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REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY


TWELFTH PARLIAMENT – FIFTH SESSION – 2021

DEPARTMENTAL COMMITTEE ON FINANCE AND NATIONAL PLANNING

REPORT ON -

THE POVERTY ERADICATION AUTHORITY BILL (NATIONAL ASSEMBLY BILL NO. 13

Of 2020)

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 11 AUG 2021	DAY: Wed
TABLED BY:	Hon. Gladys Wanga Chair, Finance
CLERK-AT THE-TABLE:	Mainah W.

CLERKS CHAMBERS
DIRECTORATE OF DEPARTMENTAL COMMITTEES
PARLIAMENT BUILDINGS
NAIROBI

AUGUST 2021

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CHAIRPERSON'S FOREWORD

This report contains proceedings of the Departmental Committee on Finance and National Planning on its consideration of the Poverty Eradication Authority Bill (*National Assembly Bill No. 13 of 2020*) which was published on 22nd May 2020. The Bill went through the First Reading on 11th June 2020 and was thereafter committed to the Departmental Committee on Finance and National Planning for review and report to the House pursuant to standing order 127.

The Bill has thirty-two (32) clauses and seeks to provide for an institutional framework that will promote and manage policies that combat poverty. The Bill requires the Poverty Eradication Authority to ensure the participation of all Kenyans in economic growth, coordinating national economic empowerment and poverty reduction agenda.

Following placement of advertisements in the print media on 21st August 2020 seeking public comments on the Bill pursuant to Article 118(1) (b) of the Constitution and Standing Order 127(3), the Committee did not get any response. The Committee discussed the Bills with stakeholder on Wednesday, 28th July 2021 at Hilton Garden Inn Hotel, Machakos County. The stakeholder submissions are contained in the main body of the report in chapter three.

From the submissions made, the Committee observed that majority of the stakeholders were opposed to establishment of the Poverty Eradication Authority noting that the Government has put in place several initiatives to eradicate poverty in the country. The proposal to establish the Authority therefore will lead to duplication of functions between the different mandates of Ministries, Departments and Agencies of National and county governments. Additionally, establishment of the Authority will require budgetary allocation in terms of funds to cater for personnel emoluments and other operational costs. In view of resource constraint in the country, such funds can be used in supporting poverty eradication programmes that are already in place. Further, the Government had established Funds including the Uwezo Fund, the Women Enterprise Fund, the Youth Fund, the Equalization Fund, among others. Consequently, the proposed Poverty Eradication Fund should be incorporated in the existing funds for efficiency and minimization of duplication of functions within the public sector.

While considering the Bill, the Committee observed that the Bill seeks to create the Poverty Eradication Authority which will put in place poverty mitigation measures in the country. The Committee also observed that most of the initiatives put in place by the Government are aimed at eradicating poverty in Kenya and the world in general including the seventeen (17) global goals (Sustainable Development Goals) the Vision 2030, the Medium Term Plans, the Big Four Agenda among others. As such the creating an authority for the sole purpose of eradicating poverty may not be necessary given that there are several initiatives all geared to fighting poverty. It was further observed that in order to ensure that all forms of poverty are reduced and eventually eradicated, there was need to ensure public resources are prudently utilized and good governance and accountability are mainstreamed in allocation of resources to the already existing poverty eradication programmes. In addition, there was need to create a favourable business environment for the citizenry by putting in place taxation measures that will enable enterprises to thrive. It is for the above reasons and others contained in Part IV of the report that the Committee resolved to delete all the clauses contained in the Bill.

On behalf of the Departmental Committee on Finance and National Planning and pursuant to provisions of Standing Order 199(6), it is my pleasant privilege and honour to present to this House

the Report of the Committee on its consideration of the Poverty Eradication Authority Bill, 2020 (*National Assembly Bill No. 13 of 2020*).

The Committee is grateful to the Offices of the Speaker and Clerk of the National Assembly for the logistical and technical support accorded to it during its sittings. The Committee further wishes to thank Hon. John Waluke Koyi, MP for sponsoring the Bill and all the stakeholders who participated in the consideration of the Bill. Finally, I wish to express my appreciation to the Honorable Members of the Committee and the Committee Secretariat who made useful contributions towards the preparation and production of this report.

It is my pleasure to report that the Committee has considered the Poverty Eradication Bill (*National Assembly Bill No. 13 of 2020*) and have the honour to report back to the National Assembly with the recommendation that the Bill be deleted in its entirety.

Hon. Gladys Wanga, CBS, MP
Chairperson, Departmental Committee on Finance and National Planning

PART ONE

1 PREFACE

1.1 ESTABLISHMENT OF THE COMMITTEE

1. The Departmental Committee on Finance & National Planning is one of the fifteen Departmental Committees of the National Assembly established under **Standing Order 216** whose mandates pursuant to the **Standing Order 216 (5)** are as follows:

- i. To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;*
- ii. To study the programme and policy objectives of Ministries and departments and the effectiveness of their implementation;*
- iii. **To study and review all the legislation referred to it;***
- iv. To study, access and analyze the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;*
- v. To investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House;*
- vi. To vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order No. 204 (Committee on appointments);*
- vii. To examine treaties, agreements and conventions;*
- viii. To make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;*
- ix. To consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and*
- x. To examine any questions raised by Members on a matter within its mandate.*

1.2 COMMITTEE'S SUBJECTS

2. In accordance with the Second Schedule of the Standing Orders, the Committee is mandated to consider, public finance, monetary policies, public debt, financial institutions (excluding those in securities exchange), investment and divestiture policies, pricing policies, banking, insurance, population revenue policies including taxation and national planning and development.
3. In executing its mandate, the Committee oversees the following government Ministries and departments:
 - i. National Treasury and Planning
 - ii. State Department for Devolution
 - iii. Commission on Revenue Allocation
 - iv. Office of the Controller of Budget
 - v. Salaries and Remuneration Commission

1.3 COMMITTEE MEMBERSHIP

4. The Departmental Committee on Finance and National Planning was constituted by the House in July, 2020 and comprises of the following Members:

Chairperson

Hon. Gladys Wanga, CBS, MP
Homabay County
ODM Party

Vice-Chairperson

Hon. Isaac W. Ndirangu, MP
Roysambu Constituency
Jubilee Party

Members

Hon. Jimmy O. Angwenyi, MGH, MP
Kitutu Chache North Constituency
Jubilee Party

Hon. Christopher Omulele, CBS, MP
Luanda Constituency
ODM Party

Hon. Shakeel Shabbir Ahmed, CBS, MP
Kisumu East Constituency
Independent Member

Hon. Daniel Nanok, MP
Turkana West Constituency
Jubilee Party

Hon. (Dr.) Christine Ombaka, MP
Siaya County
ODM Party

Hon. Andrew Okuome, MP
Karachuonyo Constituency
ODM Party

Hon. David Mboni, MP
Kitui Rural Constituency
CCU Party

Hon. Francis K. Kimani, MP
Molo Constituency
Jubilee Party

Hon. Joseph Oyula, MP
Butula Constituency
ODM Party

Hon. Joshua Kandie, MP
Baringo Central Constituency
MCC Party

Hon. Stanley Muthama, MP
Lamu West Constituency
MCC Party

Hon. Edith Nyenze, MP
Kitui West Constituency
WDM-K

Hon. Catherine Waruguru, MP
Laikipia County
Jubilee Party

Hon. James Gichuhi Mwangi, MP
Tetu Constituency
Jubilee Party

Hon. (Prof.) Mohamud Muhamed, MP
Wajir South Constituency
Jubilee Party

Hon. Peter Lochakapong, MP
Sigor Constituency
Jubilee Party

Hon. Qalicha Gufu Wario, MP
Moyale Constituency
Jubilee Party

1.4 COMMITTEE SECRETARIAT

5. The Committee is facilitated by the following Secretariat:

Ms. Leah W. Mwaura
Senior Clerk Assistant/Head of Secretariat

Ms. Jennifer Ndeto
Principal Legal Counsel 1

Ms. Lauren O. Wesonga
Clerk Assistant II

Mr. Josephat Motonu
Senior Fiscal Analyst

Mr. Chelang'a Maiyo
Research Officer II

Mr. John Njoro
Serjeant-At-Arms

Ms. Christine Maeri
Audio Officer

Ms. Hannah Mwangi
Intern

PART TWO

2 OVERVIEW OF THE POVERTY ERADICATION AUTHORITY BILL (NATIONAL ASSEMBLY BILL NO. 13 OF 2020)

2.1 INTRODUCTION

6. According to the United Nations (UN), poverty entails more than the lack of income and productive resources to ensure sustainable livelihoods. Its manifestations include hunger and malnutrition, limited access to education and other basic services, social discrimination and exclusion, as well as the lack of participation in decision-making. It is reported by the UN that in 2015, more than 736 million people lived below the international poverty line.
7. The global action towards elimination of all forms of poverty saw the world commit to the 2030 Agenda for Sustainable Development on ensuring that no one is left behind. Implementation of these goals requires visionary policies for sustainable, inclusive, sustained and equitable economic growth, supported by full employment and decent work for all, social integration, declining inequality, rising productivity and a favorable environment.
8. Kenya has since independence in 1963 directed its efforts to fight disease, ignorance and poverty as part of its development objectives to be addressed in post-independence era. The Sessional Paper No. 1 of 1965 detailed the commitment by government to alleviate poverty together with ignorance and disease. Historically, Kenya's development policy has combined the objectives of economic growth with equity and poverty reduction. Although there has been improvements in social welfare indicators, inequality and poverty among Kenyan population is still evident. The national overall poverty rate was estimated at 33.6 percent in 2019 compared to 36.1 per cent in 2015/16. The population living in extreme poverty in the country was estimated at 6.6 per cent in 2019 compared to 8.6 percent in 2015/16. In terms of other frameworks, there has been several proposals/plans including the National Poverty Eradication Plan (1999-2015); the Poverty Reduction Strategy Paper (2001-2004); Economic Recovery Strategy for Wealth and Employment Creation (2003-2007); and the Kenya Vision 2030 on high quality of life and social- economic transformation to be implemented in five-year successive medium terms plans.
9. The poverty Eradication Commission was established through the Gazette Notice No.2299 of 1999 to implement the National Poverty Eradication Plan with the long term objective being to guide poverty reduction initiatives in the country. The Commission was however abolished due to legal and institutional challenges including lack of a legal backing as it was established through a Presidential Decree.
10. As such, the principal object of the Poverty Eradication Authority Bill (*National Assembly Bill No. 13 of 2020*) is to provide for an institutional framework that will promote and manage policies that combat poverty. The Poverty Eradication Authority will ensure the participation of all Kenyans in economic growth, coordinating national economic empowerments and poverty reduction agenda.

2.2 ANALYSIS OF THE BILL

The Bill has thirty-two (32) clauses and proposes the following amendments:

11. **PART I (Clauses 1 and 2)** of the Bill provide for preliminary matters including the title of the Bill and interpretation of terms used in the proposed Act.
12. **PART II (Clauses 3 to 16)** of the Bill provides for the establishment, composition, functions and powers of the Poverty Eradication Authority. Clause 3 makes it a body corporate, clause 4 of the bill provides for the functions of the Authority, clause 5 establishes the Board that will coordinate the activities of the Board, clause 6 provides for the powers of the Authority and clause 7 provides for the application of this Bill to county governments.
13. **Clauses 8 to 17** of the Bill set out the internal composition of the Authority by providing for a Chief Executive Officer and his or her functions, the common seal, the staff of the authority and the general conduct, business affairs of the Authority.
14. **PART III (Clauses 18 to 23)** of the Bill provides for the financial provisions relating the funds of the Authority and the use of such funds by the Authority.
15. **PART IV (Clauses 24 to 26)** of the Bill sets out the general policy guidelines the Authority and the Cabinet Secretary must follow in implementing measures to eradicate poverty.
16. **PART V (clauses 27 to 30)** of the Bill provides for provisions related to the established and management of the Poverty Eradication Fund.
17. **PART VI (Clauses 31 to 32)** of the Bill contains miscellaneous provisions. The power of the Authority to make regulations and transiting mechanism as set out in the Third Schedule of the Youth Enterprise Development Fund Board, the Women Enterprise Development Fund Board and the Uwezo Fund Oversight Board.
18. The Bill affects counties to the extent that any poverty alleviation or reduction programme addresses socio-economic inequities in access to affordable health, housing, food and safe water and education and is an ordinary Bill.
19. The enactment of this Bill shall occasion additional expenditure of public funds to be provided through the estimates.

PART THREE

3 PUBLIC PARTICIPATION/STAKEHOLDERS CONSULTATION

20. The Office of the Clerk of the National Assembly placed a newspaper advertisement on 21st August 2020 requesting for public and stakeholder comments on the Poverty Eradication Authority Bill (*National Assembly Bill No. 13 of 2020*). However, no memoranda was received for or against the Bill.

21. In order to extensively carry out public participation, the Committee invited stakeholders for a meeting on Wednesday 28th July, 2021 at the Hilton Garden Inn, Machakos County. The stakeholders included:

- i. State Department for Social Protection
- ii. The National Treasury
- iii. Institute of Certified Public Accountants in Kenya (ICPAK)
- iv. The National Gender and Equality Commission (NGEC)
- v. Kenya Institute for Public Policy Research and Analysis (KIPPRA)
- vi. Council of Governors (CoG)
- vii. African Women's Studies Centre, University of Nairobi
- viii. State Department for Planning

22. The stakeholders' submissions on the Bill are summarized as follows:

3.1 STATE DEPARTMENT FOR SOCIAL PROTECTION

Hon. Patrick Ole Ntutu, the Chief Administrative Secretary (CAS) for the State Department for Social Protection appeared before the Committee on Wednesday, 28th July 2021 and submitted as follows, **THAT—**

23. Poverty reduction requires a multi-sectoral approach. As such, proper cabinet level coordination to address implementation of policies and legislations developed by mandated units of government e.g., education, health, agriculture etc. are central to addressing poverty in any society. The Authority envisaged in the Bill lacks such ability and this may lead to it joining the list of moribund institutions. The State Department proposed that the Bill should be deleted in its entirety due to the following reasons:

24. The Ministry of Labour and Social Protection runs various social protection programmes aimed at cushioning the poor and vulnerable persons from poverty and providing resilience. The long title of the Bill and the aim of the Bill takes away major constituency and mandate of the Ministry and creates unnecessary duplication.

25. Creation of an Authority and Board under the proposed Bill is contrary to the Report of the Presidential Task Force on Parastatal Reforms of October, 2013 that proposed among other things, the reorganization of State-Owned Enterprises and Corporations and specifically recommended the abolition or dissolution of the National Social Security Assistance Authority and further observed that to deliver its mandate that entity required presence at the grass roots. The definition of "*poverty*" in Clause 2 of the Bill is delimiting and does not portray the various forms of

poverty such as overall (absolute) poverty, food poverty and hardcore poverty and fails to conform to international definitions of poverty.

26. Establishment of a new state corporation on poverty eradication is contrary to the realignment by government of state corporations as per Presidential Task Force on Parastatal Reforms of October, 2013 due to duplication of functions and is a huge burden to the exchequer. Programmes aimed at poverty alleviation are being implemented by many Ministries and State Agencies.
27. The Bill is contravenes Section 24 of the Public Finance Management act (PFM Act), 2012 (No. 18 of 2012) which spells out that all national public funds can only be created under the PFM Act and the Regulations thereunder, with the authority of the Cabinet Secretary, National Treasury and approval of Parliament. The Ministry of Labour and Social Protection implements cash transfer programmes to cushion the poor from poverty and vulnerability under the National Safety Net Programmes (Inua Jamii Cash transfers programmes).
28. The Bill is inconsistent with the Public Finance Management Act, 2012, Social Assistance act, 2013, the Constitution of Kenya and the Report on Parastatal Reforms.

Committee's Observation

The Committee carried the State Department for Social Protection's proposal to reject the Bill in its entirety.

3.2 THE NATIONAL TREASURY

Hon. Nelson Gaichuhie, Chief Administrative Secretary (CAS), the National Treasury appeared before the Committee on Wednesday, 28th July 2021 and submitted that the National Treasury was opposed to the Bill because of the following reasons:

29. There is no need to establish an independent Authority but instead the existing planning, prioritization processes and existing government structure should be strengthened to achieve this objective.
30. Establishment of the Board for the Authority and recruitment of management staff will require significant additional resources from the Exchequer to cater for personnel emoluments and other operational costs and instead, such resources should be applied in supporting existing poverty eradication programmes in Government.
31. Establishment of the Poverty Eradication Fund under Section 27 which is to be administered by the Authority is in contravention of section 24(4) of the Public Finance Management Act, 2012 which requires that all public funds can only be established under PFMA, 2012 by the Cabinet Secretary responsible for Finance. The government has also established various funds including the Uwezo Fund, Women Enterprise Development Fund and Youth Fund.

Committee's Observation

The Committee agreed to National Treasury's proposal to reject the Bill in its entirety.

