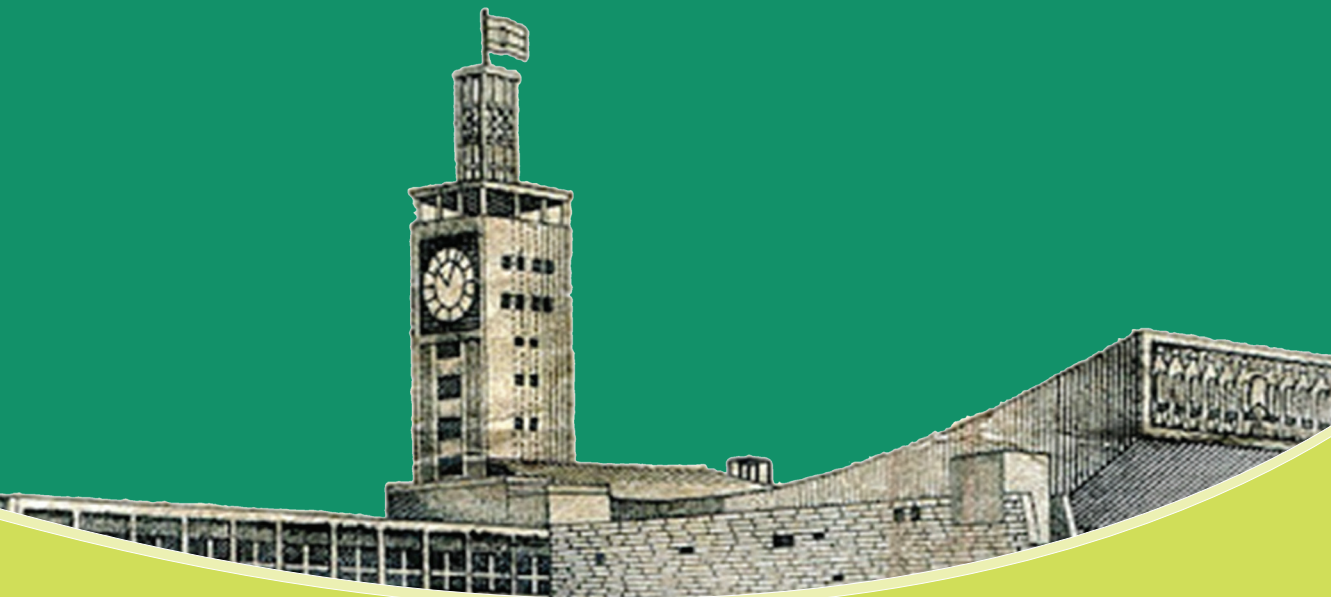




Parliament of Kenya

The National Assembly

The Committee System of The National Assembly



Fact Sheet
No. 22

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This Factsheet on **The Committee System of the National Assembly** is part of the Kenya National Assembly Factsheets Series that are supposed to enhance public understanding, awareness and knowledge of the work of the Assembly and its operations. It is intended to serve as easy guide for ready reference by Members of Parliament, staff and the general public. The information contained here is not exhaustive and readers are advised to refer to the original sources for further information.

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FactSheet

22

The Committee System of The National Assembly

1.0 Introduction

(a) What are Committees?

The Constitution¹ empowers Parliament to establish committees to enable it to perform its functions. Committees consist of a group of members appointed by either or both Houses to examine issues in more detail than is possible if the matter was considered in the House. They draw their powers from the House and are required to report their findings to the House.

The Assembly may refer a particular matter to a committee because the matter warrants detailed examination, or because there is need for information to be collected, or because it wants to hear views on the matter.

Committees are one of the tools to assist the Assembly in their functions to legislate; monitor and review legislation; review administration and expenditure; gather information; and publicize issues.² The practice of delegating to committees of members is part of the established procedure of most representative parliamentary bodies.³

The National Assembly committee system has evolved over the years with the changing democratic dynamics in the governance process. The service in committees has gained prominence in the legislative process and is a

¹ Article 124, Constitution of Kenya 2010.

² Committee System of the Legislative Council and Legislative Assembly, available at <http://www.parliament.wa.gov.au/webcms/webcms.nsf/content/home-committee-system-of-the-legislative-council-and-legislative-assembly>

³ Ibid.



A Sitting of Committee of the House in progress

responsibility equal to service in the House.

