

REPUBLIC OF KENYA
COUNTY ASSEMBLY OF MACHAKOS

OFFICIAL REPORT

Tuesday, 13th June, 2023

The House met at 11.03 a.m.

[The Speaker (Hon. (Mrs.) Anne Kiusya) in the Chair]

PRAYERS

PAPERS LAID

REPORT OF THE AUDITOR GENERAL ON MACHAKOS
COUNTY ASSEMBLY CAR LOAN SCHEME FUND
FOR THE YEAR ENDED 30TH JUNE, 2019

Hon. Speaker: May I invite Hon. Phillip Ndolo to come forward and lay down the Paper.

Hon. Vincent Mutie (Upper Kaewa/Iveti, WDM-K): Point of order, Madam Speaker.

Hon. Speaker: Yes.

Hon. Vincent Mutie (Upper Kaewa/Iveti, WDM-K): Madam Speaker, I am raising up on Standing Order 31 in regard to quorum at the time of beginning business of the House. Currently we do not have the prerequisite quorum; would you guide on that.

Hon. Speaker: I believe we have quorum unless I am guided otherwise. Clerk the Table.

Hon. Francis Ngunga (Mua, MCCC): Madam Speaker.

Hon. Speaker: Yes, Mheshimiwa.

Hon. Francis Ngunga (Mua, MCCC): I think unless Madam Speaker, otherwise stated, the Members that are in the House do not make the prerequisite quorum which is 20, may be the Sergeant at Arms can ascertain that and probably you direct otherwise.

Hon. Speaker: I will direct. Alright I understand that we do not have enough quorum. I suggest that we ring the bell for another 10 minutes and we move from there. Serjeant at Arms.

(Quorum Bell rung)

(Hon. Aliphonce Mutinda and Hon. Gideon Kavuu walked out of the House)

Hon. Francis Ngunga (Mua, MCCC): Hon. Speaker, I think you need to guide the Table because once the bell is rung, we do not allow Members to move out because we are raising the issue of quorum and Members and Members are moving out, so this could be a way to adjourn the House.

Hon. Mbili Ndawa (Matuu, MCCC): Point of Information, Madam Speaker.

Hon. Speaker: Yes.

Hon. Mbili Ndawa (Matuu, MCCC): I want to inform my colleague here that there are instances where Members do not move out and it is only when we are ringing bell for voting; we are not voting but we are requesting Members to come in. So when we are voting is when you do not allow Members to move out.

Hon. Joshua Mwonga (Masinga Central, WDM-K): Madam Speaker, I think it is good for Leader of Minority to say or to tell this Hon. House, which Standing Order says so and not just a matter of rising and saying that is only when we are voting and he is not quoting that Standing Order. Thank you, Madam Speaker.

Hon. Speaker: Okay, maybe I need to guide this under our Standing Orders. Standing Order 32(3) concerning quorum and this is what it reads; whenever the Speaker or the Chairperson as the case may be is engaged in counting the Assembly or the committee respectively, the doors of the chamber shall remain unlocked but no Member shall be allowed to leave the Chamber except as a Party Whip who may be permitted to leave the Chamber to seek the Members required to raise a quorum.

Hon. Francis Ngunga (Mua, MCCC): Thank you, Madam Speaker, for raising to support the Father of the House.

(Applause)

Hon. Speaker: So therefore, Members are not allowed to move in and out; they should remain intact because we are raising the issue of quorum. Yes.

Hon. AlipHon.ce Mutinda (Kivaa, MCCC): Thank you, Madam Speaker. I have a very important call which might cause alarm; just allow me to pick then I will come back please.

Hon. Speaker: Okay, you may go and take the call but come back immediately you are through.

(Laughter)

(Hon. Gideon Kavuu walked into the House)

Hon. Joshua Mwonga (Masinga Central, WDM-K): Madam Speaker, the issue of Members not moving out when the bell is being rang was occasioned by the moving out of Hon. Kavuu and it is good he be told or he be informed that when the bell is being rang and is according to Standing Order 31; he is a ranking Member but he is behaving as if he came to this House yesterday. Thank you.

(Laughter)

Hon. Speaker: At least he has come back.

Hon. Dominic Maitha (Muthwani, WDM-K): Madam Speaker.

