

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 7th October 2015

The House met at 9.30 a.m.

[The Deputy Speaker (Hon. (Dr.) Laboso) in the Chair]

PRAYERS

QUORUM

Hon. Deputy Speaker: Can we have the Quorum Bell rung, please?

(The Quorum Bell was rung)

Members, we are now properly constituted. We can start our business.

POINT OF ORDER

Hon. Deputy Speaker: What is your point of order, Hon. Wandayi?

Hon. Wandayi: On a point of order, Hon. Deputy Speaker. Thank you very much, Hon. Deputy Speaker, for giving me this opportunity. I just want to raise an issue which I believe is of concern to most, if not all, Members here. It is an issue which, perhaps, I will need direction on either from you or from the respective Committees and it cannot wait for the normal procedure.

You will recall that we are clearly past the first quarter of this Financial Year. You are also aware that the Parliamentary Service Commission (PSC) is the Commission mandated under the Constitution to take care of the welfare of Members of Parliament (MPs) and all that pertains to the smooth running of Parliament. You are also aware that the Constituencies Development Fund (CDF) was created under the CDF Act, which is in operation as we speak. This House has done all within its powers in both respects, that is in terms of appropriations to the PSC and appropriations to the CDF.

Three months after the commencement of this financial year, no single cent has been sent to constituencies as part of the CDF. As we speak, the PSC is essentially unable to meet its obligations. Three months in a row, or sometimes more, staff employed by the PSC have not been paid their salaries and it appears there is no avenue of communication between us, Members, and the PSC. We are left in abeyance. Staff go for months without salaries. Critical operations are basically running to a halt. It appears that the Government is experiencing an unprecedented financial crunch, yet we are not being told what the cause of this financial crunch is. A Government which finds itself in a situation where it cannot meet its financial obligations not only for programmes, or projects, but also for recurrent matters is a government which is in serious problems and needs to be rescued. This House can come to the rescue of the Executive.

The PSC needs to come out clearly and tell Members of this House exactly what the problem is. Is it a problem with the National Treasury? Is it a problem with us or somebody else? When it comes to the CDF, we are very much aware that the court made a ruling.

Hon. Deputy Speaker: I think your point has been made. Allow others to also make a few comments.

Hon. Wandayi: Hon. Deputy Speaker, I am just concluding now. We are aware that if nothing happens by February 2016, the CDF as is currently constituted will not operate yet three months after the financial year began, no money has been disbursed to the constituencies. Can we be told what the matter is?

Thank you.

Hon. Deputy Speaker: Hon. Members, I will allow a few Members to give their comments. I will not give a chance to all of you because you are quite many. I hope our PSC Commissioner, Hon. Keynan, will give a response. Let us make comments before I allow him to respond. Let us start with Hon. Kathuri Murungi.

Hon. Murungi: Thank you, Hon. Deputy Speaker. I also want to echo the sentiments of my colleague because it is now becoming a bit tricky to operate either in this House or at the constituency level. The people we employed to assist us in the constituencies are really suffering. These people are even going to an extent of borrowing money because they have not been paid by PSC. We had a lot of faith in our PSC when they took their positions using whichever means they used to assume the positions. These commissioners do not come to us to explain some of the teething problems that they also encounter when they are doing their work. As Members of this House, we feel that we are not facilitated enough to execute our mandate that we were elected to execute.

I do not want to go the route my colleague went of blaming the Government. The PSC is an independent commission and not part of the Executive, as my colleague insinuated. I do not want to blame the Government for this failure but the PSC, which is very independent, indeed.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Chrisantus Wamalwa. Hon. Members, remember that we also have other avenues through which we can air our views. Let us not make the Floor of the House a punching bag for our PSC. Let us not repeat what has already been said.

Hon. Wakhungu: Thank you, Hon. Deputy Speaker. This is a very important issue. Indeed, it is true that the operations of Parliament are almost coming to a standstill. The other day I was here, I could not even visit the toilet because it was closed and there was no water and electricity. We know very well that Kenyans are paying taxes. As the Kenya Revenue Authority (KRA) collects taxes, the money goes to the National Treasury. So the issue here is about the National Treasury. We need to be told by the Cabinet Secretary (CS) and the Principal Secretary (PS) what is happening because funds have not been released not just to the PSC but even to the Kenya Rural Roads Authority (KERRA).

The CDF money is not there. Basically, almost all the Commissions do not have money. Commissions get money from the National Treasury. So, the responsibility here is on the CS and the PS of the National Treasury to tell us where the money is. Is it because of poor financial management practices, or what is going on? Kenyans need to know because they pay taxes. Parliament is in problems. In the afternoon, we should have a Motion for Adjournment to discuss the financial crisis that this country is facing, so that we know where the problem is.

Thank you.

Hon. Deputy Speaker: I give the Floor to Johnson Sakaja.

Hon. Sakaja: Thank you, Hon. Deputy Speaker. Indeed, the issues that have been raised are of great concern to us all. I concur with Members on some of the sentiments. This is a matter we also discussed in the House Business Committee (HBC). I urge our Members that in as much as we are affected, we should look beyond ourselves because there could be other agencies of State that are really affected. This is a matter of Budget implementation. This House has committees that oversee the National Treasury. If it is a matter of revenue collection, we have a committee that oversees the KRA. For instance, it is good for us to understand why the Budget and Appropriations Committee has not summoned the CS of the National Treasury to explain the problem, because it is a Budget implementation problem. If it is a problem of revenue collection, the Departmental Committee on Finance, Planning and Trade should summon the KRA. For us to now make it a matter which we want to debate on the Floor while we have committees in this House that are charged with the mandate of making sure that Budget implementation is done, is to play in different theatres. Unless we have no confidence in the Budget and Appropriations Committee, I urge you, Hon. Deputy Speaker, in your determination, to find that this matter must be expeditiously dealt with by the relevant committee, which is the Budget and Appropriations Committee, instead of us splitting hairs.

You saw the other day a newspaper was saying that MPs are broke and some people were laughing. Let us not go that route. Let us look at it objectively and ask the Budget and Appropriations Committee, within this week, probably today or tomorrow, to summon the CS, the PS and the KRA to tell us why Budget implementation is not happening as it should. This House has appropriated funds for use by institutions and different agencies of Government. Let us not make it an issue that it is not.

Hon. Deputy Speaker: Hon. John Mbadi.

Hon. Ng'ongo: Thank you, Hon. Deputy Speaker. First, the information I have is that the CS is supposed to appear before the Budget and Appropriations Committee tomorrow. Hopefully, he will. This matter is bigger than Parliament. We need to take this matter outside Parliament. If you look at the report from the Controller of Budget---

Hon. Deputy Speaker: Are you a Member of the Budget and Appropriations Committee, Hon. Mbadi?

Hon. Ng'ongo: Yes. If you look at this matter, this country was supposed to have absorbed 16 per cent of Development Expenditure by the end of August but the Report from the Controller of Budget indicates that only three per cent has been absorbed. On enquiry, it is indicated clearly that there is exchequer release problems. That is why even ministries cannot absorb funds. The effect of that - I know many of us may not have financial background - is a slowed down economic growth. If you cannot absorb Development Expenditure, the projected economic growth will suffer.

I am even told that counties have been asked to borrow money from commercial banks. The question Members of Parliament are asking is fundamental. I agree with Hon. Sakaja and I hope he did not speak as the chairman of The National Alliance (TNA) Party. We need to look at this matter as the National Assembly. I agree with him that we need to use the structures that we have in this House, more particularly the Budget and Appropriations Committee and the Departmental Committee on Finance, Planning and Trade. If there is a problem with exchequer release, it means there is a problem with cash flow. It also means there is a problem with revenue collection. We need to know the problem.

Finally, Hon. Deputy Speaker, we need to understand why the Government is taking too much overdraft from the Central Bank of Kenya (CBK) when this matter is debated. That is a

clear indication of a struggling Government. We do not expect that to happen when we are shown that there is economic growth in this country, unless that growth is only on paper.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Richard Tong’i. Hon. Members, I think the point has come out clearly. Although you are making very crucial observations which are critical for this country, we do not need to belabour it. I think we are moving away from what was on Parliamentary Service Commission (PSC). I think the initial concern of Wandayi was specifically on issues to do with the PSC and taking care of our constituencies and their employees.

Hon. Richard, just have your chance.

Hon. Tong’i: Thank you, Hon. Deputy Speaker for this opportunity to also contribute on this concern for Parliament. One of the functions of this House is to ensure that the Government runs and runs smoothly, but we have noticed that Parliament cannot access electricity. This does not happen in a normal running company. Even in my home, that does not happen. Electricity is never disconnected for lack of payment. My only concern is: Is it lack of planning on our part as the Budget and Appropriations Committee in Parliament? Is it lack of doing things in good time? Is it that we do not have money? I have a colleague Member of Parliament whose workers have not been paid for nine months. For somebody living in Nairobi, nine months is totally unacceptable! How are these workers supposed to serve, pay rent and come to work if nothing has been done for nine months? Every time you go to Mr. Obudo’s office, he is giving you one excuse after another. That might be a metamorphosis of a collapsing system. We need to do something before the system fails.

I sit in the Government side and I believe the Government has good intentions but we need to probe them. Maybe they need to be helped with ideas on how best they can run the Government because things seem to be failing completely.

(Applause)

When I go to the constituency, my constituents are asking for development money. I do not have the money from Constituencies Development Fund (CDF). When I go to CDF, they say they have not received money from Treasury. What is it we are meant to do? We are hoping that the Cabinet Secretary (CS) for the National Treasury will be able to explain why this is happening when he comes before us tomorrow because it is hurting Kenyans.

If we get to a level where we cannot even service our debts, the Government is going to pay a lot of money in terms of penalties. I know some people who have given service to the Government and have not been paid for two years. Once the contracts have been completed, they give a grace period of three months before they start levying interest on any outstanding money. The Government will end up spending more money because of these contractual obligations just because of negligence by somebody. We are committing ourselves to things we are really not able to effectively manage as a Government.

I think it is in order we call a special committee, for lack of a better word, and address this concern because it is hurting the economy. Going forward, we are going to lose as a country because it is not about the Government or the opposition but the people of Kenya. They are going to lose by way of paying penalties on cases where we should not have paid.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: As I have said, this is a matter over which we have all ventilated. I will now want to ask that we bring it back to what concerns us. It is true all of it concerns us because it concerns the people that we represent, but I would like to give the chance to a member of PSC to make a few comments on the matter of the Committees. That is their mandate. Even the Hon. Speaker does not have to remind the Committees about the seriousness of this matter on the issue of whether there is a financial crunch, cash flow crunch or not. Whatever it is, we do not need to remind the Budget and Appropriations Committee and the Departmental Committee on Finance, Planning and Trade about their responsibility on informing Kenyans of exactly what is going on. So, I will leave that to the Committees to make their decisions on how quickly they can get information that they can bring to the Floor of this House.

On what concerns PSC, I will allow Hon. Keynan to inform Hon. Members on what is going on.

Hon. Keynan: Thank you, Hon. Deputy Speaker. Allow me an opportunity to first of all speak as a Member of Parliament for Eldas Constituency before I speak as a representative of these Members in the PSC. I want to stand here and somehow agree with what Hon. Sakaja has said. That notwithstanding, in any civilised democracy, Parliament is a special institution after the security agencies. I have been here for quite some time. In my parliamentary history, this is the first time I am seeing this situation and I want to respond directly to what my good friend Hon. Murungi said. There are realities that we must face. That is why as a commission we went public on some of the things that we feel are affecting the day to day activities of Parliament, not only the National Assembly but also the Senate.

Hon. Deputy Speaker, there are critical issues that we must really understand. There are a number of things expected of Members of Parliament. The first one is CDF. The CDF lies within the purview of the Constituencies Development Fund Committee which is a special committee. The essence of having a long recess at the end of August was to allow Members of Parliament an opportunity to roll out their CDF. If you ask them, I am sure the Chairperson of CDF and the members of that Committee have nothing in their possession to disburse to the Members. Therefore, there is nothing they can do. If you ask them, they will tell you it is Treasury.

Secondly, we also have a programme under the Kenya Rural Roads Authority (KeRRA) that goes to the constituencies. That programme is under the Departmental Committee on Transport, Public Works and Housing. I am sure none of you has received any disbursement from KeRRA.

We also have a programme under the Rural Electrification Authority (REA) which also comes under the Departmental Committee on Energy, Communication and Information. There is nothing the hon. Chairperson can do because there is no disbursement.

There is also a programme under the Departmental Committee on Education, Research and Technology on national bursary. Nothing has gone to the constituencies because there is no money and there is nothing the Chair and members of the Committee can do. You can appreciate what Hon. Sakaja has said. That notwithstanding, I do not want us to wash our dirty linen in public. There is something that we must, for the first time, speak on as Members of the 11th Parliament. I want to tell you that if we do not speak in one voice, the image of Parliament will have been affected collectively. You will carry the burden both as an individual Member and collectively. This is the time we must speak.

Last week, for the first time and it is in the public domain and we should say it, I felt ashamed when a member of the Executive--- I am not authorised to speak on behalf of the Commission because we have our spokesman who is the chairman but I will say what I want to

say. I am here as a commissioner. Electricity supply to Parliament was disconnected on Friday at 3.15 a.m. The Kenya Power and Lighting Company (KPLC) guys came and disconnected power because there was no money to pay. Let us not bring politics here, it is a reality. Let us not bring party politics here. Electricity was disconnected on Friday at 3.18 a.m. until Monday. It has never happened, I can confirm that.

(Loud consultations)

Hon. (Ms.) Mbarire: On a point of order, Hon. Deputy Speaker.

Hon. Deputy Speaker: Just allow Hon. Mbarire to raise a point of order.

Hon. (Ms.) Mbarire: I have the Floor. Do not---

Hon. Deputy Speaker: Hon. Members, remember that everybody has an equal right to speak.

Hon. (Ms.) Mbarire: Hon. Deputy Speaker, I am listening to Keynan but I have a concern. Should we sit in this Chamber to talk about disconnected power?

Hon. Members: Yes!

Hon. (Ms.) Mbarire: In my view---

Hon. Members: No! No!

Hon. Deputy Speaker: Order, hon. Members!

Hon. (Ms.) Mbarire: I have a right to speak. I want to say this without fear, so do not think shouting at me will shut me up.

Power was been disconnected for the first time in the history of this Parliament.

Hon. Chepkong'a: On a point of order, hon. Deputy Speaker.

Hon. Deputy Speaker: She is on a point of order. Just wait.

Hon. (Ms.) Mbarire: The first question is: Where are our priorities as a Commission? Why would you wait until you have a bill of Kshs10 million before you pay? Do not say you did not receive money. You have been receiving money. Why did you not pay for power first before doing everything else? What are you telling us? This Commission also has issues! I have been here for 15 years. This Commission has issues. It is important for Hon. Keynan, who is a Commissioner, to know that we are not very happy with the Commission. We are not!

(Loud consultations)

Hon. Deputy Speaker: Order, hon. Members! You may not like what---

Hon. (Ms.) Mbarire: *(Inaudible)*

Hon. Deputy Speaker: Order, Hon. Mbarire! Your point has been made. Hon. Members, you may not like what another Member says, but in this Chamber, everybody is going to get their opportunity to speak. You are going to respect that opportunity because you are allowed when you are also speaking. You will get your chance. Members, allow Hon. Keynan to finish his submission.

Hon. Keynan: Hon. Deputy Speaker, I have a lot of respect for Hon. Cecily Mbarire. The truth is the truth. The Authority to Incur Expenditure (AIE) holder, who is in charge, comes from your constituency. I want to challenge you to walk to the office of Hon. Justin Bundi and find out why power was disconnected. Even where there were challenges---

Hon. (Ms.) Mbarire: *(Inaudible)*

Hon. Keynan: *Mheshimiwa* Cecily, please do not get agitated. Relax.

(Loud consultations)

Hon. Deputy Speaker: Hon. Cecily Mbarire, allow Keynan to finish.

Hon. Keynan: I am sure tomorrow when you will be elected as the head of the Embu County Government, you will---The issue is not about payment. These things are guided by votes. If there is no money in the vote, how will the AIE holder pay? I do not expect Mr. Bundi who is the AIE holder to go to his pocket and pay. He cannot. Cash has to be there. Even where there was a challenge--- What is surprising is how the leadership of Kenya Power walked to the precincts of Parliament on a Friday - this is a quasi-security institution - and disconnected power. That is what I find surprising.

