

PARLIAMENT OF KENYA**THE NATIONAL ASSEMBLY****THE HANSARD****SPECIAL SITTING**

Wednesday, 15th July 2020

The House met at 2.30 p.m.

[The Speaker (Hon. Justin Muturi) in the Chair]

PRAYERS**COMMUNICATIONS FROM THE CHAIR****WITHDRAWAL OF SPECIFIC STATUTES IN THE STATUTE LAW (MISCELLANEOUS AMENDMENTS)
BILL (NATIONAL ASSEMBLY BILL NO.15 OF 2020) PROPOSED FOR AMENDMENT**

Hon. Speaker: Hon. Members, as you may be aware, the Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No.15 of 2020) was published vide Kenya Gazette Supplement No.89 of June 6, 2020 to effect various amendments to various Statutes. The Bill, which is sponsored by the Leader of the Majority Party and is proposing amendments to thirty-eight (38) Statutes was read the First time on Tuesday, June 23, 2020. It was thereupon referred to various Departmental Committees for consideration in accordance with their respective mandates vide my Communication of Thursday, 25th June 2020.

Hon. Members, I wish to inform the House that I have since received a letter from the Leader of the Majority Party, dated 14th July 2020, requesting my consent for withdrawal of the proposed amendments to the following eight (8) statutes as contained in the Bill-

- (1) The Criminal Procedure Code (Cap. 75);
- (2) The Evidence Act (Cap 80);
- (3) The Anti-Corruption and Economic Crimes Act, 2003;
- (4) The Public Officer Ethics Act, 2003;
- (5) The Proceeds of Crime and Anti-Money Laundering Act, 2009;
- (6) The Counter Trafficking in Persons Act, 2012;
- (7) The Leadership and Integrity Act, 2012; and,
- (8) The Bribery Act, 2016.

Hon. Members, in his request, the Leader of the Majority Party indicates that there is need to isolate the statutes he has listed to allow further inter-agency consultations, while allowing the rest of the Bill to proceed without delay. I have acceded to this request, which implies that the Bill will now undergo public participation, Second Reading and other stages without making reference to the withdrawn Statutes. In this regard, the Bill will proceed as though the withdrawn Statutes were not part of the Bill as published.

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The House is accordingly guided.
Thank you.

LEADERSHIP VACANCIES IN RECONSTITUTED COMMITTEES

This second Communication is on leadership vacancies occurring in reconstituted committees.

Hon. Members, as you are aware, during the morning Special Sitting of today, 15th July 2020, the House approved appointment of Members to various committees. As indicated by the Chairperson of the Committee on Selection, the re-organisation of various committees occasioned several vacancies in the positions of Chairpersons and Vice-Chairpersons of a number of committees as follows.

	COMMITTEE	VACANCY
1	Departmental Committee on Administration and National Security	Vice-Chairperson
2	Departmental Committee on Agriculture and Livestock	Chairperson and Vice-Chairperson
3	Departmental Committee on Communication, Information and Innovation	Vice-Chairperson
4	Departmental Committee on Education and Research	Chairperson and Vice-Chairperson
5	Departmental Committee on Energy	Vice-Chairperson
6	Departmental Committee on Finance and National Planning	Chairperson
7	Departmental Committee on Health	Vice-Chairperson
8	Departmental Committee on Justice and Legal Affairs	Chairperson and Vice-Chairperson
9	Departmental Committee on Labour and Social Welfare	Chairperson and Vice-Chairperson
10	Departmental Committee on Lands	Vice-Chairperson
11	Departmental Committee on Sports, Culture and Tourism	Chairperson

12	Departmental Committee on Trade, Industry and Cooperatives	Chairperson and Vice-Chairperson
13	Departmental Committee on Transport, Public Works and Housing	Vice-Chairperson
14	Budget and Appropriations Committee	Chairperson
15	Committee on Delegated Legislation	Chairperson and Vice-Chairperson
16	Committee on Regional Integration	Chairperson
17	Select Committee on National Government Constituencies Development Fund	Chairperson
18	Select Committee on Constitutional Implementation Oversight Committee	Vice-Chairperson
19	Committee on National Cohesion and Equal Opportunity	Vice-Chairperson
20	Committee on Parliamentary Broadcasting and Library	Chairperson and Vice-Chairperson
21	Committee on Members' Services and Facilities	Vice-Chairperson
22	Parliamentary Powers and Privileges Committee	Vice-Chairperson

As you may all recall, the House on Tuesday, 23rd June 2020 extended the timeline for Committees to elect their Chairpersons and Vice-Chairpersons by an additional 30 days from Tuesday, 23rd June 2020. The 30 days will expire on 25th July 2020. Given the need to adhere to the said resolution of the House and the health and safety measures on fumigation and decontamination of the precincts of Parliament, which will commence on Saturday 18th July 2020; I hereby direct that all the affected Committees to conclude the necessary elections by end of the day on Friday, 17th July 2020.

Hon. Members, I wish to bring to the attention of the House the provisions of Standing Order No.179 (3), which provides as follows:

“A candidate for election as Chairperson or Vice-Chairperson of a Committee shall submit his or her nomination paper in writing to the Clerk by 5.00 p.m. on the day before the election”.

To facilitate the elections to be held tomorrow, Thursday, 16th July 2020 and others to be held on Friday, 17th July 2020, the Clerk has made necessary arrangements and has circulated a schedule showing the date and respective times appointed for election of Chairpersons or Vice-Chairpersons of the 22 Committees. In this regard, (i) nomination forms are to be collected from

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the Office of the Director of Committee Services on the 4th Floor, Room 401, Continental House, Parliament Buildings; (ii) for elections that are scheduled to be held tomorrow, Thursday, 16th July 2020, candidates should make arrangements to pick the forms and return them today by 5.00 p.m. in the same office; and, (iii) in respect of the elections to be held on Friday, 17th July 2020, the nomination forms should be returned to the same office by 5.00 p.m. tomorrow, Thursday, 16th July 2020.

Hon. Members, I wish to guide that the reconstitution of the Committees does not affect the usual tenure of the Budget and Appropriations Committee and the Select Committee on National Government Constituencies Development Fund (NG-CDF) as provided for under Standing Order No.207(4) and Section 50(3) of the National Government Constituencies Development Fund Act, 2015.

The said provisions stipulate that once constituted at the beginning of a parliamentary term, the two Committees are to serve for a period of three calendar years and are then reconstituted for the remainder of the parliamentary term. For avoidance of doubt, the initial three years will lapse at the end of the current Fourth Session.

The House is accordingly guided.

(Several Members walked on the aisle)

There are some Members who appear to be lost as to where to sit.

Hon. Members, this last Communication relates to engagement between the Executive and the National Assembly during the COVID-19 pandemic period.

ENGAGEMENT BETWEEN EXECUTIVE AND NATIONAL ASSEMBLY DURING COVID-19 PANDEMIC

Hon. Members, I wish to make this Communication as a matter of public interest and to guide the House on the continued engagement between the National Assembly and the Executive and other organs of the State during this period as the country deals with the Covid-19 pandemic.

To begin with, Hon. Members, I wish to inform you that I have received a letter from the Head of the Public Service and Secretary to the Cabinet regarding the engagement between the National Assembly and the Executive during the subsistence of the COVID-19 pandemic. In the correspondence, the Executive is cognisant of the complementary relations between the Legislature and the Executive in carrying out of their respective constitutional mandates. Specifically, it is observed that as part of oversight, State officers from different State organs are expected to appear before Parliament for various reasons. In this regard, there is need to provide alternative operational guidelines to ensure that the officers discharge their duties in a manner that serves public good without compromising on individual or public health.

Hon. Members, in order to ensure that Parliament continues to discharge its mandate, the Executive shall continue to avail its members to attend parliamentary queries and summons during this period. However, in keeping with public health protocols requiring minimal physical contact, the Executive has established technological infrastructure and platforms through which State officers can attend Parliament through virtual means.

Hon. Members, it is a matter of public knowledge that there has been a spike in the number of infected cases in the country in the last two weeks and Parliament has also not been spared. It is, therefore, imperative that the necessary precautions be taken to control chances of infection

among the parliamentary fraternity. Indeed, Parliament continues to take necessary steps aimed at contributing to the flattening of the curve of infection and protecting Members of Parliament, staff and essential visitors from infection. Hon. Members, undeniably, committee activities bring together persons from all walks of life notwithstanding the fact that Parliament has no testing capacity for the disease. In this regard, I have acceded to the request by the Executive. Henceforth, all committee sittings will be held virtually unless otherwise stated with my express authorization. These measures are further to my earlier directives to ensure that government guidelines and protocols are adhered to.

Hon. Members, arising from the above, I hereby further direct that all committee sittings are suspended until Tuesday, July 28, 2020. Thereafter, committees will only operate virtually as per my guidance above. Arrangements should, therefore, be made for full virtual proceedings of committees before resumption. However, physical meetings will be allowed for purposes of electing Chairpersons and Vice-Chairpersons as communicated earlier.

In this regard, the election of Chairpersons and Vice-Chairpersons of the various committees should be held by Friday, 17th July 2020 to pave way for the fumigation and decontamination of the precincts of Parliament as per the public health guidelines.

In conclusion, Members of Parliament and staff are encouraged to undergo voluntary testing, and self-isolate in case they come into contact with a positive case or a suspected positive case, in accordance with the Ministry of Health guidelines. In the meantime, the Clerk of the National Assembly is directed to ensure adherence to this Communication with respect to the administrative services herein.

The House is accordingly guided.

I thank you all.

Next Order!

PETITION

Hon. Speaker: Nominee 001, I approved your Petition but you appear to be loitering outside. Hon. Sankok, please proceed.

ECONOMIC VIABILITY OF PHASE 2B OF THE SGR

Hon. David ole Sankok (Nominated, JP): Thank you, Hon. Speaker.

I, the UNDERSIGNED, on behalf of concerned Kenyans especially residents of South Rift and Nyanza, draw the attention of the House to the following;

1. THAT, the design for infrastructure development, particularly road and railway transport, ought to be intended to open up the areas it traverses or terminates for economic exploitation and spur economic development;
2. THAT; having completed Phase 2A of the Standard Gauge Railway (SGR) from Nairobi to Suswa, the Government embarked on design and construction of the westbound Phase 2B of the SGR project from the Suswa dry Port;
3. THAT, residents of South Rift and Nyanza welcomed the project with optimism that it would further open up the regions for economic exploitation, spur economic development and contribute to expansion of urban areas along the SGR line;

4. THAT, unfortunately, the multibillion 52 km Phase 2B SGR line from the Suswa dry Port stalled at Emurutoto Shopping Center, a small shopping center with only one shop and a butchery, with neither roads nor any essential social amenities;
5. THAT, residents are concerned that there seems to be no indication that construction of Phase 2B of the SGR line will extend to Western Kenya as envisaged;
6. THAT, Phase 2B SGR project could be economically viable if the 12 km stretch to Narok Town is completed to give it an economic catchment area of the Greater Lake Region;
7. THAT, residents are further concerned that unless the remaining short stretch of 12 km from Emurutoto to Narok Town is completed the project runs the risk of becoming a white elephant in which billions of shillings sourced through loans and taxpayers' money with little economic returns and benefits to south Rift and Greater Western regions;
8. THAT, the completion of the 12 km stretch to Narok Town could transform, serve as a Special Economic Zone and a hub for residents of the region producing fish, wheat, maize, barley, tea, potatoes, livestock products, bananas, avocados, pineapple, soap stones, sugarcane among other products; and,
9. THAT, the matters raised in this Petition are not pending in any court of law, constitutional or other legal body;

Therefore, your humble Petitioners pray that the National Assembly through the Departmental Committee on Transport, Public Works and Housing:

(i) inquires into the circumstances under which the SGR Phase 2B Project has terminated in a remote Emurutoto Shopping Centre instead of Narok Town;

(ii) intervenes through the relevant Government ministries to ensure that the 12 km stretch from Emurutoto Shopping Centre to Narok Town, which has sufficient human traffic and adequate economic viability and that a link to the highly productive Greater Lake Region be constructed;

(iii) recommends to the Ministry of Transport and Infrastructure and the Ministry of the National Treasury and Planning to prioritise financial resources for completion of the 12 km stretch of SGR to Narok Town, and to urgently ensure that the already constructed 52 km stretch is safeguarded from vandalism perpetrated by scrap metal dealers and that it does not fall into utter disuse; and,

(iv) Makes appropriate recommendations with respect to ensuring the short and medium-term viability of Phase 2B of the SGR is realised.

And your petitioners will ever pray.

Hon. Speaker: Is it directed to the Departmental Committee on Transport, Public Works and Housing? Do I see the Chairman of the Committee? It will be transmitted to the Committee through the Office of the Leader of the Majority Party.

Just for general information of Members because there are those who generally love to sit outside. There are very many empty seats here. I can see some who are coming and going to the Lobby Room. I think they enjoy sitting there.

Hon. David ole Sankok (Nominated, JP): Hon. Speaker, one cannot know there are empty seats inside.

Hon. Speaker: You can take a seat. You do not have to... Sergeant-at-Arms, can you tell any Member who is out there, including those who are walking away to take their seats. I am about to make an important announcement unless they do not want to hear this announcement. I hope I can be heard by those who are in the tents and in the Members' Lobby.

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Hon. Members, very soon, the Clerk will circulate a schedule showing the times, day and places when each committee will hold its elections depending on the vacancies that have been declared because there are some committees that have to do their elections tomorrow, and it is important that all Members who may be interested fill in nomination papers. I do not know what you may be interested in. You could be campaigning in the tent, but you do not know the Members of your committee. So, you may be spending a lot of valuable time talking to Members who do not belong to the committee that you are desirous of leading or taking up a leadership position. A list will be circulated. If you are interested in any of the positions that have been declared, know that you must take your forms and deliver them by 5:00 p.m. today as I directed earlier in my Communication. Those who are coming in and dashing out unless they are the passenger because I have seen some who are walking, standing out there and taking leave... If you are interested in any position, please take the circular that is going to be distributed shortly by the Clerk, within the Chamber and perhaps also in the Lobby Room, tents and in the dinning, if there are any Members still there.