Hon. Speaker: Yes, Mheshimiwa.

Hon. Dominic Maitha (Muthwani, WDM-K): Madam Speaker, it is unfortunate that the Hon. Former Majority Leader who needs to be giving direction to this House seems to be misleading this House. The Hon. Mheshimiwa Kavuu is a Whip so he was moving out to whip his Members to come to the Assembly; he needs to be informed.

(Applause)

Hon. Mbili Ndawa (Matuu, MCCP): Additional information.

Hon. Joshua Mwonga (Masinga Central, WDM-K): Madam Speaker, the Standing Order does not give an exception to who should move out.

Hon. Speaker: No, it does. I have just read.

Hon. Joshua Mwonga (Masinga Central, WDM-K): You have read it? Thank you.

Hon. Mbili Ndawa (Matuu, MCCP): Hon. Speaker, I just want to stand on behalf of Mheshimiwa Kavuu and Hon. Speaker, Hon. Kavuu is a senior ranking Member of this House and I want to say, even his age can necessitate moving in and out of this House, the age and that is a clear justification. You cannot--

Hon. Speaker: May I bring this discussion to an end by saying that Hon. Kavuu is back in the House but I can just tell him that, what occasioned this discussion was him when he moved out but there is an exception here, him being a Whip. Except a party whip who may be permitted to leave the Chambers to seek the Members to raise a quorum.

(Applause)

You see now, we do not know whether he was going out to whip but any way this is a matter that has been brought forth. We may have the bell stopped because I think we have quorum now. Let us proceed with the business of the House. So I was at this point of calling Hon. Ndolo to lay down the Paper. Hon. Ruth you are holding brief? Proceed.

Hon. Ruth Kamau (Nominated, CCU): Thank you, Madam Speaker. I am the Vice Chair, Public Accounts committee, holding brief for the Chair. Hon. Speaker, I beg to lay the following Paper on the Table of the Assembly today, Tuesday, 13th June, 2023: the Report of the Auditor General on Machakos County Assembly Car Loan Scheme Fund for the year ended 30th June, 2019. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Ruth.

NOTICE OF MOTION
REPORT OF THE AUDITOR GENERAL ON MACHAKOS
COUNTY ASSEMBLY CAR LOAN SCHEME FUND
FOR THE YEAR ENDED 30TH JUNE, 2019

Hon. Speaker: May I call upon Hon. Philip Ndolo to come forward and I believe Hon. Ruth is still holding his brief, come forward and move the notice of motion.

Hon. Ruth Wanjiru (Nominated, CCU): Thank you Madam Speaker. Once again, Vice Chairperson, Public Accounts and Investments Committee.

Hon. Speaker, that aware that Article 229(5) of the Constitution provides that “the Auditor-General may audit and report on the accounts of any entity that is funded from public funds;

Further aware that, Article 229(7) of the Constitution provides that, Audit Reports shall be submitted to Parliament or the relevant County Assembly;

Cognizant that the report of Auditor General on Machakos County Assembly Car Loan Scheme Fund for the year ended 30th June, 2019 was received in the Assembly in February 2022;

Aware that the report was committed to the Committee of Public Accounts and Investments pursuant to Standing Order No. 185(2)(b) and (c) which provides that “the Public Accounts and Investments Committee shall be responsible for examination of reports, accounts and workings of the County Public Investments and whether the affairs of the public investments are being managed in accordance with sound financial or business principles and prudent commercial practices;”

Aware that the Committee after receipt of the report conducted several meetings with the Accounting Officer of the fund together with officers from the office of the Auditor General and subsequently compiled a report;

Hon. Speaker, I wish to give Notice of the Motion THAT this House discusses and approves the report of Auditor General on Machakos County Assembly Car Loan Scheme Fund for the year ended 30th June, 2019.

Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Member.

STATEMENT
BUSINESS FOR THE HOUSE FOR 13TH AND 20TH JUNE, 2023

Hon. Speaker: May I call upon Hon. Nicholas Nzioka, Majority Leader to come forward and make the Statement.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Thank you, Madam Speaker. Hon. Speaker, the House Business Committee met on Monday 12th June, 2023 to prioritize business for the House as forwarded by Committees and Hon. Members pursuant to the provisions of the Standing Order 151(6)(d). The Committee balloted business as follows:

Tuesday, 13th June, 2023

Morning at 10.00 a.m.