3.3 INSTITUTE OF CERTIFIED PUBLIC ACCOUNTANTS OF KENYA (ICPAK)

FCPA Hesbon Omollo representing the Institute of Certified Public Accountants of Kenya appeared before the Committee on Wednesday, 28th July 2021 and submitted that the Institute was not in support of the Bill for the following reasons:

32. The proposal to create an Authority will lead to duplication of functions between the different mandates of Ministries, Departments and Agencies of National and county governments. Additionally, the government through the Vision 2030, Medium Term Plans and the Big Four Agenda mainstreams poverty eradication programs in the planning and implementation of government priorities. Further, the adopted revenue share formula allocates a high percentage (14%) on poverty index in terms of revenue share to county governments. They however proposed the following amendments if the Committee chooses to proceed with consideration of the Bill:
33. Amend Clause 1 by defining the Cabinet secretary as follows “*Cabinet Secretary means the Cabinet Secretary for the time being responsible for matters relating to planning*”. This is because there is ambiguity in who will be the Cabinet Secretary as defined in the proposed Bill.
34. Amend Clause 6 (2) to read as follows: “*Seven other persons appointed by the Cabinet Secretary, of whom- (i) four representatives drawn from the Council of Governors to represent counties on rotational basis; (ii) one representative from research institutions; (iii) one representative from the umbrella body of the private sector; and (iv) one shall represent special interest groups*”. This is to avoid over representation from specific counties in the Board.
35. Amend clause 6(2) to read as follows; “*The Cabinet Secretary shall in appointing the members of the Board under sub-section (1) (e), ensure that not more than two-thirds of the members are of the same gender and shall have regard to persons with disabilities*”. This is to avoid confusion and for ease of implementation of the Act.
36. Amend clause 16 to read as follows: “*(1) For the better carrying out of its functions, the Authority shall, establish an Audit Committee in addition to a maximum of three other committees to undertake the following functions: Governance, risk, compliance, finance, technical matters, strategy and human resources; and (2) The Authority may establish any other ad hoc committees to handle any special business*”. This is in line with best practices specified in the Mwongozo Code of Conduct.

Committee’s Observation

The Committee carried ICPAK’s proposal to reject the Bill in its entirety.

3.4 THE NATIONAL GENDER AND EQUALITY COMMISSION

Ms. Betty Nyabuto, Commission Secretary, the National Gender and Equality Commission appeared before the Committee on Wednesday, 28th July 2021 and submitted on behalf of the Commission as follows, **THAT—**

37. The preamble is a total sum of the provisions in the affirmative measures that have been taken in regards to Article 43 of the Constitution.

38. Pursuant to Article 43 of the Constitution, a number of laws, policies, bills, regulations and other frameworks are in place or currently under development e.g. Social Assistance Act, 2013, the Preservation of the Human Dignity and Enforcement of Economic and Social Rights Bill, 2018 e.t.c. The following funds have also been established Uwezo, Youth Enterprise, Women Enterprise and Government Affirmative Action Fund. The existing legislative frameworks and institutions are sufficient to create equality and equity among all citizens and by doing so eliminate poverty. What is needed is monitoring and compliance.
39. The provisions in Clause 25 on the policy need to be addressed are derived from Article 43 of the constitution which includes economic and social rights. The term “poverty” in the proposed Bill means the inadequacy of income and deprivation of basic needs and rights which is not measurable. Poverty is as a result of unequal, unequitable and unfair distribution of the national resources. The existing legislative framework and institutions are sufficient to create equality and equity among all citizens and by doing so eliminate poverty.
40. The functions of the Authority as enumerated in clause 5 can be transferred to the other existing institutions through amendment of statutes. There is admission that poverty eradication initiatives are already in place.
41. Sub-clause 6(e) is not clear on how the seven representatives will be appointed considering that there are 47 counties and 5 special interest groups. The criteria for appointment should be provided.
42. The Presidential Taskforce on Parastatal Reforms of 2013 recommended merger of all funds and initiatives for supporting, financing and developing SMEs. Pursuant to the recommendations of the Taskforce, National Treasury has drafted and advertised for submission of memoranda on the establishment of the Biashara Fund Regulations that seek to merge all the funds under the Public Finance Management Act. The funds that the Bill seeks to amend have already been proposed to be repealed in the proposed Regulations.
43. The Bill does not specify the purpose of the Fund. That omission notwithstanding, funds are already in existence dealing with issues of social assistance/protection/security and economic empowerment which is largely part of the mechanisms for eradicating poverty.
44. The objects and reasons for the enactment of the Bill are not viable enough to justify establishment of another public body which will increase the burden of the taxpayer. The proposed functions can be transferred to relevant institutions and amend the provisions to accommodate the expanded mandate.

Committee’s Observation

The Committee took note of the Commission’s comments and resolved to reject the Bill in its entirety.

3.5 KENYA INSTITUTE FOR PUBLIC POLICY RESEARCH AND ANALYSIS (KIPPRA)

Dr. Nancy Nafula, Principal Policy Analyst, at the Kenya Institute for Public Policy Research and Analysis appeared before the Committee on Wednesday, 28th July 2021 and submitted as follows, **THAT—**

45. The legislation will set into law a policy commitment to reduce poverty. It will also encourage implementation of a systematic approach to poverty reduction policy development across the various layers of government. This includes requiring that both the national and county governments establish national and county poverty strategies. The legislation will establish a mechanism to independently assess and report on the country's progress on poverty and inequality reduction. Enactment of the law will ensure that performance by the governments in reducing poverty is subject to public scrutiny and transparency hence readily identify and address barriers and limitations to progress.
46. The Bill should be amended by providing a definition the word "*Poverty line*" to mean; "*the official poverty line to be reviewed on a regular basis as determined by KNBS*". This is because the poverty line may be absolute or relative depending on what a country adopts. It also varies depending on the basket of goods and may affect the outcome of the poverty depending on how it's derived.
47. Clause 5(c) of the Bill should be amended by inserting the word "*and inequality*" immediately after the word "*poverty*". This is in line with the justification that poverty is determined by changes in inequality and economic growth. Attaining growth without redistribution has been shown to be ineffective particularly in developing countries like Kenya. Redistribution is important for poverty to decline.
48. Sub-clause of the Bill should be amended 7(c) by inserting the word "*impact*" immediately after the word "*conduct*". Impact assessment will inform roll out of programmes and this will reduce the cost of implementing programmes and also enhance efficiency and effectiveness of programmes.
49. Sub-clauses 24(a), (b) and 25(2)(b) should be amended by inserting the words "*and inequality*" immediately after the word "*poverty*". This is because poverty is determined by changes in inequality and economic growth. Attaining growth without redistribution has been shown to be ineffective particularly in developing countries.

Committee's Observation

The Committee resolved to reject the Bill in its entirety and therefore no amendments were made.

3.6 COUNCIL OF GOVERNORS (CoG)

50. The Council of Governors forwarded their written memorandum vide the letter Ref: COG/6/11/Vol. 3(4) dated 27th July 2021. They submitted that the Council of Governors appreciates the spirit of the Bill as it seeks to provide an institutional framework that will promote and manage policies that combat poverty in the country. However, the Bill seeks to create an Authority to implement short and long-term policies regarding affordable health, food, safe water and education to reduce poverty and increase economic growth. Whereas development of National Policy can be done by the National Government, implementation lies with County Governments. The Bill also seeks to duplicate roles already being undertaken by the Ministry of Health, Water and Sanitation, Housing, Education and Labour and as such this will be a burden to the taxpayer. They proposed the following amendments to the Bill:
51. Clause 2 should be amended to read as follows; "*Cabinet Secretary means the Cabinet Secretary for the time being responsible for matters relating to planning*" as the functions assigned in the Bill are best suited for the Ministry responsible for Planning which is currently under the National Treasury.

52. Clause 5 should be amended to read as follows; “*Coordinate national, county and international campaigns, advocacy and publicity that seek to alleviate poverty*” as the Clause in its present state appears to castigate poverty rather than alleviate the same.
53. The Bill should be amended in sub-clause 6(e) to read as follows; “Seven other persons appointed by the Cabinet Secretary of whom: “(i) *Four persons nominated by Chairperson of the Council of Governors to represent County Governors*”. This is for clarity on who nominates representatives of county governments as is the norm. Further, the total membership of the Board should be reduced to 9 members in line with the Mwongozo Code of Governance for State Corporations.
54. Clause 7 should be amended by deleting sub-clause 7(i) since the Authority will be funded through the Exchequer and as such cannot have powers to borrow money.
55. Clause 23 should be amended to read as follows: “*Within six months after the end of each fiscal year, the Cabinet Secretary, in consultation with the Board, shall prepare a report to National Assembly and the Senate that includes.....*” This is because counties have a significant role to play in poverty eradication, therefore, the report should also be forwarded to the Senate in light of Article 96 of the Constitution.
56. The Bill should be amended by deleting sub-clause 24(a) as it neglects the function of county governments as the role of implementation of policies is the mandate of counties. Further, good governance requires that oversight and implementation roles are undertaken by separate entities.
57. Clause 25 should be deleted as it creates duplication of the roles of various ministries including: Health, Water and Sanitation, Housing, Education and Labour. These Ministries are in charge of development of policies at the national level.