Next Order!

PAPERS LAID

Hon. Amos Kimunya (Kipipiri, JP): Hon. Speaker, I beg to lay the following Papers on the Table of the House, today Wednesday 15th July 2020 afternoon sitting.

The report of the Board of the NG-CDF on project proposal approvals, disbursement status and restrictions imposed on the constituency account for the fourth quarters of Financial Year (FY) 2019/2020 for the FY period of 1st April 2020 - 30th June 2020.

The Annual Report and Financial Statements of the Kenya Civil Aviation Authority for the year ended 30th June 2017.

The County Governments Budget Implementation Review Report for the FY 2019/2020 from the Office of the Controller of Budget.

The Report on the implementation of National Assembly recommendations to the outcomes of the United Nations Conference of parties to the United Nations framework on climate change known as COP24 from the National Treasury and Planning.

Hon. Speaker: Very well. The one from NG-CDF will be referred to the Select Committee on National Government Constituencies Development Fund.

Next Order!

ORDINARY QUESTIONS

Hon. Speaker: The first Question is by the nominated Member, Hon. Gideon Keter.

Question No.083/2020

INTERNSHIP PLACEMENTS OF NURSING GRADUATES

Hon. Gideon Keter (Nominated, JP): Hon. Speaker, I rise to ask the Cabinet Secretary for Education the following Question:

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- (i) Could the Cabinet Secretary explain why Bachelor of Science in Nursing (BSc) degree graduates from Masinde Muliro University of Science and Technology (MMUST) and private universities have not been able to secure internship placements in accredited Government hospitals since 2017?
- (ii) Could the Ministry consider accrediting more local and private hospitals to offer internship programmes to Bachelor of Science Nursing degree graduates with the objective of increasing chances of securing employment?

Thank you.

Hon. Speaker: The Question is referred to the Departmental Committee on Education and Research. Next question is by the Member for Mwatate, Hon. Mwadime.

Question No.088/2020

CONSTRUCTION OF AN ELECTRIC FENCE IN MGENO KASIGHAU

Hon. Andrew Mwadime (Mwatate, ODM): Hon Speaker, I rise to ask the Cabinet Secretary for Environment and Natural Resources the following Question:

Could the Ministry consider constructing an electric fence in Mgeno Kasighau area in Mwatate Constituency to end the ongoing human wildlife conflict between the residents and wildlife from Tsavo West National Park?

Thank you.

Hon. Speaker: The Question is to be replied before the Departmental Committee on Environment & Natural Resources. The next Question is by the Member for Tharaka. The Member has written to me requesting that the Question be stood down which request I acceded to. The question is stood down.

Question No. 090/2020

THE MULTI-AGENCY TASKFORCE OF NATIONAL TREASURY AND PLANNING.

(Question deferred)

Question No.102 /2020

STATUS REPORT ON THE DISAPPEARANCE OF EVANS KUBWA MOKAYA

Hon. Speaker: Next Question is by the Member for West Mugirango, Hon. Vincent Kemosi, who likewise has written to me requesting that the Question be stood down on account of his being absent.

Hon. Vincent Kemosi (West Mugirango, FORD-K): I was far.

Hon. Speaker: But you wrote. What do you mean you were far? How did you sign the letter when you were far?

(Laughter)

Hon. Vincent Kemosi (West Mugirango, FORD-K): I was far but when I came back I found that there was no traffic jam. So, the letter was there for emergency purpose, just in case I was not to make it.

Hon. Speaker: Next when you do that, you must come and inform the Speaker.

Hon. Vincent Kemosi (West Mugirango, FORD-K): Hon. Speaker, I have just come in, and that is why I did not want to disturb you but I am guided.

Hon. Speaker: I had already approved your request for deferment of the question. Proceed.

Hon. Vincent Kemosi (West Mugirango, FORD-K): Hon. Speaker, I beg to ask the Cabinet Secretary for Interior and Coordination of National Government the following Question:

Could the Cabinet Secretary provide the status report regarding investigations into the disappearance of one Evans Kubwa Mokaya of ID No.28506914, aged 28 years who went missing on 5th November 2019, and the matter reported at Ngong Police Station through Occurrence Book Number 44/17/2019?

Thank you.

Hon. Speaker: Very well. The Question is to be replied before the Departmental Committee on Administration and National Security. The Next question by the Member for Igembe Central, Hon. Kubai.

Question No.103 /2020

PROGRESS REPORT ON STATUS OF KABUKURO BOREHOLE

Hon. Kubai Iringo (Igembe Central, JP): Hon. Speaker, I beg to ask the Cabinet for Tourism and Wildlife the following Question:

(i) Could the Cabinet Secretary provide progress report on the status of geological surveying, drilling and construction of Kabukuro Borehole in Igembe Central Constituency which was commissioned in 2014 by Kenya Wildlife Service as a community project?

(ii) How much money has been allocated and utilised since its inception?

(iii) What measures has the Ministry put in place to ensure that the said project is completed?

Hon. Speaker: The Question is referred to the Departmental Committee on Environment and Natural Resources. The last question is by the Member for Rabai, Hon. Kamoti Mwamkale.

Question 113/2020

POLICY ON PAYMENT OF BOM TEACHERS

Hon. William Mwamkale (Rabai, ODM): Thank you, Hon. Speaker. I rise to ask Question No.113 of 2020 directed to the CS for Education:

(i) Could the Cabinet Secretary provide the Ministry's policy regarding coercion of parents and guardians in secondary schools to pay money which is allegedly used to pay salaries for teachers employed by the respective boards of management?

(ii) What steps is the Ministry taking to ensure that adequate teachers are employed in all registered secondary schools, particularly in Rabai Constituency, in order to ease the

burden of parents paying salaries for teachers employed by the respective boards of management?

Thank you, Hon. Speaker.

Hon. Speaker: The Question is referred to the Departmental Committee on Education and Research. Hon. Aden Duale.

REQUEST FOR STATEMENT

REGISTRATION OF PERSONS IN GARISSA AND WAJIR COUNTIES

Hon. Aden Duale (Garissa Township, JP): Hon. Speaker, pursuant to the provisions of Standing Order 44(2) (c), I wish to seek for a statement from the Chairperson of the Departmental Committee on Administration and National Security regarding registration of persons in Garissa and Wajir counties. Garissa and Wajir counties have over the years had disproportionate number of young men and women without national identity cards owing to their inadvertent registration as refugees in Dadaab, Ifo and Daghale refugee camps in those two counties. Over 20,000 Kenyan-Somali in Garissa and Wajir are currently registered and found in the United Nations High Commissioner for Refugees (UNHCR) database as refugees. Their registration as refugees was an act of desperation by their parents to escape the distress of the severe drought of the 1990s. The difficulty in obtaining identity cards means these Kenyans cannot access employment, join the higher education system in our country, and engage in lawful business, open bank accounts or even travel across the country.

The foregoing are fundamental rights which these Kenyans have been denied for years. Article 21 of the Constitution of Kenya provides that it is the fundamental duty of the State and every State organ to observe, respect, protect, promote and fulfil the rights and fundamental freedoms in the Bill of Rights. The leadership of north-eastern region in 2017 appealed to His Excellency the President on this matter and the President directed the Director-General of Registration of Persons, through the Ministry of Interior and Coordination of National Government, to develop a framework and oversee registration of these Kenyans and issuance of ID cards to them. On 23rd August 2019, the Government formed a taskforce to develop the procedure of vetting, verification and eligibility criteria for these stateless Kenyans using their parents' citizenship documents, local elders, chiefs and other government agencies. The verification was conducted but since then nothing has come out of it. The youth verified come from the following constituencies:

1. Garissa Township	3,000
2. Lagdera	1,300
3. Ijara	2,200
4. Fafi	2,300
5. Dadaab	6,200
6. Wajir South	3,500.

It is against this background that I seek a statement from the Chairperson of the Departmental Committee on Administration and National Security on the following:

1. When will these youth who underwent the verification process be provided with ID cards?
2. Could the CS provide timelines as to when he will implement the President's 2017 directive on registration of persons in the affected areas?
3. What did the taskforce recommend after the verification process was completed?

I thank you, Hon. Speaker.

Hon. Speaker: Is the Chair of the Departmental Committee Administration and National Security in the House? The request is to be channeled through the office of the Leader of the Majority Party. The other request for a statement is by Nominated Member Prof. Jacqueline Oduol. Is she sitting in the tents? This is a Member who is always punctual. Is she the one walking in? This one does not look like her. Can you check in the room out there whether Hon. (Prof.) Jacqueline Oduol is around? Do you want to speak on her behalf, Hon. (Dr.) Tecla Tum?

Hon. (Dr.) Tecla Tum (Nandi, JP): Hon. Speaker, she was around and she said she already asked her question. That is what she said.

Hon. Speaker: It is not a question; it is a request for a statement. In any event she is not present, the request is dropped. You may be right, Hon. Tecla, because Hon. (Prof.) Oduol is always in the Chamber. She certainly arrives here earlier than the Member for Suba North. I know she normally arrives before you.

Next order!

SPECIAL MOTION

CONSIDERATION OF NOMINEE FOR APPOINTMENT AS AUDITOR-GENERAL

Hon. Speaker: The Vice-Chairperson of the Departmental Committee on Finance and National Planning, Hon. Waihenya.

Hon. Isaac Ndirangu (Roysambu, JP): Thank you, Hon. Speaker. I beg to move the following Motion:

THAT, taking into consideration the findings of the Departmental Committee on Finance and National Planning in its report on the Vetting of the Nominee for Appointment as the Auditor-General, laid on the Table of the House on Wednesday, 15th July 2020, and pursuant to the provisions of Article 229(1) of the Constitution, section 11(8) of the Public Audit Act, 2015 and sections 3 and 8 of the Public Appointments (Parliamentary Approval) Act, 2011, this House approves the appointment of Ms. Nancy Janet Kabui Gathungu as the Auditor-General of the Republic of Kenya.

Hon. Speaker, in our vetting process, we were guided by the provisions of the Public Audit Act (No.34 of 2015); the Public Appointments (Parliamentary Approval) Act (No.33 of 2011); Chapter Six of the Constitution on Leadership and Integrity; Article 250 of the Constitution on Composition, Appointment and Terms of Office of Constitutional Commissions and Independent Offices; Article 229 of the Constitution on Appointment of the Auditor-General (AG); Article 232 of the Constitution on Values and Principles of Public Service; Article 10 of the Constitution on National Values and Principles of Governance; Article 77 on restriction on activities of State

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Officers; the Leadership and Integrity Act (Cap 182); the Public Service Values and Principles Act No.1 (A) of 2015 and the Public Officer Ethics Act, Cap No.183.

Hon. Speaker, as all the Members of this House know, the Office of the AG is a creation of the Constitution of Kenya, 2010. It is a very important Office enshrined under Article 229 of the Constitution, which state:

“There shall be an Auditor-General who shall be nominated by the President and with the approval of the National Assembly, appointed by the President”.

The essence of this provision in the Constitution is to enable Parliament to play its role of oversight by having an opportunity to veto the appointment and nomination of the holder of that Office. The National Assembly’s Departmental Committee on Finance and National Planning is required by law to vet the nominee in accordance with the laws and statutes that I have cited – which we have done. This enables the nominee who has been appointed to enjoy the trust and confidence of both the Executive and the House of Parliament. It is important because the work of the AG is essential. Among the requirements for you to be nominated to serve as the AG is that you have to have extensive knowledge of public finance and at least 10 years in auditing of public finance. The AG, subject to Article 251, serves for a term of eight years – just like the Controller of Budget.

There are duties and assignments meant for the Office of the AG which are key in the management of the public resources of this country. Within six months, at the end of every financial year, the AG is required by law to audit and report in respect of every financial year to Parliament on the accounts of national and county governments. He is also required by law to account and audit funds of all institutions that are under national and county governments. He is also the AG of all the courts. He also audits all Commissions and Independent Offices established by our Constitution. He is also required to audit and report on the accounts of the National Assembly, the Senate and the 47 county governments of our Republic. He is also expected as part of his or her work to audit and report on all political parties funded from public funds. He is also supposed to audit the national public debt and the accounts of any entity.

The Office of the AG is very important and as Members of this House, through the Departmental Committee of Finance and National Planning, we have been able to carry out the vetting process. We have come up with a Report which has been tabled in this House. By this time, it must have been put online for Members to go through.

Hon. Speaker, in compliance with Section 6 (9) of the Public Appointments (Parliamentary Approval) Act, 2011, the Clerk of the National Assembly placed the required advertisements inviting members of the public to submit Memoranda or make oral presentations to the Committee regarding the suitability of the nominee. By the close of the submission deadline, the Committee had received several Memoranda from civil society groups, including the Constitution and Reform Educational Consortium (CRECO), the National Taxpayers Association, the Transparency International, the African Centre for Open Governance (AFRICO), the Centre for Enhancing Democracy and Good Governance and other NGOs. Most of them were challenging the process of appointment of the AG and the role of the Public Service Commission *vis-a-vis* the independence of the Office of the AG. The Committee was of the view that those Memoranda were not challenging the nominee directly but were offering advisory opinions on the need for the Committee to scrutinise the process of appointment and the need for Parliament to amend the law to provide for a smooth transition whenever the Office of the AG falls vacant.

Hon. Speaker, the stakeholders proposed a specific amendment to Section 12 of the Public Audit Act to provide specific timelines within which a substantive AG must be appointed. This

arose from the fact that our last AG, Mr. Edward Ouko, left the Office around August last year. Almost a year later, that Office has been without a substantive holder. The effect is that Parliament, County Assemblies and other consumers of the Report of the AG have been left waiting for a long time to make important decisions on protection of public funds.