That notwithstanding, the issue is being addressed. We had a late night meeting with the Cabinet Secretary. Everybody appreciates that even when the power bill has not been paid, disconnecting power to critical institutions like Parliament was totally uncalled for.

Let me continue and say this, there are other issues. I am persuaded by what Hon. Sakaja said. As a Commission, we have done whatever we could. Without getting the actual cash, there is nothing we can do. You know it since you are the senior leader. Getting the cash depends on the National Treasury. We did whatever we could as a Commission.

There is a Member who said that his constituency office staff have not been paid for nine months. That might have something to do with returns. Please find out whether you are making proper returns because if you do not make proper returns for previous allocations, it will be difficult for Mr. Obudo, or anybody else in Parliament, to allow the subsequent release of tranches.

I want to say this without fear, if you look at today's Bill before you here, it is a service-oriented Bill. Let us not politicize our activities as an institution. All these issues transcend politics of the day. At the end of the day, you are here as a Member of Parliament, a representative of the people of Kenya. Welfare issues are welfare issues. You are here elected as an individual. When your term comes to an end, you leave as a Member of Parliament.

Therefore, any service-oriented issues, I want to plead, please do not politicize them. If Constituencies Development Fund (CDF), Rural Electrification Authority (REA) and Kenya Rural Roads Authority (KeRRA) money has not been released, let us find out why. This is because we have committees. The CDF is under the CDF Committee, KeRRA is under the Departmental Committee on Transport, Public Works and Housing; REA is under the Departmental Committee on Energy, Communication and Information. Bursaries are under the Departmental Committee on Education, Research and Technology and the welfare issues are under the Parliamentary Service Commission (PSC). Overall, we have the Departmental Committee on Budget and Appropriations. These issues are being addressed. Let us ask the respective committees to find out why this is not happening. If there is a serious challenge affecting our country, the only thing that we can do is to empathize and find a lasting solution.

There is one thing that came out clearly; there was a challenge with prioritization. There is also a serious cash crunch. These issues are being handled concurrently. We have been assured as PSC that what has happened will not happen again. I want to confirm that the Constituencies Offices Fund for the first three months of July, August and September has already been released. It was released on Friday last week.

Hon. Members: Not yet.

Hon. Keynan: It was released on Friday, I am sure that this week, it will be there. That is for those who submitted proper returns for July, August and September.

I want to conclude by saying that this is about our institution, country and our name. Therefore, the best we can do, as you have rightly pointed out, is to discuss these challenges soberly and objectively. Where there is a cash crunch, there is nothing we can do. We only need to plead with those who are in charge of our national resources to prioritize Parliament as a key institution. Where we have problems because of other issues, it is high time we cracked the whip and told Members of the Executive, in particular the mandarins at the National Treasury, that Parliament cannot be at the bottom of their priority list. Parliament must either be number two or number one after the security agencies. It should actually be second. This is the message. I want to ask Hon. Sakaja and those other senior Members of this House to pass this message. Parliament should either be second or number one.

I want to conclude by saying that there are challenges. Let us discuss this soberly. Let us completely leave out politics from our welfare. I am sure that once we do that, we will get a lasting solution.

Thank you Members.

Hon. Chepkong'a: On a point of order, hon. Deputy Speaker.

Hon. Deputy Speaker: I do not want us to continue on this. What is your point of order, Hon. Chepkong'a? There is nobody who is more senior than the other. You have an equal chance of speaking. When you have 20 people--- Are you on a point of order?

Hon. Chepkong'a: Thank you, Hon. Deputy Speaker. I rise pursuant to Standing Order No.83. While I sympathize with my good friend, Hon. Keynan, in what they are going through, I guess what he says is that we are ranked No.43 and he knows why that is the case. We are bringing a Bill to ensure that we will be No.2. The Bill is coming so that they will be releasing money in order of ranking. As it is right now, we are No.43. Maybe they have not reached No.43.

More fundamentally, I totally agree with them. Something needs to be done. Why I was rising on a Standing Order, is that I totally share their frustrations, but it is totally out of order to shout at a woman. That is out of order. In my Kalenjin culture, no one is allowed to shout at a woman.

Hon. Deputy Speaker: Order, Hon. Chepkong'a! I do not believe it is the gender.

Hon. Chepkong'a: Hon. Deputy Speaker, it is just that I am a man and I am totally bewildered. I should not be blamed for my background. My background is the problem. It is my culture which is the problem. In my culture, the only people who are supposed to shout are women and not men.

(Laughter)

Hon. Deputy Speaker: I no longer know whether you are complimenting or abusing women, Hon. Chepkong'a, I do not know exactly what your position is. I believe you are saying it with a light touch.

Hon. Chepkong'a: Hon. Deputy Speaker, on a more concrete note, women are very important and we are not trying to belittle them at all. We are saying that as Hon. Members, we should not be shouting at one another. I have a lot of respect for Hon. Outa. He has very good eyes. We should not be shouting at one another. Let us listen to one another. Let them finish, once they are through, we then express ourselves in the manner in which Hon. Keynan has done.

I have listened to him keenly and I am very sympathetic to him. In fact, if it was not for anything, I would have offered my services to sue whoever needs to be sued for free; Hon. Kaluma and I will settle the bill. We hear his frustrations.

Therefore, is it in order for gentlemen to shout at gentle women?

(Laughter)

Hon. Deputy Speaker: Hon. Chepkong'a, you have made your point. I do not think that once Members are inside this Chamber, it is about their gender. You are here as Members of Parliament. Nobody deserves to be shouted at, whether it is a man or a woman. Allow everybody to speak, have their say and at the end of it, we will hear all of you. Members, we are really taking too much time on something which, to me, is a non issue.

Hon. Keynan has spoken. Order, Members! Hon. Serut, can you bring some sanity here? Allow Hon. Serut to have his say.

Hon. Serut: Thank you, Hon. Deputy Speaker. Members should listen to me. I am a senior Member in this House and I deserve to be respected.

I have listened to my colleagues and the issues they are raising are pertinent. However, I have a concern. Are these issues the ones we should be discussing now? The answer is no. These are issues we should have been taken to a *Kamukunji*. I have listened to them and it is about housekeeping. It is about us. It is not about somebody outside this Chamber. I want to plead with my colleagues that we close this chapter on these issues and maybe call a special *Kamukunji* where we can canvass these issues when the Chair of the Parliamentary Service Commission is present together with the Commissioners. Some of the issues touch on their docket.

Hon. Deputy Speaker: Our Senior Member has spoken. Can we leave it at that point? Hon. Members, can we move to the next Order?

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

[The Deputy Speaker (Hon. (Dr.) Laboso)
left the Chair]

IN THE COMMITTEE

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

PARLIAMENTARY SOCIETY OF KENYA BILL

The Temporary Deputy Chairman (Hon. Cheboi): Order, Members! You may resume your seats. We are dealing with the Parliamentary Society of Kenya Bill, National Assembly No.35 of 2013. We will also be dealing with the National Youth Employment Authority Bill, National Assembly Bill No.8 of 2015.

(Loud consultations)

Orderly manner, Members! Those who are retreating, please, do so in an orderly manner. We will now proceed.

(Clauses 3, 4 and 5 agreed to)

Clause 6

The Temporary Deputy Chairman (Hon. Cheboi): Hon. Keynan, you have a proposal there. You have the Floor.

Hon. Keynan: Hon. Temporary Deputy Chairman, I also had a proposal to Clause 2.

The Temporary Deputy Chairman (Hon. Cheboi): Well, Clause 2 will come later.

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

THAT, Clause 6 of the Bill be amended—

(a) In sub-clause (1) by deleting the word “psychiatrist” appearing in paragraph

(d) and substituting therefor the word “counsellor”.

(b) In sub-clause (2) by deleting paragraph (c).

This is just a definition. We felt that this is one of the services that should be made available to a member of this organization. We had a definitional problem. So, instead of saying a “psychiatrist”, the more civil word to use is a “counsellor”. It does not change much.

(Question of the amendment proposed)

The Temporary Deputy Chairman (Hon. Cheboi): I can see that there is some interest. We will start with Hon. Mulu. The Floor is yours.

Hon. Mulu: Thank you, Hon. Temporary Deputy Chairman. I want to support this amendment. When you use the word “psychiatrist”, it becomes more of a mental case. The most user-friendly word is a “counsellor”. You might be having a general problem and not a mental problem. I support the amendment.

The Temporary Deputy Chairman (Hon. Cheboi): I can see Hon. Waluke. Do you want to speak to this one?

Hon. Koyi: No.

The Temporary Deputy Chairman (Hon. Cheboi): Hon. Wamalwa, Member for Kiminini, the Floor is yours.

Hon. Wakhungu: Thank you, Hon. Temporary Deputy Chairman. Hon. Mulu has clarified. The two are different professionals. The counsellor is important and the psychiatrist is important, but their functions or their competences, are different. In this case in relation to the Society, the counsellor is the more relevant as opposed to a psychiatrist. A psychiatrist looks into a medical condition that needs healing, but a counsellor, as Hon. Mulu, clearly put it, is the right professional that we need here.

The Temporary Deputy Chairman (Hon. Cheboi): Hon. M’eruaki, the Floor is yours.

Hon. M’uthari: Thank you, Hon. Temporary Deputy Chairman. I also rise to support. This service is important for the counsellor. Sometimes members of this Society may be drained of the energy and at a certain moment in time, they may need counselling. So, this kind of clarification is important.

The Temporary Deputy Chairman (Hon. Cheboi): Let us have the Member for Turkana Central, if you are interested in this. Your card is on.

Hon. Nakara: Thank you, Hon. Temporary Deputy Chairman. I suggest that we use the word “specialist”, which is applicable to all the professionals.

The Temporary Deputy Chairman (Hon. Cheboi): The problem, Hon. Nakara, is that that is not on the Table now unless, of course, you want to propose a further amendment, which you can only do through the Mover. So, it might be a good suggestion; unfortunately that is not what we are discussing.

Lastly, let us have Hon. Gichigi. I think he is not ready. Let us have Hon. Okoth, if you want to speak to this and then we finalise. We did not want to take too long, but I thought we could give a chance to all the Members who have interest.

Hon. Okoth: Thank you, Hon. Temporary Deputy Chairman. I rise to support. I was thinking that “psychiatrists”, beyond their specification of their duties, would be too specialised. A counsellor is much broader. Defining and targeting this as a counsellor category could also include psychiatrists. Some psychiatrists can suffice. I support.

The Temporary Deputy Chairman (Hon. Cheboi): Okay, Members can now make their decision.

*(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)*

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

(Clause 6 as amended agreed to)

(Clauses 7, 8, 9 and 10 agreed to)

Clause 11

Hon. Keynan: Hon. Temporary Deputy Chairman, you are moving too fast. There is also an amendment to Clause 6(d).

The Temporary Deputy Chairman (Hon. Cheboi): Hon. Keynan, there was one proposed amendment to Clause 6, which you have canvassed and it has been taken. The next is to Clause 11, which we expect you to proceed with.

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

THAT, Clause 11 of the Bill be amended in sub-clause (4) by deleting the word “of” appearing immediately after the word “Officer”.

This is as typographical error.

(Question of the amendment proposed)

The Temporary Deputy Chairman (Hon. Cheboi): Hon. Members, since this is just a typo, we can quickly dispense with it.

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

(Clause 11 as amended agreed to)

The Ayes have it, but I am curious because I am waiting to hear some attempt even by the Mover of this amendment to support his own proposal, but he is very quiet. So, I do not know if he changed his mind somewhere or he wants to listen to what the rest of the Members are saying. But that is fine. We have finished that one.

(Clauses 12, 13, 14, 15, 16, 17 18, 19, 20 and 21 agreed to)

Clause 22

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

THAT, Clause 22 of the Bill be amended by deleting sub-clause (2) and substituting therefor the following new sub-clause (2)-

“(2) without prejudice to the generality of subsection (1), the regulations may-

- (a) prescribe the manner in which the Society may facilitate professional counseling of former Members of Parliament;
- (b) prescribe the manner in which the Society may facilitate public participation and lobbying of interest groups on matters of general public concern;
- (c) prescribe the manner in which the Society may develop and manage any project or enterprise whose object is to make former Members of Parliament capable of self-support;
- (d) prescribe the manner in which the Society may facilitate re-employment or re-retraining of former Members of Parliament; and
- (e) any other matter required under the Constitution, this Act or any other written law”.

Again, this seeks to create enabling provisions for the Society’s regulations. Therefore, I propose the deletion of subclause (2) and replacement with what is proposed.

The Temporary Deputy Chairman (Hon. Cheboi): Very well, you want to give any justification for that, so that the Members can be with you?

Hon. Keynan: Hon. Temporary Deputy Chairman, this is making Clause 22 neater. Clause 22 in the Bill says that:-

“(1) The Cabinet Secretary may, on recommendation of the Society, make Regulations generally or the better carrying into effect the provisions of this Act”.

(2) Without prejudice to the generality of subsection (1), the Regulations may prescribe the manner in which the Society may facilitate professional counseling to former Members of Parliament”.

This is not so elaborate. We have made it neater, so that whoever will be formulating regulations does not take advantage of the Society members. We have listed the issues that are

supposed to be taken into account in the process of coming up with these regulations. These are things that were not envisaged at the time the Bill was published. So, it is making it neater, so that whoever is going to make the regulations will have particular guidelines that will guide in the formulation of the regulations.

(Question of the amendment proposed)

The Temporary Deputy Chairman (Hon. Cheboi): I can see some interest. Let us start with the Member for Rabai, Hon. Mwamkale.

Hon. Mwamkale: Hon. Temporary Deputy Chairman, I support the amendment. This is a confirmation that even former Members will be part of the Society. Clause 22(2) is a confirmation that we are really concerned with their welfare. We have seen that after leaving this House, Members tend to lead a life of confusion. If we can have this in our laws, indeed, their welfare and concerns are going to be addressed.

The Temporary Deputy Chairman (Hon. Cheboi): Okay, let us have Hon. Gichigi.

Hon. Gichigi: Thank you, Temporary Deputy Chairman. This is a good amendment and I support it. It is not going to be possible to put all the details that relate to the implementation of a law in the main Act. So, the regulations come to play a particular role. The target of this amendment is to make sure that the person who will come up with regulations will be guided. The target, which is the welfare of the Members, becomes the focus of the particular regulations. It is a good one and I congratulate the Mover for bringing the amendment.

The Temporary Deputy Chairman (Hon. Cheboi): Very well. Let us have the Member for Kitui Central.

Hon. Mulu: Hon. Temporary Deputy Chairman, I support this amendment. It is a very good amendment. Paragraph (d) is more attractive to me. It says that:-

“(d) prescribe the manner in which the Society may facilitate re-employment or re-retraining of former Members of Parliament”.

You realise that once you are out of this Parliament, it is difficult to get employment. People do not like employing politicians. The opportunity provided by sub-clause (d) is very important for former Members of Parliament. It will be possible for them to be re-employed or retrained, so that they can also continue being useful citizens in this country.

I support.

(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 22 as amended agreed to)

(Schedule agreed to)

Clause 2

The Temporary Deputy Chairman (Hon. Cheboi): I can see that Hon. Keynan has something on this one.

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

THAT, Clause 2 of the Bill be amended by inserting the following definition in proper alphabetical sequence-

“counsellor” means a person who is registered as a counsellor under the Counsellors and Psychologists Act, 2014.

It is in line with the same term that we have used. The word “counsellor” must also appear in the definition. It is a way of inserting that new word that we have used instead of the word “psychiatrist”.

The Temporary Deputy Chairman (Hon. Cheboi): Okay. It is fairly straight forward.

(Question of the amendment proposed)

I see two Members who want to contribute to it. Let us start with Hon. Wamalwa

Hon. Wakhungu: Thank you, Hon. Temporary Deputy Chairman. As you have clearly put it, it is straight forward. It is just for purposes of consistency. I support.

The Temporary Deputy Chairman (Hon. Cheboi): Hon. Nakara.

