



**REPUBLIC OF KENYA**

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**THE SENATE**

**PROGRAMME OF SENATE BUSINESS**

**WEEK COMMENCING TUESDAY, OCTOBER 09, 2018**

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***\* 12<sup>TH</sup> PARLIAMENT \* 2<sup>ND</sup> SESSION***

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**REPUBLIC OF KENYA**

**THE SENATE**

**TWELFTH PARLIAMENT (SECOND SESSION)**

**PROGRAMME OF SENATE BUSINESS**

**FOR THE WEEK COMMENCING TUESDAY, OCTOBER 02, 2018**

**TUESDAY:** Communication from the Chair, Messages, Petitions, Papers, Notices of 09/10/2018 Motion, Statements, Motions and Bills

**A. \*THE CARE AND PROTECTION OF OLDER MEMBERS OF SOCIETY BILL**  
**(SENATE BILLS NO. 17 OF 2018)**

(Sen. Aaron Cheruiyot, MP)

*(Second Reading)*

*(Resumption of Debate interrupted on Thursday, 4<sup>th</sup> October, 2018)*

**B. \*THE LOCAL CONTENT BILL (SENATE BILLS NO. 10 OF 2018)**

(Sen. Gideon Moi, MP)

*(Second Reading)*

**C. COMMITTEE OF THE WHOLE**

**\*\*\*\*THE FOOD SECURITY BILL (SENATE BILLS NO. 12 OF 2017)**

(The Senate Majority Leader)

**D. COMMITTEE OF THE WHOLE**

**\*THE DISASTER RISK MANAGEMENT BILL (SENATE BILLS NO. 8 OF 2018)**

(Sen. Mutula Kilonzo Jnr, MP and Sen. Sakaja Johnson, MP)

**E. COMMITTEE OF THE WHOLE**

**\*THE RETIREMENT BENEFITS (DEPUTY PRESIDENT AND DESIGNATED STATE OFFICERS) (AMENDMENT) BILL (SENATE BILLS NO. 2 OF 2018)**

(Sen. Ledama Olekina, MP)

**F. COMMITTEE OF THE WHOLE**

**\*THE COUNTY STATISTICS BILL (SENATE BILLS NO. 9 OF 2018)**

(Sen. (CPA) Farhiya Haji, MP)

**G. MOTION- ENFORCEMENT OF NATIONAL TRANSPORT AND SAFETY AUTHORITY (OPERATION OF MOTORCYCLE) REGULATIONS, 2015**

(Sen. (Arch.) Sylvia Kasanga, MP)

**AWARE** that the National Transport and Safety Authority (NTSA) is mandated to plan, manage and regulate the road transport system, while ensuring the provision of safe, reliable and efficient road transport services;

**FURTHER AWARE** that motorcycle transport services have been rapidly embraced throughout the country leading to several challenges including: rise in road accidents involving motorcycle riders, unlawfulness, insecurity and road congestion;

**COGNIZANT** that the National Transport and Safety Authority (Operation of Motorcycles) Regulations that came into force on January 1, 2016 have not adequately addressed the challenges associated with the high numbers of motorcycles as a mode of transport;

**NOW THEREFORE**, the Senate resolves that the Ministry of Transport, Infrastructure, Housing, and Urban Development: -

1. identify strategies to enforce the National Transport and Safety Authority (Operation of Motorcycles) Regulations;
2. in collaboration with County Governments, develop programs to sensitize and educate members of boda-boda associations and the public on the laws regulating motorcycle operations;
3. submits a Report to the Senate within ninety(90) days outlining the short and long term strategies, and preventative measures that are being put in place to halt the rising cases of road carnage involving motorcycle riders.