Hon. Speaker, the Committee also received a Memorandum from a civil society organisation called “Kenyans for Justice”, which was filed after the deadline – hence the Committee did not consider it in light of this as we had already completed the vetting exercise.

It is critical to note the importance of this particular Office, pursuant to the Constitution and the Public Audit Act. Key amongst the functions of this Office is to ensure that all public monies are used for the intended purposes, and that expenditures conform to the authority as provided by law. It is, therefore, critical to have this Office occupied so that the application and appropriation of public resources is properly monitored. Without this Office, it is not possible to oversee bodies such as Parliament. We are also unable to carry effective oversight without those reports.

Hon. Speaker, in terms of approval hearings, the nominee appeared before the committee on Friday 3rd July 2020 and her suitability was examined based on the criteria set out by the Public Appointments (Parliamentary Approval) Act, 2011. The nominee was interviewed on her academic credentials, experience, and knowledge of sector issues, leadership, and integrity. Based on her performance during the vetting exercise, the committee found that the nominee has a wealth of experience to serve as the Auditor-General having worked in the Office of the Auditor-General previously known as KENAO or the Kenya National Audit Office for close to 18 years and having risen through the ranks to her current position which is the Director of Audit.

She met all the minimum qualifications required by Article 229 of the Constitution and Section 11 of the Public Audit Act 2015. She also demonstrated her extensive knowledge in auditing as well as public finance having worked in that office for most of her career. Her educational background is also in line with the requirements of the office. In terms of the nominee's abilities, she demonstrated tenacity to hold this position in the way she responded to questions posed by the members of the committee.

In terms of the specific qualifications, Hon. Speaker, in consideration of her public background, I submit that she is a Kenyan citizen born in Kisumu County in 1969. She is currently pursuing a PhD programme in Business Administration Strategic Management at the Jomo Kenyatta University of Agriculture and Technology. She attained a Master's Degree in Business Administration Strategic Management at the University of Nairobi in 2009 and graduated with a Bachelor of Commerce Degree, Accounting option in the University of Nairobi in 1992. She also did her Certified Public Accounts (CPA) Examination at the Kenya School of Professional Studies. She is a certified information systems auditor. She has an advanced diploma in Information Technology (IT) from the Kenya School of Professional Studies. She is computer literate, having obtained a certificate in computer studies from Nyamashaki Women's Centre in Nyeri.

She sat for her Kenya Advanced Certificate of Education (KACE) at Kenya High School and her Kenya Certificate of Education (KCE) at Moi Girls High School. Hon. Speaker, Ms. Kabui Gathungu is a member of the Institute of Certified Public Accountants of Kenya (ICPAK), and the Association of Women Accountants of Kenya (AWAC). She is also a member of the Information Systems Audit and Control Association. Additionally, she has participated in Kenya Leadership and Integrity Forum and has been a chair of that watchdog agency sector group. She has also been a member of the implementation committee on the report of the task force on legal policy on institutional framework for fighting corruption in Kenya, which represents the Office of the

Auditor-General. She has been a member of the National Coordination Committee on Leadership and integrity and has been a member of the monitoring and implementation of the Devolution Conference Resolutions Committee.

Her work experience, as indicated, is that she has worked in the Office of Auditor-General previously known as KENAO and is currently a Director of Audit, a position she has held since February 2014. She has also held other positions in the office including Financial Auditor from 1993 to 1997. She has been an Assistant Director of Audit between 2006 to 2010. She has been Deputy Director of Audit from 2010 to 2014 and she has also worked at Kenyatta National Hospital (KNH) as a Chief Internal Auditor in the years 2004 to 2006. Moreover, she has been a Senior Internal Auditor with the Ministry of Education and has held the position of Provincial Schools Auditor for Central Province between 1997 and 2000.

Therefore, Hon. Speaker, with those attributes the Committee was convinced that Ms. Kabui Gathungu is qualified to hold this office, which is charged with the responsibility of protecting the utilization of public resources of the Republic of Kenya. I call upon my colleagues to support the Committee on Finance and National Planning in its findings and in its report. Hon. Speaker, I beg to move and request Hon. Mboni David Mwalika to second.

Thank you Hon. Speaker.

Hon. Speaker: Very well. Hon. Mboni.

Hon. David Mboni (Kitui Rural, CCU): Thank you, Hon. Speaker. I arise to second the Motion for the appointment of Nancy Janet Gathungu as the Auditor General. Hon. Speaker, the Office of the Auditor-General requires somebody who is widely experienced in audit and of course the necessary education background. This is because it is a very important Office. As my colleague has already stated, Nancy is well educated. She has a Bachelor of Commerce in accounting option, Master of Business Administration in Strategic Management and she is currently pursuing PhD in Strategic Management. That gives her a good education background to hold this Office. In terms of professional studies, she is a Certified Public Accountant (CPA) and she is a member of ICPAK which is a requirement to hold this Office.

In terms of work experience, Ms. Nancy started working in the Auditor's Office and she has worked there for 18 years apart from the two years she worked in Kenyatta National Hospital. That gives her a very solid experience in terms of audit. In fact, during the vetting she demonstrated very well she knows the system. Having worked for 18 years in the place, she knows the system very well. In fact, she even told us she is advising the Government of Botswana on Audit systems- which is very good- and to us she qualifies to hold this Office. Therefore, as I second this Motion, I beg Members to support the nominee for this Office.

Thank you very much, Hon. Speaker.

(Question proposed)

Hon. Speaker: Let us have Hon. Mbadi.

Hon. John Mbadi (Suba South, ODM): Thank you, Hon. Speaker. As I support this Motion on the approval of this nominee to the Office of the Auditor-General, I just want to underscore, again as my colleagues have said, that this is a very important Office. As a country, we stand indicted that we could have a system that allows this Office to remain vacant for all these months. This is something that we need to fix. There is no way you can guarantee accountability in the usage of public resources without the Office of the Auditor-General having an office holder,

not necessarily a substantive one. We have not had anyone in acting capacity that could even sign audit reports. So, we must have a system which will guarantee that before the Auditor-General leaves office at the end of their eighth year term, that someone is already designated as Auditor-General in waiting so that that person can take over immediately a few months before the Auditor-General leaves office. So, as a country, this is something that we stand indicted and especially legislators. This is something that we must fix. I am happy that, at least, we have made progress so far to this date.

Hon. Speaker, Kenyans are aware that almost all the cases of corruption that have been unearthed in this country have been as a result of the report of the Auditor-General. So, we expect Ms. Janet as she occupies this office if she will be approved this afternoon and subsequently appointed by the President that she is not going to let Kenyans down. This is going to be the first female occupant in this office and she has a huge task ahead of her. This Office has not disappointed this country. The predecessor to Mr. Ouko did a fantastic job at a difficult time in the history of this country. We all know that during the one party rule and the early times of multiparty politics, it was very difficult to question the Executive. But we had the Controller and Auditor-General who could hold his ground and bring audit reports that would indict the Executive. I think that is something to admire. It was carried forward to the first Auditor-General under the 2010 Constitution, Mr. Edward Ouko, who also exhibited very strong signs of a professional and came up with professionalism to that office.

Therefore, Janet Gathungu has her job cut out for her to prove that she is either going to carry forward the same competence that Kenyans have had in the previous two occupants - at least the ones I can remember - or she is even going to do better. I must disclose that while Ms. Janet was in her final year in the business school in the University of Nairobi, I was in my first year. She was I think in the class of Hon. Mosses Kuria. So, in terms of academic qualification I agree and can support that she has what it takes to occupy the position of the Auditor-General together with other professional qualifications that have been enumerated by the Chair of the Committee. She even has a Master's Degree in Strategic Management and she is pursuing her PhD.

Hon. Speaker, however there are a few things that have to be dealt with. First is the process. This is something that we cannot shy away from talking about. You cannot use the Public Service Commission (PSC) to recruit the Auditor-General. I find it difficult to accept that that is a process that would stand the test of time. Why do I say so? This is a very important Office and we must find a more independent way of recruiting an Auditor-General of a country. To me this Office is more important than any other independent office that we can talk about in this country. So, using the PSC and make recommendations to the President who then nominates and finally appoints with the approval of Parliament, means something needs to be done to guarantee that the person we are going to recruit is up to the task.

Hon. Speaker, there is something very interesting and this is not just to indict this lady and cast aspersions on her recruitment but I am concerned that this lady was among the list of those Kenyans whose appointments were rejected by a panel that was created. What that has done to this lady as she comes into office is to have questions and doubts about her competence because if you were rejected and then later you are appointed, it puts some dents. That is why I am saying that she is unfortunately coming to office with a lot of question marks and must work hard to demonstrate that those who overlooked her were wrong and those who have found her fit to occupy this position are right. She must demonstrate to Kenyans that that stone which the builders rejected became the cornerstone in terms of upholding accountability, transparency and integrity in the management of public finance and resources in this country.

Hon. Speaker, I am also delighted to hear that she was born in Kisumu, but we must ask ourselves questions. There are questions that are being asked about appointments in this country and that is something we cannot run away from. The President must address these doubts that Kenyans have. The social media is scandalising her competency. There are Kenyans who are more competent. When people start perceiving appointments as taking some ethnic pattern that is something that the President needs to deal with. I know a number of Kenyans who also did interviews, probably she was the best but it is difficult to convince Kenyans that the best could only be found in certain regions and bearing certain names. That is something that my President must deal with. It is something that cannot be ignored. In fact, that is what is going to guarantee and ensure cohesion in this country. So, Ms. Janet is coming to this office with a lot of issues and question marks that she must address.

Finally, this is again a concern that I have. The Office of the Auditor-General had some five deputies. The lady we are approving for appointment today was answerable to these five deputies. Now she is going to be the boss. Something needs to be done in terms of addressing such circumstances in public service. How then would my junior who was answerable to me yesterday become my boss tomorrow that now I become answerable to that person? I know it is a lot in politics, in fact Hon. Mbui is whispering here that Hon. Duale is now answerable to Hon. Kimunya.

(Laughter)

This is a totally different kind of circumstance. These are colleagues and we are in politics. In politics there is a first among equals. If this is not addressed properly and we do not have maturity in the Office of the Auditor-General, this is likely to affect service delivery.

Hon. David ole Sankok (Nominated, JP): On a point of order, Hon. Speaker.

Hon. John Mbadi (Suba South, ODM): Do you have a point of order or you want to inform me? I accept.

Hon. Speaker: Do you want the information from 001.

Hon. John Mbadi (Suba South, ODM): Let me hear what the Maasai has to say.

Hon. David ole Sankok (Nominated, JP): He should not refer to me as a Maasai, but a Member of the august House. Hon. Aden Duale is not answerable to Hon. Kimunya, but the party leader who is His Excellency Uhuru Muigai Kenyatta. Thank you. I have informed you.

Hon. John Mbadi (Suba South, ODM): Actually, I was reporting. That is very good information from my friend who keeps reminding me he is a Maasai and brings me *mbuzi*. Thank you for that. He brings me *mbuzi* many times. He is the only one who has brought me a gift in this House, but it did not require disclosure. So, I have not disclosed the gifts he has been bringing.

I stand informed. Actually, those were comments from my Deputy Hon. Robert Mbui, who thought Hon. Duale is now answerable to Hon. Kimunya. It is only that Hon. Kimunya is now occupying a position that was occupied by Hon. Duale.

Those are the issues that I have, but I am not trying to imply that we should reject the nomination of Janet Gathungu. I think we can give the lady an opportunity to serve this country and demonstrate her competence. I have no doubt that if she has been in the Civil Service for all those years without her character being tainted in any way, she is likely to demonstrate some competence that will impress us. Going forward, we should be looking inwards in terms of recruiting the next occupant of the Office of the Auditor-General.

Hon. Speaker, with those many remarks, I support the Motion. Thank you.

Hon. Speaker: Serjeant-at-Arms, I can see several Members, particularly lady Members, who are shy of getting into the Chamber. There are enough seats. Tell them not to fear. They can come in. I can see them coming and standing out there thinking the House is full. There are still a number of seats where they can sit and participate in the debate. Hon. Kimunya.

Hon. Amos Kimunya (Kipipiri, JP): Thank you, Hon. Speaker. I rise to support the Report of the Committee on Finance and National Planning on the vetting and approval of one Janet Gathungu as the Auditor-General.

Let me start by thanking them for executing this within a very short period and in difficult circumstances. They forewent their recess while the rest of us were busy out there meeting our constituents. They came back to ensure we have an Auditor-General after the false start we had last year. I cannot belabour the point in terms of the importance of having an Auditor-General or even having an auditor for any organization.

Kenya has incorporated this office and, as a nation with various parastatals and investments, we rely on this one person to give us assurance, in terms of whether our money has been expended for the benefit of Kenyans or value for money has been achieved. As a House, we appropriate the money and assume the Executive, Judiciary, National Assembly and all the other bodies and commissions utilise the money for the benefit of Kenyans and not just spend it so as to achieve some desired outcomes. It is only the Office of the Auditor-General that can give us that assurance and it does not matter what we do as a House.

I know that the Departmental Committees are very thorough in terms of oversight. We occasionally summon officers to come every time there is a report in the media that some money has disappeared or some things have happened. But the only person who has the ultimate responsibility of telling us whether the money has been spent properly or value for money has been achieved is the Auditor-General. Hence, this is a very important office. I join everyone else who had concerns in terms of the delay we had. This was part of the recruitment process that went and hit some stumbling blocks along the way.

I do not need to re-emphasise what the Chair has said in terms of the timelines for submission of reports. We know all the accounting officers have to render their reports, which are then submitted for audit and eventually brought to this House. I know the Chair has highlighted that the nominee has 18 years of experience. But looking at her curriculum vitae (CV), she started working in 1993. We are now in 2020 and this gives her 27 years of experience in audit.