Hon. Nakara: Hon. Temporary Deputy Chairman, this morning I read in a newspaper that counsellors do not have anybody to control them. Now that Hon. Keynan said that we need a counsellor who is registered, I do not understand. Is it through the Act or the body? This is because there are some counsellors who are not professionals and they pretend to be counsellors; unless we have a body to regulate them---

The Temporary Deputy Chairman (Hon. Cheboi): I will give an opportunity to Hon. Keynan to see if he can convince the Member for Turkana Central.

Hon. Keynan: Hon. Temporary Deputy Chairman, this Parliament, in its own wisdom, in 2014 passed a Bill that later on was assented to by His Excellency the President. It has become an Act called the “Counsellors and Psychologists Act of 2014”. Therefore, who is a counsellor, the definition and what they are supposed to do is already captured in an Act of Parliament. That is why it will not be a problem to identify who a professional counsellor is. We do have a law in place.

The Temporary Deputy Chairman (Hon. Cheboi): Then Members can make their decision.

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

(Clause 2 as amended agreed to)

What is your point of order, Hon. Keynan?

Hon. Keynan: On a point of order, Hon. Temporary Deputy Chairman. Under Clause 6, there is an amendment on the Order Paper to subclause (2) which was not done.

The Temporary Deputy Chairman (Hon. Cheboi): Hon. Keynan, unless you did not say it, when we put the Question, it was for Clause 6. Now, it did not matter whether there were subsections and others. That is transacted and you should be happy. It might have escaped you but it did not escape the House.

Hon. Keynan: I stand guided, Hon. Temporary Deputy Chairman.

The Temporary Deputy Chairman (Hon. Cheboi): So, we proceed with the Title.

(Title agreed to)

(Clause 1 agreed to)

That marks the end of that Bill. We will have the Mover moving reporting. That is Hon. Keynan. Kindly, move reporting.

Hon. Members for clarity, we will just have the Mover moving reporting and then we will put the Question on that particular one. Then, we will go to the next Bill and report for both.

Hon. Keynan: Hon. Temporary Deputy Chairman, I beg to move that the Committee doth report to the House its consideration of the Parliamentary Society of Kenya Bill, National Assembly Bill, No. 35 of 2013 and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

THE NATIONAL YOUTH EMPLOYMENT AUTHORITY BILL

The Temporary Deputy Chairman (Hon. Cheboi): Hon. Members we will proceed to the National Youth Employment Authority Bill, National Assembly Bill, No. 8 of 2015. This is the one which is sponsored by Hon. Sakaja.

Clause 3

The Temporary Deputy Chairman (Hon. Cheboi): In this particular one, we have two proposed amendments. We will start with the one by Hon. David Were. You have the Floor.

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

THAT, Clause 3 of the Bill be amended by—

- (a) deleting the words “Kenyan youth” and substituting therefor the word “Kenyans” in paragraph(b);
- (b) deleting the words “the youth” and substituting therefor the word “ Kenyans” in paragraph (c);
- (c) deleting the word “youth” and substituting therefor the word “Kenyans” in paragraph (d);
- (d) deleting the word “youth” and substituting therefor the word “Kenyans” in paragraph (e);
- (e) deleting the words “ so far as employment of the youth is concerned” and substituting therefor the words “ in matters of employment”

The essence of this amendment is removing the word “youth” from that clause, so that the Bill caters for all Kenyans who are seeking employment and not only the youth.

(Question of the amendment proposed)

The Temporary Deputy Chairman (Hon. Cheboi): For clarity, I will give an opportunity to Hon. Sakaja on this particular one. If Hon. Were's amendment is accepted, the one by Hon. Sakaja will be dropped because it is the same kind of amendment. Let us have Hon. Sakaja.

Hon. Sakaja: Thank you, Hon. Temporary Deputy Chairman. I want to clarify further. First of all, I have dropped my amendment. I interacted with the Committee and we discussed this at length. The National Youth Employment Authority will be very well placed to serve all Kenyans. It will be bad if a Kenyan of 36 years will be denied service. So, throughout the Bill, we have agreed to open up the Authority to Kenyans of all ages; even if you do that, majority of those who are unemployed in this country are the youth anyway. We have agreed with the Committee and so, I will be supporting their amendments. However, I still have my own but on this one, I support the Committee's amendments.

(Proposed amendment by Hon. Sakaja dropped)

The Temporary Deputy Chairman (Hon. Cheboi): Okay. Let us have the Member for Mombasa, Hon. Mishi Juma.

Hon. (Ms.) Khamisi: Thank you, Hon. Temporary Deputy Chairman. I also want to support the amendment to delete the word "youth" and substitute therefor the word "Kenyans". According to our Constitution, all Kenyans have a right to equal employment opportunity. So, if we put it as youth only, it will mean that there might be a time when there is an opportunity and the people who have applied are not the youth. It will be a problem at that particular period; we say Kenyans so that the youth and other people can access employment. I support that amendment.

The Temporary Deputy Chairman (Hon. Cheboi): Let us have Hon. Chae. I see quite a lot of interest in this particular one. I do not know if you want to speak to this one, Hon. Chae.

Hon. (Ms.) Chae: Yes. I support the word "Kenyans" to replace the word "youth" because there is unemployment in Kenya where somebody at the age of 42, 43 and even 45 has not had an opportunity to work. If we leave it at youth, it will be very hard for that person to get a job; if we open it to all Kenyans, it will be appropriate. I support.

The Temporary Deputy Chairman (Hon. Cheboi): Did I see Hon. Theuri? You want to speak to this one, Hon. Theuri, Member for Embakasi West.

Hon. Theuri: Hon. Temporary Deputy Speaker, I just want to support the amendment because when it comes to unemployment, it involves the whole lot of us; and more so the youth. I support the amendment.

The Temporary Deputy Chairman (Hon. Cheboi): I see quite a lot of interest on this one. I do not know whether all of the interested Members want to speak to this amendment. I will give a chance to two Members, starting with the Member for Uriri.

Hon. Kobado: Thank you, Hon. Temporary Deputy Chairman. Being a young person is a rite in one's lifespan. As it is, it would disadvantage the youth because some youth will register with the Authority and stay unemployed beyond the age of 35.

I support this amendment.

The Temporary Deputy Chairman (Hon. Cheboi): Let us hear Hon. Wamalwa. I hear that he has a divergent view on this amendment.

Hon. Wakhungu: Thank you, Hon. Temporary Deputy Chairman. I want to oppose the amendment. Research has shown that 70 per cent of the people who are unemployed are the

youth. I want this to particularly focus on the youth – the young people graduating from university. At the university, we have issues with placement officers. The Authority was supposed to work hand in hand with the placement officers at the university. People in their 40s, who may have been sacked from previous employment or who are out of employment for one reason or the other, should not start competing with the youth. There should be no talk of being discriminative because this Authority is coming into being to particularly focus on the youth.

We have seen many other agencies, like the Women Enterprise Development Fund, focusing on issues of women. We have also seen the Cash Transfer Fund focusing on the elderly people. This Bill was initially in line with the 30 per cent provision for the youth in matters of procurement. We have now moved to employment because the youth are the ones who have issues. When it comes to employment, they have no experience. They may have just left university or college.

I oppose the amendment because embracing it would lose the focus of the Bill.

The Temporary Deputy Chairman (Hon. Cheboi): Hon. Members, I am not going to give anybody else an opportunity. I realise that we have a series of other amendments coming up after this one. I will give Members opportunity to speak on those amendments.

(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)

The Temporary Deputy Chairman (Hon. Cheboi): Hon. Members, sometimes we have to look at the number of people claiming to vote for a particular direction, and not the decibels. Sometimes we might have one Member shouting very loudly. I heard Hon. Nyikal shout very loudly. Therefore, you will have to bear with us. We have to look at other issues other than just the decibels.

Clause 4

Hon. Sakaja: Hon. Temporary Deputy Chairman, this is an amendment that will also run throughout the Bill in terms of the import. I would like Members to listen to me very carefully on my amendment to Clause 4. The one on the Order Paper is the Departmental Committee's amendment.

Hon. Temporary Deputy Chairman, you will realise that the Authority that we are creating, as we explained earlier, is a national Authority to deal with matters of unemployment. Of course, it will give affirmative action to the youth as per Article 55 of our Constitution. If you go through the Bill, you will realise that there are many other affirmative action incentives, including tax incentives and internship opportunities for the youth. The import of this particular amendment is to remove the county government from the Bill, so that the Bill does not have to go to the Senate at this stage.

I want Members to understand that the last Bill I brought here – the Public Procurement and Asset Disposal Bill – giving the youth a 30 per cent share in procurement, took eight months

in the Senate. We are almost at the end of this Session. If this Bill is not expedited in the Senate and comes back to us by December, it will lapse completely and we will have to publish it again from the beginning. To get to this stage, this Bill has taken two years. Therefore, I persuade Members to agree that for now, because funds are available for the operation of the Authority, the Authority starts operating. Once the Bill is assented to, even as soon as next week; we can bring amendments to tie in the county governments to its operation. Otherwise, a very good Bill that we pass today can lapse because of the time it will take in between both Houses. I do not know if I am clear.

The Temporary Deputy Chairman (Hon. Cheboi): Even as you ask whether you are clear or not, I want to seek your clarification on this particular amendment. Where do you put the word “Kenyan”? If you are substituting the words “and county governments” and replacing them with “Kenyan”, what it will read is “the national and Kenyan”. This is an opportunity for you to clarify that on record.

Hon. Sakaja: That is a typing error. The amendment should read as follows:-

“THAT, Clause 4 be amended in paragraph (a) by deleting the words
“and county governments”.

There is no substitution. That substitution bit is a typing error. We will bring in an amendment to include the county governments once this Authority is operationalised, so that we do not lose the entire Bill because of timing issues. When Parliament moves into the next Session, which is in January, any Bill that will not be concluded by then will have lapsed. We will have to start again from pre-publication to publication, First Reading and Second Reading. As soon as we are done with this Bill, we can publish the amendments to bring in the other issues.

With those remarks, I beg the indulgence of hon. Members.

(Question of the amendment proposed)

The Temporary Deputy Chairman (Hon. Cheboi): Hon. Members, we will be moving a little faster. As I told you, we have quite a number of amendments to dispose of. I will also be looking out for those Members who have not spoken this morning. Therefore, you will have to bear with us.

Let us start with Hon. Joyce Akai, the Member for Turkana.

Hon. (Ms.) Emanikor: Thank you, Hon. Temporary Deputy Chairman. While I support Hon. Sakaja on the issue of timelines, I do not think we should not be introducing some amendments just because we do not want our Bills to go to the Senate. That should not be the sole reason for introducing changes. Above that, I had an issue with the deletion of the words “youth” when the whole Bill is supposed to benefit the youth.

The Temporary Deputy Chairman (Hon. Cheboi): Forget about that. We have dealt with that bit.

Hon. (Ms.) Emanikor: That is a general thing but it beats the logic of the Bill.

The Temporary Deputy Chairman (Hon. Cheboi): Let us proceed and have the Hon. Member for Seme.

Hon. (Prof.) Nyikal: Hon. Temporary Deputy Chairman, I just seek a clarification again. I supported this Bill because it was addressed to the youth. The biggest area of employment as we see in future will be the county. Can Hon. Sakaja clarify once more that this Bill will not go

into serious operational challenges before we make the amendment he has alluded to, because we will be losing out the largest area of support for the youth?

The Temporary Deputy Chairman (Hon. Cheboi): Let us have Hon. Agostino Neto, the Member for Ndhiwa.

Hon. Oyugi: Thank you very much, Hon. Temporary Deputy Chairman. Even though I support Hon. Sakaja's amendment, we also need to have a distinct discourse between what ought to go and what ought not to go to the Senate. Everything else that talks about the county government is not necessarily a Senate function. It has been misinterpreted that each time you mention the word "county" there is a presupposition that you are talking about a delegated function. That is not the position.

I support his amendment if at all it is going to save us the pain of going to the Senate so that this Bill sees the light of day.

The Temporary Deputy Chairman (Hon. Cheboi): Let us have the Member for Othaya.

Hon. (Ms.) Munene: Thank you, Hon. Temporary Deputy Chairman. I rise to support this Bill because it supports the youth of this country.

Actually, as Hon. Sakaja has said, we do not want to delay. If we delay it and allow it to go back to the Senate, we will take long to pass it. We all know the reasons. So, we should support this Bill as a House, because we are the Members of Parliament whose mandate is to make laws. We are making these laws for our children. So, it is better to support this Bill.

Thank you, Hon. Temporary Deputy Chairman.

The Temporary Deputy Chairman (Hon. Cheboi): From where I sit, sometimes I am able to notice without even seeing Members shouting from the Floor, those who seem to be having contrary views, because sometimes they even change colour, like you can see Hon. Nakara there. Let me hear what Hon. Nakara says and then I will come back to this direction and see whether there is any contrary opinion. After that, you will make a decision Hon. Members.

Hon. Nakara: Thank you, Hon. Temporary Deputy Chairman. We do not want to create enmity between this House and the Senate. This is a national issue that we believe the Senate can pass within a short time. We have already spoken to some Senators that this is a national issue that pertains our youth. We would like to have an environment where we can be passing laws without being opposed outside. If we pass this here now, somebody will go to court to oppose it. Let us follow the right channel. Let us talk to the Senate and it will do its work within a short time.

The Temporary Deputy Chairman (Hon. Cheboi): That is okay. I will give chance to Hon. Wamalwa whose colour seems to have been changing. He is not in his fairly brown colour. After that, I will come back to you, Hon. Sakaja, for clarification on this matter. Maybe we will also need another Member on this. I can see this is an issue that needs more debate.

Hon. Wakhungu: Hon. Temporary Deputy Chairman, I want to thank you. This Bill is very good. It is supposed to sort out the issues of unemployment but we must do a proper cost-benefit analysis. The reasons given by Hon. Sakaja are selfish. He says that he does not want this Bill to go to the Senate because of time and yet we know the biggest employer right now is the county government. This is the principal for devolution. For these county governments to be subjected to this law, this matter must go to the Senate. Let the Senate look at it. If it is good, they can expedite it. We can talk to their House Business Committee (HBC) so that it moves with speed because county governments are critical as far as employment is concerned. So whatever the reasons, this is selfish and I oppose

The Temporary Deputy Chairman (Hon. Cheboi): That is okay. I will give Hon. Gichigi a chance, come to Hon. Wanyonyi and then we will go back to--- I can see there is also another Member on this. I might give more Members a chance to speak on this amendment. Let us have debate on this and then I will be a bit faster on the rest of the amendments.

Hon. Gichigi: Thank you, Hon. Temporary Deputy Chairman. I would like to say that I am in the Committee that considered this Bill. Hon. Wamalwa's views were right on the table and we discussed them. The amendment that Hon. Sakaja has brought is just for pragmatism. We all understand that the issue of employment also concerns the counties. But if we decide to subject this particular Bill to the Senate, it is going to die, and then one year later, we will not have this Act operational. We will also not have an authority. What we intend to do to assist this country will not be in effect.

Hon. Temporary Deputy Chairman, the position is, if we pass this law as it is, we have already agreed with the Mover that immediately it is enacted just before it becomes operational, the law permits amendments to be brought immediately so that we can invoke provisions that will bring the county on board. That will probably take another two or three months. If we pass it as it is right now, without the amendments that Hon. Sakaja is doing, it means that even next year, we will not have an authority to address this particular problem.

The Temporary Deputy Chairman (Hon. Cheboi): Hon. Members, let us be brief so that many more Members can speak. Let us have the Member for West Pokot, Hon. Nyeris.

Hon. (Ms.) Changorok: Thank you, Hon. Temporary Deputy Chairman. I want to support the amendment moved by Hon. Sakaja. I happen to sit in that Committee. We dwelt on it and I would like to request you, my colleagues to support this amendment. The amendments will be done later. We understand that the counties are great employers in this country today. So, it is not that we did not see it, but we have a reason for making it the way it is.

Thank you, Hon. Temporary Deputy Chairman.

The Temporary Deputy Chairman (Hon. Cheboi): Hon. Wanyonyi. Hon. Members, I want you to be keen on this because you will have to make the decision consciously.

