



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT

NATIONAL ASSEMBLY

THE HANSARD

THE HANSARD

Wednesday, 3rd December 2025

The House met at 9.30 a.m.

[The Deputy Speaker (Hon. Gladys Boss) in the Chair]

PRAYERS

QUORUM

Hon. Deputy Speaker: Serjeant-at-Arms, ring the Quorum Bell for 10 minutes.

(The Quorum Bell was rung)

Serjeants-at-Arms, you may stop the Quorum Bell.

PAPERS

Hon. Owen Baya (Kilifi North, UDA): Thank you very much, Hon. Deputy Speaker. I beg to lay the following Papers on the Table:

1. Reports of the Auditor-General and the financial statements for the year ended 30th June 2025 and the certificates therein in respect of:
 - (a) Financial Reporting Centre.
 - (b) Institute of Human Resource Management.
 - (c) Kenya Industrial Property Institute.
 - (d) Kenya Investment Authority.
 - (e) Kenya Yearbook Editorial Board.
 - (f) Meru National Polytechnic.
 - (g) National Council for Children's Services.
 - (h) National Syndemic Diseases Control Council.
 - (i) Occupational Safety and Health Fund.
 - (j) Office of the Prime Cabinet Secretary.
 - (k) Petroleum Development Fund, State Department for Petroleum.
 - (l) Petroleum Development Levy Fund (Holding Account).
 - (m) Privatization Commission.
 - (n) Provident Fund.
 - (o) State Corporations Appeal Tribunal.
 - (p) State Department for Industry.
 - (q) Warehouse Receipt System Council.
2. Reports of the Auditor-General and financial statements for the year ended 30th June, 2025 and the certificates therein in respect of the following constituencies:
 - (a) Banissa.
 - (b) Chuka/Igambangombe.
 - (c) Embakasi North.
 - (d) Gatanga.
 - (e) Gichugu.
 - (f) Ijara.

- (g) Kibwezi East.
- (h) Kiharu.
- (i) Kilome.
- (j) Lafey.
- (k) Mandera North.
- (l) Mbeere North.
- (m) Mumias West.
- (n) North Imenti.
- (o) Tarbaj.

Interestingly, there are three Reports on this list for the new Members of Parliament of Banissa, Mbeere North and Ugunja. Please take time and look at these Reports as we table them here. You can find them in the Table Office.

I beg to lay. Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Thank you. Next Order.

I think we have requests for Statements. Hon. David Gikaria requested one from the Chairperson of the Departmental Committee on Blue Economy, Water and Irrigation. Do you have a Statement? Is he present? Hon. Gikaria, you may proceed.

QUESTIONS AND STATEMENTS

REQUESTS FOR STATEMENTS

LACK OF FISHING CORRIDOR IN LAKE NAKURU

Hon. David Gikaira (Nakuru Town East, UDA): Thank you, Hon. Deputy Speaker.

Pursuant to the provisions of Standing Order 44(2)(c), I wish to request a Statement from the Chairperson of the Departmental Committee on Blue Economy, Water and Irrigation, regarding the lack of a fishing corridor in Lake Nakuru.

Lake Nakuru is located within Lake Nakuru National Park in Kenya, in the Rift Valley. It is a shallow alkaline lake renowned for its biodiversity that includes flamingos, rhinos, and over 450 bird species. It is a UNESCO World Heritage site and a Ramsar-designated wetland of international importance.

Historically, the lake supported limited fish populations such as the salt-tolerant tilapia introduced in the 1950s for mosquito control. It was never gazetted for commercial or subsistence fishing under the Kenya fisheries laws. However, fishing activities surged around 2020 due to the rising water levels from heavy rains. That diluted the lake's salinity and allowed freshwater species like Nile tilapia to thrive. Fishermen entering the park encountered hippos, lions, hyenas and baboons, leading to attacks and fatalities.

A formal fishing corridor that is a controlled access zone could formalise regulated access for persons who exclusively rely on fishing for their livelihood. This would be similar to established practices in other lakes such as Lake Naivasha, Lake Turkana and Lake Oliden.

It is against this background that I request a Statement from the Chairperson of the Departmental Committee on Blue Economy, Water and Irrigation on the following:

1. Measures that the Government is putting in place to establish a fishing corridor or designated area for fishing activities in Lake Nakuru.
2. Actions taken to address cases of dumping of sewage into the lake, which has contributed to pollution and toxic metal accumulation in sediments and fish.

Hon. Deputy Speaker: Yes, Hon. Kangogo. Proceed.

Hon. Kangogo Bowen (Marakwet East, UDA): Thank you, Hon. Deputy Speaker. I heard Hon. Gikaria's request for a Statement. As I promised to bring a substantive answer in

the first week after recess, it is worth noting that Lake Nakuru is gazetted as a national park. I do not know if fishing is allowed there. I will bring a comprehensive answer to Hon. Gikaria.

Hon. Deputy Speaker: Hon. Kangogo, send the letter to the Ministry now rather than after recess. It will be available by the time we return from recess, rather than waiting to send the letter after recess.

The next request for Statement is by Hon. Francis Sigei, Member for Sotik.

IRREGULAR ISSUANCE OF BALANCE STATEMENTS

Hon. Francis Sigei (Sotik, UDA): Hon. Deputy Speaker, pursuant to the provisions of Standing Order 44(2)(c), I rise to request a Statement from the Chairperson of the Departmental Committee of Lands regarding the irregular issuance of balance statements to settlers within Gelegel, Motiret, Sotik East, Kipsonoi, Koiyet and Cheplelwa settlement schemes.

Residents in the Gelegel, Motiret, Sotik East, Kipsonoi, Koiyet, and Cheplelwa settlement schemes in Sotik Constituency were allocated land by the Government of Kenya in the 1960s. They acquired these parcels of land through government-issued loans, which were to be repaid over a period of 30 years. A number of settlers completed repayment of their loans and were accordingly issued with a discharge of charge and title deeds for their respective parcels of land. An official search of the respective parcels of land indicates that the title deeds are absolute with no encumbrances on their respective green cards.

Despite having fully settled their obligations, these settlers have recently reported receiving demand notices from the Settlement Trust Fund for accrued arrears, while those who are yet to complete repayment are being issued with incorrect balance statements for their loans. This situation has caused significant concern, as many settlers who have already cleared their arrears continue to receive notices demanding further payment.

Hon. Deputy Speaker, it is against this background that I request a Statement from the Chairperson of the Departmental Committee on Lands on the following:

1. A report on the balance statements of settlers within Gelegel, Motiret, Sotik East, Kipsonoi, Koiyet and Cheplelwa settlement schemes, including a schedule of all payments and details of those who have fully cleared their payments and received a discharge of charge.
2. The measures taken by the Ministry of Lands, Public Works, Housing and Urban Development to reconcile its records and reflect accurate account balances for settlers, to ensure that individuals who have fully settled their arrears are not subjected to double payment.
3. The reasons the Ministry is yet to convene a forum with the settlers through the area Land Adjudication Officer to address and determine the issue of balance statements and payment of loans under the Settlement Trust Fund.
4. An indication of whether there are any considerations being made to waive the loans, including interest, particularly for residents facing hardship in making repayments.

I thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Thank you. Chairperson of the Departmental Committee on Lands or a representative to give an undertaking on behalf of the Committee. Deputy Leader of the Majority Party, give an undertaking on behalf of the Departmental Committee on Lands.

Hon. Owen Baya (Kilifi North, UDA): Hon. Deputy Speaker, we need to do it after recess. However, I will talk to the Committee's Chair and see whether they can do something before and send a response on time. I am much obliged.

Hon. Deputy Speaker: Deputy Leader of the Majority Party, they can send out the Statement now requesting an answer. If they dispatch it this week, it will be available by the time we come back from recess.

Hon. Owen Baya (Kilifi North, UDA): Okay. Thank you. Much obliged.

(Hon. Majimbo Kalasinga and Hon. Julius Melly consulted loudly)

You can also ask the Member for Kabuchai, my friend, Hon. Kalasinga, and the Member for Tinderet to move to the room behind them, if they need to discuss in such high tones.

Hon. Deputy Speaker: Member for Kabuchai and Member for Tinderet. Next is a Statement by the Hon. Member for Keiyo North, Hon. Adams Kipsanai.

STATUS OF THE TAMBACH MUSEUM
IN KEIYO NORTH CONSTITUENCY

Hon. Adams Korir (Keiyo North, UDA): Hon. Deputy Speaker, pursuant to the provisions of Standing Order 44(2)(c), I rise to request for a Statement from the Chairperson of the Departmental Committee on Sports and Culture regarding the status of Tambach Museum in Keiyo North Constituency.

Tambach Museum is a key cultural and historical project aimed at preserving and showcasing the rich heritage of Keiyo Community and the wider North Rift Region. Once complete, the facility will serve not only as a centre for the preservation of historical culture and artefacts but also as a hub for research, learning and tourism.

The project also has the potential to boost the local and international tourism, create employment opportunities and enhance socioeconomic development by attracting visitors and scholars to the region. Despite its importance, Tambach Museum, which was constructed and used during precolonial times, has stalled for years due to inadequate funding, leaving an incomplete structure that denies residents and the nation the cultural and economic benefits it was intended to deliver. The prolonged delay has raised concerns among the community about whether the Government intends to prioritise and fund the project to completion.

Hon. Deputy Speaker, it is against this background that I seek a Statement from the Chairperson of the Departmental Committee on Sports and Culture on the following:

1. The status of Tambach Museum, including details of works completed so far and challenges that have caused delays.
2. The government plans to allocate funds to complete the project, and if so, the timelines for such allocation.
3. Timelines within which the Government intends to commence the project of completing Tambach Museum to ensure it serves its intended cultural, historical and socioeconomic purpose.

I thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Thank you. The Chairperson of the Departmental Committee on Sports and Culture. Is there any Member from that Committee? Yes, Hon. Ngusya.

Hon. Charles Nguna (Mwingi West, WDM): Hon. Deputy Speaker, I will brief the Chairperson. We will respond when we resume from recess.

Thank you.

Hon. Deputy Speaker: Next, we have a Statement by the Member for Machakos County, Hon. Joyce Kamene. You may proceed.

STATUS OF UPGRADING MATUU – EKALAKALA ROAD TO

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BITUMEN STANDARDS

Hon. Joyce Kamene (Machakos County, WDM): Hon. Deputy Speaker, pursuant to the provisions of Standing Order 44(2)(c), I rise to request for a Statement from the Chairperson of the Departmental Committee on Transport and Infrastructure regarding the status of upgrading the Matuu-Ekalakala Road to bitumen standards.

Matuu-Ekalakala Road in Masinga, Machakos County, was commissioned in July 2017 for upgrading to bitumen standards and maintenance at an estimated cost of Ksh1.2 billion. Construction commenced on 19th August 2017, with works scheduled for completion by 19th February 2020. However, the original contractor demobilised and abandoned the works, necessitating the sub-contracting of the works to other contractors. Despite these remedial measures, the road remains incomplete five years down the line, and completed works are rapidly deteriorating. The road has since developed numerous potholes, rendering it inaccessible to motorists and pedestrians and impeding the free movement of people and goods.

Hon. Deputy Speaker, it is against this background that I request for a Statement from the Chairperson of the Departmental Committee on Transport and Infrastructure on the following:

1. A report on the work plan, including financial allocations and timelines, outlining the steps to be undertaken to ensure completion of the project and to guarantee that contractors deliver works of high quality to ensure durability.
2. An indication of the percentage of works completed and the amount paid to the contractors to date, together with measures taken to ensure maintenance of the sections already completed.
3. The measures put in place to ensure that due diligence is undertaken on contractors prior to the award of contracts for the construction of critical infrastructures and to safeguard taxpayers' money from wastage arising from laxity by contractors.

Thank you.

(Hon. Joshua Mwalyo spoke off the record)

Hon. Deputy Speaker: There is no debate on this. Do you have a point of order?

Hon. Joshua Mwalyo (Masinga, Independent): I am not debating; it is just a rider.

Hon. Deputy Speaker: I can indulge you, but that is not procedural.

Hon. Joshua Mwalyo (Masinga, Independent): Thank you, Hon. Deputy Speaker. That road touches my constituency and Yatta Constituency. The contractor was paid Ksh155 million last year. Up to now, the contractor has refused to go back to the site. As the Committee deliberates on this, it can consider whether it is possible to terminate the services of that contractor and engage another contractor.

Hon. Deputy Speaker: Thank you. Chairperson, Departmental Committee on Transport and Infrastructure. Is anyone from that Committee here? Okay. The Deputy Leader of the Majority Party.

Hon. Owen Baya (Kilifi North, UDA): Thank you, Hon. Deputy Speaker. We will respond immediately after we resume from recess. I will also ask the Chairman to ensure that the request is sent to the Ministry now.

Thank you.

STATEMENT

Hon. Deputy Speaker: Thank you. Next is a response from the Chairperson of the Departmental Committee on Blue Economy, Water and Irrigation. Is Hon. Kareke Mbiuki here?

Hon. Member: Yes, he is here.

Hon. Deputy Speaker: Okay. Proceed.

