

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 2<sup>nd</sup> July, 2014

The House met at 9.30 a.m.

*[The Temporary Deputy Speaker  
(Hon. Cheboi) in the Chair]*

### PRAYERS

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Members, we are very close to quorum, but we are just below it. Can we have the Division Bell rung for ten minutes?

*(The Division Bell was rung)*

I realize we now have quorum and, therefore, I order the Bell to stop ringing. The hon. Members coming in quickly resume your seats for business to start.

### STATEMENTS

**The Temporary Deputy Speaker** (Hon. Cheboi): On Order No. 7, I see there are few Statements that need to be responded to. Do we have the Chair or the Deputy of the Committee on Education, Research and Technology? The Chairperson, Departmental Committee on Environment and Natural Resources. I can see hon. Amina. Are you ready?

Proceed.

### EFFECTS OF DISCOVERY OF WATER IN TURKANA

**Hon. (Ms.) Abdalla:** Thank you, hon. Temporary Deputy Speaker. This Statement is in response to a request for Statement by hon. Daniel Epuyo Nanok, Member for Turkana West. He had requested a Statement regarding the reports of discovery of underground water in Turkana County. He was concerned that, that discovery may completely alter the lives of pastoralist community, which may leave them vulnerable to individuals who might exploit them. He requested that the Committee should answer the following questions:-

- (i) Plans by the Government to provide residents with water and the timelines.
- (ii) The measures the Government is taking to sensitize the community in particular about the establishment of irrigation projects, land adjudication and resettlement.

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(iii) The measures the Government is taking to ensure that the local community is not exploited by unscrupulous individuals wishing to acquire ownership to the said land, considering that the resource is situated in a community land.

The Ministry responded as follows:-

The Ministry, in collaboration with UNESCO and the Government of Japan, carried out ground water survey and mapping in Turkana County from May 2012 to September 2013, in order to identify the potential for ground water development. Five Basins with high potential for ground water storage were identified. The identified Basins are located in Lotikipi, Gatome, Nakalale, Kechoda and Lodwar areas. Two boreholes were drilled in Lodwar and Lotikipi in order to confirm the accuracy of the mapping exercise. The boreholes have high yields of water.

In order to exploit the discovery for purposes of providing the residents with water, the Ministry prepared a three year plan running from November 2013 to November 2016 to be implemented in three phases. In the first phase running from November 2013 to June 2014, four additional boreholes have been drilled in Lodwar Basin bringing to five the total number of boreholes in the area, including the one at Napuu. The yield of the new boreholes ranges from 35 cubic meters per hour to 90 cubic meters per hour. The first borehole in Napuu, Lodwar, has already been installed with a pump and is in operation, producing 42 cubic meters per hour of water currently in use by residents. Equipping of the borehole at Lotikipi is in progress while equipping of the other four boreholes is expected to be completed by the end of July 2014.

In the second phase running from July 2014 to June 2015, a total of 10 boreholes will be drilled; four at Lotikipi Basin, two at Gatomi Basin, two at Kechoda Basin and another two at Nakalale Basin.

In the third phase running from July 2015 to November 2016, a water investment plan for Turkana County will be prepared based on identified water resources. Capacity building to equip local experts with the necessary skills on management and development of the ground water resources in the county will also be carried out.

With regard to the measures the Government is taking to sensitize the community in particular concerning establishment of irrigation projects, land adjudication and resettlement, the Ministry is studying the characteristics of the discovered aquifers to determine the amount of water that can be exploited for use by residents. Once the amount of water available is established, the water investment plan will be prepared accordingly in consultation with stakeholders. The investment plan will contain socio-economic projects that use those water resources, including irrigation. Further, the Ministry will collaborate with other institutions notably the Ministry of Agriculture and the National Land Commission to identify and determine the land suitable for Agriculture, grazing and resettlement.

With regard to the measures the Government is taking to ensure that the local community is not exploited by individuals wishing to acquire ownership of the said land considering that the resource is situated in a community land, the Ministry will, in collaboration with other relevant Government institutions, explore the possibility of declaring such basins as vital water bodies which should be protected and safeguarded for sustainable utilization in an equitable manner.

Thank you.

**The Temporary Deputy Speaker** (Hon. Cheboi): Very well. With this, we will have only two hon. Members seeking clarification. Let us have hon. Nanok.

**Hon. Nanok:** Thank you, Temporary Deputy Speaker. May I also thank the Chair of the Committee on Environment and Natural Resources for the answer she has given. The clarification I am standing to seek is on the first section of the Statement where there was supposed to be drilling and then equipping of the borehole at Lotikipi. As we speak, I do not know whether the Chair is aware that there is no work going on although I am being told that there is work going on. The pastoralists who reside around that area have already gone into South Sudan seeking water when there is a borehole that has been sunk, but the equipping has not been done. It could have served their water needs and that is why I was asking when this water will be availed.

Secondly, I would like to give the correct names of those areas where water has been discovered. There is no place called Gatome in Turkana. Instead, it should be Kotome. There is also---

**The Temporary Deputy Speaker** (Hon. Cheboi): Then you do not need to seek clarification on that---

**Hon. Nanok:** It is good to give clear names because we do not want this wrong naming. They distort the names of the areas making them sound like they are different places altogether. There is Kachoda and not Kechoda and those are spellings that need to be clear. If they exist in the books ---

**The Temporary Deputy Speaker** (Hon. Cheboi): Order, hon. Nakuleu. You have sought clarifications where you want the Chair to pronounce the names properly, of which I think you have solved that particular issue. You have sought a very pertinent clarification and I think the Chair will respond to it; you had two.

**Hon. Nanok:** Please indulge me because these are mistakes in writing of the names and not in the reading. It is not a problem of the Chairperson who was reading because she is reading what has been written and it is wrong. There are disputes about names in this county and so, it is good to clarify so that as we go forward. We know the names and the places we are describing.

**The Temporary Deputy Speaker** (Hon. Cheboi): I am sure the Chair has heard that, that should be it---

**Hon. Nanok:** Finally, hon. Temporary Deputy Speaker, even as I speak here---

**The Temporary Deputy Speaker** (Hon. Cheboi): Now, hon. Nanok, you have already sought two clarifications. So, you have already developed your point. You have sought the clarifications. Allow the Chair to respond to them unless and if there would be a really issue that you think would not have been sorted, I will give you another opportunity. So, I will give a second Member who is hon. Nakuleu to seek clarifications.

**Hon. Nakuleu:** Thank you, hon. Temporary Deputy Speaker. First, I wish to thank the Chair of the Departmental Committee on Environmental and Natural Resources for making a comprehensive attempt at answering this question that was raised by my colleague.

Hon. Temporary Deputy Speaker, three of the areas that the Chair has said are earmarked for drilling of boreholes are in Turkana North Constituency, which I represent. These are Kechoda, Katome and Nakale. I have just heard for the first time that these areas are earmarked for drilling of water. The clarification I wish to request from the

Chair is that there are no feasibility studies that have taken place. As of now, most of the pastoralists who reside in these areas have already gone to other areas in search of water mainly because pastures are there. What is the Government doing now as a temporary measure to contain the issue of water deficiency as we wait for comprehensive drilling and equipping of those boreholes?

Thank you, hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Cheboi): Very well. Chair.

**Hon. (Ms.) Abdalla:** Thank you, hon. Temporary Deputy Speaker. On the clarification by hon. Nanok on the equipping of the borehole that was supposed to be in progress - and where he has claimed that the borehole is not in progress - is a matter that I would have to confirm with the Ministry. However, I would also assure him that the information we have is that those boreholes will be equipped because this is a programme that is being expanded to other counties in the next Budget.

On the spelling of the names, I come from Eastleigh and I would not know the right spelling. But if he had attended the meeting, he would have given the right spelling to the Ministry officials.

Hon. Temporary Deputy Speaker, on the first request from hon. Nakuleu, where he has claimed that no study had been done on the boreholes, I want to assure him that there is no way the Ministry would invest if there is no study on the feasibility of the boreholes.

On the temporary measures that the Government will take now that there is drought, I would have to find that out that because as the Speaker always says, I am just conveying the information on behalf of the Executive and cannot give any temporary measures on what can be done.

Thank you.

**The Temporary Deputy Speaker** (Hon. Cheboi): Very well. I see Nanok seems satisfied. So, I would have seen something on the intervention slot and I cannot see it. So, I am sure you are okay, hon. Nanok. What is it?

**Hon. Nanok:** Hon. Temporary Deputy Speaker, you know when I was trying to develop my second point of clarification, you actually shut me down. There are two concerns. There is that of equipping the boreholes and I will wait for the answer as the Chair has said.

There is the issue of the testing of that water to find out whether it is fit for human consumption. At first, we were told the water is good and it can be used by people and then, along the way, and which I suspect could be the reason why it is taking too long for us to get this water, we are now beginning to hear side stories that this water is not fit for human consumption and so the development is going slower than then.

Hon. Temporary Deputy Speaker, this is the clarification that I need to get from the Chair now. Is the water fit for human consumption and for livestock use even as we explore those other possibilities of using the water for irrigation?

**The Temporary Deputy Speaker** (Hon. Cheboi): Okay. Chair, is this water fit for human consumption?

**Hon. (Ms.) Abdalla:** Thank you, hon. Temporary Deputy Speaker. We did not receive any information from the Ministry during our interrogation as to the unfitness of

this water. So, if it is information about unfitness, it must be new information that was not presented to us by the Ministry when they attended the questioning session.

**The Temporary Deputy Speaker** (Hon. Cheboi): So, let us go to the next one. Is the Chair of the Departmental Committee on Education, Research and Technology ready? Are you ready?

**Hon. (Ms.) S.W Chege:** Yes, I am ready.

**The Temporary Deputy Speaker** (Hon. Cheboi): Okay. Proceed and issue your Statement. Chair, because I can see the Statement is quite long, start from 3.1 and summarise it so that we can save time because the entire first bit is just an introduction. Even when you reach the 3.1, I think it will be fair if you do it in summary.

#### UNREST AT KISII UNIVERSITY

**Hon. (Ms.) S.W. Chege:** I am much obliged, hon. Temporary Deputy Speaker. On 12<sup>th</sup> March 2014, hon. Wanjiku Muhia, Member of Parliament, requested for a Statement from the Chairperson of the Departmental Committee on Education, Research and Technology regarding the unrest at Kisii University that occurred on 10<sup>th</sup> March 2014. I will go as directed to 3.1 on the genesis of the activities that led to the unrest, although it is important for me to mention that upon the receipt of this request, the Departmental Committee on Education, Science and Technology resolved to invite the Ministry of Education, Science and Technology, the Kisii University management and the representatives of the student leaders as well as suspended students for a meeting on 27<sup>th</sup> March, 2014. So, our response is from that meeting.

Hon. Temporary Deputy Speaker, as explained by the Kisii University, on December 2013, the Board of Management (BoM) meeting convened and made several recommendations following the submission of a report by a six-member committee that was put together by the Vice-Chancellor (VC) to improve the self sponsored programme policy at the university. This was after a consultative meeting that was held at Sagini Hall in November 2013 to come up with the way forward following discussions between the management and the academic staff.

Hon. Temporary Deputy Speaker, on 6<sup>th</sup> January 2014, the Deputy Vice-Chancellor, Academic and Students Affairs shared, after consultations with the VC and the student leaders, the 20 recommendations submitted by the aforesaid committee, some of which included introduction of teaching practice and attachment fee as well as delinking admission from accommodation beyond first year to begin in 2014. The proposed attachment or industrial fee was to be payable by the students at the beginning of the year at Kshs10,000 for the teaching practice fee, Kshs12,000 for the law students and Kshs15,000 internship fee for those undertaking medical health related courses. However, no student was meant to be sent away for non-payment of those fees.

When this policy was proposed, a few students led by their Chairman, Jeff Ongoro, picked on it as a major issue of contention arguing that the introduction of the item was abrupt and was likely to affect those going for teaching practice in May 2014. Through their Chairman, Mr. Ongoro, a few students asked to meet with the management over the same issue. Consequently, a meeting was held on 30<sup>th</sup> January 2014 at the

University Moot Court at which it was agreed that the issue be revisited when the Vice-Chancellor was back from official duty outside the university.

Later, a meeting was held on 12<sup>th</sup> February 2014 under the chairmanship of the Vice-Chancellor at which the students and the management agreed that the teaching practice and industrial attachment fee be staggered and students be allowed to pay the installments according to their capacity to pay.

During that meeting it was agreed that the Vice-Chancellor should issue a circular stating the same. A circular dated 18<sup>th</sup> February 2014 was issued. It was also agreed that the students who were at home be informed in advance before coming back to the university in 2014. Consequently, the university placed an advertisement on 24<sup>th</sup> February capturing the agreement between management and the student leaders. When the memo came out stating this, some of the student leaders argued that it did not capture the actual gist of the agreement. They said that payment should be paid in any percentage as long as the whole fees were paid before graduation.

Hon. Temporary Deputy Speaker, in order to convey the information to the students, the management issued a circular stating that students were to pay the industrial/attachment fee in installments and 50 and 50 per cent. Student leaders complained about that decision and the VC assured that another circular was to be issued whereby students would be allowed to have a staggered mode of payment.

Out of the 25 student leaders, 20 were in agreement with the second circular. Following this disagreement, chaos broke out forcing the management to call in the reinforcement of police to prevent damage of the university property. It is worth to note that, initially, the university was not charging the levies to the student. But the number of students increased tremendously over the years forcing the university to charge the students levies.

Hon. Temporary Deputy Speaker, there was a question about the relationship with *Sungu Sungu* and rape allegations at the university and relation to outlawed illegal groups. Kisii University distanced itself from any relationship to the *Sungu Sungu* vigilante group. In addition, regulations and university statutes have no provision for any association to such kind of groups. However, given that the students' demonstrations were mainly outside the university causing mayhem to the peace loving citizens in the vicinity of the university, the intervention by the police to quell the demonstration was inevitable. As a result, about 250 students were arrested by the police in the process. They were later released without preferring charges against them after the intervention of the university management.

Hon. Temporary Deputy Speaker, the university denied claims of rape, noting that no case had been documented on the same, either from the university dispensary, the nearby health facility or even with the police. Additionally, no student was killed during the fracas and the students had only been treated only on the effects of teargas thrown to them by the police. The university instituted investigations to establish the truth of the matter, with a view to taking appropriated corrective measures.

On the suspension and disciplinary proceedings following the chaos, the University Senate had met and decided to suspend ring-leaders namely:- Mr. Jeff Ongoro, Mr. Peter Ndagi, Mr. Paul Irungu and Mr. Antony Tariton.

Subsequently, the disciplinary Committee convened a meeting on 24<sup>th</sup> April to discuss the matter of the suspended students. The charges preferred against the students are well outlined in this report.

Hon. Temporary Deputy Speaker, the four students were invited to appear before the Disciplinary Committee on 2<sup>nd</sup> April, 2014, where Jeff Ongoro, Peter Ndagi, Tariton Antony and Paul Irungu Njuguna failed to appear. Out of the five suspended students, only Akuku Brighton Odhiambo appeared before the Disciplinary Committee.

In consideration of the final decision, the Disciplinary Committee cited the provision of the student handbook Clause 1(iii) which states that if a student fails to appear before the student's disciplinary committee without any reasonable explanation, the Committee shall proceed with the case without further reference to him or her. Consequently, the Disciplinary Committee expelled Mr. Jeff Ongoro, Peter Ndagi and Mr. Lenkolio for one academic year. Mr. Akuku was exonerated upon ratification by the University Senate. Paul Irungu and Antony Tariton were expelled for two academic years while Jeff Ongoro and Peter Ndagi were expelled indefinitely.

Hon. Temporary Deputy Speaker, by the time the management of Kisii University was appearing before the Committee, the management had recalled all the university students, save from the third years who were expected to report back on 10<sup>th</sup> April, 2014.

On the submission from the representative of the student leaders, who had not been suspended during the interrogation, the Committee was informed by one of the representatives that the Chairman of the student union did not involve all the student leaders in calling for demonstrations.

In addition, the Committee was informed that the main cause of rivalry within the student union leadership was that on several occasions, they had differed on issues related to management of finance and misplaced priority.

