



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT

NATIONAL ASSEMBLY

THE HANSARD

24th February 2026

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THE HANSARD

Tuesday, 24th February 2026

The House met at 2.30 p.m.

[The Speaker (Hon. Moses Wetang'ula) in the Chair]

PRAYERS

QUORUM

Hon. Speaker: Serjeant-at-Arms, ring the Quorum Bell.

(The Quorum Bell was rung)

Hon. Speaker: Hon. Members, we now have quorum to transact business.

(Several Members entered the Chamber)

Hon. Members on your feet, take your seats. Hon. Teresia, take the nearest seat.

COMMUNICATION FROM THE CHAIR

PROCESSING OF THE DIVISION OF REVENUE BILL

Hon. Members, you will recall that on Thursday, 19th February 2026, the Division of Revenue Bill (National Assembly Bill No. 2 of 2026) was read a First Time and subsequently committed to the Budget and Appropriations Committee for consideration and public participation in accordance with the provisions of Article 118 of the Constitution.

Hon. Members, my attention has since been drawn to the fact that the said Bill, having been published on 19th February 2026, had not met the seven-day maturity period for First Reading as required under Standing Order 120(1). Further, I note that no resolution was made pursuant to Standing Order 120(1)(c) to shorten the maturity period to allow the First Reading of the Bill. In this regard, the listing and subsequent First Reading of the Bill in the Supplementary Order Paper for Thursday last week was inadvertent.

In view of the foregoing and cognisant that the Division of Revenue Bill is a critical legislation in the budget-making process, I have directed that the First Reading of the Bill be re-taken in compliance with applicable procedural requirements under Standing Order 120.

To this end, Hon. Members, you will notice that at Order No. 8 of the Order Paper for today, the Chairperson of the Budget and Appropriations Committee is scheduled to move a procedural Motion to reduce the publication period to allow the Bill to be read a First Time. This will be followed by the First Reading of the Bill when we reach Order No. 13 in the Order Paper of today. Thereafter, the Bill will stand committed to the Budget and Appropriations Committee for consideration. The Committee is expected to consider the Bill within the statutory timelines and report back to the House to enable it to proceed with the subsequent stages of consideration, including bicameral processes on the Bill.

The House is accordingly guided. I thank you.

Next Order.

PAPERS

Hon. Speaker: The Deputy Leader of the Majority Party.

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

1. Legal Notices, Explanatory Memoranda, Certificates of Compliance, Advisory from the Kenya Law Reform Commission and public participation reports from the Ministry of Roads and Transport—
 - (a) Legal Notice No. 11 of 2026 relating to the Traffic (School Transport) Rules, 2026.
 - (b) Legal Notice No. 12 of 2026 relating to the Traffic Drink Driving Rules, 2026.
 - (c) Legal Notice No. 13 of 2026 relating to the Traffic (Motor Vehicle Inspection) Rules, 2026.
 - (d) Legal Notice No. 14 of 2026 relating to the National Transport and Safety (Operation of Commercial Vehicles) Regulations, 2026.
2. Reports of the Auditor-General and Financial Statements for the year ended 30th June 2025 and the Certificates therein in respect of—
 - (a) Arid and Semi-Arid Lands (ASAL) roads project (Credit No. CKE 117 01 H) – Kenya Rural Roads Authority.
 - (b) Commodities Fund Staff Mortgage and Car Loan Scheme.
 - (c) De-risking, inclusion and value enhancement pastoral economies [Drive] in the Horn of Africa project (Credit No. 7139-KE) – Kenya Development Corporation.
 - (d) Eastern Africa Regional Transport, Trade Development Facilitation Projects (IDA Credit No.5638-KE) – Kenya National Authority.
 - (e) Eastern Africa Transport, Trade and Development Facilitation Project (Credit No. 5638 - KE IDA) – State Department for Roads.
 - (f) Enable youth Kenya programme (Grant/Credit No. P-KE-AAZ-014 (ADF LOAN No.2100150038895) – State Department for Agriculture.
 - (g) Fish Levy Trust Fund.
 - (h) Horn of Africa Gateway development (Isiolo-Mandera Corridor: ELWAK-Rhamu Road Upgrading) – Kenya National Highways Authority.
 - (i) Horn of Africa Gateway Development Project – National Transport and Safety Authority.
 - (j) Horn of Africa Gateway Development Project – State Department for Transport.
 - (k) Horn of Africa Gateway Development Project (Loan No. 6768-KE) – Kenya National Highway Authority.
 - (l) Horn of Africa Groundwater for Reliance Project (IDA Credit No. 70820-KE and Grant No. P174867) – Water Resources Authority.
 - (m) Improvement of Rural Roads and Market Infrastructure in Western Kenya (KFW Credit No.200765123) – Kenya Rural Roads Authority.

- (n) Kenol-Sagana-Marua Highway Improvement Project (P-KE-DBO-037 Credit Nos. 5050200000901 and 2000200004504) – Kenya National Highways Authority.
- (o) Kenya Literature Bureau Mortgage and Car Loan Scheme.
- (p) Kenya Nairobi Western Bypass Project – China Exim Bank – Kenya National Highways Authority.
- (q) Kenya Off-Grid Solar Access Project (KOSAP – SNV) Credit No. 6135-KE – State Department for Energy.
- (r) Kenya Off-Grid Solar Access Project for Underserved Counties (IDA CR.No.6135-KE) – Rural Electrification and Renewable Energy Corporation.
- (s) Kenya Water Security and Climate Resilience Project (Grant No. TFOA0761A and Credit No. 5268/5674/7423-KE) – State Department for Irrigation.
- (t) Kenya Water, Sanitation and Hygiene Programme Credit No. 7459-KE Grant No. E271-KE-State Department for Water and Sanitation.
- (u) Mbeere North Technical and Vocational College.
- (v) Mulango Technical and Vocational College.
- (w) Multi-National Kenya Tanzania Interconnection Project (Kenya Component) (ADF Loan No. 2100150032846)-Kenya Electricity Transmission Company Limited.
- (x) Multi-National Programme to Build Resilience for Blood and Nutrition Security in the Horn of Africa (BREFONS) Project (Credit No. 2100150042746) – State Department for Agriculture.
- (y) Murang'a Technical Training Institute.
- (z) Nairobi Metropolitan Service Improvement Project (IDA Credit No. 5102-KE) – State Department for Housing and Urban Development.
- (aa) Nairobi Outering Road Improvement Project (Loan No. 210050030144) – Kenya Urban Roads Authority.
- (bb) Nairobi Ring Transmission Line Project (AFD Credit No. CKE 1068 01 N, AFD Credit No. CKE6012.01, AFD Credit No. CKE 1030 01 B, EIB Credit No. 25.367/KE and GOK) – Kenya Electricity Transmission Company Limited.
- (cc) Nairobi Rivers Basin Rehabilitation and Restoration Programme P-KE-EBO-010: Sewerage Improvement Project Phase II – Athi Water Works Development Agency.
- (dd) National Agriculture Value Chain Development Project (Credit No. IDA-7064-KE) – State Department for Agriculture.
- (ee) National Urban Transport Improvement Project (IDA Credit No. 5140-KE) – Kenya Railways Corporation.
- (ff) National Urban Transport Improvement Project (Loan No. 150-KE) – Kenya National Highways Authority.
- (gg) National Youth Opportunities Towards Advancement (NYOTA) Project (IDA Credit No. 7355-KE) – Micro and Small Enterprises Authority.
- (hh) Northern Collector Phase 1 and Additional Rehabilitation and Development of the Network Project (Credit No. CKE 1074 01 K) – Athi Water Works Development Agency.

- (ii) Office of the Controller of Budget Staff Mortgage and Car Loan Scheme Fund.
- (jj) Programme for Legal Empowerment and Aid Delivery (Project Credit No. KED/FED/2018/397-591) – Office of the Attorney-General and Department of Justice.
- (kk) Second Kenya Devolution Support Programme (IDA Credit No. 7447-KE) – State Department for Devolution.
- (ll) Second Kenya Informal Settlement Improvement Project (IDA Credit No. 6759 and AFD Credit No. CKE 11801S) – State Department for Housing and Urban Development.
- (mm) Second Urban Support Programme (Credit No. IDA 73490-KE) – State Department for Housing and Urban Development.
- (nn) Small-Scale Irrigation and Value Addition Project (Credit No. 2000130014530 and Grant No. 5570155000751) – State Department for Agriculture.
- (oo) St. Lawrence Egoji Teachers' College.
- (pp) Supporting Access to Finance and Enterprises Recovery Project (IDA Credit No. 7018-KE) – Kenya Development Corporation.
- (qq) Tharaka Technical and Vocational College.
- (rr) The Commission on Administrative Justice.
- (ss) The Kenya Agricultural Business Development Project (SIDA Grant No. 15808) – State Department for Agriculture.
- (tt) Project for the Improvement of Power Distribution Systems in and around Nakuru City and Mombasa City (JICA Grant No. 1860780) – Kenya Power and Lighting Company PLC.
- (uu) Transforming Health Systems for Universal Care (THS-UC) Project (Grant IDA Credit No. 5836, TFOA2561, TFOA2792 and CR. P152394) – Ministry of Health.
- (vv) University of Kabianga.
- (ww) Upgrading of Kibwezi-Mutomo-Kitui-Migwani Road (Project No. BLA2016K001) – Kenya National Highways Authority.
- (xx) Vijana Vuka na Afya (VIVA) Youth Programme (Project No. 201367465) – State Department for Youth Affairs and Creative Economy.
- (yy) Water Services Regulatory Board Car Loan and Mortgage Loan Fund.

Hon. Speaker: Well done, Hon. Owen. Leader of the Delegation to the Inter-Parliamentary Union (IPU) meeting in Marrakesh, Morocco. Hon. Peter Kihungi, are you ready today?

Hon. Peter Kihungi (Kangema, UDA): Yes.

Hon. Speaker: Okay, go ahead.

Hon. Peter Kihungi (Kangema, UDA): Hon. Speaker, I beg to lay the following Paper on the Table:

Report of the Kenya Delegation to the 1st Inter-Parliamentary Union (IPU) Global Inter-Faith Dialogue held in Marrakesh, Morocco from 13th to 15th June 2023.

Hon. Speaker: Chairperson of the Departmental Committee on Labour, Hon. Ken Chonga.

Hon. Ken. Chonga (Kilifi South, ODM): Hon. Speaker, I beg to lay the following Paper on the Table:

Report of the Departmental Committee on Labour on the approval hearing of Mr Francis Meja for appointment as Chairperson of the Public Service Commission (PSC).

Hon. Speaker: Chairperson of the Departmental Committee on Defence, Intelligence and Foreign Relations.

Hon. Nelson Koech (Belgut, UDA): Hon. Speaker, I beg to lay the following Paper on the Table:

Report of the Departmental Committee on Defence, Intelligence and Foreign Relations on the Approval Hearing of Canon (Dr) Ida Betty Odinga, EGH, for Appointment as Permanent Representative of the Republic of Kenya to the United Nations Environment Programme (UNEP).

Hon. Speaker: Leader of the Delegation to the IPU, Hon. John Kiarie.

Hon. John Kiarie (Dagoretti South, UDA): Hon. Speaker, I beg to lay the following Paper on the Table:

Report of the Kenya Delegation to the 147th Assembly of the Inter-Parliamentary Union (IPU) and Related Meetings held in Luanda, Angola, from 23rd to 27th October 2023.

Hon. Speaker: Next Order.

NOTICES OF MOTIONS

Hon. John Kiarie (Dagoretti South, UDA): Hon. Speaker, I am holding brief for Hon. Millie Odhiambo. She would like to give notice of Motion on the report...

Hon. Speaker: That is not how to give a notice of Motion.

NOTING OF REPORTS OF THE KENYA DELEGATIONS TO THE 149TH AND 150TH IPU ASSEMBLIES

Hon. John Kiarie (Dagoretti South, UDA): Hon. Speaker, I beg to give notice of the following Motion:

THAT, this House notes the Reports of the Kenya Delegations to the 149th and 150th Assemblies of the Inter-Parliamentary Union (IPU) and Related Meetings held in Geneva, Switzerland from 13th to 17th October 2024 and in Tashkent, Uzbekistan from 5th to 9th April 2025, laid on the Table of the House on Thursday, 5th December 2024 and Tuesday, 14th October 2025.

Hon. Speaker: Thank you. The Chairperson of the Committee on National Cohesion and Equal Opportunity, Hon. Yusuf.

Hon. Yusuf Adan (Mandera West, UDM): Hon. Speaker, I beg to give notices of the following Motions:

ADOPTION OF REPORT ON SPECIAL NEEDS SCHOOLS

THAT, the House adopts the Report of the Select Committee on National Cohesion and Equal Opportunity on an inspection visit to fourteen special needs schools in specific counties, laid on the Table of the House on Tuesday, 30th July 2024.

ADOPTION OF REPORT ON EMPLOYMENT
DIVERSITY IN PUBLIC INSTITUTIONS

THAT, the House adopts the fourth Report of the Select Committee on National Cohesion and Equal Opportunity on the employment diversity audit in public institutions, laid on the Table of the House on 4th December 2025.

Thank you.

Hon. Speaker: Thank you, Hon. Yusuf. The Chairperson of the Departmental Committee on Labour, Hon. Chonga.

APPROVAL OF NOMINEE FOR APPOINTMENT AS
CHAIRPERSON OF THE PUBLIC SERVICE COMMISSION

Hon. Ken Chonga (Kilifi South, ODM): Hon. Speaker, I beg to give notice of the following Motion:

THAT, taking into consideration the findings of the Departmental Committee on Labour in its report on the approval hearing of a nominee for appointment as Chairperson of the Public Service Commission laid on the Table of the House on Tuesday, 24th February 2026, and pursuant to the provisions of Article 233(2) of the Constitution and Sections 3 and 8 of the Public Appointments (Parliamentary Approval) Act (Cap. 7F), the House approves the appointment of Mr Francis Meja as the Chairperson of the Public Service Commission.

Thank you, Hon. Speaker.

Hon. Speaker: The Chairperson of the Departmental Committee on Defence, Intelligence and Foreign Relations.

APPROVAL OF NOMINEE FOR APPOINTMENT AS
PERMANENT REPRESENTATIVE TO UNEP

Hon. Nelson Koech (Belgut, UDA): Thank you once more, Hon. Speaker. I beg to give notice of the following Motion:

THAT, taking into consideration the findings of the Departmental Committee on Defence, Intelligence and Foreign Relations in its report on the approval hearing of the nominee for appointment as a Permanent Representative of the Republic of Kenya to the United Nations Environment Programme laid on the Table of the House on Tuesday, 24th February 2026, and pursuant to the provisions of Article 132(e) of the Constitution and Sections 3 and 8 of the Public Appointments (Parliamentary Approval) Act (Cap. 7F), this House approves the appointment of Canon Dr Ida Betty Odinga, EGH, as the Permanent Representative of the Republic of Kenya to the United Nations Environment Programme.

Hon. Speaker: The Chairperson of the Constitutional Implementation Oversight Committee.

ADOPTION OF 4TH REPORT ON
IMPLEMENTATION OF THE CONSTITUTION

Hon. Caroli Omondi (Suba South, ODM): Thank you very much, Hon. Speaker. I rise to give notice of the following Motion:

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THAT, this House adopts the fourth Report of the Constitutional Implementation Oversight Committee, laid on the Table of the House on Wednesday, 19th November 2025, on the status of implementation of the Constitution by—

1. The Independent Electoral and Boundaries Commission.
2. The Office of the Data Protection Commissioner.

Hon. Speaker: Leader of the delegation to the Inter-Parliamentary Union (IPU), Hon. John Kiarie.

NOTING OF REPORTS OF KENYA DELEGATIONS
TO THE 147TH AND 148TH IPU ASSEMBLIES

Hon. John Kiarie (Dagoretti South, UDA): I stand to give notice of the following Motion:

THAT, this House notes the Reports of Kenya's delegations to the 147th and 148th Assemblies of the Inter-Parliamentary Union and related meetings held in Luanda, Angola, from 23rd to 27th October 2027 and in Geneva, Switzerland, from 23rd to 27th March 2024, laid on the Table of the House on Tuesday, 24th February 2026, and Wednesday, 18th September 2024, respectively. As the leader of the delegation, I thank you, Hon. Speaker.

COMMUNICATION FROM THE CHAIR

VISITING DELEGATIONS TO PARLIAMENT

Hon. Speaker: Hon. Members, allow me to acknowledge visitors in the Galleries before I call Hon. Gikaria. Naivasha Sub-County education cluster leaders from Naivasha Constituency in Nakuru County are in the Public Gallery. Also, Koru Girls High School from Muhoroni Constituency in Kisumu County are in the Speaker's Gallery.

Hon. Muhia has requested to welcome the Naivasha Team. I will give her one minute. Two Members, Hon. Oron and Hon. Justice Kemei, will welcome Koru Girls on behalf of Hon. K'Oyoo. Hon. Muhia, you have one minute.

Hon. Wanjiku Muhia (Kipipiri, UDA): Thank you, Hon. Speaker. On behalf of Hon. Jayne Kihara, the Member for Naivasha, I welcome the team. They are sub-county education cluster leaders from Naivasha. They have been working on educational matters. I welcome you to the National Assembly. We recognise you. Most Members are working with education stakeholders. You are welcome to see how the debate is going. One of the businesses is a petition to the Teachers Service Commission (TSC), regarding teachers who handle special education. Many such debates have been going on in this National Assembly. Welcome.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Oron.