STALLED CONSTRUCTION OF DAMS IN
THARAKA – NITHI COUNTY

Hon. Kangogo Bowen (Marakwet East): Thank you, Hon. Deputy Speaker. Reference is made to a request for a statement by Hon. Kareke Mbiuki, Member of Parliament for Maara Constituency, dated 1st July 2025, on the status of the construction of Thambo and Kanjogu Dams in Tharaka Nithi County. Hon. Kareke Mbiuki was seeking to know the following:

1. The current status of the construction of Thambo and Kanjogu Dams, including the amounts paid to the contractor and the funds disbursed by the Ministry to the Tana Water Works Development Agency.
2. The reason for the delay in completion of the project, and the expected timelines for completion.

I have a response from the Ministry. The Cabinet Secretary, Ministry of Water, Sanitation and Irrigation, has responded as follows:

The Kanjogu Dam Project is being implemented by the Ministry of Water, Sanitation and Irrigation through the Tana Water Works Development Agency. The project was awarded to Zonals Company Limited at a contract sum of Ksh218,534,250. This amount was later revised to Ksh191,687,774.74. The contract was signed on 16th September 2020 and commenced on 1st July 2022, following the issuance of a special-use licence by the Kenya Forestry Service. The project entails the construction of an 18-metre-high earth-fill dam with a crest length of 180 metres, a twin diversion culvert, an open-channel spillway, and a six-metre-wide gravel access road. The dam will have a gross storage capacity of approximately 893,000 cubic metres.

The physical progress stands at 52.44 per cent, with works on site clearance, access roads, diversion channels and part of the core trench substantially completed. Details of the delays will be outlined in the next session. To date, the contractor has been paid Ksh39,724,309, representing 20 per cent of the contract amount, while an additional Ksh42,561,669 is currently being processed.

The same agency is implementing the Thambo Dam project. The project was awarded to Dido and Sons Limited at a sum of Ksh133,503,001. This amount was later revised to Ksh132,354,131. The contract was signed on 16th September 2020 and is expected to be completed by June 2026. The project comprises the construction of an 18-metre-high zoned earth-fill dam with an 82-metre crest length, a clay core, a river diversion system, an open-channel spillway, and a five-metre-wide gravel access road. The dam will have a gross storage capacity of 539,000 cubic metres.

The physical progress currently stands at 42.29 per cent, with key components such as site clearance, access road improvement, diversion works, and embankment preparation completed. Details of the delays will be outlined in the next session. The contractor has been paid Ksh33,944,112, representing 26 per cent of the contract sum. Further payment of Ksh11,566,015 is being processed.

The Ministry of Water, Sanitation and Irrigation has disbursed the total contract sum of both projects to the Tana Water Works Development Agency, and the payments continue to be made based on the certified works. Both remain ongoing and adequately funded.

Question two concerned the reasons for the delay in the construction of the Thambo and Kanjogu Dams and the expected timelines for their completion. Both dam projects experienced initial delays, mainly due to the time required to secure special-use licences from the Kenya Forestry Service. These licences were granted in November 2021. Following the approvals, the agency undertook additional geological and geotechnical reviews to confirm the suitability of the sites. Further, delays arose from the national moratorium on tree cutting, which required separate clearance before works could commence, and from heavy El Niño rains that intermittently disrupted construction activities.

At Kanjogu Dam, a further delay occurred after the original contractor sought to reassign the contract due to financial challenges. These administrative approval processes caused the temporary suspension of the works. The agency has since granted reasonable extensions to the contractors, and with steady progress now recorded at both sites, the projects are expected to be completed in June 2026, subject to continued funding and favourable weather conditions.

I submit.

Hon. Deputy Speaker: Thank you. Hon. Kareke Mbiuki, did you want to say something?

Hon. Kareke Mbiuki (Maara, UDA): Thank you very much, Hon. Deputy Speaker. I want to take this opportunity to thank the Chairperson for the response, but I am very dissatisfied with this answer. This project was initiated in 2021, but the contractors did not commence work until around April 2022 due to the necessary paperwork. They have completed substantive work, but this project has stalled for the past year due to non-payment to the contractors.

In this response, the Cabinet Secretary indicates that the Ministry has remitted all the necessary funds from the Ministry Headquarters to Tana Water. It is stated that the Ministry of Water, Sanitation and Irrigation has disbursed the total contract sum for both projects to the Tana Water Works Development Agency. Payment continues to be made based on certified works. Both projects remain ongoing and adequately funded.

However, this project has stalled due to non-payment. The Ministry claims it has remitted all the funds to Tana Water. My biggest fear is that the funds disbursed by the Ministry to the Tana Water Works Development Agency have been diverted, which is why the contractors are still not back at work.

As shown in the final presentation by the Cabinet Secretary on the last page, the Agency has granted reasonable extensions of time to the contractors, and we now see progress on both sites. The projects are expected to be completed by June 2026, subject to continued funding. The funding is already there, as the Cabinet Secretary has already alluded to, yet the contractors are not being paid. They are saying some payments are being processed for work done.

Can the Chair inform this House when the certified payments currently being processed will be paid so that the contractor can resume work? I really fear that because these contracts have stalled for one good year, the funds have been reallocated or used for other works. I really want to get a response from the Chairman. When will these certified payments be paid to the contractor so that the contractor can resume work?

Finally, the biggest problem we have there is that the Government gave a moratorium on tree cutting, yet more than 50,000 trees have been cut inside the forest. The purpose of these dams was to regenerate the river, so that water could be harvested during the rainy season and used downstream during the dry season. These rivers support the livelihood of all the way from Tharaka to the Tana River. Therefore, we are dealing with a severe issue here most likely misappropriation of the funds appropriated by this House.

Hon. Deputy Speaker: Member for Moiben, Hon. Bartoo.

Hon. Phylis Bartoo (Moiben, UDA): Thank you, Hon. Deputy Speaker. I also support the Hon. Member. The Ministry of Water has a problem: a crisis. It is not just water. The report the Chairman has presented is ideal, but the situation on the ground is unfortunate. Many contractors went to the banks, took loans when they were awarded the contract, and the Ministry has not been able to pay them.

It is not just one project. I am sure this is the case in the entire country. There are many pending projects; they are incomplete, and many contractors are suffering. They have taken loans, and the banks are pursuing them. At the same time, the same Ministry is continuously advertising other projects. I do not know where it is getting the money. Can they decide and complete the ongoing projects so that the contractors are freed before they start advertising for more? That report is just an ideal report that anyone can write. However, the situation on the ground is very different. The contractors are suffering.

Hon. Deputy Speaker: Yes, Hon. Makali, I will give you a chance, and then we can listen to the Chairperson.

Hon. (Dr) Makali Mulu (Kitui Central, WDM): Thank you, Hon. Deputy Speaker. The issues being raised by Members are quite weighty. What makes it even worse is that at the start of the year, we make budget provisions for some of these projects, only for a supplementary budget to reduce the original budgets, leaving the contractors unpaid.

This is happening all over the country, including where I come from. We have a dam called... At the start of the year, we make provisions during the first supplementary budget, the budget is reduced; and during the second supplementary estimates, it is almost entirely removed. You ask yourself, why do we even budget for the money? The Ministry needs to be clear. What is the problem? I believe there is a problem they are not telling us, as Hon. Members. Thank you.

Hon. Deputy Speaker: Chairperson of the Departmental Committee on Blue Economy, Water and Irrigation, this is also touching on most infrastructure projects. You will have to ask the Ministry to clarify.

Hon. Kangogo Bowen (Marakwet East, UDA): Thank you, Hon. Deputy Speaker. Let me first say that I have seen the report by the Cabinet Secretary in response to the question by Hon. Kareke Mbiuki, and even I, as the Chairman of the Committee, am not satisfied with these answers because the Cabinet Secretary has contradicted himself. Suppose you read the question on the second-to-last page. The Cabinet Secretary has written to this House stating that the Ministry of Water, Sanitation and Irrigation has disbursed the total amount. The Ministry has disbursed the total contract sum for both projects to the Tana Water Works Development Agency, and payment continued to be made based on certified works; both projects remain ongoing and adequately funded.

That is what the Cabinet Secretary says. However, on the last page, the Cabinet Secretary tells us that the Agency has since granted the contractor a reasonable extension of time. With the steady progress now recorded on both sites, the projects are expected to be completed by June 2026, subject—again he is saying—subject to continued funding. Yet he has already indicated that he has disbursed all the money on this other page.

In that case, allow me, as the Chairperson of the Committee, to take this up with the Ministry. I will respond during the first week after recess, and thereafter I will seek further clarification from the Cabinet Secretary through the Clerk's Office and, if necessary, have the Cabinet Secretary appear before the Committee. I will also ask the Members who are affected to come at that time.

Regarding ongoing projects, the stalled water projects across the country, my good friend, Hon. (Dr) Makali Mulu, with whom we fellowship in the Church, is an accountant by profession and understands that budgets are projections based on what we collect as a country. That is why we have the supplementary budgets.

We keep on revising our budget. When we project that we will collect this amount of money this financial year, we expect to complete maybe 5 to 7 water projects. Based on our country's collection, we utilise what we have, which is why we sometimes revise projects. What we have budgeted for, say Ksh10 million, we revise to maybe Ksh5 million. We will continue to ensure that stalled projects are well-funded so that Kenyans benefit and have access to water.

Thank you.

Hon. Deputy Speaker: This is a valid question that can be asked of the Cabinet Secretary in person here in the House. That will make more sense. It seems many Members have raised a similar issue. Hon. Owen, I will let you say the last remark. To conclude that, who will ask the question? Hon. Kareke? Hon. Bartoo can also ask a question on the issue before us.

Hon. Owen Baya (Kilifi North, UDA): I want to say this, Hon. Deputy Speaker. I heard my Chair and my good friend, who is very experienced, say that he disagrees with the Cabinet Secretary's response, yet he presented it here. That is a very serious matter for the Chair. You have a responsibility to bring factual responses. If you disagree with a response, do not bring it here. Call the Cabinet Secretary to clarify. Cabinet Secretaries should not think that they can get any garbage into this House. We should put them on the spot before then. You can even return more than 20 times as the Chair to seek factual information. This is so that whatever comes to this House is factual.

I urge Chairs in this House not to accept everything from the Cabinet Secretaries. Put them to the full proof of what they are saying and what they bring to this House. What is brought to this House should be adequately refined. As Chairs, we have a responsibility to help this House get factual information. Cabinet Secretaries also have a responsibility to bring factual information. We should never accept anything. We should doubt what is presented here. That is my point.

Hon. Kangogo Bowen (Marakwet East, UDA): Point of information, Hon. Deputy Speaker.

Hon. Deputy Speaker: Let me listen to Hon. Lesuuda first, then I will come to you as the Chairperson to close.

Hon. Naisula Lesuuda (Samburu West, KANU): Thank you. I like the direction you gave on this matter — that the Cabinet Secretary be called to this House to respond to these issues, as they are grave. As the Deputy Leader of the Majority Party has said, some of the statements that come to this House sound like they are on a template. You can almost predict the response.

We always hear the claim that money is a projection. If it is a projection, why are you starting new projects? Where is the money for those projections, as Hon. Bartoo had asked? I like the direction given, and I think it would be prudent for the Cabinet Secretary to appear before this House. We need the Cabinet Secretary for Roads and Transport and the Cabinet Secretary for Mining, Blue Economy and Maritime Affairs here to discuss the major projects underway in our counties. We also get situations where there is a big launch, and once the launch is done, they leave the site with us. It is a fact. This is lying to the public, and it also puts pressure on us, as leaders, to explain what is going on. The public does not understand that the document was not signed. Contractors are afraid to start projects when no documentation has been given, and no money has been paid.

Finally, we have to be human. These are human beings taking loans to undertake these projects. It is unfair to the public and to us as leaders. Thank you, Hon. Deputy Speaker.

(Hon. Kangogo Bowen spoke off the record)

Hon. Deputy Speaker: Proceed.

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Hon. Kangogo Bowen (Marakwet East, UDA): I agree with Hon. Naisula. However, I want to inform my Deputy Leader of the Majority Party, as he is concerned that I disagree with the answers, even though I am presenting to the House. Procedurally, the Cabinet Secretary provides the answers in writing. Questions are addressed to the Clerk of the National Assembly, not to the Chairperson. We write to the Cabinet Secretary through the Office of the Clerk. When answers come, they also come through the Clerk's Office and are balloted by the House Business Committee. That is why the matters appear in the Order Paper, and I read what has been provided. We do not receive prior answers before presenting to this House.

Hon. Deputy Speaker: I agree with you, Hon. Bowen, that there is no discretion you can exercise to reject an unsatisfactory answer. Procedurally, the Chair only reads the response. After that, the Member who sought the statement indicates whether they are satisfied. That is why we require Members who requested for the Statement to be in the House. Based on that, the House determines the way forward, including summoning the Cabinet Secretary. In this case, when we return from recess, Hon. Kareke will ask the question. Let us close it that way.

Hon. Julius Sunkuli (Kilgoris, KANU): On a point of order, Hon. Deputy Speaker.

Hon. Deputy Speaker: It is Hon. Kareke who will go first, as he had requested.

Hon. Kareke Mbiuki (Maara, UDA): Thank you, Hon. Deputy Speaker. I am also a Chairman of a Committee. In the Departmental Committee on Tourism and Wildlife, we always do the following. Once we receive a request for a statement, we invite the Cabinet Secretary, the Principal Secretary, and the Member who requested the statement to appear before the Committee.