Hon. F.K. Wanyonyi: Hon. Temporary Deputy Chairman, I am not clear but at the back of my mind, Hon. Sakaja, with all due respect, let us go the normal way. Let us have this without your amendment because the Senate is there as a House and we cannot skip it for any reason. As Hon. Wamalwa has said, this Bill has to go through the Senate anyway. I do not know what selfish interest the Hon. Member has that this Bill must be passed as early as yesterday. We need time and let the Bill follow the normal procedure. I oppose the amendment.

The Temporary Deputy Chairman (Hon. Cheboi): Okay. Let us have Hon. Kahangara.

Hon. Kahangara: Thank you, Hon. Temporary Deputy Chairman. I rise to support the amendment by Hon. Sakaja. One thing that is coming out clearly is that the Bill is meant to establish the National Employment Authority. Since it has not been established, what Hon. Sakaja is saying is that if we go to the Senate at this particular stage it will mean that we remain as we are today, but if we pass the Bill, without necessarily going to the Senate, it will mean that we have already established the Authority. We can bring the amendment after the Authority is in existence and continue from there.

I support the amendment. Thank you, Hon. Temporary Deputy Chairman.

The Temporary Deputy Chairman (Hon. Cheboi): Okay. Let us have Hon. Abdinoor.

Hon. Abdinoor: Thank you, Hon. Temporary Deputy Chairman. I wish to support Hon. Sakaja on this amendment. Some of us raised this issue in the Committee but later we came to realize that, if this Bill goes to the Senate, the time will lapse. Secondly, we need to encourage

Private Members' Bills in this House. If a Member invested in this Bill for two years to bring it to this level, we need to support him as a colleague.

The Standing Orders are very clear. We can bring an amendment immediately after we pass this Bill after it has been assented to. It can then go to the Senate and stay for another six months. There will be no problem as long as the Authority is created. Without the Authority, the youth will be waiting for opportunities in this country.

The Temporary Deputy Chairman (Hon. Cheboi): Let us have Hon. Sakaja saying the last word on this.

Hon. Sakaja: Hon. Temporary Deputy Chairman, I just want to be very simple for the Members who have asked for clear clarification including Dr. Nyikal, who is now not listening.

To get to this stage, this Bill has taken two years - one year of research - from pre-publication to where it is at this point. At the end of the day, we want to establish an authority that serves both national and county governments.

We have to be realistic. If at this point we insist on having these provisions, we will lose the entire Bill. This is out of experience. I am one of the few Members who have taken a Private Members' Bill to the Senate. It took eight months, yet we have only two months before the lapse of this Session. The amendments that will bring to effect inclusion of the county governments, and I have discussed this with the Legal Department, can be brought immediately. It does not have to take six months because it is not something that has been rejected by the House. So, for us to save the baby, let us not throw the baby with the bath water, because if we pass this Bill without the amendment then the youth of this country will not have the Authority.

The Temporary Deputy Chairman (Hon. Cheboi): Okay. Hon. Members, you will make your decision now.

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

(Clause 4 as amended agreed to)

Hon. Wamalwa, you know I can only listen to you if your voice comes out. I saw you opening your mouth but I did not hear anything coming out. Let us proceed.

Clause 5

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

THAT, Clause 5 of the Bill be deleted.

We found Clause 5 to be superfluous.

(Question of the amendment proposed)

Hon. Wakhungu: On a point of order, Hon. Temporary Deputy Chairman.

The Temporary Deputy Chairman (Hon. Cheboi): What is your point of order?

Hon. Wakhungu: Hon. Temporary Deputy Chairman, procedurally, when you are bringing an amendment, you need to explain the gist. Hon. Were has just mentioned it is not necessary. He must explain the gist for the Members to understand. You cannot just say it is

deleted because it is not necessary. You must explain the import and the gist why it is not necessary. He needs to clarify that.

The Temporary Deputy Chairman (Hon. Cheboi): Hon. Wamalwa, you are perfectly in order. Let us see if other Members understand it anyway. If they do not understand, we will get back to Hon. Were.

Yes, the Member for Kibra.

Hon. Okoth: Hon. Temporary Deputy Chairman, I was hoping to speak on the last amendment by Hon. Sakaja, but it has been passed. On this one, I would like to request Hon. Were to humbly explain to the House what he is trying to accomplish.

The Temporary Deputy Chairman (Hon. Cheboi): Since it is unanimous let us have Hon. Were explain to the House. But since there seems to be some agreement between Hon. Were and Hon. Sakaja, can we have Hon. Sakaja speaking to this? Hon. Sakaja, you are aware that if the deletion is taken, then your amendment is dropped.

Hon. Sakaja: Hon. Temporary Deputy Chairman, I do not have an amendment on this. It makes sense. Clause 5 says that all persons subject to this Act shall at all times respect, uphold and defend the values and principles of the Constitution. The Constitution tells people to do that and so it is superfluous here.

The Temporary Deputy Chairman (Hon. Cheboi): I think that clarifies it very well.

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

(Clause 5 deleted)

Clause 6

Hon. Were: Hon. Temporary Deputy Chairman, on Clause 5, I had mentioned the word ‘superfluous’ but maybe Hon. Wamalwa was not listening.

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

THAT, Clause 6 of the Bill be amended—

(a) by deleting the words “of the youth” appearing immediately after the words “to employment”;

(b) by deleting the words “any youth” appearing immediately after the words “the Constitution” and substituting therefor the word “a person”

Hon. Temporary Deputy Chairman, we are removing the word “youth” so that this Bill can concern all people who are looking for employment.

The Temporary Deputy Chairman (Hon. Cheboi): Hon. Members, treat the previous one as a deletion. That is what is going to be part of the Bill. It was deleted. So, that was the position.

(Question of the amendment proposed)

I do not know why Hon. Nakara is putting one finger up. I do not know whether he is pointing at me, or he is describing the party to which I belong. I will give two Hon. Members an opportunity to contribute. We will transact Hon. Were’s amendment first on deletion and insertion. Hon. Harrison Kombe, do you want to speak to this?

Hon. Kombe: Yes, Hon. Temporary Deputy Chairman. As much as I respect Hon. Were, I oppose this amendment. Substituting “youth” with “Kenyans” is in a way suggesting that the youth are not Kenyans. The main idea here is to provide employment for the youth. We always say the youth are the leaders of tomorrow, but we do not provide opportunities to them. Even if you look at the appointments made for the positions of directors and chairmen, you will realise that most of the time it is people in their 70s who are given those jobs. It is high time we considered the youth. We need to appoint them to those positions so that they can move this country forward.

The Temporary Deputy Chairman (Hon. Cheboi): Let us have the Member for Butere, Hon. Toboso.

Hon. A.T. Anyanga: Hon. Temporary Deputy Chairman, I would like to add my voice on this Bill. First and foremost, I would like to congratulate Hon. Sakaja because this is a Bill whose time is very ripe. I would like to support the amendment by Hon. Were by saying that when he talks about substituting the word “youth” with “Kenyans”, we are making the Bill more inclusive. The youth are already included when you talk about Kenyans. We must understand that what is fundamental is that the people who are unemployed in this country are not only the youth but many Kenyans who have lost jobs through downsizing and retrenchment. This Bill will assist them get employment opportunities.

Therefore, I support.

The Temporary Deputy Chairman (Hon. Cheboi): Let us have the Member for Kajiado North, Hon. Manje.

Hon. Manje: Hon. Temporary Deputy Chairman, I want to oppose this amendment. The reason is that if you delete that word “youth” and replace it with “Kenyans” then the whole meaning of the Bill will change. This is because the authority we want to create is for the youth. I think the whole document will lose meaning.

The Temporary Deputy Chairman (Hon. Cheboi): Hon. Members, remember there is a previous amendment which has already been taken. That has been done. So, as you argue be alive to that fact. I will give an opportunity to two more Members, especially those who have not spoken this morning.

Yes, the Member for Kibwezi East.

Hon. (Ms.) Mbalu: Hon. Temporary Deputy Chairman, my input is to reluctantly support the amendment but with information to replace the word “youth” with the word “persons”. Of course, the youth are included in “persons”; they are catered for. However, my fear is - and maybe this passed my ear - about the Bill itself. Unless Hon. Sakaja has an amendment to the title of the Bill which reads thus: “The National Youth Employment Authority Bill (National Assembly Bill No.8 of 2015),” I am afraid that we could be contradicting each other. If that is catered for then the replacement will be welcomed.

The Temporary Deputy Chairman (Hon. Cheboi): Let us have Lord Naicca. I am sorry, Hon. Naicca. I said “Lord” but I do not know why it came out.

(Laughter)

Hon. Naicca: Hon. Temporary Deputy Chairman, I rise to support Hon. Were’s amendment. With regard to the Constitution, the age for the youth ends at 35 years but in reality, people who are about 40 years of age are still youth. We better be inclusive and take care of the

people who range between 40 and 45 years and are also jobless. They are in the bracket of youthful people.

I support the amendment.

The Temporary Deputy Chairman (Hon. Cheboi): Yes, the Member for Nakuru Town East.

Hon. Gikaria: Hon. Temporary Deputy Chairman, I was enquiring something from Hon. Sakaja and he has already explained it. I shared the same view with Hon. Manje, but I sought some clarification from the Chairman. I am sorry it was Hon. Sakaja. He has actually explained this to me exhaustively.

The Temporary Deputy Chairman (Hon. Cheboi): Hon. Gikaria, let us leave the political parties outside the House.

Hon. Gikaria: Hon. Temporary Deputy Chairman, I have corrected that.

The Temporary Deputy Chairman (Hon. Cheboi): You know this has nothing to do with broadcasting and the rest; rather it is labour-related. So, you do not need to refer to him as “Chairman”. He can be Sakaja for the time being until that day you will be holding your National Executive Council.

*(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 as amended agreed to)

Hon. Kombe: No!

The Temporary Deputy Chairman (Hon. Cheboi): Hon. Mwalimu Kombe, if you do that again, I will obviously declare you very unruly.

Hon. Sakaja, your amendment is dropped.

Hon. Sakaja: Thank you.

(Proposed amendment by hon. Sakaja dropped)

Clause 7

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

THAT, Clause 7 be amended in sub-clause (1) by deleting the word “youth”.

The explanation is the same. It is just removing the word “youth”.

(Question of the amendment proposed)

The Temporary Deputy Chairman (Hon. Cheboi): I will only give two Members a chance. I will start with Hon. Maweu Kyengo and then I will probably put the Question. Hon. Maweu, the Member for Kangundo, are you interested in this one? I can see your card is here.

Hon. Maweu: Yes, Hon. Temporary Deputy Chairman. I have just got here. I apologise. I did not probably get what was going on.

(Laughter)

I want to be frank.

The Temporary Deputy Chairman (Hon. Cheboi): Very well, Hon. Maweu. I know the way I pronounced the name “Kyengo” when I called it out is not the way it is pronounced. That is why he was not fast. But I believe Hon. Kyengo is with us. Thank you very much. You have made your contribution. I will give the last chance on this amendment to Hon. Regina. Your card seems not to be working. You could approach the Dispatch Box, please. You can proceed.

Hon. (Ms.) Muia: Hon. Temporary Deputy Chairman, I want to oppose the deletion of the word “youth”. This is still a continuation. Many times we have passed many Bills on the Floor of this House forgetting the issue of youth. If you look at the recent appointments, youths are left out because whenever we are amending these clauses, we also leave out their names. Once the Bill is signed, there is no justification that you can argue out that the youth must be given appointments. We do not look at these clauses when we are deleting them. So, I am opposed to the deleting of the word “youth”. The word “youth” should be included.

The Temporary Deputy Chairman (Hon. Cheboi): Okay. Hon. Members, make your decision.

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

(Clause 7 as amended agreed to)

(Clause 8 agreed to)

Clause 9

Hon. Were: Hon. Temporary Deputy Chairman, I want to drop this amendment and allow Hon. Sakaja to move his.

(Proposed amendment by Hon. Were dropped)

The Temporary Deputy Chairman (Hon. Cheboi): Very well. Let us have Hon. Sakaja.

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

THAT, Clause 9 of the Bill be deleted and substitute it with the following new clause;

“9. The functions of the Authority shall be to

- (a) advise on formulation of employment policies and strategies for National Government;
- (b) advise both the National Government on any policy matter concerning employment;
- (c) develop methodologies for employment measurement, management and promotion;

- (d) conduct periodic surveys on labour market skills requirements and advice training institutions and job seekers appropriately to ensure that training and skills match the job market requirements;
- (e) monitor implementation of employment policies and programmes;
- (f) facilitate cooperation with the National Government, the private sector, the informal sector and foreign governments and institutions to promote and increase access to employment;
- (g) facilitate, continuous training and other activities of Kenyans to improve their chances of employment and work skills;
- (h) register persons seeking employment;
- (i) maintain an integrated and up-to-date database of all persons seeking employment;
- (j) facilitate the employment and placement of job seekers in formal and informal or any other form of employment, locally and internationally;
- (k) circulate in a timely manner job vacancies advertised to job seekers throughout Kenya through appropriate means including use of social media, internet, and published materials;
- (l) provide counseling to the unemployed and undertake activities to promote employment.
- (m) facilitate the implementation of National policies on employment;
- (n) take necessary steps to encourage equal opportunity employment practices for the benefit of the unemployed; and
- (o) perform such other function as may be assigned to it by any other written law.”

We have amended Clause 9 just to make sure that the functions of the Authority are very clear. Even given our earlier amendments, the Authority will be advising on the formulation of policies. It will advise on policy matters concerning employment. Then it will create a database where any young person in any part of this country who is looking for a job can apply and give their names. So, any entity that wants to hire them can get the names online. That applies even to the private sector. It talks about creating opportunities for internships for our young people in colleges and universities so that they can go for mandatory internships within Government entities.

It provides for issues of employment of Kenyans internationally. We have seen the problems that many Kenyans are getting especially in the Middle East where unscrupulous employment entities have been taking people. Now it is going to be Government to Government. We are going to have commercial and employment attaches throughout the world to look for employment. So, it is really harmonising the functions of this Authority to make sure that we have people both in the formal and the informal sector. So, if you want to look for a cobbler or mason in any part of this country, you go online and get a database and get that person a job.

(Question of the amendment proposed)

The Temporary Deputy Chairman (Hon. Cheboi): I will only give two Members a chance. I will start with Hon. Onyango K'Oyoo of Muhoroni.

Hon. Oyoo: Thank you, Hon. Temporary Deputy Chairman. First, I want to declare that I am a Member of this Committee. We very ably looked at this Bill of Hon. Sakaja. I want to say that it is a God sent opportunity because the youth have been left to languish in the cold. The

latest salvation came when unscrupulous employment bureaus started giving placements to our boys and girls to destinations that we were not able to follow up.

In the Committee, we have engaged the Ministry of Labour and the Ministry of Foreign Affairs. We are trying to make sure that employment is guided properly and that the youth who have been vulnerable have a way of getting their unemployment status redressed.

I support that this is a timely Bill and it should be supported by everybody as it will help the youth get a clear solution to their---

The Temporary Deputy Chairman (Hon. Cheboi): Hon. Nyikal, I will put the Question.

Hon. (Prof.) Nyikal: Please Chair.

The Temporary Deputy Chairman (Hon. Cheboi): I hear the cry by Hon. Nyikal. Let us hear what you really have Hon. Nyikal.

Hon. (Prof.) Nyikal: Hon. Temporary Deputy Chairman, Hon. Sakaja has brought a Bill for the youth. What has happened today? This is not the Bill you brought. From the same amendments starting from Clause 1, Clause 2---

The Temporary Deputy Chairman (Hon. Cheboi): You see, Hon. Nyikal, it is not even necessary for you to withdraw. That has already been canvassed. It was passed when you were in the House. By the way, you probably would need to wait for the title, then you can deal with that at that point.

Hon. (Prof.) Nyikal: Hon. Temporary Deputy Chairman, on Clause 9, the amendment by Hon. Sakaja is not in any way different from the amendment withdrawn by Hon. Were. If you look at the amendments, you will realise that what we started with was directly for the youths of this country, directing their problems and how they can be helped register - all who are unemployed- maintaining and publish online including getting training. This is really the biggest problem that our youths have. What this amendment does is that it has become a general employment Bill. That is not going to give the youth any chance at all. This amendment to Clause 9 is actually core.

I oppose this.