Hon. Joshua Oron (Kisumu Central, ODM): Hon. Speaker, thank you for giving me the opportunity to welcome Koru Girls High School from Muhoroni in Kisumu County. I take this opportunity to welcome them on behalf of Hon. K'Oyoo. Koru Girls is one of our best schools in the county, constituency and country. To the students, this is an opportunity to observe Members in debate. Most of the Members you see here were once students. Your dream is valid. You are more than welcome to watch what is going on here.

Hon. Speaker: Hon. Kemei Justice.

Hon. Justice Kemei (Sigowet/Soin, UDA): Thank you for the opportunity to welcome Koru Girls Secondary School in Muhoroni Constituency on behalf of Hon. K'Oyoo.

The school is among the best-performing in the region. It attracts students from both Kericho and Kisumu counties, as well as from other parts of the country. This school once sent almost all the students to university.

As the Member for Sigowet/Soin Constituency, Hon. K'Oyoo has invited me on two occasions to watch what is happening in that school. We borrow from them so as to improve our academic strategies in Sigowet/Soin Constituency. The Deputy Principal called me today to take the opportunity to welcome the girls. Girls, I inform you that I welcome you on behalf of Hon. K'Oyoo and my colleagues in Parliament.

Hon. Speaker: Thank you, Hon. Justice. On my behalf and on behalf of the House, we welcome Koru Girls School, their teachers, and those accompanying them to the House of Parliament. We also welcome Naivasha sub-county education cluster leaders to the House of Parliament. Enjoy your stay.

(Applause)

Hon. Members, we will go back to Order No. 5.

PAPER

Hon. David Gikaria (Nakuru Town East, UDA): Thank you, Hon. Speaker. I beg to lay the following Paper on the Table of the House:

Joint Report of the National Assembly Departmental Committee on Energy and the Senate Standing Committee on Energy on consideration of the field development plan and production sharing contracts for Blocks T6 and T7 in South Lokichar Basin in Turkana County.

Hon. Speaker: Thank you. At Order No. 6, Hon. Gikaria.

NOTICE OF MOTION

ADOPTION OF REPORT ON FIELD DEVELOPMENT PLAN AND PRODUCTION SHARING CONTRACTS

Hon. David Gikaria (Nakuru Town East, UDA): Hon. Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the joint Report of the National Assembly Departmental Committee on Energy and the Senate Standing Committee on Energy on their consideration of the Field Development Plan and Production Sharing Contracts for Blocks T6 and T7 in South Lokichar Basin, Turkana County, laid on the Table of the House on Tuesday, 24th February 2026, and pursuant to the provisions of Article 31 of the Constitution and Section 31(2)(a) of the Petroleum Act (Cap. 308), approves the ratification of the Field Development Plan and Production Sharing Contracts for Blocks T6 and T7 in South Lokichar Basin in Turkana County.

Hon. Speaker: Thank you, Hon. Gikaria. Next Order.

QUESTIONS AND STATEMENTS

REQUEST FOR STATEMENT

Hon. Speaker: Hon. Tom Odege.

LEASE OF PUBLIC LAND
IN MIGORI COUNTY

Hon. Tom Odege (Nyatike, ODM): Thank you, Hon. 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 Lands regarding the leasing of land parcel LR No. 17955: Muhuru/Kadem/Macalder/498 by the County Government of Migori.

The County Government of Migori intends to lease 900 acres of land parcel Muhuru/Kadem/Macalder/498 (LR No. 17955) to M/s Global Search Solutions Ltd. for a period of thirty (30) years. It is claimed that M/s Global Search Solutions Ltd. intends to use the land to revive cotton farming and establish a gold processing plant. The Macalder Gold Belt is rich in precious minerals, particularly gold, making it a strategic national resource that ought to be exploited for the benefit of the nation, local communities, and future generations, in line with Article 69 of the Constitution.

The land proposed to be leased to M/s Global Search Solutions Ltd. is part of the 6,165 acres of Macalder Forest, which was gazetted as a forest by the Cabinet Secretary for Environment, Climate Change and Forestry vide Legal Notice 85 of 2023, published in Kenya Gazette Vol. CXXV- No. 190 of 25th August 2023. Article 62(3) (f) and (g) of the Constitution defines public land to include land with minerals and mineral oils and government forests. The said Article further provides that such public land shall vest in and be held by the national government in trust for the people of Kenya and shall be administered on their behalf by the National Land Commission.

It is against this background that I seek a Statement from the Chairman of the Departmental Committee on Lands on the following:

1. The circumstances under which the County Government of Migori intends to lease land parcel LR No. 17955: Muhuru/Kadem/Macalder/498 to a private entity despite it being gazetted as a public forest under the jurisdiction of the national government in terms of Article 62(3) (f) and (g) of the Constitution;
2. A report on the role, involvement and processes required to be undertaken by the National Land Commission (NLC), if any, prior to the leasing of public land under the national government by a county government;
3. Clarification on whether the leasing of land parcel LR No. 17955: Muhuru/Kadem/Macalder/498 by the County Government of Migori adhered to the provisions of Article 62(3)(g) of the Constitution relating to the administration of public land under the national government;
4. The measures by the NLC to safeguard the said parcel of land from being leased by the County Government of Migori.

Thank you.

Hon. Speaker: Hon. Zainab, Member for Migori County, you wanted to joyride on that?

Hon. Fatuma Mohammed (Migori County, Independent): Thank you, Hon. Speaker. I stand here to support Hon. Odege's request for Statement. I am a resident of Nyatike Sub-County, exactly where the parcel of land being mentioned is located. The land is being given out to one individual. The registration certificate indicates that the parcel of land is being given to Helen Obado, the wife of the former Governor of Migori County.

As a resident of Nyatike, I know that the land is not meant for cotton farming. We all know that Nyatike is rich in gold and copper, and the intention of leasing this land for 30 years is to have someone mine gold under the pretence of farming cotton. In the history of Nyatike and Migori as a whole, we have never harvested cotton in that area. All we do is mining. I request that this matter be thoroughly investigated and that the individual who is being given

that land be stopped. She can do sugarcane in her area. We have never gone to take her land for sugarcane growing. Our land for Nyatike, we will defend it by land and water.

Hon. Speaker: Point made. Hon. Masara.

Hon. Peter Masara (Suna West, ODM): Thank you, Hon. Speaker. I want to be rational. We need investors, but the right procedures must be followed so our people can benefit. If research has shown that this land can produce cotton and sisal, what is required is proper public participation that takes into account the current residents and their impact. Otherwise, we want to say that if this land is given to someone for political mileage or for any other reason, and the public is not involved and it is not in the public interest, then it will be wrong.

If it is for the public interest, the right procedure is followed, the right research is conducted, and the public is shown the benefits, like the rice now in Nyatike, then it is acceptable. If it is for gold mining, we will reject it in its entirety until the truth or the details of the matter are made public.

Thank you, Hon. Speaker.

Hon. Speaker: Chairman of the Departmental Committee on Lands, Hon. Nyamoko, when can you bring a response? Give Hon. Nyamoko the microphone.

Hon. Joash Nyamoko (North Mugirango, UDA): Thank you, Hon. Speaker. We will give a comprehensive response in 14 days.

Hon. Speaker: Okay, two weeks it is.

Hon. Fatuma Mohammed (Migori County, Independent): On a point of order, Hon. Speaker.

Hon. Speaker: Yes, Hon. Zainab.

Hon. Fatuma Mohammed (Migori County, Independent): Hon. Speaker, barely seven months ago, I raised a request for a statement on the same land regarding the small-scale miners. The Chairperson said that he will give a report in 14 days. It has been nine months, and I have not received a response to this point, so I hope he takes this seriously and gives us a response within 14 days.

Hon. Speaker: Hon. Nyamoko, is that correct?

Hon. Joash Nyamoko (North Mugirango, UDA): Hon. Speaker, we invited her to the Committee meeting where the response was given. She did not turn up. I have committed to providing a comprehensive response within the next 14 days.

Hon. Speaker: Machua Waithaka, Member for Kiambu.

WITHDRAWAL OF MR KENNEDY KARANJA'S FUNDS FROM ABSA BANK

Hon. John Waithaka (Kiambu, UDA): Thank you, Hon. 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 Finance and National Planning regarding the alleged withdrawal of funds from two ABSA Bank accounts belonging to Mr Kennedy Karanja Macibu.

On 15th September 2025 at approximately 8.00 p.m., Mr Kennedy Karanja Macibu of I.D. No. 1xxx61 received multiple transaction alerts indicating that a sum of approximately Ksh3 million had been withdrawn from his two ABSA Bank accounts without his knowledge or authorisation. Following this incident, Mr Macibu immediately notified the bank and requested that the accounts be secured to prevent further loss. He subsequently lodged a formal complaint with the bank and reported the matter to the Nairobi Central Police Station under O.B. No. 81/16/09/2025.

Mr Macibu has been a customer of ABSA Bank for close to thirty-nine (39) years and has had the sole mandate of operating both accounts personally and never authorised any third party to conduct transactions on his behalf. Despite numerous follow-ups, he has not received a satisfactory explanation regarding the circumstances under which the withdrawals were effected, nor clarity on the status of investigations, including the recovery of the funds.

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

1. A Report on the status of investigations into the alleged withdrawal of funds from the two bank accounts belonging to Mr Kennedy Karanja Macibu.
2. The specific actions taken by ABSA Bank following the reported incident, including the internal investigation undertaken.
3. Steps taken by relevant investigative authorities to ensure that Mr Macibu is compensated for the loss and specific timelines.
4. Measures put in place by the Central Bank of Kenya (CBK) to ensure that financial institutions adhere to their statutory and fiduciary duty of care in safeguarding customer funds and preventing unauthorised transactions.

I thank you, Hon. Speaker.

Hon. Speaker: Thank you. Let us have the Chairperson of the Departmental Committee on Finance and National Planning.

Hon. Owen, can you inform the Chairperson to bring a response in two weeks?

Hon. Owen Baya (Kilifi North, UDA): Much obliged, Hon. Speaker.

Hon. Speaker: Hon. Stephen Mogaka, West Mugirango.

SUSPENSION OF WORLD BANK-FUNDED PROJECTS IN NYAMIRA COUNTY

Hon. Stephen Mogaka (West Mugirango, JP): Thank you, Hon. Speaker, for giving me this opportunity. Hon. Speaker, pursuant to Standing Order No. 44(2)(c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Finance and National Planning regarding the suspension of World Bank-funded programmes in Nyamira County.

On 15th December 2025, the National Treasury suspended three World Bank-funded programmes in Nyamira County, namely:

1. The Financing Locally-Led Climate Action Programme (FLLoCA)
2. The Kenya Informal Settlement Improvement Project
3. The National Agricultural Value Chain Development Project

This is due to alleged financial mismanagement, irregularities, including unauthorised use of resources, unsupported expenditures, non-delivered activities, and governance failures.

Noting that the programmes are financed through the National Exchequer in collaboration with the International Development Association (IDA) and the French Development Agency (FDA), there is a great need for clarity on the circumstances surrounding the suspension and the measures being taken to safeguard public resources and to ensure service delivery.

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

1. A Report on the findings that led to the suspension of the three World Bank-funded programmes in Nyamira County.
2. A Report on the status of investigations into the alleged mismanagement of the project funds.

3. The expected timeline for the completion of investigations and subsequent reinstatement of the projects.
4. Measures put in place to ensure officers found responsible for the alleged mismanagement of funds are held to account for those funds.
5. The steps being taken to ensure continuity of services and mitigation of adverse effects on beneficiaries pending the reinstatement of the projects.

I thank you, Hon. Speaker, for this opportunity.

Hon. Speaker: Next Order.

PROCEDURAL MOTION

REDUCTION OF THE PUBLICATION PERIOD OF THE DIVISION OF REVENUE BILL

Hon. Speaker: Leader of the Majority Party.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Speaker. Allow me to move this Motion on behalf of the Chairperson of the Budget and Appropriations Committee, who is chairing the Committee's meeting.

Hon. Speaker, I beg to move:

THAT, pursuant to the provision of Standing Order 120, this House resolves to reduce the publication period of the Division of Revenue Bill (National Assembly Bill No. 2 of 2026) from seven days to five days.

It is a procedural Motion to allow us consider the Division of Revenue Bill within the statutory timelines set out for the Budget Policy Statement (BPS), since this is part of the budget-making process.

I beg to move and request the Leader of the Minority Party to second.

Hon. Junet Mohamed (Suna East, ODM): Hon. Speaker, I stand to second.

Hon. Speaker: Thank you.

(Question proposed)

Do I put the question?

Hon. Members: Yes.

(Question put and agreed to)

MOTIONS

CONSIDERATION OF REPORT ON THE JUDGES' RETIREMENT BENEFITS BILL

THAT, this House do agree with the Report of the Committee of the whole House on its consideration of the Judges' Retirement Benefits Bill (National Assembly Bill No. 27 of 2025).

*(Moved by Hon. George
Murugara on 19.2.2026)*

(Debate concluded on 19.2.2026)

Hon. Speaker: Leader of the Majority Party.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Speaker, following consultations with the Chairperson of the Justice and Legal Affairs Committee (JLAC), I request your indulgence to defer this business to tomorrow afternoon. This is because there are two clauses he seeks to recommit, just to create some good order within the Bill, to ensure there are not too many items left to interpretation of the law, and to create clarity. Since they are working on those amendments in the Committee today, he requested that we defer this to tomorrow afternoon.

Hon. Speaker: Order No. 9 deferred to tomorrow at 2.30 p.m.

(Motion deferred)

Hon. Members, before the next Order, allow me to acknowledge, in the Public Gallery, Lesirwo Day Secondary School from Kipkelion West, Kericho County. On my behalf and on behalf of the House, we welcome the students, their teachers and those accompanying them to the House of Parliament. Students, when your school is mentioned, you stand up to be acknowledged.

(The students stood up in the Public Gallery)

(Applause)

Thank you. Next Order.

ADOPTION OF REPORT ON THE PRIVILEGES AND IMMUNITIES
(THE GLOBAL CENTRE FOR ADAPTATION) ORDER, 2025

THAT, this House adopts the Report of the Committee on Delegated Legislation on its consideration on the Privileges and Immunities (the Global Centre for Adaptation) Order, 2025, laid on the Table of the House on Thursday, 4th December 2025, and pursuant to provisions of Article 94(6) of the Constitution, Section 13(a) of the Statutory Instruments Act (Cap. 2A) and Section 17 of the Privileges and Immunities Act (Cap. 179), nullifies the Privileges and Immunities (the Global Centre for Adaptation) Order, published as Legal Notice No. 82 of 2025.

*(Moved by Hon. Gichimu
Githinji on 19.2.2026)*

(Debate concluded on 19.2.2026)

(Question put and agreed to)

Hon. Speaker: Next Order.

ADOPTION OF REPORT ON DISCRIMINATION OF
SPECIAL NEEDS EDUCATION TEACHERS

THAT, this House adopts the Report of the Public Petitions Committee on its consideration of Public Petition No. 76 of 2023 regarding discrimination by the Teachers Service Commission on career progression guidelines for

special needs education teachers in Kenya, laid on the Table of the House on Wednesday, 19th November 2025.

*(Moved by Hon. Janet Sitienei on
18.2.2026 – Afternoon Sitting)*

*(Resumption of debate
interrupted on 19.2.2026)*

Hon. Speaker: Hon. Karemba.

Hon. Muchangi Karemba (Runyenjes, UDA): Thank you, Hon. Speaker. Allow me to thank the Members of this House for the overwhelming support they gave to this Motion and Petition. We support the adoption of the Report of the Public Petitions Committee on Petition No. 76 of 2023 by Robert Njunukha Wekesa on discrimination of special needs education teachers by the Teachers Service Commission (TSC) on career progression guidelines. It was tabled on 19th November 2025. It highlights the discrepancies in the grading of special needs education teachers despite the 2017 job evaluation and 2018 career progression guidelines. This matter affects teachers serving learners with disabilities in special schools nationwide, demanding urgent parliamentary intervention.

The TSC admitted, before the Committee, that the job titles in the payroll and those in the 2018 career progression guidelines are aligned for special needs education teachers, attributing this delay to the Government's payroll system undergoing reconfiguration to facilitate migration to a new platform. Further to this admission, the Committee observed that while salaries may not have been adversely affected, other benefits and allowances tied to specific grades were indeed impacted. This inconsistency has not only caused widespread confusion but also it has denied these teachers their rightful recognition within the service.

Let me remind this House that this problem began in November 2017. Today, in February 2026, we are confronted with over eight years of inaction affecting thousands of special needs education teachers across Kenya serving in special needs schools. Despite this Petition being filed in December 2023, the alignment has still not occurred. The moral impact on these teachers is profound. They feel forgotten, undervalued and discriminated against simply because they chose the noble path of educating our children with disabilities.

Hon. Speaker, the Ministry of Public Service, Human Capital Development and Special Programmes is responsible for the payroll system and not the TSC. It is mandated by the Executive Order No. 2 of 2023 to oversee Government Payroll Policy and Standards across the entire public service. This includes managing the Government Human Resource Information System which is a centralised platform where all public servants' payroll data is processed and maintained.

While TSC is an independent constitutional Commission under Article 237 of the Constitution with authority over teacher employment and deployment, the actual payment infrastructure or the payroll system falls under the ministry's mandate to ensure uniformity, eliminate ghost workers and maintain financial integrity across Government's ministries. Therefore, when TSC sought to align special needs education teachers' titles in the payroll, they did it through the Ministry. Modification of the centralised payroll system is controlled by the Ministry, as the custodian of Government's payroll policy and infrastructure.

Hon. Speaker, Article 27 of the Constitution guarantees equality and freedom from discrimination. The effect of this eight-year delay is nothing short of discrimination against teachers who chose the specialised path of educating learners with disabilities. By adopting this Report, we affirm the national values enshrined in Article 10 of the Constitution which talk about human dignity, equity, social justice, human rights and non-discrimination. We declare

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that no teacher will be left behind in Kenya due to administrative delays. Those who teach our children with special needs are valued, respected and treated fairly.

