ole Ntutu, MP
9. Hon. Ali Isaack Shaaban, MP
10. Hon. Samuel Moroto, MP
11. Hon. Humphrey Njuguna, MP
12. Hon. Francis K. Mwangangi, MP
13. Hon. Rashid J. Bedzimba, MP
14. Hon. David Gikaria, MP
15. Hon. Mohamed Shidiye, MP
16. Hon. Jane Machira, MP
17. Hon. Ibrahim Abdi Saney, MP
18. Hon. Joseph O. Ndiege, MP
19. Hon. (Maj. Rtd.) John K. Waluke, MP
20. Hon. Wanjiku Muhia, MP
21. Hon. Akuja Protus Ewesit, MP
22. Hon. Joseph M. Kahangara, MP
23. Hon. Ahmed Abdikadir Ore, MP
24. Hon. Grace Kiptui, MP
25. Hon. George Theuri, MP
26. Hon. Regina Nthambi Muia, MP
27. Hon. James Bett, MP
28. Hon. Bernard Shinali, MP

1.3 Consideration of the Senate Amendments to the Public Service (Values and Principles) Bill, 2014

Mr. Speaker,

The Senate Amendments to the Public Service (Values and Principles) Bill, 2014 were committed to the Departmental Committee on Administration and National Security on Wednesday 15th April, 2015.


The Committee held one meeting on Tuesday 21st April 2015 to consider the proposed amendments. During the meeting the Committee concurred with the Senate amendments to the Public Service (Values and Principles) Bill, 2014.

Mr. Speaker,

The Committee is thankful to the Office of the Speaker and the Clerk of the National Assembly for the logistical and technical support accorded to it during its Sittings.

Mr. Speaker, Sir,

On behalf of the Committee, and pursuant to Standing Order 127(4), it is my pleasant duty to table the Report of the Departmental Committee on Administration and National Security on its consideration of the Senate Amendments to the Public Service (Values and Principles) Bill, 2014

Signed  Date 22nd April 2015

Hon. Alois M. Lentoimaga, MP
Vice - Chairperson, Departmental Committee on Administration and National Security

2.0 COMMITTEE'S CONSIDERATION OF THE SENATE AMENDMENTS TO THE PUBLIC SERVICE (VALUES AND PRINCIPLES) BILL, 2014

The Committee deliberated on the Senate Amendments as follows:

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|--|-------------|
| Proposed amendment to Clause 7 to Clause 8 | - Agreed to |
| Proposed amendment to Clause 13 | - Agreed to |
| Proposed amendment to Clause 15 | - Agreed to |

3.0 COMMITTEE OBSERVATIONS

The Committee made the following Observations:-

1. The amendments to Clause 7 expands what sub-clause (6) provides for. Sub-clause (6) just provided as follows: "(6) every public institution shall develop standards for the responsive, prompt, effective, impartial and equitable provision of services".
2. The proposed amendments to Clause 7 comply with Article 232(1) of the Constitution.
3. The amendment to Clause 8 seeks to insert the words "and accountability". This complies with Article 232(1) (e) of the constitution where values and principles of public service include accountability for administrative acts. Also, Article 10(2) (c) of the Constitution provides for national values and principles of governance which includes "transparency and accountability".
4. The effects of the proposed amendments to Clause 13 are:-
 - (i) to set out the procedure to be followed when a complaint has not been investigated and determined.
 - (ii) to punish an officer who unreasonably delays to handle a complaint.
 - (iii) By providing for "judicial redress", a person can seek redress not just in the High Court but in any court.
5. The proposed amendments to Clause 15 give certainty in the procedure of addressing complaints. Also, it relieves the High Court from handling complaints since any class of the court can hear complaints. The effects of these proposed amendments are:-

- (i) to set out the procedure to be followed when a complaint has not been investigated and determined.
- (ii) to punish an officer who unreasonably delays to handle a complaint.
- (iii) By providing for "judicial redress", a person can seek redress not just in the High Court but in any court.

4.0 CONCLUSION

The Committee concurs with the Senate amendments to the Public Service (Values & Principles) Bill, 2014.