During that sitting, the Member interrogates the Cabinet Secretary and the Principal Secretary. We then determine whether we are satisfied. Suppose further information is required or has been presented. In that case, the Ministry submits a more refined response before I present it here, based on whether the Member agrees or disagrees. I thank the Deputy Leader of the Majority Party and the Hon. Chair. I request that we resume the interrogation of this statement when the Cabinet Secretary has been invited.

I am very particular about this project. During the Financial Year 2020/2021, these two projects were allocated Ksh500 million, and this House appropriated the same amount. The money was transferred to the Ministry of Water and Sanitation, which subsequently remitted it to the Tana Water Works Development Agency. There is that money trail. To date, I do not know what happened to the money intended for this project. The project is now stalled due to non-payment of contractors. I request the Chair to go deeper into this matter so that the project can be completed and benefit the people of the Tharaka Nithi County at large.

I thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Thank you. Hon. Sunkuli, what did you want to say?

Hon. Julius Sunkuli (Kilgoris, KANU): I rise on a point of order to request a more reasoned decision by you on this issue of referring the statement to the Committee. We do not refer matters directly to the Cabinet Secretary. The Committee is not a conduit. In the present setup, what is the role of the Committee? It is not possible that they will receive a letter from the Ministry and transmit it here. It has to be a decision of the Committee. In the Departmental Committee on Health, Hon. Nyikal calls Members to deliberate on a statement presented to the Committee. We call them to come, then we decide.

Lastly, in response to Hon. Kareke Mbiuki's point, the Deputy Leader of the Majority Party and I are still awaiting a statement from the Cabinet Secretary for Tourism and Wildlife regarding Kenya Utalii College. We need clarity on what will happen. Are we going to create Committees to receive statements from the Cabinet Secretary without their input, or how will it be? When are these answers coming from the Ministry?

Hon. Deputy Speaker: What Hon. Kareke and Hon. Sunkuli have suggested is that Committees need to be more innovative in handling statements so that Members can get more

comprehensive answers. This can be discussed at the Liaison Committee to share ideas on how to work better for the Members in this kind of matter. Let us proceed to the next order.

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

[The Deputy Speaker (Hon. Gladys Boss) left the Chair]

IN THE COMMITTEE

[The Temporary Chairlady (Hon. (Dr) Rachael Nyamai) in the Chair]

THE PUBLIC SERVICE INTERNSHIP BILL (National Assembly Bill No.63 of 2022)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai: Hon. Members, we are in the Committee of the whole House to consider the Public Service Internship Bill (National Assembly Bill No.63 of 2022).

Clause 3

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. (Dr) Nyikal, you have an amendment?

Hon. (Dr) James Nyikal (Seme, ODM): Hon. Temporary Chairlady, I beg to move: THAT, Clause 3 of the Bill be amended—

- (a) in paragraph (f), by deleting the word “and” appearing immediately after the expression “service;”

The justification is that the amendment proposes to insert a new definition that links the definition of intern to the new remuneration framework. The proposal will ensure that interns performing full-time duties are recognised legally for purposes of compensation and strengthens labour protection and eliminate ambiguities in terms of remuneration

- (b) by inserting the following new paragraphs immediately after paragraph (g)—

“(h) provide interns with requisite experience in their fields of practice; and

- (i) provide interns with requisite experience in their fields of practice to meet the requirements for registration by a professional regulatory authority.”

The justification for this is that, this amendment proposes to insert two new objects, (h) and (i) to expand it to explicitly cover, meeting professional regulatory requirements and support pre-registration internship. The gist of it is very simple; there are two types of interns. Those who do internship...

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. (Dr) Nyikal, for purposes of making progress, the explanation is clear in the Order Paper, so assist us by referring it to Order Paper and paraphrasing the justification.

Hon. (Dr) James Nyikal (Seme, ODM): So, the justification basically is that you have interns having done their internships being registered by regulatory authorities. You also have interns who actually have the experience, so we are distinguishing the two making sure that those who will need a registration requirement are covered.

(Question of the amendment proposed)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Any interests in this? Those who are interested can hit the intervention button. I do not see any.

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

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

Before we proceed, we have an amendment by Hon. Gichimu. Is Hon. Gichimu in the House?

(Proposed amendment by Hon. Githinji Gichimu dropped)

(Clause 3 as amended agreed to)

Clause 4

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. (Dr) Nyikal.

Hon. (Dr) James Nyikal (Seme, ODM): Hon. Temporary Chairlady, I beg to move:

THAT,, Clause 4 of the Bill be amended, by inserting the following new paragraph immediately after in paragraph (d)—

“(da) professionalism in ensuring that interns are provided with and acquire the practical experience in the codes of conduct that apply to their professional and career development;”

The justification of this is we want to add the issue of professionalism. For the others we are just looking at the practical experience but in professional courses, we would like the people who are registered to also have experience in terms of ethics and codes of conduct so that when they qualify, they know what is expected of them ethically and in their conduct.

Thank you.

(Question of the amendment proposed)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): I do not see any interest in this. Okay, we have an interest. I had said that we go to the intervention button but we have Hon. (Dr) Makali Mulu, Member for Kitui Central.

Hon. (Dr) Makali Mulu (Kitui Central, WDM): I support that amendment Hon. Temporary Chairlady because I think ethical issues at times are not taught in school and I think what Hon. (Dr) Nyikal is proposing is a very important point that even as a professional, in the issue of ethics and the way you conduct your business is crucial. I support the amendment.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Thank you. Hon. Naisula Lesuuda, Member for Samburu West.

Hon. Naisula Lesuuda (Samburu West, KANU): Thank you, Hon. Temporary Chairlady. I also support this amendment. It is important that our interns get the requisite experience so that intern are not just in an institution and given certain assignments that do not assist them in getting experience and also learning the code of conduct and ethics of the profession that they are training for.

Thank you.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Thank you. Hon. Adan Haji, Member for Mandera West, are you interested in this?

(Hon. Adan Haji nodded his head)

There being no further interest, Hon. Members, I now put the Question.

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

(Clause 4 as amended agreed to)

Clause 5

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): We have an amendment by the Hon. Chairperson, Departmental Committee on Labour. Is the Hon. Chairperson in the House? Hon. Chonga, proceed.

Hon. Ken Chonga (Kilifi South, ODM): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 13 of the Bill be amended by deleting the words “not exceed twelve months” and substituting therefor the words “be for a period of between six and twelve months”.

The justification being that the amendment seeks to expressly provide that an internship period under the Bill shall be for a period between six and 12 months to ensure that an intern is afforded sufficient time to gain the requisite skills and experience.

Thank you.

(Question of the amendment proposed)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Yes, Hon. Lesuuda.

Hon. Naisula Lesuuda (Samburu West, KANU): Thank you, Hon. Temporary Chairlady. I support and believe six to 12 months is adequate for anyone who is really looking to gain experience while serving as an intern. I believe one will not have acquired the necessary experience in less than six months.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Thank you. Hon. (Dr) Makali Mulu.

Hon. (Dr) Makali Mulu (Kitui Central, WDM): I just want a clarification Hon. Temporary Chairlady. Some universities and other institutions demand three months. So, what happens to such cases where the requirement is three months internship period?

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Chairperson, would you like to make a comment? Hon. Ken Chonga.

Hon. Ken Chonga (Kilifi South, ODM): Hon. Temporary Chairlady, I beg you to repeat it because I was indulged in another issue.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): I am just asking whether you would like to make a comment on the matter that Hon. (Dr) Makali Mulu has raised concerning the number of months. You know that this is your amendment.

Hon. Ken Chonga (Kilifi South, ODM): Hon. Temporary Chairlady, it is an issue that was debated by the whole Committee and we agreed that the period of six months should be sufficient enough. So, I still stand by that.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. (Dr) Makali. I am sure he did not get the question. So, you can paraphrase it.

Hon. (Dr) Makali Mulu (Kitui Central, WDM): I was seeking for clarification because he is proposing an amendment which says the minimum number of months you can go for internship would be six months and a maximum of 12 months. However, there are cases where students are required by their universities to do a three-month internship. So, how do you accommodate that because it then means you are locking out those who would want to go for

three months and go back to school to continue with their studies? How do you accommodate that? May be your Committee discussed it but clarify.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Let me just say something.

It appears to be a drafting issue in which the Chairperson is proposing the deletion of “established under” and its substitution with “as defined in Article 260 of the Constitution”. That is the amendment by the Chairperson. Is the matter you are raising related to this amendment? If not, then that is why the Chairperson is unable to respond. I would like to proceed. Let us have the Chairman.

Hon. Ken Chonga (Kilifi South, ODM): Hon. Temporary Chairlady, those may be peculiar instances for which, at the moment, there is no clear guideline. As per our engagement on the period of internship, the Committee agreed to delete the words “established under” and substitute them with “as defined in Article 260 of”. Unless the Committee retreats to consider such instances, I may not be able to give a substantive answer at this time.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Lesuuda.

Hon. Naisula Lesuuda (Samburu West, KANU): Hon. Temporary Chairlady, even though I supported, because I remember us deliberating at length, I had proposed three months in the Bill as that is what is mostly needed. The Chairperson needs to clarify further, because what we are discussing is not the amendment. The amendment states that Clause 5 be amended in sub-clause (1) by deleting the words “established under” and substituting them with “as defined in Article 260 of”. That is where the confusion is arising. The amendment simply clarifies that the Bill applies to all public offices as established by and defined in the Constitution. I doubt that this amendment concerns the timeframe because that is appearing in Clause 12.

Thank you, Hon. Temporary Chairlady.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): I think some consultations have been done. Yes, Hon. Sunkuli.

Hon. Julius Sunkuli (Kilgoris, KANU): If the Chairman is amending Clause 5, he may consider vacating it, as he has not internalised it. We could say he is dropping the amendment because it does not relate to Clause 5.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): I agree. I now give the Chairman an opportunity to make any amendments, particularly on the justification, since we are on Clause 5.

Hon. Ken Chonga (Kilifi South, ODM): Hon. Temporary Chairlady, I do not intend to drop the amendment. The justification is very clear. The amendment seeks to clarify that the application of the Bill extends to the collectivity of all public offices as established by and defined under Article 260 of the Constitution.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. (Dr) Nyikal, would you like to clarify further?

Hon. (Dr) James Nyikal (Seme, ODM): Hon. Temporary Chairlady, if we look at Clause 13, an internship period shall be valid for any period as may be.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. (Dr) Nyikal, we must first deal with Clause 5 before we move to Clause 13. We will get there.

Hon. (Dr) James Nyikal (Seme, ODM): Okay.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): I would like to give the Chairperson another chance to clarify. I believe you have now properly consulted.

Hon. Ken Chonga (Kilifi South, ODM): Hon. Temporary Chairlady, Article 260 defines all offices in the public service. The amendment seeks to clarify that the application of the Bill shall extend to the collectivity of all public offices and defined in the Constitution.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Members, the Chairperson is right. Let us have Hon. Lesuuda.

Hon. Naisula Lesuuda (Samburu West, KANU): Thank you, Hon. Temporary Chairlady. Listening to the Chairperson and now looking at Article 1 as it appears in the Bill, his amendment makes sense. He is just removing ‘established under the Constitution’ and specifying “as defined in Article 260”, which defines public officers. It makes sense to support his amendment.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Thank you very much. Please do not confuse the Chairperson again. He is well prepared.

Hon. Naisula Lesuuda (Samburu West, KANU): He is the one who actually raised the issue of the Article. He lost us when he was talking about the period while this is purely straight to the point. His explanation now makes sense. He may just need to be a bit careful in his explanations.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): I want to defend the Chairperson. When you have too many amendments, it is easy to get mixed up. However, he is back to line and the justification he has given is very good.

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

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

(Clause 5 as amended agreed to)

(Clause 6 agreed to)

Clause 7

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Chairperson of the Departmental Committee on Labour, Hon. Ken Chonga.

Hon. Ken Chonga (Kilifi South, ODM): Hon. Temporary Chairlady, I beg to move: THAT, Clause 7 of the Bill be amended in sub-clause (3) by deleting the word “been” appearing in paragraph (b).

The amendment seeks to correct a grammatical error. There is nothing much to it.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Thank you.

(Question of the amendment proposed)

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

Hon. Gichimu Githinji (Gichugu, UDA): Hon. Temporary Chairlady, I have an amendment.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Gichimu, do you have an amendment? It is in the Order Paper, but not in the summarised notes. Hon. Gichimu, please proceed. I am sorry about that.

Hon. Gichimu Githinji (Gichugu, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 7 (1) of the Bill be amended in paragraph (b) by inserting the words “through internship under this Act” immediately after the words “area of study”.

Hon. Temporary Chairlady, one may be exposed in their area of the study, but not necessarily through an internship. It would be too wide to provide that exposure in the area of study is sufficient. So, someone could be denied an opportunity for internship simply because

they have been exposed in a related area of study in their discipline. It is good to be specific and indicate that only those who have not had exposure through internship, as provided under this Act, may be locked out from an internship programme.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Let me first propose the question, and then I will come to you.

(Question of the further amendment proposed)

Hon. Sunkuli.