(b) Why Committees?

Committees exist for various reasons among them:-

The facilitation of the division of labour - More than one committee can meet at a time.

More suitable forum than a House - Committees can address in detail matters that are the business of Parliament but are not suitable to be dealt with in the environment of a House. Committee proceedings are more intimate and bipartisan than proceedings in a House. Party politics are often less prominent in a committee than in a House. It can be useful for a committee to review a complex or contentious matter, and to assist parliamentary debate by clarifying issues and establishing common ground between members of different parties.

More practicable forum than a House - Committees can perform functions which a House may not be well placed to perform. Committees may carry out investigations, hear evidence from witnesses, travel for inquiries, seek advice from experts, and deliberate on matters under inquiry before reporting their findings to the House.

Avenue of public communication - Committees are a good avenue of communication between Parliament and the community. The committees

offer a platform for the community to participate in law making and policy review by airing their views on a matter and having those views reported to Parliament.

I. Establishment of committees

Parliament and its Committees derive their mandate from the Constitution of Kenya, Statutes and Standing Orders. Article 124 of the Constitution provides that:-

(1) Each House of Parliament may establish committees, and shall make Standing Orders for the orderly conduct of its proceedings, including the proceedings of its committees.

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

- The National Assembly Standing Orders specify the criteria for nominating members to committees. Membership reflects the relative majorities of the parliamentary parties or coalition of parties as well as the independent candidates.
- The membership of some select committees is specified in the Standing Orders or resolution establishing them.
- The size of statutory committees is specified in the legislation which authorises their establishment for example the NG-CDF (National Government Constituency Development Fund) Committee and the Committee of Privileges.
- Members who are interested in the work of committees are free to attend committee meetings, ask questions and contribute to deliberations but may not vote.
- Committees comprise strictly of members of the National Assembly.
- Committees may appoint subcommittees and refer to any such subcommittee matters which the committee is empowered to consider.
- Subcommittees have the same powers as their parent committees but may not report directly to the House but report their findings back to their parent committee.
- Subcommittees increase the flexibility of committees and enable them to pursue several tasks simultaneously.

II. Role and functions of Committees

(a) Consideration of proposed government expenditure

- Inquire into and report upon the government's budget proposals (estimates of expenditures) referred to them by the National Assembly.
- Public hearings are held at which the relevant Cabinet Secretaries, together with senior officials from the organisations



The Public Investments Committee undertaking a site visit of KPC Construction works

whose estimates are being examined, appear before the committees.

- Once committees have completed their consideration of the estimates expenditure, they report their deliberations to the National Assembly.

(b) Consideration of legislation

- Committees inquire into and report on any Bills or draft Bills referred to them.
- Some Bills require consideration only from a technical point of view while others need to be examined in terms of their substance and impact.

(c) Consideration of annual reports and examination of government administration

- Monitor the performance of government ministries, departments and agencies allocated to them, by examining their annual reports.
- Investigate any matters requiring closer scrutiny.
- Report on the performance of departments and agencies allocated to them.

(d) Approval of appointments

The National Assembly is empowered by the Constitution to approve nominees for appointment by the President. The approval hearings are carried out by relevant committees which report their findings for adoption by the House.

(e) Removal from office of public officers

The National Assembly is entrusted with the mandate of reviewing the conduct in office of State officers, including the President, and can initiate the process of removing them from office.

(f) General oversight

The National Assembly through its committees, exercises oversight over state organs including national revenue and expenditure.

(g) Approval of borrowing by the National Government

The National Assembly, through its committees, exercises oversight over national revenue and expenditure. It approves the national government borrowing and sets public debt ceiling.

(h) Provide linkage between the National Assembly and the electorate through public participation

The core mandate of the National Assembly is to represent the people at the constituency level and special interests. This is done through public participation processes carried out by committees of the House as guaranteed in the Constitution.

III. Types of Committees

The National Assembly has developed different types of committees to perform different functions. The categorization of committees varies in each parliamentary jurisdiction.

(a) Departmental Committees

- They are appointed at the beginning of each Parliament under the National Assembly Standing Orders.
- The committees continue functioning until the end of the day before the general election. They last for the lifetime of a Parliament.
- Departmental Committees shadow the work of the various national government departments covering every area of government operations.
- The work of departmental committees is not restricted to government and may investigate any matter of public interest that falls within their area of responsibility.
- Over the years, they have developed a reputation as the backbone of the National Assembly Committee work.