*(Resumption of Debate interrupted on Thursday, 13<sup>th</sup> September, 2018)*

#### **H. MOTION –IMPROVEMENT OF KENYA’S POSITION IN THE WORLD ECONOMIC FORUM TRAVEL AND TOURISM COMPETITIVENESS INDEX**

(Sen. Ledama Olekina, MP)

**THAT, AWARE** that the Ministry of Tourism have developed and published the Kenya National Tourism Blueprint 2030 in May 2017;

**FURTHER AWARE** that Kenya Tourism Agenda 2018 – 2022, launched in April 2018, establishes the foundation for the National Tourism Blueprint 2030 and is the tool for initiating the components of the Blue Print;

**ALSO AWARE** that the contribution of travel and tourism to Kenyan GDP stood at 9.7 % in 2017, up from the 9.3 % previous year;

**COGNIZANT** that in the next 10 years every industry will be changed by technology;

**ALSO AWARE** that Kenya Tourism Board has partnered with Google, Safaricom, Kenya Wildlife Service and Tourism Finance Corporation to create new digital content for local tourism;

**CONCERNED** that Kenya tourism industry’s potential is underutilized;

**AWARE** that Kenya's position in World Economic Forum's Travel & Tourism Competitiveness Index Ranking is 80 out of 136 in 2017, having improved by 2 points from 2015, while having currently the lowest score in cultural resources and business travel with 1.6 points out of 7;

**FURTHER CONCERNED** that majority of the solutions proposed by the tourism agenda are brick and mortar type and not addressing the trends; noting that in less than two years, the share of online booking globally has grown from 9% to almost 33% and the lucrative and fast-growing segment of business tourism;

**ALSO CONCERNED** that Kenya will continue to attract only beach and park type tourists ignoring the large number of conference and business travellers, who largely never leave Nairobi and are offered minimal exposure to Kenya;

**NOW THEREFORE**, the Senate calls upon the Ministry of Tourism to approach tourism sector with modern innovation and implement tangible, measurable and impactful solutions, resulting in improvement of Kenya's ranking in the World Economic Forum Travel & Tourism Competitiveness Index 2019 by 6 positions and improve the lowest score of cultural resources and business travel by 1 point.

**I. MOTION – PAYMENT OF A ONE-OFF HONORARIUM AND MONTHLY PENSION TO FORMER COUNCILLORS**

(Sen. John Kinyua, MP)

**THAT AWARE** that National Forum of Former Councillors petitioned the Senate regarding the need for legislative interventions to address the plight and welfare of former Councilors;

**FURTHER AWARE** that the Senate Standing Committee on Labour and Social Welfare considered the Petition and tabled its report on Tuesday, 16<sup>th</sup> February, 2016;

**ACKNOWLEDGING** that the Committee's report on the Petition made five recommendations among them that-

1. one-off honorarium of Kshs1.5 Million be paid to former councillors who served a minimum of one term since independence; and
2. monthly pension of at least Kshs30,000 be paid to former councillors.

**APPRECIATING** that the recommendations were based on the fact that former Councillors did not receive fixed emoluments and experienced disparities with regard to access to pension services and terms and conditions of pension schemes over the years, which made it difficult to fairly and equitably determine each councillor's rightful benefits retrospectively;

**CONCERNED** that the State Department for Social Services and Security, State Department for Devolution and the National Treasury have to date not implemented the Committee's recommendations on the Petition;

**NOW THEREFORE**, the Senate calls upon the Principal Secretaries to the said State Departments and the National Treasury to take necessary steps to implement the recommendations contained in the Report.

## **J. MOTION – HUMAN – WILDLIFE CONFLICT**

(Sen. Johnes Mwaruma, MP)

**AWARE THAT** tourism is amongst key sectors of Kenya’s economy contributing billions of shillings to the country as well as generating employment and livelihoods to millions of citizens;

**FURTHER AWARE THAT**, Kenya is endowed with different wildlife species which contribute substantially to the national economy through tourism;

**NOTING THAT**, cases of human-wildlife conflict are on the rise as a result of many factors key among them climate change and encroachment on parks and nature reserves leading to deaths and maiming of people by wild animals;

**FURTHER NOTING THAT** there’s need to create a conducive environment for peaceful coexistence of humans and wildlife in the same space given the importance of wildlife not only to our economy but to ecology as well;

**CONCERNED** that victims and families of victims of human-wildlife conflict are not being compensated for loss of lives, being maimed or loss of their means of livelihood due to failure of the Treasury to allocate adequate funds for this purpose contrary to the Wildlife Compensation Management Act, 2013;

**FURTHER CONCERNED** that the regions and communities hosting the wildlife are marginalized and do not benefit from the proceeds of tourism in their area;

**NOW THEREFORE** the Senate calls upon the National Government to-

1. Allocate adequate funds during the current financial year and subsequent years for compensation;
2. Ensure that victims and families of victims of human-wildlife conflict are always compensated within 90 days of submitting their claims; and
3. Come up with innovative ways of ensuring host communities benefit from the revenue accruing from wildlife tourism.