Hon. Julius Sunkuli (Kilgoris, KANU): I support the amendment but I would like to bring to the attention of the House that the amendment we have just passed is incorrect. Clause 7(b) says:

“has not been exposed to work experience related to the person’s area of study”

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Which specific one are you talking about? Is it the previous one?

Hon. Julius Sunkuli (Kilgoris, KANU): I am referring to Clause 7. If we remove the word “been”, it will read, “has not exposed to work experience related to the person’s area of study”, which spoils the grammar rather than correcting it. Let Hon. Gichimu prosecute his so that he can correct what we have just done since we have done an incorrect thing.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Now that we are in the same amendment, there is no problem. However, I would like to ask if the Hon. Chairman would like to refer to the error that Hon. Sunkuli has highlighted.

Hon. Ken Chonga (Kilifi South, ODM): Thank you Hon. Temporary Chairlady. I recommend that we recommit this amendment to the Departmental Committee.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Chairman, I already put a question to your amendment and the only way we can correct it is by dealing with the amendment by Hon. Gichimu. Kindly approach the Table.

(Hon. Ken Chonga consulted the Temporary Chairlady (Hon. (Dr) Rachael Nyamai))

Hon. Members, we will proceed with Hon. Gichimu’s amendment, and therefore recommit the amendment later. Hon. Gichimu. You had already moved.

(Hon. Gichimu Githinji stood in his place)

You may take your seat.

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

(Clause 7 as amended agreed to)

Clause 8

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Lesuuda

Hon. Naisula Lesuuda (Samburu West, KANU): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 8 of the Bill be amended in paragraph (k) by deleting the words “in the case of a public service institution in the National Government, or the County

Executive Committee Member, in the case of a public service institution in the county government” appearing immediately after the words “Cabinet Secretary”.

Perhaps we shall go back to Clause 2. Once Clause 2 removes counties from the definition of public service institution, it becomes necessary to remove...

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Lesuuda, we are yet to handle Clause 2. We shall come back to it.

Hon. Naisula Lesuuda (Samburu West, KANU): Okay. Clause 8 refers to that. So, once Clause 2 removes the word, “counties” from the definition of public service institution, it becomes necessary to remove all remaining references to county approving authorities for logical consistency. This is just cleaning it up through the deletion.

(Question of the amendment proposed)

I do not see any interest in this.

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

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): We have another amendment by Hon. (Dr) Nyikal.

Hon. (Dr) James Nyikal (Seme, ODM): Hon. Temporary Chairlady, I beg to move: THAT, Clause 8 of the Bill be amended-

1. by deleting paragraph (g) and substituting therefor the following paragraph

—
“(g) pay the prescribed stipends or remuneration to interns, in accordance with this Act, or in accordance with the structure of remuneration prescribed by the public service institution for interns who offer full time service.”

2. in paragraph (k), by deleting the word “and” appearing immediately after the expression “experienced;”

3. by inserting a new paragraph immediately after paragraph (k)-

“(ka) coordinate with an appropriate authority to monitor and supervise interns who are in service prior to registration by a regulatory body; and”

The import of the proposed amendment regards payment, which I describe here as stipends. The amendment corrects that by including remuneration in respect of interns, particularly, medical interns and other professionals, who work and are therefore remunerated in accordance with the payment structure of the institution they work for. This to a large extent takes care of the issue of medical interns. I believe the same applies to other areas like engineering and architecture.

Thank you.

(Question of the amendment proposed)

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

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

(Question, that the words to be inserted)

be inserted, put and agreed to)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): We have another amendment by Hon. Gichimu on the same.

Hon. Gichimu Githinji (Gichugu, UDA): Hon. Temporary Chairlady, in view of the passed proposed amendment by Hon. Lesuuda, I seek to withdraw my amendment.

*(Proposed amendment by
Hon. Gichimu Githinji withdrawn)*

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Thank you.

(Hon. (Dr) Makali Mulu spoke off the record)

Hon. (Dr) Makali.

Hon. (Dr) Makali Mulu (Mwingi Central, WDM): Hon. Temporary Chairlady, let me just clarify further on this. This amendment intends to leave counties to do their own programmes on matters internship such that what we are doing relates to the national Government. However, many of our students also benefit from county internships. Assuming a county is not clear on this, what happens? It is not good to go on record that this should encourage counties to think of legislative proposals to take care of the gap that arises from Hon. Lesuuda's amendment?

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Mover, Hon. Lesuuda.

Hon. Naisula Lesuuda (Samburu West, KANU): Thank you Hon. Temporary Chairlady. In the original Bill, I had considered the matter of counties. But after thinking about it, I realised that different counties have different County Executive Committee (CEC) members with different names and titles on who deals with matters internship. It is not as clear as the national Government where we are certain it is the Ministry of Public Service, Human Capital Development and Special Programmes that we deal with. That is why we came up with a clause that dictates that each county comes up with its own legislation on how to deal with interns.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. (Dr) Nyikal.

Hon. (Dr) James Nyikal (Seme, ODM): We should reconsider that. On matter of interns, if we say that each county enacts their own legislation, the entire amendment is lost. Let me give an example, though unrelated. When we did the Facilities Improvement Financing Act (FIF Act), we put a provision that counties can amend it. Currently, every county is doing their own Facilities Improvement Financing (FIF) Act. We need a law that covers everybody, including the counties.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Members, that is a serious matter. It is a big issue that we cannot make a decision on at this point.

(Hon. (Dr) Makali Mulu spoke off the record)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Makali, you can proceed.

Hon. (Dr) Makali Mulu (Kitui Central, WDM): Hon. Temporary Chairlady, this Bill is very important and therefore, we need to pass it. If we include the counties, it means it will have to pass through the Senate. This will require a wider discussion because if we introduce the legislation in the counties, it would be a shared Bill between the National Assembly and the Senate.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Members, although I do not have a vote on this, I have listened to the justifications by Hon. Lesuada who is the Mover of this Bill. It is something she must have thought through; the position of the Public Service Commission (PSC) during harmonisation. We should not have a situation where students are treated differently in different counties with the possibility of getting a different product. What she is trying to seek is some kind of uniformity.

(Hon. Mwengi Mutuse spoke off the record)

Hon. Eckomas Mutuse, do you have interest in this or are you are announcing your presence?

Hon. Mwengi Mutuse (Kibwezi West, MCCC): Hon. Temporary Chairlady, I agree with you that we need to have uniformity throughout the country in terms of how we manage internships. If we allow each county to set its own standards, we are likely to dilute the purpose of this Bill. Therefore, with a lot of respect to my colleague, I urge that we set a national standard, as established by PSC. That is what should be cascaded down to the counties. That way, what internship entails would be clear across the country.

Thank you, Hon. Temporary Chairlady.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Gichimu already withdrew his amendment. Hon. Members, I will now put the global question.

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

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

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

(Clause 8 as amended agreed to)

Clause 9

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Sunkuli, we will start with your amendment to Clause 9.

Hon. Julius Sunkuli (Kilgoris, KANU): Hon. Temporary Chairlady, I was concentrating on Clause 2 that I forgot about Clause 9.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): We will get to Clause 2. We are yet to handle it.

Hon. Julius Sunkuli (Kilgoris, KANU): Hon. Temporary Chairlady, I propose that Clause 9 be amended by inserting the words “and any other benefits” immediately after the word “stipend”.

Hon. Temporary Chairlady, I do not think this is my amendment. I do not want to own this amendment because it is written Hon. Sunkuli James and I am Sunkuli Julius.

(Laughter)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Will you move it as it is in the Order Paper?

Hon. Julius Sunkuli (Kilgoris, KANU): Yes, that is alright. Hon. Temporary Chairlady, I beg to move:

THAT, Clause 9 of the Bill be amended by deleting the word “ready to be” appearing immediately after the word “be” in paragraph (c).

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Yes. That is what we have in the Order Paper.

(Question of the amendment proposed)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): I do not see any interest in this.

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

We have another amendment by Hon. Gichimu on the same clause.

Hon. Gichimu Githinji (Gichugu, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 9 of the Bill be amended by—

(a) deleting paragraph (d); and

(b) deleting paragraph(f).

The reason for the deletion of paragraph (d) is because it does not make sense. It reads as follows:

The intern to be engaged in public service shall make effort to acquire relevant skills in the area of specialisation.

In my opinion, this is not quantifiable. When one is on internship, they acquire relevant skills. Therefore, the paragraph is superfluous and that is why I seek to delete it.

(Question of the amendment proposed)

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

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): We now move to the amendment by Hon. Nyikal.

Hon. (Dr) James Nyikal (Seme, ODM): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 9 of the Bill be amended, by inserting the following new paragraph immediately after paragraph (f)—

(fa) provide regular feedback to the appropriate regulatory authority in cases of preregistration interns.

I am proceeding under the assumption that what has passed is only related to paragraph (p) and not (f). Mine is to propose that we provide regular feedback to the supervisor. The interns are regulated by the regulatory authorities. It is important that they also provide feedback to those regulatory authorities.

Thank you, Hon. Temporary Chairlady.

(Question of the amendment proposed)

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

(Clause 9 as amended agreed to)

Clause 10

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. (Dr) Nyikal, proceed.

Hon. (Dr) James Nyikal (Seme, ODM): Hon. Temporary Chairlady, I beg to move:

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

10. An intern engaged in the public service shall be eligible for—

(a) a monthly stipend as the Cabinet Secretary shall prescribe in regulations; or

(b) a monthly payment as a public service institution may prescribe for interns who offer full time service in line with the structure of compensation in the institution.”

The amendment seeks to recognise that medical interns who are employed, are paid according to what the institution in which they work for pays. Basically, we are covering them because the other paragraph limits them to stipends only; yet in the case of medical interns, it should not be stipends.

Thank you, Hon. Temporary Chairlady.

(Question of the amendment proposed)

Hon. Gichimu Githinji (Gichugu, UDA): Hon. Temporary Chairlady, I agree with Hon. Nyikal. However, his concern would be cured by the amendment which I am proposing; which says: “any other benefit” to cover for whatever else is missing. It may not only be the medical field that has interns with different benefits. When we say “any other benefit”, it covers everyone.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): You will notice that Hon. Nyikal has proposed a deletion, and he has substituted it with another paragraph. You need to look at it. If Hon. Nyikal’s amendment goes through, yours will fall.

Hon. Gichimu Githinji (Gichugu, UDA): Why?

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Because he is proposing a deletion.

Hon. (Dr) James Nyikal (Seme, ODM): This is important. After the deletion under (a), I have brought what is in the Bill as it is. Although there is a deletion, that is it. Hon. Gichimu can attach his amendment to 10(a) of what I proposed.

But 10(b) is a very important element because these are employed people, and are paid gratuity. To take the whole of that and place it under “any other benefit” will demean the seriousness of that aspect. It is important because we know it causes problems in the health sector every time.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Before we go to the Mover, Hon. Lesuuda, I would like to give a chance to Hon. Gichimu to further amend Hon. (Dr) Nyikal’s amendment to achieve his amendment. Hon. Gichimu, are you ready? If you are ready, move the amendment but, if you are not, I can give this chance to Hon. Lesuuda then come back to you after a minute. So, let us have Hon. Lesuuda then come to you. Get ready.

Hon. Naisula Lesuuda (Samburu West, KANU): Thank you, Hon. Temporary Chairlady.

I support the amendment by Hon. (Dr) Nyikal. He has made it tidier in Clause 10(a) of the Bill. But I propose and ask whether it would be possible to just add what Hon. Gichimu proposes because we will attain the same meaning he intended. I also support what Hon. (Dr) Nyikal has said because there are interns, for example, the Junior Secondary School (JSS)

interns, teachers and medics, who have a different payment arrangement. They will now be covered in this Bill.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Thank you very much. Hon. Gichimu, you now have a chance.

Hon. Chairperson, you need to be attentive because I would like you to tell us whether you agree with him or not.

Hon. Gichimu Githinji (Gichugu, UDA): Hon. Temporary Chairlady, I beg to move: THAT, Clause 10 of the Bill be amended by inserting the words, “any other benefit” immediately after the word, “stipend”. This is so that my amendment can be carried along that of Hon. (Dr) Nyikal.

(Question of the amendment proposed)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Mutuse Eckomas?

Hon. Mwengi Mutuse (Kibwezi West, MCCP): Thank you, Hon. Temporary Chairlady.

The objective by Hon. (Dr) Nyikal is noble. But, in my view, the way it is drafted does not clearly show the intent. If the intent is to have full-time interns, like the medical interns, earning benefits, it can be tidier in the manner proposed by Hon. Gichimu. Nothing prevents what Hon. Gichimu is proposing. So, I do not know if both of them can compromise for drafting purposes. It will become clearer that an intern can earn a stipend and other extra benefits. That way, we do not have to involve both the Cabinet Secretary and a public service institution. Otherwise, there will be no clarity on who sets the benefits.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. (Dr) Nyikal. I hope you are speaking to the amendment by the Hon. Gichimu

Hon. (Dr) James Nyikal (Seme, ODM): Hon. Temporary Chairlady, whereas I...

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): I hope you are speaking to the amendment by Hon. Gichimu.

Hon. (Dr) James Nyikal (Seme, ODM): Yes. I actually agreed because if at the position of the Cabinet Secretary, he is paying stipends, that is something that is handled differently. Even during budgeting, stipends are not taken as seriously as remuneration. So, if we remove (b) and leave only “any other,” we will lose out. Hon. Gichimu, by saying “monthly stipend or any other benefit,” can enhance the stipend area. It still belongs to the stipend.