The Temporary Deputy Chairman (Hon. Cheboi): That is it. Okay. Let us hear the clarification. It makes sense to---

Hon. Sakaja: Hon. Temporary Deputy Chairman, let me clarify on that issue. Members know very well that since we came to this House, I have consistently pushed the interest of the youth. Even the youth trust that whatever I am doing is for them.

Let me explain. Many of our young people in this country do not have opportunity to start school at the same time, even in your village. By the time they are finishing school many of them are either 26 or 27 years and are looking for a job. We have trained teachers who are unemployed and they are 36 years old. Do we want to create an authority where a 36 year old goes to that Authority in Seme and he is told: "You are too old, go away"? We cannot do that. That will be discriminatory because there are many young people even below the age of 41 who have not been able to get employment in this country. So, what we are saying is that even as we provide for any Kenyan who is seeking a job--- If you read the entire Bill there is a lot of affirmative action for the youth. There are internship, registration, training and counselling opportunities.

There needs to be affirmative action for the young people in this database according to Article 55. You cannot create an authority funded by taxpayers and say that if somebody comes

and their ID is one day beyond the age of 35, they are told: “No, we cannot serve you.” Unless we have equal opportunity for education, we cannot do that.

The Temporary Deputy Chairman (Hon. Cheboi): Okay, that clarifies it sufficiently. Hon. Members, make your decision. If you want to throw out some amendments, it is up to you.

(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)

Clause 10

The Temporary Deputy Chairman (Hon. Cheboi): Hon. Were, be brief so that we proceed faster.

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

THAT, Clause 10 of the Bill be deleted and substituted with the following new clause—

“Powers of the Authority.

10.The Authority shall have powers for the purpose of carrying out its functions to perform such acts as may be authorised by this Act or any other written law and in particular—

- (a) advise the Cabinet Secretary on any matter deemed by the Authority to be necessary or expedient to be considered by the State in connection with the provisions of this Act or the application thereof and on any other matter relating to employment which has been referred by the Cabinet Secretary to the Authority for the advice and recommendations of the Authority;
- (b) conduct studies on any matter relating to its mandate;
- (c) obtain information relevant to the discharge of its function;
- (d) take the necessary steps to protect the unemployed against any form of abuse or exploitation;
- (e) subject to the provisions of this Act, cause its work to be performed by persons employed or appointed by it in terms of this Act;
- (f) become a member of an association or organization which seeks to promote any matter in which the Authority has an interest;
- (g) establish relations with or enter into cooperation agreements with bodies or offices offering similar services in other countries;
- (h) vest in or delegate to any officer, any of its committees

such functions of the Authority as the Authority may determine; and
 (i) appoint and or employ such officers as are necessary for the Authority to discharge its mandate as required under this Act.”

Hon. Temporary Deputy Chairman, the reason for this is that Clause 10 of the Bill has a lot of repetition and it is quite long. So, we have compressed it and come up with a new clause, which is in tandem with the provisions of other authorities that already exist.

(Question of the amendment proposed)

The Temporary Deputy Chairman (Hon. Cheboi): I give the Floor to the Member for Sigowet/Soin, Hon. Justice Kemei.

Hon. Kemei: Thank you, Hon. Temporary Deputy Chairman. I wish to support the amendment by Hon. Were. It is good to be brief and precise in terms of legal issues.

I support the amendment.

The Temporary Deputy Chairman (Hon. Cheboi): Yes, the Member for Ugenya.

Hon. Ochieng’: Thank you very much, Hon. Temporary Deputy Chairman. Issues of young people are very important. That is why sometimes when writing them, you want to list almost everything. That is what Hon. Sakaja had done before. I agree with the Chairperson of the Committee that being brief and succinct, and clearly indicating the role of the Authority makes more sense. I hope that the Authority’s functions will be broad enough to capture everything.

Thank you very much.

The Temporary Deputy Chairman (Hon. Cheboi): Hon. Mutura, do you want to speak on this amendment?

(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 10 as amended agreed to)

Clause 11

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

THAT, clause 11 of the Bill be amended—

(a) by deleting sub-clause (1) and substituting therefor the following new sub-clause;

“(1) The Authority shall be governed by a Board consisting of the following members appointed by the Cabinet Secretary-

(a) a chairperson;

(b) the Principal Secretary of the Ministry for the time being responsible for matters relating to finance or his representative;

- (c) the Principal Secretary of the Ministry for the time being responsible for matters relating to labour or his representative;
- (d) the Principal Secretary of the Ministry for the time being responsible for matters relating to Foreign Affairs or his representative;
- (e) the Secretary to the Public Service Commission;
- (f) the Secretary to the Commission on University Education;
- (g) the Secretary to the Kenya Association of Technical Training Institutions;
- (h) a person appointed from the largest representative association of employers and
- (i) the Director General who shall be the secretary”

(a) by deleting sub-clause (2) and substituting therefor the following new sub clause-

“has at least seven years’ experience in human resource management or its equivalent”

Hon. Temporary Deputy Chairman, the main difference at part (a) is that the Cabinet Secretary (CS) will be responsible for appointment of the Board, including the chairman, unlike in the Bill which says the President shall appoint the chairman.

On part (b), it is unfortunate that it is printed as (a), but the second part is (b) and not as it appears on the Order Paper.

The reason for doing this is that the chair of this Authority should have seven years’ experience and not five years’ experience as indicated in the Bill.

(Question of the amendment proposed)

The Temporary Deputy Chairman (Hon. Cheboi): I will give the first opportunity to the Member for Uriri, Hon. Kobado.

Hon. Kobado: Thank you, Hon. Temporary Deputy Chairman. I support the amendment but I am concerned with the composition of the Board. This is because this law will be used to regulate the labour market. In the labour market, there are three critical players; that is the employers, the employees and the Government. This composition leaves out the representative workers’ organisation, which should be part of these players.

The Temporary Deputy Chairman (Hon. Cheboi): Hon. Nakara.

Hon. Nakara: Thank you, Hon. Temporary Deputy Chairman. The composition of the Board is biased. We have been talking about the youth and they are the beneficiaries of this Authority. The youth, who are the affected group, are not represented on the Board. This Bill has lost its meaning. It was meant for the youth. Now, if the youth are not represented on this Board, who will speak on their behalf?

The Temporary Deputy Chairman (Hon. Cheboi): I will give a few Members opportunity to speak to this amendment and then we will make a decision.

Yes, Hon. Gladys Wanga. I also notice a new Member who has not spoken today.

Hon. (Ms.) Nyasuna: Thank you, Hon. Temporary Deputy Chairman. I support this amendment because it brings in the responsible departments of the Government, the Commission for University Education (CUE) and the technical training institutions. The only gap which has also been pointed out is within paragraph (h). When you have a person appointed from the

largest representative of employers, you also need to have a representative of employees. Because we worked on the Bill and we moved it from being a youth-specific to a general employment Bill and we stressed on the affirmative action for the youth, with this composition, I want to agree that we still need to have somebody that represents the interests of young people so that the affirmative action that we have been speaking about is seen and included within the Board.

The Temporary Deputy Chairman (Hon. Cheboi): Yes, Hon. Bishop Mutua.

Hon. (Bishop) R. Mutua: Thank you, Hon. Temporary Deputy Chairman. I want to support this amendment but make a very serious observation. This amendment leaves out people living with disabilities. The assumption seems to be that disabled people are not youth. I would like to see them represented in this Board so that their interests can also be taken into account.

The Temporary Deputy Chairman (Hon. Cheboi): Obviously, I must give the Member for Ruiru an opportunity because I know what she can do if I do not.

(Laughter)

Hon. (Ms.) Gathogo: Asante, Mhe. Naibu Mwenyekiti wa Muda. Niliumwa na kitu, nikajikuna halafu watu wakaona kama ni nguo ninatoa. Sio nguo nilikua ninatoa.

The Temporary Deputy Chairman (Hon. Cheboi): That is totally irrelevant.

Hon. (Ms.) Gathogo: Mhe. Naibu Mwenyekiti wa Muda, ninaunga mkono. Wakati mwingi---

(Loud consultations)

Tafadhali tuachane na mambo ya nguo. Mara nyingi tunaongea mambo ya vijana lakini ikifika wakati wa kufaidika, wazee wanafaidika na vijana wanakosa.

Hon. Ganya: On a point of order, Hon. Temporary Deputy Chairman.

The Temporary Deputy Chairman (Hon. Cheboi): What is your point of order, Hon. Chachu Ganya?

Hon. Ganya: Mhe. Naibu Mwenyekiti wa Muda, Mheshimiwa Gathogo amesema aliumwa na kitu. Inawezakuwa kitu ambacho kinaambukiza? Ninataka kujua aliumwa na nini. Kama ni kitu ambacho kinaambukiza, ni vizuri tupate kinga.

(Laughter)

The Temporary Deputy Chairman (Hon. Cheboi): That is not a point of order. In any case, we have a very serious doctor here, Prof. Nyikal.

Proceed, Hon. Gathogo.

Hon. (Ms.) Gathogo: Asante. Kama alivyosema Mheshimiwa Nakara, inafaa tuwachunge vijana. Isiwe vijana wanashughulikiwa na ikifika wakati wa kufaidika, wazee wanapata na vijana wanakosa. Kwa hivyo tusikose mwelekeo. Vijana pekee ndio wanapaswa kufaidika.

Asante sana.

The Temporary Deputy Chairman (Hon. Cheboi): It becomes difficult for me to notice some of these things. Even if there was to be a further amendment, we have not seen it here. In the meantime, let us have Hon. Gikaria.

Hon. Gikaria: Thank you, Hon. Temporary Deputy Chairman. As much as I support the Bill, I also rise to support what Hon. Wanga has just said. The original Bill had given an indication of the youth. Paragraphs (g), (h) and (i) had actually said “a youth”. It is worrying that the Committee, as it is now with the amendment by Hon. Were, might not have even a single youth in there. Much as we are talking about the youth and what Dr. Nyikal had earlier said, let us not lose the focus of the intention of the Bill to have the representation of the youth within the Board. Otherwise, if we have Principal Secretaries who are above 50 years and no young person within it, then it will not be good. You are saying it is late to bring a further amendment. Maybe Hon. Were might want to think on how to leave it the way it was indicated in the Bill under paragraphs (h), (i) and (j).

I do not know why Hon. Were thought of increasing the years from five to seven. Five years would also have given an opportunity for a young person to chair the Board. So, again if we increase the years of experience, that is also going to be---

Thank you.

The Temporary Deputy Chairman (Hon. Cheboi): Hon. Members, I see there is a proposal for a further amendment here. Of course, we will have to be sure that the Mover of the Bill is in agreement. Hon. Members, you should also be alive to Standing Order No.133 in future so that you do not just shout from the Floor of the House that you want to move a further amendment without following the right procedure.

I see there is a proposal which has been agreed by the Mover and I am told that Hon. Ochieng will move it. I want to confirm for the record if the Mover has been informed and if he is in agreement. Hon. Sakaja, have you seen that further amendment?

Hon. Sakaja: Yes, Hon. Temporary Deputy Chairman. I have seen it and I agree. Actually, in my original Bill, I had provided for those youths. So, we just want to retain paragraph (g) as it was in the original Bill.

The Temporary Deputy Chairman (Hon. Cheboi): Let us have Hon. Ochieng’. Proceed and quickly transact that.

Hon. Ochieng’: Thank you very much, Hon. Temporary Deputy Chairman. The further amendment is just to take care of the concerns of the Members who have raised a very important matter. What I am proposing to do as a further amendment is to retain the original paragraph (g) of the said Clause and renumber it as paragraph (j). That is what I propose, Hon. Temporary Deputy Chairman.

The Temporary Deputy Chairman (Hon. Cheboi): Can you read it for Members to be up to speed. two youths, one man and one woman, nominated by the National Youth Council and appointed by the Cabinet Secretary;

Hon. Ochieng’: Hon. Temporary Deputy Chairman, the original paragraph (g) read; “Two youths, one man and one woman, nominated by the National Youth Council and appointed by the Cabinet Secretary.”

That is what we are bringing back and renumbering as paragraph (j).

(Question of the further amendment proposed)

The Temporary Deputy Chairman (Hon. Cheboi): We will have a few Members speaking to it. I see there is quite a lot of interest on this one. We will start with Hon. Regina Muia, the Member for Kilome Constituency.

Hon. (Ms.) Muia: Thank you, Hon. Temporary Deputy Chairman. I rise to support the further amendment. I hope Hon. Sakaja is going to listen to me. If you look at the composition of this Board, you will find that most of them are men. There is only one lady. We also demand that one-third should come from a different gender. This is very important.

The Temporary Deputy Chairman (Hon. Cheboi): Hon. Regina Muia, you have a choice to either support or oppose. This is a specific amendment by Hon. Ochieng'.

Hon. (Ms.) Muia: I support, Hon. Temporary Deputy Chairman. I stood to say I support. I just request if this could be included because we passed our Constitution and one-third should be---

The Temporary Deputy Chairman (Hon. Cheboi): Order, Hon. Muia! Remember I referred you to the specific Standing Order that if there is anything you need to do, you must do it within the Standing Orders, especially Standing Order No.133 (2) and (3). We will simply work on whatever is before us and the rest you can canvass.

I will give the chance to Hon. Mwalimu Kombe.

Hon. Kombe: Thank you, Hon. Temporary Deputy Chairman. I rise to support the further amendment because it is including the youth. At least, the youth will have a say this time. Thank you.

*(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. Cheboi): I am now putting the Question on the entire Clause 11 as proposed by Hon. Were.

*(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 11 as amended agreed to)

(Clauses 12, 13, 14, 15, 16 and 17 agreed to)

Clause 18

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

THAT, Clause 18 of the Bill be amended by deleting sub-clause (4) and substituting therefor the following new clause—

“(4) The Director General may be removed from office by the Board in accordance with the terms and conditions of service for—

(a) serious violation of the Constitution or any other law, including a contravention of Chapter Six;

- (b) gross misconduct, whether in the performance of the member's or office holder's functions or otherwise;
- (c) physical or mental incapacity to perform the functions of office;
- (d) incompetence; or
- (e) bankruptcy."

In the removal of the Director-General, what we have done is to make it tidier and conform to the other Acts that are in existence.

(Question of the amendment proposed)

Hon. Members: Put the Question!

*(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)

(Clauses 19 and 20 agreed to)

Clause 21

The Temporary Deputy Chairman (Hon. Cheboi): It is good to be clear, Hon. Sakaja that if this amendment is passed, yours will be dropped.

Hon. Sakaja: I surrender.

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

THAT, clause 21 of the Bill be amended—

- (a) in sub-clause (2), by deleting the word “youth” and substituting therefor the word “Kenyan”;
- (b) in the marginal note, by deleting the words “of youth”.

This one has been explained. We are just removing the word “youth” and replacing it with “Kenyan”.

The Temporary Deputy Chairman (Hon. Cheboi): It is fairly straightforward.

(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)*

(Proposed amendment by hon. Sakaja dropped)

(Clause 21 as amended agreed to)

Clause 22

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

THAT, Clause 22 be amended by-

- (a) deleting sub-clause (b)
- (b) deleting sub-clause (c)

We are deleting the words “youth” and “of sound mind” so that we have Clause 22 having sub-clause (a) only.

(Question of the amendment proposed)

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

(Clause 22 as amended agreed to)

(Clauses 23 and 24 agreed to)

Clause 25

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

THAT, Clause 25 of the Bill be amended by-

(a) in sub clause (1) by deleting the word “youth” and substituting therefor the words “job seekers”

(b) in sub-clause (2) by—

- (i) deleting the word “youth” appearing in paragraph (a) and substituting therefor the words “job seekers”
- (ii) deleting the word “youth” appearing in paragraph (b) and substituting therefor the word “job seekers”
- (iii) deleting the word “youth” appearing in paragraph (c) and substituting therefor the word “job seekers”
- (iv) deleting the word “youth” appearing in paragraph (d) and substituting therefor the word “job seekers”
- (v) deleting the word “youth” appearing in paragraph (e) and substituting therefor the word “job seekers”
- (vi) deleting the word “youth” appearing in paragraph (f) and substituting therefor the word “job seekers”
- (vii) deleting the word “youth” appearing in paragraph (g) and substituting therefor the word “job seekers”

We are only removing the word “youth” wherever it appears in the Clause.