Fortunately, I trained as an auditor in my early days. I know what it means for somebody to stick in audit for that long. It is like wine. The longer you are there, the better you get. You mature and see it all in terms of valuations and what people can do or cannot. From the old days when manual records were the in-thing to now when the technology has taken over, I am very happy because, first of all, we have somebody who has gone through the system from working in the ministries, the Auditor-General's Office and looking at various corporations, Kenyatta National Hospital (KNH) and then joining the Audit Office to consolidate all that experience.

I also noticed that the nominee represents a group of Kenyans who have served with loyalty and dedication. She has served the public for over 27 years and has now risen to a point where she has been picked among colleagues to be the head. We have progressively witnessed career civil servants who work for 25 years in an organization and, all over sudden, somebody is picked from the private sector, brought in and becomes the new boss. This demotivates the people who have been working because there is no career progression and yet, they have been waiting. The time taken to rise is disregarded and somebody else is picked from outside.

I am very happy because her nomination will bring a sense of fresh inspiration to those in the public service. They will now see that if they stay long in an organization and work for Government and dedicate themselves, then their day will come one day. The issue of succession management is critical especially in such an office. I hope that the nominee Janet Gathungu will take it upon herself to start her succession management. It is one term of 8 years and during this time, perhaps in the fifth year we should see some certainty in terms of a possible panel of future Auditor-Generals to pick from so that, by the time we get to the year 2027, we will not have to look outside in Iceland and everywhere else. We should be able to look from inside. Let all the people who want to become Auditor-General in future join the organization today; they should not wait to be picked from outside the organization. This is because that is part of the thing we would want to see as substantial management we can associate with.

An issue has been raised about whether deputies might fill the position and, perhaps, where a junior officer has risen through the ranks. I do not want to talk on behalf of them. I do not even know how many of them applied for the position because, obviously, you will not win a lottery if you never bought a ticket. At least, Janet was daring enough to apply, and it is only the Selection Committee that can tell us what happened. However, the good thing is that she actually made the cut in the first instance. In the second instance, I am glad that the women of Kenya can now be happy that they not only have a Controller of Budget, but they also now have the Auditor-General. We keep being reminded that our assets are safer in the hands of our ladies. So, we hope that we can see that happening, especially as we now move into the critical phase in the next two years not just as we unite the country from a political perspective, but as we embark, with more gusto, on the war against graft. This will be critical so that we shall have set the cornerstones and all the building blocks for a determined fight against graft with the systems at the Auditor-General's office, with evidence brought to the House and the multi-agency teams that will be looking into these things – what the Auditor-General should feed into the other system – so that, at least, we can safeguard our money and ensure that much as things may have been stolen in the past, we look for the horses that bolted in the past and ensure that our stables are tightened so that no more horses can bolt in the future.

I could go on and on but having been the Chairman of the Institute of Certified Public Accountants of Kenya (ICPAK), obviously, I was also very concerned to see that they are actually talking of a member who is current. I have actually confirmed independently that Ms. Nancy Gathungu holds a Practicing Certificate No.2139, and it is actually current. She has actually renewed her practicing certificate. She has been a member since 2007. So, she did not join the Institute to just apply for this position as is the case with some people coming from outside. They never bother about joining the institute until a position is advertised. Then they join the institute just for purposes of vetting. So, she is somebody who is not just in the system, but has been supportive and has done a lot of accounting work, especially within the public sector.

We do not need to belabour the point. I also want to undertake to work with the Executive on a review of the Public Audit Act, 2015. We have witnessed these transitional challenges as well as a few other things that have been picked up. I hope to bring to this House some amendments so that between now and the next time we review these appointments, the law will, at least, be clearer even as we address the other challenges that we have encountered to ensure that public financial audits are better and more informative so that we achieve the objective of getting value for money in public expenditure.

Hon. Speaker, I do not want to exhaust the time I have because I would like to hear more Members giving their views. Allow me to end there as I urge the House to support the nomination

of Ms. Nancy Gathungu not just because she is a woman or because of where she comes from or because of her name, but because of her experience and our expectation that she will deliver for the people of Kenya. We wish her well in her challenging task of ensuring that the audit backlog is cleared so that we get back to where Mr. Edward Ouko took us. He is another fine gentleman and a good friend of mine. I know he will be happy to see that he has a successor he also mentored during the eight years he has been in office.

With those few words, I beg to support.

Hon. Speaker: Can I hear the Chairman of the Public Investments Committee (PIC), one of the Committees that heavily consume the work of the Auditor-General. Hon. Abdullswamad. He appears to be limping. Is it on account of sitting for too many hours? We have not sat for many hours. Is it that you have acquired a new style of walking? Maybe, that is the walking style of the Chairman of PIC. I am yet to see Hon. Opiyo Wandayi, who is also a heavy consumer of the work of the Office of the Auditor-General. The other one is Hon. Kathuri Murungi. I need to hear these people because they are the ones who have been suffering since August last year.

Hon. Abdullswamad Nassir (Mvita, ODM): Thank you, Hon. Speaker. I think we need to welcome this particular nomination. The reason why the country needs to welcome it is the challenges that we have all been facing as a country. On 20th November last year, on a Wednesday – on that day I was not limping as I am today – we tabled a Report. That Report was for purposes of a request from the Central Bank of Kenya (CBK) that they wished to have the period for their financial audit extended not for any reason other than the absence of a substantive Auditor-General. Amongst the things we approved were extensions of the audit periods for the Ethics and Anti-Corruption Commission, the Capital Markets Authority, the CBK, the Kenya Power and Lighting Company, KenGen and the East Africa Portland Cement. The laws of this country require that by 30th September of every year, these institutions must have their books of accounts audited.

The particular Report that we tabled then was approved by this very House. I want to remind Hon. Members that, for purposes of continuity, it was indicated in that Report that the Departmental Committee on Finance and National Planning was to introduce amendments to the Act governing the Office of the Auditor-General, and the Public Audit Act, to ensure that succession does not continue to be an element of contention any more. We are concerned about Kenyans deciding to go to court. As much as we respect that it is their constitutional right and they have every single obligation to try and honour the Constitution of this country, the country needs to move forward in the rightful manner. We cannot move forward without an Auditor-General. Counties will be starved of cash. State corporations will misbehave, Hon. Speaker. If we do not have a substantive Auditor-General, many other mischievous deeds will happen.

I read this particular Report. When the nominee was asked what she would do about corruption, there is a comment that she made. I do not know whether the Members of the Departmental Committee on Finance and National Planning asked her this. She said that she would introduce E-procurement. I hope that she meant she would introduce it in the Office of the Auditor-General. The introduction of E-procurement in every public entity is not under her mandate. It is the mandate of this House to amend the Public Procurement and Asset Disposal Act to ensure that entities purchase and procure using the e-method.

As the Leader of the Minority Party, Hon. Mbadi said, she will enter into a system where those whom she calls her bosses today will be her juniors. I believe that with her record curriculum vitae and having worked in other State entities as well, she will uphold utmost professionalism in ensuring that she discharges her duties.

Lastly, she said that she would release audit reports in a timely fashion to ensure that the Constitution and the Acts of this country are not violated. As the Public Investments Committee, we have a number of special audits that we requested. We hope and believe that because she has been in the system, she will ensure that those particular reports will be out and ready in no time.

Thank you very much, Hon. Speaker.

Hon. Speaker: Hon. Duale.

Hon. Aden Duale (Garissa Township, JP): Hon. Speaker, I rise to support the Report of the Departmental Committee on Finance and National Planning on the vetting of the nominee for appointment as the Auditor-General in terms of Article 229 of the Constitution. At the outset, allow me to congratulate the former Auditor-General, Mr. Edward Ouko, on serving this nation for the past eight years as the Auditor-General in very difficult circumstances.

The job of the Auditor-General is not easy. He was the first Auditor-General under the Constitution, 2010. If you look at the functions of that office in line with Article 229 of the Constitution, it is a job that can be summed up as being simply to audit the national Executive, the county executives and assemblies, constitutional office holders or commissions, the Judiciary and Parliament and to make sure that every money that is appropriated by Parliament is accounted for and there is value for it.

On a very light note, someone once told me that the former Auditor-General, Mr. Edward Ouko, used to keep his hair completely shaved. However, it was not by choice. I was told that within a few months of being in that office, his hair fell out very fast because of the magnitude of the constitutional weight. Before I came to this Chamber this afternoon, I talked to his friend. Since he left his office, his hair is growing back. As the former Leader of the Majority Party, my hair is also growing back. Sometimes, your hair falls out and turns grey very fast because of the office. I was told that this is what happened to the former Auditor-General.

There are certain independent offices in this country like the Office of the Director of Public Prosecutions (DPP), Office of the Auditor-General and the Office of the team of the men and women who work at the Ethics and Anti-Corruption Commission (EACC) and the Inspector-General of Police. Those are offices that, in one way or the way, make decisions that do not make everybody very happy. If you want to please everybody, then the best job for you is to sell ice-cream. Ms. Janet is lucky because we will not see how her hair will fall. Maybe, she will cover it with a scarf.

(Hon. (Ms.) Janet Ong'era spoke off-record)

Hon. Janet Ong'era is my very old friend who served me very well when I was in Orange Democratic Movement (ODM) as our Executive Director. She is telling me that I am growing hair. This is because I have time for my family and children. I also sleep well. Hon. Kimunya made my life a bit easier. I always pray for him.

Let us be very frank. Mr. Edward Ouko was a very good auditor, but he went through hell. He was even dragged to this Parliament through a Petition. I am sure that when history will be written down... Many of us had issues with him. You remember the issue of Eurobond. He was among the people who had many issues, particularly with the Jubilee Administration which I am part of.

Hon. Speaker, because of the nature of the office, just like of that of the Office of the DPP and other independent offices, the Auditor-General, Mr. Edward Ouko, made one decision which

did not impress everybody. We want to thank him. After a long wait, we finally have a new Auditor-General.

I had a chance to look at the Report of the Departmental Committee on Finance and National Planning. I must say that Madam Nancy is cut out for her job. She has worked at the Office of the Auditor-General in various positions. She not only holds extensive knowledge of audit, but also once appointed, she will require every person who works at the Office of the Auditor-General. It is very true that there are five of her colleagues who are more senior than her - senior Deputy Auditor-Generals - who applied for the same job but, because of the Almighty God, she won that seat.

(Hon. Junet Nuh spoke off-record)

So, it is her responsibility now as the leader of the audit office... I cannot hear what Hon. Junet is saying, Hon. Speaker.

(Hon. Junet Nuh spoke off-record)

Hon. Junet, the Almighty speaks to the panelists. Those of us who believe in God know that He does not have to speak to you. He speaks to those who are conducting the interview. He speaks to their hearts so that they can make you number one. But now, she must work with her former colleagues, her seniors and she must have teamwork because that office is very key.

Hon. Speaker, it is very important for this nation. Members may be aware that there are so many audit reports that have been pending for being unsigned. Legally, just like the DPP and the Auditor-General, it is a constitutional obligation that only them can sign. So, if the Office of the DPP or that of the Auditor-General become vacant, then we have to wait. So, we must amend the Audit Act and the Constitution to make sure that we create a transitional mechanism that in six or eight months to the exit of the Auditor-General - because they have tenure of office - that the recruitment process starts because Parliament cannot wait.

In the Constitution, it is very clear that within six months at the end of each financial year, the Auditor-General shall audit and report in respect of the previous financial year. There is even a timeline of how he or she is going to report to Parliament - to the National Assembly for the National Government, the Judiciary and Parliament and other institutions - and to the Senate in terms of the counties.

Ms. Janet is not getting this job because she is a woman. There is a problem in this country that even when a woman State or public officer is involved in corruption, the gender card is raised. But why is it that the gender card is not raised when they are getting appointments? Women steal the same way men can steal. So, when we are appointing Ms. Janet, we are not giving her this position because she is a woman. We expect Ms. Janet to comply with the provisions of the Constitution and become the best Auditor-General after eight years. We expect to profile the gender issue that women can do better. However, we do not expect Ms. Janet to go and cover up for her fellow women if they are involved in corruption.

Hon. Speaker, the Office of the Auditor-General as currently constituted under Article 29 has been effective, but we can still do more. Through you as the Chairman of the Parliamentary Service Commission (PSC), we have the Budget Office in our Parliament, National Assembly, which has done very well. We will go further and have an audit office within Parliament - now that I am a member of the Public Accounts Committee (PAC) - so that we do not only depend on

the auditors from the Auditor-General. You cannot come and advise us on your report. So, we need to go further and have an independent audit office within Parliament that can advise...

(Hon. Aden Duale's microphone went off)

Hon. Speaker: I am adding you one more minute for you to conclude.

Hon. Aden Duale (Garissa Township, JP): Just to make sure that we get an independent office.

As I conclude, allow me to wish the nominee all the best as she takes up her new role as the Auditor-General. There is a saying – and I am sure Hon. Amos Kimunya who was the Chair of ICPAK will agree with me - that women make the best accountants. Allow me to amend this saying this afternoon and say that women make the best auditors, and ask the House to approve Ms. Janet Nancy. I do not know why she has two Christian names. Oh! She is Catholic.

Hon. Speaker, next time, we should not bother about where one was born. I was wondering why the Vice-Chairperson was saying that she was born in Kisumu, unless he was telling us that he was sending a message. We know where Ms. Janet comes from. That is not in doubt. I was also born somewhere outside North-Eastern. Hon. Junet was born in Mandera, but he is the Member of Parliament (MP) for Suna East in Migori.

We wish Ms. Janet all the best and I hope that PAC and PIC will now work efficiently to make sure that pending issues are resolved.

I beg to support.

Hon. Speaker: Let us now have the Member for Suna East.

Hon. Junet Nuh (Suna East, ODM): Thank you, Hon. Speaker, for giving me this opportunity to contribute to this Motion. At the outset, I support this Motion.