## **K. Any Other Business**

**WEDNESDAY:** Communication from the Chair, Messages, Petitions, Papers, Notices of Motion, Statements, Motions and Bills  
10/10/2018

### **A. COMMITTEE OF THE WHOLE**

**\*THE OFFICE OF THE COUNTY PRINTER BILL (SENATE BILLS NO. 7 OF 2018)**

(Sen. Petronila Were Lokorio, MP)

*(Resumption of Debate interrupted on Wednesday, 3<sup>rd</sup> October, 2018)*  
*(Division)*

### **B. COMMITTEE OF THE WHOLE**

**\*\*\*\*THE FOOD SECURITY BILL (SENATE BILLS NO. 12 OF 2017)**

(The Senate Majority Leader)

**C. COMMITTEE OF THE WHOLE**

**\*THE DISASTER RISK MANAGEMENT BILL (SENATE BILLS NO. 8 OF 2018)**

(Sen. Mutula Kilonzo Jnr., MP and Sen. Sakaja Johnson, MP)

**D. COMMITTEE OF THE WHOLE**

**\*THE RETIREMENT BENEFITS (DEPUTY PRESIDENT AND DESIGNATED STATE OFFICERS) (AMENDMENT) BILL (SENATE BILLS NO. 2 OF 2018)**

(Sen. Ledama Olekina, MP)

**E. COMMITTEE OF THE WHOLE**

**\*THE COUNTY STATISTICS BILL (SENATE BILLS NO. 9 OF 2018)**

(Sen. (CPA) Farhiya Haji, MP)

**F. COMMITTEE OF THE WHOLE**

**\*THE SALARIES AND REMUNERATION COMMISSION (AMENDMENT) BILL (SENATE BILLS NO. 12 OF 2018)**

(Chairperson Standing Committee on Finance and Budget)

**G. COMMITTEE OF THE WHOLE**

**\*THE IRRIGATION BILL (NATIONAL ASSEMBLY BILLS NO. 46 OF 2017)**

(The Senate Majority Leader)

**H. \*THE CARE AND PROTECTION OF OLDER MEMBERS OF SOCIETY BILL (SENATE BILLS NO. 17 OF 2018)**

(Sen. Aaron Cheruiyot, MP)

*(Second Reading)*

*(Resumption of Debate interrupted on Tuesday, 9<sup>th</sup> October, 2018)*

**I. \*\*THE DATA PROTECTION BILL (SENATE BILLS NO. 16 OF 2018)**

(Chairperson, Standing Committee on Information and Technology)

*(Second Reading)*

**J. MOTION –IMPROVEMENT OF KENYA’S POSITION IN THE WORLD ECONOMIC FORUM TRAVEL AND TOURISM COMPETITIVENESS INDEX**

(Sen. Ledama Olekina, MP)

**THAT, AWARE** that the Ministry of Tourism have developed and published the Kenya National Tourism Blueprint 2030 in May 2017;

**FURTHER AWARE** that Kenya Tourism Agenda 2018 – 2022, launched in April 2018, establishes the foundation for the National Tourism Blueprint 2030 and is the tool for initiating the components of the Blue Print;

**ALSO AWARE** that the contribution of travel and tourism to Kenyan GDP stood at 9.7 % in 2017, up from the 9.3 % previous year;

**COGNIZANT** that in the next 10 years every industry will be changed by technology;

**ALSO AWARE** that Kenya Tourism Board has partnered with Google, Safaricom, Kenya Wildlife Service and Tourism Finance Corporation to create new digital content for local tourism;

**CONCERNED** that Kenya tourism industry's potential is underutilized;

**AWARE** that Kenya's position in World Economic Forum's Travel & Tourism Competitiveness Index Ranking is 80 out of 136 in 2017, having improved by 2 points from 2015, while having currently the lowest score in cultural resources and business travel with 1.6 points out of 7;

**FURTHER CONCERNED** that majority of the solutions proposed by the tourism agenda are brick and mortar type and not addressing the trends; noting that in less than two years, the share of online booking globally has grown from 9% to almost 33% and the lucrative and fast-growing segment of business tourism;

**ALSO CONCERNED** that Kenya will continue to attract only beach and park type tourists ignoring the large number of conference and business travellers, who largely never leave Nairobi and are offered minimal exposure to Kenya;

**NOW THEREFORE**, the Senate calls upon the Ministry of Tourism to approach tourism sector with modern innovation and implement tangible, measurable and impactful solutions, resulting in improvement of Kenya's ranking in the World Economic Forum Travel & Tourism Competitiveness Index 2019 by 6 positions and improve the lowest score of cultural resources and business travel by 1 point.