I must address the thousands of special needs education teachers across this country who are watching these proceedings. This House sees and hears you. It stands with you. You have waited eight long years for justice. I stand here today to tell you that your wait is coming to an end.

Hon. Speaker, I beg to reply.

(Several Members stood on the aisles)

Hon. Speaker: Thank you. Members on their feet, take your seats.

(Hon. Caroline Ng'elechei entered the Chamber)

Member for Elgeyo Marakwet, take your seat.

(Question put and agreed to)

Next Order.

FURTHER CHANGES TO MEMBERSHIP OF COMMITTEES

Hon. Speaker: Chairperson, Committee on Selection.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Speaker, I beg to move the following Motion:

THAT, notwithstanding the resolutions of the House of Wednesday, 5th March 2025, Thursday, 6th March 2025 and Tuesday, 29th July 2025, appointing Members to various committees and pursuant to the provisions of Standing Order 175, this House approves the appointment of the following Members to the respective Committees as specified hereunder—

OTHER SELECT COMMITTEES

Committee of Powers and Privileges

1. Hon. Rai Samuel Gonzi
2. Hon. Muli Fabian Kyule
3. Hon. Lekuton Joseph
4. Hon. Faith Wairimu Gitau
5. Hon. Chumel Samwel Moroto
6. Hon. Kiunjuri Festus Mwangi
7. Hon. Ochieng David Ouma
8. Hon. Chege Sabina Wanjiru
9. Hon. Mishi Mboko
10. Hon. Farah Maalim
11. Hon. Mbalu Jessica Nduku Kiko
12. Hon. Ahmed Shakeel Shabbir
13. Hon. Maina Jane Njeri
14. Hon. Mumo Rose Museo

Committee on Members' Services and Facilities

1. Hon. (Dr) Karani Stephen Wachira
2. Hon. Basil Robert Ngui
3. Hon Salim Feisal Bader
4. Hon Yegon Brighton Leonard
5. Hon. Mwafrika Augustine Kamande
6. Hon. Kihara Jayne Wanjiru Njeri
7. Hon. Mwangi Teresia Wanjiru
8. Hon. Gachagua George
9. Hon. Aramat Lemanken
10. Hon. Mong'ina Jerusha Momanyi
11. Hon. Odhiambo Elisha Ochieng
12. Hon. Busia Ruth Adhiambo Odinga
13. Hon. Salasya Peter Kalerwa
14. Hon. Abuor Paul
15. Hon. Muhanda Elsie Busihile

Constitution Implementation Oversight Committee

1. Hon. William Kamket
2. Hon. Mbai Nimrod Mbithuka
3. Hon. Murumba John Chikati
4. Hon. Risa Sunkuyia George
5. Hon. Geoffrey Ekesa Mulanya
6. Hon Mukunji John Gitonga
7. Hon. Kitur Bernard Kibor
8. Hon. Mejjadonk Benjamin Gathiru
9. Hon. Abdisirat Khalif Ali
10. Hon. Onyiego Silvanus Osoro
11. Hon Njoroge Mary Wamaua
12. Hon. Wamuchomba Gathoni
13. Hon. Osero Patrick Kibagendi
14. Hon. Karitho Kiili Daniel
15. Hon. Nabulindo Peter Oscar
16. Hon. Aburi Lawrence Mpuru
17. Hon. Mohamed Umulkher Harun
18. Hon. Mbalu Jessica Nduku Kiko
19. Hon. Lentoijoni Jackson Lekumontare
20. Hon. (Prof) Jaldesa Guyo
21. Hon. Nguna Charles Ngusya
22. Hon. Hamisi Kakuta Maimai
23. Hon. Paul Abuor

Committee on Delegated Legislation

Hon. Omondi Moses Okoth, to replace Hon. Mwale Nicholas Tindi.

Committee on Implementation

Hon. Njeru Leo Wa Muthende, to replace Hon. Kasiwai Rael Chepkemoi.

Committee on National Cohesion and Equal Opportunity

1. Hon. Ndakwa David Athman, to replace the late Hon. Denar Joseph Hamisi.
2. Hon. Koimhuri George Ndung'u, to replace Hon. Chelule Liza Chepkorir.

Committee on Parliamentary Broadcasting and Library

1. Hon. Rutto Julius Kipletting, to replace Hon. Toroitich Timothy Kipchumba.
2. Hon. Mwangi Geoffrey Wandeto, to replace Hon. Koimhuri George Ndung'u.
3. Hon. Kombe Harrison Garama to replace Hon. Wanjala Raphael.

Public Petitions Committee

Hon. Biego Paul Kibichy, to replace the late Hon. Tubi Bidu Mohamed.

Committee on Regional Integration

1. Hon. Toroitich Timothy Kipchumba, to replace Hon. Rutto Julius Kipletting.
2. Hon. Koimhuri George Ndung'u, to replace Hon. Mrembo Irene Njoki.

FINANCIAL AUDIT AND MONEY-RELATED COMMITTEES

Public Investments Committee on Governance and Education

Hon. Ong'ondo Boyd Were, to replace the Hon. Kibagendi Antony.

Public Investments Committee on Social Services, Administration and Agriculture

Hon. Hassan Ahmed Maalim, to replace the Hon. Sheikh Umul Ker Kassim.

Special Funds Accounts Committee

Hon. Sankaire Leah Sopiato, to replace Hon. Biego Paul Kibichy.

DEPARTMENTAL COMMITTEES

Departmental Committee on Environment, Forestry and Mining

Hon. Njeru Leo Wa Muthende, to replace the late Hon. Tubi Bidu Mohamed.

Departmental Committee on Justice and Legal Affairs

1. Hon. Toroitich Timothy Kipchumba, to replace Hon. Karemba Eric Muchangi.
2. Hon. Kipchumba Harold Kimuge, to replace Hon. Siyad Amina Udgoon.

Departmental Committee on Regional Development

1. Hon. Hassan Ahmed Maalim, to replace Hon. Umul Ker Kassim Sheikh.
2. Hon. Wamuchomba Gathoni, to replace Hon. Mwangi Geoffrey Wandeto.

Departmental Committee on Sports and Culture

Hon. Ndakwa David Athman, to replace late Hon. Denar Joseph Hamisi.

Departmental Committee on Tourism and Wildlife

Hon. Kasiwai Rael Chepkemoi, to replace Hon. Sankaire Leah Sopiato.

Hon. Speaker, these changes are occasioned by your call, when we opened this House on the 10th February 2026, to reconstitute the two Sessional Committees — the Committee of Powers and Privileges and the Committee on Members' Services and Facilities — whose term had lapsed at the end of the last session.

Two, to accommodate the six new Members who had no Committees. We had six Members who were absent from the House. We also had some other Members who were holding more than two committees. Therefore, you will notice that there are those from whom we have taken away some of the extra committees they were holding, Hon. Chair... Sorry, Hon. Speaker. I know you are very keen not to be referred to as a Chair, but I am talking about Chairpersons of committees.

The National Assembly Standing Order 174 (3) (b) says that except as the House may otherwise resolve, on the recommendation of the Committee on Selection for reasons to be stated, a Member who is a Chairperson of a committee or a member of the Parliamentary Service Commission appointed under Article 127 (2) (c) of the Constitution shall not serve in more than one committee. We had Chairs, the case of Hon. Tindi Mwale, Hon. Karemba Muchangi and Hon. Raphael Wanjala, who also sat on other committees.

We also do not want to have vacancies in committees, even in the absence of the six Members. We have now realigned to make sure that a Member who chairs a Committee, unless there are justifiable reasons stated by the Committee on Selection... I think we have only one vacancy now occasioned by the loss of the late Hon. Tubi, whose by-election is slated for this Thursday in Isiolo South. I want to believe next week or the week after, the Committee on Selection will sit again to realign and accommodate the new Member who will be elected in Isiolo South, plus any other changes that may be necessary.

Occasionally, the House leadership also has to look at how efficient House business will move, bearing in mind the inter-coalition arrangements that we have. Within the two coalitions that we have in the House, there are arrangements on who sits in which committee. The arithmetic of the House has also changed. For instance, the positions for Banissa and Mbeere North constituencies were not previously held by the United Democratic Alliance (UDA). One was held by the Democratic Party (DP) while the other was held by the United Democratic Movement (UDM). UDA has now gotten those seats back. Therefore, the arithmetic of how we sit in Committees also changes.

We sat as a Committee on Selection and tried to balance that in consultation with the House leadership. We passed those changes, which were adopted by the House Business Committee this lunch hour. I know a few of us are holding two or three Committees. I want to note that it was necessary at that time to fill those vacancies in those Committees, but now that we have our colleagues — Hon. Boyd Were, Hon. Omondi, Hon. Leo Wa Muthende and Hon. Maalim — in the House, it is only fair that we relinquish some of those positions to allow them to also serve in these committees.

Let me also take this opportunity, Hon. Speaker, to apologise to the House and to the new Members for taking about two weeks to settle this matter. We had hoped that we would be able to get them to get involved in the work of committees as early as possible. But I want to believe this is a matter that we can quickly dispense with this afternoon, so that from tomorrow, even those who are in Departmental Committees can start participating in the

ongoing meetings of the budget-making process under BPS. That way, the new Members will get to understand what goes on in the House, since they do not have a lot of time.

With that, I beg to move and request the Leader of the Minority Party, Hon. Junet Mohamed, to second.

Thank you, Hon. Speaker.

Hon. Junet Mohamed (Suna East, ODM): Hon. Speaker, I rise to second the Motion on further changes to Committees membership. The Members are aware that we had a mini-general election in six constituencies at the same time because the Independent Electoral and Boundaries Commission (IEBC) was not constituted in time to conduct those elections. After the elections, the Members came to the House and expected to serve at least in one committee, as per the Standing Orders.

The Committee on Selection had a meeting this morning and looked at the reconstitution of the committees, and there were Members who were sitting in three or four committees. We managed to reallocate a few committees to the new Members who have arrived, so that they can also, in line with the Standing Orders, serve in at least one committee in the House.

In the next reconstitution of committees, there is an issue that we will need to look at. There are Members who are serving in committees but are not attending committee sittings. Yet, they are holding those positions when other Members would have served better. So, we need to look at the attendance and liaise with the Office of the Clerk, so that the clerks of those committees can be requested to furnish the Whips' offices with the attendance of every committee member.

This morning, I met one of the government officers on the corridors of the House. I asked him, "Have you finished the committee meeting?" He told me, "No, we are waiting for a quorum." That Committee has enough numbers to form a quorum, yet the attendance is poor. So, we need to look into that matter. In this presidential system under this Constitution, the bulk of the work of Parliament happens in Committees before it comes to the Plenary. Committee work is therefore very important.

Having said that, there are Committees that are doing a fantastic job in this House. There is a lot of work going on and if the Committees were not working, we would not be seated here today. All the business before the plenary originates from Committees. I also want to thank the Committees that are putting in a lot of time and effort. We congratulate and appreciate them for the work they are doing.

With those few remarks, I wish to remind Members that there is a by-election happening in Isiolo. After the by-election, depending on who wins the seat, there will be a reconstitution of Committees. I want to emphasise that membership in a Committee is not an entitlement. It is the preserve of the party that sponsors you and the party determines where you can serve best. I see some Members treating Committee membership as an entitlement. It is not a right. Your right is your election as a Member of Parliament. Once you are here, it is your party that decides which Committee you will serve in, just as the Executive appoints the Cabinet. Those who are masquerading as though they are entitled to particular committees will be dealt with thoroughly.

I sometimes wish I could go back to being a Minority Whip. I left that position a long time ago. When I was a Minority Whip, I was very firm. You remember the last Parliament. Those who toyed with the party learned their lesson. By now, *ningenyoya hao bila maji*. Our current Minority Whip has tried her best. In the last ten days, she has had sleepless nights balancing interests from different sides. I do not envy her job. I met with her this morning and we discussed these matters. As the Hon. Leader of the Minority Party, I want to give an early warning to those who are misbehaving. We have issued a warning. Anyone who fails to adhere

to the party line will relinquish their Committee seat for a less influential one. Let it be known that it is the party that rewards Members with Committee positions.

With those few remarks, I second.

Hon. Speaker: What is it, Hon. Millie?

Hon. Millie Odhiambo-Mabona (Suba North, ODM): I am glad that the Leader of the Minority Party has acknowledged that perhaps I should have been the Leader of the Minority Party and he the Whip. The Whip wields the power of the pen and I do not like the power of the pen. I do not seek power; he is the one who wants power. However, we work very well together. I do not even like to engage in such contests.

Hon. Speaker: What is out of order?

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Is he in order to acknowledge, rather belatedly, that he should have left me that seat and taken up the position of Whip of the Minority Party instead?

Hon. Junet Mohamed (Suna East, ODM): I know very well that my Whip is capable of being the Leader of the Minority Party. When the former Leader of Minority Party left office, an assessment was conducted by the party at Emory Hotel between Hon. Millie and I. It was determined that my position as the Whip is somewhat temperamental. She was therefore advised to remain the Whip of the Minority Party for the time being and we would review the positions later.

(Laughter)

Hon. Speaker: Order, Members. Hon. Njeri, order.

(Question proposed)

Hon. Speaker: Should I put the Question?

Hon. Members: Yes.

Hon. Speaker: Hon. Omondi, what is your point of order?

POINT OF ORDER

REMOVAL FROM COMMITTEE MEMBERSHIP

Hon. Caroli Omondi (Suba South, ODM): Hon. Speaker, I rise under Standing Orders 174(3) and 176. Let me start with Standing Order 174(3)(b) in particular. I will read it for the benefit of the Members:

174 (3)(b). A Member who is a Chairperson of a committee or a Member of the Parliamentary Service Commission appointed under Article 127(2)(c) of the Constitution shall not serve in more than one committee.

I was the Chairperson of the Constitutional Implementation Oversight Committee (CIOC), so I have only served in that Committee. I used to be a Member of the Departmental Committee on Sports and Culture. My name does not appear anywhere in the list that has been circulated. I know that under our Standing Orders, I am entitled to sit in one Committee. So, I would like to get clarification on that point.

The second one is Standing Order 176 on the discharge of a Member from a Committee. It states:

176. (1) A party may discharge a Member from a select committee after according the Member an opportunity to be heard.

(2) The party whip of the party that nominated a Member to a select committee shall give notice in writing to the Speaker of the intention to discharge a Member from a select committee.

(3) The Speaker shall, within three days of receipt of the notice under paragraph (2), inform the Member of the notice.

My understanding of the word ‘discharge’ as a matter of legal definition is to be released, terminated or discontinued as a Member of a select committee, which has happened in this case because my name has been excluded from the membership of the CIOC. I have not been accorded an opportunity to be heard, neither has the Speaker informed me that he received a notice. The Chief Whip of the Minority Party has not shared a letter with me where she recommends that I be removed from that Committee. In terms of Article 35 of the Constitution, I would like to get:

1. A letter from the Whip of the Minority Party.
2. Notice from the Speaker.

I will leave it at that for now. I will come back on some other issue.

Hon. Speaker: Yes, Leader of the Majority Party.

Hon. Kimani Ichung’wah (Kikuyu, UDA): Hon. Speaker, Hon. Caroli Omondi is clearly misleading the House because the Whip has not discharged him from the Committee. I alluded to the fact that there are Members who are chairpersons of committees, who also sit on other committees. Hon. Caroli Omondi was one such Member. He was chairing the CIOC and was also a Member of the Departmental Committee on Sports and Culture. So, to say that his name has been omitted is very misleading because if he looked at the publish list on the website, he would see that he is a Member of the Departmental Committee on Sports and Culture.

(Hon. Caroli Omondi spoke off the record)

Hon. Speaker, protect me from his heckling. I am making very clear points. I was very quiet when the Member raised his point of order. He can be quiet and wait for the response because he cannot mislead the House.

Following the small general election held in November last year, the United Democratic Alliance (UDA) gained positions even in committees that we previously did not hold. This is one such committee where, because of its size, we have gained an extra seat in line with our Standing Orders on how we share positions. Therefore, Hon. Caroli cannot claim that he has been discharged from that committee. Hon. Millie Odhiambo, the Chief Whip of the Minority Party, has not discharged Hon. Caroli Omondi from that committee.

Last week on Thursday, I stated that Hon. Caroli Omondi went on national television to claim that we wanted to remove him from a committee. I am not involved in the affairs of the Orange Democratic Movement (ODM) Party. I have no business with ODM other than my name Ichung’wah. I have no other business with ODM other than their being my good partners in the Broad-Based Government. As much as we have the Broad-Based Government, we also have coalition agreements that we adhere to. We have Standing Orders that we have to follow. Therefore, if positions are shared out *pro rata* on the basis of the number of seats that a party has in the House, if we gain more seats like we did in the last small general election, we will take certain seats that were held by the Minority Party.

I will leave it at that and inform Hon. Caroli Omondi that if he was meant to be discharged from a committee, the Chief Whip of the Minority Party would write a letter to him. You have not been discharged. That position in the Committee has just been lost by the Minority Party. That Committee is one of the largest in the House. Therefore, it is one of the positions that have been lost by the Minority Party.

(Hon. Caroli Omondi spoke off the record)

Hon. Speaker: Let us hear from Hon. Junet, then I will give you an opportunity to respond.