From submission of the suspended students, Mr. Ndagi informed the Committee that the VC had remarked on several occasions that he was above the law hence his unilateral decision to suspend the students. He also said that he had been invited to appear before the Disciplinary Committee but feared for his life after being tipped off by a police officer that his life was in danger.

One of the other suspended students named Jeff Ongoro stated that he won in the 2013 student elections to be the Chairman of the students union, but the management delayed swearing him into office within two weeks as stipulated by the student constitution. He informed the committee that he had not been involved in the decision to set up the industrial/attachments fees and, hence, he was not agreeable to the same. He also said that he had nothing person against the VC and that the people surrounding him were spreading propaganda against him and were being bankrolled by one of the local upcoming university.

Hon Temporary Deputy Speaker, I will go to the resolutions of the Committee on Education, Research and Technology. Upon hearing those submissions from all the parties, the Committee directed the management of Kisii University to convene a meeting in order to accord the students a fair hearing with a view to have them back to university.

Upon the intervention of the Departmental Committee on Education, Research and Technology, the Senate met on 7<sup>th</sup> April, 2014 and agreed to allow the four students

to be given a second chance to appear before the Disciplinary Committee. The students were invited for the Disciplinary Committee and Jeff Ongoro admitted to his charges and further pleaded for amnesty. However, the Disciplinary Committee recommended that he be suspended for three academic years to report back to the university in September, 2017.

In addition, Peter Ndagi admitted to his charges and appealed to the Disciplinary Committee to give him clemency. Subsequently, the Disciplinary Committee handed him an expulsion of three academic years to report back to the university in September, 2017.

Finally, Paul Irungu and Antony Tariton were expelled for three and two academic years, respectively.

It was the Committee's observation that the Committee directive was not followed despite the Committee stating categorically of the need to engage with the students with a view to having them back to class. The students were severely punished after appearing before the Committee. The Committee saw that as a punishment for them to appear before the Departmental Committee on Education, Research and Technology.

There was also potential ethnicity at public universities as the students appeared to have been divided along ethnic lines. Those divisions are detrimental for harmonious co-existence between the students community.

Also the punishment meted on the students was in extreme violation of student rights noticing that the curriculum review is done after every few years hence the student would not be able to catch up after three years.

The university undermined the Committee and Parliament by declining to consider the plight of students but, instead, gave them stiffer punishment from one year to three years after appearing before the Departmental Committee on Education, Research and Technology.

Having considered the views and submissions from both the management and the affected students, the Committee made the following recommendations:-

1. The management of Kisii University should immediately revoke the expulsion instituted against students to allow them to continue with their studies.

2. There is need to address the ethnicity in public university to avoid degeneration of public institutions of higher learning into tribal cocoons.

3. The Government, through the National Treasury, should look into more ways of financing higher education so that Higher Education Loans Board (HELB) can cater for such levies as industrial attachment fees. This then would avoid students going on strike due to those levies.

4. That Ministry of Education, Science and Technology should come up with a clear policy on payment of industrial and attachment fees. This would ensure uniformity across all public universities to avoid unwarranted unrest.

5. There is need for strengthening of the counseling department of universities to ensure that students are counseled regularly.

6. The University should come up with a proper fees structure indicating clearly all the levies to avoid introduction of the same mid-stream.

7. Finally, the Ministry of Education, Science and Technology should inquire into the matter of unrest with a view to establishing the root cause of unrest in public universities.



**The Temporary Deputy Speaker** (Hon. Cheboi): Very well. But in future, let us have a summarized version. Otherwise, it will take all the time. We will have the hon. Member who sought the statement, hon. (Ms.) Muhia, to have the first shot.

**Hon. (Ms.) Muhia:** Hon. Temporary Deputy Speaker, the Chairperson has already taken quite some time explaining. I really appreciate the work that the Committee has done, especially reinstating the students. I want to say it is very disappointing that we can run our universities like we saw at Kisii University where, when students report the matter to hon. Members, they are victimized to an extent of expulsion. So, I am very grateful to the Committee. I attended several of their meetings. As I appreciate them, I want to say that it has taken so long for this matter to be executed. It has taken three months for this recommendation to be made; that students should go back to school. Time and again, Members in this House have raised the issue of the capacity of our Committees and how we are working. I want to say that because I was in several meetings---

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. (Ms.) Muhia, for purposes of guidance, now that you attended the Committee sessions and you have dealt with all the issues at that level, what specific clarification are you seeking that you probably did not get clearly during that session? This is so that we can summarize on this.

**Hon. (Ms.) Muhia:** Hon. Temporary Deputy Speaker, it is just one clarification which is missing in the recommendations. I just wanted to say that there is nothing that came out of that investigation, other than what was presented in that room. I want to bring it to your attention because even in my Committee in charge of security, we are accused in many occasions. Maybe our clerks are not efficient enough or they are overloaded and are not able to bring the work on time. Having said that, I want to say that the students missed last semester. We are now halfway the semester and they have missed their exams. This report did not indicate that the students should have a special exam. So, I am wondering how they will continue and catch up. The Chairperson needs to clarify more if the Committee will sit further and recommend that they have a special exam.

**The Temporary Deputy Speaker** (Hon. Cheboi): I had seen hon. (Dr.) Chebet having pressed both the intervention and a request. Is that to say that you want to seek clarification on this?

**Hon. Chebet:** Hon. Temporary Deputy Speaker, I want to support the presentation. I am in that Committee and we exhausted the work at hand. I want to tell the hon. Member who raised the issue, hon. (Ms.) Muhia, that we did our best in working on her request. However, I want to say that the students were unduly punished by the university and we think---

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. (Dr.) Chebet, are you seeking clarification or you are helping the Chairperson because you seem to be in the Committee?

**Hon. Chebet:** Hon. Temporary Deputy Speaker, I am helping the Chairperson.

**The Temporary Deputy Speaker** (Hon. Cheboi): I will not allow you to do that. What I wanted is for you to seek clarification but to the best of my mind, you look like you are giving additional information.

**Hon. Chebet:** Hon. Temporary Deputy Speaker, I want to seek clarification because it is not clear whether the students will be allowed to sit the special exam because they will have lost an opportunity. As you know, an academic life of somebody is very important. If it is curtailed in the middle, that person is destroyed forever. So, we want to make sure that the students are allowed to sit for a special exam so that they can catch up with their academic career.

**The Temporary Deputy Speaker** (Hon. Cheboi): Okay. To me, those look like two similar clarifications. So, I will give hon. (Ms.) Odhiambo-Mabona an opportunity.

**Hon. (Ms.) Odhiambo-Mabona:** Hon. Temporary Deputy Speaker, I thank the Chairperson of the Committee for that clarification and I want to agree with the hon. Member who asked the question that the matter has taken unduly long and that students have suffered as a consequence. What I want to ask is on the recommendation that the Chairperson has raised; that there must be a stop of ethnicisation of students. I do not know whether she called it student leadership or studies in the university. What I would want the Chairperson to clarify is about their recommendation: Is it only targeting students or is it also targeting the administration? That is because this is not the only university with this. There is already a matter pending in court where there were 20 Luo students who were expelled from Kenyatta University after the post-election violence. So, I would want to agree with the hon. Member that we must move with speed in matters like this so that we do not affect students. But can she, please, clarify whether the issue of ethnicisation only deals with students or it also affects the administration?

**The Temporary Deputy Speaker** (Hon. Cheboi): Very well. Let us have the Chairperson responding to those clarifications. Two of them seem to be similar and so you might amalgamate that one by hon. (Ms.) Muhia and hon. (Dr.) Chebet and then I will give a chance for two more. Answer those and hon. Members should seek specific clarifications.

**Hon. (Ms.) S.W. Chege:** Hon. Temporary Deputy Speaker, on the issue about special exams, as the Committee, we saw that the duration that the students were out of school was enough punishment. That is why we recommended that the students should be allowed to go back to school immediately. When they go back to school, they should be allowed to sit for special exams. We saw that there was no need of them to be further suspended for more years. That is why we recommended that the school should just recall those students immediately.

On the issue about ethnicity, this is a report that is in public domain that was done earlier by the National Commission on Integration and Cohesion (NCIC). It is not only on the student leadership. Mainly it is on the management of universities. So, this is not specifically for Kisii University but for all public universities in this country. The management also influences the student leadership and the discrimination that we are seeing, which is not only on students, but also on the management of universities.

**Hon. Bosire:** Hon. Temporary Deputy Speaker, thank you for the opportunity. I must thank the Chairperson of the Committee for a good report presented. Student unrests are not limited to Kisii Campus; they are a national issue but something unique happened during the unrest at the Kisii Campus. Live bullets were used by the police. The Committee has not taken a position on that. This should be clarified whether it is acceptable for the police to use live bullets. Secondly---

**The Temporary Deputy Speaker** (Hon. Cheboi): I want you to only seek one clarification for purposes of saving time and having other hon. members to participate.

**Hon. Bosire:** Hon. Temporary Deputy Speaker, just the last one. It takes two parties to do a game. The report touches on the line of students only and the administration is left free. What is the position of the Committee with regard to the same?

**Hon. Ochieng:** Hon. Temporary Deputy Speaker, I also want to thank the Chairperson of the Committee for a very good report on the matter. Based on that report, I will seek two clarifications. One, whether the Committee considered revising the regulations in the universities, but not only in Kisii, but all universities when dealing with students. They should consider other options of punishment apart from suspension and expulsion. Secondly---

**The Temporary Deputy Speaker** (Hon. Cheboi): You better be quick!

**Hon. Ochieng:** Hon. Temporary Deputy Speaker, you may not know that I have also suffered. I stayed home for five years before I was admitted back to the university. So, this is a very important matter to me and I think it should be addressed in the right way. Secondly, if it is the issue of industrial attachment fees, could the Committee be specific on whether they are bringing a law before this Assembly to ensure that in future-- This is not an issue of Kisii; it is all over the country where students are going on strike because of that particular issue. What is the Committee doing to ensure that this matter is addressed for the future? Finally---

**The Temporary Deputy Speaker** (Hon. Cheboi): No! No! I will give hon. Maanzo one quick one.

**Hon. Maanzo:** Yes, thank you for the opportunity. I would like the Chairperson of the Education Committee to clarify, now that the Report has been brought here, whether those students have been re-admitted back to the university or they are still out. You gave recommendations. Have you followed to make sure that the students are back to the University?

Thank you hon. Speaker.

**The Temporary Deputy Speaker** (Hon. Cheboi): I see there is a lot of interest but we still have to save time. I will give the last one - which I am sure the Chair can accommodate - to hon. Wangwe.

**Hon. Wangwe:** Thank you hon. Temporary Speaker, mine would be, through you, to give direction---

**The Temporary Deputy Speaker** (Hon. Cheboi): No. I just want you to seek clarification.

**Hon. Wangwe:** Okay. It is through clarification but I would want you to give direction. Looking at the Statement as it has come before the House, this is a matter of national interest. It is touching across all universities. Is it in order that the Chair tables the Report on the Floor of the House to allow us to ventilate on it and then accept so that we can give it to the Committee on Implementation to follow up and implement?

**Temporary Deputy Speaker** (Hon. Cheboi): Hon. Wangwe we have a tail end, I mean the Chair has really made attempts to answer. I am sure she is going to give even better clarification on the last few that have been requested now. Really, Members must participate in the deliberations at the committee stage. I was happy when I heard the person who asked the Statement in the first place saying that she fully participated. It

means some of these things should have been sorted out at that particular time. I will have the Chair responding to those particular clarifications. We really will not take the whole day on this one. Unfortunately, at the intervention slot, there are just too many people seeking interventions so I cannot be able to know who wants clarification. But let us hear what hon. Wahome has first, if it is a point of order.

**Hon. (Ms) Wahome:** Thank you, Temporary Deputy Speaker. My profuse apologies. Thank you for this opportunity, I have a clarification to seek, I want to confirm that I also attended two sessions of the Committee proceeding and there is a question that was not addressed. There was a request to investigate the complaint on sexual abuse. There was a complaint that the students were raped and that has not been addressed.

**The Temporary Deputy Speaker (Hon. Cheboi):** That bit I have seen it myself and it was addressed as far as I am concerned. Probably, you have not looked at the response properly. Do you have it?

**Hon. (Ms) Wahome:** No.

**The Temporary Deputy Speaker (Hon. Cheboi):** You probably do not. That was responded to but, proceed.

**Hon. (Ms) S.W. Chege:** Thank you, hon. Temporary Deputy Speaker. Thank you for that further clarification. I will start with hon. (Ms) Wahome's. The issue about sexual abuse was raised. Some of the names that were suggested, no one appeared before the Committee even after a follow up and, of course, we did not also get any medical report within the health facilities that there was a report on rape. On the issues that have been raised by Members, I would like to tell this House that every University has a student hand book; every University is unique with their own rules and code of conducts. So, it is very hard for this Committee to really stipulate on what should be done on what University. That is why one of our recommendations is that the Ministry of Education should come up with a clear policy especially on levies that are paid to those universities, especially levies like the industrial attachment. It is something very clear that all students go industrial attachment and this can be shared. This should not only be in the Ministry of Education. We have the Commission of University Education and this is one of their mandates and I am very sure they can be able to do it very well.

On whether the recommendations that we have followed up on the recommendation that we tabled, hon. Maanzo, we have already followed. We could not have followed before tabling this Report to this House. We have really lined up. This investigation has taken some time because we had to get the facts. We had to hear the issues from the horse's mouth. For us to compile the Report, we filed and we were waiting to be given a chance also to table this Report. So, upon tabling this Report, we are also going to make sure that the Ministry of Education and also the University will know that we have done the recommendations and the student should be re-admitted immediately. That is because we have already tabled this Report.

On the issue about ethnicity, I have already mentioned that there is National Cohesion and Integration Commission and I think it is high time that the National Cohesion Committee forms that Commission so that they are able to follow up on the Report. The Report was done a few years ago and so, we need to know what has

improved and what has not changed so that we can make sure that our universities are not also affected by the enemy of this country - that is ethnicity that affects all of us.

I think I have tried to answer the issues and if there is any other clarification, the Committee is still open. Hon. Members can also engage the Committees outside this. Once we have already presented and it is a document of this House, anyone who wants to interrogate this Report, you can get a copy in Room 8. We can also table it so that we follow up on other issues. Thank you.

**Temporary Deputy Speaker** (Hon. Cheboi): Very well. We have really taken a long time on that one, I think it is because Members had a lot of interest in it. I hope you are satisfied hon. Muhia. I could see you had issues but I think at this point, we have sorted them out. If there are other issues, we can sort them out later at the Committee. We move to the next one, the Chairperson, Departmental Committee on Transport Public Works and Housing.

#### STATUS OF GITHUNGURI-RUIRU ROAD

**Hon. Kamanda:** Thank you hon. Speaker. Hon. Baiya rose on the floor of this House to seek a Statement regarding the status of Uplands - Githunguri- Ruiru Road, C65. In his Statement, he sought the following question:-

- (a) Reason for the delay in the construction of the road.
- (b) When the reconstruction works are expected to commence

I want to answer as follows:-

The delay in the construction of the road has been caused by lack of budgetary allocations. Secondly, the road has been placed on the priority list of the project to be undertaken through annuity program in the next Financial Year 2014/2015. However, the Ministry, through Kenya National Highways Authority, awarded a contract on March 2014 for Kshs5.5 million to make the road motorable. At the moment, the work is going on.

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Baiya, and any other Member who wishes to seek clarifications, should put it at the intervention slot.

**Hon. Baiya:** Thank you hon. Temporary Deputy Speaker. I want to thank the Chair for the answer he gave. This road is actually a category C road and it stretches to the Nairobi-Nakuru Road. It serves as a link road between the Nairobi-Nakuru Road and Nairobi-Thika Road. That road is within Nairobi region and causes traffic making it hard to access either side of either region of Nairobi. Motorists are, therefore, forced to come here to the City causing more traffic congestion within the city

Hon. Temporary Deputy Speaker, it has been stated quite clearly that it is part of the strategy of this Government to decongest the City by providing and servicing link roads that help traffic avoid coming to the City.

The state of this road is in disrepair and is not motorable. Why has the Government not made urgent provision in the Budget to get that road done as urgently as possible?