- a. Report of the Auditor-General on Machakos County Assembly Housing Scheme fund for the year ended 30th June, 2019 by Hon. Philip Ndolo, Chairperson, Public Accounts and Investments Committee.
- b. Motion of adjournment of sittings of Wednesday, 14th June, 2023 to allow Budget Committee and Members finalize consideration of Budget Estimates for FY 2023/24 by Hon. Nicholas Nzioka, Majority Leader.

Tuesday, 20th June, 2023

Morning at 10.00 a.m.

- a. Pronunciation of budget highlights and revenue raising measures for FY 2023/24 by County Executive Committee Member for Finance, Economic Planning and Revenue Management.
- b. Approval of Budget Estimates for FY 2023/24 by Hon. Dominic Ndambuki; Chairperson, Budget and Appropriations Committee.

Afternoon at 2.30 p.m.

The Machakos County Appropriation Bill, 2023; First Reading, Second Reading, Committee of Whole House and Third Reading.

Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Member

MOTIONS

APPROVAL OF REPORT OF THE AUDITOR GENERAL
ON MACHAKOS COUNTY ASSEMBLY CAR LOAN
SCHEME FUND FOR THE YEAR ENDED 30TH JUNE, 2019

Hon. Speaker: May I call upon Hon. Ruth who is holding brief for Philip Ndolo, Chairperson, Public Accounts and Investments Committee to come forward and move the motion.

Hon. Ruth Wanjiru (Special Elect, CCU): Thank you Madam Speaker, once again.

Hon. Speaker, that aware that Article 229(5) of the Constitution provides that “the Auditor-General may audit and report on the accounts of any entity that is funded from public funds;

Further aware that, Article 229(7) of the Constitution provides that, Audit Reports shall be submitted to Parliament or the relevant County Assembly;

Cognizant that the report of Auditor General on Machakos County Assembly Housing Scheme Fund for the year ended 30th June, 2019 was received in the Assembly in February 2022;

Aware that the report was committed to the Committee of Public Accounts and Investments pursuant to Standing Order 185(2)(b) and (c) which provides that “the Public Accounts and Investments Committee shall be responsible for examination of reports, accounts and workings of the County Public Investments and whether the affairs of the public investments are being managed in accordance with sound financial or business principles and prudent commercial practices;”

Aware that the Committee after receipt of the report conducted several meetings with the Accounting Officer of the fund together with officers from the office of the Auditor General and subsequently compiled a report;

Hon. Speaker, I wish to move the Motion THAT this House discusses and approves the report of Auditor General on Machakos County Assembly Housing Scheme Fund for the year ended 30th June, 2019.

I would like to call on Hon. Douglas to second

Hon. Speaker: Hon. Douglas.

Hon. Douglas Musyoka (Masii, MCCC) seconded.

Hon. Speaker: Thank you, Hon. Members.

(Question proposed)

I wish to request Members to discuss this motion. May I call upon Hon. Ruth to come forward and give highlights of that report? I believe Members you have been with this report; am I right? So can we go direct to general observations and conclusion?

Hon. Ruth Wanjiru (Nominated, CCU): Madam Speaker, thank you for your---

Hon. Mbili Ndawa (Matuu, MCCC): Point of information, Madam Speaker.

Hon. Speaker: Yes.

Hon. Mbili Ndawa (Matuu, MCCC): Hon. Speaker, I just want to inform you together with the House that this report is coming after three years because this a report of 2019 and now we are in 2023 so it may not be of very great importance to this House. We may spend a lot of

this House's time debating on reports that we cannot change the livelihoods of our residents. So I am requesting that may be the mover who is holding brief for the Chair to just give us the recommendations then we do not discuss it because there is no need of discussing a report three years down the line and that is for Assembly which went home. Hon. Speaker, I beg for your guidance.

Hon. Speaker: Perhaps to extend that this report has been brought to the House so we need to give it the attention as any other report because why would then a Committee bring a report which is not useful to us. Therefore I am suggesting we go to the general recommendations and conclude but it is an important report, Members. Yes.

