

Approved for tabling

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REPUBLIC OF KENYA



PARLIAMENT

ELEVENTH PARLIAMENT – THIRD SESSION

**REPORT OF THE JOINT PARLIAMENARY COMMITTEE ON
BROADCASTING & LIBRARY ON PROPOSED AMENDMENTS TO
THE STANDING ORDERS OF BOTH HOUSES REGARDING THE
ACTIVITIES OF THE MEDIA RELATED ACTIVITIES IN THE
PRECINTS OF THE PARLIAMENT BUILDINGS**

Table of Contents

Table of Contents	ii
PREFACE	iii
PROPOSED NEW RULES ON MEDIA ACTIVITIES.....	1
PROPOSED AMENDMENTS TO THE STANDING ORDERS 218(1) OF THE SENATE AND 215(1) OF THE NATIONAL ASSEMBLY.....	9
RECOMMENDATION.....	10

PREFACE

Mr. Speaker Sir,

The Joint Committee on Parliamentary Broadcasting and Library is established pursuant to Article 124(2) of the Constitution which states inter alia that-

124(2) Parliament may establish joint committees consisting of members of both Houses and may jointly regulate the procedure of those committees.

The Joint Parliamentary Committee on Broadcasting and Library as per the Senate and National Assembly Standing Orders 218 and 215 respectively outlines the Committee's mandate as-

- (a) consider and report on all matters relating to Joint Broadcasting of Parliamentary proceedings;
- (b) advise the House of Parliament on matters related to public participation in Parliament;
- (c) make reports and recommendations to the House of Parliament, including proposed legislation on matters relating to Broadcasting of Parliamentary proceedings and matters related thereof;
- (d) recommend to and advise the Houses of Parliament on matters related to provision of Library, publications and research services in Parliament, including improvement of the library and research services; and
- (e) assist members of parliament in utilizing the facilities provided by the Joint Library and Research Services, including use of information and communication technology.

Mr. Speaker Sir,

The Committee visited the Parliament of Australia for benchmarking between the dates of 28th November to 6th December 2014.

During the visit the Committee held several meetings with Australian Parliamentary officers among them Mr. James Catchpole, Deputy Serjeant-At-Arms of House of Representatives who appraised members on matters regarding the roles and responsibilities of the Serjeant-at-Arms in the outreach process and key among them being the management of the Conduct of Media Houses within Precincts of Parliament.

Upon arrival in Kenya the Committee formulated and tabled a report with among other recommendations that, "...the Rules on the Conduct of the Media Houses while in the precincts of the Parliament be formulated to guide proper broadcasting in the Parliament".

Mr. Speaker Sir,

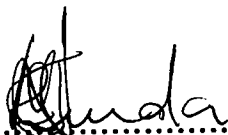
The Committee has on several occasions expressed its concerns over limitations of its operations by the Standing Orders of both Houses to precincts of Parliament only. Consequently, in this report are amendments proposed by the Committee to facilitate expansion of the Committee's mandate on oversight roles.

Mr. Speaker Sir,

The Committee profoundly extends its appreciation to the Offices of the Speaker and Clerk for the support accorded it was according during execution of its mandate.

On behalf of the Joint Parliamentary Committee on Broadcasting and Library, I now have the honour to present the amendments as proposed by the Joint Parliamentary Committee on Broadcasting and Library to the House for adoption.

Thank You,

SIGNED..........
SEN. NAISULA LESUUDA, M.P
CHAIRPERSON & LEADER OF DELEGATION

DATE:.....18-02-2016.....

PROPOSED NEW RULES ON MEDIA ACTIVITIES

1). **AMENDMENTS TO THE FIRST SCHEDULE OF THE STANDING ORDERS IN BOTH HOUSES**

The Committee recommends that the First Schedule of the Standing Orders in both Houses be amended by introducing the following-

NEW RULE 1A

In these rules-

“accredited media house ” refers to a media house that has been authorized to carry out media related activity by the Speaker of the Senate/National Assembly;

“approval of media related activity” is the formal permission granted by the Speaker of the Senate/National Assembly to engage in media related activity;

“external media house” refers to any media house other than the Parliamentary Broadcasting Unit;

“media related activity” refers to still photography or audio visual recording within the precincts of Parliament;

“non-accredited media house ” refers to a media house that has not been authorized by the Speaker of the Senate/ National Assembly;

“passholder” means a person who has been issued with a security pass;

The Members however deliberated and amended the passholder to mean “a person who has been issued with a pass to access designated areas within the precincts of parliament.”

“security pass” means an identification card issued to a visitor at an entry point before accessing the precincts of Parliament;

“work of Parliament” means an activity carried out either by a member of Parliament, Parliamentary staff or a visitor with an aim of fulfilling the mandate of Parliament; and

“visitor” is any person who is neither a member of Parliament nor an officer of the Parliamentary Service Commission.

NEW RULE 1B

Guiding Principles

The rules are underpinned by the following guiding principles-

- (1) openness and accessibility of the Parliament of Kenya;
- (2) facilitation of fair and accurate reporting by the external media of Parliamentary proceedings;
- (3) respect for the privacy of Members of Parliament, parliamentary staff and visitors ; and
- (4) non-interference with the operations of the Parliament of Kenya or the ability of Members of Parliament, Parliamentary staff and security passholders to fulfill their duties.

NEW RULE 1C

Roles and Responsibilities

- (1) All security pass holders shall comply with these rules.
- (2) Senators and employees of the Parliamentary Service Commission shall not carry out or encourage media related activity that is in breach of these rules.