Hon. Junet Mohamed (Suna East, ODM): Hon. Speaker, having been the Whip of the Minority Party for many years, I want to bring to the attention of the House that the situation before the House is different from what Hon. Caroli is describing. Before a Member is discharged from a Committee, the Whip will write to you a notice of discharge from the committee. You do not have to appear before the Committee on Selection. The Committee on Selection sat this morning to reconstitute the committees of the House. That Committee has the mandate of reconstituting the membership of the committees of the House. So, we were invited to a meeting of the Committee on Selection, which re-looked into the composition of the committees of the House. Through that process, they placed Members in different Committees. Whatever Hon. Caroli is talking about is coming. It is on the way. I promise you as the Leader of the Minority Party.

Hon. Speaker: Point made. Yes, Hon. Caroli.

Hon. Caroli Omondi (Suba South, ODM): Hon. Speaker, I am very happy that we are having this debate because I am sure it will be very beneficial to many Members.

First, the moment I was elected the Chairperson of the CIOC, I automatically ceased being a Member of the Departmental Committee on Sports and Culture. If you look at the records, I have never attended the meetings of the Departmental Committee on Sports and Culture since I became the Chairperson of the CIOC. I only attended once to bid them farewell. I am not a Member of that Committee. If you are reconstituting the committees and I am entitled to, at least, be in one, which one do I belong to? My membership in other committees discontinued the moment I became the Chairperson of the CIOC.

Secondly, my party nomination to the CIOC has not been forthcoming. The question that the Leader of the Majority Party has raised is very fundamental. Do committees belong to the Committee on Selection or to the parties? He and the Leader of the Minority Party are saying different things because only the person who nominated me to a committee has the power to discharge me from a committee. That is the law. The person who nominated me as a Member of the CIOC was the Chief Whip of the Azimio La Umoja-One Kenya Coalition. That is it. That issue has to be addressed.

Hon. Speaker: Point made, Hon. Caroli.

Hon. Caroli Omondi (Suba South, ODM): Yes, that is it, Hon. Speaker. That question has to be addressed. Standing Order 176 has not been complied with and I reserve my right to challenge it. I need to see a letter from Hon. Millie Odhiambo saying she has removed me from the Constitutional Implementation Oversight Committee as a Member. I have to see it. Yes, I want to see it. That letter is not there. I know Hon. Millie did not write it and Hon. Murithi Mwenje did not write it. This is a conspiracy between the Leader of the Minority Party and the Leader of the Majority Party.

Hon. Speaker: Point made. Take your seat. Order, Hon. Members. Order, Hon. Caroli. You have made your point. Take your seat. Hon. Ichung'wah, does Hon. Caroli Omondi belong to any Committee?

(Hon. Caroli Omondi spoke off the record)

Hon. Speaker: Order, Hon. Caroli. I am asking your leaders whether you belong to any Committee.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Speaker, allow me to read Members of the Departmental Committee on Sports and Culture. I have just obtained this from the parliamentary website.

(Hon. Caroli Omondi spoke off the record)

Hon. Speaker, protect me from the heckling. We are not used to heckling.

Hon. Speaker: Hon. Caroli, just listen to him.

Hon. Kimani Ichung'wah (Kikuyu, UDA): This is a House where we engage with decorum and intellect, not heckling. The Chairperson, as listed on the parliamentary website, is Hon. Sitati Daniel Wanyama. Hon. Wamacukuru James Githua Kamau is the Vice-Chairperson. Committee Members are:

1. Hon. Jackson Kipkemoi Kosgei
2. Hon. Naomi Waqo Jilo
3. Hon. Yegon Richard Kipkemoi
4. Hon. Sitienei Janet Kipkemboi
5. Hon. Letipila Dominic Eli
6. Hon. Omanyo Catherine Nakhabi
7. Hon. Muhanda Elsie Busihile
8. Hon. Nguna Ngusya Charles
9. Hon. Caroli Omondi
10. Hon. Mule Stephen Mutinda
11. Hon. Basil Robert Mbui
12. Hon. Nabuin Paul Ekwom.

Hon. Caroli Omondi cannot claim to have left the Committee. You do not leave a Committee. You can only be discharged. Even that discharge has to be approved by the House. Alternatively, you may resign formally by offering your resignation to the Chairperson of the Committee and to your Whip and to your Leader in writing.

The Whip has no resignation letter. The Leader has no letter of resignation. The Chairperson of the Committee on Selection has no letter from Hon. Caroli Omondi resigning from the Departmental Committee on Sports and Culture. That is why I said he was misleading the House from the word go. He is not in any other Committee.

Hon. Speaker, I think you should take action.

Hon. Speaker: Hon. Caroli Omondi, I direct as follows. You have a minute.

Hon. Caroli Omondi (Suba South, ODM): The power of the Committee on Selection is to nominate Members. I want to be shown the power of the Committee on Selection, under our Standing Orders, to discharge from a Committee.

Hon. Speaker: You have already made that point.

Hon. Caroli Omondi (Suba South, ODM): Yes, but I want a ruling from you. I encourage you to retire, research, and give us a ruling on this matter for the benefit of Members. Members have been mistreated in this House when political differences are brought here. They do not want me to chair the Constitutional Implementation Oversight Committee because I will oversight general elections. They want to rig elections. That is why they do not want me in the Constitutional Implementation Oversight Committee

(Loud consultations)

Hon. Speaker: Order.

Hon. Caroli Omondi (Suba South, ODM): That is the reason.

Hon. Speaker: Order. Take your seat. Order, Hon. Members. I do not want us to escalate this. Hon. Caroli Omondi, I do not need to retreat to make a ruling on this very simple matter.

On the first point, I hold the Majority Leader to what he has read to the House on whether you are a Member of any Committee. If you are not, I direct the leadership to make sure you are allocated a Committee. That ends there.

On the issue of discharge and reconstitution of Committees, the two are as different as day and night. To discharge a Member from a Committee does not involve the whole House. All the leadership ought to do is to write to the Speaker indicating the Member is being discharged from a Committee. The Speaker ensures the Member gets a hearing to defend themselves if the process is malicious or based on reasons you do not agree with. That is not what is obtaining here. Reconstitution of Committees or changes to Committees is obtaining. If you look at the Motion, it rescinds previous decisions and says “notwithstanding”. We are moving away from part of what we had agreed. It goes on to say, “the following Members have now been allocated Committees”.

To my mind, and it is a very sound legal mind, you have not been discharged. They simply have reconstituted the Committee and omitted your name from the Committee you were chairing. On whether you have a Committee or not, I have directed that you must have one if you have none. On whether you remain the Chair is a matter for leadership. It has nothing to do with the Speaker.

(Hon. Caroli Omondi spoke off the record)

Order, Hon. Caroli Omondi. You have made your point. You wanted a direction and I have given you one. Can I now put the question?

Hon. Members: Yes.

(Hon. Caroli Omondi spoke off the record)

Hon. Speaker: Order, Hon. Caroli Omondi. I am many times your senior in law and many other ways. As your former employer, you also know that my knowledge of the law is very sound.

(Question put and agreed to)

Next Order.

BILLS

First Reading

THE DIVISION OF REVENUE BILL
(National Assembly Bill No. 2 of 2026)

(The Bill was read a First Time and referred to the relevant Committee)

*Second Reading*THE ENERGY (AMENDMENT) BILL
(Senate Bill No. 42 of 2023)*(Moved by Hon. David Gikaria on 19.2.2026)**(Resumption of debate interrupted on 19.2.2026)*

When we rose on Order 14, nobody was on the Floor of the House. I have the name of Hon. Wilberforce Oundo on the screen. Are you for this?

Hon. Ojiambo Oundo (Funyula, ODM): Hon. Speaker, I had already spoken to this. I was the first person to speak to it.

Hon. Speaker: Okay. Hon. Zamzam Chimba, are you for this Bill?

Hon. Zamzam Mohammed (Mombasa County, ODM): Hon. Speaker, it has not been communicated. Thank you.

Hon. Speaker: Okay. Hon. Tindi Mwale, are you for the Bill?

Hon. Nicholas Mwale (Butere, ODM): Thank you, Hon. Speaker. I am waiting for Order No. 15.

Hon. Speaker: Then get your name off the screen. There being no interest in debating the Bill, the Mover is called upon to reply. Let us have the Chairperson of the Departmental Committee on Energy.

Hon. David Gikaria (Nakuru Town East, UDA): Thank you, Hon. Speaker. Let me take this opportunity to thank the Members who contributed towards this very important Bill. The Members who spoke raised the aspect of the cost of energy in the country. Hon. Oundo spoke positively in support of the Bill. He however, raised some very important and critical issues that needed to be looked into, particularly on the independent power producers. If they are not properly regulated, they end up overcharging Kenyans. Kenyans feel the weight which ends up effecting the economy of this country.

After this House lifted a moratorium which had been placed for quite a while by the past regime and the importance of increasing power generation, we, as a committee and the government has taken a positive direction. It is unfortunate that when we were talking about the cost, remember we brought a report on the Floor of the House on the cost of energy in the country. We reiterated the commitment of the government and the ministry, particularly our committee, to look into the cost of power in this country. Unfortunately, the cost of power itself is affected by so many factors. One of the issues is the Fuel Levy that is always a percentage in our electricity bills, the foreign exchange adjustment and the taxes. However, on average, as a country, we have a policy to check the prices for what we call 'life line'. These are consumers who use less than 30 units in a month.

Hon. Speaker, I want to thank all...

(A Member spoke off the record)

I am just reading the figures that I have. If you google today, by the beginning of this month, these are the charges that are there. We have the domestic, which is at the middle, and then we have huge consumers who pay slightly more.

I agree and have taken note of what Hon. Oundo indicated and these are some of the things that we will be looking into. We not only look at power and the cost but also, the

reliability. I remember in our conversation last week in a committee meeting where we were told that the Nyanza region is already settled in those matters only for us to look and say it is not the case. We had already settled all matters to do with that. However, we looked into them and said it was not the case.

Hon. Speaker: What did you settle?

Hon. David Gikaria (Nakuru Town East, UDA): Pardon.

Hon. Speaker: What did you settle?

Hon. David Gikaria (Nakuru Town East, UDA): We settled all matters on power rationing which was not a fact. Nyanza still suffers from inadequate power. We should not only look at the cost of power but also its quality and reliability. This is what the Committee will look into.

Hon. Speaker: You should check out Western Kenya.

Hon. David Gikaria (Nakuru Town East, UDA): Yes, of course.

Hon. Speaker: It has the weakest power grid, perhaps in the whole country.

Hon. David Gikaria (Nakuru Town East, UDA): Hon. Speaker, I agree with you.

Hon. Emmanuel Wangwe (Navakholo, ODM): On a point of order, Hon. Speaker.

Hon. Speaker: Yes, Hon. Wangwe. Give him the microphone.

Hon. Emmanuel Wangwe (Navakholo, ODM): Thank you, Hon. Speaker. In fact, as the very respectful Chairperson puts it, I am happy because the Committee defended the position. In addition to Nyanza, Western Kenya is the worst hit by power rationing.

As we speak today, the transformer that is in my headquarter in Navakholo is for 3,000 households yet the number of people who are connected to that power are many. We only have power for two days in one week. Please help the people of not only Navakholo to get power but also the entire Western Kenya. That is the position.

Hon. Speaker: Yes, Senior Counsel.

Hon. (Dr) Otiende Amollo (Rarieda, ODM): Thank you, Hon. Speaker. The Chair of the Committee, who is my very good friend, has made an admirable statement which is factually incorrect. Nyanza is not settled in terms of power interruptions. Let me assure you that it has the weakest link. We have been promised a new grid which is not yet there. Any time there is a thunderstorm or whiff of rainfall, there is power outage for more than 24 hours.

This is coupled with some transformers which are defective. Every time we complain, the transformers are brought. Then, within a month or two, they are down again. While we laud the effort of the Cabinet Secretary, State Department and the Committee, let it be on record that the question of power outages in Nyanza – particularly in Siaya and in my constituency – is far from settled.

Thank you, Hon. Speaker.

Hon. Speaker: Yes, Hon. Zamzam.

Hon. Zamzam Mohammed (Mombasa County, ODM): Mhe. Spika, nimemskiza Mwenyekiti akizungumzia matumizi ya umeme kuwa ya *token* kwa mwezi ni 30 *units*.

Nataka nikueleze kuwa *smart metre* ililetwa kwa nyumba yangu na ninatumia 40 *units* siku moja. Hata majirani wanalalamika. Mimi sina kiwanda. Nashangaa. Kwa hivyo, kuna kitu kinaendelea na lazima mchunguze kwa sababu Wakenya wengi walalamika *units* zinaenda mbio sana, hasa hizi *smart metres* ambazo zimeletwa za kuweka kwa nyumba ni za wizi mtupu. Hata kama watu wanalalamika kwa sababu ya 30 *units* mwezi mmoja, natumia 40 *units* siku moja. Nashangaa tunaelekea wapi.

Kuna mtu ndani ya Kenya Power aliniambia hizi *smart metres* hazifai kuwekwa katika nyumba za watu lakini katika viwanda. Sasa Mkenya analipa stima hata kushinda ule mshahara wake ambao anapata kwa mwezi.

Asante sana, Mhe. Spika.

Hon. Speaker: Hon. Gikaria, wind up.

Hon. David Gikaria (Nakuru Town East, UDA): Hon. Speaker, Hon. Members did not hear me clearly. When we had an engagement last week with the Principal Secretary, he alluded to the fact that Nyanza region is now sorted out on reliability of power. One of the Members in the Committee said that it was not true. I was alluding to the fact that we realised much....

Hon. Speaker: Are you alluding or stating?

Hon. David Gikaria (Nakuru Town East, UDA): I am stating, Hon. Speaker. The members of the Executive give us some information. As a Committee, we need to make sure what they tell us is true. One of the Members of the Committee does poultry farming or he has a hatchery. He said that all the chicks died because of power rationing. This House lifted the moratorium on power. The Ministry is in the process of getting Independent Power Producers (IPPs) who must be checked so that they do not overcharge Kenyans in power supply.

With those few remarks, I thank the Members who contributed to this Bill. We look forward to pass the small section that we agreed on.

(Several Members entered the Chamber)

Hon. Speaker: Members on your feet, take your seats.

(Visiting pupils entered the Public Gallery)

The pupils in the Public Gallery, stop and stand where you are.

(Hon. Gladys Boss stood in her place)

Order, Hon. Deputy Speaker. Take the nearest seat.

(Question put and agreed to)

(The Bill was read a Second Time and committed to Committee of the whole House)

Hon. Speaker: Next Order.

MOTION

ADOPTION OF REPORT ON AUDITED ACCOUNTS OF THE NATIONAL GOVERNMENT FOR FY 2022/2023

Hon. Speaker: Chairperson of the Public Accounts Committee (PAC), Hon. Tindi Mwale.

Hon. Nicholas Mwale (Butere, ODM): Hon. Speaker, I beg to move the following Motion:

THAT, this House adopts the Report of the Public Accounts Committee on its examination of the Report of the Auditor-General on the financial statements for the National Government Ministries, Departments and Agencies for the Financial Year 2022/2023, laid on the Table of the House on Thursday, 19th February 2026.

The National Assembly exercises oversight over national revenue and its expenditure, pursuant to Article 95(4)(c) of the Constitution through PAC, which in turn derives its mandate from Article 124(1) of the Constitution and Standing Order 205. It is important to note that

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Article 229(8) of the Constitution requires Parliament within three months after receiving an audit report to debate and consider it and make appropriate action.

[The Speaker (Hon. Moses Wetang'ula left the Chair)]

*[The Temporary Speaker
(Hon. Martha Wangari) in the Chair]*

Further, Article 203(3) of the Constitution provides that the equitable share of the revenue raised nationally and allocated to county governments is calculated on the basis of the most recent audited accounts of revenue received, as approved by the National Assembly.

Hon. Temporary Speaker, I wish to commend all the accounting officers whose financial statements received an unqualified opinion from the Auditor-General. I encourage other accounting officers to emulate these worthy examples. In this Report, the Committee has continued to hold individual officers to account for the various acts of omission and/or commission that occasioned either loss or illegal application of public funds. In several instances, the Committee has recommended specific follow-up actions, including further investigations by the relevant accounting agencies. It is my hope that these recommendations will be implemented as quickly as possible by all concerned people with public interest above everything else.

I want to highlight several concerns which the Committee had when we examined the report of the Auditor-General. Some observations and recommendations emanated from how accounting officers presented themselves, the responses they gave and the interrogation by Members.

The first observation is unsatisfactory accounting standards in accounting units. Although we have officers qualified in accounting units within state departments, we found that most of them show laxity. Most of them are not competent to handle accounting practices as per the international accounting standards. I want to read the recommendations so that it is captured in *The Hansard*. The Committee recommended that the National Treasury conduct periodic sensitisation and capacity building for all accounting officers, finance staff, and procurement officers across government on their responsibilities during the audit cycle, and on adherence to International Public Sector Accounting Standards (IPSAS).

Secondly, the Institute of Certified Public Accountants of Kenya (ICPAK) should enforce compliance with the standards and impose sanctions on officers found to be wilfully failing to discharge their functions.

The second observation was on late submission of supporting documentation. During the audit process, the Auditor-General writes management letters to different state departments. However, the state departments take more time to submit responses. This late submission of supporting documentation normally delays the audit process. This has also been experienced during the committee's examination of the Auditor-General's report.

An accounting officer appears with documents only at the time of appearance before Committee. They bring the documents to the committee room on the same day. Most of these documents are voluminous and technical. The committee staff require time to analyse them. When they submit them late, technically, they want the Committee not to look at the documents and also to conceal some mistakes. Therefore, the committee noted the late submission of supporting documents.

The Committee recommends that accounting officers comply with Section 68(2)(k) of the Public Finance Management Act (Cap. 412A), by providing supporting documentation on time. The Committee cautions that in subsequent audit cycles; it shall recommend the

imposition of appropriate sanctions against accounting officers who fail to comply with the relevant legal and regulatory requirements.