Hon. Dominic Maitha (Muthwani, WDM-K): Madam Speaker, the Hon. Minority Leader needs to be informed that personally yourself as a lawyer, when a case is being given judgement in court they refer to cases that were ruled even 15 years ago. Government information is not limited to time even as per the County Allocations Bill from the Exchequer, they say that they will refer to the last audited accounts which may even be 2015, 2016 and because the law says so, then it has to apply.

So I believe the Hon. Minority Leader might be misleading this House considering that the Hon. Members who belong to that committee were facilitated, used public finances to go sit down and bring this report so disregarding it in this House it is a great demeanor. Madam Speaker, thank you.

Hon. Speaker: Thank you very much, Hon. Member. Hon. Ngunga.

Hon. Francis Ngunga (Mua, MCCP): Madam Speaker I also want to add my voice to what Hon. Dominic is saying in opposition to what Minority Leader is trying to allude to because what the Vice Chair said is that this is a report from the Auditor General, a report of the year that ended the 30th June, 2019 and was received in the Assembly in February, 2022. So in other words it is to say that the committee started working on this report in the year 2022; four months ago this report was committed to that committee. I would urge the Majority Leader to respect the fact that he is the Leader of Majority. It is prudent for him to be able to peruse with toothpick precision details of a report before we mislead the public. The public is watching over that. Thank you, Madam Speaker.

Hon. Speaker: Thank you, very much.

Hon. Johana Munyao (Mutituni/ Ngelani, MCCP): Further information Madam Speaker.

Hon. Speaker: Yes, Hon. Johanna.

Hon. Johana Munyao (Mutituni/Ngelani, MCCP): I have seen a recommendation that is very contemporary despite the fact that the report dates back to 2019 so I would request we allow the Member to take us through so that we can appreciate that it is relevant to this House. Thank you.

Hon. Speaker: I also wish to add and throw my weight there and say Hon. Minority Leader did not have any ill motive. He just wanted to make it brief. So make it brief, proceed, Hon. Ruth.

Hon. Ruth Kamau (Nominated, CCU): Thank you, Hon. Speaker and Hon. Members for allowing us to proceed with this report. Indeed it is a very important report and we might get some solutions for some issues bedeviling us currently and also Madam Speaker, I seek your indulgence to start with the background information where we might get some answers to the questions that the Members are already asking.

Hon. Speaker: Maybe then you can.....let us agree on where you are going. Where is the background?

Hon. Ruth Kamau (Nominated, CCU): Background is---

Hon. Speaker: Take us through the background up to No. 7 then go to general observations then conclusion, kindly. Proceed

Hon. Ruth Kamau (Nominated, CCU): Thank you, Madam Speaker. This is the background and basis for adverse opinion. Audit report of financial statements of County Assembly.

(Loud consultations)

Hon. Speaker: Mheshimiwa Ngunga let us have one meeting. Proceed.

Hon. Ruth Kamau (Nominated, CCU): Okay. This is the background information and basis for adverse opinion.

Background information and basis for adverse opinion

The Audit report on the Financial Statements of County Assembly of Machakos Housing Scheme Fund for the year ended 30th June, 2019 was received in the Assembly in February, 2022 pursuant to Article 229(7) of the Constitution that states that Audit Reports shall be submitted to Parliament or the relevant County Assembly.

It is good to note that while observing the Constitutional requirements, this report should have been received in the Assembly latest by end of January, 2020 hence the report was late by two (2) years. This is in contravention of Section 48(1) of the Public Audit Act 2015 that requires the Auditor General to audit and report on accounts audited six (6) months after the end of the fiscal year in question.

Further, it is important to note that 2022 was a year of Government transition and political parties were busy undertaking campaigns until the general election time which was done in August, 2022. This is therefore to confirm that the report could not be processed since the Third Assembly was still in the process of constituting committees during the second quarter of 2021/2022. This explains well why the report was not acted upon by the committee during the year of receipt.

Hon. Speaker, on receipt of the audit report, it was committed to Public Accounts and Investments committee pursuant to Standing Order 185 (2) (b) and (c) and the report is an adverse opinion. This means the financial Statements do not present fairly in all material aspects the financial position of County Assembly of Machakos for the year ended 30th June, 2019 and of its performance and its cash standards and do not comply with the Public Finance Management Act, 2012 and the County Governments Act, 2012.