Committee’s Observation

The Committee resolved to reject the Bill in its entirety and the amendments were therefore not necessary.

3.7 AFRICAN WOMEN STUDIES CENTER, UNIVERSITY OF NAIROBI

Ms. Mary Wambui Kanyi, Coordinator Rapid Response Team, the African Women Studies Centre of the University of Nairobi presented a written memorandum dated 29th July 2021. The memoranda proposed **THAT**—

58. The Short Title of the Bill should be amended to read as follows; “*The National Poverty Eradication Bill, 2020*”.
59. The Long Title of the Bill should be amended to read as follows; “*An Act of Parliament to establish the National Poverty Eradication Authority*”.
60. The definition of the words “*inclusive growth*” should be amended by inserting the word “*Kenyans*” between the words “*poor*” and “*out*”.
61. Under clause 7, the Authority should put in place the following mechanisms in order to eradicate poverty: (1) Own food production; (2) Employment; (3) Access to education and other skills; (4) Access to local and international markets for their products; (5) Provide equipped childcare facilities in public places such as markets to ensure mothers can fully engage in business and other

forms of employment and reduce poverty; (6) Access, ownership and control of productive resource; and (7) Access to subsidized farm inputs.

Committee's Observation

The Committee resolved to reject the Bill and the amendments were therefore not made.

3.8 STATE DEPARTMENT FOR PLANNING

Ms. Katherine Muoki, Economic Planning Secretary, State Department for Planning appeared before the Committee on Wednesday, 28th July 2021 and submitted that the Bill was very important because it was aligned to the Constitution in particular Article 43 on Economic and Social Rights. In addition to that, it was aligned to the achievement of the National Development Agenda, particularly Vision 2030, MTP III and Big 4 Agenda and it also addresses Goal 1 of SDGs that seeks to end poverty in all its forms, everywhere. Further it provides an opportunity to consolidate and deepen the gains made by various initiatives addressing Poverty. They proposed **THAT—**

62. The definition of the word “*Cabinet Secretary*” be amended as follows; “*the Cabinet Secretary responsible for National Development and Economic Planning*”. There is need to specify where the Poverty Eradication Authority will be domiciled.
63. The Bill be amended on the interpretation of the word “*inclusive growth*” to include participation of the large number and the marginalized in generating the growth. This will fulfil the Constitutional requirement of inclusiveness and public participation.
64. Clause 3 be amended to read as follows; “*Provide a framework that ensures inclusive economic growth for the poor and vulnerable*”. The first objective does not make reference to the poor and vulnerable.
65. The Bill be amended in sub-clauses 5(d) and (h) to read as follows: (d) delete the words “*poverty alleviation programmes*” and replace with the words “*Poverty Eradication Programmes*”; and (h) delete the words “*poverty reduction*” and replace with the words “*poverty eradication*”. This will ensure consistency with the other clauses.
66. Sub-clause 6(1) (c) be amended by separating the Principal Secretary responsible for Planning; and the Principal Secretary responsible for Devolution.
67. The Bill be further amended in sub-clause 7(i) to read as follows; “*Mobilize financial resources required to fund poverty reduction actions in consultation with the Ministry in charge of Financial Matters*”. The term mobilization encompasses various aspects including borrowing.
68. Sub-clause 7(f) be amended by deleting the words “*relate with*” and substituting with the words “*enter into association with*”. Additionally, insert the following new paragraphs (k) and (m) immediately after paragraph (j): “*(k) enter into contracts and (m) Provide guidelines to counties on poverty reduction strategies*”.
69. Clauses 8 and 26 be amended to provide clear direction for county governments (for the agenda to succeed, county governments will require to be guided to participate in the implementation of the envisaged National Poverty Reduction Plan).

70. Sub-clause 10(1) be amended by deleting the words “Public Service Commission” and replacing with the word “Board”. This is to be consistent with the State Corporations Act.
71. Sub-clause 18(b) be amended to read as follows: “*Such monies as may be appropriated by Parliament for the purpose of the Authority*”.
72. Clause 24 be amended by inserting the following new paragraph (d): “*Research on and pilot poverty eradication strategies*”. The Authority should ideally research/pilot on poverty reduction strategies and propose intervention to relevant government agencies.
73. Sub-clause 25(e) be amended as follows: “*Gainful employment opportunities and minimal/threshold income*”. Employment opportunities alone will not address inadequacy of income due to existing high unemployment rate. Focus will need to be placed on self-employment and entrepreneurial initiatives.
74. The Bill be amended by inserting a new clause that breaks down the claim holders as per the definition of the poor, vulnerable, marginalized among others. The provisions of the Bill of Rights can be mentioned as their bare minimum entitlements as listed in clause 25. The Bill does not mention the claim holders/target group/beneficiaries and their entitlements.

Committee’s Observations

The Committee resolved to reject the Bill in its entirety so the amendments were not necessary.

PART FOUR

4 COMMITTEE OBSERVATIONS

Upon considering the Bill, the Committee observed the following:

75. The Bill was duplicating the services of other government agencies. The proposed functions of the Authority are being undertaken by different government agencies including; the National Treasury and Planning; Vision 2030 Secretariat; Social Economic and Social Council, Ministry of Devolution, Ministry of Labour and Social Welfare among others.
76. Poverty is multifaceted and can therefore not be eradicated by establishing an Authority but by growing the economy so that most Kenyans are gainfully engaged. Poverty eradication requires multi approach.
77. The National Treasury has developed the Biashara Fund Regulations which will amalgamate all funds (including those mentioned in the Bill) and initiatives for supporting, financing and developing SMEs as per the recommendations of the Presidential Task Force on Parastatal Reforms of 2013.
78. Most Government programmes are aimed at alleviating poverty among Kenyans hence no need to establish an Authority to carry out this function. Instead, the Government should fight corruption, allocate resources to programmes that will uplift the lives of Kenyans in sectors such as agriculture, provision of clean water and enhancement of the realization of the Big Four Agenda.
79. The main aim of the devolved system of government is to address the problems faced by Kenyans all over the county with an ultimate goal of eradicating poverty.
80. The implementation of the Equalization Fund as established by Article 204 of the Constitution is expected to achieve the objective of the Bill. The Fund exists for the national government to use it to provide basic services including water, roads, health facilities and electricity to marginalized areas to the extent necessary to bring the quality of those services in those areas to the level generally enjoyed by the rest of the nation. This is so because poverty exists in the aforementioned forms.

PART FIVE

5 COMMITTEE RECOMMENDATION

81. The Committee having considered the stakeholders' comments and from the above observations recommends to the House that the Poverty Eradication Authority Bill (*National Assembly Bill No. 13 of 2020*) be deleted in its entirety.

PART SIX

6 SCHEDULE OF PROPOSED AMENDMENTS

The Committee proposed the following amendments to be considered by the House in the Committee Stage:

82. Clause 1: Delete

83. Clause 2: Delete

84. Clause 3: Delete

85. Clause 4: Delete

86. Clause 5: Delete

87. Clause 6: Delete

88. Clause 7: Delete

89. Clause 8: Delete

90. Clause 9: Delete

91. Clause 10: Delete

92. Clause 11: Delete

93. Clause 12: Delete

94. Clause 13: Delete

95. Clause 14: Delete

96. Clause 15: Delete

97. Clause 16: Delete

98. Clause 17: Delete

99. Clause 18: Delete

100. Clause 19: Delete

101. Clause 20: Delete

102. Clause 21: Delete

- 103. Clause 22: Delete
- 104. Clause 23: Delete
- 105. Clause 24: Delete
- 106. Clause 25: Delete
- 107. Clause 26: Delete
- 108. Clause 27: Delete
- 109. Clause 28: Delete
- 110. Clause 29: Delete
- 111. Clause 30: Delete
- 112. Clause 31: Delete
- 113. Clause 32: Delete
- 114. First Schedule: Delete
- 115. Second Schedule: Delete
- 116. Third Schedule: Delete

SIGNED..... DATE.....