Secondly, to talk about allocating Kshs5.5 million to repair a road which is in complete state of disrepair is not good. This is a token sum which cannot make any impact as far as making that road motorable is concerned. Once again, the Government

does not demonstrate seriousness by allocating a token of Kshs5.5 million. So, what is the Government going to do to reconstruct the road rather than attempt to make repairs that will cost that amount of money?

**The Temporary Deputy Speaker** (Hon. Cheboi): We will have two other clarifications. I hope the Members will be seeking clarifications that touch on that particular road and not general clarifications.

Yes, hon. Gathogo.

**Hon. (Ms.) Gathogo:** Mhe. Naibu Spika wa Muda, kama ingekuwa wakati wa siasa ningesema kwamba kuna mtu amenikanyangia. Lakini nataka kuongea kuhusu barabara ambayo imetoka Ruiru na kupitia maeneo matatu ya uwakilishi Bunge. Barabara hiyo imetuletea aibu sana sisi Wabunge watatu wa Kaunti ya Kiambu. Hii ni kwa sababu kila wakati ndizi hupandwa katika barabara hiyo kana kwamba ni shamba. Ninashukuru kwa Kshs5 milioni ambazo zimetolewa. Walakini hii ni madharau. Tunaomba barabara hiyo ambayo inatoka Ruiru hadi Githunguri na inaguza eneo la Mburu Kahangara iweze kupewa pesa yakutosha ili iweze kujengwa vizuri na watu wetu wafurahie.

Mtu anaweza kuitumia hiyo barabara kutoka Ruiru akielekewa town. Lakini sasa inabidi mtu atumie njia refu kwa sababu barabara hiyo haipitiki. Ningependa warudi wachore tena na wapatie Barabara ya Ruiru kuelekea Githunguri na Lari pesa ya kutosha ili itengenezwe kama barabara zingine. Hatuna furaha kwa sababu hatutaki viraka katika hiyo barabara. Tunataka barabara itengenezwe vizuri ili tusiaibike kutokana na barabara hiyo kupandwa ndizi.

Ahsante Mhe. Naibu Spika wa Muda.

**Hon. Kombe:** Ahsante Mhe. Naibu Spika wa Muda. Swala la barabara si swala la Githunguri na Ruiru pekee. Tulipitisha Hoja hapa kuhusu kilomita 20 za barabara katika kila eneo-wakilishi la Bunge. Pengine Mwenyekiti angetuelezea ni lini mipango hiyo itaanza katika kila eneo-wakilishi la Bunge ili barabara zipitike vyema. Wizara ina mipango gani ili miradi hiyo ianze mara moja kwa sababu mwaka wa kwanza umepita na hakuna chochote kimeanza?

Ahsante Mhe. Naibu Spika wa Muda.

**Hon. Kamanda:** Thank you, hon. Temporary Deputy Speaker. I want to add to what hon. Baiya has said that this is a very important road like other roads in the country. I want to assure the Member that the design of this road has already been undertaken and Kshs16 million has been paid for this purpose. They are not giving a lot of money for maintenance because they are going to award tender. The annuity money is being negotiated by the Treasury. As we speak, they have received about Kshs3 billion. This road is one of the roads that will benefit from that money. So, I have answered the question for Mhe. Gathogo and hon. Baiya.

On hon. Kombe's question, the matter of the 20 kilometre per constituency is not easy. As a Committee, we met with the Cabinet Secretary, National Treasury on this matter. They are looking at the matter with a view to increase budgetary allocation for the Ministry. Maybe we can start with the constituencies which have no tarmac next year. That is when it comes to the 20-kilometre tarmac programme.

**Hon. Kombe:** On a point of order, hon. Temporary Deputy Speaker. The Chairman has talked about the next financial year and yet the Motion was passed last year. I thought that tarmacking of the roads was to start this year.

Thank you.

**The Temporary Deputy Speaker (Hon. Cheboi):** I do not think the Chair will answer that because you have just said that it was a Motion and you know what Motions. You are a senior Member of this House, hon. Kombe.

Yes, hon. (Dr.) Nyamai.

**Hon. (Dr.) Nyamai:** Thank you, hon. Speaker. On 3<sup>rd</sup> June, 2014, hon. James Gakuya, Member of Parliament for Embakasi North Constituency sought a Statement regarding Kenya's participation in the Fourth Global Fund Replenishment Conference held in December, 2013. Specifically, he sought information on the submission made by the Government of Kenya in the Conference and the extent to which Kenya will benefit from the Global Fund from 2013 moving forward. Regarding---

*(Loud consultations)*

**The Temporary Deputy Speaker (Hon. Cheboi):** Order, hon. Members! Hon. Njomo, that part of the House where you are in is a bit loud. Let us consult in lower tones.

**Hon. (Dr.) Nyamai:** Hon. Temporary Deputy Speaker, regarding the submission made by the Government of Kenya in the Conference, Kenya participated in the Fourth Global Fund Replenishment Conference held in Washington DC on 2<sup>nd</sup> to 4<sup>th</sup> December, 2013.

The Cabinet Secretary for Health, Mr. James Macharia represented His Excellency the President who had been invited to the Conference.

Hon. Temporary Deputy Speaker, the Cabinet Secretary made the following submissions to the Conference. One was a statement on the status of prevention, care and treatment of HIV/AIDS, tuberculosis and malaria in Kenya and secondly a pledge of US\$2 million towards the Fourth Round Replenishment of the Global Fund.

The Cabinet Secretary has attached the document that was presented and I would wish not to read it on the Floor. However, it will be presented to hon. Gakuya.

Secondly, the hon. Member had requested the extent to which Kenya will benefit from the Global Fund from 2013 moving forward. During the Conference, Kenya pledged US\$2 million towards the Fourth Round Replenishment of the Global Fund for the period 2014 to 2016. This amount will be spent in three instalments of US\$750,000 in the first two years and US\$500,000 in the third year.

Between 2014 and 2017, Kenya will benefit from the grant from Global Fund amounting to US\$337 million towards prevention and treatment of HIV/AIDS, tuberculosis and malaria. I will read the specific benefits under each of the categories below.

HIV/AIDS prevention, care and treatment, one, will be for procurement of ARVs to cover nearly 300,000 HIV/AIDS patients; procurement of condoms, nutrition and therapeutical feeds, hospital equipment for maternity and laboratory services; training of

health care workers; behavior change communication and advocacy issues and health systems strengthening.

On the second part of the prevention of TB, care and treatment, money will be spent on procurement of TB drugs for nearly 100,000 patients; procurement of laboratory equipment and reagents for TB; training of health workers; and, health systems strengthening programme for TB services delivery.

In the area of Malaria Prevention and Control, the funds will be spent on the following:-

Procurement of anti-malarial drugs; procurement and distribution of seven million long-lasting insecticide nets; procurement and distribution of malaria testing kits; internal residual spraying of houses in malaria endemic areas; training of health workers; and, health messaging.

Hon. Temporary Deputy Speaker, that is the end of the Statement that had been sought by hon. James Gakuya.

**Hon. Gakuya:** Hon. Temporary Deputy Speaker, I am grateful that the Chairperson has done a commendable job and has responded to that particular question in the soonest time possible. I, however, seek the following clarification:-

(i) How will the funds reach the beneficiaries and whether there are structures in place for that.

(ii) Whether the Global Fund has confidence with the GoK structures in place, for example, National Aids Control Council (NACC) which currently deals with HIV/AIDS matters and has structures in all the 290 constituencies in the country.

(iii) Whether the Global Fund money meant for malaria and tuberculosis can be entrusted to the NGOs and other Government structures in the country.

**Hon. (Dr.) Nyamai:** Hon. Temporary Deputy Speaker, I will attempt to give clarifications to hon. Gakuya. Although, we are aware that health has been devolved, HIV/AIDS is still an international programme meaning that it is still being handled from the national level. There are structures that exist even within our constituencies where we have the Constituency AIDS Control Committees. The Ministry is working with people in the health facilities together with the Directors of Health in our counties. I am still confident that the funds will reach the most affected people at the constituencies.

Regarding whether or not the Global Fund has confidence in the Government, the money that the Global Fund is giving Kenya is US\$337 million and this means that it still has confidence in the structures that we have in the country even as it supports this mission through the NGOs.

I hope I have given the clarifications sought by hon. Gakuya.

**The Temporary Deputy Speaker** (Hon. Cheboi): That brings us to the end of Statements. Before we go to the next Order, I have information that we have a big team of Members of the County Assembly of Kilifi who are in the Speaker's Gallery. Hon. Members, I think we should applaud them.

*(Applause)*

I can see one of the hon. Members from Kilifi County in the National Assembly here. Probably, I will give him some 20 seconds to acknowledge our guests.



**Hon. Muzee:** Thank you, hon. Temporary Deputy Speaker for giving me this opportunity to acknowledge the Members of the County Assembly of Kilifi who have travelled all the way from Malindi to come and watch the Parliamentary Session. They are here to learn more about parliamentary proceedings here in the National Assembly and also committee proceedings in the National Assembly and the Senate. I think this is a very good day for our county assembly because, instead of them going to South Africa, India or Nigeria, they chose to come right here thus saving on costs. They are here to learn the best practices from this National Assembly.

On behalf of all the Members of the National Assembly from Kilifi County, that is, from Kaloleni, Rabai, Malindi, Magarini, Kilifi South and Kilifi North, I would like to say, “*Karibuni. Welcome*”. Please, learn from the best. Make sure you make use of the knowledge that you get from here so that you can go and upgrade the lives of the people of Kilifi County.

**The Temporary Deputy Speaker** (Hon. Cheboi): Next Order!

### COMMITTEE OF THE WHOLE HOUSE

*(Order for Committee read)*  
*[The Temporary Deputy Speaker*  
*(Hon. Cheboi) left the Chair]*

### IN THE COMMITTEE

*[The Temporary Deputy Chairman*  
*(Hon. Kajwang’) took the Chair]*

### THE COUNSELLORS, PSYCHOLOGISTS & PSYCHOTHERAPISTS BILL

**The Temporary Deputy Chairman** (Hon. Kajwang’): Hon. Members, this is the Committee of the whole House in session to consider the Counsellors, Psychologists & Psychotherapists Bill (National Assembly Bill No.39 of 2013).

As you have seen in the Order Paper, we have two Members who have preferred amendments in various clauses. You also know that this matter was debated and there are reports that you have accessed. You have also familiarized yourselves with the texts of those amendments. The hon. Members have been in consultation and they have pretty much agreed on most of the amendments that will be carried. We should be able to push this very fast so that we handle other business of the House.

#### *Clause 3*

**Hon. Wamunyinyi:** Hon. Temporary Deputy Chairman, first let me state that Members of the relevant Committee and all the stakeholders---

**The Temporary Deputy Chairman** (Hon. Kajwang’): Hon. Wamunyinyi, I appreciate the height that God gave you and so you are having problems coming nearer to

the microphone. Is it possible that you come to the Dispatch Box? We are struggling to hear you through the microphone and yet God gave you invaluable height and size.

**Hon. Wamunyinyi:** Hon. Temporary Deputy Chairman, I wanted to stress the fact that Members of the relevant Committee, stakeholders and I had adequate time and we looked at the Bill in detail. We have agreed on all the amendments. There are those I am going to propose and those that the Chairperson of the Committee will propose. I want to make one point clear; it looks like we have many amendments, but they are not many. You will notice that there is only one word we are proposing to delete from most of the clauses. We are doing this by following parliamentary procedures. So, we have to do it in the manner advised by the drafters.

Hon. Temporary Deputy Speaker, I beg to move:-

THAT, clause 3 be amended by deleting the expression “Counsellors, Psychologists and Psychotherapists Board” and substituting therefor the expression “Counsellors and Psychologists Board”.

What is being sought here is to remove the word “psychotherapy”. Members of the profession, the Committee and other stakeholders have discussed and, in analysing the Bill, found that “psychotherapy” is the practice; in terms of definition, the practice and the services being offered. Therefore, it does not require to be given as a profession. In any case, we do not have psychotherapists in Kenya. So, we propose that this clause be part of the Bill.

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out, put and agreed to)*

*(Question, that the words to be inserted in place thereof be inserted, put and agreed to)*

*(Clause 3 as amended agreed to)*

#### *Clause 4*

**The Temporary Deputy Chairman** (Hon. Kajwang’): Hon. Rachael Nyamai, are you in the Chamber?

**Hon. Wamunyinyi:** Hon. Temporary Deputy Chairman, the Deputy Chair is in the Chamber.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Hon. Members, you will appreciate that the amendment to the clause is long. Therefore, we propose to go paragraph by paragraph, so that hon. Members can follow.

So, hon. Wafula Wamunyinyi, take us through paragraph by paragraph.

**Hon. Wamunyinyi:** Hon. Temporary Deputy Chairman, I beg to move:-

THAT, clause 4 be amended—

(a) in subclause (1), by deleting the words “or psychotherapists” appearing in paragraph (g);

(b) in subclause (2) by deleting the words “and psychotherapy” appearing immediately after the word “psychology”;

(c) in subclause (4) by inserting the following new paragraph immediately after paragraph (b)—

“(c) meets the requirements of Chapter Six of the Constitution”;

(d) in subclause (5)(a), by—

(i) deleting the word “ten” and substituting therefor the word “five”;

(ii) deleting the words “or psychotherapy”.

Hon. Temporary Deputy Chairman, part (a) of the amendment seeks to delete the word “psychotheopists” from subclause (1). So, that one is straightforward.

In part (b) of the amendment, we are seeking to delete the word “psychotherapy” from subclause (2).

Part (c) of the amendment seeks the insertion of a new paragraph immediately after paragraph (b), which will be paragraph (c), which reads “meets the requirements of Chapter Six of the Constitution”. This will ensure compliance with the requirements of the Constitution. So, it is also fairly straightforward.

*Clause 4(a)*

**The Temporary Deputy Chairman** (Hon. Kajwang’): Okay, let us finish with part (a) of the amendment, on page 1224 of the Bill. If you are there, go to paragraph (g). That is the paragraph that your amendment relates to. Are we together? It is really what you have just said.

**Hon. Wamunyinyi**: Yes, hon. Temporary Deputy Chairman.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Let us deal with this one first.

**Hon. Wamunyinyi**: Hon. Temporary Deputy Chairman, paragraph (g) says: “one person appointed by the Cabinet Secretary from among persons who are not counsellors, psychologists or psychotherapists”. Is there where you are?

**The Temporary Deputy Chairman** (Hon. Kajwang’): There you go.

Hon. Members, I propose the Question that Clause (4) be amended in sub-clause (1) as amended by hon. Wafula Wamunyinyi.

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out, put and agreed to)*

**The Temporary Deputy Chairman** (Hon. Kajwang’): Hon. Members, can we hear the Committee Chairperson on subclause (2) because you realise that they propose to amend by deleting. If they have to delete, we may want to take them first before we hear you on it. So, can I hear you on sub-clause (2)? I will come back to you, hon. Wamunyinyi. Do not stay very far away from me.

**Hon. (Dr.) Pukose**: Hon. Temporary Deputy Chairman, I beg to move:-

THAT, clause 4 be amended—

(a) in sub-clause (1)—

(i) in paragraph (e) by deleting the expression “three persons of whom one shall be a counsellor, one a psychologist and one a psychotherapist, elected by licensed counsellors, psychologists and psychotherapists” and substituting therefor the expression “four persons of whom two shall be counsellors and two shall be psychologists”;

(ii) in paragraph (g) by deleting the expression “from among persons who are not counsellors, psychologists or psychotherapists” and substituting therefor the expression “to represent minorities and marginalized groups”.

(b) by deleting subclause (2);

(c) in subclause (4) by inserting the following new paragraphs immediately after (b)—

“(c) is a registered counsellor or psychologist;

(d) meets the requirements of Chapter Six of the Constitution.”

Hon. Temporary Deputy Chairman, what we had proposed to delete were the words “or psychotherapists” in (g). In (e), we propose to delete “three” and replace it with “two”, so that there can be one counsellor and one psychologist. We are seeking to delete the words “and one psychotherapist”.

The import of this amendment is to ensure equal representation for counsellors and psychologists in the Board. We have discussed this amendment with hon. Wamunyinyi and agreed.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Hon. Members, we are considering Clause (4) of the Bill, subclause (1), paragraphs (e) and (g). So, I propose the Question that Clause (4), subclause (1), paragraphs (e) and (g) be amended in the manner proposed by hon. Pukose.