When it comes to (b), we are talking about somebody on regular payment. Let us remember that this is not only about government institutions. We have interns such as medical or engineering interns who may be working in non-government institutions, like mission hospitals that employ interns. That will leave them out. I do not think private or mission hospitals will subject themselves to the public service payment regime. But (b) allows them to use what they have in their own institution. Let me give an example. The Aga Khan University Hospital takes interns, but we cannot subject them to public service rules. We should subject them to their own rules on how they remunerate their employees. So, I support the further amendment by Hon. Gichimu and propose that (b) be left intact.

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

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Now, I go back to the amendment by the Hon. (Dr) Nyikal.

(Question, that the words to be left out)

be left out put and agreed to)

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

(Clause 10 as amended agreed to)

With that, Hon. Gichimu's amendment falls. But the good part is that it is already taken care of.

Thank you very much.

Clause 11

Hon. Gichimu Githinji (Gichugu, UDA): I do not have an amendment.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Unless you withdraw it, you have an amendment that is in the Order Paper. Is it your amendment or someone put it there?

Hon. Gichimu Githinji (Gichugu, UDA): It is mine.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Okay, please proceed.

Hon. Gichimu Githinji (Gichugu, UDA): Hon. Temporary Chairlady, I beg to move: THAT, the Bill the amended by deleting Clause 11.

The clause reads; every intern engaged in public service shall be entitled to the provision of personal accident insurance cover by the relevant public service institution. Having amended Clause 10, insurance cover now falls under “any other benefit.” So, I believe it is already covered. That is why I propose to delete Clause 11.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Thank you.

Hon. Gichimu Githinji (Gichugu, UDA): When we limit interns to only a personal accident insurance cover, we restrict them. There are other insurance covers that may be required when interns are serving. That is why we should state that entitlements would be prescribed through regulations by the Cabinet Secretary. That is why I sought to insert “any other benefit.” An insurance cover is also a benefit to an intern.

(Question of the amendment proposed)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): I see a lot of interest in this. I am starting with Hon. Sunkuli.

Hon. Julius Sunkuli (Kilgoris, KANU): I support, Hon. Temporary Chairlady, in view of the fact that the Social Health Authority (SHA) is not a responsibility for the employer at the moment. It is going to be a contravention of the fact that the employer does not participate in the SHA, and to ask the employer to go beyond SHA might be too expensive. It would have budgetary implications.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Thank you. Dr Nyikal?

Hon. (Dr) James Nyikal (Seme, ODM): Whereas I appreciate, I would appeal to Hon. Gichimu that his “any other” there was good and covers many things. But my understanding of this is that it is a provision of personal accident insurance. My mind is thinking of interns who are working in factories. You get young people and, during their training, for example, engineers, you place them in a factory. Or you get people in civil engineering, architecture or quantity surveying, and you take them to a building site. These are places that are likely to have accidents, and this is what we are talking about, not medical cover. Going by Hon. Gichimu’s other amendment, “any other” would be neat, and would cover this. But I can see that “any other” does not commit the institution as clearly as specific indications. We are thinking of people in areas prone to accidents, like factories and building sites. Let us protect the young

people and let this provision remain. Hon. Gichimu loses nothing by the earlier amendments in Clause 10.

So, I oppose gently.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Are you opposing the deletion?

Hon. (Dr) James Nyikal (Seme, ODM): Yes.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Well, I want to hear from the Chairman of the Committee, Hon. Ken Chonga.

Hon. Ken Chonga (Kilifi South, ODM): Hon. Temporary Chairlady, I support Dr Nyikal because I am seeing some ambiguity in this.

I support.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Are you supporting the deletion?

Hon. Ken Chonga (Kilifi South, ODM): That is exactly what I am saying.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): You are supporting the deletion by the Hon. Gichimu?

Hon. Ken Chonga (Kilifi South, ODM): Dr Nyikal?

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): No, Dr Nyikal is opposing.

Hon. Ken Chonga (Kilifi South, ODM): Sorry.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Members, you have to be keen so that we can make progress. Are you opposing the deletion, or accepting that Hon. Gichimu can proceed with the deletion?

Hon. Ken Chonga (Kilifi South, ODM): No. I am opposing the proposal by Hon. Gichimu.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Are you opposing the deletion?

Hon. Ken Chonga (Kilifi South, ODM): Yes.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Okay. Any other interest? Hon. Timothy Toroitich, Member for Marakwet West, then we shall close.

(Hon. Timothy Kipchumba spoke off the record)

Hon. Members, who are in the House and have an interest in this Bill, please press the intervention button. Hon. Gichimu wants to say something before we close. One minute or less.

Hon. Gichimu Githinji (Gichugu, UDA): Hon. Temporary Chairlady, this clause might also be discriminatory. Do other public servants enjoy personal accident insurance cover? We need to ask ourselves whether such a cover is usually provided, so that we do not make it possible for interns only to enjoy it while other public servants do not.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): I would like to give one final chance to the Chairman of the Committee. Chairman, one final comment.

Hon. Ken Chonga (Kilifi South, ODM): Hon. Temporary Chairlady, the reason it is being proposed is that they do not enjoy that benefit.

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

(Clause 11 agreed to)

Clause 12

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Chairperson, Hon. Ken Chonga.

Hon. Ken Chonga (Kilifi South, ODM): I beg to move:

THAT, Clause 12 of the Bill be amended by inserting the following new paragraph immediately after paragraph (b)—

(ba) leave days on a pro rata basis as shall be determined by the Cabinet Secretary.

The justification is that the amendment seeks to ensure that an intern shall be entitled to such leave as shall be determined by the Cabinet Secretary, having regard to the period of internship.

Thank you.

(Question of the amendment proposed)

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

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. (Dr) Nyikal, you have an amendment on the same.

Hon. (Dr) James Nyikal (Seme, ODM): Thank you, Hon. Temporary Chairlady. I beg to move:

THAT, Clause 12 of the Bill be amended, by inserting the following new sub clause immediately after sub clause (2)—

(3) Subsection (2) shall not apply to interns who offer full-time service within the public service.

Clause 12 was talking about gratuity leave. We are talking about people who are on salaries, and therefore, if they are on salaries, they will be entitled to that. I propose an amendment so that the provision does not apply to them, so that they can be on salaries and get gratuity leave. That is the import of the amendment.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Thank you.

(Question of the further amendment proposed)

Hon. Eckomas Mutuse.

Hon. Mwengi Mutuse (Kibwezi West, MCCP): The amendment being proposed by Dr Nyikal, in my view, enhances the purpose of the provision, which is to further cater for the welfare of the interns. Because they will be providing services, often equivalent to those of a fully employed, it is only fair, in terms of labour rights and labour relations, that at the end of their internship period, they also get gratuity as proposed.

I fully support.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Thank you.

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

(Clause 12 as amended agreed to)

Clause 13

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Chairman, Hon. Ken Chonga.

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Hon. Ken Chonga (Kilifi South, ODM): I beg to move:

THAT, Clause 13 of the Bill be amended by deleting the words “not exceed twelve months” and substituting therefor the words “be for a period of between six and twelve months”.

The amendment seeks to expressly provide that an internship period under the Bill shall be between six and 12 months, to ensure that an intern is afforded sufficient time to gain the requisite skills and experience.

Thank you.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Thank you very much, Chairman.

(Question of the amendment proposed)

Yes, Hon. Sunkuli.

Hon. Julius Sunkuli (Kilgoris, KANU): Hon. Temporary Chairlady, I oppose that amendment because it does not conform to the reality in Kenya. Most schools, the Rift Valley Institute, Utalii College and others, require their students to go for an internship, but they are given a period of three months. Introducing a law that excludes a large number of people is unfair. The Chairman should consider removing that provision in the interest of hustlers.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Members, please, use the intervention button if you want to contribute to this amendment. I see the Nominated Member, Hon. Irene Mayaka. Is she here? Member for North Imenti, Hon. Rahim.

Hon. Rahim Dawood (North Imenti, Independent): Hon. Temporary Chairlady, I agree with Hon. Nyikal because we needed clarity, which he has given.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Actually, we are on the amendment to Clause 13, which was moved by the Chairman of the Committee, Hon. Ken Chonga. Hon. Gichimu.

(Several Members spoke off the record)

Let me follow the intervention list. Hon. Naisula Lesuuda.

Hon. Naisula Lesuuda (Samburu West, KANU): Thank you, Hon. Temporary Chairlady. The Committee deliberated extensively on the issue of the timeframe. The amendment to Clause 13 caters for everyone. We are just stipulating that an internship cannot exceed 12 months. The Clause states that an internship period shall be valid for any period as may be determined by a person in charge of a public service institution, but such internship period shall not exceed 12 months.

The length of the internship period also depends on the institution. We are amending the Clause so that an internship period can last between six to 12 months. However, some students might only have three months available to undertake an internship. Are we saying that that student must undertake an internship for six months in order to graduate? I am re-thinking my decision to support the Chairman and the Committee's amendment.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Members, the Bill states that an internship period shall not exceed 12 months. Hon. Gichimu.

Hon. Gichimu Githinji (Gichugu, UDA): Hon. Temporary Chairlady, I oppose the amendment by the Chairman because the phrase “not exceed 12 months” takes care of his concern. As Hon. Naisula has said, in some instances, an internship might be for a short period. That amendment locks out anybody who wants to go for internship for three or four months. The phrase “not exceed 12 months” as provided in the Bill should cover any period between six and 12 months.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Members, the amendment by the Chairman states that the internship period shall be for a period of between six and 12 months, while the Bill states that the internship period shall not exceed 12 months. I will give this chance to the Nominated Member, Hon. Irene Mayaka.

Hon. Irene Mayaka (Nominated, ODM): Thank you, Hon. Temporary Chairlady. I also oppose the Chairman's amendment because the phrase "for a period of between six and 12 months" is too definitive. Just to give a practical example, jurisprudence internships take three months. Therefore, when you define the internship period to be between six to 12 months, you are locking out those who can only go for internship for a period of three months. The phrase "shall not exceed 12 months" caters for everyone.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Member for Marakwet West, Hon. Timothy Toroitich.

Hon. Timothy Kipchumba (Marakwet West, Independent): Hon. Temporary Chairlady, I rise to support the amendment by the Chairman. The original provision in the Bill caps the internship period at a maximum of 12 months. The amendment to Clause 13 by Hon. Nyikal states that subsection (1) shall not apply where a regulatory authority prescribes an internship period that exceeds twelve months. What will happen in situations where an agency, authority or entity provides internship that exceeds 12 months? If we limit the internship period to the timeframe originally provided for in the Bill, what happens to internships that exceed 12 months?

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): The Chairman is clear about the internship period being between six to 12 months. That applies to all other amendments. Hon. Members, should I proceed to put the Question?

Hon. Members: Yes!

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

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Members, we have another amendment to Clause 13 by Dr Nyikal. I hope we can move faster.

Hon. (Dr) James Nyikal (Seme, ODM): I will be fast.

Hon. Temporary Chairlady, I beg to move:

THAT, Clause 13 of the Bill be amended—

(a) by renumbering the clause as sub clause (1)

(b) by inserting the following new sub clause immediately after sub clause (1) —

“(2) Subsection (1) shall not apply where a regulatory authority prescribes an internship period that exceeds twelve months for an intern including a preregistration intern.

The internship period stipulated in the Bill will suffice for a majority of interns who are not under regulatory authorities. My amendment is for situations where a regulatory authority requires an internship period of more than 12 months like medical interns. The original provisions in the Bill are limiting. The Clause applies to everybody, but for preregistration interns, the requirement by the regulatory authority is important. This will avoid creating a conflict in law.

Thank you, Hon. Temporary Chairlady.

(Question of the amendment proposed)

(Question, that the words to be left

out be left out, put and agreed to)

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

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

(Clause 13 as amended agreed to)

Clause 14

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Lesuuda.

Hon. Naisula Lesuuda (Samburu West, KANU): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 14 of the Bill be amended in sub-clause (1) by deleting the words “twenty-four hours” appearing immediately after the word “exceeding” in paragraph (a) and substituting therefor the words “seventy-two hours”.

This is just to clarify that Article 232(1)(g) of the Constitution emphasises merit, fair competition, and qualification. Prior internship provides relevant public sector experience and demonstrates capability, which is consistent with merit-based recruitment. By inserting this provision in the Clause, recruiters will consider internship as work experience and give the applicant additional points over someone who has not done an internship. Interns requested to be absorbed in the institutions they interned with. I know that there could sometimes be budgetary constraints that prevent their automatic recruitment after internship, but it is important for us to factor that someone, probably, took a whole year to do an internship. That should count as experience.

(Question of the amendment proposed)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Members, if you have interest in speaking to an amendment, press the intervention button. I do not see any one interested.

(Hon. Naisula Lesuuda and Hon. (Dr) James Nyikal spoke off the record)

What is indicated on my document and in the Order Paper is Clause 14. You moved the amendment properly by indicating Clause 14.

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

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

(Clause 14 as amended agreed to)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): We have a further amendment by Hon. Gichimu. It is important for you to know that part of your amendment has already fallen because we have carried the one by Hon. Lesuuda.