RULE 6

THAT Rule 6 be amended by deleting sub rule (1).

NEW RULES

THAT the following new rules be inserted immediately after Rule 6-

NEW RULE 6A

6A. Approval to access Parliament for media related activity

- (1) All requests to conduct media related activity shall be channeled through the Speaker of the Senate/ National Assembly.
- (2) In making a decision whether to grant an approval for media related activity, the Speaker of the Senate/National Assembly shall ensure that the activity-
 - (a) complies with these rules, particularly the guiding principles ; and
 - (b) serves an educational, cultural or news purpose.

NEW RULE 6B

6B.Approval of media related activity

- (1) All requests to conduct media related activity in Parliament shall be submitted-
 - (a) to the Speaker of the Senate/National Assembly in writing; and
 - (b) not less than fourteen days before the date of the intended media related activity.

Deliberations ensured and members recommended that (a) be joined with (1) above and (b) be deleted.

- (2) Upon receipt of the application, the Speaker of the Senate/National Assembly may grant a written notice of approval within seven days.
- (3) If approval is granted, a written notice shall be issued, containing such conditions or restrictions as the Speaker of the Senate/National Assembly may find necessary.
- (4) Approval for media related activity within the precincts of Parliaments shall be subject to the Constitution and other applicable laws.

NEW RULE 6C

6C. Media related activity within the Precincts of Parliament

Media related activity shall be permitted-

- (a) where the media related activity does not interfere with the work of Parliament ;
- (b) within the press gallery;
- (c) within committee rooms, when invited to attend a press conference or committee hearings ; or
- (d) within a designated area within the precincts of Parliament as directed by the Speaker of the Senate/National Assembly.

NEW RULE 6D

6D. Penalties for non-compliance

A Speaker of the Senate/National Assembly may apply the following penalties for the violation of these rules-

- (a) denial of access during a sitting day;

- (b) suspension of an individual security pass holder during a sitting day;
- (c) denial of access to all chamber galleries for three sitting days in the case of a media house; or
- (d) any other penalty with the Speaker of the Senate/National Assembly may deem fit.

NEW RULE 6E

6E. Penalties for sustained breaches

Subject to rule 6D, the following penalties shall apply for sustained breaches of these rules-

- (1) suspension of security passes for all personnel working for the relevant media house for a period of one month;
- (2) suspension of an individual's security pass for a month;
- (3) any other penalty as the Speaker of the Senate/National Assembly may determine on recommendation by the Joint Committee on Parliamentary Broadcasting and Library.

RULE 7

Rule 7 is amended by-

- (a) deleting the sub-heading and inserting therefor the following new sub-heading-

7. Enforcement of Broadcasting Rules

- (b) deleting sub rule (1)

The Members directed that the prescribed form of approval be inserted to be as follow-

APPLICATION TO FILM AND PHOTOGRAPH

Please complete and return in typed word Doc. Format. All requests will be acknowledged within 3 working days

I have read and understand the Rules for *Media Related Activity in Parliament House and its Precincts* prior to submitting this form.

ORGANIZATION NAME	
EVENT NAME	
EVENT DATE	
TIME Start-Finish	
EVENT CONTACT Name/Email/Mobile No.	
LOCATION OF FILMING OR PHOTOGRAPHY	
PURPOSE OF FILMING/PHOTOGRAPHY (INCLUDING ANY PUBLICATION/PRINTING OF IMAGERY)	
NUMBER OF PEOPLE INVOLVED	
EQUIPMENT TO BE USED	
RESTRICTIONS	OFFICIAL USE ONLY

SPECIAL CONDITIONS

- When filming or photography is approved for internal areas of Parliament House, you must enter the building through the Main Parliament Public Entrance. All your Filming and photography equipment must be screened by the security prior to entry.
- Report to the Security Team Leader before commencing filming or photography
- Where the terms 'film' or 'filming' appear in this application and the Guidelines, they encompass video recording, other filming technologies and still photography including the use of digital technology.
- The privacy of Members of Parliament, staff and visitors to the building should be protected and the specific permission of any person being filmed should be sought.
- Filming should not interfere with the operations of the Parliament and/or the people who work in the building.
- No filming is to be conducted in Private areas unless prior approval has been granted.
- Security facilities and arrangement must not be filmed (i.e. the screening processes at entrances)
- Approval given subject to filming/photography being confined to the function, its participants and identified area only.

OFFICIAL USE ONLY:

APPROVED/DECLINED

Date.....

Approval granted in accordance with Rules for Media Related Activity in Parliament House and its Precincts

Approved by:.....

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PROPOSED AMENDMENTS TO THE STANDING ORDERS 218(1) OF THE SENATE AND 215(1) OF THE NATIONAL ASSEMBLY

The Committee further proposes that the Standing Orders of Senate and National Assembly as follows-

- (i). **THAT**, Standing Order 218(1) of the Senate Standing Orders be amended by inserting the following new paragraph immediately after paragraph (b)-

(ba) liaise with county assemblies on the establishment of standards and best practices in order to enhance effective public participation in the Legislatures.

- (ii). **THAT**, Standing Order 215(1) of the National Assembly Standing Orders be amended be amended by inserting the following new paragraph immediately after paragraph (b)-

(ba) liaise with county assemblies on the establishment of standards and best practices in order to enhance effective public participation in the Legislatures.

RECOMMENDATION

The Committee requests both Houses to consider and adopt the amendments as proposed to be included during amendment of Standing Orders of both Houses.