The Office of the Auditor-General is one of the most important offices in the structure of governance in our country. We have taken quite some time from the time the previous Auditor-General retired up-to now. There is a reason why under the Constitution of 2010, Kenyans decided to make this an independent constitutional office. As you remember very well, previously, it used to be called the Controller and Auditor-General's Office. But now, under the new Constitution, the two offices were separated and we have the Auditor-General's Office and the Controller of Budget Office. They were both made constitutional offices.

That tells you how important this office is. One of the things that I have been raising is that, if you want to fight corruption in this country, you just need to look at the report of the Auditor-General that is presented to Parliament. As much as it has to go through a process in the PAC, after it is processed through this Committee, that final report of the Committee gives the final verdict on the report of the Auditor-General. If the report of the PAC was to be successfully implemented, this country would have saved a lot of money.

The Auditor-General that we had in the last eight years performed very well. He did a fantastic job. He stepped on many toes and people did not feel good about what he was doing. But in the end, he left the office with his head high. That is because he did a good job in accordance with the Constitution and the law. I hope that the new nominee – and I have no doubt about this - will follow suit. She will do a good job because, from the Report of the Committee, I am convinced that she is capable of doing a good job. She has the capacity and all the required qualifications for her to perform in that office.

Hon. Speaker, what worries me a lot with these new constitutional offices that were created by the 2010 Constitution - and we should no longer call them new because they are old having

been in place for 10 years now and that is why we want to make amendments - is that, when someone is appointed to that office and serves for an eight-year contract which is non-renewable, where does that person go to? For example, if you have appointed an Auditor-General who is 45 years old and you tell him to serve for eight years contract, non-renewable, where does he go after that if the expected retirement age is 60 years old?

It is very painful because even under the retirement benefits, there is no Act that guarantees the Auditor-General any benefits when he or she retires. The retired Auditor-General has no benefits. He has no pension. He has nothing. I have met him severally and he complains to me that: "I have served the nation for eight good years. I have done a good job and I have saved this country billions of shillings through my audit job." However, after retirement, he has no benefits at all. No pension. There is no law that has covered how he is going to retire.

Now, if you are 45 years and, as I said earlier, you become an Auditor-General and leave the office after eight years, what are you supposed to do? To hang around here drinking in bars? This matter must be addressed. It is an oversight that people did not look at when the new Constitution took effect. Every officer who has served this country, especially at the level of Auditor-General, and who has stepped on many toes and unearthed many scandals and saved this country a lot of money, must get a suitable retirement package at the end of their term. That is my plea and this House must rise to that occasion.

Even this lady who has been given this job is going to retire like the other one. Then another one will come and yet another one. So, are we going to have an Auditor-General do for us a good job, save us a lot of money and then we just send him home with nothing?

Finally, Hon. Speaker, I have served in the Public Accounts Committee for some time and I can tell you without fear of contradiction that, since the Office of the Auditor-General was made a constitutional office and given independence, it has been doing a fantastic job. You may not agree with what he says or you may not agree with what he reports but, it is my view that there is no need... Sometimes, when we pass the Budget here or appropriate monies, I feel that any Ministry or Principal Secretary (PS) who has audit queries must not be given more money until the audit query is resolved. You cannot keep carrying audit queries from one year to another and keep being given more money. Ministries have audit queries. For example, you will find that a Ministry has been given a budget of Kshs50 billion and has an audit query of Kshs15 billion from their budget. They then appear in the subsequent Financial Year receiving more money. That is bad accountability. The Auditor-General that we have now looks at how you have applied the law on the use of public funds. He looks at whether the law was followed. He also looks at whether there was value for money. If you look at the Auditor-General's Report before the Public Accounts Committee, some of the issues he raises are on value for money which we never used to have. The Auditor-General nowadays tells Parliament the work which was done, but there was no value for money for the public. The Principal Secretaries then appear before the Public Accounts Committee to answer the value for money query.

It is my humble opinion that we must strengthen this office as Parliament because the Auditor-General reports to Parliament. He does not report to any Executive office. He directly reports to Parliament and tables his reports to Parliament. Even the auditors who audit the Auditor-General's Office are appointed by Parliament. That is how independent he is. He is accountable to the people elected by the people of the Republic of Kenya.

With those few remarks, I congratulate Ms. Janet for getting this job. She is getting into an important office. Kenyans are looking up to her. She must make sure that Kenyans get value for their money. Someone said that we have a Budget of Kshs3 trillion and we lose a third of it every

year. I do not know how that happens. If that is true, she is the right person who can confirm whether that is true or not. She is the Auditor-General of the Kshs3 trillion a year.

I support.

Hon. Speaker: Member for Suba North.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Speaker, for giving me this opportunity. I also want to join Members in supporting the nomination of Madam Nancy to the position of the Auditor-General. It is going to be a tough call for her fitting into the shoes of Mr. Edward Ouko who did a very good job. But going by her CV, I am very sure that she will do very well.

A lot of accolades have been sent her way. There are certain pertinent issues that Hon. Mbadi has raised, especially on equitable representation in committees and it is one of the things we agreed in this Parliament so that we abide by the National Cohesion and Integration Act. We need to look at the constitutional commissions in totality before we make a decision on the issue of skewed appointments or not. This is a conversation that, as a country, we need to have because there is a little bit of disquiet about the issue of representation on key jobs. We need to have the face of Kenya. I did not want to say that in relation to this because most times, people like using women as low hanging fruits. There are very many men who have been appointed into different positions. I am waiting for the next skewed appointment that has to do with men and I will come out very strongly. But since this is a woman and I know Hon. Duale has told us when he was supporting that we should not only look at gender dynamics when it favours us, but it is the wearer of the shoe who knows where it pinches.

I am in an online group called “African Leading Ladies” or something to that effect. If you see the CVs of the women in that group, there are women from charcoal sellers to professors. They are experts in their respective fields but when you look at the way appointments are made, it does not represent the number of women and the skills that you see in that group. And this is just a very small internet group. So, I am just wondering how many more women are out there with those amazing skills that we are not recognizing. That is why whenever we see a situation where a woman has been recognised like Nancy has, those of us who are pushing the gender agenda are very happy. Many times, we are told that the Constitution now provides an equal framework. It provides an equal legal framework but in practice, many people have not internalised that we need to follow the spirit and the letter of the Constitution in appointments, especially in other appointive positions. I know when the President was doing the Cabinet appointment especially the first time, he did very well. When he was doing the positions of PSs, he did fairly well, but not as well as he should because we were hoping to reach the one-third gender rule. But we have not. So, increasingly, when we see more women occupy positions like this, we are very happy. I want to really congratulate Nancy because she is the first woman to occupy this position.

Since she is the first one, again, the burden that will be placed before her would be much higher and the expectations will be much higher. So, I encourage her because people will be looking at her from gendered lens. We know Mr. Edward Ouko did very well. But people will not only look at her because Mr. Edward did well, they will try and see whether a woman can perform equally as well as a man. I encourage her to follow the Leadership and Integrity Act and make sure that she does not fear but do her work well. I am only hoping that, as Parliament, we will encourage her.

I encourage the Leader of the Majority Party, the way he has said, that he is going to bring an amendment to the relevant Act so that the transition is easier in the future so that we do not have a situation where we have to wait this long. But I would also want to encourage that as

Parliament, we put a little bit more budgetary allocation so that the office is not overwhelmed. Sometimes, when the Office of the Auditor-General comes to audit in our constituencies, you can see that they are overwhelmed. For example, we know that MPs now do not have the mandate to do roads but because of the challenges we face, sometimes we are forced to do access roads to schools or to security installations. We actually did one such road. After we did it, the Office of the Auditor-General came and spoke to the chief who had no clue who had done the road and the chief said that he thought it is the county. What did the Office of the Auditor-General do without even verifying? They indicated that the National Government Constituencies Development Fund (NG-CDF) had withdrawn money to do a road which had been done by the county. It is an open secret who is likely to have done that road if you just ask anybody at random, whether it is the NG-CDF or the county. These are the things in law we call *res ipsa loquitur* not by design but by the nature of the fact that our counties are still struggling with systems and things like that. Because of that, sometimes, even well-meaning governors are duped because the systems and structures that we have in NG-CDF are still not available for the county governments. Very recently, I chanced upon a situation where our NG-CDF had done a health facility when we were allowed to but, when we transitioned to the new Constitution, we handed over the facilities to the counties.

We handed over most of them when they were complete. But I am told that the county governments spent much money on those facilities, making it look as if they were starting afresh. So, it would look like the NG-CDF contributed Kshs100,000 for a building that was almost complete with only painting works remaining. However, when officers from the Office of the Auditor-General go to the ground, depending on who they find there, they are told that the NG-CDF did not undertake the project and then the auditors make it an audit query for the NG-CDF.

The Office of the Auditor-General must see how to deal with that area of tension so that they do not rely on one person, or two people, to make a decision, especially when we know that we have different layers of project implementation involving the national Government and the county governments.

In conclusion, I thank *Mzalendo* for acknowledging the work I have done in this House. However, I know *Mzalendo* has acknowledged many people before...

(Hon. David ole Sankok spoke off-record)

Oh! Congratulations. My brother was number two. I know there was somebody who did an analysis, which Members questioned because it was subjective. When *Mzalendo* goes to the *Hansard* to find out whether you contribute or not, their report cannot be subjective. Anybody in doubt can also go to the *Hansard* and confirm, but that is not my concern or worry. There are Members who may speak twice or three times, but they speak a lot of substance. My concern is on some educated members of the public who are very ignorant about the operations of Parliament. You will find somebody asking you why you speak in Parliament. Did they expect us to come and dance in Parliament?

We are elected to come to Parliament to speak and represent the concerns of our people, like we are doing now. I am representing the women of this country as I speak strongly to the issue of appointment of Ms. Nancy and urging the Government to appoint more women. Do you expect me to speak about that in your house or somewhere else? That is why I was selected as number one in legislation and I am very proud that I am doing my work excellently.

Thank you, Hon. Speaker.

Hon. Speaker: Let us hear the Member for Ainabkoi.

Hon. William Chepkut (Ainabkoi, Independent): Thank you, Hon. Speaker, for giving me this opportunity. I congratulate Ms. Nancy Janet Kabui Gathungu. At the outset, Hon. Speaker, I have been telling you and I want to repeat that you are a gentle giant.

(Applause)

You are one of the extraordinary Speakers Kenyans have ever seen. This lady is a professional. She has extensive experience in auditing. The Leader of the Majority Party, Hon. Amos Kimunya, mentioned that she has 27 years of experience in auditing. Again, I want to tell this honourable House that as much as Ms. Nancy comes from the Central region, she happens to be my relative. Her sister is married to my cousin. So, Kenya is a great country. We are all inter-married.

(Laughter)

Hon. Speaker, Ms. Nancy is one of the persons who have hands-on experience. She has passed all the requirements according to Article 229 of the Constitution and Article 118, which talks of public access and participation. When the Vice-Chairperson of the Departmental Committee on Finance and National Planning was tabling the Report, he said that she passed all the examinations. So, I have no doubt in my mind that we will get value for our money. Accountability is the basis of any meaningful achievement.

For the last one year, our country's books of accounts have not been examined. Hon. Leader of the Majority Party, can you work with speed because you undertook before this honourable House that you will consult with the Executive to bring amendments in this House so that come 2027, there will be proper transition?

[The Speaker (Hon. Justin Muturi) left the Chair]

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

Hon. Grace, you were put at position one by *Mzalendo*. I was given a present for bringing the Motion on the introduction of compulsory tree planting in all learning institutions and individual households. I had to mention that because I always speak. Today, people are questioning why Hon. Chepkut has been given a slot to serve in a committee. A certain Member said that I am serving in a Committee and yet, I was only a District Officer (DO) and District Commissioner (DC). So, what is wrong? Loyalty and humility pays.

(Applause)

If you are loyal, you must be rewarded. So, what is the problem? I am competent and consistent in performing my legislation and representation work. So, what is the problem, Hon. (Ms.) Sophia?

Hon. Leader of the Majority Party, I have no doubt in my mind that Ms. Nancy is competent, capable and will deliver. So, let us approve her with speed. There is no problem. After all, she is a lady and she is balancing gender disparity in this Republic of Kenya.

(Applause)

The issue of talking about gender parity and so on and so forth, is partly being addressed. Ms. Nancy is open to constructive suggestions. She is a very objective person. So, we have no doubt in our minds that she is one of the best extraordinary genius women in this Republic. So, I thank His Excellency the President for nominating a very able and suitable candidate.

With those few remarks, I support.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Very good, Member for Ainabkoi. We shall now hear Hon. Makali Mulu, Member for Kitui Central.

Hon. Makali Mulu (Kitui Central, WDM-K): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity. I want to start by congratulating the Committee for a job well done within a very short time.

I listened to the Chairperson of the Committee presenting the experience and academic qualifications of this particular nominee. Looking at the academic qualifications, I must say that the nominee has what it takes to serve in this office. Looking at the experience, she has been an auditor for many years. What is very encouraging is the fact that she has been promoted from within. So, we are saying that she is an insider in terms of audit issues. Despite the fact that she has been a bit junior compared to the other level – there is a higher level from where she was – she meets what we would call the “minimum requirements” for this position. So, we must say congratulations to the nominee and wish her well after getting appointed to this important position.

Hon. Temporary Deputy Speaker, we must make these observations because they are important. It was towards the end of last year when the Chairperson of the PIC raised the matter of the absence of a substantive Auditor-General. The PIC had to defer consideration of a number of audit reports on the basis of non-confirmation of the person who was acting. Why was this happening? It is because, by law, once an Auditor-General leaves office, there is nobody else who can sign reports, even the ones who are acting. So, it means all the reports must wait until we have a substantive Auditor-General. I think this is a matter over which this House will need to discuss and see how we can help that area. A situation where we have to wait until we get a substantive Auditor-General is not good. We might end up delaying a lot of things. When we talk about corruption in this country, we all know where we are. This office should not at any point have no substantive person in place. The delay is something we should avoid in future. I really support those who are saying that we need to come up with a legal framework to make sure that we will have appointed an Auditor-General about six months to the end of the term of the sitting Auditor-General. That Auditor-General will just be waiting for the right time to come and assume the office. In that case, we will be helping this country.