Hon. Members, I can see some requests. I wonder if they relate to the proposed amendments. I do not know whether I am going too fast for hon. Members who want to contribute. If you do not want to talk on them, please, release your request, so that I know which way you want to go.

Yes, Member for Mbita!

**Hon. (Ms.) Odhiambo-Mabona:** Hon. Temporary Deputy Chairman, indeed, it is true that you are going too fast. From what the hon. Member has indicated, it is clear that most of the amendments relate to the word “psychotherapists”. So, in order for us to move faster, instead of going per sub-clause, where they are similar; we just consider them together. For instance, we can consider 1(g), subclause (2). The only one that is different is subclause (4), which is on the Constitution, and the next one. Even the Committee agreed that we go that way. There is a Bill that is coming on that one, which is separate. That way, we can move faster.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Hon. Millie, I appreciate your proposal but I am advised by the drafter that we need to express ourselves on the HANSARD, so that we can subsequently clean up the drafting process. Whereas I am sure that, that is a very fast way of getting there, we may have to go the long way. Let us see if we can do it a little faster than where we are.

Hon. Members, I now propose the Question that Clause (4), sub-clause (1), paragraphs (e) and (g) be amended as proposed by hon. (Dr.) Pukose.

*(Question of the amendment proposed)*

*(Question, that the words to be left out  
be left out, put and agreed to)*

*(Question, that the words to be inserted in  
place thereof be inserted, put and agreed to)*

*(Clause 4(a) as amended agreed to)*

*Clause 4 (b)*

**The Temporary Deputy Chairman** (Hon. Kajwang’): Hon. Wamunyinyi, come back. Hold on hon. Wamunyinyi. Hon. (Dr.) Pukose on Clause 4 (b) you prefer a deletion of subclause 2.

**Hon. (Dr.) Pukose:** Thank you, hon. Temporary Deputy Chairman. The deletion that I want to do is just “psychotherapy” so that it reads “counsellors and psychologists”.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Just a minute, hon. Pukose. According to the Order Paper, you are on record proposing in 4(b), deletion of subclause 2, are you there?

**Hon. (Dr.) Pukose:** This was subject to consultation because there was a problem when that was being captured.

**The Temporary Deputy Chairman** (Hon. Kajwang’): So, what is the understanding from the consultation?

**Hon. (Dr.) Pukose:** After consultations, the only thing we can delete there is “and psychotherapy” at the end of the paragraph.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Unfortunately, if you have to drop it, it has to be in full. You cannot drop just a bit of it. So can you reconsider yourself and express on the HANSARD what you want to do.

**Hon. (Dr.) Pukose:** This subclause was supposed to be for the first appointments under subsection 1(e). “Upon the coming into force of this Act, the persons shall be elected by the organizations appearing to the Cabinet Secretary to be representative of the professions of counselling, psychology---” and then they had added “and psychotherapy”. That was a typographical error.

**The Temporary Deputy Chairman** (Hon. Kajwang’): We understand you perfectly well, but according to what we have on the table, you want to delete subclause 2. So, there are only two things you can do, either you move that amendment as it is or drop it, in other words leave it, so that we do not affect it. You are unable unfortunately, just to delete a word. So, what is your preference?

**Hon. (Dr.) Pukose:** Then, I prefer to drop the amendment.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Thank you very much. He is on record as dropping the amendment. Alright, hon. Wamunyinyi, can you have the microphone.

*(Proposed amendment to Clause 4(b)  
by Hon. (Dr.) Pukose dropped)*

**Hon. Wamunyinyi:** Thank you, hon. Temporary Deputy Chairman. We had actually consulted with hon. Pukose and agreed that he would drop the amendment and we retain the one that I proposed.

Hon. Temporary Deputy Chairman, I beg to move:-

THAT, clause 4 be amended-

(b) in subclause (2) by deleting the words “and psychotherapy” appearing immediately after the word “psychology”;

*(Question of the amendment proposed)*

*(Question, that the words to be left out  
be left out, put and agreed to)*

*(Clause 4(b) as amended agreed to)*

**The Temporary Deputy Chairman** (Hon. Kajwang’): Next subclause! Hon Wamunyinyi, if you are on the Order Paper, you must be looking at page 227.

**Hon. Wamunyinyi:** I see Clause 4 Subclause (1)(c).

**The Temporary Deputy Chairman** (Hon. Kajwang’): I beg your pardon, hon. Wamunyinyi go to page 219.

**Hon. Wamunyinyi:** Yes, I thought so. Clause 4 on (c),

**The Temporary Deputy Chairman** (Hon. Kajwang’): Yes 4(c) that is where you are.

*Clause 4(c)*

**Hon. Wamunyinyi:** Hon. Temporary Deputy Chairman, I had alluded to this earlier and I said this is also fairly straightforward. We need to comply with requirements of the Constitution and therefore insert this new paragraph, which is clear.

Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 4 be amended –

(c) in subclause (4), by inserting the following new paragraph immediately after paragraph (b)—

“(c) meets the requirements of Chapter Six of the Constitution”;

*(Question of the amendment proposed)*

**The Temporary Deputy Chairman** (Hon. Kajwang’): Member for Ugenya.

**Hon. Ochieng:** Hon. Temporary Deputy Chairman, I wish to support this. I was just looking at the wording, by making that addition it is almost the same thing as in part (b).

**The Temporary Deputy Chairman** (Hon. Kajwang’): Yes, that is true. As you will realize, in many of the amendments that he is going to bring only the terminology is going to change. The drafters are of the opinion that in the Kenyan context, that should be the right thing to do. So, it is just unfortunate that we are taking the long route, we could have---

**Hon. Ochieng:** We would have removed (c) and put in the current proposed text. It could have been better.

*(Question, that the words to be inserted  
be inserted, put and agreed to)*

**The Temporary Deputy Chairman** (Hon. Kajwang’): Hon. (Dr.) Pukose on subclause 4.

**Hon. (Dr.) Pukose:** Thank you, hon. Temporary Deputy Chairman.

I beg to move-

THAT, Clause 4 be amended-

(c) in subclause (4) by inserting the following new paragraphs immediately after (b)

“(c) is a registered counselor or psychologist;

(d) meets the requirements of Chapter Six of the Constitution”

**The Temporary Deputy Chairman** (Hon. Kajwang’): Hon. (Dr.) Pukose, your amendment is for insertion, is that correct?

**Hon. (Dr.) Pukose:** Yes, for insertion

**The Temporary Deputy Chairman** (Hon. Kajwang’): On paragraphs (c) and (d)?

**Hon. (Dr.) Pukose:** On paragraph (c) and (d), so that (c) reads “is a registered counsellor or psychologist” and then (d) reads “meets the requirements of Chapter Six of the Constitution.”

*(Question of the amendment proposed)*

**The Temporary Deputy Chairman** (Hon. Kajwang): Hon. Member for Ugenya.

**Hon. Ochieng:** Hon. Temporary Deputy Chairman, we risk doing things that sometimes negate what we have just decided. What 4(c) wanted to do was to give a chance to the persons appointing to appoint a person who is neither a psychologist nor a counsellor. But now, this new 4(c) says that for all those appointments, they must be a registered counsellor and psychologist. If you go to the same 4(1)(g), we are looking at a person who is not necessarily a registered counsellor and psychologist and this should be the case. If we are going to restrict, because we have provided for counsellors and psychologists elsewhere to be appointed, then this is going to be something only for these people.

If you look at the spirit and letter of 4(1)(g), it was to give the Cabinet Secretary a chance to get someone from anywhere, either marginalized or minority, but who is not necessarily a counsellor, psychologist or a member of that profession. So, this is going to negate the whole thing. We need to consider this very keenly.

On the same breath, the amendment on Chapter Six has just been moved by the owner of the Bill and we have passed it. So, I would request and plead with hon.(Dr.) Pukose to just drop this amendment because it is superfluous as it stands now.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Member for Mbita.

**Hon. (Ms.) Odhiambo-Mabona:** Thank you, hon. Temporary Deputy Chairman for giving me this opportunity. I actually had the same concern that really not only is the amendment superfluous, but we have already passed it.

The second one is very directly negating what we have just passed and really from a legislative perspective, we cannot do this. We cannot just pass one and then go ahead and negate it. So, all he needs to do is to drop his amendments. I would want to urge the Chair of the Committee to drop that amendment.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Hon. (Dr.) Pukose, are you well persuaded? Give him the microphone.

**Hon. (Dr.) Pukose:** Thank you, hon. Temporary Deputy Chairman. I think I am convinced because when you look at (g) it says:-

“One person appointed by the Cabinet Secretary from among persons who are not counsellors, psychologists---”It negates my amendment. Therefore, I am dropping all the amendments.

*(Proposed amendment by hon. (Dr.) Pukose  
to Clause 4(c) dropped)*

*((Clause 4(c) as amended agreed to)*

*(Clause 4 as amended agreed to)*

*(Clause 5 agreed to)*

#### *Clause 6*

**Hon. Wamunyinyi:** Hon. Temporary Deputy Chairman, I beg to move:-  
THAT, Clause 6 be amended

(a) in paragraph (b), by deleting the expression “counsellors, psychologists and psychotherapists” and substituting therefor the expression “counsellors and psychologists”;

(b) in paragraph (c), by deleting the expression “counsellors, psychologists and psychotherapists” and substituting therefor the expression “counsellors and psychologists”;

(c) in paragraph (d), by deleting the expression “counsellors, psychologists and psychotherapists” and substituting therefor the expression “counsellors and psychologists”;



(d) in paragraph (e), by deleting the expression “counsellors, psychologists and psychotherapists” and substituting therefor the expression “counsellors and psychologists”;

(e) in paragraph (f), by deleting the expression “counsellors, psychologists and psychotherapists” and substituting therefor the expression “counsellors and psychologists”;

(f) in paragraph (g), by deleting the expression “counsellors, psychologists and psychotherapists” and substituting therefor the expression “counsellors and psychologists”;

(g) in paragraph (h), by deleting the expression “counsellors, psychologists and psychotherapists” and substituting therefor the expression “counsellors and psychologists”;

(h) in paragraph (i), by deleting the expression “counsellor, psychologist or psychotherapist” and substituting therefor the expression “counsellors and psychologists”;

(i) in paragraph (j), by deleting the expression “counsellors, psychologists and psychotherapists” and substituting therefor the expression “counsellors and psychologists”;

(j) by deleting paragraphs (k), (m) and (n).

Hon. Temporary Deputy Speaker, if you look at the entire Clause 6 from (a) to (i), it actually seeks to delete the word “psychotherapist”. So, it is fairly straightforward and it is just seeking to harmonise and ensure that we comply with the spirit. That is why I wanted to also propose what hon. Millie Odhiambo had said earlier.

**The Temporary Deputy Chairman** (Hon. Kajwang’); Order, hon. Wamunyinyi! I see that we have not dealt with Sub-clause 5(a) of Clause 4. So, just before we go to Clause 6, I want us to revisit Clause 5(a). You will find it on the Order Paper on page 219. So, let us go back there and let that be done first.

*Clause 4 (d)*

**Hon. Wamunyinyi:** Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 4 be amended in –

(d) in sub-clause (5)(a), by—

(i) deleting the word “ten” and substituting thereof the word “five”;

(ii) deleting the words “or psychotherapy”.

This is the number of years of experience---

**Hon. (Ms.) Odhiambo-Mabona:** On a point of order, hon. Temporary Deputy Chairman. With your guidance I think procedurally once we have passed a clause there is a very clear procedure on how we refer back to it. However, once it has been passed and put to Question then we cannot just go back in the manner that we are doing. So, I would want to plead with you that we do not go that way. That is why I was actually careful about the way we were going because we have already passed the entire Clause. So, reopening it in the way we are doing is not procedural.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Thank you. I appreciate. Member for Ugenya.

**Hon. Ochieng:** Hon. Temporary Deputy Chairman, I agree with hon. Millie but there was an oversight. It was not that we passed it. We did not consider it at all. It was not put to Question. Clause 4(5(a)) was not put to Question but we stand guided on some of these issues.

**The Temporary Deputy Chairman** (Hon. Kajwang’): I will direct you properly. I know the Member is talking about the Standing Order which I understand very well but there are procedures on recomittals. Although in my view procedures on recomittals would consider some of those amendments which in the minds of Members are controversial, I will have to move by the spirit of the new Constitution in which substance is placed ahead of technicality. So, I will use my discretion to allow us to go back although we had put the Question and allow hon. Wamunyinyi, instead of recommitting it because I do not want us to break the House and recommit a clause, to proceed and deal with it.

**Hon. Wamunyinyi:** Thank you very much, hon. Temporary Deputy Chairman. I was explaining that the amendment in subclause 5(a) seeks to reduce the number of years of experience from ten to five. As I said earlier, we widely consulted. It was the feeling of the committee, stakeholders and members of the profession that five years was adequate experience for a person to be appointed and, therefore, I propose that this be deleted and reduced to five.

Hon. Temporary Deputy Chairman, on subclause 2 it is about the word “psychotherapy” but in subclause 5(a) (ii) it is about deletion of the word “psychotherapy”.

*(Question of the amendment proposed)*

*(Question, that the words to be left out  
be left out, put and agreed to)*

*(Question, that the word to be inserted in place thereof  
be inserted, put and agreed to)*

*(Clause 4(d) as amended agreed to)*

*(Resumption of debate on Clause 6)*

*Clause 6*

**Hon. Wamunyinyi:** As I had explained earlier, the amendments from “a” to “i” seek to remove the word “psychotherapists”. Paragraph “j” is slightly different.

*(Question of the amendment proposed)*

**The Temporary Deputy Chairman** (Hon. Kajwang’): I can see that the amendments relate to the same action. We could take all those paragraphs together, except for “k”, “m” and “n” which we will handle separately.

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Hon. Members, while contributing you should consider the actions being taken in almost all of those paragraphs, except paragraph “j”, where it is affecting “k”, “m” and “n”.

**Hon. Gichigi:** Hon. Temporary Deputy Chairman, my concern was in respect to the clauses that he is deleting. To me, as much as I am not a specialist in this area, the intended amendment appears to be noble and useful to the profession. I would want to understand before we vote on it; why are we removing them all together?

**The Temporary Deputy Chairman** (Hon. Kajwang’): Hon. Gichigi, but he is just changing the expressions because he has been advised by the drafters. Are you on page 219?

**Hon. Gichigi:** He is also proposing to delete the last clause there.

**The Temporary Deputy Chairman** (Hon. Kajwang’): No, we will consider that separately.

Okay, hon. Member for Mbita Constituency.

**Hon. (Ms.) Odhiambo-Mabona:** Thank you, hon. Temporary Deputy Chairman. I stand guided. I know when we deal with issues like this one; sometimes it is a bit confusing, especially in terms of numbering. I know there is confusion about “J” because there is “J” in the parent Bill and also on the Order Paper. Therefore, we are leaving out the “J” in the Bill which is part of the amendment because it is in tandem with his amendment. If we do not cover it, we might lose it and then go back.

But I want to congratulate the Chair that you have taken a very progressive approach; which I hope the other Chairs can follow. You follow the spirit not the technicality of the Constitution. I just hope that we can be consistent with it. Then we will be able to move a little faster so that we do not become too adherent to technicalities sometimes.

On that note, I just want to say that so that we do not have the same hiccup, we have left out the “J” in the Bill, not in the Order Paper, which also talks about to the same thing.

**The Temporary Deputy Chairman** (Hon. Kajwang’): I appreciate you, hon. Odhiambo-Mabona and I congratulate you for being so alert this morning. This Chair will try as much as possible to follow the spirit of the Constitution. We are considering all the paragraphs, except that we are holding on to what we have numbered as “j” on the Order Paper; which therefore, affects “k”, “m” and “n”.

Therefore, it will mean that the “J” in the principal Bill will remain as proposed in “i”. The changes will be as proposed in “i” on the Order Paper.