**K. MOTION – PAYMENT OF A ONE-OFF HONORARIUM AND MONTHLY PENSION TO FORMER COUNCILLORS**

(Sen. John Kinyua, MP)

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**ACKNOWLEDGING** that the Committee's report on the Petition made five recommendations among them that-

1. one-off honorarium of Kshs1.5 Million be paid to former councillors who served a minimum of one term since independence; and
2. monthly pension of at least Kshs30,000 be paid to former councillors.

**APPRECIATING** that the recommendations were based on the fact that former Councillors did not receive fixed emoluments and experienced disparities with regard to access to pension services and terms and conditions of pension schemes over the years, which made it difficult to fairly and equitably determine each councillor's rightful benefits retrospectively;

**CONCERNED** that the State Department for Social Services and Security, State Department for Devolution and the National Treasury have to date not implemented the Committee's recommendations on the Petition;

**NOW THEREFORE**, the Senate calls upon the Principal Secretaries to the said State Departments and the National Treasury to take necessary steps to implement the recommendations contained in the Report.

#### **L. MOTION – HUMAN – WILDLIFE CONFLICT**

(Sen. Johnes Mwaruma, MP)

**AWARE THAT** tourism is amongst key sectors of Kenya's economy contributing billions of shillings to the country as well as generating employment and livelihoods to millions of citizens;

**FURTHER AWARE THAT**, Kenya is endowed with different wildlife species which contribute substantially to the national economy through tourism;

**NOTING THAT**, cases of human-wildlife conflict are on the rise as a result of many factors key among them climate change and encroachment on parks and nature reserves leading to deaths and maiming of people by wild animals;

**FURTHER NOTING THAT** there's need to create a conducive environment for peaceful coexistence of humans and wildlife in the same space given the importance of wildlife not only to our economy but to ecology as well;

**CONCERNED** that victims and families of victims of human-wildlife conflict are not being compensated for loss of lives, being maimed or loss of their means of livelihood due to failure of the Treasury to allocate adequate funds for this purpose contrary to the Wildlife Compensation Management Act, 2013;

**FURTHER CONCERNED** that the regions and communities hosting the wildlife are marginalized and do not benefit from the proceeds of tourism in their area;

**NOW THEREFORE** the Senate calls upon the National Government to-

1. Allocate adequate funds during the current financial year and subsequent years for compensation;
2. Ensure that victims and families of victims of human-wildlife conflict are always compensated within 90 days of submitting their claims; and
3. Come up with innovative ways of ensuring host communities benefit from the revenue accruing from wildlife tourism.

#### **M. MOTION – USAGE OF SIGNING EXACT ENGLISH (SEE) AS A MODE OF INSTRUCTION FOR PERSONS WITH HEARING IMPAIRMENT**

(Sen. (Dr.) Getrude Musuruve, MP)

**THAT, AWARE** that Article 43 (f) of the Constitution stipulates that every person has a right to education;

**FURTHER AWARE** that Kenya is among the State Parties that ratified the United Nations Convention on the Rights of Persons with Disabilities in which the parties undertook to ensure that persons with disabilities are not excluded from the general education system and that the education of persons, and in particular children, who are blind, deaf or deaf-blind, is delivered in



the most appropriate languages and modes and means of communication for the individual, and in environments which maximize academic and social development;

**ACKNOWLEDGING** that hearing impaired learners have linguistic challenges and perform dismally in academics since all subjects other than Kiswahili and foreign languages are taught and examined in English;

**COGNIZANT** that hearing impaired learners who are educable can master the essentials of English language as they are able to sign sing the National Anthem in Signing Exact English (SEE);

**NOW THEREFORE**, the Senate calls upon the Ministry of Education, Science and Technology to-

1. ensure that Signing Exact English (SEE) is used as a mode of instruction for persons with hearing impairment who are educable;
2. develop SEE instructional materials for learners with hearing impairment;
3. work with linguists and researchers to develop sign language resources; and
4. ensure that sign language linguistics is offered as a discipline in universities and teacher training colleges.