The other issue I want to observe is the one of the recruitment process as it was said. It is a situation where you go through interview number one and people say you are not qualified. Then, people say you are qualified in another interview two. What that does is that it does not question the qualification of the candidate. It questions those who are carrying out the process. That is why I want to say that it is important that for an important office, when it comes to interviews, they must be done by people who are seen to be very neutral in terms of making conclusions.

It is a common practice that people will lobby for positions. But even as lobbying is done, it is important that the process is seen to be objective. That is so that we do not have situations where we say somebody is not qualified today and tomorrow you say that person is qualified. To me, that sends wrong signals.

The other issue is the one which had been raised earlier - the issue of reporting. That there are five people who are senior and you should be reporting to them. People who have basic human resource experience. It is your senior who does your appraisal reports. Those are the people who sign for you. If I have been signing appraisal reports and then tomorrow you start signing mine, you can see where it puts the situation. So, we are just saying that even as you promote people, it is important to consider such situations. In a normal circumstance, the best situation would be that those who are senior than her would have to leave that organization. That is so that then you get that good working relationship. Anyway, I know she is qualified. So, she will have to get a way of making sure that the working environment remains friendly even to those who have been senior to her and will now be reporting to her.

As a result of not having a substantive Auditor-General, there are very many reports which are now not signed. They are going to wait for her signature. The question is: At times, when you are at that level and knowing Kenya very well, everybody will want to familiarise themselves with all those reports before signing. So, I am imagining, if she was to sit and look at all those reports before she signs, there could be another delay in having those reports come to this House. You know very well that PAC, PIC and Special Funds Account Committee (SFAC) will not have much work unless those reports are signed and submitted to this House. So, there must be a balancing act where even as she tries to ensure she is signing the right documentation, she does not take a lot of time to sign. That will cause little unnecessary delay.

Even as she assumes office, I think that office has now grown. It has very many staff members. I have, at times, heard Kenyans complaining about the Office of the Auditor-General having some bad elements in there. So, even as we talk about corruption in the other sectors of the country, corruption cannot be ruled out of that important office. So, the nominee will also have an assignment to make sure that issues of corruption in that office are also addressed as they are being addressed in other areas. It is because they audit everybody. Really, it will be very unfair to have reports saying Kenyans are losing a lot of the Budget to misdirection or misappropriation or corruption related matters and then you wind up telling us that you are also contributing to that.

I want to say this: The job of this nominee is well cut out. That is a must. On previous occupants of this office, we used to have a Mr. Mwai during the Kenya African National Union (KANU) era. He did a good job despite all those difficult times. Then we had Ouko who has just exited. He has also done a good job. We expect this nominee to also do a good job. One thing she must really do it that, as she awaits nomination, she can pledge her loyalty to anybody. But once the appointment is pronounced, she can only pledge her loyalty to the Constitution of this country. In that case, she will do her work objectively without fear or favour. In that case, Kenyans will get value for money. Why am I saying this? I believe this country has resources which, if properly managed - the so-called prudent management of public resources - we can meet most of our development needs and we can also meet most of our recurrent needs. The only office which can ensure that prudent management of those public resources is done is this nominee, once she assumes office. So, I want to wish her well. As Kenyans, it is important we pray for her because she is not going to join that office and then things will just be smooth. Things are going to get rough as we move on. We are all aware corruption fights back. So, she must be ready so that when

corruption starts fighting back, she must be able to stand firm and make sure that she does not do reports which are in any way interfered with by anybody.

With those remarks, I want to support and wish the nominee well. Thank you very much, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Very well spoken, Hon. (Dr.) Makali Mulu. We shall now have contribution from the Hon. Kandie, Member for Baringo Central. Hon. Kandie seems not to be in the House. We shall now have contribution from Hon. Kuria Kimani, Member for Molo.

Hon. Kimani Kuria (Molo, JP): I thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to contribute to this Motion. I see it is the Departmental Committee on Finance and National Planning Report that approved this nominee.

Many things have been said on the Floor of this House. I would like to just highlight a few. This nominee makes us realise that Kenyans are not opposed to women leadership. Kenyans are not opposed even to youth leadership. But, Kenyans want competent people into those positions. I have heard the contributions on the Floor of this House and it has not been a gender matter. It has not been said we are approving her because she is a woman. We are approving CPA Janet because she is competent. She is qualified and she is going to make a great Auditor-General.

(Applause)

Probably, when we skew this discussion about women in leadership and not just say that we want more women in power or we want more women in leadership, but we want great people in leadership positions... If they are men, well and good. If they are women, even better. If they are young people, even much better. Then, we will have achieved the constitutional requirement of two-thirds. That one gender should not be in any public office.

I saw a very consistent Kenyan who rose from the position of an auditor of provincial schools. Being an accountant – and myself being a CPA - to have someone go through those leadership positions is not a mean feat. Being an accountant and a CPA holder, to have someone go through that audit experience from auditing schools in the villages and be nominated as an Auditor-General, is a great sense of hope to Kenyans that you do not have to come from a particular family or a big firm to lead in this country. Looking at her CV, she has not worked in any of the Big 4 accounting firms. In the accounting profession, those who work with Deloitte, Ernst and Young, Price Waterhouse Coopers (PWC) and other great companies are regarded as having posh jobs than auditors in other departments. Despite not having that international experience, she has risen from the low level of auditing to being nominated to the position of an Auditor-General. This is a great sense of hope to Kenyans.

Hon. David ole Sankok (Nominated, JP): On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Kuria Kimani, please, hold on. Hon. Sankok seems to have a point of order.

Hon. David ole Sankok (Nominated, JP): Hon. Temporary Deputy Speaker, we are leaders and we should lead by example. Wearing a mask is a Ministry of Health guideline. If we are in public without masks, what message are we sending to Kenyans? I am speaking from a medical experience. Leaders should lead by example by wearing masks. He is out of order.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Sankok, who is not wearing a mask?

Hon. David ole Sankok (Nominated, JP): Hon. Kimani.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Kimani seems to have one. Hon. Sankok is very well grounded in raising that point of order. This is a matter that is absolutely of supreme importance to all of us that we should have our masks on. COVID-19 does not forgive anyone. So, let us try to keep it out of our way as much as possible.

Hon. Kimani, proceed to finish your submission.

Hon. Kuria Kimani (Molo, JP): The discussion about wearing a mask is not necessary. In my view, we are maintaining social distance and so there is no risk of me spreading the virus to anyone around here. Those who seem to be wearing the masks are not wearing them properly, but rather as “kidevu”. I stand guided.

There has been a discussion that when these positions fall vacant, how long do we take before we fill them? Today, we are sitting to approve the appointment of the Auditor-General whereas this position fell vacant a year ago. We have seen the same scenario in other Government offices. To the best of my knowledge, in the case of the Office of the Ombudsman, I am not sure a replacement has been made since Hon. Otiende Amollo left that Office. The House must come up with a legislation to ensure that positions are filled once they fall vacant. I have before given an example of Safaricom appointing a CEO who reports to office a year after the appointment. In the Government, we approve people to serious positions such as the Office of the Auditor-General an year after they fall vacant.

Hon. Kimani Ichung’wah (Kikuyu, JP): On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Kimani, you seem to be attracting a lot of interest. Member for Kikuyu has a point of order.

Hon. Kimani Ichung’wah (Kikuyu, JP): Thank you, Hon. Temporary Deputy Speaker. I did not want to interrupt him because I can see the immediate former Ombudsman, Hon. Otiende Amollo, is seated here. The Member mentioned that there has not been a substantive holder of that office. This being a House of records, it is only right that we put the record straight. I think what he was insinuating is that the current holder may not be seen as much as the former office holder. There is, indeed, an Ombudsman, the former Member for Meru, Hon. Kajuju. It is important to have that fact in place that there is a substantive holder of that office. I want to encourage the current office holder to be as active as Hon. Otiende Amollo and be seen more in safeguarding public interest and maybe that way, Kenyans will know that there is a holder of that office.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Kimani, you have made your point. You are absolutely right there is a substantive holder of that office. Hon. Otiende Amollo being the emeritus holder of that important office, I am confident that my senior, Hon. Florence Kajuju, former Member for Meru, is doing a good job. When her reports come here, we will know what she has been doing. Let us not make an issue about that. I am sure she is doing her job and there is no complaint about that.

Hon. Kimani, proceed.

Hon. Kuria Kimani (Molo, JP): Hon. Temporary Deputy Speaker, the point I was making and I feel should not be lost, is the filling of Government senior positions once they fall vacant. Although Florence Kajuju is the current Ombudsman, I think she was only appointed last year yet Hon. Otiende left that office in 2016. That means that for several years, we did not have an Ombudsman. Last year, we approved the appointment of the NLC commissioners. How long did it take after the lapse of the term of the previous commissioners and when we appointed others? As a Government, we need to be as competent as the private sector in terms of filling positions

once they fall vacant. If we do not do that, we will not be doing justice to our people, country and the economy. We know the terms for various positions in terms of when they expire and when they should be filled.

Once approved by this House, the Auditor-General will take office at a time the country is committed to fighting corruption. There have been issues of conflict of interest and too many agencies doing the same thing. Having served in the Public Accounts Committee (PAC) for the last two years, we have had instances where we ask for documents from a particular State officer, but they are not availed because they have been taken by either the Ethics and Anti-Corruption Commission (EACC) or the Directorate of Criminal Investigations (DCI). She must find a way of working with the offices of the DCI, EACC and the oversight committees of Parliament, so that one does not seem to be hindering the work of the other. I must say from experience in PAC that this has been a great hindrance towards ensuring there is justice and this House serves its mandate of overseeing the use of public funds.

Our audit has been based on how much money has been lost. In as much as the previous Auditor-General, Dr. Ouko, did a good job, audit of value for money for Government projects has not been properly done. We have had instances where the procurement process was followed correctly, a project was done, but in terms of the audit of the value for money used, you will find that it is really wanting. We hope that she will not only carry out audit on prudent use of public funds, but also audit whether the value for money was achieved in Government projects.

With those remarks, I want to congratulate CPA Janet on her appointment and I hope the House will approve her. I am sure she will make a remarkable difference in leadership and prove that women can be as good and competent leaders as men and the young people of this country.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Kimani, thank you for your good contribution. You do justice to the youth ticket in this House by that eloquent delivery this afternoon.

We shall have contribution from Hon. Shaban, the Member for Taveta.

Hon. (Dr.) Naomi Shaban (Taveta, JP): Asante sana, Mhe. Naibu Spika wa Muda kwa kunipa fursa hii ili niweze kuongea juu ya swala linalohusu Kipengele cha 226 katika Katiba ya Kenya na kwa mujibu wa sheria zetu hapa nchini. Mkaguzi Mkuu wa utumiaji wa pesa za umma si nafasi ya utani. Ni nafasi ambayo imewekwa kwenye Katiba ili kuwe na wafanyikazi ambao wanaweza kusimamia ukaguzi wa utumiaji wa hela zetu humu nchini. Nasimama kuunga mkono kuwa Bi. Janet Kabui Gathungu ametosha kwa elimu na kazi. Mtu akiwa amefanya kazi kwa muda wa miaka 27 hawezi kuwa amefikia kile kiwango ambacho amefikia kama hakuwa akifanya kazi nzuri. Bila shaka, ataweza kuifanya hii kazi bila wasi wasi.

Mara nyingi watu hufikiria kuwa mwanamke akipatiwa kazi ni kwa sababu ya jinsia yake na si kwa sababu ya vile alivyofuzu kimasomo na kikazi kutekeleza majukumu atakayopatiwa katika ofisi. Bi. Janet Kabui Gathungu amefuzu katika kila hali. Isitoshe, tunauliza, ni nani kama mama? Akina mama wamepatiwa nafasi nzuri sana na mwenyezi Mungu ya kuweza kuunda jamii na kusimamia jamii. Mama Janet Kabui Gathungu, kulingana na vile alivyofanya kazi kwenye Ofisi ya Mkaguzi Mkuu kwa muda mrefu, nataka kwanza kutoa shukrani zangu za dhiti kwa Mhe. Rais kwa kumpatia nafasi ya kufanya kazi hii. Vile vile, sisi kama Bunge, tutakubaliana na swala hilo kwa sababu ukiangalia mambo yalivyo, bila shaka ataiweza kazi hii. Kama walivyozungumza wenzangu, jambo la muhimu ni kuwa tusicheleweshe kujaza nafasi hizi manake njia ambazo hutumika kujaza nafasi hizi huchukua muda mrefu na huziacha ofisi hizi bila mtu wa kuzisimamia

na kufanya kazi inayotakikana kutendwa, haswa kwenye ofisi kama hii ya Mkakuzi Mkuu wa mali ya umma.

Sina mengi ya kusema ila kushukuru kuwa kwa mara ya kwanza, mwanamke, Janet Kabui Gathungu, amepatiwa nafasi hii ya kusimamia ukaguzi wa mali zote za umma hapa nchini.

Naunga mkono.

(Applause)

The Temporary Deputy Speaker (Hon. Christopher Omulele): Is it Hon. Naika that I am seeing at the back? That is not Hon. Naika. We shall have Hon. Martin Owino, the Member for Ndhiwa.

Hon. Martin Owino (Ndhiwa, ODM): Thank you, Hon. Temporary Deputy Speaker. I rise to support this Report. I want to thank Hon. Ndirang'u, the Chairperson, Departmental Committee on Finance and National Planning and congratulate Ms. Nancy Janet Kabui Gathungu. Every time we fill these positions, gender comes in. Let us also look at integrity and competence of Kenyans. Globally, most management positions have been taken by women and they are doing well. So, this idea of gender all the time should be given a break.