- They permit a continuing surveillance of defined fields of government activity.
- The committees' study and review legislation.
- They investigate and inquire into matters relating to mandate management operations and administration of line ministries.
- They also study programs and policy of ministries
- The Committees consider and shape the vast majority of proposed laws and also conduct investigations.

In case of cross-cutting issues between two or more departmental committees, the National Assembly may provide for joint sittings for that particular purpose and upon completion of the exercise, the joint sittings are abolished.

(b) Public Audit Committees

- There are three investigatory committees (Public Accounts, Public Investments and Special Fund Accounts).
- These committees act as Parliament's watchdog over the way taxpayers' money is expended by the executive, judiciary and the legislature. Every year the Auditor-General tables reports on the accounts and financial management of the various government departments and state institutions for consideration by the committees.
- The Public Accounts Committee examines the accounts showing the appropriations of the sum voted by the House to meet public expenditure and such other accounts laid before the House.
- The Public Investments Committee examines the working of public investments.
- The Special Funds Accounts Committee examines accounts of specific funds as provided for in the standing orders.
- The three committees do not look into policy matters or day-to-day administration of the government ministries and agencies.

(c) Ad Hoc Committees

- *Ad hoc* committees are temporarily formed for specific purposes and whenever there is a need for a specific task to be done and often to study a particular issue within a limited period of time.
- They usually do not draft legislation. Examples of *ad hoc* committees include *Ad Hoc* select committee to investigate the death of Hon. J.M Kariuki, *Ad Hoc* Select Committee investigating the death of the late Dr. Robert Ouko, *Ad Hoc* Select committee investigating the decline of the shilling, among others.
- They are established by a resolution of the House with

specific terms of reference and when the task is complete, the committee is dissolved.

(d) House Keeping Committees

- They deal with matters relating to the internal operations of the National Assembly including procedure, privilege, the provision of other facilities in Parliament, among others.
- They deal with the welfare of members and staff.
- They inquire into matters relating to the power and immunities of the National Assembly.

(e) Mediation Committees

- They are established when either House does not agree to all or part of a Bill that requires concurrence of the two Houses or when a House rejects a motion for the second or third reading of a Bill originating from the other House.
- A mediation committee is established to reconcile different versions of the same Bill.
- Each House Speaker appoint equal member of members to the mediation committee.
- Quorum consists of a third of the members from each House.
- The Chair and Vice Chair are appointed by members but both will not be members from the same House.
- A mediation committee ceases to exist once it reports the mediated version of a Bill.

IV. COMMITTEES OF THE NATIONAL ASSEMBLY

The National Assembly currently has twenty nine (29) select committees that are appointed for the life of a Parliament or per Session. They are as follows:-

A. HOUSE KEEPING COMMITTEES

1. **Committee of Powers and Privileges** - The Committee considers matters of members' powers and privileges.
2. **House Business Committee** - The Committee prepares and adjusts Parliamentary Calendar, undertakes scheduling or programming of the business and may issue directives and guidelines to prioritize or postpone any business of the House.
3. **Procedure and House Rules Committee** – The Committee proposes rules for the orderly and effective conduct of House committee business including amending the Standing Orders.
4. **Liaison Committee** – The Committee comprising of all Chairpersons of committees guides and co-ordinates the operations, policies and mandates of all committees including allocation of committee budgets.
5. **Committee on Selection** - The Committee nominates members to serve in various committees.

6. **Committee on Members Services and Facilities** – The Committee deals with matters relating to members services and facilities.
7. **Car loan and Mortgage Committee** – The Committee oversees the process by which the Members receive their car loans and mortgages.
8. **Parliamentary Pensions Management Committee** – The committee oversees the management of the Members and staff pension scheme

B. PUBLIC AUDIT COMMITTEES

9. **Public Accounts Committee** – The Committee is an audit committee responsible for the examination of the accounts showing the appropriations of the sum voted by the House to meet the public expenditure and of such other accounts as audited and reported on by the Auditor.
10. **Public Investments Committee** – The Committee is an audit committee responsible for examining the reports and accounts of the public investments as audited and reported on by the Auditor.
11. **Special Fund Accounts Committee** – The Committee is an audit committee responsible for the examination of the accounts of the Equalisation Fund, the Political Parties Fund, the Judiciary Fund, the National Government Constituency Development Fund among others.