The Temporary Deputy Chairman (Hon. Cheboi): Yes, Hon. Were. But, next time say you move. Much as it is your proposition, it is better when you move it.

(Question of the amendment proposed)

I will give a chance to a few Members. Let us have Hon. Jessica Mbalu, Hon. Member for Kibwezi West Constituency.

Hon. (Ms.) Mbalu: Hon. Temporary Deputy Chairman, I am the Member for Kibwezi East Constituency and Kibwezi West Constituency as you have said.

The Temporary Deputy Chairman (Hon. Cheboi): Yes, you are the Member for Kibwezi East Constituency. Proceed.

Hon. (Ms.) Mbalu: I am the Member of Kibwezi East Constituency, Makueni County Kenya.

The Temporary Deputy Chairman (Hon. Cheboi): Where the sun comes from. Proceed.

Hon. (Ms.) Mbalu: Hon. Temporary Deputy Chairman, the deletion of the word “youth” appearing from part (i) to part (vii) and replacing it with “job seekers” really beats the purpose of the Bill and I want to repeat. Remember we are creating jobs for the youth. It is the title of the Bill that we are making amendments to. It is the National Youth Employment Authority Bill (National Assembly Bill No.08 of 2015). I do not know whether there is consistency in the Bill’s title and its content. This needs to be clarified.

The Temporary Deputy Chairman (Hon. Cheboi): Now, let us have Members speaking to this. Probably, I can give a chance for a point of order by the Member for Ndhiwa. What is your point of order the Member for Ndhiwa?

Hon. Oyugi: Thank you, Hon. Temporary Deputy Chairman. I was not on a point of order. I wanted to inform the Hon. Member for Kibwezi East Constituency.

The Temporary Deputy Chairman (Hon. Cheboi): If it is information, I do not know whether she really wants it.

Hon. Oyugi: I thought she needed information because if she looks at the Order Paper, there is a very good chronology and the title of the Bill is going to be amended in due course.

(Hon. (Ms.) Mbalu spoke off the record)

The Temporary Deputy Chairman (Hon. Cheboi): She has totally refused to be informed by you the Member for Ndhiwa. Therefore, I will do exactly what she has said.

Hon. (Ms.) Nyasuna: Thank you, Hon. Temporary Deputy Chairman. I hear the concerns of Hon. Jessica. But, removing the word “youth” does not mean we are alienating the youth. It just means that we are having the youth plus any other Kenyan who is job-seeking. The reality of job-seeking in this country is that a majority of those seeking jobs are actually youths; in fact, 70 per cent of them. But, we do not want to say that one cannot benefit if he or she is 36 or 40 years old. We are having the youth but they are accommodating everybody else. The spirit is not of locking out people but rather it is one of inclusiveness as it is provided for in the Constitution. I think that is the spirit of this deletion.

The Temporary Deputy Chairman (Hon. Cheboi): Okay. Let us have the Member for Shinyalu.

Hon. Anami: Thank you, Hon. Temporary Deputy Chairman. My problem would be replacing “youth” with the word “job seeker” because we could be having job seekers who are actually in employment but looking for jobs all the same. Someone may be in employment but still looking for further employment. So, are we going to leave it generalised like that?

The Temporary Deputy Chairman (Hon. Cheboi): Okay. Let us have the County Women Representative for Meru. That is Hon. Florence Kajuju.

Hon. (Ms.) Kajuju: Thank you, Hon. Temporary Deputy Chairman. I rise to support the amendment by the Committee. This is the right thing to do. It is in view of the fact that we have seen jobs that have been limiting persons to a certain age just because the Constitution interprets “youth” to mean between 18 and 35 years old. Once we open it up, it means that even if you are 35 years and one day old and you are still a job seeker then you can land that job. We have seen that even employment in the National Youth Service (NYS) is limiting people because they have reached a certain age. But, with this kind of opening up, I believe that we are going to include more persons who are going to benefit from what is available for the youth and other people.

Thank you, Hon. Temporary Deputy Chairman.

The Temporary Deputy Chairman (Hon. Cheboi): Okay. Again, I will give this opportunity to Hon. Kyengo Maweu. I think I have pronounced the name right.

Hon. Maweu: Thank you, Hon. Temporary Deputy Chairman. I think I am not supporting this because if the Bill is for the youth, I do not see any reason why we should accommodate other people. Initially, whoever brought this Bill intended the youth to be the beneficiaries. So, let us all give the youth a chance to benefit. Including other people means we will lose the direction.

The Temporary Deputy Chairman (Hon. Cheboi): Very well. I hear you, Hon. Kyengo, a man with a youthful heart.

*(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 25 as amended agreed to)

Clause 26

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

THAT, Clause 26 of the Bill be amended—

(a) in sub-clause (1), by deleting the word “youth” and substituting therefor the words “job seeker”;

(b) in sub-clause (3)—

(i) by deleting the word “youth” and substituting therefor the word “job seeker” in paragraph (a);

(ii) by deleting the words “of the youth” in paragraph (b);

(c) in sub clause (4), by deleting the word “youth” and substituting therefor the word “job seeker”

The explanation is exactly as for Clause 25.

(Question of the amendment proposed)

The Temporary Deputy Chairman (Hon. Cheboi): I give the first shot to Hon. Fatuma Ibrahim.

Hon. (Ms.) F. I. Ali: Thank you, Hon. Temporary Deputy Chairman. I was a bit confused when you allowed me to speak. I am really getting worried that the title of the Bill is about youth employment but we have changed a lot in this Bill until it looks like a general Bill in terms of content. The title of the Bill is about youth employment. I am really worried that these changes may totally change the whole essence of the Bill.

The Temporary Deputy Chairman (Hon. Cheboi): All right. Just to put you up to speed, we should not be anticipating. Eventually, if you look at the Order Paper, there is also a proposal to change the proposal. Maybe you should be alive to that fact.

Hon. (Ms.) F. I. Ali: Hon. Temporary Deputy Chairman, I think we should have discussed the title of the Bill and changed it.

Thank you, Hon. Temporary Deputy Chairman.

The Temporary Deputy Chairman (Hon. Cheboi): Okay.

*(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 26 as amended agreed to)

Clause 27

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

THAT, Clause 27 of the Bill be amended—

(a) in sub-clause (1) by deleting the words “on the youth”;

(b) in sub-clause (2) by deleting the words “youth” and substituting therefor the words “person seeking employment”.

The reasons are the same as for Clause 26.

(Question of the amendment proposed)

The Temporary Deputy Chairman (Hon. Cheboi): I will give two Members. We will start with Hon. Sakaja.

Hon. Sakaja: Hon. Temporary Deputy Chairman, as we go along, you should just give us more opportunity to explain what we mean. Members should not misunderstand that we are trying to remove the youth. If anything, we are helping the youth more.

If you look at all the job seekers in this country, 70 per cent of them are youth. If you address the entire issue of employment holistically in that manner, 70 per cent of those who will benefit from this will still be the youth. If you decide to create a Youth Employment Authority, Women Employment Authority and a Person with Disability Employment Authority, that is not being prudent in this country. So, let us just create a National Employment Authority that has special affirmative action towards the same youth. So, we are being pragmatic. Otherwise, we will create three or four authorities to address the same problem that can be addressed by one authority in terms of how it operates. That is the reasoning. This is for the youth but also if a woman comes---

The Temporary Deputy Chairman (Hon. Cheboi): You have said that a few times, Hon. Sakaja. You have said it very well. Let us have Hon. Bishop Mutua. That will be the last on this one.

Hon. (Bishop) R. Mutua: Thank you, Hon. Temporary Deputy Chairman. I totally hear what Hon. Sakaja is saying. But let me say that this is a very worrying trend where we are refusing to target the youth who are the majority. If we are trying to target the few who are above the youth age, then we are not making any progress at all. We should have targeted the youth and possibly implement a clause of accepting those few exceptions. We should not make the Bill look like it is addressing the broad-base and leave out the youth. The youth are our main problem. Why should we not have a Bill that is addressing the main problem and the other “by-the-ways” can come on board as we move on? Do not make the youth come on board as though they are not the main target. This Bill negates the original purpose.

*(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 27 as amended agreed to)

Clause 28

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

THAT, Clause 28 of the Bill be amended in sub-clause (2) by inserting the words “or to imprisonment for a term not exceeding three years or both” immediately after the word “shillings.”

This one is on prohibition of unauthorized use of data. the penalty that had been placed there says that a person who contravenes section 1 - which is on unauthorized use of data - commits an offence and shall be liable, on conviction, to a fine not exceeding kshs1 million so, we have gone ahead and added “or to imprisonment for a term not exceeding three years or both”. That is what we have added so that if there is any misuse of data, there is that option of imprisonment.

(Question of the amendment proposed)

The Temporary Deputy Chairman (Hon. Cheboi): Let us have Hon. Gikaria, Member for Nakuru Town East.

Hon. Gikaria: Thank you, Hon. Temporary Deputy Chairman. I was trying to look at that amendment. Of course, I support the inclusion of the jail term. At the same time, I was trying to look at the amendment vis-à-vis the functions of the Authority. I am not very sure now of which is the unauthorized use. Assuming a person uses that to give data for purposes of saying: “This is the percentage of people who are seeking job”, is that unauthorized use? I do not know. Also, if it is possible, they can identify the issues that they are talking about. It is a little bit general to say “unauthorized.”

The Temporary Deputy Chairman (Hon. Cheboi): Lastly on this particular one, top on the list is Hon. Justice Kemei.

Hon. Kemei: Hon. Temporary Deputy Chairman, I want to support it. I say that we will be dealing with data that could be abused very easily, probably by persons within or outside the country. Therefore, we should be able to protect the use of data in the Authority so that it can only be utilized by those responsible. Thank you.

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

(Clause 28 as amended agreed to)

Clause 29

Hon. Were: Hon. Temporary Deputy Chairman, I am dropping my amendment so that Hon. Sakaja can move his amendment.

(Proposed amendment by hon. Were dropped)

The Temporary Deputy Chairman (Hon. Cheboi): Okay. Let us have Hon. Sakaja. Proceed.

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

THAT Clause 29 of the Bill be amended in sub-clause (1) by-

- (a) deleting the words “or county” appearing after the words “at the national”
- (b) deleting the words “or county” appearing after the words “public office or national”
- (c) in sub-clause (2) by deleting the word “youth” and substituting therefor the word “job seekers”
- (d) in sub-clause (4) by deleting the word “youth” and substituting therefor the word “job seekers”

This is in line with the amendments above in relation to youth and county at this point, as I have explained a numerous times earlier.

The Temporary Deputy Chairman (Hon. Cheboi): It is straightforward. We will quickly dispose of this one. Hon. Members, be ready.

(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 29 as amended agreed to)

Clause 30

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

THAT, Clause 30 of the Bill be amended in sub-clause (2) by deleting the word “youth” and substituting therefor the word “job seekers” in paragraph (b). The explanation is the same. We are just removing the word “youth” and substituting it with “job seekers”

(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 30 as amended agreed to)

Clause 31

Hon. Were: Hon. Temporary Deputy Chairman, I am dropping my amendment so that Hon. Sakaja can move his amendment.

(Proposed amendment by hon. Were dropped)

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

THAT, Clause 31 of the Bill be amended-

- (a) in sub-clause (2) by deleting the word “the youth” and substituting therefor the word “Kenyans”
- (b) deleting the words “county entity,” appearing after the words “national entity”
- (c) in sub-clause (2) by deleting the word “the youth” and substituting therefor the word “Kenyans”.

Just like the earlier amendments, the first one in sub-clause 2 is to deal with Kenyans generally so that everyone is included, not just young people. The second one is about national entities and the third one is as the first on the issue of youth. So, it is just same as what we have done before.

(Question of the amendment proposed)

The Temporary Deputy Chairman (Hon. Cheboi): I will give two Members. We will start with Hon. Winnie Karimi of Kirinyaga.

Hon. (Ms.) W.K. Njuguna: Thank you, Hon. Temporary Deputy Chairman. I belong to the Committee, but I was not there during the stage of this amendment. I want to oppose these words “job seekers.” I feel these words “job seekers” are general words. It is good if we could specify and say Kenyan youth or Kenyan job seekers. If we leave it there, we mean even the foreigners or *Al-Shabaab* can also come and apply for jobs. It is just left open. I oppose because the word “job seekers” is general.

The Temporary Deputy Chairman (Hon. Cheboi): Hon. Karimi, do you need any information from Hon. Sakaja?

Hon. (Ms.) W.K. Njuguna: No.

The Temporary Deputy Chairman (Hon. Cheboi): She says that she does not need it. She is sufficiently informed. Let us proceed, please.

*(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)

(Clauses 32, 33 and 34 agreed to)

Clause 35

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

THAT, Clause 35 of the Bill be amended by deleting the word “the youth” and substituting therefor the word “Kenyan”;
The explanation has been given earlier in the other clauses.

(Question of the amendment proposed)

The Temporary Deputy Chairman (Hon. Cheboi): Let us have Hon. Kemei. Are you ready on this one?

Hon. Kemei: Hon. Temporary Deputy Chairman, I am ready. As a student of English, I would have preferred “unemployed persons” as opposed to “job seekers”. But in terms of inclusivity, we have accepted the amendment given by Hon. Sakaja and Hon. Were. We should go ahead to finish this matter.

Finally, limiting it to persons below the age of 35 is unfair. At the moment, we have persons seeking teaching positions at the age of 42 years old.

I support.

The Temporary Deputy Chairman (Hon. Cheboi): What is your point of order Hon. T.J. Kajwang’?

Hon. Kajwang’: On a point of order, Hon. Temporary Deputy Chairman. I have a point of order while waiting for the Long Title as Hon. Sakaja and Hon. Were have informed us. I get worried about how this Bill is being drafted. This thing about Kenyans and job seekers, who is a Kenyan? Does this refer to citizenship, that if you are a citizen of the Republic of Kenya, then you are entitled to get this? This is okay if it refers to a citizen of Kenya. But who is a citizen of Kenya? What, therefore, gives a person an opportunity to be a citizen of the Republic of Kenya? Would it be registration as a Kenyan by the national identity card or is it by birth certificate that you are a Kenyan? This is an expression which is very loose and very dangerous in legislation. In fact, it is the first and the only statute I know of in which people are mentioned as Kenyans do this or do that. I would have wished that the drafters would have found a middle-ground of

expressing the same thing. I hear what they are talking about; people of Kenyan origin; indigenous Kenyans, but to describe them as Kenyans, the word Kenya has not been described in any statute that I know of. Who is a Kenyan? If, for example, the drafters would have said “persons” and in the interpretation section explained who “persons” inside that Bill are, it would be very neat and consistent with all the statutes that we know of. This is the first one in which you will find an expression that “Kenyans are entitled to this or that”.

It is not that I am against or I am opposing it, but I just want it to be consistent with legislative formula that is found in all the other legislations that we know of.

The Temporary Deputy Chairman (Hon. Cheboi): Let us have Hon. Sakaja briefly responding to that particular issue, then I will give a chance to one Member and then we will proceed.

Hon. Sakaja: Hon. Temporary Deputy Chairman, I appreciate the concern raised by Hon. T.J. Kajwang’. In as much as this Bill in the description speaks about “Kenyan” and maybe the word “citizen” is missing, the Constitution of Kenya clearly defines who a Kenyan citizen is in Article 14. It gives the different ways through which you can be called a Kenyan. Article 30 goes further and talks about what a citizen is by birth. Maybe to make it cleaner, because of course the Bill went through the Legal Department in Parliament and all other relevant departments, the one word “citizen” can be added in the description. But the Constitution is very clear in terms of who is a Kenyan and who is not a Kenyan.

Of course, with the hierarchy of laws, any law which can be inconsistent with the Constitution, which is higher in the hierarchy of laws, is null and void to the extent of the contradiction. So, we resort to the Constitution.

The Temporary Deputy Chairman (Hon. Cheboi): Well, I do not want to get involved in the debate, but I was wondering whether it was very difficult to get to know who a Kenyan is. Let us have Hon. Kisang.