*(Question, that the words to be left out  
be left out, put and agreed to)*

*(Question, that the words to be inserted  
in place thereof be inserted, put and agreed to)*

*(Clause 6(a), (b), (c), (d), (e), (f), (g),  
(h) and (i) as amended agreed to)*

**The Temporary Deputy Chairman** (Hon. Kajwang’): Hon. Wamunyinyi, can I hear you on “j” on the Order Paper? I think this is the area that hon. Member for Kipipiri was waiting for.

**Hon. Wamunyinyi:** Yes, hon. Temporary Deputy Chairman, I heard what my colleague---

**The Temporary Deputy Chairman** (Hon. Kajwang’): Order! Hon. Gichigi, what seems to be out of order?

**Hon. Gichigi:** Hon. Temporary Deputy Chairman, for record purposes, you have just proposed that sub-clause “l” also be part of what is being amended. When I read the proposed amendments, that is not part of it.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Thank you for expressing yourself on the HANSARD. I think we have captured that and we will clean that in drafting.

Proceed with “k” “m” and “n”.

**Hon. Wamunyinyi:** Thank you, hon. Temporary Deputy Chairman---

**The Temporary Deputy Chairman** (Hon. Kajwang’): Can we deal with this first? I can see the hon. Member for Borabu; I have seen your intervention. I will come to you shortly.

**Hon. Wamunyinyi:** Hon. Temporary Deputy Chairman, what we are seeking to amend in “k”, “m” and “n” is first, we are harmonizing the functions of the Board and the society. You will note that paragraph “m” is talking about to protect, assist and educate the public in Kenya in all matters touching, ancillary or incidental to the professions of counselling, psychology and psychotherapy.”

In “l”, it deals with represent, protect and assist members---

**The Temporary Deputy Chairman** (Hon. Kajwang’): No, you have jumped “m”.

**Hon. Wamunyinyi:** I will begin with “k”, hon. Temporary Deputy Chairman.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Where will you go to?

**Hon. Wamunyinyi:** Paragraph “j” J is deleting paragraphs---

**The Temporary Deputy Chairman** (Hon. Kajwang’): You have dealt with “k”.

**Hon. Wamunyinyi:** Yes, “k”, “m” and “n”, hon. Temporary Deputy Chairman.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Okay. Go to “m”.

**Hon. Wamunyinyi:** We have not disposed of “k”, hon. Temporary Deputy Chairman. Okay, we can jump “k”.

**The Temporary Deputy Chairman** (Hon. Kajwang’): I thought you are done with “k”. Can you express yourself on “m”?

**Hon. Wamunyinyi:** Hon. Temporary Deputy Chairman, it talks about “protect, assist and educate members of the public in Kenya on matters touching, ancillary or incidental to the professions of counselling psychology and psychotherapy.”

Hon. Temporary Deputy Chairman, we are only seeking to harmonize the functions. Some of the functions will be undertaken by the Board and others will be undertaken by the counsellors and Psychological Society of Kenya. That is why we are deleting them from here. Some are being moved to the function of the society while others will be deleted because Members of the Committee and stakeholders felt that they were not necessary.

Thank you, hon. Temporary Deputy Chair.

*(Question of the amendment proposed)*

**Hon. Omagwa:** Hon. Temporary Deputy Chairman, my intervention was with regard to my sitting here and trying to be educated by my good friend, hon. Wamunyinyi. The microphone that he is using is not helping us. You can use your authority to have him use any other card so that we can hear him.

**The Temporary Deputy Chairman** (Hon. Kajwang’): He will come nearer to the Bar and he will be using a microphone that has higher sounds.

Hon. Pukose, as the Chairman of this Committee; do you have any comment on this?

**Hon. (Dr.) Pukose:** Thank you, hon. Temporary Deputy Chairman. I just wanted to support hon. Wamunyinyi because these functions we are discussing are carried out by the Psychologists and Counsellors’ Society. Those are responsible for research and periodicals and even the promotion in international journals. We felt that if we take those functions from the society and give them to the board, there will be an overlap of functions. Therefore, we wanted to have a clear distinction of the functions.

**Hon. (Ms.) Odhiambo-Mabona:** Hon. Temporary Deputy Chairman, my intervention is that these paragraphs are very good and hon. Wamunyinyi has said that they are provided elsewhere without telling us where that elsewhere is. If you are removing them without telling us where else they are appearing, then I would be opposing because these are very good provisions on research, protecting and assisting members of the profession and on educating the public. If it is being removed, where has it been relocated? If it has not been located anywhere I would want to persuade hon. Wamunyinyi not to move this amendment. So, if they are located elsewhere, then please let us know.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Hon. Wamunyinyi, can you give these hon. Members the confidence that it is located somewhere else? You mentioned something about society. What was that?

**Hon. Wamunyinyi:** Hon. Temporary Deputy Chairman, if you look at Clause 18, we are not yet there. Clause 18 takes some of the functions. Look at the Order Paper, page 222; you will see clause 18(d) “by inserting the following new paragraph immediately after paragraph (c) –

“(ca) represent, protect and assist members of the professions of counselling and psychology in Kenya in respect of conditions of practice and otherwise.” This has been removed from the previous one.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Hon. (Ms.) Odhiambo-Mabona, are you now confident?

**Hon. Wamunyinyi:** Hon. Temporary Deputy Chairman, then there is another one in the functions.

**The Temporary Deputy Chairman** (Hon. Kajwang’): I think you are clear enough.

**Hon. (Ms.) Odhiambo-Mabona:** Hon. Temporary Deputy Chairman, I will take it in good faith that if he said so because he has given an example of one. So I want to take it that he will move the other amendments.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Hon. Wamunyinyi is a very conscientious Member and I am sure when he expresses himself to us, he will, no doubt, not fail us.

*(Question, that the words to be left out be left out,  
put and agreed to)*

*(Clause 6 (j) as amended agreed to)*

*(Clause 6 as amended agreed to)*

*(Clauses 7 and 8 agreed to)*

*Clause 9*

**Hon. Wamunyinyi:** Hon. Temporary Deputy Chairman, I beg to move:-

THAT, clause 9 be amended in subclause (4), by—

(a) deleting the expression “counsellor, psychologist or psychotherapy” appearing in the opening statement and substituting therefor the expression “counsellor or psychologist”;

(b) deleting the expression “counselling, psychology or psychotherapy” appearing in paragraph (a) and substituting therefor the expression “counseling or psychology”

It is just deletion of the word “psychotherapy” in both (a) and (b). I think it is also straightforward.

*(Question of the amendment proposed)*

**The Temporary Deputy Chairman** (Hon. Kajwang’): Hon. Members, we will take it all at ago because the actions are fairly the same on (a) and (b). So we will consider it together.

*(Question, that the words to be left out be left out,  
put and agreed to)*

*(Question, that the words to be inserted in place  
thereof be inserted, put and agreed to)*

*(Clause 9 as amended agreed to)*

*(Clauses 10, 11, 12, 13 and 14 agreed to)*

*Clause 15*

**Hon. Wamunyinyi:** Hon. Temporary Deputy Chairman, I beg to move:-

THAT, clause 15 be amended—

(a) by deleting subclause (1) and substituting therefor the following new subclause—

“(1) There is established a Society to be known as the Counsellors and Psychologists Society of Kenya”;

(b) in subclause (2), by—

(i) deleting the word “Institute” and substituting therefor the word “Society”;

(ii) deleting the expression “with the prior approval of the Cabinet Secretary” appearing in paragraph (c);

(iii) deleting the expression “subject to approval by the Cabinet Secretary for the time being responsible for national treasury” appearing in paragraph (e);

(c) in subclause (4), by deleting the word “Institute” and substituting therefor the word “Society”.

In this proposal, after consultations with members of the profession, the Departmental Committee on Health and all the stakeholders, it was agreed that the use of “institute” was not suitable in this profession. It was, therefore, agreed that we use “society” in the manner like the others have been used which will be an umbrella body for members of the profession and, therefore, seeks to delete “institute” and substitute it therefor with “society”. That is the import of this amendment.

*(Question of the amendment proposed)*

**The Temporary Deputy Chairman** (Hon. Kajwang’): We will go sub-clause by sub-clause. So, we will take the first sub-clause.

**Hon. Gichigi:** Hon. Temporary Deputy Chairman, I support the proposed amendment but I wish I had an earlier look at the exact amendment. The clauses that we have just passed in an omnibus version have subjected the allowances and salaries of staff and other officials of the board to the Salaries and Remuneration Commission (SRC), yet what we are now dealing with is a conversion of the intended grouping to a members’ society. So I do not know why we want to subject them to the “Sarah Serem Commission”. Since we are already past that, that is something that you may think of changing a little later.

**The Temporary Deputy Chairman** (Hon. Kajwang’): I must confess that I did not follow you because we are dealing with the establishment of the society called “Counsellors and Psychologists Society of Kenya”. That is the substance of the discussion now or do you want to come to it when we come to sub-clause 2? Is your point in sub-clause 2 more than it is on sub-clause 1?

**Hon. Gichigi:** Hon. Temporary Deputy Chairman, what I am saying is that the clauses that we have just passed particularly Clause 10, we have said that the terms and conditions are supposed to be subjected to the advice of the SRC yet when I read Clause

15 and what we are dealing with right now, this is a private members' sort of organization. So, I see no reason why we should be talking about the SRC in respect of this.

**The Temporary Deputy Chairman** (Hon. Kajwang'): Let us deal with what I have now first.

Hon. Wamunyinyi, you will express yourself when you get time. Now, for the time being, just deal with the establishment of this society.

*(Question, that the words to be left out be left out,  
put and agreed to)*

*(Question, that the words to be inserted in place thereof  
be inserted, put and agreed to)*

*(Clause 15(a) as amended agreed to)*

**The Temporary Deputy Chairman** (Hon. Kajwang'): Let us go to subclause 2. I think what I heard the Member for Kipipiri to be saying is that there are some people who will be in the employment, I do not know whether in the society or otherwise whose remuneration will be capped by the Salaries and Remuneration Commission and that under Clause 13, there will be some liabilities of compensation and so forth. So, will you just help us together as we go on? In terms of subclause 2, let him first of all finish what he is saying before we can take points of order.

**Hon. Wamunyinyi:** Thank you, Temporary Deputy Chairman. If my colleague was following, he would not have asked this because the Board is different from the society. The Board is the link between the Government and Members of the profession. The Board is established by Government.

**The Temporary Deputy Chairman** (Hon. Kajwang'): But now, can you move the amendment on subclause 2?

**Hon. Wamunyinyi:** Hon. Temporary Deputy Chairman, I was just trying to explain so that my colleagues can understand.

**The Temporary Deputy Chairman** (Hon. Kajwang'): Thank you, I think the point is well taken.

**Hon. Wamunyinyi:** I wish to move that subclause 2 be amended by deleting the word "Institute" and substituting therefor the word "Society".

**The Temporary Deputy Chairman** (Hon. Kajwang'): So, you beg to move.

**Hon. Wamunyinyi:** I beg to move, hon. Temporary Deputy Chairman.

**The Temporary Deputy Chairman** (Hon. Kajwang'): Now Members, let us also take (i) (ii) and (iii) together because all of them are seeking to delete the terminologies you have there and substituting where necessary. Yes, hon. Member for Ugenya. I appreciate you because you are awake, so you will get as much time as you can to be able to help us push this Bill.

**Hon. Ochieng:** Hon. Temporary Deputy Chairman, what hon. Wamunyinyi has moved is in order, having taken advice to form a society instead of an institute. We do



not need the Cabinet Secretary once he is a member of the organization. I support the amendments that have been moved by hon. Wamunyinyi

**The Temporary Deputy Chairman** (Hon. Kajwang’): That is why he is seeking to delete the approval by the Cabinet Secretary.

**Hon. Ochieng:** Definitely, changing the name from “Institute” to “Society” and removing any role of the Cabinet Secretary in this society’s operations is important.

*(Question, that the words to be left out be left out,  
put and agreed to)*

*(Question, that the words to be inserted in place thereof  
be inserted, put and agreed to)*

*(Clause 15(b) as amended agreed to)*

**The Temporary Deputy Chairman** (Hon. Kajwang’): Hon. Wamunyinyi, can you finish up with subclause 4.

**Hon. (Ms.) Odhiambo-Mabona:** On a point of order, hon. Temporary Deputy Chairman.

**The Temporary Deputy Chairman** (Hon. Kajwang’): We will come back to your point of order after moving subclause 4

**Hon. Wamunyinyi:** I wish to move that Clause 15, subclause (4) be amended by deleting the word “Institute” and substituting therefor the word “Society”. This is also straightforward.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Thank you very much, you beg to move.

**Hon. Wamunyinyi:** I beg to move, hon. Temporary Deputy Chairman.

*(Question of the amendment proposed)*

**Hon. (Ms.) Odhiambo-Mabona:** Thank you, hon. Temporary Deputy Chairman. I support the proposed amendment under that clause.

I just wanted to go back to the issue the hon. Member for Kipipiri raised in relation to Clause 10. I would just want to advise that what he is saying makes legal sense except that he came late; he should have pushed an amendment. We are giving the Sarah Serem led commission power that is not theirs in law. If he can persuade the Mover, then we can request your discretion to reopen debate or it be recommitted. We will then move that the words in subclause 10 “may determine upon the advice of the Salaries and Remuneration Commission” be deleted.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Although I think you are right in one way, but why should the Commission not be responsible? The Board comprises Government people and they draw money from the Exchequer. Why should the Commission not determine terms and conditions of their remuneration, Member for Mbita?

**Hon. (Ms.) Odhiambo-Mabona:** If you actually look at the Constitution, the mandate of the Salaries and Remuneration Commission is not to every person who draws from the Exchequer. I just do not have the Constitution but I will read it. I have seen of late we are giving them powers that they do not have constitutionally. The powers are very limited to specific officers. I will just check and get back to you.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Let us move on because there was no amendment proposed on that particular clause. If one is preferred, we will deal with it as it comes.

*(Question, that the word to be left out be left out,  
put and agreed to)*

*(Question, that the word to be inserted in place thereof  
be inserted, put and agreed to)*

*(Clause 15(c) as amended agreed to)*

*(Clause 15 agreed to)*

#### *Clause 16*

**Hon. Wamunyinyi:** Hon. Temporary Deputy Chairman, I beg to move:-

THAT, clause 16 be amended by deleting the word “Institute” and substituting therefor the word “Society”.

This is also in line with the earlier amendment.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Thank you.

*(Question of the amendment proposed)*

*(Question, that the word to be left out be left out,  
put and agreed to)*

*(Question, that the word to be inserted in place thereof  
be inserted, put and agreed to)*

*(Clause 16 as amended agreed to)*

#### *Clause 17*

**Hon. Wamunyinyi:** Hon. Temporary Deputy Chairman, I beg to move:-

THAT, clause 17 be amended—

(a) in subclause (1), by deleting the word “Institute” and substituting therefor the word “Society”;

(b) in subclause (2), by—

- (i) deleting the word “Institute” in paragraph (a) and substituting therefor the word “Society”;
- (ii) deleting the word “seven” in paragraph (a) and substituting therefor the word “five”;
- (iii) deleting the word “be” appearing in paragraph (c) immediately before the word “disqualified” and substituting therefor the word “been”.

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out, put and agreed to)*

*(Question, that the words to be inserted in place thereof be inserted, put and agreed to)*

*(Clause 17 as amended agreed to)*

#### *Clause 18*

**Hon. Wamunyinyi:** Hon. Temporary Deputy Chairman, I beg to move:-

THAT, clause 18 be amended—

- (a) by deleting the word “Institute” wherever it appears and substituting therefor the word “Society”;
- (b) by deleting paragraph (b);
- (c) in paragraph (c), by deleting the words “and psychotherapy”;
- (d) by inserting the following new paragraph immediately after paragraph (c)—
  - “(ca) represent, protect and assist members of the professions of counselling and psychology in Kenya in respect of conditions of practice and otherwise”.

*(Question of the amendment proposed)*

**The Temporary Deputy Chairman** (Hon. Kajwang’): Hon. Pukose on a point of order.

**Hon. (Dr.) Pukose:** Thank you, hon. Temporary Deputy Chairman. I know we have moved to Clause 18 but maybe we might seek recomittal of Clause 17 because in Clause 17(2), there is subclause 2(b)(ii) where we were to delete the word “seven” in paragraph “a” and substitute therefor the word “five”.