#### **N. Any Other Business**

**THURSDAY:**       **Communication from the Chair, Messages, Petitions, Papers, Notices of Motion, Statements, Motions and Bills**  
11/10/2018

#### **A. MOTION –IMPROVEMENT OF KENYA'S POSITION IN THE WORLD ECONOMIC FORUM TRAVEL AND TOURISM COMPETITIVENESS INDEX**

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4. monthly pension of at least Kshs30,000 be paid to former councillors.

**APPRECIATING** that the recommendations were based on the fact that former Councillors did not receive fixed emoluments and experienced disparities with regard to access to pension services and terms and conditions of pension schemes over the years, which made it difficult to fairly and equitably determine each councillor's rightful benefits retrospectively;

**CONCERNED** that the State Department for Social Services and Security, State Department for Devolution and the National Treasury have to date not implemented the Committee's recommendations on the Petition;

**NOW THEREFORE**, the Senate calls upon the Principal Secretaries to the said State Departments and the National Treasury to take necessary steps to implement the recommendations contained in the Report.

**C. MOTION – HUMAN – WILDLIFE CONFLICT**

(Sen. Johnes Mwaruma, MP)

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**FURTHER NOTING THAT** there's need to create a conducive environment for peaceful coexistence of humans and wildlife in the same space given the importance of wildlife not only to our economy but to ecology as well;

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**FURTHER CONCERNED** that the regions and communities hosting the wildlife are marginalized and do not benefit from the proceeds of tourism in their area;

**NOW THEREFORE** the Senate calls upon the National Government to-

4. Allocate adequate funds during the current financial year and subsequent years for compensation;
5. Ensure that victims and families of victims of human-wildlife conflict are always compensated within 90 days of submitting their claims; and
6. Come up with innovative ways of ensuring host communities benefit from the revenue accruing from wildlife tourism.

**D. MOTION – REPORT OF THE SENATE DELEGATION TO THE INAUGURAL COMMONWEALTH PARLIAMENTARIANS’ FORUM**

(Sen. Moses Kajwang’, MP)

**THAT**, this House notes the Report of the Senate Delegation to the Inaugural Commonwealth Parliamentarians’ Forum held at the Westminster Palace, London, United Kingdom from 26<sup>th</sup> February to 1<sup>st</sup> March, 2018 laid on the Table of the House on Thursday, 10<sup>th</sup> May, 2018.

**E. MOTION- REMEDIES FOR CLOSURE OF SCHOOLS DUE TO FLOODS & INSTANCES OF INSECURITY**

(Sen. (Arch.) Sylvia Kasanga, MP)

**THAT, AWARE** that Article 43(1)(f) of the Constitution of Kenya provides that every person has a right to education and Article 53(1)(b) of the Constitution states that every child has the right to free and compulsory basic education;

**COGNIZANT** that on 5<sup>th</sup> January, 2018 during the flagging off of national delivery of core course books for schools at Cemastea Karen, His Excellency the President Uhuru Kenyatta stated that his administration has focused on initiatives that ensure every Kenyan has access to quality education, so they can acquire appropriate skills and knowledge that make our country globally competitive;

**FURTHER AWARE** that recently the country has suffered floods in many parts of the country leading to deaths and people being displaced and rendered homeless;

**DEEPLY CONCERNED** that some schools have also remained closed even after other schools reopened while others have been closed as a result of floods and instances of insecurity;

**FURTHER NOTING** that closure of schools due to the said floods as well as insecurity places students and pupils in those schools at a disadvantage as they are unable to access education which is their right, while some of the students in those schools are expected to sit for their national exams at the end of the year and their performance risks being negatively affected by the lost time out of school;

**NOW THEREFORE**, the Senate resolves that the Committee on Education, investigates this matter with a view to: -

1. identifying strategies to ensure that the affected students are able to access education as soon as possible;
2. outlining preventative measures to ensure that more students are not affected by the floods and insecurity; and,
3. Submitting a Report to the Senate within sixty (60) days outlining the short and long term strategies, that are being put in place to ensure that schools in flood and insecurity prone areas are not affected in the future.