Hon. Kisang: Thank you, Hon. Temporary Deputy Chairman. I rise to support the amendment by substituting the word “youth” with “a Kenyan”. Currently, we have many Kenyans who are above the age of 35. We have some teachers who are seeking employment and others in other areas. Recently, I took one of my constituents to be employed in a particular organization, but they said that they only employ persons who are below 35 years old. That person has been looking for employment for over 20 years and he is now about 41 years. I agree that we substitute the word “youth” with “Kenyan”, so that we can cover all our citizens.

The Temporary Deputy Chairman (Hon. Cheboi): Lastly on this one, let us have Hon. Ochieng. Member for Trans Nzoia, I can see you are putting up a familiar one finger salute and I cannot see your card here at all.

Hon. Ochieng: Hon. Temporary Deputy Chairman, one finger salute, indeed. In this Parliament, we do not make laws for Ugandans, Tanzanians or any other country. Laws that are made by the Kenyan Parliament are made to have the force of law on Kenyans. So, any idea that someone says that using words like “Kenyan” and many others would mean something else is wrong. This is our Constitution. Laws that are made by this Parliament only have the force of law within the Republic and within our hallowed borders.

Secondly and most importantly, in this country, we have people who look for jobs from the time they finish university at the age of 25 years until they are 40 years. We needed to have this Bill expanded. It will be difficult for this body, for example, to be giving statistics and say that we have four million youth who are not employed. Who will be giving us the statistics of the other people who are not employed? This is the point. Make it broad enough and holistic. We

cannot make laws for every other segment of the society in this country. That is why I want to request the Members to accept the fact that whereas 70 or 80 per cent of the people who are going to be employed are young people, we are giving room for anybody else including persons with disabilities, the older persons who may still have energy to work, the women and everybody else. This is the spirit within which this Bill should be seen.

*(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 35 as amended agreed to)

Clause 36

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

THAT, Clause 36 of the Bill be amended in subclause (1) by deleting the word “the youth” and substituting therefor the word “Kenyan”;
The reason behind it is the same as executed in Clause 35.

The Temporary Deputy Chairman (Hon. Cheboi): Okay. That is fairly straightforward.

(Question of the amendment proposed)

I will give a chance to only one Member, and that is Hon. Chanzu.

Hon. Chanzu: Thank you, Hon. Temporary Deputy Chairman. I just want to reiterate the same point that has been stated. We are passing a law now but there are people who have suffered. We have not had employment for those people because of the nature of the economy and the systems within which we have been operating. So, we should include those people. In any case, we are talking about the youth and others who will join them will be the minority. So, this will not dilute what you want the youth to get. In any case, it is going to be very strange to find yourself in a certain age bracket where you do not have even a single person to tell you what used to happen, the way you normally tell people how you used to be circumcised.

(Laughter)

The Temporary Deputy Chairman (Hon. Cheboi): That is totally out of order. I do not know whether you are referring to anybody in particular, but you are out of order, Hon. Chanzu.

Hon. Chanzu: Hon. Temporary Deputy Chairman, I did not mean you. I meant us. I was saying that we must have the older persons to tell the youth what used to happen.

The Temporary Deputy Chairman (Hon. Cheboi): I do not know the relevance of that one, but you have made your point, Hon. Chanzu. So, let us have the Member for Trans Nzoia.

Hon. (Ms.) Wanyama: Can I use Hon. Chanzu’s microphone?

The Temporary Deputy Chairman (Hon. Cheboi): Well, you can use Hon. Chanzu’s microphone.

Hon. Chanzu: She is my closest sister. Let her come here.

The Temporary Deputy Chairman (Hon. Cheboi): Briefly, Member for Trans Nzoia.

Hon. (Ms.) Wanyama: Thank you, Hon. Temporary Deputy Chairman. I want to support the inclusion of the word “Kenyan” as expressed by my brother here. It is true many people are suffering out there because they do not know their identity. When we include the word “Kenyan”, it will be good for us. As the County Women Representatives (CWR), we also have the affirmative action which is also going to benefit our youth and women. I support.

*(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 36 as amended agreed to)

Clause 37

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

THAT, Clause 37 of the Bill be amended in sub clause (5) by deleting the word “youth” and substituting therefor the words “persons on attachment or internship”.

(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 37 as amended agreed to)

Clause 38

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

THAT, Clause 38 of the Bill be amended-

- (a) in subclause (1) by deleting the word “youth” and substituting therefor the word “Kenyans”
- (b) in subclause (2) by deleting the word “the youth” and substituting therefor the word “Kenyans”
- (c) in subclause (3) by deleting the word “the youth” and substituting therefor the word “Kenyans”.

It involves removing the word “youth” and substituting it with the word “Kenyans”

The Temporary Deputy Chairman (Hon. Cheboi): Okay, this is the same as the previous one.

(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)

I like the consistency from the Hon. Member for Wajir. He is very consistent.

(Clauses 39, 40, 41, 42, 43, 44 and 45 agreed to)

(Schedule agreed to)

Clause 2

Hon. Sakaja: Hon. Temporary Deputy Chairman, we were consulting a little bit. We will be moving the amendment and I ask that Hon. T. J. Kajwang' moves a further amendment in the description of a "Kenyan" being a "Kenyan citizen as defined by the Constitution". So, I want to propose that Clause 2 be amended by inserting the following definition.

I would like to drop my amendment but, if I drop it, he will not be able to move a further amendment. There is a typing error in what is in the Order Paper.

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

THAT, Clause 2 be amended by inserting the following new definition after the definition of the word 'register'

"Job seeker means someone who is seeking for employment.

By deleting "job seeker" as it was in the definition---

The Temporary Deputy Chairman (Hon. Cheboi): Okay. I will propose the Question. But Hon. Sakaja, it has not come out very clearly, especially the typo error that you are talking about. Be a bit clearer.

Hon. Sakaja: Hon. Temporary Deputy Chairman, this amendment being there, in as much as I should have dropped it, it is already in the Order Paper. If I drop this amendment, we cannot have a further amendment on the "Kenyan citizen". So, for us to provide for the "Kenyan citizen", I have to move this, so that there is a further amendment. Otherwise, there will be no further amendment on Clause 2.

The Temporary Deputy Chairman (Hon. Cheboi): Hon. T.J. Kajwang'.

Hon. Kajwang': Thank you, Hon. Temporary Deputy Chairman. I appreciate my colleague, Hon. Johnson Sakaja, for seeing the content of my issue.

The Temporary Deputy Chairman (Hon. Cheboi): Hon. Kajwang', I am trying to see what we should do first. Hon. Sakaja is moving that particular amendment. I think we should propose then I give you an opportunity, unless you want to speak on that or it is on a point of order.

Hon. Kajwang': Hon. Temporary Deputy Chairman, I beg that I come before him because if he comes first, he will have deleted the word "job seeker" and this is the point at

which “Kenyans” as an interpretation, should lie. So, if he goes ahead of me, he will have deleted it and there will be nothing for me to amend.

The Temporary Deputy Chairman (Hon. Cheboi): Hon. Kajwang’, to the best of my knowledge, he is not deleting. That is why I wanted to give him an opportunity and then I give you an opportunity to move your further amendment, which you have agreed with him. He is not deleting. You will have your opportunity, Hon. T.J. Kajwang’, immediately after I propose the Question. Let me propose the Question, anyhow. It was not very clear, but I will propose the Question, anyway, for the purpose of us moving forward.

(Question of the amendment proposed)

I am informed very reliably that Hon. Sakaja and Hon. T.J. Kajwang’ have agreed on a further amendment. Therefore, I give an opportunity to Hon. T.J. Kajwang’ to move a further amendment.

Hon. Kajwang’: Hon. Temporary Deputy Chairman, I beg to move a further amendment:-

THAT, the interpretation of the words “Kenyans”, appearing after the interpretation of “employer”---

Let me put it the other way.

THAT, the interpretation of the words “job seeker” be deleted in its entirety and replaced by the following words “that Kenyans”---

I do not know if I am saying the same thing that the word “job seekers” be deleted and replaced by the following words---

Well, let me hear my colleague, Hon. Sakaja.

The Temporary Deputy Chairman (Hon. Cheboi): I thought you had completely agreed on the format.

Hon. Kajwang’: We may not have agreed on the text.

The Temporary Deputy Chairman (Hon. Cheboi): So, let us hear you, Hon. Sakaja, if that can help.

Hon. Sakaja: Hon. Temporary Deputy Chairman, if I were Hon. Kajwang’, and this is by way of just letting him know, the word “job seeker” runs through even in areas where we have not mentioned Kenyans, I would leave the word “job seeker” and introduce an amendment to introduce the word “Kenyan” after the definition of the word “youth” to mean a “Kenyan citizen as provided for in the Constitution of Kenya”. So, I am introducing a new definition.

The Temporary Deputy Chairman (Hon. Cheboi): What you would be doing, and this is just for purposes of helping us to move forward, should be introducing a description of a “Kenyan citizen”.

Hon. Sakaja: I am saying after the description of the word “youth” which is the last one. So, to introduce the description of the word “Kenyan”---

The Temporary Deputy Chairman (Hon. Cheboi): I do not know if it is after youth or somewhere in between. I do not know if we are going by---

Hon. Sakaja: If it is alphabetical, it is after the word “job seeker”.

The Temporary Deputy Chairman (Hon. Cheboi): We are going alphabetically. So, we should look for the place where the word “Kenyan citizen” would come in. That would be after “job seeker”. That is the further amendment that we are now dealing with Hon. Sakaja.

Hon. Sakaja: Yes.

The Temporary Deputy Chairman (Hon. Cheboi): The description of “Kenyan citizen”.

Hon. Sakaja: So, can I propose the further amendment? Hon. Kajwang’ to propose the further amendment after the definition of the word “job seeker”.

Hon. Kajwang’: Thank you for your indulgence. Now, I understand where we are because I did not know that “job seekers” had been used elsewhere in the Bill. This comes immediately after the definition of “job seekers.” So, the further amendment will be in the following terms:-

THAT, “Kenyan” means a citizen of the Republic of Kenya as contained in the Constitution of Kenya.

It is simple as defined by the Constitution of Kenya.

The Temporary Deputy Chairman (Hon. Cheboi): Can the Members consult? I ask Hon. Sakaja and Hon. Kajwang’ to consult because Hon. Sakaja is seeking to introduce the description of “job seeker” when that is already in the Bill. So, do not just proceed. Negotiate there.

(Hon. Kajwang’ consulted Hon. Sakaja)

Hon. Members, after some consultations, we have noticed that there are a few issues that we need to clarify. The issue of job seeker is already provided in the Bill. Therefore, there would be no need at all for any amendment to that specific one. If you drop that amendment, Hon. Sakaja, we will allow Hon. Kajwang’ to move a Floor amendment. It will not be a further amendment, it will be a specific amendment. So, proceed Hon. Sakaja and make the decision on whether you want to drop that amendment. You will drop it anyway.

Hon. Sakaja: Hon. Temporary Deputy Chairman, I agree. I am guided. I drop the amendment because I see that it is already provided for. I give the opportunity for the Floor amendment by Hon. Kajwang’.

(Proposed amendment by hon. Sakaja dropped)

The Temporary Deputy Chairman (Hon. Cheboi): Hon. Tom Joseph Kajwang’.

Hon. Kajwang’: Hon. Temporary Deputy Chairman, with your special leave, I move an amendment for the definition of the word “Kenyan” appearing after the definition of “job seeker” in Clause 2.

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

THAT, “Kenyans” means a citizen of the Republic of Kenya as defined by the Constitution of Kenya.

The Temporary Deputy Chairman (Hon. Cheboi): Fairly straight forward, hon. Members.

(Question of the amendment proposed)

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

(Clause 2 as amended agreed to)

Long Title

The Temporary Deputy Chairman (Hon. Cheboi): Well, I am not seeing any card here. Proceed Hon. Sakaja.

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

THAT, the Long Title of the Bill be amended by deleting the long title and substituting therefor the following new long title-

“An Act of Parliament to establish the National Employment Authority, provide for a comprehensive institutional framework for employment management, to enhance employment promotion interventions, to enhance access to employment for youth, minorities and marginalised groups and for connected purposes”

The issues that you have been raising are addressed even in the Title.

(Question of the amendment proposed)

The Temporary Deputy Chairman (Hon. Cheboi): I will open it for Members to ventilate. I will start with Hon. Fatuma, Member for Wajir County.

Hon. (Ms.) F.I. Ali: Hon. Temporary Deputy Chairman, I have a serious concern because initially, when the National Youth Employment Bill was subjected to public views, people gave their views on the basis of the Bill. Now, almost 8 per cent of this Bill has been changed. It has now become the National Youth Employment Authority Bill. I am really disturbed in terms of the public participation views because we are totally changing this Bill in this House in disregard to public opinion. We need your direction. When a Bill totally changes the original Bill---

The Temporary Deputy Chairman (Hon. Cheboi): Your concerns would be very valid Hon. Fatuma---

Hon. (Ms.) F.I. Ali: Hon. Temporary Deputy Chairman, the other thing I want to say is that this Bill has substantively changed. It was supposed to address high youth unemployment in this country. The senior citizens of this country are benefitting everyday and with this new Title, it will only serve the interest of the senior citizens of this country and not the youth.

The Temporary Deputy Chairman (Hon. Cheboi): As I open it for Members to speak, we will canvass this. We are at the tail-end of our process. Let us put it this way, hon. Members. I am just wondering aloud: Suppose it is the public participation that has informed the specific changes to this particular Bill? Those are the issues which we should be canvassing.

I am giving the Floor to Members but I want you to be alive to the fact that you have consistently amended specific clauses. There is a probability that if you retain the Title, it will not be reflective of what is there but, I do not want to engage in that particular debate. I will ask the Chair of the Committee and then we will come back. Let us hear from him. I will give Members an opportunity to contribute.

Hon. Were: Hon. Temporary Deputy Chairman, my Committee subjected this Bill to public participation and our coming up with amendments was not because it was our views only. These are views that we gathered from the public and from various stakeholders who proposed that it would be expensive to have a National Youth Employment Authority and another employment authority which was being proposed again by the Ministry called the National Employment Authority. So, having canvassed and heard from the various stakeholders, it was the

view of the Committee that we go by the way of the proposals that were given to us, that we combine and have one authority which will cover all these interests.

The Temporary Deputy Chairman (Hon. Cheboi): Okay. I will give an opportunity to the Members who have not spoken. Let us start with Hon. Onyancha.

Hon. Omagwa: Hon. Temporary Deputy Chairman, I have heard various views about the youth. The sponsor of this Bill has consistently explained himself to the House about what informed these amendments that have been made in the whole Bill. I am personally satisfied. There have been other views. People were complaining that others have been appointed to directorships whereas the youth are not appointed. By the way, the directorship of a board is not employment. We are now creating a case for the youth of this country to be employed. I have no problem with the way it is.

I support this amendment.

The Temporary Deputy Chairman (Hon. Cheboi): Let us have Hon. Dawood.

Hon. Dawood: Thank you, Hon. Temporary Deputy Chairman. I rise to support the change of Title because I believe we have changed the whole Bill. Note that changing the Title will not do justice to the Bill. What we are doing today is great because there are people as old as 70 years who have never been employed. At least, they will now get a chance. In England, they have a register like this, which is called a Job Centre. We would want everybody to be employed.

The Temporary Deputy Chairman (Hon. Cheboi): Hon. Mbalu.

Hon. (Ms.) Mbalu: Hon. Temporary Deputy Chairman, I agree with the changes and amendments to the Bill. We could only have amended the Title, as I said before. This also raises eyebrows on procedures. I want to accept that the amendments are procedural.

The public should know that the initial intention of Hon. Sakaja's Bill was to promote employment for the youth as per the explanation of the Memorandum of Objects. I know Hon. T.J. Kajwang' will still have something to say. I want to read the Memorandum, which may not be part of the Bill. Now we are in another stage whereby we are amending the Title, and which I accept. Let the public know that the original Bill that was brought to this House was about the youth. We are not refusing to include other groups like women, the aged or anyone else.

The principal objective of this Bill was to give effect to Articles 55 (c) and 56 (b) of the Constitution, which require the State to take measures to ensure that the youth access employment. Additionally, the Constitution requires the State to take legislative, administrative and affirmative measures to ensure that the youth access employment.