11th August 2021

HON. GLADYS WANGA, CBS, MP
CHAIRPERSON

DEPARTMENTAL COMMITTEE ON FINANCE AND NATIONAL PLANNING

ANNEXTURES

1. ADOPTION SCHEDULE
2. MINUTES OF THE 60TH, 63RD AND 66TH SITTINGS
3. NEWSPAPER ADVERTISEMENT – SUBMISSION FOR
MEMORANDA FOR PUBLIC PARTICIPATION

REPUBLIC OF KENYA



THE NATIONAL ASSEMBLY

DEPARTMENTAL COMMITTEE ON FINANCE & NATIONAL PLANNING

ADOPTION SCHEDULE

**REPORT ON THE CONSIDERATION OF THE POVERTY ERADICATION
AUTHORITY BILL (NATIONAL ASSEMBLY BILL NO. 13 OF 2020)**

DATE

NAME	SIGNATURE
1. HON. GLADYS WANGA, CBS, MP - CHAIRPERSON	
2. HON. ISAAC W. NDIRANGU, MP - VICE-CHAIRPERSON	
3. HON. JIMMY N. O. ANGWENYI, MGH, MP	
4. HON. CHRISTOPHER OMULELE, MP	
5. HON. SHAKEEL SHABBIR AHMED, CBS, MP	
6. HON. DANIEL EPUYO NANOK, MP	
7. HON. DR. CHRISTINE OMBAKA, MP	
8. HON. DAVID MWALIKA MBONI, MP	
9. HON. FRANCIS KURIA KIMANI, MP	
10. HON. ANDREW ADIPO OKUOME, M.P	
11. HON. STANLEY MUIRURI MUTHAMA, MP	
12. HON. JOSHUA KANDIE, MP	
13. HON. JOSEPH M. OYULA, MP	
14. HON. EDITH NYENZE, MP	
15. HON. CATHERINE WARUGURU, MP	
16. HON. JAMES GICHUHI MWANGI, MP	
17. HON. (PROF.) MOHAMUD SHEIKH MOHAMED, MP	
18. HON. PETER LOCHAKAPONG, MP	
19. HON. QALICHA GUFU WARIO, MP	

MINUTES OF THE 66TH SITTING OF THE DEPARTMENTAL COMMITTEE ON FINANCE AND NATIONAL PLANNING HELD VIRTUALLY ON TUESDAY, 10TH AUGUST, 2021 AT 10:00 A.M.

PRESENT

- | | | |
|---|---|-------------------------|
| 1. Hon. Gladys Wanga, CBS, MP | - | Chairperson |
| 2. Hon. Isaac W. Ndirangu, MP | - | Vice Chairperson |
| 3. Hon. Jimmy O. Angwenyi, MGH, MP | | |
| 4. Hon. Christopher Omulele, CBS, MP | | |
| 5. Hon. Shakeel Shabbir Ahmed, CBS, MP | | |
| 6. Hon. (Dr.) Christine Ombaka, MP | | |
| 7. Hon. Andrew A. Okuome, MP | | |
| 8. Hon. David M. Mboni, MP | | |
| 9. Hon. Joshua C. Kandie, MP | | |
| 10. Hon. Francis K. Kimani, MP | | |
| 11. Hon. Edith Nyenze, MP | | |
| 12. Hon. James Gichuhi Mwangi, MP | | |
| 13. Hon. (Prof.) Mohamud Sheikh Mohamed, MP | | |
| 14. Hon. Qalicha Gufu Wario, MP | | |

ABSENT WITH APOLOGY

1. Hon. Daniel E. Nanok, MP
2. Hon. Joseph M. Oyula, MP
3. Hon. Stanley M. Muthama, MP
4. Hon. Catherine Waruguru, MP
5. Hon. Peter Lochakapong, MP

INATTENDANCE

SECRETARIAT

- | | | |
|------------------------|---|--|
| 1. Mr. Robert Nyaga | - | Deputy Director PBO |
| 2. Ms. Leah Mwaura | - | Senior Clerk Assistant/Head of Secretariat |
| 3. Ms. Jennifer Ndeto | - | Principal Legal Counsel I |
| 4. Mr. Chelang'a Maiyo | - | Research Officer II |
| 5. Ms. Christine Maeri | - | Audio Officer |
| 6. Ms. Hannah Mwangi | - | Intern |

AGENDA

1. Prayers
2. Communication from the Chairperson
3. Confirmation of Minutes from the previous sitting(s) and Matters Arising
4. **Bills:**
 - i. The Tax Appeals Tribunal (Amendment) Bill, 2021 (*National Assembly Bill No. 19 of 2021*) by Leader of Majority Party – **Re-committal of Clause 4, 5,6,7&18; consideration of comments by the Judiciary and adoption of report**
 - ii. The Public Debt Management Authority Bill, 2020 (*National Assembly Bill No. 36 of 2020*) by Hon. John Sakwa Bunyasi, MP- **Clause by Clause Consideration and adoption of report**
 - iii. The Poverty Eradication Authority Bill, (*National Assembly Bill No. 13 of 2020*) by Hon. John Waluke Koyi, MP - **adoption of report**

5. Any Other Business
6. Adjournment/Date of Next Meeting

MIN.NO.NA/F&NP/2021/302: COMMUNICATION FROM THE CHAIRPERSON

The meeting was called to order at 10:10 a.m and a prayer was said. She read out the agenda which was unanimously adopted

MIN.NO.NA/F&NP/2021/303: CONFIRMATION OF MINUTES
Agenda deferred

MIN.NO.NA/F&NP/2021/304: ADOPTION OF REPORT ON THE POVERTY ERADICATION AUTHORITY BILL, (NATIONAL ASSEMBLY BILL NO. 13 OF 2020)

The Committee was informed that clause by clause by consideration of the above-mentioned report had been conclude and that the Committee had recommended to the House that the Bill be deleted in its entirety. In view of this, the Committee adopted the report as follows:

Proposed by- Hon. David M. Mboni, MP

Seconded by - Hon. (Prof.) Mohamud Sheikh Mohamed, MP

MIN.NO.NA/F&NP/2021/305: THE TAX APPEALS TRIBUNAL (AMENDMENT) BILL, 2021 (NATIONAL ASSEMBLY BILL NO. 19 OF 2021)

The Committee was taken through the Comments submitted by the Chief Registrar of the Judiciary.

(Details Specific comments are contained in the report of the Committee)

Resolution:

Having considered the Comments by the Judiciary re-committal of clause 4, 5, 6, 7&18 was concluded by Members unanimously agreeing to support the proposed amendment as proposed by the Judiciary.

The Report of the Committee on its consideration of the Tax Appeals Tribunal (Amendment) Bill, 2021 (*National Assembly Bill No. 19 of 2021*) was adopted as follows:

Proposed by- Hon. Jimmy Angwenyi, MGH, M.P

Seconded by – Hon. Waihenya Ndirangu, M.P

MIN.NO.NA/F&NP/2021/305: CLAUSE BY CLAUSE CONSIDERATION OF THE THE PUBLIC DEBT MANAGEMENT AUTHORITY BILL, 2020 (NATIONAL ASSEMBLY BILL NO. 36 OF 2020)

The Committee was taken through the Comments submitted by the Central Bank of Kenya (CBK) on the above-mentioned Bill. *(Details Specific comments are contained in the report of the Committee)*

The Committee noted the concerns raised specifically on Clause 5 of the Bill on the functions of the proposed Public Debt Management Authority. Members observed some of the function were a domain of CBK.

It was generally also observed that creation of an independent Public Debt Management Authority may not address the rising debt levels as the current debt situation was a creation of lack of proper fiscal consolidation plan/ framework. The high debt level was attributable to revenue underperformance and high expenditure which necessitates financing of the budget through borrowing at both the domestic and foreign markets.

Having observed that, the meeting agreed to step down consideration of the Bill pending consultations.

The Secretariat was directed to liaise with CBK with a view to identifying the contentious clauses. Consideration of the Bill will be done in the next sitting of the Committee.

MIN.NO.NA/F&NP/2021/306: ADJOURNMENT/DATE OF NEXT MEETING

There being no other business to deliberate on, the meeting was adjourned at 11:53 a.m. The next meeting will be held on notice.

**HON. GLADYS WANGA, CBS, MP
(CHAIRPERSON)**

SIGNED.....

.....DATE.....

11th August 2021

MINUTES OF THE 63RD SITTING OF THE DEPARTMENTAL COMMITTEE ON FINANCE AND NATIONAL PLANNING HELD IN PAVILLION CONFERENCE ROOM, HILTON GARDEN INN HOTEL ON FRIDAY, 30TH JULY 2021 AT 9:30 A.M.