**The Temporary Deputy Chairman** (Hon. Kajwang’): No, we moved the entire Clause 17. That is according to the Order Paper unless you had a contrary view on subclause 2. If you were in support, that has been taken care of because we moved it as it appears on the Order Paper.

*(Question, that the words to be left out be left out,*

*put and agreed to)*

*(Question, that the words to be inserted in place thereof  
be inserted, put and agreed to)*

*(Clause 18 as amended agreed to)*

**The Temporary Deputy Chairman** (Hon. Kajwang’): Hon. Wamunyinyi, could you consider page 221 of the Order Paper. I can see that you have an amendment to the sub-title. Can we deal with that?

**Hon. Wamunyinyi:** I saw it, hon. Temporary Deputy Chairman, but I thought that since you had skipped even the earlier on, they will come together.

**The Temporary Deputy Chairman** (Hon. Kajwang’): For the benefit of Members, we did not skip it. We deliberately did that. What we do when we have cases like these is that we deal with the clauses that affect that title to allow Members appreciate the change of that heading. That is why we are coming back to it.

*Sub-Part “B”*

**Hon. Wamunyinyi:** Thank you, hon. Temporary Deputy Chair. I beg to move:-

THAT, the heading to Sub-Part B be deleted and replaced with the following newheading—  
“Council of the Society”.

*(Question of the amendment proposed)*

**Hon. Ochieng:** Hon. Temporary Deputy Chairman, I just want to support. However, I had an issue with that heading and Part III which I need guidance on. Clauses 23, 24, 25 and 27 talk on the same issue. That is changing the three words by two words. I wanted your guidance whether we can take them together.

**The Temporary Deputy Chairman** (Hon. Kajwang’): The hon. Member for Ugenya, we are going to look at it. It is one of those that have been flagged.

*(Question, that the words to be left out be left out,  
put and agreed to)*

*(Question, that the words to be inserted in place thereof  
be inserted, put and agreed to)*

*(Sub-Part “B” as amended agreed to)*

*Clause 19*

**Hon. Wamunyinyi:** Hon. Temporary Deputy Chairman, I beg to move:-

THAT, clause 19 be amended by deleting the word “Institute” wherever it appears and substituting therefor the word “Society”.  
This is a single amendment.

**The Temporary Deputy Chairman** (Hon. Kajwang’): So, you have moved the amendments on Clause 19 according to the Order Paper?

**Hon. Wamunyinyi:** Yes, hon. Temporary Deputy Chairman.

*(Question of the amendment proposed)*

*((Question, that the word to be left out be left out,  
put and agreed to)*

*(Question, that the word to be inserted in place thereof  
be inserted, put and agreed to)*

*(Clause 19 as amended agreed to)*

*Clause 20*

**Hon. Wamunyinyi:** Hon. Temporary Deputy Chairman, I had moved this amendment. It is a similar amendment. Again, I beg to move:-

THAT, Clause 20 be amended by deleting the word “Institute” and substituting therefor the word “Society”.

*(Question of the amendment proposed)*

*((Question, that the word to be left out be left out,  
put and agreed to)*

*(Question, that the word to be inserted in place thereof  
be inserted, put and agreed to)*

*(Clause 20 as amended agreed to)*

*(Clauses 21 and 22 agreed to)*

**The Temporary Deputy Chairman** (Hon. Kajwang’): Hon. Wafula Wamunyinyi, let me take you back a little so that I do not have problems with the Member for Ugenya. Let us come back to the sub-title on page 1231 of the Bill. It is on page 222 of the Order Paper. There is an amendment which I think I was too fast. Are you there? Let us deal with that first.

**Hon. Wamunyinyi:** Yes. That is Sub-Part “B”.

**The Temporary Deputy Chairman** (Hon. Kajwang’): I beg your pardon. I think it is now supposed to read “c”. I think there is a minor mistake in the Order Paper. For HANSARD purposes, can you express it as Sub-Part “C”? That is on page 222. It is at the foot of that page. There is a typing mistake. It should be “C”.

**Hon. Wamunyinyi:** Thank you, hon. Temporary Deputy Chairman. That has been the confusion. I think it is a typing mistake but I have spotted it. This seeks to amend the heading of this part by deleting---

**The Temporary Deputy Chairman** (Hon. Kajwang’): Which part is this?

*SUB-PART “C”*

**Hon. Wamunyinyi:** It is Part “C”, hon. Temporary Deputy Chairman. I beg to move:-

THAT, the heading to Sub-Part C be deleted and replaced with the following newheading—

“Council of the Society”.

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out, put and agreed to)*

*(Question, that the words to be inserted in place thereof be inserted, put and agreed to)*

*(SUB-PART “C” as amended agreed to)*

*Clause 23*

**The Temporary Deputy Chairman** (Hon. Kajwang’): Hon. Wamunyinyi, let us now go back to Clause 23 where you are now. I am sorry I took you back. You had just moved, I suppose so.

**Hon. Wamunyinyi:** Yes, I had moved. I beg to move:-

THAT, clause 23 be amended in subclause (1), by—

(a) deleting the expression “counsellor, psychologist or psychotherapist” appearing in the opening statement and substituting therefor the expression

“counsellor or psychologist”;

(b) deleting the words “or psychotherapist” appearing in paragraph

(b).

*(Question of the amendment proposed)*

**Hon. (Dr.) Pukose:** Hon. Temporary Deputy Chairman, the Committee also has a further amendment in terms of the qualifications for registration that Clause 23 be amended in sub-clause (1) by deleting the word “masters” appearing in paragraph (b) and substituting thereof the word “bachelors”.

The Committee felt that a masters degree was too high a minimum qualification for registration as a psychologist and, therefore, we should allow people with a bachelors degree to be registered.

**The Temporary Deputy Chairman** (Hon. Kajwang’): This is the direction, Dr. Pukose; Let us first of all deal with the amendment proposed by hon. Wamunyinyi, which is to Clause 23. This is before we go to the paragraphs.

*(Question, that the words to be left out  
be left out, put and agreed to)*

*(Question, that the words to be inserted in  
place thereof be inserted, put and agreed to)*

Now, hon. (Dr.) Pukose, can you move the amendment to paragraph (b) of Clause 23?

**Hon. (Dr.) Pukose:** Hon. Temporary Deputy Chairman, I beg to move:-

THAT, clause 23 be amended in subclause (1) by deleting the word “masters” appearing in paragraph (b) and substituting therefor the word “bachelors”.

Hon. Temporary Deputy Chairman, this is in as far as qualification for registration of counsellors and psychologists is concerned. The Committee felt that a masters degree was too high a minimum qualification for registration as a psychologist; therefore, if somebody had a bachelors degree in psychology they should register as psychologists.

*(Question of the amendment proposed)*

**The Temporary Deputy Chairman** (Hon. Kajwang’): All right. Let me give further directions. We want to deal with that part (b) which deals with the word “masters” and change it to “bachelors”. Let us deal with this because it looks substantive; it is an insertion. Let us deal with this first and then we come to the one which is a deletion.

**Hon. Wamunyinyi:** Hon. Temporary Deputy Chairman, we had not reached the amendments proposed by the Chairperson of the Committee. If you look at Clause 23 in the subsequent page 227 you will notice that there are some proposed amendments to the same. That one is a clearer amendment because it provides for a masters degree—

**The Temporary Deputy Chairman** (Hon. Kajwang’): I know. You are talking of page 227?

**Hon. Wamunyinyi:** Yes. page 227, Clause 23. We are not there yet and it is clearer. I discussed with the Committee and agreed that there would be changes to the same; but we will provide for a masters degree; for you to be a psychologist you must be a holder of a masters degree, but for a counsellor you need a bachelors degree.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Your amendments are speaking to the same thing. Both of you are removing “masters” and bringing in “bachelors”.

**Hon. Wamunyinyi:** But his clarifies the issues.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Why do you think yours is clearer than the Committee’s amendment?

*(Loud consultations)*

Hon. Members, I think I am still controlling my nerves. You are actually referring to the amendments the Committee is making, and you are saying that it is clearer; that is really where Dr. Pukose was; that is removing the word “masters” and putting in the word “bachelors”.

Member for Ugenya, do you have a discussion on this before I put the question?

**Hon. Ochieng:** Hon. Temporary Deputy Chairman, this is an important amendment. In many professions--- If you look at that particular clause, part (c) states that someone has to pass an examination. Putting it at a masters level makes too tough. Look at the legal profession or the medical profession. Once you pass the professional examination--- I support that particular amendment.

**The Temporary Deputy Chairman** (Hon. Kajwang): Thank you, for your support.

*(Question, that the word to be left out be left out, put and agreed to)*

*(Question, that the word to be inserted in place thereof be inserted, put and agreed to)*

**The Temporary Deputy Chairman** (Hon. Kajwang): Now, Member for Kanduyi, can you address the same paragraph, but on your own amendment?

**Hon. Wamunyinyi:** Hon. Temporary Deputy Chairman, I beg to move:

THAT, clause 23 be amended in subclause (1), by—

(b) deleting the words “or psychotherapist” appearing in paragraph

(b).

**The Temporary Deputy Chairman** (Hon. Kajwang): Yes, (b) is where you should go.

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out, put and agreed to)*

*(Clause 23 as amended agreed to)*

Clause 24

**Hon. Wamunyinyi:** Hon. Temporary Deputy Chairman, I beg to move:



THAT, clause 24 be amended in subclause (1), by deleting the expression “counsellor, psychologist or psychotherapist” and substituting therefor the expression “counsellor or psychologist”.

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out,  
put and agreed to)*

*(Question, that the words to be inserted in place thereof  
be inserted, put and agreed to)*

**The Temporary Deputy Chairman** (Hon. Kajwang’): Yes, hon. Pukose, on clause 24.

**Hon. (Dr.) Pukose:** Hon. Temporary Deputy Chairman, I beg to move:-

THAT, clause 24 be amended in sub-clause (2) by inserting the words “or she” immediately after the word “he” wherever it appears.

This is because the clause is talking of only “he” and, therefore, it is not gender sensitive.

**The Temporary Deputy Speaker** (Hon. Kajwang’): Hon. Pukose, I am sure that you are speaking music to the ears of the Member for Mbita.

*(Question of the amendment proposed)*

*(Question, that the words to be inserted  
be inserted, put and agreed to)*

*(Clause 24 as amended agreed to)*

*Clause 25*

**Hon. Wamunyinyi:** Hon. Temporary Deputy Chairman, I beg to move:-

THAT, clause 25 be amended by deleting the expression “counsellors, psychologists or psychotherapists” and substituting therefor the expression “counsellor or psychologist”.

*(Question of the amendment proposed)*

*(Question, that the words to be left  
out be left out, put and agreed to)*

*(Question, that the words to be inserted in  
place thereof be inserted, put and agreed to)*

*(Clause 25 as amended agreed to)*

*Clause 26*

**The Temporary Deputy Chairman** (Hon. Kajwang’): Yes, hon. Pukose.

**Hon. (Dr.) Pukose:** Hon. Temporary Deputy Chairman, I beg to move:-

THAT, clause 26 be amended—

(a) in sub-clause (3) by inserting the expression “and all avenues of appeal have been exhausted” immediately after the word “Act” appearing in sub-paragraph (ii) of paragraph (a);

(b) in sub-clause (4) by inserting the word “written” between the words “the” and “consent”;

(c) in sub-clause (5) by deleting the expression “in substitution for or” appearing after the word “register”.

Hon. Temporary Deputy Chairman, part (a) of the amendment seeks to ensure that aggrieved persons are given a fair hearing before their names are removed from the register.

Part (b) of the amendment seeks to ensure proper record keeping as a matter to be raised regarding the removal of the same from the register.

Part (c) of the amendment seeks to retain qualifications previously held.

*(Question of the amendment proposed)*

*(Question, that the words to be inserted  
be inserted, put and agreed to)*

*(Question, that the words to be left  
out be left out, put and agreed to)*

*(Clause 26 as amended agreed to)*

*Clause 27*

**Hon. Wamunyinyi:** Hon. Temporary Deputy Chairman, I beg to move:-

THAT, clause 27 be amended by deleting the expression “counsellor, psychologist or psychotherapist” wherever they appear and substituting therefor the expression “counsellor or psychologist”.

*(Question of the amendment proposed)*

*(Question, that the words to be left  
out be left out, put and agreed to)*

*(Question, that the words to be inserted in place  
thereof be inserted, put and agreed to)*

**The Temporary Deputy Chairman** (Hon. Kajwang’): Hon. Members, there is a further amendment to Clause 27 by Dr. Pukose.

**Hon. (Dr.) Pukose:** Hon. Temporary Deputy Chairman, I beg to move:-

THAT, clause 27 be amended by renumbering sub-clause (4) as sub-clause (3).

Hon. Temporary Deputy Chairman, you will realise that there are sub-clauses (1), (2) and (3) in terms of numbering. So, we want to correct the numbering error; hence the proposed amendment.

*(Question of the amendment proposed)*

*(Question, that the word to be left out be left out, put and agreed to)*

*(Question, that the word to be inserted in place thereof be inserted, put and agreed to)*

*(Clause 27 as amended agreed to)*

**The Temporary Deputy Chairman** (Hon. Kajwang’): Hon. Wamunyinyi, let us go back to page 223. In Part III, you have got an amendment to the sub-title. Can you express yourself on the HANSARD?

*Part III*

**Hon. Wamunyinyi:** Hon. Temporary Deputy Chairman, I beg to move:-

THAT, the title to Part III be amended by deleting the expression “COUNSELLORS, PSYCHOLOGISTS AND PSYCHOTHERAPISTS” and substituting therefor the expression “COUNSELLORS AND PSYCHOLOGISTS”.

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out, put and agreed to)*

*(Question, that the words to be inserted in place thereof be inserted, put and agreed to)*

*(Part III as amended agreed to)*

*Clause 28*

**Hon. Wamunyinyi:** Hon. Temporary Deputy Chairman, I beg to move:-

THAT, clause 28 be amended—

(a) in sub-clause (1), by deleting the expression “counsellor, psychologist or psychotherapist” and substituting therefor the expression “counsellor or psychologist”;

(b) in sub-clause (2), by deleting the expression “counsellor, psychologist or psychotherapist” wherever it appears and substituting therefor the expression “counsellor or psychologist”.

Hon. Temporary Deputy Chairman, the amendment, like the others, merely seeks to harmonise the reference to the expression.

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out, put and agreed to)*

*(Question, that the words to be inserted in place thereof be inserted, put and agreed to)*

**The Temporary Deputy Chairman** (Hon. Kajwang’): Dr. Pukose, please, move your amendment to Clause 28.

**Hon. (Dr.) Pukose:** Hon. Temporary Deputy Chairman, I beg to move:-

THAT, clause 28 be amended in subclause (2) by deleting the word “his” and substituting therefor the word “their”.

Hon. Temporary Deputy Chairman, sub-clause (2) says that the body may issue to a counsellor or psychologist who has applied in the prescribed form, a licence to practise on “his”--- This is also not being gender sensitive. Therefore, we thought that we should delete the word “his” and replace it with the word “their”.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Hon. Members, do not blame the hon. Member who designed this Bill. He is a man. You expect that he thinking of the male gender only.

*(Question of the amendment proposed)*

Member for Mbita, do you want to support the amendment? I can see you on intervention. Can you support it very quickly?

**Hon. (Ms.) Odhiambo-Mabona:** Hon. Temporary Deputy Chairman, I am supporting very quickly, and also telling the hon. Member that you gave us a very good direction; all these amendments, except the ones hon. (Dr.) Pukose is bringing, are on the same thing. So, you should just stand and say I am moving as per the Order Paper and we support, except for the ones hon. (Dr.) Pukose is bringing.

**The Temporary Deputy Chairman** (Hon. Kajwang’): All right; that is okay.

*(Question, that the word to be left out be left out, put and agreed to)*

*(Question that the word to be inserted in place thereof)*

*be inserted, put and agreed to)*

*(Clause 28 as amended agreed to)*

**The Temporary Deputy Chairman** (Hon. Kajwang’): Next Clause; Hon. (Dr.) Pukose.

*Clause 29*

**Hon. (Dr.) Pukose:** Thank you, hon. Temporary Deputy Chairman. I beg to move:-

THAT, Clause 29 be amended:-

(a) in sub-clause (1) by inserting the expression “for the duration between the first day of January and the last day of December” immediately after the word “year”;

The committee saw the need to specify the period of validity of the license.