We congratulate Edward Ouko, who exited. He did a good job, but during his tenure, Kenyans lost a lot of money and it was not because of his doing. We have to relook at Article 229 of the Constitution that spells out the period of auditing of accounts of public offices. If you audit an office after a year, that is reactionary. The law stipulates six months after the end of each financial year. That is why, as a House, we cannot do much. We should be looking at how funds are being spent and not how they were spent, so that we can have an intervention when things go the wrong way. Therefore, we chase after the money. We do not prevent the money from being lost. As a House that legislates, we need to relook at Article 229. In the same vein, internal audit does not seem to be working in Government departments and agencies. This is because they are domiciled in the same departments. The same applies in the counties. Most of the time, internal auditors are compromised. Kenyans generally look for help from the Auditor-General.

Another issue, which the Leader of the Minority Party talked about is that the Office of the Auditor-General is supposed to be an independent office. However, its independence is chipped off by the nomination and appointment process. In other words, we should think of having this office run publicly through votes, so that the public becomes the appointee of the office. That will give confidence.

(An. Hon. Member spoke off-record)

It is true, it may be American, but it works. We have to do something. Where is the effectiveness of this office when people stand and say that we voted Kshs1 trillion or Kshs2 trillion and lost a third of it? That does not make sense. We need to think about that. I do not know whether the Kisumu thing was intentional. However, in all, in the appointments that we make, let us be fair and practice equity in the distribution of opportunities and positions. This trend is worrying to not only us, but to many Kenyans.

Lastly, I want to encourage that this Office is resourced well, so that it can do a good job. A Member had alluded to this fact. They are spread too thin and sometimes when they bring their reports to us, we do not do justice to them because some are not accurate not because of their own making, but because they are spread too thin.

With those few remarks, I want to support. I wish Ms. Nancy Janet Kabui Gathungu well in that Office.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Next is the Member for Tinderet. What is out of order, Hon. Sankok? Hold on, Hon. Melly. Let him speak.

Ho. David ole Sankok (Nominated, JP): Hon. Temporary Deputy Speaker, I rise under Standing Order No.95. We are repeating the same things. Would I be in order to request that the Mover be called upon to reply?

Thank you.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Is that the mood of the House?

(Question, that the Mover be now called upon to reply put and negatived)

Let us have the Member for Tinderet.

Hon. Julius Melly (Tinderet, JP): Thank you, Hon. Temporary Deputy Speaker. I rise to support the Motion. First of all, I want to thank the Departmental Committee on Finance and National Planning.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Lessonet, you seem agitated today. I have seen you walk in, but I do not know what has bitten you. Let us hear you.

Hon. Moses Lessonet (Eldama Ravine, JP): Hon. Temporary Deputy Speaker, I did my Bachelor of Commerce (Accounting) in 1992 with Nancy and it would be unfair if you terminate debate before I speak.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Lessonet, what is your point of order?

Hon. Moses Lessonet (Eldama Ravine, JP): Hon. Temporary Deputy Speaker, it will be out of order if the debate on the appointment of Nancy is terminated before I contribute because she was my classmate.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Sit down, Hon. Lessonet! You are completely out of order! The Member for Tinderet, proceed.

Hon. Julius Melly (Tinderet, JP): Thank you, Hon. Temporary Deputy Speaker. Hon. Lessonet is a ranking Member, but he does not know what a point of order or a point of information is. I think he needs to go through the Standing Orders.

Let me go straight to the Motion. I have seen the report done by the Departmental Committee on Finance and National Planning. I have perused it and looked at the resume of Nancy Gathungu and the procedure that the Committee went through, especially in regard to Article 229 of the Constitution and the Public Audit Act. The Committee has done a superb job. The Office of the Auditor-General is critical to this country. The financial and fiscal success of a nation hinges on what the Auditor-General does, more so if the report and what the Auditor-General advises on fiscal audit are implemented. In the 11th Parliament, I was a Member of the Public Accounts Committee and the Auditor-General does a lot of good work. He questions Government spending, both in parastatals and in the mainstream Government agencies. He even gives advice. I want this House to support the Office of the Auditor-General, especially by giving good remuneration to the office holders.

I have looked at the CV of Nancy Janet and it is quite impressive. She is very knowledgeable and educated, with a lot of experience having been in KENAO and in the audit

sector for over 25 years. She is going to be a very good officer if only she is supported by the Executive, the Legislature and the general public, so that we do not view auditors as witch hunters. An auditor in any organisation is supposed to give that organisation a good standing in terms of fiscal and financial management. An auditor should not be looked at as an individual who is out to witch hunt. The last office bearer, Dr. Ouko, did a superb job. He even went to the extent of questioning the amount of money the Government loses. Now we are talking of a budget of Kshs3 trillion, but if you look at what is spent and which trickles down to the people, it is not more than Kshs2 trillion. So, what is the need of having a very huge budget yet we are not going to ensure that the money is well utilised?

One of the Members talked about prudence in public spending. The success of this office holder, who has a very good CV and good experience and knowledge, will be hinged on the support that this House and the Executive will give the Office. Otherwise, that Office is going to remain a talk show. The Public Audit Act is very clear on this. Even in our own offices in the constituencies, our success is based on looking at the audit reports, appreciating those reports and taking the advice of the auditors. When we do not take the advice, then the Auditor just laments for eight years.

Two, I just want to point out that this Office has been vacant for some time. Members have talked about it and we really need to ensure that in future, we put legislation and mechanisms in place so that there is no void. Now that the Office has been vacant for almost one year, we have suffered in terms of delayed audit reports. Even the Division of Revenue Bill hinges on the report of the Auditor-General. If the audited accounts for the previous financial years are not up to date, then what goes to the counties will be a disservice by this House, not because of our making, but because the office bearer was not in place. I want to urge the Members of this House to support the office bearer as she assumes office, after we approve her appointment, and ensure that the reports that shall come from that office are supported and the office is given the necessary teeth that it requires in terms of finances and legislative support.

I support this appointment. Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Christopher Omulele): The Member for Mavoko, Hon. King'ola Makau.

Hon. Patrick Makau (Mavoko, WDM-K): Thank you very much, Hon. Temporary Deputy Speaker. Allow me to join my colleagues who are supporting this Motion. From the onset, I must say I have served in the PAC. I want to wish the former Auditor-General, Dr. Edward Ouko, well. This is a gentleman who took this Office at a time when the political landscape in this country was very adverse. It is always known that a new office comes with teething problems. When Ouko was appointed to this Office, he had his challenges. Of course, he was accused of being partisan and of being in the Opposition, but we saw the best audit reports during his time.

I am a trained accountant. For someone to rise to the rank of an Auditor-General, it takes a lot and it means a lot. You go through a lot of certifications. When I see how that office has been organised, it is Dr. Ouko who was the main whistle-blower on corruption, impunity and misuse of public funds. It is through that Office that this Parliament, through various oversight committees, has been able to pick out Government agencies that are not transparent in what they do. I have seen all the opinions the Auditor-General has been issuing. It is my wish to see the Government take to task accounting officers, namely, principal secretaries, who year in year out, get adverse opinions, disclaimers or qualified opinions. It has become a tradition in this country to see a principal secretary who has misappropriated funds or who has not kept his books of accounts properly saying during examination that: "It was the former principal secretary". As Parliament, we should take to task any accounting officer in the Government who has been given an adverse

opinion. They must account to the last coin or else all the agencies are held culpable, so that we can stop the narrative of it was not me. It has become a systematic denial.

I agree with the Members who say that there is need to support this office even as Nancy is coming in. I know her. She is a professional. She is qualified and, in fact, holds what is called institutional memory. She has been working in that office. I have no doubt in my mind she is going to perform the duties of Auditor-General diligently. She is up to the task.

She will be giving reports year in, year out, but the Executive and Parliament must accept to support her. That way, the reports from the Office will be implemented accordingly. Any person pointed out as being culpable should be charged and jailed, or surcharged.

You know the importance of audited accounts. During the one year when we did not have an Auditor-General, many sections of the Government and even the economy, suffered. I am talking about banking, county governments and many other sectors. There was a lot of suffering. I am so glad the Departmental Committee on Finance and National Planning has come up with this name. I know this lady will deliver for Kenya. It is now upon us to give her the required support, so that we can cleanse this country of corruption and theft within our Government agencies and the economy at large.

I support.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Lessonet, today, you seem to be very intent on breaching all the rules of the House. Social distancing requires that you should be, at least, a metre away from each other. You seem to be of the opinion that just because somebody was your classmate, then that person is as white as *pamba*. It is not fair. Anyway, I was not giving you a chance to speak. I was just admonishing you. Hon. Chachu Ganya.

Hon. Chachu Ganya (North Horr, FAP): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to support the Report of the Departmental Committee on Finance and National Planning on the vetting of Ms. Nancy Gathungu.

From the outset, I commend the Committee for a good Report. The Office of the Auditor-General is critical for the oversight mandate of Parliament. Three critical oversight committees of this House depend and consume the reports of the Auditor-General for the oversight work as an organ of the House, namely, the PAC, the PIC as well as Special Funds Committee.

An effective office of the Auditor-General will enable Parliament to oversee the Government effectively. I said Government deliberately because it is not just the Executive, but also the Judiciary, Parliament as well as constitutional offices of this nation. This is a major mandate of Parliament. This Office is critical for our functioning because it enables us to play our constitutional mandate. It is very unfortunate that for almost a year, this Office has been vacant. There was no substantive Auditor-General in office. For that period, I am not sure if we have not lost billions of money if not more just because of laxity or just because during that period, nobody was watching or playing that critical role of overseeing Government expenditure.

I had a chance to be a Member of PAC in the 10th Parliament and for some time in the 11th Parliament. As soon as we established the Office of the Auditor-General and Mr. Ouko was appointed, we started getting reports from him. We could see a world of a difference in the quality and timely reports which he presented to Parliament. For these reasons, this is a critical office for the functioning of Parliament in terms of the oversight mandate. I really hope that this nominee, whom I am supporting, will surpass the good work of Mr. Ouko in terms of quality and timely reports to enable this country to even have serious oversight and accountability in terms of how we manage our national finances.

I support the nominee because from the Report on the vetting done by the Departmental Committee on Finance and National Planning, you can see that the critical elements that are required for Parliament to vet public appointees for public offices have been taken care of. What do we look for? We look to ensure that the person being vetted is suitable in terms of professional experience, academic qualifications as well as the issue of integrity.

In terms of professional experience, this is a woman of letters. With a first degree, a master's degree and now working on her PhD not only in accounting, but even in sales management... These are critical qualifications and she needs to perform well in this office.

In terms of experience, she has worked in a public office for over three decades; 27 years to be exact. Offices of integrity, all public offices like the EACC, DCI and all others have given her a clean bill of record. With this kind of information before us, we have a duty to support her. We wish her well and hope that within the eight years that she will be serving this nation as the first female Auditor-General, she will serve us well. We will remember her fondly as we remember the founding or the pioneer of that office, Mr. Ouko, for the good work he did for this nation.

I support.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Manje, the Member for Kajiado North, you have the Floor.

Hon. Joseph Manje (Kajiado North, JP): Thank you, Hon. Temporary Deputy Speaker for giving me this chance to contribute to this Motion.

I support Ms. Janet Nancy for appointment as the new Auditor-General. I also congratulate Mr. Ouko for the work well done. This is a very challenging position that requires somebody who is independent minded and who is out to serve Kenyans. At the end of the day, our country is not fully developed because of the way we spend our money and the way we audit what we contribute. Actually, the main idea behind Kenyans coming together is to bring resources together and try to do what people cannot do individually. Hence, the resources when brought together should be properly audited, so that we can achieve development in this country.

She should make sure that the country is developed by making sure that the resources are taken to where they are supposed to go. Also, as Parliament, we should make sure that we give enough resources to the Office to enable it to operate. The previous Auditor-General was complaining that the resources he was given were not enough. The resources the office is supposed to safeguard are a lot. Therefore, resources to safeguard this kitty should be equivalent or more to make sure she has auditors in every sector and every part of the country.

There is a time I was in PAC and the Auditor-General was saying that there are some counties that are not normally audited properly because of the issue of insecurity and such kind of things. It is my take that if public resources cannot be audited, then there is no point of giving resources to those areas. It is as simple as that. The Auditor-General should be given all the necessary security she requires to audit those particular areas. Otherwise, money gets lost in those areas and the areas do not grow because of lack of that audit.

I also tend to think that as Parliament, we also have a big role to play to ensure that public funds are properly utilised. We have many reports in Parliament which have never been implemented. This then means that we also have to come out strongly and say that each report of the Auditor-General should be implemented to the last point. There are many recommendations and they are never implemented. Therefore, it becomes a report just like any other. Therefore, I tend to think that if we implement half of what the Auditor-General has recommended, we can make a very big stride in development in this country.

We should also devolve auditing to the last unit. If you check the way we are losing resources at the counties, then it means we have to do something about it. We cannot just let it go like that. We have to make sure that the resources are utilised properly. Ms. Nancy is capable because she is an Information Technology (IT) expert. She can do the current audit of preventing more pilferage of public funds instead of the traditional audit where you audit papers. Therefore, she should use the IT knowledge, which she has, to make sure that as we procure items, the expenditure is audited at the same time. There is a current kind of performance audit, which I think she should embrace, instead of the traditional audit. That can really help. She should also make sure that projects and documentations correspond because sometimes you might get good books, but when you go to the ground, you do not get the project. Therefore, what is in the field and what is on paper should correspond. She has a major task, but we pray for her. Let her be independent.

Let her make sure that there is no collaboration between procurement officers, auditors and implementer. By so doing, she will come out strongly on the ground and make sure that she breaks the cartels that go to the ground and enable corruption to continue. So, she has a major role to play. I wish to support her and wish her success in her new role as the Auditor-General in this country.