The third observation is the long outstanding construction works and stalled projects. Many projects in this country, whether in the energy sector, infrastructure such as roads, or schools, have stalled. This affects value for money and denies the public the intended benefits. Accounting officers then introduce variations and request additional funds to complete the projects.

These projects become cash cows every financial year where State departments bring budget estimates to the National Assembly, seeking more funds for the projects to be completed. The Committee, therefore, recommends that the National Treasury approve only projects it can guarantee will be funded and completed within the Medium-Term Expenditure Framework (MTEF). The recommendation squarely lies with The National Treasury. They must factor in only projects they can finance and complete on time, and not be over-ambitious.

The other observation is non-existent or weak internal audit functions. The Public Finance Management Regulations, 2012 and 2015 provide that every State department or agency must have an internal audit function. This internal audit function aids the State departments in correcting mistakes before the Auditor-General conducts an external audit. However, we observed that many State departments did not have internal audit functions, or where they existed, they were weak.

The Committee recommends that the National Treasury submit a proposal to the National Assembly within three months of the adoption of this Report, delinking internal audit functions in terms of appointment, facilitation and reporting, from accounting officers to an independent office.

The Committee also observed issues with Budget control and performance. Currently, we are having budget estimates being presented for the Supplementary Budget. You will find that an accounting officer will submit budget estimates but when the National Treasury disburses funds, some allocations are reduced. This affects the performance and implementation of the planned projects. The Committee recommended that the National Treasury and the National Assembly, through the Budget and Appropriations Committee and the Departmental Committee on Finance and National Planning, make realistic revenue projections and attainable expenditure estimates.

The other issue is the interest and commitment fees charged on undrawn loans. When budgeting, we have two components: the Government of Kenya and the donor. On the donor component, we observed that we had interest and commitment fees charged on undrawn loans. The Government goes and requests the donor funds or loans, but they do not use them, yet they did the commitment. The donor is thus charging interest on a loan that has not been used.

The committee recommends that the National Treasury enter into loan agreements only for programmes or projects whose implementation plans are ready for immediate execution. Accounting officers who fail to utilise such funds promptly and within the schedule will be held personally liable and shall make good the interest loss, subject to Article 226(5) of the Constitution. It was also observed that there was dual implementation of projects between the national and county governments.

The National Government implements projects, and county governments also allocate funds to the same projects, especially in the roads sector. This leads to duplication and misuse of public resources. The committee recommends that such funds be disbursed in full to the implementing agency as conditional grants, instead of the current hybrid arrangement. The Auditor-General should audit and report on the financial statements of the implementing agencies.

The second-last observation is the delay in compensating landowners. You will find that the Government initiates a project where it does not own land or part of that land and they

go for compensation. For example, the electricity lines being done by Kenya Electricity Transmission Company Limited (KETRACO), the Government goes for the wayleave compensation. In wayleave compensation, you will find that the electricity lines are erected before the owner of the land is compensated. That was an observation of the Committee.

The Committee recommends that implementing agencies should prioritise prompt compensation of land acquired by projects before projects commence as provided for under Sections 111, 115, and 117 of the Land Act. That is why we have a special audit on wayleave compensation. We have so many Kenyans, especially in Nakuru County where you come from who have a big problem of not being compensated and yet the Government has already used their land.

Last observation was the non-compliance with the one-third rule of basic salary. We noted that this issue of compliance with one-third rule of basic salary affected all State departments. We discovered that as much as the law dictated that it was the accounting officer to make sure that they comply with the one-third rule of basic salary, the problem emanated from Parliament that come up with the law. Therefore, the Committee recommends that the Public Service Commission reviews and submits to the National Assembly amendments to this law within three months of adoption of this Report.

Last is the comingling of funds in projects. Commingling is mixing of project funds. They have used a technical term in accounting “commingling.” We found that many government agencies were prone to mixing government funds from different projects. The Committee recommends that the National Assembly amends regulation 76(1) of the Public Finance Management National Government Regulation, 2015 to allow for automatic exemption of such requirement when the financing agreement expressly provides for direct payments rather than have the accounting officer write to the National Treasury seeking exemptions which are invariably delayed.

These are not the only observations. We have many more in the Report. We have done a very comprehensive Report. We have proposed very strict and important recommendations. In some cases, we have proposed reprimanding and surcharging accounting officers. In other cases, we have recommended administrative action to be taken on the employees who did illegal acts. Therefore, I want to ask Members to read the Report, debate it and give better recommendations from the contents of the Report.

I know you amended the time for moving the Report. I was very keen on my contents of the presentation. I believe my 20 minutes are not over. I still have four minutes left. I wanted to give my colleagues in the Committee time to comment. I now call upon the Member for Mathioya, Hon. Edwin Mugo Gichuki to second.

Thank you.

The Temporary Speaker (Hon. Martha Wangari): Before the Member for Mathioya seconds, moving of the Report of the Committee had 60 minutes. In fact, you are very far from finishing. You had one hour to move it. However, you have already moved it. That is for the future.

Before I give Hon. Edwin the chance to second, I know our students and guests have very limited time in the Gallery. Allow me to recognise learners and teachers from Aluor Girls High School in the Speaker's Gallery. They are from Gem Constituency, Siaya County. Join me in welcoming them to observe the Proceedings of the House.

(Applause)

The Member for Mathioya.

Hon. Edwin Gichuki (Mathioya, UDA): Hon. Temporary Speaker, I beg to second the Report. We took so many hours to publish the Report. You can imagine dealing with almost

51 State departments and independent commissions like the Independent Electoral and Boundaries Commission (IEBC), the Public Service Commission, the Parliamentary Service Commission and many others. I just want to buttress what the Chair for Public Accounts Committee (PAC) said.

There was one issue that cut across all the State departments, including the commissions. It was the issue of audit committee and internal audit. Most of the State departments have an internal audit department but they do not have an audit committee. That means that there is no internal oversight. So, this is one point that we want addressed in all State departments. If addressed, it will address transparency even before the Office of the Auditor-General comes in.

Another issue that we realised was cutting across all the State departments was pending bills. Almost all State departments have pending bills. If they have pending bills, it means that there are certificates that have not been paid to contractors. Pending bills equals to stalled projects on roads, water, education and many other areas just as the Chair said.

The issue of pending bills should be addressed once and for all by the National Assembly. We hold the power of the purse on State departments. We should make sure that funds are allocated to clear these pending bills so that contractors and suppliers can resume work on-site. Pending bills should be made first charge. If that can be addressed, justice will be restored and services like water, roads, education and many other services will be brought closer to the people of this country.

The other issue that came clearly from the State departments and public commissions was accounting officers not following the Public Finance Management (PFM) Act. Some of the queries that we dealt with were on insufficient documentation. When auditors go to State departments to audit, they are not furnished with documents. However, when their accounting officers appear before the Committee, that is when they bring the documents. One wonders what they are hiding.

Once a Financial Year ends, all accounting officers have three months up to September to prepare for this audit but they bring their documents after the audit. This is one of the issues that we brought as a Committee to say that audit ends at the Office of the Auditor-General. Whenever these queries come to our Committee, we have to make very serious recommendations. We do not know why they never bring their documents to the auditor. Probably when they get all this time of six or seven months, they can manufacture the documents.

The purpose of audit is accountability, transparency and oversight. Delayed accountability, transparency and oversight is the same as denied accountability, transparency and oversight. The reason I say so is that, what we are presenting today is for the Financial Year 2022/2023. That means that we are far much behind as a Committee with two Financial Years of 2023/2024 and 2024/2025. We would also like to request the Speaker and the Members of the Speaker's Panel to grant us time to sit, even during recess, so that we remain up to date and ensure oversight is current. It should not lag in 2022 or 2023, because we are already in 2025 and 2026.

With those few remarks, I beg to second.

The Temporary Speaker (Hon. Martha Wangari): Very well.

(Question proposed)

Member for Funyula, are you on this one?

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Thank you, Hon. Temporary Speaker. I sit on the Committee and have served in the Public Accounts Committee since 2020. I have seen much, heard much and examined much. As we often say, and I repeat, this country is not

performing poorly because it lacks resources. It is performing poorly because those charged with managing public resources are not interested in making proper use of them.

In any jurisdiction, a report by the Public Accounts Committee should be earth-shaking. It should cause tremors and reset public discussion and discourse. We hope that Kenyans, wherever they are, will read this Report and ensure adequate public engagement with its findings.

Article 95 of the Constitution of Kenya gives the National Assembly the authority to appropriate funds to various State departments, counties and other entities. Naturally, once funds are appropriated, we must exercise oversight and call to account those charged with managing these resources, so that they account to the people of Kenya through the National Assembly.

There are systematic cross-cutting issues in the management of public resources. As the Chairperson has stated, it would appear that many accounting officers find the audit process tedious and onerous. Why do I say so? Frequently, the Report of the Auditor-General indicates that certain documents were not made available. When these officers appear before the Public Accounts Committee, that is when they seek to provide the missing documents. Basic records such as bank reconciliations, cash books and bank statements are missing at the time of audit.

This raises the question of whether accounting officers are adequately trained and prepared to produce financial statements for audit purposes. We have challenged the National Treasury that when posting accounting officers or accountants to departments, there must be a concerted effort to ensure that those appointed possess the requisite qualifications. In the Public Accounts Committee, we do not reopen the audit process. If a document was not provided during the audit, then, for all practical purposes, it does not exist.

There is another emerging cross-cutting issue that requires attention: the selective payment of pending bills. Historical and legacy pending bills have been ignored for years. Many Kenyans are suffering because State departments and other entities procure goods and services knowing they either lack a budget line or will delay the procurement process. By the time payment is due, there may have been a supplementary budget removing or reducing the relevant allocation.

This calls into question whether these entities have procurement plans and whether those plans are aligned with the National Treasury's disbursement framework. A pending bill presupposes that all supporting documentation has been presented to justify payment. It is, therefore, shocking when an accounting officer claims there are no supporting documents for a pending bill. How does it qualify as a pending bill without proper documentation? Or is this part of a wider pattern of systemic fraud?

Another concern arises where goods or services were meant to be delivered but were not. We encountered a case in which relief food purchased in Nairobi and loaded onto trucks destined for Garissa ended up in Bungoma. Such actions are carried out without remorse. In other instances, funds approved for one purpose were diverted to another project without approval from the National Treasury or the National Assembly. This is blatant abuse.

There is also the issue of the one-third salary rule, which provides that no person should commit their salary to the extent that they receive less than one-third of it. I do not wish to blame employees who find themselves on the losing end. This Government and this National Assembly bear responsibility. We passed increased NHIF rates. We introduced increased SHIF rates and the Housing Levy. We have continuously introduced taxes that have eroded the disposable income of many Kenyans.

As a result, cases of civil servants earning less than one-third of their salaries after deductions have become widespread. This may lead to financial distress and could contribute to corruption and abuse of office.

The elephant in the House: what do we do with accounting officers who engage in impropriety? What do we do with those who, by commission or omission, fail to comply with the Public Audit Act or the Public Finance Management Act, resulting in loss of public funds? There are cases where accounting officers approve benefits irregularly for members of staff. What consequences follow?

The Public Audit Act provides for reprimand, fines and surcharge. Whether these sanctions are effectively enforced is another matter. I challenge the Committee on Implementation to review every audit report adopted by the National Assembly and ensure that its recommendations are implemented without favour.

In subsequent audit reports, we repeatedly encounter what are termed prior-year matters. This means that recommendations made by the Office of the Auditor-General and adopted by the National Assembly were ignored and not acted upon.

Hon. Temporary Speaker, I am a member of the Committee and at times, some of our recommendations and actions are probably too accommodative or meek to an extent the accounting officer does not take recommendations of the National Assembly seriously. That is why the Council of Governors has the audacity and temerity to say they will not appear before the Public Accounts Committee (PAC). After the Council of Governors, Principal Secretaries will be the next to say they do not want to appear before the Public Accounts Committee and other Oversight Committees simply because they are being harassed and asked to comply.

Finally, the provision in the Constitution for purposes of scrutinising this Report is expressly clear. We are behind time. This particular Report is just for formality purposes. It has no constitutional or legal effect other than sharing revenue.

The Temporary Speaker (Hon. Martha Wangari): Member for Kibwezi West, Hon. Eckomas.

Hon. Mwengi Mutuse (Kibwezi West, MCCP): Thank you, Hon. Temporary Speaker. First, I wish to laud my former Committee, the Public Accounts Committee, through its Chairperson, Hon. Tindi Mwale, for tabling this Report for the 2022/2023 Financial Year. As you know, Parliament exercises its oversight role through its audit committees. The premier Audit Committee is the Public Accounts Committee because it interacts with accounting officers of the National Government State Departments. We are talking about an allocation because we are also the budget making House.

We are talking about a Budget of about Ksh4 trillion that goes to the different State Departments for purposes of facilitating their development and recurrent expenses. This is money raised from paining Kenyans, hawkers, *mama mboga* and raided from payslips of poorly paid civil servants and other workers that funds Government functions. It is audited by the Auditor-General and brought to the National Assembly to the Public Accounts Committee for purposes of ascertaining how transparently the money has been spent or not. Therefore, there is no gain saying in the fact that this is a very important constitutional function of this House.

Through the Chairperson, I pass my appreciation to its members. I have been a member of the Public Accounts Committee and I know for sure that it is one of the busiest committees of this House. They sit every other day when the House is not sitting and many times, with the approval of the Hon. Speaker, they sit even when Hon. Members are on recess working in their constituencies.

Many times, Members of the Public Accounts Committee sit to consider the reports of the Auditor-General. I spoke about the budget allocation of Ksh4 trillion to State Departments to draw the importance of this audit because we are talking about underdevelopment. Earlier we debated the amendments to the Energy Act and every Hon. Member here wants electricity, roads and water provided in their constituencies. While we have always argued that we may have a resource deficit, we have also been living in largesse, misappropriated and wasted the little available resources.

Hon. Temporary Speaker, I have been expecting that moving forward, the Public Accounts Committee and by extension this House, will begin not only to bark but also bite. It is important that accounting officers are rewarded where they do well but it is equally important that those who misappropriate and use public funds in a manner that is wasteful and unlawful, are punished. Many times, we have only recommended that they be reprimanded.

I urge my former Committee to now raise the bar so that we can surcharge. Just like the Ethics and Anti-Corruption Commission publishes an annual report indicating recovered stolen public funds, we would expect the Office of the Auditor-General to publish an annual report indicating public officers who were surcharged and monies recovered from what was approved by the National Assembly in a particular year. By making it painful...

Hon. Nicholas Mwale (Butere, ODM): On a point of order.

The Temporary Speaker (Hon. Martha Wangari): Are you on a point of order, Chairperson?

Hon. Nicholas Mwale (Butere, ODM): Yes.

The Temporary Speaker (Hon. Martha Wangari): Okay, you have the Floor.

Hon. Nicholas Mwale (Butere, ODM): Thank you, Hon. Temporary Speaker. I thank our former colleague in the Public Accounts Committee and assure him that even when I moved, I also stated that we did not...

The Temporary Speaker (Hon. Martha Wangari): That cannot possibly be a point of order.

Hon. Nicholas Mwale (Butere, ODM): No. He said we did not surcharge; therefore, I wanted to inform him.

The Temporary Speaker (Hon. Martha Wangari): Chair, kindly take note that these are the issues you will deal with in your reply. Go on, Member for Kibwezi West.

Hon. Mwengi Mutuse (Kibwezi West, MCCP): Thank you, Hon. Temporary Speaker, for protecting me. My former colleague and now Chairperson of the Public Accounts Committee probably did not understand. As I was saying and I think I am in tune with previous contributions, we now need to raise the bar of accountability to recommend surcharge. I know the Committee has recommended surcharge but we need to go further to monitor it. Just like the Ethics and Anti-Corruption Commission publishes an annual report indicating stolen public resources that were recovered, the Office of the Auditor-General can publish monies that have been recovered as a result of surcharge, pursuant to the approved report by this National Assembly.

Secondly, in raising the bar of accountability resultant from the reports of the Public Accounts Committee, a time has come that Parliament exercises its power to bar public officers who are involved in misappropriation of public resources from holding public office in future. I know my good Committee members are men and women of integrity who wish the best for this country. I urge them that moving forward, where we realise an accounting officer has notoriously been involved in misappropriation of public funds, we should not shy away from recommending that they should never hold public office in this country.

As elections approach, those public officers, who have misappropriated public funds and amassed wealth, will be the competition on the ground because they will have money to bribe voters who may never understand where some of this money comes from.

Hon. Temporary Speaker, as I conclude, you know we have two levels of government. In Article 203(3) of the Constitution, the revenue to be shared between the national Government and the county governments is determined based on the amounts of the last audited accounts, as approved by the National Assembly. I therefore agree with those who have spoken before me that we have to fast track the audit process in a timely manner. Because this is our system of governance that we have bequeathed to ourselves by virtue of the 2010

Constitution, when we are sharing resources between the national Government and county governments, we are doing it based on the current realities.

Today, we are debating the Report of the Auditor-General of the 2022/2023 Financial Year. We began the budget process this week with the Budget Policy Statement. Therefore, when we shall be dividing resources between the national Government and county governments later in this Session of Parliament, when the estimates come before us, we will be basing it on the audited figure under this Report. We will be talking about budget resources for 2026/2027 Financial Year relying on the audited accounts for the 2022/2023 Financial Year. This in itself is an injustice. This is not about the Public Accounts Committee (PAC) burning the midnight oil to write this Report. Parliament, as has been requested, must be creative in finding ways to fast-track the audit process.