C. DEPARTMENTAL COMMITTEES

12. **Defence and Foreign Relations Committee** - The Committee oversights defence, intelligence, foreign relations, diplomatic and consular services, international boundaries including territorial waters and international relations.
13. **Administration and National Security Committee** – The Committee oversights National Security, Police Services, Home Affairs, Public Administration, Public Service, Prisons, Immigration and the management of natural disasters, community service orders.
14. **Agriculture and Livestock Committee** – The Committee oversights agriculture, livestock, irrigation, fisheries development, production and marketing.
15. **Environment and Natural Resources Committee** - The Committee oversights matters relating to climate change, environment management and conservation, forestry, water resource management, wildlife, mining and natural resources, pollution and waste management.
16. **Education and Research Committee** - The Committee oversights education, training and research.
17. **Energy Committee** - The Committee oversights fossil fuels exploration, development, production, maintenance and regulation of energy.
18. **Communication, Information and Innovation committee** - communication, information, media and broadcasting (except for broadcast of parliamentary proceedings), Information Communications Technology (ICT), development and advancement of technology and modernization of production strategies.

19. **Finance and National Planning Committee** – The Committee oversights Public finance, monetary policies, public debt, financial institutions, (excluding those in security exchange), investment and divestiture policies, pricing policies, banking, insurance, population, revenue policies including taxation, national planning and development.
20. **Trade, Industry and cooperatives** - Trade, consumer protection, commerce, industrialization including special economic zones, enterprise promotion and development including small and medium-size enterprises, intellectual property, industrial standards, anti-counterfeit policies and cooperatives development.
21. **Health Committee** - The Committee oversights matters related to health, medical care and health insurance.
22. **Justice and Legal Affairs Committee** - The Committee oversights constitutional affairs, the administration of law and justice, including the Judiciary, public prosecutions, elections, ethics, integrity and anti-corruption and human rights.
23. **Labour and Social welfare Committee** - The Committee oversights Labour, labour relations, manpower or human resource planning, gender, youth, social welfare and security, children's welfare, National Youth Service, the elderly and persons with disabilities.
24. **Committee on Sports, Tourism and Culture** – The Committee oversights Sports, culture, language, arts, national heritage, betting and lotteries, tourism and tourism promotion management.
25. **Lands Committee** - The Committee oversights matters related to lands and settlement.
26. **Transport, Public Works and Housing Committee**- The Committee oversights transport, roads, public works, construction and maintenance of roads, rails and buildings, air, seaports and housing.

D. OTHER SELECT COMMITTEES

27. **Budget and Appropriations Committee** – The Committee investigates, inquires into and reports on all matters related to co-ordination, control and monitoring of the national budget, examines the Budget Policy Statement and examines Bills related to the national budget.
28. **Committee on Implementation** – The Committee is responsible for scrutinizing the resolutions of the House (including adopted committee reports), petitions and the undertakings given by the National Executive. It examines the status of implementation of the House resolutions, petitions and undertakings of the National Executive. It also determines whether a legislation has been implemented and the status of implementation.
29. **Committee on Delegated Legislation** - The Committee considers statutory instruments submitted to the National Assembly in line with the provisions of the Statutory Instruments Act, and relevant legislation.
30. **Committee on Regional Integration** - The Committee examines the records of all the relevant debates and resolutions of the meetings of the East

African Legislative Assembly, enhances the role and involvement of the House in intensification and development of the integration process in the East African Community and the greater African region and inquires into and examines any other matter relating to regional integration generally requiring action by the House.

31. **Committee on Appointments** - The Committee considers, for approval by the House, appointments under article 152(2) of the Constitution (Appointment of Cabinet Secretaries).
32. **Committee on the National Government Constituencies Development Fund** - The Committee oversees the National Government Constituencies Development Fund.
33. **Constitution Implementation Oversight Committee** – The Committee is responsible for overseeing the implementation of the Constitution including the preparation of the legislation required by the Constitution and any challenges in that regard, the process of establishing the new commissions, the process of establishing the infrastructure necessary for the proper operation of each county including progress on locating offices and assemblies and establishment and transfers of staff. It also implements the devolution of powers and functions to the counties and resolves any impediments to the process of implementing the Constitution including taking appropriate action to address any problems in the implementation of the Constitution.