PRESENT

1. Hon. Gladys Wanga, CBS, MP - **Chairperson**
2. Hon. Isaac W. Ndirangu, MP - **Vice Chairperson**
3. Hon. Jimmy O. Angwenyi, MGH, MP
4. Hon. Christopher Omulele, CBS, MP
5. Hon. Andrew A. Okuome, MP
6. Hon. David M. Mboni, MP
7. Hon. Joshua C. Kandie, MP
8. Hon. Edith Nyenze, MP
9. Hon. James Gichuhi Mwangi, MP
10. Hon. (Prof.) Mohamud Sheikh Mohamed, MP
11. Hon. Qalicha Gufu Wario, MP

ABSENT WITH APOLOGY

1. Hon. Shakeel Shabbir Ahmed, CBS, MP
2. Hon. Daniel E. Nanok, MP
3. Hon. (Dr.) Christine Ombaka, MP
4. Hon. Francis K. Kimani, MP
5. Hon. Joseph M. Oyula, MP
6. Hon. Stanley M. Muthama, MP
7. Hon. Catherine Waruguru, MP
8. Hon. Peter Lochakapong, MP

INATTENDANCE

SECRETARIAT

1. Ms. Leah Mwaura - Senior Clerk Assistant/Head of Secretariat
2. Ms. Jennifer Ndeto - Principal Legal Counsel I
3. Ms. Laureen Wesonga - Clerk Assistant II
4. Mr. Chelang'a Maiyo - Research Officer II
5. Mr. John Njoro - Serjeant-At-Arms
6. Mr. Collins Mahamba - Audio Officer
7. Mr. Vitalis Augo - Office Assistant
8. Ms. Hannah Mwangi - Intern

AGENDA

1. Prayers
2. Communication from the Chairperson
3. **Clause by clause consideration of the Poverty Eradication Authority Bill, 2020**
4. Any Other Business
5. Adjournment/Date of Next Meeting

MIN.NO.NA/F&NP/2021/290: COMMUNICATION FROM THE CHAIRPERSON

The meeting was called to order at 9.53 a.m. and a prayer was said. The Chairperson then welcomed the Legal Counsel to take the Committee through clause by clause consideration of the Bill.

MIN.NO.NA/F&NP/2021/291:
Agenda deferred

CONFIRMATION OF MINUTES

MIN.NO.NA/F&NP/2021/292:

**CLAUSE BY CLAUSE CONSIDERATION OF
THE POVERTY ERADICATION
AUTHORITY BILL, 2020**

The committee deliberated and resolved to delete the Bill in its entirety because of the following reasons:

1. The Bill was duplicating the services of other government agencies. The proposed functions of the Authority are being undertaken by different government agencies including; the National Treasury and Planning; Vision 2030 Secretariat; Social Economic and Social Council, Ministry of Devolution, Ministry of Labour and Social Welfare among others.
2. Poverty cannot be eradicated through an Authority but by growing the economy so that most Kenyans are gainfully engaged.
3. The National Treasury had drafted the Biashara Fund Regulations which will amalgamate all funds (including those mentioned in the Bill) and initiatives for supporting, financing and developing SMEs as per the recommendations of the Presidential Task Force on Parastatal Reforms of 2013.
4. Most Government programmes were aimed at alleviating poverty among Kenyans hence no need to establish an Authority to carry out this function. Instead, the Government should fight corruption, allocate resources to programmes that will uplift the lives of Kenyans like agriculture, provision of clean water and enhancement of the realization of the Big Four Agenda.
5. The main aim of the devolved system of government was to address the problems faced by Kenyans all over the county with an ultimate goal of eradicating poverty.

MIN.NO.NA/F&NP/2021/293:

ADJOURNMENT/DATE OF NEXT MEETING

There being no other business to deliberate on, the meeting was adjourned at 1.05 p.m. The next meeting will be held at 2.30 p.m.

**HON. GLADYS WANGA, CBS, MP
(CHAIRPERSON)**

SIGNED.....

DATE.....

11th August 2021

MINUTES OF THE 60TH SITTING OF THE DEPARTMENTAL COMMITTEE ON FINANCE AND NATIONAL PLANNING HELD IN PAVILLION CONFERENCE ROOM, HILTON GARDEN INN HOTEL ON WEDNESDAY, 28TH JULY 2021 AT 2:00 P.M.

PRESENT

1. Hon. Gladys Wanga, CBS, MP - **Chairperson**
2. Hon. Isaac W. Ndirangu, MP - **Vice Chairperson**
3. Hon. Jimmy O. Angwenyi, MGH, MP
4. Hon. Christopher Omulele, CBS, MP
5. Hon. Shakeel Shabbir Ahmed, CBS, MP
6. Hon. Andrew A. Okuome, MP
7. Hon. David M. Mboni, MP
8. Hon. Joshua C. Kandie, MP
9. Hon. Edith Nyenze, MP
10. Hon. James Gichuhi Mwangi, MP
11. Hon. (Prof.) Mohamud Sheikh Mohamed, MP
12. Hon. Qalicha Gufu Wario, MP

ABSENT WITH APOLOGY

1. Hon. Daniel E. Nanok, MP
2. Hon. (Dr.) Christine Ombaka, MP
3. Hon. Francis K. Kimani, MP
4. Hon. Joseph M. Oyula, MP
5. Hon. Stanley M. Muthama, MP
6. Hon. Catherine Waruguru, MP
7. Hon. Peter Lochakapong, MP

INATTENDANCE

SECRETARIAT

1. Ms. Leah Mwaura - Senior Clerk Assistant/Head of Secretariat
2. Ms. Jennifer Ndeto - Principal Legal Counsel I
3. Ms. Lauren Wesonga - Clerk Assistant II
4. Mr. John Njoro - Serjeant-At-Arms
5. Mr. Collins Mahamba - Audio Officer
6. Mr. Vitalis Augo - Office Assistant
7. Ms. Hannah Mwangi - Intern

MEMBERS OF PARLIAMENT

1. Hon. John Sakwa Bunyasi, MP
2. Hon. John Waluke Koyi, MP

NATIONAL TREASURY

1. Hon. Nelson Gaichuhie
2. Mr. Victor Onyango
3. Ms. Florence Were
4. Ms. Faith Pesa

STATE DEPARTMENT FOR SOCIAL PROTECTION

1. Hon. Patrick Ole Ntutu
2. Mr. Samuel Kiiru
3. Mr. waweru Kamau

4. Ms. Anne Mwangi
5. Mr. Kelly Lankeu
6. Ms. Cecelia Mbaka

INSTITUTE OF CERTIFIED PUBLIC ACCOUNTANTS OF KENYA (ICPAK)

1. FCPA Hesbon Omollo
2. FCPA K. A. Tanui
3. FCPA George Mokuu
4. Mr. Hillary Onami
5. Ms. Winnie G. Nkatha
6. Mr. Nelson Ogallo
7. Ms. Sheila Mwathi
8. Ms. Nancy Moraa

STATE DEPARTMENT FOR PLANNING

1. Ms. Katherine Muoki
2. Mr. Leonard Okidua
3. Mr. Benjamin Avuserwa

KENYA INSTITUTE OF PUBLIC POLICY RESEARCH AND ANALYSIS (KIPPRA)

Ms. Nancy Nafula

NATIONAL GENDER AND EQUALITY COMMISSION (NGEC)

1. Ms. Betty Sungura
2. Ms. Desire Njamwea
3. Mr. Paul Kuria

AGENDA

1. Prayers
2. Communication from the Chairperson
3. **Meeting with National Treasury to discuss the Public Debt Management Authority Bill, 2020**
4. **Stakeholder engagement on the Poverty Eradication Authority Bill, 2020**
5. Any Other Business
6. Adjournment/Date of Next Meeting

MIN.NO.NA/F&NP/2021/277: COMMUNICATION FROM THE CHAIRPERSON

The meeting was called to order at 2.16 p.m. and a prayer was said. The Chairperson then called for introduction of those present before welcoming Hon. Nelson Gaichuhie, Chief Administrative Secretary, National Treasury to brief the meeting on the Public Debt Management Authority Bill, 2020

MIN.NO.NA/F&NP/2021/278: CONFIRMATION OF MINUTES Agenda deferred

MIN.NO.NA/F&NP/2021/279: MEETING WITH NATIONAL TREASURY TO DISCUSS THE PUBLIC DEBT MANAGEMENT AUTHORITY BILL, 2020

Hon. Gaichuhie submitted that putting the Authority in place was a step in the right direction. He however noted that the Authority will not have the ability to improve Kenya's debt situation if the issue of fiscal deficits in the country's budget is not addressed.

National Treasury proposed amendments to the Bill. The amendments are contained in Part III of the report on the consideration of the Public Debt Management Authority Bill (National Assembly Bill No. 36 of 2020).

MEMBERS' DELIBERATIONS

1. On whether the Government assesses the value of projects before implementation, Hon. Gaichuhie stated that there is a Project Implementation Unit at the National Treasury which looks at the viability and cost of projects before they are implemented.
2. On how the debt situation in the country can be improved, Hon. Gaichuhie stated that Parliament and National Treasury should work together in order to ensure that the Public Debt Management Authority works efficiently and effectively and in order to reduce the fiscal deficit.
3. On why National Treasury was proposing that the Chairperson should have a masters degree, Hon. Gaichuhie stated that in order to negotiate well for the country, the Chairperson's level of education should be equivalent to those that the Authority is negotiating with. Additionally, it's at the masters level that one studies macro-economics.