Hon. Temporary Deputy Chairman, changing only three words has changed the whole Bill. I am afraid for the future where we may have the entire meaning of a Marriage Bill altered by changing three or four words. Of course, everything is nice. I am not saying it is bad. For example, if it was a Marriage Bill and I bring two or three words to change it, I make it a Seduction Bill. Is there a Bill that can come like that? Only three words were changed here, namely, changing of the word "youth" to the words "jobseekers" or "Kenyans" or deletion of the word "county" and replacing it with the word "national".

The Temporary Deputy Chairman (Hon. Cheboi): I have given you too much leeway, Hon. Mbalu.

Hon. (Ms.) Mbalu: Hon. Temporary Deputy Chairman, I admit that this is procedural. It is okay and within the law. They have done the right thing.

The Temporary Deputy Chairman (Hon. Cheboi): That is the voice of the youth. Let us hear the Member for Mbooni. I am trying to look out for the youth here.

Hon. Kisoi: Thank you, Hon. Temporary Deputy Chairman. The essence of subjecting this Bill to public participation was to harmonise the interests of the various stakeholders. Changing the Title to conform to the context of the entire Bill is the right thing to do. If you do not change the Title, then the context will have a different meaning. We are trying to enhance an orderly way, create sanity and harmonise all these interests. We should not ignore the public participation interest that has already been brought on board.

I support the amendment of the Title.

The Temporary Deputy Chairman (Hon. Cheboi): Member for Kathiani, Hon. Mbui, are you in the House?

Hon. Mbui: Thank you, Hon. Temporary Deputy Chairman. I am even on my feet. I support the amendment because the real purpose of the Title is to explain, in a nutshell, what the Bill is all about. The new title has captured it adequately.

I strongly support.

The Temporary Deputy Chairman (Hon. Cheboi): Hon. Members, we cannot have everybody speaking on this particular amendment. It is now up to you to make a decision. We cannot re-open debate on the Bill.

*(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. Cheboi): Hon. Nyikal, you are a very senior Member. You cannot be shouting. I gave you leeway a few minutes ago. You are now getting used to it. You are a professor of medicine. I want you to be very orderly here. We will proceed to the next one.

(Long Title as amended agreed to)

Title

The Temporary Deputy Chairman (Hon. Cheboi): I see that there is an amendment by Hon. Were.

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

THAT, the title of the Bill be amended by deleting the word "Youth"

This is just to align it with the other amendments that we have made. If this amendment is carried, the title becomes "The National Employment Authority Bill".

The Temporary Deputy Chairman (Hon. Cheboi): That has been said in detail before.

(Question of the amendment proposed)

I will give opportunity to Hon. Nyikal.

Hon. (Prof.) Nyikal: Hon. Temporary Deputy Chairman, my concern is how many amendments to a Bill will necessitate our needing a new Bill instead of amending what was there. We have been having amendments consistently. Members have been expressing their

concerns. The Bill we are passing today is totally different from the Bill that was brought to this House by Hon. Sakaja, which we debated during the Second Reading stage.

I want your guidance.

The Temporary Deputy Chairman (Hon. Cheboi): I will obviously guide the House. Hon. Sakaja is the Mover of the Bill. It is his Bill. He could have chosen to bring a Bill that is different. If he makes a decision to that effect, makes a request on the Floor of the House and hon. Members vote with him, he has absolute right to do so.

Hon. Nyikal, you had opportunity to amend any part of the Bill, in which respect you probably did not get a sufficient number of Members to support you. You even have the right to bring another Bill.

Hon. Members, Hon. Sakaja is within his rights. He has stated clearly that the Bill was subjected to public participation. Let us make a decision. You have stated clearly that there has been consistency in the amendments, which come back to the same thing. In my opinion, Hon. Sakaja is fine. Members can make a decision one way or the other. Let me give an opportunity to him and then I will give an opportunity to another Member before we finalise this Bill.

Hon. Sakaja: Hon. Temporary Deputy Chairman, first of all, Hon. Nyikal is not correct. We have not made many amendments to this Bill. We have actually made two amendments but in many clauses. One of them is just addressing the word “youth”. Because I know you read, Wole Soyinka once said,

“A tiger does not proclaim his tigritude; he pounces”.

To help the youth does not mean that you must have the word “youth” in this Bill. It is the actions of the authority you are creating that should assist the youth. There are many things that are named after the youth in this county and have not been helping them. If it is just the name that you wanted to see, that adds no value. It is in the functions of the Authority.

The Temporary Deputy Chairman (Hon. Cheboi): Let us now dispense with it, Hon. Sakaja. It is up to the Members to make the decision.

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

(Title as amended agreed to)

Clause 1

The Temporary Deputy Speaker (Hon. Kajwang’): Straight to the point Hon. Were.

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

THAT, Clause 1 of the Bill be amended by deleting the word “youth”.

(Question of the amendment proposed)

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

(Clause 1 as amended agreed to)

The Temporary Deputy Chairman (Hon. Cheboi): Now, can we have the Mover. Proceed, Hon. Mover! We are running short of time.

Hon. Sakaja: Hon. Temporary Deputy Chairman, I beg to move that the Committee doth report to the House its consideration of the National Youth Employment Authority Bill, National Assembly Bill No. 8 of 2015, and its approval thereof with amendments.

The Temporary Deputy Chairman (Hon. Cheboi): Very well. I do not know where the sitting again comes about, but I will proceed to put the Question.

(Question proposed)

Hon. Sakaja: *(Inaudible)*

The Temporary Deputy Chairman (Hon. Cheboi): Very well, that makes perfect sense.

(Question put and agreed to)

(The House resumed)

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

REPORTS AND THIRD READINGS

THE PARLIAMENTARY SOCIETY OF KENYA BILL

(Hon. (Ms.) Odhiambo-Mabona consulted loudly)

The Temporary Deputy Speaker (Hon. Kajwang'): Order! I am waiting for the indomitable Member for Mbita to keep order.

All right! We first want to consider the Parliamentary Society of Kenya Bill. Who is the Chair?

Hon. Cheboi: Hon. Temporary Deputy Speaker, I beg to report that the Committee of the whole House has considered the Parliamentary Society of Kenya Bill, National Assembly Bill No. 35 of 2013, and approved the same with amendments.

The Temporary Deputy Speaker (Hon. Kajwang'): The Mover. Member for Eldas.

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

I request Hon. Nyenze to second the Bill for agreement with the Report of the whole House.

The Temporary Deputy Speaker (Hon. Kajwang'): Leader of the Minority Party.

Hon. Nyenze: Thank you, Hon. Temporary Deputy Speaker. I second.

The Temporary Deputy Speaker (Hon. Kajwang'): Order!

(Question proposed)

(Question put and agreed to)

All right. Mover, are you there? Let us finish with this first.

Hon. Keynan: Hon. Temporary Deputy Speaker, I beg to move that the Parliamentary Society of Kenya Bill, National Assembly Bill No.35 of 2013, be now read a Third Time. I request Hon. Nyenze to second.

The Temporary Deputy Speaker (Hon. Kajwang’): All right. Thank you. Yes Leader of the Minority Party.

(Hons. (Ms.) Odhiambo-Mabona and (Ms.) Mbalu consulted loudly)

Order, Member for Mbita! Please, will you resume the seat nearest to you for a while? Member for Kibwezi East, would you, please, get the nearest seat nearer to you?

Hon. Nyenze: Hon. Temporary Deputy Speaker, I beg to second the Bill.

(Question proposed)

The Temporary Deputy Speaker (Hon. Kajwang’): Hon. Members, I defer putting the Question of this Bill to next week on Wednesday or to this afternoon at 2.30 p.m. for the purposes of voting.

Let us step on to the next one, which is the National Employment Authority Bill. Member for Mbita and Member for Kibwezi East, you are now allowed to do as you so wish. All right, proceed.

THE NATIONAL YOUTH EMPLOYMENT AUTHORITY BILL

Hon. Cheboi: Hon. Temporary Deputy Speaker, I beg to report that the Committee of the whole House has considered the National Youth Employment Authority Bill, National Assembly Bill No. 8 of 2015, and approved the same with amendments.

The Temporary Deputy Speaker (Hon. Kajwang’): This is a Private Members’ Bill. Hon. Johnson Sakaja.

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

The Temporary Deputy Speaker (Hon. Kajwang’): All right. Order! Mover, has your proposal been seconded.

Hon. Sakaja: Hon. Temporary Deputy Speaker, I just presumed that I was just moving for agreement to the Report, not Third Reading.

The Temporary Deputy Speaker (Hon. Kajwang’): No, you will need your proposal to be seconded.

Hon. Sakaja: Okay. I would ask Hon. Ochieng to second.

Hon. Ochieng: Hon. Temporary Deputy Speaker, I wish to second the acceptance of what the Mover has said. I want to say this as I second; the amendment made to this Bill this morning recognizes the fact that unemployment in this country is not only a youth problem. It is a cross-cutting problem and, as we sort out the youth unemployment, we also recognize the fact that we need to sort unemployment problem holistically and the fact that the youth also graduate. In the next 30 days, I will cross the bar. I will be moving from my 34th year to 35 years on 15th November.

The Temporary Deputy Speaker (Hon. Kajwang’): Hon. Ochieng, but at 35 years, you will still enjoy the fruits of being a youth.

Hon. Ochieng: Hon. Temporary Deputy Speaker, the members we met wanted to ensure that every Kenyan can benefit from this Bill.

I second.

(Question proposed)

(Question put and agreed to)

Hon. Sakaja: Hon. Temporary Deputy Speaker, I beg to move that the National Youth Employment Authority Bill, National Assembly Bill No. 8 of 2015, be now read the Third Time.

The Temporary Deputy Speaker (Hon. Kajwang’): Mover, I think the title of the Bill has changed. So, can you do the correct citation?

Hon. Sakaja: Hon. Temporary Deputy Speaker, I assumed the changes when the vote was put.

Hon. Temporary Deputy Speaker, I beg to move that the National Employment Authority Bill, National Assembly Bill No. 08 of 2015, be now read the Third Time.

Hon. Temporary Deputy Speaker, I would like to say one or two things before I ask a colleague to second. I would like to thank hon. colleagues for their patience. It has been a long journey to bring this Bill to this House. It has taken two years from research to looking at other comparative issues---

The Temporary Deputy Speaker (Hon. Kajwang’): Just a minute, Hon. Sakaja. Member for Kibwezi East, I can see you are on intervention. Would you like Hon. Sakaja to finish first, before you intervene?

Hon. (Ms.) Mbalu: Yes, Hon. Temporary Deputy Speaker.

Hon. Sakaja: Hon. Temporary Deputy Speaker, I am looking at comparative areas around the world where job centres have successfully helped to streamline the job market especially for vulnerable groups like youth, women and persons with disabilities. I would like to thank the Departmental Committee on Labour and Social Welfare, ably led by Hon. Were, who took time from the retreats they had on public participation and actually indulged me to convince them on some of these amendments. Because of that, we were able to reach a middle ground. This Bill is supposed to address issues of unemployment in this country. The unemployment rate is very high, but 70 per cent of those who are unemployed are the youth.

The Temporary Deputy Speaker (Hon. Kajwang’): Hon. Sakaja, the correct stage upon which you may have to make the remarks you are making is when this matter has been proposed. However, since you have done a lot of work, I will still allow you. Strictly speaking, I should have allowed you only when I have proposed the Question. However, I will allow you to finish your remarks.

Hon. Sakaja: Because such a huge percentage of those who are unemployed are the youth, we felt it would be prudent to expand this to involve every category of Kenyans who are looking for jobs. The Sessional Paper on Employment Strategy which we read and passed in this House provides that the national Government should create an employment authority. It will not be prudent to have a National Youth Employment Authority, a National Women Employment Authority, a National Persons with Disabilities Authority, and another authority for persons above 40 years and so on. This does more than just create a database for those who are seeking

employment. This Bill will now make it mandatory that each and every public entity in this country that is using taxpayers' money provides internship and attachment opportunities for all the young people in colleges and institutions of higher learning. We have more than 250 public institutions in this country and, if every institution took just 50 people every six months, we would be targeting more than 10,000 young people having the basic work place ethics, knowing what it means to go to work, knowing what it means to be employed and preparing for the job market.

This Bill, which is landmark legislation, will ensure that in every part of this country, there is going to be a job centre. This means that when a young person has whatever qualifications; whether formal or informal, wherever they are, they do not have to come to Nairobi to look for jobs. They do not have to look for newspapers or advertisement to look for jobs. Wherever they are, they will be served. We hope to use Huduma Centres and later move to the Constituencies Development Fund (CDF) offices so that once information is brought there, it gets into a national database and any entity that wants to hire must first look at that database. So, for you to get a job in Kenya, if this is implemented well and we want to make sure it is implemented, you do not get a job because of who you know. You do not get a job because of your tribe. You will get a job because of merit.

(Applause)

The Temporary Deputy Speaker (Hon. Kajwang'): You know I indulged you. I could still recognize you and---

Hon. Sakaja: I think you will give me an opportunity later then because I just wanted to highlight the strength. This is, indeed, landmark legislation.

The Temporary Deputy Speaker (Hon. Kajwang): Who will second this?

Hon. Sakaja: This will be seconded by Hon. Gikaria.

Hon. Gikaria: Thank you, Hon. Temporary Deputy Speaker. I rise to second. I agree with Hon. Sakaja that this Bill addresses most of the issues. Besides the employment, it talks about training and internship. As he has rightly said, over 70 per cent of the unemployed are the youths. So, we want to tell the Kenyan youths that the letter and the spirit of the Bill has not been lost. It is purely to assist the young people wherever they are in the Republic of Kenya to address most of the issues, particularly internship. Internship has been abused in the past. The Bill has set aside an authority that will monitor if, indeed, the youth internship will be misused in one way or the other. So, we want to tell the Kenyan youths that the intention of Hon. Sakaja, when he brought the Bill was specifically to assist and address some of the issues. We tell the Kenyan youths that it has not been lost. Everything that has been said here will go towards helping young people to get employment and be trained for the right jobs.

The Temporary Deputy Speaker (Hon. Kajwang'): I have only two minutes.

Hon. Gikaria: I second.

(Question proposed)

The Temporary Deputy Speaker (Hon. Kajwang'): Hon. Sakaja, this is where I would have allowed you to make your remarks. But you know, I am sure you are looking at your watches. The clock you seem to be looking at is not digitally correct. So, if you are looking at the digital clock, you will know where we are rather than looking at that clock. At least, the one that

has been supplied to me by the Parliamentary Service Commission says that it is two minutes to the hour. Member for Kibwezi East, do you want to take exactly one minute to say what you want to say? One minute exactly.

Hon. (Ms.) Mbalu: Thank you, Hon. Temporary Deputy Speaker. In my one minute, I must congratulate the Committee but, of course, tell the Hon. Chair of the Departmental Committee on Labour and Social Welfare that he came up with his Bill not to convince Hon. Sakaja, who even today has a passion. The public should know that the passion and the original object of this Bill was the youth. The inclusivity is very welcome but the youth should know that we are concerned. Hon. Sakaja is still concerned about their employment. We know that 70 per cent of the youth are unemployed. This is a major problem for this country.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Kajwang’): Member for Seme, a few seconds.

Hon. (Prof.) Nyikal: Thank you, Hon. Temporary Deputy Speaker. I also must congratulate the Member. We now have, at least, an Act on employment. But I still think that there is nothing wrong with taking a specific group of people, particularly the youth and addressing their problem. There are many areas where we make “cutoffs” for even children. So, the youth would have needed a very specific action. But all said and done, it is a good thing. But, in a way, there has been a little loss.

The Temporary Deputy Speaker (Hon. Kajwang’): Thank you very much. Hon. Sakaja, I have 20 seconds for you.

Hon. Sakaja: Hon. Temporary Deputy Speaker, I just want to thank the Parliamentary Initiative Network and all the young people who have participated in this debate online and on social media and sent me a lot of information. Mzalendo.com has actually facilitated public participation on top of the Committee. The other amendment that will come in to bring in all other counties is going to come immediately this is signed into law. So, that will start immediately.

Thank you.

ADJOURNMENT

The Temporary Deputy Speaker (Hon. Kajwang’): Order! Hon. Members, the time being 1.00 p.m., this House stands adjourned until this afternoon at 2.30 p.m.

The House rose at 1.00 p.m.