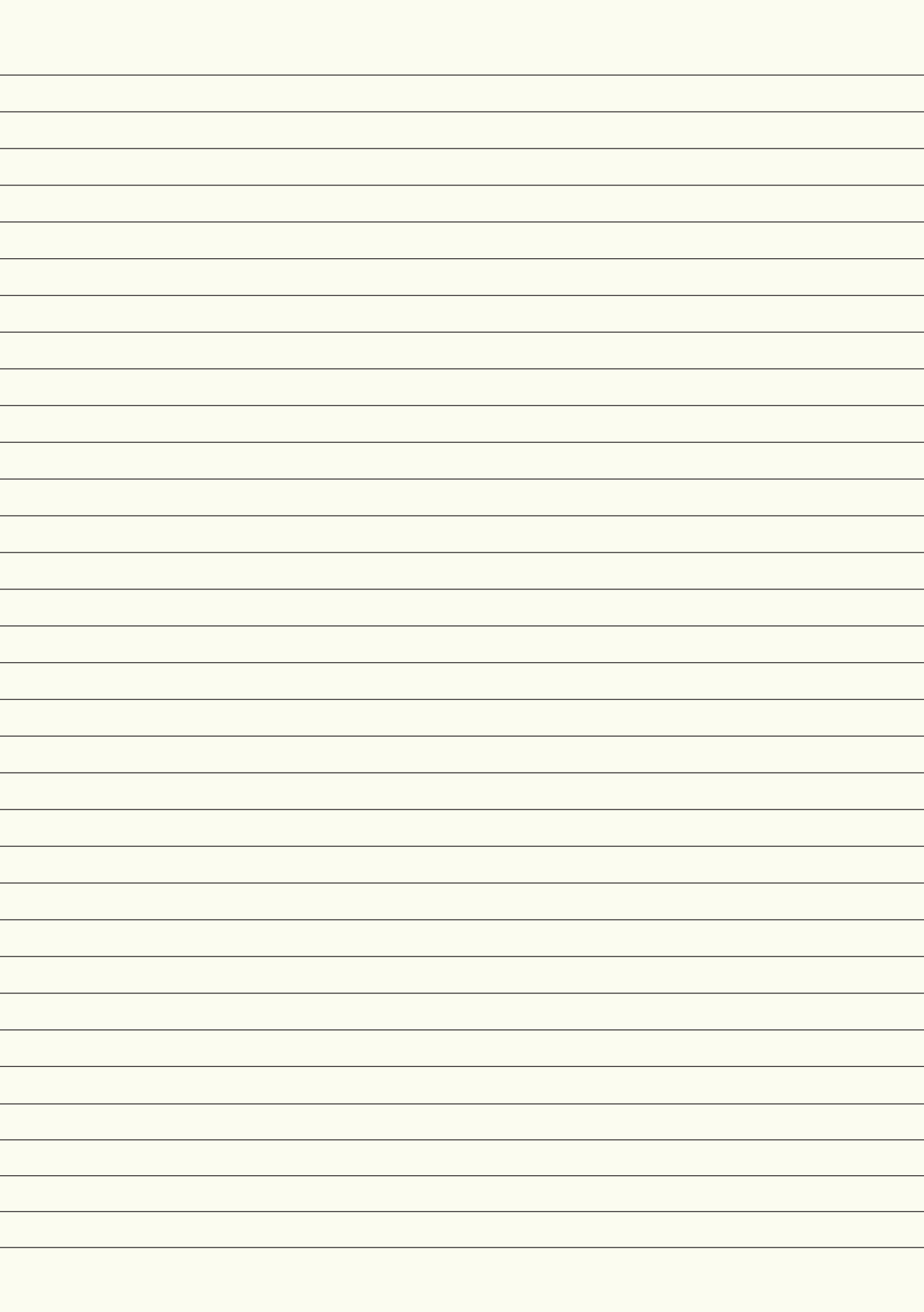
The specific mandate of each committee is provided in the establishing statute and/or National Assembly Standing Orders or resolution of the House or Houses of Parliament.

Management of Committees

Each committee has a Chairperson, who is deputised by a Vice Chairperson. Save for instances where the Standing Orders specify leadership of Committee, both the Chairperson and Vice Chairperson are elected by members of the Committee in the first sitting following constitution of the Committee. Each Committee is supported by the Secretariat comprised of technical staff.

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