As I conclude, I urge that as we ensure financial accountability through the Auditor-General's reports, we also proceed with performance audits. When auditors go into the field, we often focus on documents and paperwork. However, Kenyans, like many others around the world, excel in handling paperwork, such that it may appear properly completed while the actual project remains undone. We need to look beyond paperwork to actual performance. For instance, if we say that a road has been constructed, we must verify that the road has indeed been built. It should not suffice to see paperwork showing that procurement and accounting procedures have been followed. We should confirm that the road exists. This will ensure value for money for the taxpayer.

Hon. Temporary Speaker, I reiterate my congratulations to the Chairperson and the Public Accounts Committee. We should debate this Report, recognising that it means much for the people of Kenya. It represents the first step in fighting corruption through identifying and addressing the loopholes where public resources are wasted or misappropriated. I thank you.

The Temporary Speaker (Hon. Martha Wangari): Very well. Member for Mombasa, Hon. Zamzam.

Hon. Zamzam Mohammed (Mombasa County, ODM): Ahsante sana Mheshimiwa Spika wa Muda kwa kunipa nafasi hii nami niweze kuzungumzia juu ya ukaguzi wa hesabu ya Serikali. Kama alivyosema Mwenyekiti wa Kamati ya Hesabu ya Umma, serikali za kaunti zimepokea pesa nyingi. Lakini, ni vyema tujue kila thumni imefanya kazi gani. *Dockets* zingine ni muhimu sana. Sasa hivi, Coast General Hospital inachangamoto nyingi sana. Inasemekana hakuna dawa wala vifaa vya kufanya kazi. Pesa zinatoka *National Government* hadi kwa kaunti lakini tunashangaa mbona kuna ukosefu wa huduma kwa wananchi.

Hivi majuzi tumeona wagonjwa wakilalamikia kutopata huduma za matibu kwa muda mrefu katika hospitali yetu ya Coast General kufikia mtu mmoja kupoteza maisha yake. Sijui kama *Auditor-General* anajua kama kaunti zinapata pesa kutoka kwa Serikali Kuu na ni huduma zipi zinazopewa kipau mbele. Huduma ya afya na elimu ni muhimu sana katika jamii. Lakini wagonjwa wanakosa dawa na huduma hospitalini.

Seneta wetu wa Mombasa amesema kuwa, kwa miaka mitatu, Coast General Hospital haijapata hata thumni kutoka kwa Serikali. Swali langu ni, je pesa ambazo zimekuwa zikigawa kila mwaka zimeenda wapi? *Auditor-General*, tumepata riporti zako lakini muhusika mkuu ni nani kufikia ambapo Coast General Hospital imekosa mgao wake kwa miaka mitatu ilhali kaunti zinapata pesa? Wagonjwa wamekosa dawa, *Intensive Care Unit (ICU)* haifanyi kazi na wagonjwa hawapati huduma.

Cha kusikitisha zaidi ni kuwa Mombasa Kaunti ni nambari moja katika ukusanyanji wa pesa za Social Health Authority (SHA). Watu wa Mombasa wanalipa SHA lakini hawapati huduma za matibabu. Aliyekuwa mkurugenzi mkuu wa Coast General Hospital analalalimikia *pending bills* nyingi karibu takriban milioni Ksh700 hazijalipwa na SHA, ilhali wananchi wa Mombasa wamekuwa wakilipa SHA.

Sasa hivi, kuna sintofahamu kubwa sana ndani ya Kaunti ya Mombasa kwa sababu ya ukosefu wa huduma za hospitali. Tumeletewa utafiti hapa kuwa hospitali kadhaa zimelipwa pesa za SHA. Kwa nini hospitali ilioko Mombasa Kaunti inadai million Ksh700? Madaktari wataendesha vipi hospitali bila pesa? Ni kwa nini Coast General Hospital haijapata pesa katika ugavi wa fedha miaka mitatu sasa?

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): On a point of order.

The Temporary Speaker (Hon. Martha Wangari): Mheshimiwa Zamzam, subiri. Kuna hoja ya nidhamu kutoka kwa Mjumbe wa Funyula.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Thank you, Hon. Temporary Speaker. Please do not tell me to speak in Kiswahili. Kiswahili *sio mdomo changu*. I rise on a point of order on the issue of relevance. We are debating the accounts for the National Government entities. What the Member is talking about is a county government. This should probably be discussed by the county government's Public Accounts Committee.

The Temporary Speaker (Hon. Martha Wangari): I hear you Hon. (Dr) Oundo. However, SHA and Social Health Insurance Fund (SHIF) are at the national level.

Hon. Zamzam Mohammed (Mombasa County, ODM): Mheshimiwa Spika wa Muda, Mheshimiwa Oundo siku zote ni mtu wa kupinga bila ufahamu. Kama haufahamu jambo, elezwa uzame ndani ili uelewe. Pesa zinazogawiwa kaunti zinatoka *National Government*. Mimi nilipigiwa kura na watu wa Mombasa ili niwawakilishe katika Bunge hili.

The Temporary Speaker (Hon. Martha Wangari): Haiya basi. Mheshimiwa Zamzam kuna hoja ya taarifa. Je una haja kujuzwa na Mheshimiwa Mulyungi?

(Hon. Gideon Mulyungi stood in his place)

Hon. Zamzam Mohammed (Mombasa County, ODM): Ngoja kwanza.

The Temporary Speaker (Hon. Martha Wangari): Lazima ukubali ili nimpe nafasi.

Hon. Zamzam Mohammed (Mombasa County, ODM): Mimi sikubali kujuzwa.

The Temporary Speaker (Hon. Martha Wangari): Kama hukubali kujuzwa basi tutaendelea na mjadala. Naona Mwenyekiti akona hoja ya nidhamu, Mheshimiwa Tindi, kama ni hoja ya taarifa, lazima Mheshimiwa Zamzam akupe mwelekeo.

Hon. Nicholas Mwale (Butere, ODM): Hon. Temporary Speaker, I wish to support her argument because Hon. (Dr) Oundo, alluded that what she is saying is not connected, but in my moving...

The Temporary Speaker (Hon. Martha Wangari): I have already ruled on that. Hon. Zamzam can proceed.

Hon. Nicholas Mwale (Butere, ODM): When I was moving, I said that we have projects that are sponsored by National Government and county governments.

The Temporary Speaker (Hon. Martha Wangari): You also indicated the overlap, Hon. Tindi. I have already ruled that the Member for Funyula is totally out of order. Mheshimiwa Zamzam, *endelea*.

Hon. Zamzam Mohammed (Mombasa County, ODM): Ahsante sana Mheshimiwa Spika wa Muda. Hapa Bungeni, tuna watu aina mbali mbali kama tu soko. Na kila soko ina wazimu wake.

Sisi sote tumekuja hapa kutetea wananchi.

The Temporary Speaker (Hon. Martha Wangari): Natumai hujaita Mheshimiwa yeyote wazimu.

Hon. Zamzam Mohammed (Mombasa County, ODM): Hapana. Nimesema kila soko ina wazimu wake na hata Bunge lina wazimu wake.

Jambo ambalo linanisikitisha sana ni kuwa pesa hizi ni za wananchi na kama zimekusudiwa kufanya jambo fulani... Mheshimiwa Oundo mwenyewe amesema kuwa fedha

zinakuwa *diverted* na kufanya mambo mengine. Kwa miaka mitatu, pesa za Coast General Hospital zimeenda wapi kufikia leo hakuna dawa, ICU haifanyi kazi na watu wanakufa? Tumeletewa ripoti hapa kuwa watu wamekuwa wakilipa SHA lakini Mombasa Kaunti, Hospitali ya Coast General inadai zaidi ya milioni Ksh700. Leo hii hata tukimwondoa *CEO*, atakaye kuja atafanyaje kazi bila dawa na vifaa muhimu? Kwa hivyo, pesa za wananchi lazima zitumike vizuri. Na kama kuna filfinyange, *Auditor-General* aweke wazi.

Mhe. Spika wa Muda, kama mimi kutoka Mombasa nashangaa. Miaka mitatu imepita na sijawahi kuskia ikizungumziwa, nimepata kuskia jana. Ingekuwa inawezekana tunawaita hapa na kuwauliza wanatarajia wagonjwa wao watibiwe vipi bila kuwapa mgao ile wapate dawa na vitu vingine.

Pia kuna Mheshimiwa amezungumza hapa na kusema kuna *projects* ambazo hazina muelekeo zinaanzishwa; si *projects* ambazo zinaeza kuisha kulingana na mpangilio ambao umewekwa. Unapata kuwa wanachukua mashamba ambayo si ya Serikali kisha baadaye tetesi zinaanza na pesa zimeshaingia, hivyo zinapotea.

Nampongeza *Auditor-General* kwa kazi nzuri ambayo anafanya. Kama anamulika wezi, awamulike na awatoe waziwazi. Watu wasifichwe, hivyo, tutaweza kunyoosha Kenya ili iende mbele. Pesa ikitolewa kwa minajili ya kufanya jambo flani, itumike kwa jambo hilo. Wananchi wasilalamike kuwa kuna mtu amezembea. Kama kuna *accountant* mahali amezembea na hajatoa ripoti ama *returns* za muda mrefu, mbona bado ako kazi? Inafaa achukuliwe hatua ili asiweze kuzuia huduma ifikie wananchi.

Kwa hayo mengi na machache, nashukuru Kamati ambayo inaendelezwa na Mhe. Tindi Mwale. Amefanya kazi nzuri sana. Mzidi kutetea Wakenya. Na pia sisi wa Committee on Implementation, tutaanza kufuata hizi *projects* tuhakikishe zimekuwa *implemented*; kama watu watafungwa; wafungwe.

Ahsante sana.

The Temporary Speaker (Hon. Martha Wangari): Very well. Member for Mwingi Central, Hon. Mulyungi, are you on this?

Hon. Gideon Mulyungi (Mwingi Central, WDM): No.

The Temporary Speaker (Hon. Martha Wangari): Let us have the Member for Manyatta.

Hon. Gitonga Mukunji (Manyatta, UDA): Thank you, Hon. Temporary Speaker. I also wish to contribute and give my opinion on the Report by the Public Accounts Committee. When we speak of the auditing issue in this country, it takes me back to the late Kibaki's government, where audits used to be taken seriously. People normally had their heads rolling when they were mentioned in issues related to corruption and misuse of funds. We all can remember the unearthing of various scandals during Kibaki's presidency.

It is obvious that these days, the Auditor-General's reports are just becoming pieces of paper and a platform to give some a chance to be noticed that they are a part of a certain ministry or are leading a certain programme. It is high time the Public Accounts Committee, and this House, which has been given the power to oversee expenditure under Article 95 of our Constitution, come out very strongly, regardless of their political alignment and direction. The only way to save this country is by calling out the corrupt issues that are happening in this nation.

When you read the Auditor's Report, it is very clear that we are losing a lot of resources through misappropriation and pure theft. We have seen audits claiming that almost Ksh11 billion of the Social Health Authority (SHA) cannot be traced. Additionally, issues relating to the ballooning of expenditure on the construction of Talanta Stadium have been brought here, yet only a few billions were supposed to be spent. Such issues should push this House to step in and ensure people are not losing resources that they are actually painfully paying for as taxes.

I call upon the Chairman of the Public Accounts Committee to lead the way and ensure that his position is well felt when it comes to scrutinising this Report. He should ensure that the Ministries, Departments, and Agencies (MDAs) answer questions on the usage of public resources. It will be unfair for this House to actually make the Auditor's Report meaningless. The push, mostly from the Executive, and even as my sister from Mombasa is claiming, from Governors, has seen a rebellion against oversight. We can clearly see that there is a huge rebellion against the National Assembly's oversight role; I can also say we have allowed it. Many of us have passed Bills and it ends with the committees just being numb on issues regarding oversight, which is actually our core mandate.

The use of hard cash has increased. I have seen funds being distributed in cash in the Government; You find the empowerment programmes moving around the country, giving people Ksh2,000 or Ksh3,000, all in cash. One would wonder if we passed this Budget in this Parliament. These are questions that we must ask ourselves. Did we pass for the resources we see being used around? Is there a loophole when it comes to the usage of our public resources that are being painfully paid for by Kenyans, and worse by loans that will be paid by our children in future?

Looking at things, we seem to be passing a Budget in this House, and then there is another Budget by the Executive that this House cannot question. Did this House pass that securitisation of different levies, like the Fuel Levy and other levies, proposed to be securitised as sources of revenue? I call upon this House to ensure that no money is spent outside the approved Budget. We are here talking about an Infrastructure Fund that is going to sell our assets, Safaricom and Kenya Pipeline Company (KPC), huge assets that have earned this country dividends, and they should have continued to do so, but we are selling them. It seems like that Fund is going to be directed outside this House, without question from this House.

I call upon this House to step up. This is the House of the people. The first voice of the people of Kenya, apart from them speaking on the ballot. They should not be cowed, threatened, or put aside when it comes to doing their mandate...

Hon. Naomi Waqo (Marsabit County, UDA): On a point of order.

The Temporary Speaker (Hon. Martha Wangari): What is out of order, Hon. Naomi?

Hon. Naomi Waqo (Marsabit County, UDA): Thank you, Hon. Temporary Speaker. I do not want to interfere with the debate of my good friend, Hon. Mukunji, but is he in order to keep blaming this House for not playing its oversight role? What he has said is not even right. We know that this House and the Committee concerned have been involved. We are doing the right thing. He keeps on blaming this House yet he is also part of it.

The Temporary Speaker (Hon. Martha Wangari): Hon. Mukunji.

Hon. Gitonga Mukunji (Manyatta, UDA): Hon. Temporary Speaker, the Hon. Member will get a chance to contribute to this debate. I am just cautioning this House that being the House of the people, we should not sign off our mandate of oversight. First, we should not sign off our mandate to ensure that public resources are well utilised. Hon. Temporary Speaker...

The Temporary Speaker (Hon. Martha Wangari): What I will caution you on, Hon. Mukunji, is what Hon. Waqo has raised regarding Standing Order 85 on anticipation of debate. Until it is tabled in the House, we do not debate it.

Hon. Gitonga Mukunji (Manyatta, UDA): Thank you. As I conclude, Hon. Temporary Speaker, I call upon the Public Accounts Committee of this House to seriously scrutinise the Auditor-General's Report. Let the Committee ensure that resources are utilised well as Kenyans are having it rough. We have increased taxes to almost double since this regime stepped in. We have increased Pay as You Earn (PAYE); we have increased the National Social Security Fund (NSSF) and almost everything. It is this House that increased those taxes. I

caution that while a Kenyan is feeling the pinch and the pain of paying taxes, let this House also step up to ensure the funds are well utilised.

We have witnessed in the Senate, governors coming together to say they do not want to be questioned. Just the other day, I heard a Governor apologise to the Senate for diverting Ksh10 million meant for county projects. This tells us that when given a chance these people can comfortably misuse money. They think it is their pocket money and that is nothing to be proud of as a Kenyan. If money can be diverted to a single bodaboda event without giving the bodaboda people an incentive, that is evident that this House must step up. Members of this House should not sell out their right on oversight.

The Temporary Speaker (Hon. Martha Wangari): Member for Marakwet West.

Hon. Timothy Kipchumba (Marakwet West, Independent): Thank you, Hon. Temporary Speaker, for giving me an opportunity to contribute on this very important Motion. At the outset, I thank the Chairman of this Committee, Hon. Nicholas Tindi Mwale, for the substantive Report he has submitted to this House in respect of the Report of the Auditor-General for the financial statements for the national Government, Ministries, Departments and Agencies for the 2022/2023 Financial Year.

This Report is substantive in all its aspects and respects. However, the question is, what happens thereafter? Who follows up to ensure that what is provided for in this Report is enforced and or complied with? This House has the Committee on Implementation. That Committee must ensure that whatever is recommended by the Public Accounts Committee is actualised by the House. The mandate of the Committee on Implementation is to recommend legislations or necessary amendments to certain legislations so that committee reports do not lie idle before it. In as much as we adopt colourful Reports as a House, the Committee on Implementation should ensure that recommendations of this Committee are enforced to the very end.

One of the issues that has been pointed out by the Committee is on long outstanding construction works and stalled projects. In my constituency, for example, we have projects done by the Ministry of Education under the Secondary Education Quality Improvement Project (SEQIP) which have stalled. That is only a reflection of what is happening all over the country.

We have projects that were initiated by different Ministries but have not been completed and have stalled. What happens if, for example, the Ministry of Education has funded a project using the Transitional Infrastructure Grant and the project is incomplete? We must find a way of ensuring that money is allocated in the subsequent financial year so that the project is completed.

I have read the Report and it recommends that the National Assembly to approve only projects it can guarantee will be funded and completed within the Medium-Term Expenditure Framework and no new project should be commenced by an agency before all existing ones are completed or fully funded. This is an excellent recommendation. The Committee on Implementation as well as the departmental committees should follow up and ensure that this particular recommendation is adhered to.

There is also the issue of dual implementation of projects between national and county governments. We have a problem in terms of conflicts of representation and conflict in terms of projects. Governors want to handle projects that ideally should be handled by the national Government because of selfish competing interests. This is an issue we must address as a House.

The Committee recommends that such funds be disbursed in full to the implementing agency as conditional grants in place of the current hybrid arrangement and their audited general reports under the financial statements of the implementing agency. We should avoid dual implementation of projects. We have a very progressive Constitution. The Fourth

Schedule of our Constitution clearly highlights distinct mandates of county governments and the national Government. The letter, spirit and intent of the Constitution must be followed to the letter. We must take up the issue of using money outside the budget. The Committee made several recommendations on that. The money allocated must only be used within the budget.