Hon. Naisula Lesuuda (Samburu West, KANU): On a point of order, Hon. Temporary Chairlady.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): What is out of order, Hon. Lesuuda?

Hon. Naisula Lesuuda (Samburu West, KANU): Looking at the Order Paper, I think I moved the wrong amendment. If you check the New Clause 15A, you will realise that I moved Clause 15 and not Clause 14. Is that so? I can go back to Clause 14. It is the one I moved on interns' experience being factored when they are being recruited. It appears on the Order Paper as Clause 15.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): You moved Clause 14 properly. However, you can move Clause 14 again. We are still there so you have an opportunity to move it again.

Hon. Naisula Lesuuda (Samburu West, KANU): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 14 of the Bill be amended in sub-clause (1) by deleting the words "twenty-four hours" appearing immediately after the word "exceeding" in paragraph (a) and substituting therefor the words "seventy-two hours".

This is because Article 47 of the Constitution requires administrative actions to be lawful, reasonable and procedurally fair. I looked at the 24-hour requirement and realised that something might happen to someone and they collapse. In such a case, maybe, that person would not have reported to the employer within 24 hours. I thought that is quite in order.

I thought 24 hours is also reasonable because we cannot have interns disappearing and the only thing we are saying is "please just notify your employer that you are not able to go to work".

Thank you.

(Question of the amendment proposed)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Members, I had asked you to use the intervention button. Hon. Timothy Toroitich.

Hon. Timothy Kipchumba (Marakwet West, Independent): I rise to support the amendment by the Hon. Chairman because 24 hours is quite unreasonable. I think 14 days is reasonable to the extent that someone can explain where they were. That guarantees fair hearing pursuant to Article 50 of the Constitution.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Member of Baringo County.

Hon. Jematiah Sergon (Baringo County, UDA): I also support the amendment by my sister, Hon. Lesuuda. The 24 hours is relatively short depending on the circumstances an individual might be going through. It is good to consider this, on humanitarian grounds.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Thank you very much, Member for Baringo County. Hon. David Mbooni of Kitui Rural Constituency.

Hon. David Mwalika (Kitui Rural, WDM): Thank you.

I think 24 hours is quite a short period. Of course, 14 days is quite a long time. I beg to agree with Hon. Lesuuda. Ni Lesuuda wala sio Bensouda. We can reduce this time to about 72 hours since 14 days is too long.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Gichimu.

Hon. Gichimu Githinji (Gichugu, UDA): I also support the amendment by my colleague, Hon. Naisula. I drop my amendment and go by hers. This will enable interns to be serious in their work. It also provides for an explanation of absenteeism. Three days or 72 hours is good enough.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Are you officially withdrawing Clause 14(a) but still want to prosecute part (c) and (d)? Or, have you withdrawn everything?

Hon. Gichimu Githinji (Gichugu, UDA): No. I will prosecute the other two.

(Hon. Gichimu Githinji's further amendment to Clause 14(a) dropped)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. (Dr) Nyikal.

Hon. (Dr) James Nyikal (Seme, ODM): I need some guidance. Would that also apply to interns on working terms or they will be handled in accordance with labour laws? Such instances might continue happening on various grounds if you are thinking of somebody who is employed and being paid. It is okay for an intern who is just getting experience.

I seek guidance.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Are you seeking clarification from the Mover? Hon. Lesuuda, I give you a minute.

Hon. Naisula Lesuuda (Samburu West, KANU): The amendment is reasonable for anyone who is on internship. Why would you not communicate to your employer within three days? It is not saying "missing work". It is saying "without permission or reasonable cause for a period exceeding 24 hours". Just notify your employer why you are out of work, whether you are employed as an intern or you are there to gain experience. It cuts across.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Thank you.

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

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

Hon. Gichimu, you now have a chance to move your amendments.

Hon. Gichimu Githinji (Gichugu, UDA): I beg to move a further amendment:

THAT, Clause 14 of the Bill be further amended in sub-clause (1)"

(b) by deleting paragraph (c); and

(c) by deleting paragraph (d).

"Unsatisfactory performance" is a vague consideration for someone to be dismissed from an internship. What is the yardstick for measuring that performance? It is left to the whims of the person whom the intern is under to determine what unsatisfactory performance is. Unless we have a list of what is "unsatisfactory performance" or define it, I think that is superfluous.

The same applies to sub-clause 1(d) where it says "failure to obey lawful instructions". What are lawful instructions? That is also left in the discretion of the person under whom the intern is serving, to determine such things. It is fair that we delete them to avoid a situation where an intern will be chased away or discontinued for reasons that cannot be measured or ascertained.

(Question of the amendment proposed)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Member for Marakwet West Constituency, Hon. Timothy Toroitich.

Hon. Timothy Kipchumba (Marakwet West, Independent): Whereas I support the further amendment by Hon. Gichimu in sub-clauses 1(c) and 1(d), sub-clause 1(e) says "commission of a criminal offence". Who determines whether an offence is criminal? I do not

know whether I am allowed to propose an amendment at this stage. I would ask: who determines the nature of offence once an intern has been arraigned before a court of law and charged with a criminal offence? Can an employer determine whether an offence is criminal?

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): So, you are now supporting deletion of sub-clauses 1(c) and 1(d)?

Hon. Timothy Kipchumba (Marakwet West, Independent): I am supporting deletion of sub-clauses 1(c) and 1(d).

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Okay. Move your amendment.

Hon. Timothy Kipchumba (Marakwet West, Independent): I beg to move:

THAT, Clause 14 of the Bill be further amended in sub-clause (1)(e) by deleting the words “commission of a criminal offence” and substituting therefor the words “arraigned before a court of law and charged by the commission of a criminal offence.”

An employer cannot determine whether an offence is criminal unless charges have been preferred against an individual and the matter taken before a court of law so that an offence is prescribed as criminal or not.

Thank you.

Hon. Naisula Lesuuda (Samburu West, KANU): Thank you, Hon. Temporary Chairlady. I hear what my colleague is saying but he cannot propose an amendment on the Floor. The amendment before us is the one by Hon. Gichimu which I support. That is a good proposal but there is no amendment.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Lesuuda, he can further amend Hon. Gichimu’s amendment.

Hon. Naisula Lesuuda (Samburu West, KANU): I am well guided but I thought this is a totally different amendment. Hon. Gichimu is proposing the deletion of (b) and (c). Can we deal with that first?

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. David Mboni.

Hon. David Mwalika (Kitui Rural, WDM): Thank you very much. I support the deletion as proposed by Hon. Gichimu. This is a valid argument because the employer determines if an individual performed or not. This should not be in the law. As he said, if we put it a law, then we need to list indicators of performance and non-performance. I support the deletion of this clause.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Members, criminal offences are known. For us to progress, I would like to put the question. Yes, Hon. (Dr) Nyikal, I hope you are the last one on this.

Hon. (Dr) James Nyikal (Seme, ODM): My colleagues have said that unsatisfactory performance can be measured, similar to criminal offences. I support the deletion because under Clause 15, the Cabinet Secretary may make regulations for the benefit to carry out this Bill. These details should be left to the Cabinet Secretary. Deleting them does not deny the system a way of dealing with those with unsatisfactory performances and those with criminal offences because the regulations can take care of that.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Before I put the question, let us hear from Hon. Jematiah.

Hon. Jematiah Sergon (Baringo County, UDA): I agree with the deletion of sub-clauses (b) (c) and (d). The intention of the Mover was positive.

(Technical hitch)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Members, I wish to put the question now.

(Question of the further amendment proposed)

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

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

(Clause 14 as amended agreed to)

Clause 15

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Gichimu.

Hon. Gichimu Githinji (Gichugu, UDA): Hon. Temporary Chairlady, I beg to move: THAT, Clause 15 of the Bill be amended by deleting the word “may” and substituting therefor the word “shall”.

The Cabinet Secretary shall make regulations for the better carrying out of the provision. If we leave it as it is, then the Cabinet Secretary is not obligated to make those regulations.

(Question of the amendment proposed)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Yes, Hon. Sunkuli.

Hon. Julius Sunkuli (Kilgoris, KANU): Hon. Temporary Chairlady, Hon. Gichimu is the Vice-Chairperson of the Committee on Delegated Legislation and I am also a Member of that Committee. This is where the cabinet secretaries get the power to make regulations but it is difficult to put this as a mandatory clause. Let it be a discretionary matter that the Cabinet Secretary will undertake. If you compel them to make regulations, they will do so but all the enabling provisions in other Acts have always been discretionary. Although he is my boss in the Committee, I urge him to drop this proposal.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Would you wish to explain? Take a minute.

Hon. Gichimu Githinji (Gichugu, UDA): Hon. Members, in some cases, we have left it for the cabinet secretaries to make regulations for the purposes of stipends and other benefits. We are not asking the Cabinet Secretary to come up with these regulations within a certain period, but this obligates them to do what is required in law at some point. Otherwise, some sections of this law will be operational if we do not obligate the Cabinet Secretary.

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

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

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): We have a further amendment by Hon. Ken. Chonga from the Departmental Committee on Labour.

Hon. Ken Chonga (Kilifi South, ODM): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 15 of the Bill be amended—

- a) by renumbering the existing provision as sub-clause (1); and

- b) by inserting the following new sub-clause immediately after sub-clause (1)—
- “(2) The Cabinet Secretary shall make these regulations in consultation with the relevant state organs.
- (3) For the purposes of Article 94(6) of the Constitution—
- a) the purpose and objective of delegation under this section is to enable the Cabinet Secretary to make regulations to provide for the better carrying into effect of the provisions of this Act;
 - b) the authority of the Cabinet Secretary to make regulations under this Act will be limited to bringing into effect the provisions of this Act and to fulfil the objectives specified under this section; and
 - c) the principles and standards applicable to the regulations made under this section are those set out in the Interpretation and General Provisions Act (Cap 2) and the Statutory Instruments Act, (Cap 2A).”

The justification for this is that the amendment seeks to provide that the regulations shall be made by the Cabinet Secretary in consultation with the state organs as defined in the Constitution and also to provide the extent and limits of the powers to the Cabinet Secretary as provided in the Constitution.

(Question of the amendment proposed)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Sunkuli.

Hon. Julius Sunkuli (Kilgoris, KANU): I have a problem with that because Clause 15 is a provision on delegated legislation. This one seems to produce another issue. Is this the clause that states that in recruiting candidates for employment, a public service institution shall consider a candidate's previous internship? Is this a new sub-clause?

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): It is a new one. I heard the voice of Hon. Boss Gladys. Hon. Timothy Toroitich, Member for Marakwet West.

Hon. Timothy Kipchumba (Marakwet West, Independent): Hon. Temporary Chairlady, I have an issue with that proposed further amendment. The Committee on Delegated Legislation is mandated to scrutinise statutory instruments in this House. It determines whether an instrument complies with the Constitution, the upper limits and what it provides for. The way the Bill is drafted is enough. It does not need the Cabinet Secretary to determine the limits of this law. Therefore, I oppose the further amendment.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Sunkuli.

Hon. Julius Sunkuli (Kilgoris, KANU): I urge Members not to pass this amendment. I want to be on record. How can we make a law stating that the Cabinet Secretary shall make regulations in consultation with the relevant State organs? Which are they? Whom will the Cabinet Secretary consult? We should pass laws which we can implement. There is no relevance. Give the powers to the Cabinet Secretary and specify that they should consult the Director-General or somebody else, but not relevant organs.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): What is out of order, Hon. Lesuuda?

Hon. Naisula Lesuuda (Samburu West, KANU): It is not really a point of order. The proposed Clause 15 has (a) (b) and (c) which seem like consultation requirements which can impede the process. Someone can even go to court claiming they were not consulted. Leaving the Clause as it is will get the law implemented faster. Which are the relevant authorities?

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Thank you very much. Hon. Members, can I give you a chance to make a decision on this Clause? I will give a chance to Hon. Gichimu.

(Hon. Gichimu Githinji contributed off the record)

(Technical hitch)

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

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

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

(Clause 15 as amended agreed to)

New Clause 14A

THAT, Clause 14 of the Bill be amended by inserting the following new clause immediately after the Clause 14—

“14A. A regulatory authority shall not levy a fee on an institution offering preregistration internship.”

(The new clause was read a First Time)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): I call upon the Mover, Hon. Dr Nyikal, to move the Second Reading of New Clause 14A.

Hon. (Dr) James Nyikal (Seme, ODM): Hon. Temporary Chairlady, I beg to move that New Clause 14A be now read a Second Time. Its essence is that a regulatory authority will not levy a fee on an institution offering preregistration internship. I say this because it is happening which is a big problem. Institutions bear the cost of preparing interns for registration. It is unfair for the same institutions or individuals to be charged additional fees.

(Inaudible)

(Technical hitch)

(Question, that the new clause be read a Second Time, proposed)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Sunkuli.

Hon. Julius Sunkuli (Kilgoris, KANU): I am in a difficult position because I am opposing Dr Nyikal, my Chairman of the Departmental Committee on Health. I support his concept except that it needs to be followed by a definition of the word preregistration.

(Technical hitch)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. David Mboni. The Members who are interested to contribute to the debate, please press the intervention button.