(b) in subclause (2) by deleting paragraph (b);

the committee felt that the provision was too punitive to the professionals;

(c) in subclause (2) by inserting the following new paragraph immediately after paragraph (d)—

“(e) payment of annual subscription fee for the current license period.”

This is to cure the deletion of paragraph (b).

*(Question of the amendment proposed)*

**The Temporary Deputy Chairman** (Hon. Kajwang): Member for Magarini.

**Hon. Kombe:** Thank you, hon. Temporary Deputy Chairman. I think Clause 29 (1) should remain as it is because, for one I might go for the license in June. So, if they say from 1<sup>st</sup> January to 31<sup>st</sup> December then I will pay for my one year in June, There I will not hold the licence for one year. So, it should remain one year, whether it is from January to December or from February to February the following year.

Thank you, hon. Temporary Deputy Chairman.

**The Temporary Deputy Chairman** (Hon. Kajwang): Hon. (Dr.) Pukose, are you talking about a financial year or calendar year?

**Hon. (Dr.) Pukose:** Most of the licences are given for a calendar year, and not for a financial year. An individual is supposed to take a licence from 1<sup>st</sup> January to 31<sup>st</sup> December; that is the practice across all professions

**The Temporary Deputy Chairman** (Hon. Kajwang): Member for Magarini, I want to advise you on what we do in the Law Society of Kenya (LSK). We take our practice certificates for a period ending in December, and it does not matter if you took it in November; it will still lapse in December, this is because the Government wants to earn money during the year. The period that it relates to is one year. I know this to be

happening in the LSK and I suppose it also happens in the Doctors' profession. It is consistent with the practice in other professions. Member for Magarini, you do not agree?

**Hon. Kombe:** Thank you, hon. Temporary Deputy Chairman. This is a license which is to run for a year. If I may cite the insurance, the you get your insurance for one year. If you take in June, it will expire in June as opposed to it expiring in December.

*(Question, that the words to be inserted be inserted,  
put and agreed to)*

*(Question, that the words to be left out be left out,  
put and agreed to)*

*(Clause 29 as amended agreed to)*

**The Temporary Deputy Chairman** (Hon. Kajwang): Member for Kanduyi, since we still have to go through several clauses, when you rise just move, unless there is any other issue that you propose, according to the Order Paper and we will move very fast.

Next Clause.

*Clause 30*

**The Temporary Deputy Chairman** (Hon. Kajwang): Hon. Wamunyinyi.

**Hon. Wamunyinyi:** Hon. Temporary Deputy Chairman. I beg to move:-

THAT, Clause 30(2) be amended by deleting the expression "counsellors, psychologists or psychotherapists" and substituting therefor the expression "counsellors and psychologists".

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out,  
put and agreed to)*

*(Question, that the words to be inserted in place thereof  
be inserted, put and agreed to)*

*(Clause 30 as amended agreed to)*

**The Temporary Deputy Chairman** (Hon. Kajwang): Next Clause.

*Clause 31*

**Hon. Wamunyinyi:** Hon. Temporary Deputy Chairman. I beg to move:-

THAT, clause 31 be amended by deleting the expression “counseling, psychology or psychotherapy” and substituting therefor the expression “counselling or psychology”.

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out,  
put and agreed to)*

*(Question, that the words to be inserted in place thereof  
be inserted, put and agreed to)*

**The Temporary Deputy Chairman** (Hon. Kajwang): Hon. (Dr.) Pukose, on Clause 31, you have got an amendment.

**Hon. (Dr.) Pukose:** Hon. Temporary Deputy Chairman I beg to move:-

THAT, clause 31 be amended by deleting the word “charge” and substituting therefor the word “fee”.

On Clause 31 we are talking of no fees for unlicensed persons; therefore Clause 31 should be amended by deleting the word “charge” and substituting therefor the word “fee”

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out,  
put and agreed to)*

*(Question, that the words to be inserted in place thereof  
be inserted, put and agreed to)*

*(Clause 31 as amended agreed to)*

#### *PART IV*

**The Temporary Deputy Chairman** (Hon. Kajwang): Hon. Wamunyinyi, will you address yourself to Order Paper page No.224, on the sub-title.

**Hon. Wamunyinyi:** Hon. Temporary Deputy Chairman, I beg to move:-

THAT, the title to Part IV be amended by deleting the expression “COUNSELORS, PSYCHOLOGISTS AND PSYCHOTHERAPISTS” and substituting therefor the expression “COUNSELORS AND PSYCHOLOGISTS”.

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out,  
put and agreed to)*

*(Question, that the words to be inserted in place thereof  
be inserted, put and agreed to)*

(PART IV as amended agreed to)

**The Temporary Deputy Chairman** (Hon. Kajwang): Next clause.

*Clause 32*

**The Temporary Deputy Chairman** (Hon. Kajwang): Hon. (Dr.) Pukose, unless there is any controversial issue, just say “according to the Order Paper” and we will move faster.

**Hon. (Dr.) Pukose:** Thank you, Temporary Deputy Chairman. I beg to move:-

THAT, clause 32 be amended in sub-clause (1)-

(a) by deleting the word “two” appearing between the words “exceeding” and “hundred” and substituting therefor with the word “five”; and

(b) by deleting the words “twelve months” and substituting therefor the words “two years”.

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out,  
put and agreed to)*

*(Question, that the words to be inserted in place thereof  
be inserted, put and agreed to)*

*(Clause 32 as amended agreed to)*

**The Temporary Deputy Chairman** (Hon. Kajwang): Next clause.

*Clause 33*

**Hon. Wamunyinyi:** Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 33 be amended by—

(a) deleting the expression “counsellor, psychologist or psychotherapist” appearing in the opening statement and substituting therefor the expression “counsellor or psychologist”;

(b) deleting the expression “counselling, psychology or psychotherapy” and substituting thereof the expression “counselling or psychology”.

*(Question of the amendment proposed)*

*(Question, that the words to be left out*



*be left out, put and agreed to)*

*(Question, that the words to be inserted in place thereof  
be inserted, put and agreed to)*

*(Clause 33 as amended agreed to)*

Clause 34

**Hon. Wamunyinyi:** Hon. Temporary Deputy Chairman, I beg to move:-  
THAT, Clause 34 be amended by deleting the expression  
“counsellor, psychologist or psychotherapist” and substituting thereof the  
expression “counsellor or psychologist”.

*(Question of the amendment proposed)*

*(Question, that the words to be left out  
be left out, put and agreed to)*

*(Question, that the words to be inserted in place thereof  
be inserted, put and agreed to)*

**Hon. (Dr.) Pukose:** Hon. Temporary Deputy Chairman, I beg to move:-  
THAT, Clause 34 be amended—  
(a) in sub-clause (2) by inserting the words “or her” immediately  
after the word “his” appearing in paragraph (c);  
(b) in sub clause (5) by inserting the words “or her” immediately  
after the word “his”;  
(c) in sub-clause (7) by inserting the words “or her” immediately  
after the word “him”;  
(d) in sub-clause (9) by deleting the expression “ten thousand  
shillings or to imprisonment for one month” and substituting thereof the  
expression “fifty thousand shillings or to imprisonment for six months”.

*(Question of the amendment proposed)*

*(Question, that the words to be inserted be inserted,  
put and agreed to)*

*(Question, that the words to be left out  
be left out, put and agreed to)*

*(Question, that the words to be inserted in place thereof  
be inserted, put and agreed to)*

*(Clause 34 as amended agreed to)*

*Clause 35*

**Hon. (Dr.) Pukose:** Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 35 be amended—

(a) in sub-clause (1) by inserting the words “or her” immediately after the word “his”;

(b) in sub-clause (4) by deleting the expression “at his request or with his consent” appearing immediately after the word “register” and substituting thereof the expression “at his or her request or with his or her consent”;

(c) in sub-clause (5) by deleting the words “his name” appearing immediately after the word “have” and substituting thereof the words “his or her name”.

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out, put and agreed to)*

*(Question, that the words to be inserted in place thereof be inserted, put and agreed to)*

*(Clause 35 as amended agreed to)*

*(Clause 36 agreed to)*

*Clause 37*

**Hon. Wamunyinyi:** Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 37 be amended by deleting the expression “counsellor, psychologist or psychotherapist” wherever it appears and substituting therefor the expression “counsellor or psychologist”.

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out, put and agreed to)*

*(Question, that the words to be inserted in place thereof be inserted, put and agreed to)*

**Hon. (Dr.) Pukose:** Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 37 be amended—

(a) in sub-clause (1)—

(i) by deleting the word “his” appearing immediately after the word “publishes” and substituting thereof the words “his or her”;

(ii) by deleting the word “fifty” and substituting thereof the words “five hundred”;

(iii) by deleting the words “twelve months” and substituting therefor the words “two years”;

*(Question of the amendment proposed)*

*(Question, that the words to be left out  
be left out, put and agreed to)*

*(Question, that the words to be inserted in place thereof  
be inserted, put and agreed to)*

*(Clause 37 as amended agreed to)*

#### *Clause 38*

**Hon. Wamunyinyi:** Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 38(a) be amended by deleting the expression “counselling, psychology or psychotherapy” and substituting thereof the expression “counselling or psychology”.

*(Question of the amendment proposed)*

*(Question, that the words to be left out  
be left out, put and agreed to)*

*(Question, that the words to be inserted in place thereof  
be inserted, put and agreed to)*

**Hon. (Dr.) Pukose:** Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 38 be amended—

(a) in sub-clause (a) by deleting the word “his” appearing immediately after the word “under” and substituting therefor the words “his or her”;

(b) in sub-clause (d) by deleting the word “his” appearing immediately after the word “under” and substituting thereof the word “their”;

(c) by deleting the expression “commits an offence and is liable on conviction to a fine not exceeding two hundred thousand shillings or imprisonment for a term not exceeding three years, or both” and substituting therefor the following—

“commits an offence and is liable upon conviction to a fine not exceeding one million shillings or imprisonment for a term not exceeding three years, or both”

*(Question of the amendment proposed)*

*(Question, that the words to be left out  
be left out, put and agreed to)*

*(Question, that the words to be inserted in place thereof  
be inserted, put and agreed to)*

*(Clause 38 as amended agreed to)*

*Clause 39*

**Hon. (Dr.) Pukose:** Hon. Temporary Deputy Chairman. I beg to move:-

THAT, clause 39 be amended by deleting the word “ten” and substituting therefor the words “one hundred”.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Hon. (Dr.) Pukose, what are you doing? You are increasing the fine from Kshs10,000 to Kshs100,000. Is it so?

**Hon. (Dr.) Pukose:** Yes, hon. Temporary Deputy Chairman.

*(Question of the amendment proposed)*

*(Question, that the word to be left out be left out,  
put and agreed to)*

*(Question, that the words to be inserted in place thereof  
be inserted, put and agreed to)*

*(Clause 39 as amended agreed to)*

*(Clauses 40, 41, 42, 43 and 44 agreed to)*

*Clause 45*

**The Temporary Deputy Chairman** (Hon. Kajwang’): Hon. Wafula Wamunyinyi, on Clause 45.

**Hon. Wamunyinyi:** Hon. Temporary Deputy Chairman. I beg to move:-

THAT, clause 45(2) (c) be amended by deleting the expression “counselling, psychology or psychotherapy” and substituting therefor the expression “counseling or psychology”.

*(Question of the amendment proposed)*

*(Question, that the words to be left out  
be left out, put and agreed to)*

*(Question, that the words to be inserted in place thereof  
be inserted, put and agreed to)*

*(Clause 45 as amended agreed to)*

*Clause 46*

**Hon. Wamunyinyi:** Hon. Temporary Deputy Chairman. I beg move:-

THAT, clause 46 be amended by deleting the expression “counsellor, psychologist or psychotherapist” and substituting therefor the expression “counsellor or psychologist”.

*(Question of the amendment proposed)*

*(Question, that the words to be left out  
be left out, put and agreed to)*

*(Question, that the words to be inserted in place thereof  
be inserted, put and agreed to)*

**The Temporary Deputy Chairman** (Hon. Kajwang’): Hon. Dr. Pukose on further amendment on Clause 46.

**Hon. (Dr.) Pukose:** Hon. Temporary Deputy Chairman. I beg to move:-  
THAT, clause 46 be amended—

(a) by renumbering the existing provision as (1);

(b) in sub-clause (a) by deleting the words “six months” and substituting therefor the words “one year”;

(c) by inserting the following new paragraphs immediately after sub-clause (b)—

“(c) holders of a Diploma certificate in counselling will be allowed to continue practising for one year, but must be under the supervision of a registered counsellor.;

(d) the Counsellors and Psychologists who had qualified at the commencement date will be exempted from the requirements of section 23 (1) (c)”

(d) by inserting the following new sub-clause:

“(2) For the first appointments under section 4 (1) (f) upon the coming into force of this Act, the persons shall be elected by members of the organizations representative of the profession of counseling and psychology.”

**The Temporary Deputy Chairman** (Hon. Kajwang’): Hon. Dr. Pukose, you are changing the jail term from six months to one year, is it not?

**Hon. (Dr.) Pukose:** Yes, hon. Temporary Deputy Chairman.

**The Temporary Deputy Chairman** (Hon. Kajwang’): And in paragraph (c) and (d), you are creating something like an internship before registering counselor for one year, and people who are qualified will be exempted from that requirement. Is that the text of your amendment, hon. (Dr.) Pukose?

**Hon. (Dr.) Pukose:** Yes, hon. Temporary Deputy Chairman. This is a provision for already qualified professionals as at the commencement date; they are to be exempted from taking an examination so as to qualify for registration. It is part of the transition.

*(Question of the amendment proposed)*

**The Temporary Deputy Chairman** (Hon. Kajwang’): Hon. Odhiambo-Mabona, you want to contribute to the further amendment to clause 46?

**Hon. (Ms.) Odhiambo-Mabona:** Yes, hon. Temporary Deputy Chairman.

This is currently done in most of the professions, including legal profession. Therefore, I think it is a good amendment and I support it.

*(Question, that the words to be left out be left out,  
put and agreed to)*

*(Question, that the words to be inserted in place thereof  
be inserted, put and agreed to)*

*(Clause 46 as amended agreed to)*

#### *First Schedule*

**Hon. (Dr.) Pukose:** Hon. Temporary Deputy Chairman, I beg to move:-

THAT, the First Schedule be amended in paragraph 4 by deleting the word “two” appearing in subparagraph (3) and substituting therefor the word “five”.

*(Question of the amendment proposed)*

*(Question, that the word to be left out  
be left out, put and agreed to)*

*(Question, that the word to be inserted in place thereof  
be inserted, put and agreed to)*

*(First Schedule as amended agreed to)*

*Second Schedule*

**Hon. (Dr.) Pukose:** Hon. Temporary Deputy Chairman, I beg to move:-

THAT, the Second Schedule be amended by deleting and substituting therefor the following Schedule—

**“SECOND SCHEDULE (s. 12(5))  
COMMITTEES OF THE BOARD**

The Examination and Registration Committee

The Continuing Education Committee

The Disciplinary Committee

The Finance and Administration Committee”

**The Temporary Deputy Chairman** (Hon. Kajwang): Hon. Members, on page 231, the Chairman of the Committee is proposing to bring on board committees which have been explained on the Order Paper.

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out,  
put and agreed to)*

*(Question, that the words to be inserted in place  
thereof be inserted, put and agreed to)*

*(Second Schedule as amended agreed to)*

*Third Schedule*

**Hon. Wamunyinyi:** Hon. Temporary Deputy Chairman, I beg to move:-

THAT, the Third Schedule be amended—

(a) by deleting the word “institute” wherever it appears and substituting therefor the word “society”;

(b) in paragraph 7, by—

(i) deleting the expression “one hundred members” in sub-paragraph (1) and substituting therefor the expression “one-third of the registered members”;

(ii) deleting sub-paragraph (2)(a) and substituting therefor the following new subparagraph—

“(a) otherwise than pursuant to paragraph 4 (b) of this Schedule, and a quorum is not present when the meeting proceeds to business, the meeting shall stand adjourned until another meeting is convened not later than thirty days from the date of the adjourned meeting and if a quorum is not present, the members present shall constitute a quorum; or”.