MIN.NO.NA/F&NP/2021/280:

STAKEHOLDER ENGAGEMENT ON THE POVERTY ERADICATION AUTHORITY BILL, 2020

The Chairperson called for introduction of those present before inviting stakeholders to make their presentations on the Poverty Eradication Authority Bill, 2020.

Stakeholders submitted as follows:

1. STATE DEPARTMENT FOR SOCIAL PROTECTION

The State Department did not support the Bill because poverty reduction requires a multi-sectoral approach. As such, proper cabinet level coordination to address implementation of policies and legislations developed by mandated units of government e.g., education, health, agriculture etc. are central to addressing poverty in any society. The Authority envisaged in the Bill lacks such ability and this may lead to it joining the list of moribund institutions.

MEMBERS' DELIBERATIONS

Members noted that not all vulnerable persons in Kenya were benefiting from the cash transfer programme. They were informed that this is the case because the programme is not given enough budgetary allocation to cater for all the vulnerable persons in the country. Members were requested to be more alert during the budget making process in order to increase the budgetary allocation to the programme. In order to cater for all the vulnerable persons, the programme needs a funding of KSh. 4.7 billion.

2. NATIONAL TREASURY

National Treasury did not support the Bill for the following reasons:

- i. There is no need to establish an independent Authority but instead the existing planning, prioritization processes and existing government structure should be strengthened to achieve this objective.
- ii. Establishment of the Board for the Authority and recruitment of management staff will require significant additional resources from the Exchequer to cater for personnel emoluments and other operational costs and instead, such resources should be applied in supporting existing poverty eradication programmes in Government.

- iii. Establishment of the Poverty Eradication Fund under Section 27 which is to be administered by the Authority is in contravention of section 24(4) of the Public Finance Management Act, 2012 which requires that all public funds can only be established under PFMA, 2012 by the Cabinet Secretary responsible for Finance. The government has also established various funds including the Uwezo Fund, Women Enterprise Development Fund and Youth Fund.

3. INSTITUTE OF CERTIFIED PUBLIC ACCOUNTANTS OF KENYA (ICPAK)

The Institute was not in support of the Bill because the Authority will duplicate many government functions and programmes including Vision 2030, MTPs and the Big Four Agenda which mainstream poverty eradication programmes in the planning and implementation of government programmes.

4. STATE DEPARTMENT FOR PLANNING

The State Department submitted that the Bill is important because:

- i. it speaks to the Constitution, in particular Article 43 on Economic and Social Rights;
- ii. it is aligned to the achievement of the National Development Agenda, particularly Vision 2030, MTP III and Big 4 Agenda;
- iii. it addresses Goal 1 of SDGs that seeks to end poverty in all its forms, everywhere; and
- iv. provides an opportunity to consolidate and deepen the gains made by various initiatives addressing Poverty.

5. KENYA INSTITUTE OF PUBLIC POLICY RESEARCH AND ANALYSIS (KIPPRA)

The Institute stated that the Bill will set into law a policy commitment to reduce poverty. It will also encourage implementation of a systematic approach to poverty reduction and policy development across the various layers of government. This includes requiring that both the national and county governments establish national and county poverty strategies. The legislation will establish a mechanism to independently assess and report on the country's progress on poverty and inequality reduction. Enactment of the law will ensure that performance by the governments in reducing poverty is subject to public scrutiny and transparency hence readily identify and address barriers and limitations to progress.

6. NATIONAL GENDER AND EQUALITY COMMISSION (NGEC)

The Commission stated that there is need to amalgamate all laws and programmes in the country that seek to deal with poverty. The Bill does not create functions of the Fund even though it seeks to amalgamate various funds.

(Details of the stakeholders' comments are in Part III of the report on the consideration of the Poverty Eradication Authority Bill (National Assembly Bill No. 13 of 2020))

MIN.NO.NA/F&NP/2021/281:

ADJOURNMENT/DATE OF NEXT MEETING

There being no other business to deliberate on, the meeting was adjourned at 5.19 p.m. The next meeting will be held on Thursday, 29th July 2021 at 9.30 a.m.

HON. GLADYS WANGA, CBS, MP
(CHAIRPERSON)

SIGNED.....



.....DATE.....

11th August 2021



REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY
 TWELFTH PARLIAMENT- FIFTH SESSION

In the Matter of Article 118(1) (b) of the Constitution
 And
 In the Matter of Consideration by the National Assembly of:

1. The Higher Education Loans Board (Amendment) Bill, 2020 (National Assembly Bill No. 37 of 2020);
2. The Pharmacy and Poisons (Amendment) Bill (National Assembly Bill No. 1 of 2021);
3. The Health (Amendment) Bill (National Assembly Bill No. 14 of 2021);
4. The National Electronic Single Window System Bill, 2021 (National Assembly Bill No. 15 of 2021);
5. The Coffee Bill, 2021 (National Assembly Bill No. 17 of 2021);
6. The Community Groups Registration Bill (National Assembly Bill No. 20 of 2021);
7. The Kenya Roads (Amendment) Bill, 2021 (National Assembly Bill No. 13 of 2021);
8. The Computer Misuse and Cybercrimes (Amendment) Bill (National Assembly Bill No. 11 of 2021)
9. The Kenya Industrial Research and Development Institute Bill (National Assembly Bill No. 44 of 2021);
10. The National Construction Authority (Amendment) Bill, 2020 (National Assembly Bill No. 45 of 2020);
11. The Kenya Deposit Insurance (Amendment) Bill (National Assembly Bill No. 49 of 2020);
12. The Public Procurement and Asset Disposal (Amendment) (No. 3) Bill (National Assembly Bill No. 49 of 2020);
13. The Irrigation (Amendment) Bill (National Assembly Bill No. 12 of 2021);
14. The Tax Appeals Tribunal (Amendment) Bill (National Assembly Bill No. 19 of 2021).

SUBMISSION OF MEMORANDA

Pursuant to Article 118(1) (b) of the Constitution and Standing Order 127(3) of the National Assembly Standing Orders, the Clerk of the National Assembly hereby invites members of the public and relevant stakeholders to submit memoranda on the aforementioned Bills, whose objects are as follows:

The Higher Education Loans Board (Amendment) Bill, 2020 (National Assembly Bill No. 37 of 2020) sponsored by Hon. Paul Mwirigi, MP, Igembe South Constituency, seeks to amend the Higher Education Loans Board Act in order to provide that a loanee shall commence the repayment of his or her loan once he or she secures employment. The amendment is meant to cushion unemployed graduates from being charged interest on the loan before they have secured employment.

The Pharmacy and Poisons (Amendment) Bill, 2021 (National Assembly No 1 of 2021) sponsored by Hon. Alfred Keter, MP, Nandi Hills Constituency, seeks to amend the Pharmacy and Poison Act to prohibit the sale or dispensing of medicine without written prescription from a registered medical practitioners

The Health (Amendment) Bill, 2021 (National Assembly No 14 of 2021) sponsored by Hon. Moses Mwambu Wekasa Mabonga, MP, Bumula Constituency, seeks to amend the Health Act No 21 of 2017 to provide that the National government and county governments shall, in consultation through the existing inter-governmental relations mechanism establish regional cancer centers; to make it an offence for a person in-charge of a Public Health facility to demand or permit of payments of advance medical fees as pre-condition for the provision of medical services; to make it an offence for person in-charge of a Public Health facility to detain a body of deceased person as means of enforcing settlement of outstanding medical bills and to provide for regulation on levying of charges for the practice of conventional medical practice.

The National Electronic Single Window System Bill, 2021 (National Assembly Bill No. 15 of 2021) seeks to provide for the establishment and operationalization of the National Electronic Single Window System in order to facilitate trade, the establishment of the Kenya Trade Network Agency, to provide for electronic transactions, and for connected purposes.

The Coffee Bill, 2021 (National Assembly Bill No. 17 of 2021) seeks to provide for development, regulation and promotion of the Coffee industry, provide for establishment, powers and functions of the Coffee Board of Kenya.

The Community Groups Registration Bill, 2021 (National Assembly Bill No.20 of 2021) seeks to provide a regulatory framework for the registration and regulation of community groups and connected purposes.

The Kenya Roads (Amendment) Bill, 2021 (National Assembly Bill No. 13 of 2021) sponsored by Hon. David Pkosing, MP, Pokot South Constituency, seeks to amend the Kenya Roads Act (No. 2 of 2007) to align the Act with the provisions of the Constitution with regard to the auditing functions of the Office of the Auditor-General. The Act currently refers to the defunct office of the Controller of Budget and the Auditor-General. The Bill further seeks to amend the term of office of and the qualification for the Director-General of the Kenya Roads Board appointed under the Act.

The Computer Misuse and Cybercrimes (Amendment) Bill, 2021 (National Assembly Bill No. 11 of 2021) sponsored by Hon. Aden Bare Duale, MP, Garissa Township Constituency, seeks to amend the Computer Misuse and Cybercrimes Act, 2018 to provide for the prohibition against the sharing of pornography through the internet and prohibit use of electronic mediums to promote terrorism, extreme religious and cult activities.