I support her appointment.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Nguna Ngusya.

Hon. Charles Nguna (Mwingi West, WDM-K): Thank you, Hon. Temporary Deputy Speaker for the opportunity given to me to contribute on this Motion. Let me confess the truth of the matter that when I saw this appointment, I was really shocked, but at the same time, I never knew who Ms. Janet was. Let me express the interest that the person I was supporting to become Auditor-General was Mr. Kamar because I have interacted with so many staff in that office. However, I am supporting the appointment because the Committee has done a lot. Based on the education and the impeccable credentials the lady has, I would like to take this opportunity to support her. However, one of the key fundamental concerns that I have is with regard to the Auditor-General reports.

Last week is when they were presenting audit reports for the Financial Year 2019/2019. We are expecting them to act as per Article 29 of the Constitution and present their reports within six months after the financial year lapses. I will be anticipating this by the end of this year, namely, December, before we go on recess. We need to have the audited financial statement for the Financial Year 2019/2020, but I am sure it is a big task for the Office of the Auditor-General. I would also like to express another concern.

Our President, when filling this position, after the outgoing Auditor-General left, took almost a year before the nomination of Ms. Janet. When I check the record of one of the best run parastatals and even private companies I have worked with before, we used to appoint directors six months before any office became vacant. I will give an example of Safaricom Company, which is the most profitable company in Africa. When the seat fell vacant, it was announced who was going to take responsibility almost a year ago and that is why we are failing as a Government. This is an important office enshrined in our Constitution and we are supposed to get the appointments in time to ensure there is no delay in presenting audit reports.

I would also like to ask the incoming Auditor-General to work closely with our Committees in the Senate and National Assembly. If you look at what the Senate did in the Kitui County Report - and I know it is not Kitui County only - we were talking about the financial statements which were audited two years ago. We cannot allow this. Timely reports need to be presented to us. If we can have the Office of the Auditor-General working on monthly or even semi-annually basis,

we will have proper coordination and information will reach the citizens in time. Much has been said, but the academic credentials of Ms. Janet quite resonate very well. I am not supporting her because she was a classmate of Lessonet, who is my good friend, but from what I have seen in the Report, she is capable of delivering in this office. Before I conclude, this office needs somebody who should not in any way support any political party or have any political inclination. This is an office that requires independence of the highest order. Therefore, I am expecting Ms. Janet not to be influenced by any political party or any Government that is going to assume office. This is an office that needs to account to Kenyans the three values, namely, the economy, efficiency and effectiveness. She has to make sure that Kenyans get the three values from their money.

With those few remarks, I support. Thank you.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Ngusya, you are on point. If you have read the Report, you will notice that the nominee was actually tasked on whether she has any political leanings or if she is associated to any political party and she responded that she has no such leanings. Hon. Mizighi Mnene, Member for Taita Taveta.

Hon. (Ms.) Haika Mizighi (Taita Taveta CWR, JP): Asante Mhe. Kaimu Spika wa Muda kwa kunipatia fursa ili niweze kuchangia kwa swala hili. Nikianza kabisa, ninasema ya kwamba hata mimi ninaungana na wenzangu kuunga mkono uteuzi huu wa Bi. Nancy kwa ofisi ambayo ni muhimu sana katika nchi yetu ya Kenya. Nikiunga mkono, ninafurahi kujua kwamba huyu Bi. Nancy ana ufahamu mzuri sana kwa maswala haya ya ukaguzi wa mambo ya fedha na hesabu. Nimepata kujua pia Bi. Nancy amekuwa akifanya kazi kwa muda mrefu kwa ofisi hii, na kwa vitengo mbali mbali. Hivyo basi ana uzoefu mzuri wa kazi hii ambao unahitajika kwa yeye kuweza kufanya kazi ambayo ameteuliwa kufanya. Pia tukiangalia na tukikagua stakabadhi zake, tumepata kujua kuwa elimu yake inamruhusu kufanya kazi hii. Amapitia viwango vya elimu ambavyo vinahitajika kuweza kufanya kazi hii.

Kwa kifupi, kwa sababu mengi tumeshajadili, ninaunga mkono uteuzi wake na ninamtakia kila la heri katika kazi yake.

Asante sana.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Let us hear Hon. Noor Sophia, Member for Ijara.

Hon. (Ms.) Sophia Noor (Ijara, PDR): Thank you, Hon. Temporary Deputy Speaker for giving me a chance to contribute to this Motion.

First, I thank the Committee for a Report well done. From the outset, I support it. Having appreciated the Committees' work, I also appreciate our Constitution that was promulgated in 2010 that created the Office of the Auditor-General as an independent office. As one who contributed heavily, and as among the framers of the new Constitution, we did a good job by creating it. While coming up with the new Constitution, our thinking, just like the thinking of many lawyers, was that creating the Office of the Auditor-General as an independent entity would shield it from undue influence.

I have gone through Ms. Nancy's CV. I have heard many people say that she has been nominated because of her education qualifications and experience while others said that it is because she is a woman. We have gone beyond the aspect of being women in this nation. We are using our credentials, CVs and experience. As the women of this nation, we are equal to the task. We have gone beyond begging for positions on the basis of our gender, which is history. We have educated women in this country with PhDs in all fields. So, Ms. Nancy is capable. She has experience of 27 years and knowledge. Twenty-seven years of growing in an audit system is not a joke. That gives her an opportunity to do her work properly.

It is true there are people from the same office who applied for the same position with her and they will talk to her as an individual because she cannot work in isolation. She must bring everybody on board. She needs support so as to achieve her mandate. The Office of the Auditor-General has the crucial mandate of checking through resource management, usage and wastage within Government ministries, parastatals and organs. Parliament uses that office for oversight. Also, every Kenyan has an opportunity to look through the reports of the Auditor-General so that they can see whether their taxes are being used well or not. They can use audit reports for accountability purposes. The Office of the Auditor-General gives opportunity to every Kenyan to look at its audit reports so that they can see whether their resources have been used well or there is wastage within Government ministries.

Hon. Temporary Deputy Speaker, after auditing the various organs of the Government, including those under the Executive, the Legislature and the Judiciary, the Office of the Auditor-General generates reports that tell us whether the resources that were allocated to Government ministries and agencies are used have been used well, and whether there was value for money. Sometimes there are allocations which are not used well. As a budget-making House, we use reports of the Auditor-General to judge whether particular Cabinet Secretaries need more or less resources allocated to their Ministries.

With those few remarks, I support.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Members, there is still a lot of interest in this Motion, but the rule requires that this Motion be debated for three hours. We are remaining with about 15 minutes to complete this debate. Therefore, I call upon the Mover to reply.

(Some Hon. Members withdrew from the Chamber)

Hon. Members, I plead with you to remain in the House, so that we complete this business as per our rules.

Proceed, Mover.

Hon. Isaac Ndirangu (Roysambu, JP): Thank you, Hon. Temporary Deputy Speaker. I thank the Members for the immense interest they have shown in this Motion. I am sympathetic to Hon. Member 001. I wish I could donate two minutes for him to just say a word.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Is that all? Would you like to have Hon. Sankok only? There is Hon. Otiende Amolo and Hon. Lessonet. You have four minutes. Hon Lessonet you start.

Hon. Moses Lessonet (Eldama Ravine, JP): Thank you, Hon. Temporary Deputy Speaker for this opportunity.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Let Hon Sankok start. Hon. Lessonet, you will be last. You seem not to be following the proceedings of the House today.

Hon. Moses Lessonet (Eldama Ravine, JP): Hon. Temporary Deputy Speaker, I did not give myself the microphone. It is here.

The Temporary Deputy Speaker (Hon. Christopher Omulele): No, Hon. Sankok was on his feet and so, he will start, followed by Hon. Otiende, Hon. Janet Ongera and then you are safe.

Hon. David ole Sankok (Nominated, JP): Thank you, Hon. Temporary Deputy Speaker. As the earlier speakers put it, I support this Report because the Committee has done a good job. Ms. Janet Nancy is overqualified. If really auditors mature with age like wine, then she has matured through the ranks of the auditing profession.

I just want to give her a piece of advice, that we should see projects that are supposed to be implemented by the national Government and the NG-CDF. County governments assume that they are the ones who have done the projects and allocated them money. So, she should read the Constitution very well and know the devolved functions. Otherwise, governors are running away with projects of the NG-CDF.

Another advice to the appointing authority is that they should consider persons with disabilities. I will not tire mentioning the issue of persons with disabilities because we have not been given our rightful positions. Women have been given theirs and it is now time for persons with disabilities to be considered in every appointment in line with Article 54 of our Constitution.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Dr. Otiende.

Hon. (Dr.) Otiende Amollo (Rarieda, ODM): Thank you, Hon. Temporary Deputy Speaker. I have a short time and will not say what I wanted to, but only three quick things. One, we must commend the former Auditor-General, Dr. Edward Ouko, for doing a good and stellar job. It is a shame that after doing such a good job for this country, he is now going out acting like a beggar and begging for his dues which he worked for eight years. This is a shame that needs condemnation. Perhaps, the Report should find a place for that.

Secondly, it is also a shame that we are now approving an Auditor-General within a gap of over one year. This gap was based on a misreading of the law. According to the Independent Offices (Appointment) Act of 2011, somebody misadvised the Executive that the law does not allow them to commence that process until the holder has left. That was wrong, and is not based on the law in Section 5. It is important that we correct this because it is likely to recur when it comes to the new Chief Justice or any other office holder. This argument, if sustained, will mislead us. The Leader of the Majority Party needs to look into this.

Thirdly and lastly, is to advise the incoming Auditor-General that independent offices are given to us so that we can have courage, independence and professionalism. If you lose any of these, then the need for independence of those offices goes and Kenyans start demanding they are unnecessary. Let us hold on to the truth and expectation of the Constitution.

Hon. Temporary Deputy Speaker, with this I support. Thank you.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Janet Ong'era.

Hon. (Ms.) Janet Ong'era (Kisii CWR, ODM): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. Like my colleagues, I rise to congratulate the Chairman of this Committee for bringing this nominee for us to approve.

I am very happy to note that Janet, who shares a name with me, is competent in this job. I am happier to note that she is a woman. I cannot forget to belabour the point that we do not mourn all the time when we are not in positions. As women, we still appreciate when one of our own is given a high deserving job like this one. Therefore, I want to commend the Committee for having seen it appropriate to bring her name for approval.

However, just like my brother Hon. Otiende has said, there is a monster in the House. I feel very sad that the outgoing Auditor-General has done such a good job, he was a real whistle blower, and he is the only one who brought reports to this Parliament, but the way he has been treated by the Executive is displeasing. The man is literally begging for his dues through the media.

Finally, I hope that Janet will do a good job. There are many reports hanging out there in the Auditor-General's Office on corruption in the counties and in the national Government, but they have neither seen the light of the day nor been brought to Parliament for us to deal with them. In that office, corruption needs to be wiped out, so that we can be sure that the reports which reach us are the ones from the ground.

Thank you for giving me a chance. I support the Motion.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Finally, the classmate.

Hon. Moses Lessonet (Eldama Ravine, JP): Thank you, Hon. Deputy Speaker for giving me the last opportunity to contribute. True, Nancy is qualified and this is not only written on her CV, but I saw her in class in 1992 when we both completed Bachelor of Commerce (Accounting Option) at the University of Nairobi. Not in any other university, but “The University”.

I only want to put across two points. The Office of the Auditor-General is an independent office. There was confusion with previous occupants of that office probably including Mr. Ouko, who failed to understand that they work for Parliament. All the reports generated by the Office of the Auditor-General are for consumption by this House. We also want to call upon the Members of PAC to rise to the occasion and have all reports generated by the Office of the Auditor-General promptly processed by the House, so that where certain action needs to be taken, this is done with time in mind.

The other point probably answering the question why the former Auditor-General has not been paid, is because this is an issue of budget. This House should not blame the Executive, but put a budget line to pay the benefits of the former Auditor-General. Budget-making is the business of this House. Members who are surprised that he has not been paid should have been very quick in ensuring that there is such an allocation in the budget, whether in the Pensions Department or the Office of the Auditor-General, so that this payment is made.

I want to believe that going forward, probably this year when we meet as the Budget and Appropriations Committee, we should ensure that there is a provision towards the benefits of the former Auditor-General. For the Office of the Auditor-General to be effective, we need to allocate them adequate resources. A lot of resources have been allocated to the Judiciary. We need to see commensurate allocation given to the Office of the Auditor-General.

Hon. Temporary Deputy Speaker, with those remarks, I thank you and congratulate Nancy for her appointment.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Waihenya.

Hon. Isaac Ndirangu (Roysambu, JP): Thank you, Hon. Temporary Deputy Speaker. Allow me in concluding to particularly thank the Non-Governmental Organisations (NGOs) that responded by submitting memoranda. They include Transparency International (TI-Kenya), National Taxpayers Association (NTA), Centre for Enhancing Democracy and Good Governance (CEDGG) and the Kenyans for Peace, Truth and Justice (KPJT). Also, all other persons who presented memoranda.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Waihenya remember you have only one minute.

Hon. Isaac Ndirangu (Roysambu, JP): I want to reply by thanking Members of Parliament for turning up in large numbers from their recess to approve this nominee. We now await the President’s endorsement, so that Ms. Janet Nancy Kabui Gathungu can take up the work of the Auditor-General of the Republic of Kenya.

I beg to reply.

(Question put and agreed to)

ADJOURNMENT

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Members, I just wish to remind you that these are hard times. We should try as much as possible when in public places

to continue setting a good example by wearing our masks, sanitising our hands and taking care of ourselves. This is a responsibility we must take with utmost seriousness. I hope to see you here again when we resume the proceedings of the House.

Hon. Members, the time being 6.10 p.m., the House stands adjourned until Tuesday, 28th July 2020 at 2.30 p.m.

The House rose at 6.10 p.m.