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out,  
put and agreed to)*

*(Question, that the words to be inserted in place  
thereof be inserted, put and agreed to)*

*(Third Schedule as amended agreed to)*

*Fourth Schedule*

**Hon. Wamunyinyi:** Hon. Temporary Deputy Chairman, I beg to move:-

THAT, the Fourth Schedule be amended—

(a) by deleting the word “Institute” wherever it appears and substituting therefor the word “Society”;

(b) in paragraph 8, by deleting the expression “and, on the written request of the Cabinet Secretary, shall be made available to him or her or any person nominated by him or her”.

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out,  
put and agreed to)*

*(Question, that the words to be inserted in place  
thereof be inserted, put and agreed to)*

*(Fourth Schedule as amended agreed to)*

**The Temporary Deputy Chairman** (Hon. Kajwang’): Hon. Wamunyinyi, please take me back to page 218.

*SUB-PART “A”*

**Hon. Wamunyinyi:** Hon. Temporary Deputy Chairman, I beg to move:-

THAT, the heading to Sub-Part A be deleted and replaced with the following new heading—

“The Counsellors and Psychologists Board”.

*(Question, that the words to be left out be left out,  
put and agreed to)*

*(Question, that the words to be inserted in place  
thereof be inserted, put and agreed to)*



*(SUB-PART A as amended agreed to)*

*Clause 2*

**Hon. Wamunyinyi:** Hon. Temporary Deputy Chairman, I beg to move:-

THAT, clause 2 be amended—

(a) in subclause (1)—

(i) in the definition of “Board”, by deleting the expression “Counsellors, Psychologists and Psychotherapists” and substituting therefor the expression “Counsellors and Psychologists”;

(ii) in the definition of “Council”, by deleting the word “Institute” and substituting therefor the word “Society”;

(iii) by deleting the definition of the term “Institute”;

(iv) in the definition of “private practice”, by deleting the expression “counselling, psychology or psychotherapy” and substituting therefor the expression “counselling or psychology”;

(v) in the definition of “register”, by deleting the words “psychologists and psychotherapists” and substituting therefor the words “and psychologists”;

(vi) in the definition of “Registrar”, by deleting the words “Psychologists and Psychotherapists” and substituting therefor the words “and Psychologists”;

(vii) in the definition of “Secretary”, by deleting the word “Institute” and substituting therefor the word “Council”;

(viii) by deleting the definition of “supervisor” and substituting therefor the following new definition—

“‘supervisor’ means a more trained, qualified and accredited counsellor or psychologist who is charged with the function of giving professional support to a counsellor or psychologist”;

(ix) by inserting the following new definition in its proper alphabetical sequence—

‘Society’ means the Counsellors and Psychologists Society of Kenya established by section 15;”

(b) by deleting subclause (2) and substituting therefor the following new subclause—

“(2) The expressions “legally qualified counsellor or psychologist” and “duly qualified counsellor or psychologist” or any words importing a person recognized by law as a counsellor or psychologist or a member of the professions of counselling and psychology, when used in a written law with reference to that person, shall be construed to mean a person registered as a counsellor or psychologist under this Act or, where the context so admits, a person who is registered by the Board under section 24”.

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out,  
put and agreed to)*

*(Question that the words to be inserted in place thereof  
be inserted, put and agreed to)*

*(Clause 2 as amended agreed to)*

*Clause 1*

**Hon. Wamunyinyi:** Hon. Temporary Deputy Chairman, I beg to move:-  
THAT, clause 1 be amended by deleting the expression  
“Counsellors, Psychologists and Psychotherapists” and substituting  
therefor the expression “Counsellors and Psychologists”.

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out,  
put and agreed)*

*(Question, that the words to be inserted in place thereof  
be inserted, put and agreed to)*

*(Clause 1 as amendment agreed to)*

*Short Title*

**Temporary Deputy Chairman** (Hon. Kajwang’): Member for Endebess I do not encourage any discussion on short title and long title. What do you have in mind?

**Hon. (Dr.) Pukose:** I propose that ---

**The Temporary Deputy Chairman** (Hon. Kajwang’): Just a minute; sit down. Members, I think there is confusion; I have to own up from the Chair. Member for Kanduyi, you had an amendment to the short title in form of Clause 1. Normally we refer to a Bill by its title, so that we are aware of what we are dealing with. You have an amendment on the short title; what is the amendment all about?

**Hon. Wamunyinyi:** Thank you Chair. The amendment to Clause 1 is just about the expression; it is a deletion of the word ‘Psychotherapist’ and I proposed it be amended as per the Order Paper.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Hon. Members, you must be very careful with the short and long titles. A Bill can die after we have done just because of these two.

*(Short title agreed to)*

*Long Title*

**Hon. Wamunyinyi:** Hon. Temporary Deputy Chairman, I beg to move:-  
THAT, the long title be amended by deleting the expression “counsellors, psychologists and psychotherapists” and substituting therefor the expression “counsellors and psychologists”.

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out,  
put and agreed to)*

*(Question, that the words to be inserted in place thereof  
be inserted put and agreed to)*

*(Long title as amended agreed to)*

**The Temporary Deputy Chairman** (Hon. Kajwang’): I recognize the presence of the Member for Muhoroni, who has come into the Chamber to say “nay”.

*(Laughter)*

Yes, the Member for Kanduyi.

**Hon. Wamunyinyi:** Hon. Temporary Deputy Chairman, I beg to move that the House doth agree with the Committee in the said Report.

**The Temporary Deputy Chairman** (Hon. Kajwang’): You need to go back to the excerpt that the Table has gratuitously allowed you to have it. Could I hear you on the HANSARD again?

**Hon. Wamunyinyi:** Hon. Temporary Deputy Chairman You know age is catching up with us.

**The Temporary Deputy Chairman** (Hon. Kajwang’): We have to recognize that you are a senior Member of this House. This is your second term.

**Hon. Wamunyinyi:** This is not my second term. It is more than that. It is my fourth term.

Hon. Temporary Deputy Chairman, I beg to move that the Committee doth report to the House its consideration of the Counsellors, Psychologists and Psychotherapists Bill, (National Assembly Bill No.39 of 2013) and its approval thereof with amendments.

*(Question proposed)*

*(Question put and agreed to)*

*(The House resumed)*

*[The Temporary Deputy Speaker  
(Hon.(Ms.) Mbalu) in the Chair]*

**REPORT, CONSIDERATION OF  
REPORT AND THIRD READING****THE COUNSELLORS, PSYCHOLOGISTS  
AND PSYCHOTHERAPISTS BILL**

**Hon. Kajwang’:** Hon. Temporary Deputy Speaker, I beg to report that a Committee of the whole House has considered the Counsellors, Psychologists and Psychotherapists Bill, (National Assembly Bill No.39 of 2013) and approved the same with amendments.

**Hon. Wamunyinyi:** Hon. Temporary Deputy Speaker. I beg to move that the House doth agree with the Committee in the said Report.

I request hon. (Dr.) Pukose to second the Motion for agreement with the report of the Committee of the whole House.

**Hon. (Dr.) Pukose** seconded.

*(Question proposed)*

*(Question put and agreed to)*

**Hon. Wamunyinyi:** Hon. Temporary Deputy Speaker. I beg to move that the Counsellors, Psychologists and Psychotherapists Bill, (National Assembly Bill No.39 of 2013) be now read the Third Time.

I again request hon. Pukose to second.

**Hon. (Dr.) Pukose** seconded.

*(Question proposed)*

**Hon. (Dr.) Pukose:** Thank you, hon. Temporary Deputy Speaker. I want to thank hon. Wamunyinyi and the Departmental Committee on Health for the effort they have put into this Bill to see to it that our counsellors and psychologists have a law for the first time in the history of this country. This is a tremendous stride; it is a step in the right direction. There shall be more Bills from the Departmental Committee on Health. Hon. Opiyo’s Bill on National AIDS Authority is on the way. We are working on the Bill and it will be brought to the House soon for debating.

With those few remarks, I want to thank once more hon. Wamunyinyi for the co-operation that he has given to our Committee.

Thank you very much.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Member for Likuyani.

**Hon. (Dr.) Kibunguchy:** Thank you, hon. Temporary Deputy Speaker. It has been a long journey. It started in the Ninth Parliament. It has had its ups and downs. I am very glad that the journey has come to an end today. I want to thank hon. Wamunyinyi for his persistence and perseverance. We have now passed this Bill concerning

psychologists and counsellors. I think that our psychologists and counsellors can now breathe a sigh of relief; now they have an instrument within which to work.

**Hon. Ochieng:** Hon. Temporary Deputy Speaker, I want to join my colleagues in thanking hon. Wamunyinyi for this very important Bill. The need for the services of counsellors and psychologists cannot be gainsaid. That is why I am happy. I have sat through today's proceedings to ensure that things go the way they have gone. I want to thank both those who were awake, like hon. Millie Odhiambo, and those who were yawning out of hunger. I want to recognize the presence of people from CRADLE, who are at the Speaker's Gallery. They have played a role in ensuring that some of the things that we have discussed here bore fruits.

I want to urge those we who practise as counsellors and psychologists to do so in the spirit and manner in which Parliament has gone through this Bill. Let them not shame us. They should ensure that this country moves forward in the area of their practice.

**Hon. Wamunyinyi:** Hon. Temporary Deputy Speaker, let me also take this chance to express my sincere thanks to the hon. Members, the Temporary Deputy Chairman, and staff. For us to be able to undertake our role as Members we need to participate others' efforts. We need to go through this legislative process to make sure that we make good laws. I am sure members of the profession of counseling and psychology are now happy. They now have a legal framework within which to operate. Of course those people who are qualified and are not registered will now be done away with.

I would also like to thank the stakeholders who worked with the Departmental Committee on Health. There were professors from our universities who gave their input, and all members of the public who gave input that was taken into account when we were preparing this Bill. I hope that it is going to be of help to the people of Kenya.

With those few remarks, I thank you very much.

**The Temporary Deputy Chairman** (Hon. (Ms.) Mbalu): Thank you, hon. Members. We have had good time discussing this Bill. We have given our amendments too in contributing to this Bill. I will not be able to put the Question because of obvious reasons. The Question will put in the next sitting.

Next Order!

### *Second Reading*

## **BILL**

### THE VICTIM PROTECTION BILL

*(Hon. (Ms.) Odhiambo-Mabona on 30.4.2014)*

*(Resumption of Debate interrupted on 4.6.2014)*

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Mover, hon. Millie Odhiambo-Mabona had already moved debate on this Bill. It was seconded. There is no one who is indicated to have been contributing at the time of adjournment.

Yes, hon. Suzan Musyoka of Machakos County!

**Hon. (Ms.) Musyoka:** Thank you, hon. Temporary Deputy Speaker. I want to, first of all, congratulate hon. Millie Odhiambo for this very timely Bill. I have, on many occasions seen victims suffering. I have especially seen mothers and children who have gone to report their cases. They suffer in the hands of the law enforcement agencies. They suffer even more. They are already victims. Once they go to follow up their cases, they do not get proper support. Even after the case has gone through, they continue to suffer instead of them getting support, their rights and what they deserve.

So, this Bill is very necessary in this country. It is a law which will come in handy in terms of supporting victims and giving them their rights. It is, therefore, very important for us to pass it as soon as possible, so that women and children, whom I am really supporting, do not continue to suffer.

I would also wish that the environment for reporting cases is improved, so that people can have easier way of reporting cases. As the cases of victims go on, they should not suffer any more.

*(Loud consultations)*

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Order! Order, hon. Members! We need to listen to what the hon. Member is saying on this very important Bill.

**Hon. (Ms.) Musyoka:** Thank you, hon. Temporary Deputy Speaker, for protecting me and enabling me to be heard.

I have gone through the Bill and realised that the issues contained therein need all of us to support and agree with. As I said, I am really concerned about our women, children and other vulnerable persons, who continue to suffer even after their cases have gone through.

Hon. Temporary Deputy Speaker, I would like to stop at this point.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): I can see an intervention from hon. Millie Odhiambo. Is anything out of order?

**Hon. (Ms.) Odhiambo-Mabona:** Hon. Temporary Deputy Speaker, I am sorry that I have interrupted the hon. Member on the Floor at this point in time. I had actually put the request earlier.

I just wanted to recognise the presence of Cradle officials, a Children's Foundation, where I was formerly a director. They are in the House because they worked with me in coming up with the Bill in the last Parliament as well as during the current Parliament.

Thank you.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Thank you for the recognition. They are welcome.

Continue, hon. Musyoka.

**Hon. (Ms.) Musyoka:** Hon. Temporary Deputy Speaker, I would like to recognise the fact that when child victims are held in institutions, they are separated from adults, and boys shall be held separately from girls. Some of the conditions in which

victims are held are very bad. This Bill seeks to take care of those people. Conditions will be better for victims once we pass this Bill.

Thank you, hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Yes, Member for Kaloleni!

**Hon. Chea:** Thank you, hon. Temporary Deputy Speaker for this opportunity.

From the outset, I would wish to support this Bill and congratulate hon. Millie for it. Our own Constitution, Article 48, provides for access to justice. If you read that Article you will realize it talks of justice to all. All along, we have had only justice given to arrested persons. It has not been the case where we have had complainants being taken care of. I am happy with this particular Bill; we are going to see a situation where victims are actually going to be taken care of and their interests protected.

I wish to mention three issues which are very important to this Bill. First, if you look at Clause 3 of this Bill, it brings in the concept of restorative justice. It is important to know that, this is a Bill that tries to incorporate issues of alternative dispute resolution. Those who come from various communities know that disputes can be settled at the local level, people can negotiate and settle issues. This is a very important concept instead of going through the rigors of the law. I wish to appreciate this Bill for the introduction of that bit.

Temporary Deputy Speaker, the other issue is the security of the victim. The Bill suggests that there will be protection for these victims. Even in the case of insecurity that we have had in this country, it is because the victims do not feel safe to volunteer information when they are supposed to do so; they end up hiding information and eventually things do not go well. With the passage of this Bill such issues will be taken care of.

The third issue is on victim restriction. We have seen even in traffic cases in this country--- Someone can be charged with careless driving and causing death by dangerous driving, but at the end of the day the fines that are paid just go to the State. The one who has had his car badly damaged, and those who suffer injuries are not taken care of. I have seen in Clause 14 of the Bill that these are the issues that will be addressed.

This is a progressive Bill and I wish to support it.

**The Temporary Deputy Speaker** (Hon. (Ms) Mbalu): Very well spoken; next is the hon. Member for Sigor, hon. Philip Rotino.

**Hon Rotino:** Thank you very much, Temporary Deputy Speaker for giving me the opportunity to add to what has been said on this very important Bill. This Bill has come at the right time, and I want to congratulate the Mover for having thought very wisely about it. Many of us can become victims. Some of us have been arrested and put in jail. We know that conditions in those places are not very conducive to any human being. We should be able to treat any victim as innocent until proven guilty. When a person is under arrest, he or she should be accorded the rights that any human being is supposed to have.

Hon. Temporary Deputy Speaker, when victims are arrested, the conditions in which they are kept are not very good. If you see some of the places they live and the conditions they are afforded--- They should be given the protection they deserve, especially children. Our cells are not good for children. So, we should be able to build

cells for children, both male and female. This is because they tend to be mixed with adults and this brings problems to the victims.

When you read the Bill, you see it spells out very clearly some of the things that we need to look at. I really support this Bill; I want us to join hands to ensure this Bill is passed very urgently.

With those few remarks, I support.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Can I have the last one, Hon. Grace Kiptui, Member for Baringo, you have a minute.

**Hon. (Ms.) Kiptui:** Thank you, Temporary Deputy Speaker for the opportunity. I know time is running out. I have two points to mention; indeed, in this country, so many victims normally do not get justice because of the environment in which cases are reported. It is high time the environment is made proper.

### ADJOURNMENT

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Member, you will have your eight minutes in the next sitting to contribute to the same Bill.

Hon. Members, the time is 1.00 p.m. This House stands adjourned until Wednesday 2<sup>nd</sup> July, 2014 at 2.30pm.

The House rose at 1.00 p.m.