Hon. David Mwalika (Kitui Rural, WDM): Hon. Chairlady, we also need to define the term “fee”.

(Technical hitch)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Nyikal.

Hon. (Dr) James Nyikal (Seme, ODM): The principle is good but the terminology is not correct. I am not a lawyer. However, let me say what I have in mind.

(Inaudible)

I will then remove the word “levy” and replace it with “charge a fee” in the proposed New Clause 14A.

(Inaudible)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): The lawyers can tell us whether there is a difference between the words “levy” and “charge a fee”. Can I give a chance to Hon. Gichimu?

Hon. Gichimu Githinji (Gichugu, UDA): Yes. Hon. Temporary Chairlady, the provision might be vague if we do not know the definition of the words “preregistration internship”.

(Technical hitch)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): I will put the Question shortly.

Hon. (Dr) James Nyikal (Seme, ODM): Hon. Temporary Chairlady, I withdraw the amendment.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Are you withdrawing it? Thank you, Hon. (Dr) Nyikal, for withdrawing the amendment.

Hon. Members, before we proceed, I would like to recognise our guests seated in the Public Gallery this afternoon — a delegation of chiefs from Bura Constituency, Tana River County. You are welcome to the National Assembly to observe proceedings of the House.

(Applause)

Member, would you like to say something?

Hon. Yakub Adow (Bura, UPIA): I take this opportunity to welcome chiefs from Bura Constituency, Tana River County. They are here *(inaudible)*.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Thank you very much, Member for Bura.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. (Dr) Nyikal has dropped New Clause 14A. For purposes of clarity, we do not have any new Clause 14A.

*(Proposed amendment by
Hon. (Dr) James Nyikal withdrawn)*

New Clause 15A

THAT, the Bill be amended by inserting the following new clause immediately after clause 15—

Internship to be considered in recruitment	15A. In recruiting candidates for employment, a public institution shall consider a candidate's previous internship in the public service.
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(The new clause was read a First Time)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Lesuuda.

Hon. Naisula Lesuuda (Samburu West, KANU): Hon. Temporary Chairlady, I beg to move that the New Clause 15A be now read a Second Time.

The essence of including this New Clause is to align it with provisions of Article 232(1)(g) of our Constitution which stipulates that appointments should be based on merit and fair competition. So, interns gain public sector experience. This experience demonstrates their capability, which is consistent with merit-based recruitment. This is to ensure that any individual who has undergone internship is probably given priority or is given some marks during recruitment.

(Question, that the new clause be read a Second Time, proposed)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Joshua Kimilu, Member for Kaiti.

Hon. Joshua Kimilu (Kaiti, WDM): Thank you, Hon. Temporary Chairlady. I have no problem with that. I support.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): I do not see any interest in this. I will now go ahead and put the question.

(Question, that the new clause be read a Second Time, put and agreed to)

(Question, that the new clause be added to the Bill, put and agreed to)

Clause 2

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): We have several amendments, Hon. Members. Let us start with the one by the Chairman of the Departmental Committee on Labour.

Hon. Ken Chonga (Kilifi South, ODM): Thank you, Hon. Temporary Chairlady.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Member and Chairman, you may take your seats. I am going to start with the one by Hon. Lesuuda. She is the mover of this one. Hon. Lesuuda, move Clause 2(a) only.

Hon. Naisula Lesuuda (Samburu West, KANU): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 2 of the Bill be amended—

(a) by deleting the definition of “County Executive Member”;

The aim is *(inaudible)* would amount to legislating *(inaudible)* which is a county function under Article 251. We removed *(inaudible)* to ensure that the Bill applies to the national public service preventing a constitutional *(inaudible)*.

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(Question of the amendment proposed)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Mboni, is your interest in this? Proceed.

Hon. David Mwalika (Kitui Rural, WDM): Hon. Temporary Chairlady, I have a problem with (*inaudible*).

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): That is a different one.

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

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): You moved Clause 2(a) and you also have Clause 2(c).

Hon. Naisula Lesuuda (Samburu West, KANU): Thank you, Hon. Temporary Chairlady.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Let me give a chance to the Chairman of the Committee because both of you have interest in the same.

Chairman, please proceed.

Hon. Ken Chonga (Kilifi South, ODM): Hon. Temporary Chairlady, I fully support the proposal by Hon. Lesuuda. I have no problem with that. Therefore, Clause 2(c) will stand dropped.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Members, for the record since Clause 2(a) is carried, Clause 2(c) by the Chairman of the Committee falls.

You may proceed Hon. Lesuuda. You have another amendment in Clause 2(b) and (c).

Hon. Naisula Lesuuda (Samburu West, KANU): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 2 of the Bill be amended—

(b) by deleting the definition of “County Public Service Board”;

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Please put the two amendments together. It is neater that way.

Hon. Naisula Lesuuda (Samburu West, KANU): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 2 of the Bill be amended—

(b) by deleting the definition of “County Public Service Board”;

(c) in the definition of “public service institution” by deleting the words “and include both the national and county governments” appearing immediately after the words “public office” and substituting therefor the words “in the national government”.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Members, please be keen because these amendments are overlapping.

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

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

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Chairman, please move all your amendments apart from Clause 2(c).

Hon. Ken Chonga (Kilifi South, ODM): Hon. Temporary Chairlady, I beg to move: THAT, Clause 2 of the Bill be amended—

- (a) in the definition of “Cabinet Secretary” by deleting the word “labour” and substituting therefor the words “public service”;
- (b) by deleting the definition of “certificate”;
- (d) by deleting the definition of “intern”;
- (e) in the definition of “internship” by deleting the word “and” and substituting therefor the word “or”;
- (f) by inserting the following new definitions in their proper alphabetic sequence—
“graduate” means a person who has successfully completed a course of study or training and has been awarded a degree, diploma or certificate;
“intern” means an unemployed person with relevant qualifications who has entered into a contract with a government organization for a period of between six and twelve months with the intent of acquiring relevant work experience for registration with respective professional bodies or to increase chances of employability;

Thank you, Hon. Temporary Chairlady. Under my justification, Clause 2(a) is to ensure the Cabinet Secretary responsible for matters relating to the recruitment of interns is the Cabinet Secretary responsible for matters relating to public service. In Clause 2(b) there is need for a deletion of the definition of “certificate” as the intern is used in two different contexts in the Bill. The term is used in Clause 7(1) to refer to a person with a certificate qualification as a person eligible for internship while in Clause 8(1) provides that, a public institution shall issue certificates of internship to interns upon successful completion of the internship programme. The term is used in Clause 7(1) to refer to a person with a certificate qualification as a person eligible for internship, while Clause 8(1) provides that a public institution shall issue certificates of internship to interns upon successful completion of the internship programme.

(Question of the amendment proposed)

Hon. Julius Sunkuli (Kilgoris, KANU): I support the deletion of the word certificate because there would be too many definitions. Under the Kenya National Examinations Council Act, it would have a different definition from this and at any rate, it is not very clear what kind of certificate that would be. If the Chairman has moved all the amendments and I have an amendment that is similar to his, could I just use this opportunity to further amend his so that I do not have to move mine? Is that acceptable?

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): We can finish the ones for the Chairman then.

Hon. Julius Sunkuli (Kilgoris, KANU): Mine is very small on subsection (e), that is, in the definition of internship.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Yes, please go ahead and speak.

Hon. Julius Sunkuli (Kilgoris, KANU): Thank you, Hon. Temporary Chairlady. I was proposing that Clause 2 be further amended under subsection (e) on the definition of the word internship, by deleting the word “and” and substituting it with the word “or”. That is what I had also proposed. I support that one.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Sunkuli, I can see that you have the opportunity to move your amendment.

Hon. Julius Sunkuli (Kilgoris, KANU): But it will be relevant after that.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): It will be relevant then.

Hon. Julius Sunkuli (Kilgoris, KANU): I also wanted to delete another word “future”, but it does not matter. I will drop mine when time comes. I just wanted to make it neater.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): I would like to hear you.

Hon. Julius Sunkuli (Kilgoris, KANU): Just look at the definition of the word intern under subsection (f). The second last line says that an intern can have either acquisition to enhance future employability. I was proposing to amend this amendment by also deleting the word “future”. Under the rest section on the words “and fulfil legal requirements” we all agree the word “and” be deleted and substituted therefor with the word “or”. I agree with the Chairman, but I ask him to accommodate the deletion of the word “future” so that it remains employability. Both amendments should be carried together with mine.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): You can then amend the amendment by the Chairman.

Hon. Julius Sunkuli (Kilgoris, KANU): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 2 of the Bill be further amended in the definition of the word “internship” by—

- (a) deleting the word “future” appearing immediately after the words “to enhance”; and
- (b) deleting the word “and” appearing immediately after the word “employability” and substituting therefor the word “or”.

(Question of the further amendment proposed)

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

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

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): We now go back to the amendment by the Chairman, Hon. Ken Chonga.

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

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

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

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): The amendment by Hon. (Dr) Nyikal falls because the word “intern” was deleted.

(Proposed amendment by Hon. (Dr) James Nyikal withdrawn)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Sunkuli’s amendment is included because he further amended the amendment by the Chairman of the Departmental Committee on Labour.

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The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Yes, Hon. (Dr) Nyikal.

Hon. (Dr) James Nyikal (Seme, ODM): I did not get the opportunity to tell my intention. What I intended to say is on the word “training”.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. (Dr) Nyikal, on your proposed amendment on Clause 2(a), you can still go ahead. The one which fell is a partial one. So, on the definition of the word “full-time basis” you can still go ahead and amend. You have the opportunity to do so.

Hon. (Dr) James Nyikal (Seme, ODM): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 2 of the Bill be amended—

(a) in the definition of “internship”, by inserting the words “or experience” immediately after the word “training”.

(b) by inserting the following new definitions in its proper alphabetical sequence —

“full time basis” means the maximum number of hours in a week, as stipulated by an employer. “intern” means an unemployed person with relevant qualifications who has entered into a contract with a government organization for a period of between three and twelve months with the intent of acquiring relevant work experience for registration with respective professional bodies and to increase chances of employability. and the person may be offering service on a fulltime basis.

Thank you.

(Question of the further amendment proposed)

I do not see any interest in this.

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

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

The Temporary Chairlady (Hon. Rachael Nyamai): Hon. Sunkuli, it is already taken care of, right? It is done. Thank you very much.

Hon. Gichimu Githinji (Gichugu, UDA): Hon. Temporary Chairlady, if you look at the Order Paper, you will find that I also proposed amendments under Clause 2. However, they have already been accommodated by what has been proposed by the Chairman of the Committee, Hon. Chonga, and also the second part on the county executive member has been accommodated by the amendments that have been carried and proposed by the Mover, Hon. Lesuuda.

The Temporary Chairlady (Hon. Rachael Nyamai): Yes, we noted that the two fell because they were already taken care of.

(Clause 2 as amended agreed to)

(Long Title agreed to)

(Clause 1 agreed to)

The Temporary Chairlady (Hon. Rachael Nyamai): Hon. Chairman, there was an issue on Clause 7 and I would like you to make a comment on whether there is any need to recommit it or we are done.

Hon. Members, I thank you for your patience. When we have amendments by different Members on the same Clause, it takes much longer than usual. We have no further amendments.

Hon. Lesuuda, please proceed to move reporting.

Hon. Naisula Lesuuda (Samburu West, KANU): Hon. Temporary Chairlady, I beg to move that the Committee do report to the House its consideration of the Public Service Internship Bill (National Assembly Bill No.63 of 2022) and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

IN THE HOUSE

[The Temporary Speaker (Hon. (Dr) Rachael Nyamai) in the Chair]

MOTION

CONSIDERATION OF REPORT ON THE PUBLIC SERVICE INTERNSHIP BILL

Hon. Naomi Wago (Marsabit County, UDA): Hon Temporary Speaker, I beg to report that the Committee of the whole House has considered the Public Service Internship Bill (National Assembly Bill No.63 of 2022) and approved the same with amendments.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Mover.

Hon. Naisula Lesuuda (Samburu West, KANU): Hon. Temporary Speaker, I beg to move that the House do agree with the Committee in the said report.

I request Hon. Gichimu to second the Motion.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Gichimu.

Hon. Gichimu Githinji (Gichugu, UDA): I second.

(Question proposed)

(Question put and agreed to)

BILL

Third Reading

THE PUBLIC SERVICE INTERNSHIP BILL (National Assembly Bill No.19 of 2025)

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Mover, please move Third Reading.

Hon. Naisula Lesuuda (Samburu West, KANU): Hon. Speaker, I beg to move that the Public Service Internship Bill (National Assembly Bill No.63 of 2022) be now read a Third Time.

I request Hon. Nyikal to second.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon (Dr) Nyikal.

Hon. (Dr) James Nyikal (Seme, ODM): I second.

(Question proposed)

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Lesuuda.

Hon. Naisula Lesuuda (Samburu West, KANU): Thank you, Hon. Temporary Speaker. I take this opportunity to sincerely thank every Member who has contributed to this Bill since it was first read in this House. I also thank the Members of the Departmental Committee on Labour for the intense engagement when I appeared before them and for their support.

Despite having other amendments on public service matters, I appreciate that they gave this Bill careful consideration. I also thank the Office of the Clerk of the National Assembly, through the Table Office, and the legal person who helped me with this Amendment Bill. I thank Hon. (Dr) Nyikal, Hon. Gichimu and Hon. Sunkuli, who reviewed the Bill and came up with the amendments.