**F. MOTION - REPORT OF THE 138<sup>TH</sup> ASSEMBLY OF THE INTER – PARLIAMENTARY UNION (IPU)**

(Sen. Susan Kihika, MP)

**THAT**, this House notes the Report of the 138<sup>th</sup> Assembly of the Inter – Parliamentary Union (IPU) and related meetings held in Geneva, Switzerland from 22<sup>nd</sup> – 28<sup>th</sup> March, 2018 laid on the Table of the Senate on Thursday, 21<sup>st</sup> June, 2018.

**G. MOTION - REPORT OF THE SENATE DELEGATION TO THE AFRICAN PARLIAMENTARIANS' NETWORK AGAINST CORRUPTION (APNAC) CONFERENCE**

(Sen. (Dr.) Isaac Mwaura, MP)

**THAT**, this House notes the Report of the Senate Delegation to the African Parliamentarians' Network Against Corruption (APNAC) Conference held in Ghana from 17<sup>th</sup> – 18<sup>th</sup> March, 2018, laid on the Table of the House on Tuesday, 19<sup>th</sup> June, 2018.

**H. MOTION - REPORT OF THE STANDING COMMITTEE ON EDUCATION ON THE 20<sup>TH</sup> COMMONWEALTH EDUCATION MINISTERS CONFERENCE**

(Chairperson, Standing Committee on Education)

**THAT**, this House notes the Report of the Standing Committee on Education on the 20<sup>th</sup> Conference of Commonwealth Education Ministers (20CCEM) held in Nadi, Fiji from 19-23 February, 2018, laid on the Table of the House on Thursday, 12<sup>th</sup> July, 2018.

**I. MOTION - REPORT OF THE GLOBAL PARLIAMENTARY CONFERENCE (GPC) HELD AT THE WORLD BANK HEADQUARTERS**

(Sen. (Dr.) Abdullahi Ali, MP)

**THAT**, this House notes the Report of the proceedings of the Global Parliamentary Conference (GPC), held at the World Bank Headquarters, in Washington DC, United States of America from 16<sup>th</sup> to 17<sup>th</sup> April, 2018, laid on the Table of the House on Thursday, 12<sup>th</sup> July, 2018.

**J. MOTION – REPORT OF THE 49<sup>TH</sup> SESSION OF THE AFRICAN CARIBBEAN PACIFIC PARLIAMENTARY ASSEMBLY AND INTER – SESSIONAL MEETING**

(Sen. (Prof.) Margaret Kamar, MP)

**THAT**, this House notes the Report of the 49<sup>th</sup> Session of the ACP Parliamentary Assembly and Inter- Sessional meeting of the ACP-EU Joint Parliamentary Assembly held on 20<sup>th</sup> – 22<sup>nd</sup> March, 2018 in Brussels, Belgium, laid on the Table of the House on Tuesday, 31<sup>st</sup> July, 2018.

**K. MOTION –REPORT OF THE STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE ON THE 2018 COMMONWEALTH GAMES**

(Sen. (Dr.) Alice Milgo, MP)

**THAT**, this House notes the Report of the Standing Committee on Labour and Social Welfare on the 2018 Commonwealth Games held in Gold-Coast, Australia from 4<sup>th</sup> to 15<sup>th</sup> April, 2018, laid on the Table of the Senate on Wednesday, 1<sup>st</sup> August, 2018.

**L. MOTION – REPORT OF THE STANDING COMMITTEE ON EDUCATION ON THE TVET CONFERENCE**

(Sen. (Dr.) Christopher Lang’at, MP)

**THAT**, this House notes the Report of the Standing Committee on Education on the TVET Conference held in Victoria, Canada from 27<sup>th</sup> April – 2<sup>nd</sup> May, 2018, laid on the Table of the Senate on Wednesday, 1<sup>st</sup> August, 2018.

**M. Any Other Business**

**KEY**

- 
- \* \* \* \*** - Denotes a Majority /Minority Party Bill
  - \*\*\*** - Denotes a National Assembly Bill
  - \*\*** - Denotes a Committee Bill
  - \*** - Denotes any other Bill