

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 21st April, 1999

The House met at 9.00 a.m.

[Mr. Speaker in the Chair]

PRAYERS

NOTICE OF MOTION

AMENDMENT TO WILDLIFE
CONSERVATION MANAGEMENT ACT

Mr. Kiunjuri: Mr. Speaker, Sir, I beg to give notice of the following Motion:-

THAT, while appreciating Government efforts in promoting tourism, which is a major foreign exchange earner in the country, realising that most of our forests and national parks are located within the proximity of our farms and further, taking into account the provisions of the Wildlife Conservation and Management (Amendment) Act, 1989, that provides *inter alia*, that the Government is not liable in paying compensation for property/crops destroyed by wildlife; this House urges the Government to introduce amendments to the Act in order to:-

- (i) Raise compensation of any human death caused by wildlife from Kshs30,000 to Kshs3 million.
- (ii) Compensate persons whose crops or property are damaged or destroyed by wild animals.

Mr. Speaker: Next Order!

PROCEDURAL MOTION

EXEMPTION OF BUSINESS FROM PROVISIONS OF S.O. 33

The Minister for Agriculture (Mr. Mudavadi): Mr. Speaker, Sir, I beg to move the following Procedural Motion:-

THAT, this House orders that the Business appearing on today's Order Paper be exempted from the provisions of Standing Order No.33, being a Wednesday morning, a day allotted for Private Members' Motions.

The intent of this is to facilitate some debate on the subsequent Motions that appear on the Order Paper, basically because the Private Members' Motions that had been balloted and earmarked for some specific Ministries are not yet clearly thought over by a number of the Ministries, in the sense that they just got the notices last week, or early this week. They requested that they would require some time before they can respond to some of those Motions. In view of that, the Business Committee of the House deliberated on this issue, and it was felt that we can proceed to start discussing the Sessional Papers, and hopefully, in the course of next week, we can get back to the normal process of deliberating on Private Members' Motions.

So, there is really no ill motive here. It was really a question of the notices getting to the Ministries rather late. I would like to seek the indulgence of the House that this Procedural Motion be adopted so that we can then deliberate on the items that appear on the Order Paper and revert to the normal Private Members' Motions in the course of next week.

That is all, Mr. Speaker, Sir. I beg to move.

The Minister for Finance (Mr. Masakhalia): Mr. Speaker, Sir, I second the Motion.

(Question proposed)

Dr. Kituyi: Mr. Speaker, Sir, considering some of the Business that was to be transacted by this House

this morning, it is a matter on which every Member of Parliament, whether in the Government or not, is supposed to have taken a stand during the unusually long four months recess. It is very difficult to comprehend that the Government still needed some time to position itself, particularly, on the Motion by hon. Peter Oloo Aringo. Whereas the Government might find it convenient to itself that some of these Sessional Papers be pushed fairly quickly before we adjourn in preparation for the Budget, I do not think sufficient reason has been given to the House, as to why the Government needs to think twice on a matter like a Motion which has received universal support from all the parties, including the Government party.

With those few remarks, I beg to oppose.

Mr. Kapten: Mr. Speaker, Sir, I very, very reluctantly support this Motion. I agree with what hon. Dr. Kituyi has said; that the Government has had enough time to look at the Motion by hon. Oloo Aringo. It is a Motion that has been discussed between Members of Parliament. We have even talked to several Cabinet Ministers, including the Attorney-General. I really do not accept the reasons given by the Leader of Government Business, that the Government needed more time to look at this Motion. I do not think the reasons given by the Leader of Government Business are convincing, that the Government needed more time.

Mr. Speaker, Sir, on something like a Question by Private Notice, the Government is only given a 48-hour notice. We do not have any Questions by Private Notice on the Order Paper. I do not think it is fair for the Government to take the House for a ride.

Mr. Speaker: Order! Maybe, I can correct you on Questions by Private Notice. The Government does not generate Questions. If they have not come to Mr. Speaker, then they are not there. The ones which are there have been approved a long time ago and dealt with. So, at least, you can leave the Questions by Private Notice. They are not there.

Mr. Kapten: I am only responding to what the Minister said; that some of the Questions were received by the Government Ministries late. I am just responding to that. Be that as it may, I think the reasons that have been given are not good enough. However, since we have no other Business, I will very reluctantly, support the Motion.

Mr. Kajwang': Mr. Speaker, Sir, today is a special day for Private Members' Motions. There is no justification whatsoever for Members surrendering what is their day to Government Motions. We are not being told when we shall be compensated so that our Motions will come on a day other than a Wednesday. So, we cannot be forced to discuss the Finance Minister's Motion, when none of our Motions, which we gave notice of immediately we opened this House, has been brought to this House!

Mr. Speaker, Sir, for that reason alone, we are not accepting that a Private Members' Motion should not be debated today.

Mr. Speaker: So, may I ask you one thing?

Mr. Kajwang': Yes, Mr. Speaker, Sir.

Mr. Speaker: If we refuse this Motion, what do we do? We go home?

Mr. Kajwang': Then we go home, Mr. Speaker, Sir, to teach this House Business Committee that they must bring our Private Members' Motions.

(Applause)

Mr. Magara: Thank you, Mr. Speaker, Sir. Indeed, we are so much depressed on this side. There is a Motion which is going to cater for all the Members of this House. A notice was given and they are aware of the same. We cannot allow our time to be taken to the other side, when in actual sense, we have a Motion which will benefit both sides of this House.

So, Mr. Speaker, Sir, we oppose the Procedural Motion.

(Question put and negatived)

ADJOURNMENT

Mr. Speaker: Order! Since you have decided that Standing Order No.33 must apply and there being no Private Members' Motion on the Order Paper, it therefore, means that there is no business to be transacted this morning. The House is, therefore, adjourned until this afternoon at 2.30 p.m.

The House rose at 9.12 a.m