Many other Members, including Hon Timothy and Hon. Renee, took a keen interest in this Bill. I understand that there were regulations on how we treat interns in the public sector but with this law, I am certain that they will be better treated and will gain the requisite experience as they go on with their work.

I appreciate Hon. (Dr) Nyikal for raising the issue of other interns such as those in the teaching and medical fields.

Thank you, Hon. Temporary Speaker, and everyone.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you. Hon. (Dr) Nyikal.

Hon. (Dr) James Nyikal (Seme, ODM): Thank you, Hon. Temporary Speaker. This is a very important Bill because in some cases, the treatment of interns has been abusive. Many young people have joined institutions, sometimes performing meaningful work, but without clear regulations. They spend time there without certainty of what they did. This Bill, with its amendments, provides a clear distinction between internships that we normally expose the young people to get experience and acquire some skills, and those that, in addition to getting experience and acquiring skills, require to be regulated by registered regulatory authorities.

We now have clear guidance on registration and remuneration of interns. As we implement this Bill, and with the Cabinet Secretary given authority to make regulations, we will identify areas that need strengthening. Over time, some provisions may require amendments, particularly regarding professional experience pre-registration. Often, interns are considered students rather than workers and may not be properly remunerated. This Bill addresses those issues.

I thank you.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Mayaka, would you like to comment? I can see you have pressed the intervention button.

Hon. Irene Mayaka (Nominated, ODM): Yes, I did, Hon. Temporary Speaker. Thank you for the opportunity.

I take this chance to thank Hon. Lesuuda for this very progressive Amendment Bill. Internship is a space that has not had proper structures. This Amendment Bill provides for structures for young professionals who will be seeking internship work in public service institutions after college and university.

Speaking from experience, having gone through an internship programme in the private sector and seeing the difference with what is experienced in the public sector, I think this is a very good direction from this House. It gives me joy that we are able to legislate and introduce structures to institutions and spaces that did not have them in the first place. I thank Hon. Lesuuda for this Bill, and all the Members who contributed towards enriching it.

I thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Gichimu.

Hon. Gichimu Githinji (Gichugu, UDA): Thank you, Hon. Temporary Speaker. I am happy for the millions of youth in this nation whose internship will now have a legal framework. Previously, internship was loosely handled. But under the leadership of Hon. Lesuuda, this House has considered the youth of this nation. I hope that this Bill will be assented to and become an Act of Parliament very soon. Once it becomes law, we will follow up with the relevant Cabinet Secretary for purposes of developing regulations that will actualise and operationalise some of the clauses in the Bill. I am happy for Hon. Lesuuda, the House at large and all Members who took interest in this Bill for the benefit of millions of youth in this country.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Ken Chonga, Chairman of the Departmental Committee on Labour.

Hon. Ken Chonga (Kilifi South, ODM): Thank you, Hon. Temporary Speaker. The various amendments made to this Bill provide guidance on internship in our country. Initially, there was no proper structure on how internships were handled. To a great extent, that lack of structures encouraged abuse of the timelines and working conditions of interns. I congratulate my sister Hon. Lesuuda for this Bill. I have looked at the Bill keenly and I confirm that she took time to ensure that all Government agencies that engage interns are guided by the law.

Thank you, Hon. Temporary Speaker, and congratulations to Hon. Lesuuda.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you, Hon. Members. I will now put the question.

(Question put and agreed to)

*(The Bill was accordingly read
a Third Time and passed)*

BILL

THE ENVIRONMENTAL PROFESSIONALS
INSTITUTE OF KENYA BILL
(National Assembly Bill No.36 of 2024)

(Moved by Hon. George Gachagua on 5.11.2025 – Morning Sitting)

(Resumption of debate interrupted on 19.11.2025 – Morning Sitting)

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. George Gachagua, you had finished moving. Do you have a seconder?

Hon. George Gachagua (Ndaragwa, UDA): Hon. Temporary Speaker, I ask Hon. Timothy Toroitich to second.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Timothy Toroitich, please go ahead.

Hon. Timothy Kipchumba (Marakwet West, Independent): Thank you, Hon. Temporary Speaker. I rise to second this Bill. From the onset, I thank Hon. Gachagua for such a progressive Bill. This Bill seeks to provide for a comprehensive legal framework through the establishment of the Environmental Professionals Institute of Kenya. This will promote professionalism within the environment management profession in the country.

[The Temporary Speaker Hon (Dr) Rachael Nyamai left the Chair]

[The Temporary Speaker (Hon. David Ochieng') in the Chair]

For any progressive body in this country, there must be a proper framework guiding it. There are several professional bodies in this country, including the Kenya Medical Practitioners, Pharmacists and Dentists Council (KMPDC), the Institute of Human Resource Management (IHRM), the Nursing Council of Kenya (NCK), the Law Society of Kenya (LSK), to which I proudly belong, and the Kenya Institute of Supplies Management (KISM), which are properly regulated.

We also have quacks who pretend to be professionals of certain bodies. Hon. George Gachagua has given life to matters to do with the environment in this country. Many people out there run kiosks pretending to give expertise on matters to do with the environment. I have gone through this piece of legislation. It clearly provides for what should happen in cases of negligence or malpractice in environmental matters. I just wish to run through it quickly.

Clause 4 of the Bill deals with the functions of the Environmental Professionals Institute of Kenya. It provides that the Institute shall register, regulate and exercise general supervision and control over the professional development and practice of environmental professionals in Kenya. It registers professionals and promotes research.

We are in the era of fighting climate change and, therefore, we need to conduct research. I recently saw Naivasha Town about to be “swallowed” by Lake Naivasha. Most hotels in Naivasha have been submerged by waters from Lake Naivasha. Therefore, we need expertise on how to deal with such emerging issues. We need to promote research on matters to do with environment in this country. We need to know why the water levels in lakes Naivasha, Baringo and Bogoria are rising. Such body will help us to invest more money in research, which will aid in matters to do with environmental protection. The National Environmental Management Authority (NEMA) has been dealing with these matters on its own. We need a body that will work closely with NEMA to regulate those institutions.

In Part IV, we have Clause 31 dealing with professional misconduct as far as environmental matters are concerned. Clause 31 states:

“31. A person registered as an environmental professional commits an act of professional misconduct if such person—

(a) deliberately fails to follow the laid down standards of conduct and practice of the profession as may be laid down by the Council under this Act or any other written law;

(b) commits gross negligence in the conduct of professional duties;

(c) releases information concerning the affairs of a client that is gathered in the course of a professional engagement without the consent of the client;

(d) performs an assignment which is beyond the scope of the professional’s competency, knowledge and expertise; or

(e) allows another person to practice in their name, where such person is not registered under this Act or a holder of a practicing certificate issued under this Act.”

What are the consequences? The law provides that a person who has committed such offences is served with a letter of admonishment and removed from the Register.

Bodies like LSK and Engineers Board of Kenya (EBK) perform well because they have a comprehensive guiding legislation that gives the limits and extent to which a professional may act. The issuance or cancellation of a practising certificate to environmental experts is very important.

I thank Hon. George Gachagua. I rise to support and second the letter, spirit and intent of The Environmental Professionals Institute of Kenya Bill.

The Temporary Speaker (Hon. David Ochieng’): Say that “you second”.

Hon. Timothy Kipchumba (Marakwet West, Independent): I second.

The Temporary Speaker (Hon. David Ochieng’): After such eloquent moving and seconding of the Bill, I will now propose the Question.

(Question proposed)

The Temporary Speaker (Hon. David Ochieng’): On my requests dashboard, I can see Hon. Gichimu, Hon. Saney and Hon. Mayaka.

Hon. Ibrahim Saney (Wajir North, UDA): Thank you, Hon. Temporary Speaker. Environment is a very wide sector with a multitude of practising professionals. The manner in which this sector is handled is very chaotic. A lot of unprofessional things are done on the environment. How environmental audits and environmental impact assessments are done is not satisfactory. They are merely paperwork. They do not give the professional test required in such a sensitive area of human life. Human life entirely revolves around how we handle and manage the environment. We cannot be careless about the environment.

This is a wonderful Bill. It attempts to bring all professionals into one house and create a proper human pool with a regulator, for the first time. The National Environment Management Authority has been doing this. It is the focal point of all environmental issues and climate change at both local and international levels. It has been weighed down by real environmental issues. However, we lack a regulator. I believe the Bill is the best thing that could have come at this time. It is trying to regulate the chaos around the management of our environment.

The Bill attempts to enhance research on the environment, create a right think tank to make sure that contemporary issues and new ways of handling environmental matters are brought to the fore, and professionals are abreast with the new developments on environmental matters.

The Bill will enhance community development in a big way. If passed, there will be a network of professionals that will be collaborating and exchanging knowledge so that best practices will be the tool at play for the regulator. If the Bill is passed, the Environmental Professionals Institute of Kenya will be a global hub that can be engaged for resources and local training. It will drive the requisite change on matters of environment, address complex aspects that the common man cannot understand properly and unpack climate change that is very complex by making sure that it is understood by every Kenyan, from policy makers to Government technocrats. It will be the steward of policy development and an adviser to Government institutions, so that they come up with good policies towards managing, preserving and conserving our environment for sustainable use.

On professional development, the Environmental Professionals Institute of Kenya will come up with the correct training packages, just like all other professional bodies. It will propose new skills to be taught and offer tools of trade that are current so that there is no knowledge and skill gap at any one time. So, it will update the knowledge base and make sure that professionals in the environment sector are updated and certified to be at par with the latest knowledge developments.

Finally, for us to live well with the challenges of complexities of life and climate change, we need to have a sustainable way of developing and protecting our environment. That will come with a regulation component that will make sure that there are standards and ethics for all professionals. Those standards have to be met. Anybody who does not meet the standards will be deemed to be a quack and their licences will be withdrawn. The regulator will make sure that environmentalists adhere to the standards expected of them.

The Environmental Professionals Institute will also use its membership as agents of change at all levels, be it at their workplaces or in other places. It will make sure that they foster the required change to ensure that our environment is always at equilibrium and it is not disturbed to the detriment of mankind. The only habitat where man can live well and safely is planet earth. Nature is always vindictive. If we distort the earth's balance, all manner of disasters shall come en masse and in full force. So, to make sure that we live in harmony with our environment, and that the earth's resources are used wisely and in a sustainable manner, we need a regulator to act as a prefect to ensure that all that is done in industrialisation, farming, and in other areas of the economy, is done well. Life components thrive by making sure that the environment is intact and well maintained.

With those few remarks, I support the Motion.

The Temporary Speaker (Hon. David Ochieng'): Hon. Mayaka, I do not know if you want to take two minutes.

Go ahead.

Hon. Irene Mayaka (Nominated, ODM): Thank you very much, Hon. Temporary Speaker. Yes, I will be very brief. I support the Bill.

I want to thank Hon. George Gachagua for bringing it to the House. Having interacted with environmental professionals, this will be a very important Bill to them. It will allow them to have networking opportunities to further develop their professions, to have certification and to shape policy. If we take the example of professional institutions like accountants, certified public secretaries and lawyers, and consider the kind of benefits that they get from interacting with each other – even for us who are within the Climate Change Caucus and want to have an opportunity to enrich the laws that we have – this Bill will be very important. We will have an Environmental Professionals Institute that is structured for us to engage with environmental professionals and enrich the laws that we have in this country.

With those few remarks, I beg to support.

The Temporary Speaker (Hon. David Ochieng'): Hon. Gichimu, there is a chance for two minutes.

Go ahead.

Hon. Gichimu Githinji (Gichugu, UDA): Hon. Temporary Speaker, I also rise to support the Bill brought by Hon. George Gachagua, the Member for Ndaragua.

Many professions like the legal profession, engineers and surveyors have bodies that are recognised by Acts of Parliament. This is a chance for environmental professionals to have their law that will bind them together for purposes of registration and guide their operations. This Bill will go a long way in weeding out busybodies and quacks in the environment sector. Right now, as Kenyans, we do not know exactly who the registered professionals in the environmental sector are. The Bill will bring some order in terms of registration. Once the Bill comes into force, we will access the database of professionals who can guide Kenyans on matters to do with the environment. For a long time, matters to do with the environment have been left to the regulator –NEMA. However, if you follow-up with them, you will find that they probably do not have a record of registered professionals. This Bill comes in handy to address the lacuna that has existed for a long time.

In the legal profession, there are continuous legal education programmes. This Bill will also provide an opportunity for environmental professionals to have engagements and

continuous training to help them deal with matters of the environment. We are all surrounded by the environment. Currently, we are facing challenges with climate change. When these professionals are organised and known, they can have forums to come up with ideas and way forward on how to deal with environmental matters that affect us, including climate change.

Without belabouring the points that have already been canvassed by the mover, the seconder and other Members, I wholly support this progressive Bill to address issues of professionals in the environment sector.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. David Ochieng’): Hon. Members, debate on this Bill will continue next time it is slated in the Order Paper.

ADJOURNMENT

The Temporary Speaker (Hon. David Ochieng’): Hon. Members, the time being 1.00 p.m., the House stands adjourned until 2.30 p.m.

The House rose at 1.00 p.m.

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