Finally, as a country, we must check out corruption. The Public Accounts Committee should have recommended strongly on the issue of corruption. The best way this House can assist the Executive is through a strong parliamentary oversight, especially on matters to do with corruption. This House must cement its oversight mandate and ensure that corrupt entities, agencies and individuals are brought to book.

This Report touches on government-owned enterprises. We recently passed the Government-Owned Enterprises Bill, 2025 and said that Government entities and parastatals should be ranked as commercial entities. Those agencies must be able to make profits. We passed that law in this House and we must ensure that it is enforced and implemented. One of the mandates of the Committee on Implementation is to ensure that legislation passed by this House is fully implemented. The Committee must bring us a report on the implementation of the law that Government-Owned enterprises must be run as commercial entities. We must have a report indicating that there is full compliance with the letter, spirit, and intent of that legislation.

I rest my submission.

The Temporary Speaker (Hon. Martha Wangari): Hon. Waqo.

Hon. Naomi Waqo (Marsabit County, UDA): Thank you, Hon. Temporary Speaker, for giving me the opportunity to contribute to this Report. I also congratulate the Committee and the Chairperson who submitted the Report to the House.

It is unfortunate when you read this Report and see the revelations by the Auditor-General. The Report shows that many of us do not prioritise accountability. The different departments and agencies that deal with national finance have not been doing what they are supposed to do. That is why we land into such problems. I want to congratulate the Auditor-General, who has raised issues that need our attention.

It is my prayer that after tabling this Report, we will not just debate and shelve it, but we must come up with ways to solve our problems and rescue this country. It is because of such practices that Kenya is facing the problems that we have today. We have many unfinished projects. People have won tenders and invested in them. However, we have many pending bills, which we may not even be able to pay just because of such problems.

The Report talks about unsatisfactory accounting standards of accounting units. Every Government department should have qualified people who do what is required. It is unfortunate that we have many graduates today who are qualified for those positions, young people who are talented and passionate in serving the Government, but, unfortunately, cartels which already occupy those offices are not doing what they are supposed to do. Our young people are unemployed but those occupying those offices are also not doing the right thing. As Members of Parliament, we should recommend that unqualified officers who cannot produce documents or do the right thing should leave the offices.

The Report clearly states that the procurement officers are noncompliant with the provisions of the law, which indicates incompetence or resistance. This situation has existed for years. The Report also states that the situation was more prevalent in donor-funded projects. It is unfortunate when even donor-funded projects suffer in the hands of different officers who occupy different offices in the ministries and State departments. At the end of the day, we are embarrassed.

Another area that has been exposed is that of late submission of supporting documentation. That is very unfortunate. How can a whole qualified officer submit documents without supporting evidence? There is no way one can do that. That is why in Kenya today,

everybody says that corruption has been devolved. In fact, the same report we read here is what you see even in the county governments. People just move on and misuse money. Corruption is there, and there is no accountability. No one is responsible.

I support this Report because it has brought out the issue of long-standing construction works and stalled projects. That is what I said as I was starting. We have so many citizens who have done different projects, who have started different work and invested a lot of money. They have pending bills and pending work. Unfortunately, some of them have even developed life-threatening illnesses like high blood pressure and diabetes. Some people have even separated. It has affected families.

For how long will those people who occupy different offices continue messing this country up? When you look at the Report, there is no existence or weak internal audit functions. If you do not have strong internal audit controls, then there is no way you can convince anybody in this country that you are doing the right thing.

The Report says that internal audit committees were non-existent or did not meet regularly as prescribed by law. Non-existence of internal auditors is a serious matter. As Members of Parliament, we must give our recommendation that if any office, any Ministry, or any State Department does not have internal audit committees or does not meet regularly as prescribed by law, then serious measures should be taken against them. You can see that budgetary control performance is a real issue, a real issue. That is where we have all Ministries, State Departments, and Agencies experiencing budgetary underperformance. How can we account for the billions and billions, trillions that we pass in our annual budgets?

You know very well how much we suffer to pass any Budget and any Finance Bill in this House. We struggle, we carry a lot of shame and challenges, yet when these monies are released, there is no proper accountability. It is the Members of Parliament who carry the cross. It is high time that serious audits should be done in all the Ministries. The people who are not qualified for those positions should be sent home or transferred to the Departments that they are relevant to or qualified for. Our young people who are graduates and who have good and relevant papers should be brought in so that they can also get the opportunity to serve this country.

It is unfortunate that in every Department and in every Ministry, everybody is crying because of the corruption that is there. The practice of corruption is there, accountability is no more, and there are people who have enriched themselves, yet the poor continue suffering. It is high time for us to say no to all this so that even as a Government we can be proud of this regime. Our President is doing a lot. He is doing a lot; he is looking for resources just to make sure that proper work is done and budgets are given. Resources follow the Budget and finances are given, yet when it comes to accountability, accountability is not there. It is good for all of us to be good stewards, and that is lacking in this country. Our President cannot do as much as he wants as long as we have all these problems. We must get rid of all lazy and unqualified people, and cartels, that are in ministries. Then we will get the right people to offices and services be given.

Thank you, Hon. Temporary Speaker.

Hon. Temporary Speaker (Hon. Martha Wangari): Very well. Member of Karachuonyo, Hon. Okuome.

Hon. Adipo Okuome (Karachuonyo, ODM): Thank you, Hon. Temporary Speaker. Let me start by saying that audit reports are one of the most important documents to control money the people give governments. Although given to the Government, that money is for the people. It must be used to enhance the needs of the people. We rely on the Auditor-General to tell us if there is some shortfall. A report from the Auditor-General is extremely important. I emphasize the word “important”.

We do many things that can develop this country. The national Government offers tenders. Counties do the same at the county level. We also give tenders in constituencies from the funds we get from NG-CDF. All these are given to serve the purpose for which tenders are advertised. What happens if you find that some of the projects for which tenders are advertised are not even completed and the auditors tell us that is the case?

We have to make sure action is taken. We may speak in this House and say all that is sayable. The key thing is whether that is the end. Debate alone is nothing. The Committee on Implementation must also do its work to ensure that whatever was not completed is completed.

I know a colleague suggested that money for completion can be provided even in the next or following financial years. However, we have to be careful. We have to know because there was money for a project by the time a tender was advertised. I would be surprised if somebody advertises a tender for which there is no money. Where has the money gone if there was money when the tender was advertised? What has happened? I know that weakness dwells here. The weakness must be eliminated. What I have said may relate to the national Government but it also applies to county governments. It also applies to the NG-CDF. We must be action-oriented in accountability with government money.

I know we were recently doing some public participation on the sale of the Government shares in Safaricom PLC. I can tell you that the main thing the wananchi were putting us to task on is where the money we were telling would go if the sale was done. Mistrust is there. Will the money go to where you are telling us?

I think this House has the responsibility to answer that question more than anybody else does. We need to be in a position to answer that question. Although I have just given that example of Safaricom, this goes with practically anything for which we have provided money. We are now on the Budget Policy Statement (BPS) where we are getting Government policy on how they propose to use the funds they will receive and that is the beginning. After we have done that and when people say what is going to be done, people feel they can be happy because something is there for them to develop their various areas. However, along the way, we get lost and money is spent.

Hon. Temporary Speaker, we have a responsibility and we must live to the task given to us by *wananchi*. We are here in this House as their representatives. If it were possible for them to come to this House and debate like we are doing, they would come. However, the seats in this House are much less and the House is too small. They cannot come to this House. So, we are coming to this House on their behalf and let us have them in our heart as we discuss and decide.

Hon. Temporary Speaker, these are the points I wanted to raise. I submit.

The Temporary Speaker (Hon. Martha Wangari): Very well. Hon. Nabwera.

Hon. Nabii Nabwera (Lugari, ODM): Hon. Temporary Speaker, I rise to support the Report. In the Report we have submitted as Public Accounts Committee through our Chairperson, we have made a number of observations and recommendations. I want to start by saying the design of our Constitution 2010 is made in such a way that for every cent you collect from citizens in terms of tax or you get on behalf of the citizen as a loan or as a grant, it must be accounted for in terms of either a project, a service, or a financial placement.

It is very disheartening that we have departments of Government that are now notorious in, one, having stalled projects; two, being unable to account for finances given to them; three, having very poor financial records; and, four, having abnormal wastages. If you read that report and when you reach the Department of Water, you will wonder at the amount of wastage this country has witnessed in that department alone. You will find that they started a project of a water dam without having acquired land. They have not acquired land yet they have money to build the water dam. You will then find that in between the years; they start another dam yet the other one is incomplete thus sinking several billions of shillings.

Hon. Temporary Speaker, it is very disheartening that up to now, as we sit here, we cannot explain the actual payroll of the National Police Service (NPS) because of the ping pong between the NPS Commission and NPS. Article 226 (5) of the Constitution provides:

If the holder of a public office, including a political office, directs or approves the use of public funds contrary to law or instructions, the person is liable for any loss arising from that use and shall make good the loss, whether the person remains the holder of the office or not.

I have read this proviso because of what Hon. Toroitich said on this Floor. I have even looked at the past Public Accounts Committee (PAC) reports. The Select Committee on Implementation of this House must up its game. We are almost becoming a laughing stock. We make serious recommendations in these reports, but what happens? I ask this House to redesign the meaning of reprimand to a public officer. We must describe what we want when we talk about it. Successive reports asked accounting officers to take administrative action against officers who led to loss of funds, but what happens? You see them in the next financial year. If you ask them, they tell you they are still waiting.

I submit that this House must come up with a policy on what to do with idle investments and assets. As the PAC, we realised, for example, the State Department for Correctional Services has had idle land for years. A portion of it is even being grabbed. The Executive must tell us what to do with these idle assets. We require a lot of money to fund education and infrastructure. However, we have a State Department with thousands of acres of idle land.

One of the things the PAC is pointing out in the Report is that many State Departments in this country do not even have an asset register. For God's sake, if you do not know your assets, why are you asking for money to acquire more? Why are we giving money to these people who do not know their assets to acquire more? As I went through this Report, I also noticed that the one-third rule of labour law is obsolete in the current set-up. Why am I saying this? As much as we insist on the one-third rule of labour law, we forget that this is the House that passes taxes. They put pressure on the payslip of an employee who is already mortgaged for other things. When you add more taxes, you do not consult them. It is incumbent upon us, as a House, to agree that the one-third rule is obsolete in the current scenario, and to ask the department concerned to come up with a reasonable law for this House to pass.

One of the things we need to reflect on as a House is this: why is it that when the Public Accounts Committee gives recommendations based on facts, instead of the Ethics and Anti-Corruption Commission (EACC) acting on those recommendations, we create another bureaucracy elsewhere? As the Public Accounts Committee conducts hearings, the people in charge are seated there.

A thief is a very interesting character. He studies the system and identifies loopholes. In this country, I believe many accounting officers have discovered a loophole between the Public Accounts Committee, the Implementation Committee, and the investigative agencies. They use that to buy time, squander public resources and no one takes charge.

I wish to summarise by saying this...

The Temporary Speaker (Hon. Martha Wangari): Your time is up. You have had your 10 minutes. I will add you 30 seconds.

Hon. Nabii Nabwera (Lugari, ODM): Thank you. The Bible says that each one of us will be accountable for their own sins. However, to the public, you and I who sit in this House, may be accountable for not doing the right thing when we had the opportunity to do it.

The Temporary Speaker (Hon. Martha Wangari): Member for Luanda, Hon. Maungu.

Hon. Dick Oyugi (Luanda, DAP-K): Thank you very much, Hon. Temporary Speaker, for giving me the opportunity to add my voice to this matter of great importance to the country. Allow me first to applaud the Committee, chaired by my good brother Hon. Tindi Mwale, for

a report well done. The recommendations are quite in tandem with what we need from a watchdog Committee.

This is a House of laws. This House passed the Public Audit Act, 2015, which guides how public audits are conducted in our institutions and how public funds are utilised. The same House also passed the Public Finance Management Act, 2012, which provides the framework within which every entity, organisation, and department should conduct itself. Every time these agencies and accounting officers appear before Parliament to present and defend their budgets for approval, it is incumbent upon this House to ensure that the funds we appropriate are properly overseen. That is the essence of the Report that we got.

A few weeks ago, we witnessed a situation where some governors suggested that they could choose whether or not to honour summons issued by the Senate Public Accounts Committee. It was sad that a public officer entrusted with managing public resources would choose not to appear before a constitutional body such as the Public Accounts Committee.

I, therefore, applaud the Committee for thoroughly reviewing the reports tabled before it and coming up with recommendations, some of which may require firm action. As my good brother Hon. Tim said, once reports are tabled, we need to see them implemented as they are. The oversight Committee on Implementation must follow up and see to it that all the recommendations passed and done by this Committee are implemented to the letter because, Hon. Temporary Speaker, we are the watchdog of the public. Many times, we find that public resources are misappropriated. Therefore, it will be good that this Report which has been Tabled, be followed well.

The Committee observes that accounting officers do not provide supporting documents for transactions which have been made in cash. Lots and lots of money are appropriated to these departments yet accounting officers fail to account for such by providing what is required as a supporting document. One wonders, therefore, this is not private money that you can use at will and do as you deem fit. Public Finance Management Act requires that the money is spent within the procurement plan and proper supporting documents must be provided. Therefore, the Committee has come up with a very good recommendation and flagged departments should watch on the same.

On the matter of long outstanding works which are stalled, it is a fact that this country is dotted with scars of incomplete projects. The projects are well intended and budgeted for, but they stall for one reason or the other. The Committee has also come up very strongly on what is the fate of such projects. In my constituency and those of other Members, we are able to flag projects that have stalled or are outstanding for one reason or another. Partly, it is because of the accounting issues involved whereby money was spent and the money was commingled. Money was mixed up! For example, you find that the money that was made for that project vanishes in one way or the other.

As an accountant, I know we have Public Accounting Standard Boards that oversee how the accounting standards should be implemented, followed, and watched. Therefore, it is incumbent upon the accounting officers to ensure that the required accounting standards are deployed. This will in turn ensure that public funds are used well. Therefore, the Committee has observed that we may have some accounting officers who may opt not to observe the basics of the accounting standards as dictated by the Accounting Standards Board which would be very wrong.

We live in an era where we have funds which are devolved to the county governments. In some instances, we have a situation whereby we may not establish who did these projects. A good example is the road sub-sector. The Constitution of Kenya 2010 classifies our roads as either national roads or the county roads. We may find that the road has been done and the county government proposes again to do the same road. Therefore, we have roads which have been twice implemented. The Committee observed that such funds should be disbursed in full

for the specific project so that we do not have what we may call commingling of funds whereby money made for a given project is commingled with money for another project, therefore, bringing in a grey area that opens up an opportunity for fraud, embezzlement, syphoning and pilfering.

It is on record that our sitting President once said that Kenya loses close to Ksh2 billion daily. That is a colossal amount of money yet these people who are supposed to do due diligence to the public sector accounting standards as required, do not stick to their mandate. Therefore, this opens opportunities for people who are fishy. The same officers are crude and not straight forward to look at it critically. I sit in the Departmental Committee on Education in this House. That Committee can help us find out the criteria that is used to ensure that money dispatched for school infrastructure has a policy that is adhered to. Last year, this House appropriated funds for specific schools in this country but the Ministry and the Department of Basic Education went against what this Parliament had budgeted for and approved as provided in the budget books.

Hon. Temporary Speaker, I call upon the department and the Office of the Auditor-General to dig deep into this area and see how an accounting officer can superimpose a schedule of a distribution list that is different from what was appropriated – which is what was captured in the Budget Books and sanctioned by this House. As we applaud what the Committee has done, we urge its leadership to dig deeper to establish what happens after money has been appropriated and committed. They should question how accounting officers, who are supposed to watch over public resources, mess around and sleep on the job.

For example, on education and school capitation, last year, the government undertook a very creative and important exercise of validating records. It was established that we had many ghost learners in schools. The question is who captured that data in the National Education Management Information System (NEMIS). Which Sub-County Director approved the data? Which accounting officer in the Ministry released funds to the schools? Who paid funds to illegal persons? It is a whole system that needs to be broken down.

As I conclude, I applaud and commend the Committee. I call upon the Committee on Implementation to ensure that what has been passed and decided by this House is followed to the letter.

I support and say good work to the Committee.

The Temporary Speaker (Hon. Martha Wangari): Thank you. Hon. Mark Mwenje.

Hon. Mark Mwenje (Embakasi West, JP): Thank you, Hon. Temporary Speaker. At the outset, allow me to congratulate the Chairperson and the Committee for a job-well-done.

On Friday, the Chairman of the Public Accounts Committee and I had a chance to interact with the Auditor-General, together with her team and directors, in Mombasa. We discussed quite a number of issues affecting audits in our country. That is exactly what the Chairman has captured in this Report.

One of the things that the Auditor-General requests from us is more funds to do her job. While we commend the work done, she still needs more resources. We have not had a rosy relationship as a House but we should work with the Auditor-General because of the issues we are talking about – saving funds for the country and delivering for our people.

Special audits are always conducted but nobody ever considers where the funds for the special audits come from. Even as we process supplementary budgets and consider adjustments under Article 223 of the Constitution, we do not approve funds for the Auditor-General to conduct special audits. I was very lucky to represent the Committee on Implementation during that meeting and there is much we must do. We need a lot of cooperation with the Auditor-General's Office.

Last week, we discussed an adjournment Motion on drought. Interestingly, there is a report by the Auditor-General on drought that has not been brought to this House. Members

who are deeply affected, especially those from the North Eastern Region, need to see the report. There is also a report by the Auditor-General on floods. Given the rains, we will get out of drought to flooding. We need to support the Office of the Auditor-General by seeing what is in the reports and implement it.