Kenya Industrial Research and Development Institute Bill, 2021 (National Assembly Bill No. 44 of 2021) seeks to establish the Kenya Industrial Research and Development Institute, and for connected purposes. It further provides for the promotion of research, development, technology and innovation in industrial and allied technologies, and for initiation and support of industrial development.

The National Construction Authority (Amendment) Bill, 2020 (National Assembly Bill No. 45 of 2020) sponsored by Hon. David Gikaria, MP, Nakuru Town East Constituency, seeks to amend the National Construction Authority Act, No. 41 of 2011 to ensure women, youth and persons living with disabilities with start-up businesses who apply to be registered as contractors under category six, seven and eight are exempted from paying the prescribed fee. The amendment seeks to recognize women, youth and persons living with disabilities as marginalized groups and to cushion them from the burden of paying registration fees.

The Kenya Deposit Insurance (Amendment) Bill, 2020 (National Assembly Bill No. 49 of 2020) sponsored by Hon. Abdul Rahim Dawood, MP, Imenti North Constituency, seeks to amend section 28 of the Kenya Deposit Insurance Act, 2012 in order to increase the maximum amount a person with an account with an institution under liquidation is to be paid by the Kenya Deposit Insurance Corporation. It further seeks to delete the provision limiting the maximum amount a person is to be paid by the Corporation despite having different accounts.

The Public Procurement and Asset Disposal (Amendment) (No. 3) Bill, 2020 (National Assembly Bill No. 49 of 2020) sponsored by Hon. Benjamin Gathiru Mwangi, MP, Embakasi Central Constituency, seeks to amend the Public Procurement and Asset Disposal Act, 2015 to enhance the amount for tenders where Kenya citizens are given

exclusive preference from the sum of five hundred million shillings to twenty billion shillings. This is to protect the Kenyan traders from foreign competitors.

The Irrigation (Amendment) Bill, 2021 (National Assembly Bill No. 12 of 2021) seeks to amend the Act by expanding the administration of irrigation matters to include management and regulation of irrigation matters. The Bill further seeks to amend the Act to harmonize the provision of the Irrigation Act, Water Act and Water Resources Management Rules, 2007.

The Tax Appeals Tribunal (Amendment) Bill (National Assembly Bill No. 19 of 2021) seeks to amend the Tax Appeals Tribunal Act, 2013 to address the challenges affecting the performance of the Tax Appeals Tribunal to facilitate the expedition of tax disputes in the country.

Pursuant to Standing Order 127(1) of the National Assembly Standing Orders, the Bills proposing amendments to the various Acts of Parliament are committed to Departmental Committees of the National Assembly as set out in the schedule hereunder:

SCHEDULE		
No.	BILL	COMMITTEE
1.	The Higher Education Loans Board (Amendment) Bill, 2020 (National Assembly Bill No. 37)	Education and Research
2.	The Pharmacy and Poisons (Amendment) Bill (National Assembly No 1 of 2021)	Health
3.	The Health (Amendment) Bill (National Assembly No 14 of 2021)	
4.	The Computer Misuse and Cybercrimes (Amendment) Bill (National Assembly Bill No. 11 of 2021)	Communication, Information and Innovation
5.	The Coffee Bill, 2021 (National Assembly Bill No. 17 of 2021)	Agriculture and Livestock
6.	The Community Groups Registration Bill (National Assembly Bill No.20 of 2021)	Labour and Social Welfare
7.	Kenya Industrial Research and Development Institute Bill (National Assembly Bill No. 44 of 2021)	Trade, Industry and Cooperatives
8.	The Kenya Roads (Amendment) Bill, 2021 (National Assembly Bill No. 13 of 2021)	Transport, Public Works and Housing
9.	The National Construction Authority (Amendment) Bill, 2020 (National Assembly Bill No. 45 of 2020)	
10.	The Kenya Deposit Insurance (Amendment) Bill (National Assembly Bill No. 49 of 2020)	Finance and National Planning
11.	The Public Procurement and Asset Disposal (Amendment) (No. 3) Bill (National Assembly Bill No. 49 of 2020)	
12.	The National Electronic Single Window System Bill, 2021 (National Assembly Bill No. 15 of 2021)	
13.	The Tax Appeals Tribunal (Amendment) Bill (National Assembly Bill No. 19 of 2021)	
14.	Irrigation (Amendment) Bill (National Assembly Bill No. 12 of 2021)	Environment and Natural Resources

The Bills were read a First Time pursuant to Standing Order 127(3) on 8th and 9th June 2021. Copies of the Bills are available at the National Assembly Table Office, or on www.parliament.go.ke/the-national-assembly/house-business-bills.

The memoranda may be addressed to the Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi; hand-delivered to the Office of the Clerk, Main Parliament Buildings, Nairobi; or emailed to clerk@parliament.go.ke; to be received on or before Friday 18th June, 2021, at 5:00 pm.

MICHAEL SIALAL, CBS
 CLERK OF THE NATIONAL ASSEMBLY
 11th June 2021



REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY
TWELFTH PARLIAMENT - FIFTH SESSION

In the Matter of Article 118(1) (b) of the Constitution

And

In the Matter of Consideration by the National Assembly of;

1. The Higher Education Loans Board (Amendment) Bill, 2020 (National Assembly Bill No. 37 of 2020);
2. The Pharmacy and Poisons (Amendment) Bill (National Assembly Bill No. 1 of 2021);
3. The Health (Amendment) Bill (National Assembly Bill No. 14 of 2021);
4. The National Electronic Single Window System Bill, 2021 (National Assembly Bill No. 15 of 2021);
5. The Coffee Bill, 2021 (National Assembly Bill No. 17 of 2021);
6. The Community Groups Registration Bill (National Assembly Bill No. 20 of 2021);
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9. The Kenya Industrial Research and Development Institute Bill (National Assembly Bill No. 44 of 2021);
10. The National Construction Authority (Amendment) Bill, 2020 (National Assembly Bill No. 45 of 2020);
11. The Kenya Deposit Insurance (Amendment) Bill (National Assembly Bill No. 43 of 2020);
12. The Public Procurement and Asset Disposal (Amendment) (No. 3) Bill (National Assembly Bill No. 49 of 2020);
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SUBMISSION OF MEMORANDA

Pursuant to Article 118(1) (b) of the Constitution and Standing Order 127(3) of the National Assembly Standing Orders, the Clerk of the National Assembly hereby invites members of the public and relevant stakeholders to submit memoranda on the aforementioned Bills, whose objects are as follows:

The Higher Education Loans Board (Amendment) Bill, 2020 (National Assembly Bill No. 37 of 2020) sponsored by Hon. Paul Mwirigi, MP, Igembe South Constituency, seeks to amend the Higher Education Loans Board Act in order to provide that a loanee shall commence the repayment of his or her loan once he or she secures employment. The amendment is meant to cushion unemployed graduates from being charged interest on the loan before they have secured employment.

The Pharmacy and Poisons (Amendment) Bill, 2021 (National Assembly No 1 of 2021) sponsored by Hon. Alfred Keter, MP, Nandi Hills Constituency, seeks to amend the Pharmacy and Poison Act to prohibit the sale or dispensing of medicine without written prescription from a registered medical practitioners

The Health (Amendment) Bill, 2021 (National Assembly No 14 of 2021) sponsored by Hon. Moses Mwambu Wekesa Mabonga, MP, Bumula Constituency, seeks to amend the Health Act No. 21 of 2017 to provide that the National government and county governments shall, in consultation through the existing inter-governmental relations mechanism establish regional cancer centers; to make it an offence for a person in-charge of a Public Health facility to demand or permit of payments of advance medical fees as pre-condition for the provision of medical services; to make it an offence for person in-charge of a Public Health facility to detain a body of deceased person as means of enforcing settlement of outstanding medical bills and to provide for regulation on levying of charges for the practice of conventional medical practice.

The National Electronic Single Window System Bill, 2021 (National Assembly Bill No. 15 of 2021) seeks to provide for the establishment and operationalization of the National Electronic Single Window System in order to facilitate trade, the establishment of the Kenya Trade Network Agency, to provide for electronic transactions, and for connected purposes.

The Coffee Bill, 2021 (National Assembly Bill No. 17 of 2021) seeks to provide for development, regulation and promotion of the Coffee Industry, provide for establishment, powers and functions of the Coffee Board of Kenya.

The Community Groups Registration Bill, 2021 (National Assembly Bill No.20 of 2021) seeks to provide a regulatory framework for the registration and regulation of community groups and connected purposes.

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MICHAEL SIALAI, CBS
CLERK OF THE NATIONAL ASSEMBLY
11th June 2021