Looking at this Report, issues of poor accounting standards are cross-cutting. I have also had the privilege of sitting in the Public Investments Committee on Governance and Education. That is the order of the day in universities and Technical and Vocational Education and Training (TVETs) institutions. The losses are in billions of shillings. I am grateful for the wisdom of the 12th Parliament, which saw it fit to split the Public Investments Committee (PIC) as they did because one big committee could not interrogate all these reports covering universities and TVETs. Now that we have a special committee, we have been able to go through the reports of quite a number of institutions that have never been audited. In fact, some of the people who appear before us do not even understand what they are there to do. That is a cross-cutting issue that we must deal with because we are losing a lot of taxpayers' money.

I also noticed the issue of late submission of books of accounts for audit. That is the order of the day. I believe that is a ploy by certain accounting officers to deny the Auditor-General an opportunity to interrogate what actually happened. It is rampant. Documents are brought in late. Even then, the Auditor-General still has to request for additional documents. I do not want to accuse anyone, but there is room for doctoring some of those documents, if that is the trend. That does not just happen in the committees. It is a cross-cutting issue.

I was happy that Hon. Nabii spoke about the issue of reprimanding officers. That is one of the biggest challenges facing audit committees. We have to be careful about the language that we use in the reports. The House needs to know that once the Auditor-General submits a report, we have three months to adopt it. Otherwise, if we take too long and later on come up with recommendations to reprimand or surcharge someone, they just run to court and say that the constitutional timelines have expired. We need to find a way of dealing with this issue and support the Auditor-General, so that those reports are tabled on time because once the period expires, we have no recourse. We need to find the proper language on how to reprimand them. That is key for all audit committees, not just the Public Accounts Committee (PAC).

About 80 per cent of all the universities and TVETS that we have audited have stalled projects. I will never support the Cabinet Secretary for the National Treasury and Economic Planning, Hon. Mbadi, who is pushing for the Electronic Government Procurement System (e-GP) despite this House nullifying it. The e-GP will lead to the highest number of stalled projects that we have ever seen.

As long as he insists on the e-GP despite us nullifying it, one year from now, all these institutions, whether universities or Government institutions, will have unutilised funds and unimplemented projects. We will have projects and funds lying idle. We need to sort out that issue.

(Hon. Mark Mwenje's phone rang)

My apologies, Hon. Temporary Speaker. Somebody is calling me.

Poor funding and poor priorities are the order of the day in all these institutions. There are incomplete projects at Moi University that were started by the World Bank in the 1990s. Moi University is a perfect example of universities with stalled projects in every part of this country. Some of the projects have been in the pipeline since the time of the late Daniel Moi was president. Some of us were still in primary school. They remained incomplete when the late Hon. Kibaki and Hon. Uhuru were presidents. Hon. Ruto is now president and those projects are still incomplete because of poor funding and poor planning. We need to address that issue.

We must encourage some of these institutions to get alternative funding or generate their own funds to implement their projects rather than relying on Exchequer releases. We all know that we never have enough money to release to some of these institutions. There is the issue of internal audit, especially in the Ministry of Education. Some of these universities have refused to appoint councils and allow them to recruit. So, what happens? You have shortages all over and the people who are there cannot fully account for the funds that are being spent.

Most of these institutions have ‘actors’. Everybody is serving in an acting capacity, be it an acting finance director or an acting chief executive officer. Obviously, we have a problem there. I would encourage the Cabinet Secretary for Education and the Principal Secretary to respond to all the queries of these universities. I know that this issue applies to the other institutions that are beyond the mandate of the Public Investments Committee on Governance and Education that I have spoken to.

Finally, I want to speak on the issue of dual implementation that has been raised. As a Member of a Nairobi County Constituency, I know that this is one of the biggest concerns we are going to have. The other day, the government signed a cooperation agreement. The Auditor-General was not involved. She just saw this thing being signed. We know that we want to help the people of Nairobi, but who want the roads, the schools, the hospitals and all those things that the county government should do? If we are not careful, there will be a lot of duplication and a lot of money will be lost. I want to caution the Public Accounts Committee that if they do not get involved now, this will be a monstrosity they will have to deal with later.

Having said that, let me congratulate the Committee and the Auditor-General for the good job they have done.

Thank you.

The Temporary Speaker (Hon. Martha Angara): Thank you. Next is the Member for Kirinyaga County, Hon. Njeri.

Hon. Njeri Maina (Kirinyaga, UDA): Thank you, Hon. Temporary Speaker. We are at the centre of a conversation of our young people going to Russia and Ukraine, being lured to fight in a war that is not theirs. Looking at the Report before this House, it is clear that as the National Assembly, we have failed the young people of Kenya and, I dare say, the Kenyan people.

Article 95 of the Constitution of Kenya empowers this House, and ensures that one of the primary duties of this House is oversight. We have seen these reports. We have read them. Is it merely our job to debate them? What more can we do as the only institution that is empowered by the Constitution of Kenya to oversee the national government and ensure that all the appropriated funds are applied as intended, and that monies are not looted?

There is an African proverb that goes, “Let a young man in his desperation go out to hunt. If he kills an elephant, poverty ends. If an elephant kills him, poverty ends.” That is where we have gotten the young people of Kenya. It is absolutely unfortunate that we can talk about loss of funds, white elephant projects, people who have acted *ultra vires* to the letter and the spirit of the Constitution and had subsidiary legislation and yet no action is taken despite the Committee recommending the same. It is upon us to clean this mess. What are we telling Kenyans? We cannot say that our hands are tied. They are looking upon us, as the National Assembly, to put our feet down and exercise our oversight mandate. Perhaps the only recourse they would have is to send us home if we cannot do our job of oversight.

Hon. Temporary Speaker, the public funds that get wasted every day on account of white elephant projects could be channelled to initiatives that generate growth to ensure that we have a robust economy. We should invest in manufacturing for the young people of Kenya so that they do not feel that they have to leave the country they love because it has become exhausting for them. This situation is choking them so much that they have to go and fight a war that is not theirs. Even as we debate this Motion, if there is any legislative support needed

to give life to the spirit and the letter of the Constitution pursuant to Article 95, this House has the power to provide that support.

As we debate and interrogate the report, we must also offer solutions to the people. We were not elected to give commentary and opinion on reports prepared by House committees. We were elected to discharge our three primary duties: oversight, legislation and representation. We must ensure that we perform those duties. Therefore, I call upon this House to consider what more we can do so that we do not continue to have this debate from time to time regarding loss of funds, white elephant projects, officers who should be held accountable and persons who should not be holding public office but continue to do so at the expense of the future of the young people of Kenya and this great nation.

Thank you.

The Temporary Speaker (Hon. Martha Wangari): Very well. Hon. Owen.

Hon. Owen Baya (Kilifi North, UDA): Thank you, Hon. Temporary Speaker. It gives me pleasure to contribute to the debate on the Report of the Auditor General on the Financial Statements for the National Government Ministries, Departments, and Agencies for the 2022/2023 Financial Year.

You will note that 2022/2023 Financial Year is the year we came into the 13th Parliament. We are now considering audited accounts for that period. This in itself shows that we are doing catch-up. We are talking of mistakes made in the 2022/2023 Financial Year while we are about to begin the 2026/2027 Financial Year. The Budget Policy Statement has already been tabled in the House. What does this portend for our country? It means that we are not up to date in terms of auditing. That is where the problem begins. People get away with murder this way because probably many of the accounting officers we are talking about have left through retirement, redeployment or dismissed. Therefore, discussing a report this late is not good for a country with a budget of more than Ksh4 trillion.

As a House, we have work to do. If we are to bring accountability and justice to the people of Kenya, we must be up to date in terms of audit reports. I request our audit committees, the Office of the Auditor General and all those involved to ensure that we discuss reports within the relevant financial year so that we can talk to people in real time. The one we are dealing with is historical information that may not be very useful. For debate, it can be useful but for the purpose of being helpful for a nation, this is not.

Secondly, many times I have gone through audit reports and realised that many accounting officers run away from accountability by submitting supporting documents late. The Auditor General would request for documents and ping pong games would be played in such a way that at the end of the day, no documents are produced. When the documents are not produced, a report is written. Later, members of the Executive appear before Parliament and claim that the documents were not available when the auditor required them and avail them to the Committee. They would say, "The document could not be found then, but it is now available." Failure to produce documents during an audit is actually sabotaging the audit process and sabotaging use of public funds. This must stop.

I am, therefore, asking accounting officers to prepare for audit so that documents are produced at the time they must be produced. I like the recommendation of the Committee to the effect that accounting officers should comply with Section 68(2)(k) of the Public Finance Management Act (Cap. 412A) by providing supportive documents on time.

The Committee cautions that in subsequent audit cycles; it will recommend the imposition of appropriate sanctions. We are discussing the Committee's Report on the audit of the accounts for the Financial Year 2022/2023, and the Committee cautions that in subsequent audits it will take appropriate action. I am sure that the subsequent audits have the same challenge. This is a statement that is always there. Every subsequent audit will have late submission of supporting documentation. We need to be stronger in terms of audit reports. This

is where accountability is brought to the fore. When we do not get the right documents to do proper accountability checks, we fail.

I heard what my brother, the Deputy Whip of the Majority Party, talked about on stalled projects. It is one of the things that are pulling this government down. A stalled project has two serious issues. One, there is no appropriation for the project. So, countrymen and countrywomen are not using the project. Two, funds have been used and they have not given value back to the community. These are fundamental problems with stalled projects. One, you have invested money that is not enough; two, the contractor probably has not been paid; and three, you have a project that cannot be appropriated and used. We cannot continue this way. We have money being used but it is not useful to the community. We need to find a way to stop this. When money is allocated for a project, it should be enough to complete the project so that countrymen and women can use and benefit from that project.

I have seen many stalled projects initiated by not just the National Government but also by the county governments. This phenomenon is actually rampant within the county governments. There are a lot of incomplete projects. Resources are diverted for new projects that are not completed. I like the Committee's recommendation to the effect that the National Government should only approve projects it can guarantee their funded and completion within the Median Term Expenditure Framework. We need to guarantee completion of projects by ensuring that we appropriate enough resources for those projects. That way, we will ensure that we run away from the problem of incomplete projects. When you walk around in this country, you will notice many projects that have not been completed. That is wasting resources.

Hon. Temporary Speaker, one very interesting thing we have continuously talked about, which you have also talked about as the Member for Gilgil, is the issue of interest on loans that have not been drawn. In this House, we discussed one government account. A government agency procures a loan that is not drawn but interest is charged. The interest rate keeps going up yet the people who procured the loan are not even ready for the project. There are government agencies that take loans for the purpose of supporting a financial institution yet they do not actually require that loan. We, therefore, end up paying loans worth a trillion shillings. The interest rates of such loans are usually very high. When examination of work delivered on account of such loans, it is found that the money is still in the bank. It is an undrawn loan. I do not know at what point we shall put an end to this practice.

Hon. Temporary Speaker, I want to address my friend, Hon. Mbadi. When he sat there as the Chairman of the Public Accounts Committee, he spoke extensively about undrawn loans and interest accrued on such loans. He used to refer to Article 223 of the Constitution, and we supported him. We were his supporting cast. He now sits at the centre of the National Treasury yet matters related to Article 223 still arise. I am pleased that we have not seen a second supplementary budget. I am pleased because perhaps he is doing something about this problem. I am, however, certain that when he returns here, he will invoke Article 223 and inform us that loans were contracted but not drawn, meaning that they continue to accrue interest. This is unacceptable and must stop. The government should operate on properly planned programmes, and not on loans that cannot be utilised.

I am confident that I may have resonated with Hon. Irene Mayaka. She is a competent accountant and she understands these matters. I would request her to continue the thread of my thoughts from there.

With those remarks, I support.

The Temporary Speaker (Hon. Martha Wangari): Hon. Owen, you do not have the mandate or capacity to allocate minutes to Hon. Mayaka.

Proceed, Hon. John Mutunga.

Hon. (Dr) John Mutunga Kanyuithia (Tigania West, UDA): Thank you, Hon. Temporary Speaker. I rise to support the adoption of this Report and the implementation

of its recommendations. Whatever is contained in this Report has not been done by just anyone. It has been done by individuals placed in positions of authority. These are leaders entrusted with the use and management of public resources.

Article 73 of the Constitution sets out the responsibilities of leadership. These responsibilities are defined by the authority vested in the office one occupies. Leadership is a public trust, and must be exercised in a manner that is consistent with the Constitution. This Article outlines three key expectations. First, leaders must demonstrate respect for the people. When one reviews most of the cases in the Report, it becomes apparent that those who implemented certain activities, made decisions to pay or not to pay, or acquired and utilised resources, did not demonstrate respect for the people. Such conduct disqualifies them from deserving leadership.

Secondly, leaders must bring honour to the nation. When we speak about corruption in Kenya, we do not present a positive image to the global community. We speak the truth because corruption is a cancer that must be addressed. It does not bring honour to the nation. This dishonour is caused by individuals in position of responsibility.

Thirdly, Article 73 requires leaders to promote public confidence. Leaders who fail to respect the people, and instead bring dishonour to themselves and to the nation, cannot promote public confidence. It is not possible. Therefore, when the Public Accounts Committee presents such a report for debate, adoption and implementation, it fulfils its mandate. The Committee has done the right thing. How often do we go to the extent of apprehending those who have done wrong? We must stop misusing public resources by supporting the audit function, or we do away with it. Why should we spend public resources conducting audits that will not be implemented at the end of the day?

Reflect on my experience, when we interact with most functions and developments in this country, we see a lot of things. Most of my colleagues, whom I agree with to a large extent, have highlighted that we have many stalled projects. They were not designed and configured by primary school children or some illiterate individuals. They were developed by learned people who have satisfied various boards of examiners for major degrees. They are people with vast experience and they know what is supposed to be done at unit level and when the entire project is completed. Do they do it mistakenly? No. They do it deliberately. They use the same knowledge to overturn things to justify the odds and wrongs. That is why audit reports always exist to highlight the wrongs committed deliberately, but we do not implement them.

Hon. Temporary Speaker, allow me to highlight a few issues. This country has very elaborate plans and populated structures for implementation of projects, programmes and development initiatives. We give individuals responsibilities by virtue of their capacity to deliver. I will pick out some autonomous institutions and Semi-Autonomous Government Agencies (SAGAs). We are going through the budgeting process now. A keen look at what these institutions propose every year shows that they always want more money. The county governments and the MDAs want more money from the national government. I wonder who is government, if they are not?

Let me single out the SAGAs. I am aware of the policy to graduate institutions from semi-autonomous to autonomous status. Once an institution becomes autonomous, it does not get any money from the Exchequer. However, at what rate are we converting these institutions to autonomous? How many of them become autonomous every year? How many times have seen the National Treasury and people in high leadership position frustrated, even decreeing how much funds should be given to these institutions? Why do I say this? I say this because the decision is to keep being dependent. That is what we have trained ourselves as a people, leaders and a nation. Once you lead a life of dependency, there is no way you will ever be self-sufficient. That is why our country does not develop.

We need to start asking ourselves how long it should take a SAGA to be declared autonomous, based on the level of resource mobilisation or the revenue they generate. I have classical examples. In my working life I have come across institutions that become autonomous and seek permission to use a little of the revenue they generate to fund their budgets but the Committee declines to grant them permission. Where does this money go? Where does it end up? It is rare to hear the Cabinet Secretary for the National Treasury and Economic Planning declaring that significant amounts have been received from institutions as appropriation-in-aid. We tend to demand more and more resources from the Exchequer. Let me pose a question. When we request so much, and when we demand so much, where do we determine it should go? In most instances, it is directed towards construction, resulting in semi-completed infrastructural development.

Unashamedly, it also goes towards personal emoluments, operations and maintenance. Looking at the latter, what does this say about us? We are improving the lives of those actors rather than developing the nation. When we talk about operations and maintenance, it is about making their lives better, improving their environment by purchasing new desks and vehicles instead of developing our country.

The Temporary Speaker (Hon. Martha Wangari): Your time is up. You have had your 10 minutes. Let us have Hon. Moses Kirima.

Hon. Moses Kirima (Central Imenti, UDA): Thank you, Hon. Temporary Speaker, for giving me an opportunity to contribute to this Motion regarding the examination of documents in the report of the Auditor-General concerning various institutions in our country. Time is not on our side. Therefore, I will be brief.

When the Auditor-General flags out issues relating to an institution and its management, the comments and report provided by the Committee should be acted upon. In some instances, a chief executive officer or an accounting officer may be held accountable for certain issues yet the report is simply shelved and left to accumulate dust with no action taken. Sometimes audits are delayed because they were conducted prior to an officer leaving office.

Provided you are within the boundaries of the Republic of Kenya, if you are found culpable of an issue flagged out by the Auditor-General, you should be held accountable. If you watched the BBC news yesterday, there was an ambassador who left office about five years ago but was arrested after being found to have abused his office while in service. It seems that it is only in Kenya where when one leaves public office, one is not pursued to answer to matters that happened during his tenure. This results in significant misuse of public funds due to misdirection and mismanagement of public institutions. Although the Auditor-General frequently identifies culpable individuals, no action is taken. I have never heard of anyone being prosecuted or convicted based on a report from the Auditor-General yet every year, the Auditor-General flags out matters relating to the misuse of public funds. Whoever is found guilty must bear the responsibility.

With those few remarks, I support the Motion.

The Temporary Speaker (Hon. Martha Wangari): Hon. Kirima, had you wished to continue speaking, you would still have seven minutes. Having concluded your contribution, you have saved us some time.

Thank you.

ADJOURNMENT

The Temporary Speaker (Hon. Martha Wangari): Hon. Members, the time being 7.00 p.m., the House stands adjourned until Wednesday, 25th February 2026 at 9.30 a.m.

(The House rose at 7.00 p.m.)

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