Hon. Speaker, the Committee on Public Accounts while exercising its mandate as provided in Standing Order 185 invited the Accounting Officer and conducted interrogation on the audit report on 23rd February, 2023. This is as per the provisions of Article 226(2) of the Constitution that provides that the Accounting Officer of a County public entity is accountable to the County Assembly for its financial management.

GENERAL OBSERVATIONS

The Committee, after scrutinizing the queries in part one on basis of adverse opinion and part two of the report on lawfulness and compliance to relevant laws, makes the following general observations:

The provisions of Sections 9 and 47(2) of the Public Audit Act that provides the Auditor General with unrestricted access to information and the required content during an audit process were not properly adhered to. This is because in the queries on presentation of the financial statements, inaccuracies in the trial balance, transfers to reserve fund, cash and cash equivalents and inconsistencies in the financial statements, the responses given indicated a confirmation that:

- i. Most of the disclosure documents were not availed to the auditor during the audit time
- ii. Issues raised by the Auditor on management letter and draft report were not properly implemented
- iii. The Assembly prepared an amended financial statement to the Auditor General to correct the errors and inconsistencies but the amendments still do not change the stand of the queries raised.

In part 2 of the report on compliance to legal provisions specifically on the queries on inter account borrowing, fund administration expenses and merger of car loan and mortgage, the Assembly due to circumstances stated in the particular responses did not comply well to the provisions of the approved County Assembly Service (Car Loan and Mortgage Scheme Fund) Regulations of 2018.

GENERAL RECOMMENDATIONS

The Committee after considering the above general observations makes the following general recommendations;

1. The Assembly for the purpose of future reports should strictly observe provisions of Section 9 and 47(2) of the Public Audit Act 2015 on matters of full disclosure of information to auditors during the audit time and availing of the required content in the financial statements.
2. The Audit exercise is a process and before the final report is released, the Accounting officer is served with management letter and a draft report containing the issues raised in the course of audit process. The Assembly therefore should action all the issues raised at each stage of audit to avoid

unnecessary matters from being captured in the final audit report, hence contributing to adverse opinion.

3. The Assembly should amend the MoU currently being under use on specific matters relating to double security of loan and use of interest earned from default account
4. Pursuant to Section 53 (1) of the Public Audit Act 2015, the Accounting Officer should within three months after approval of this report take the relevant steps to implement the recommendations in this report or give an explanation in writing as to why the report is not implemented.

CONCLUSION AND ACKNOWLEDGEMENT

Pursuant to Article 229(5) of the Constitution and Section 48 of the public Audit Act, 2015, the office of the Auditor General has been mandated to audit any public entity that uses public funds. On the other hand Article 229(8) mandates the Assembly to interrogate audit reports and report to the House within specified period. The matter on Constitutional timelines has been well spelt in the said legal provisions. It is therefore important for each entity to strictly adhere to this timelines to avoid unnecessary legal challenges. It is also important for accounting officers to note that the Public Audit Act, 2015 gives the Auditor general unrestricted access to all information related to audit process.

The Committee on Public Accounts and Investments is grateful to the Speaker and the Accounting Officer of the Assembly for the Hon.est submissions made before the committee, the Office of the Auditor General for the advisory given and members of the Committee and the Secretariat for commitment and effort throughout the process of report writing.

It is therefore my privilege to table before this Hon. House the report on Financial Statements of County Assembly Housing Scheme Fund for the year ended 30th June 2019 for discussion and adoption. To finish Madam Speaker, we would like to close this report with this verse; Luke 12:48 that says; to whom much is given, much will be required. Thank you, Hon. Speaker.

(Applause)

Hon. Speaker: Thank you, Hon. Member. May I now invite Members to contribute to this report? Hon. Minority Leader then Hon. Ngunga in that order.

Hon. Mbili Ndawa (Matuu, MCCC): Thank you, Madam Speaker. Hon. Speaker, I will start by congratulating our most able Chairperson because even if the Chairperson is not here you have taken that position so there is no vacuum. I want to congratulate you for taking that position and representing the Chairperson and the committee very well. Hon. Speaker, when I was raising the issue of not reading the report, I was not doing that in bad faith. I was just trying to base my argument on issues which have been covered in the background information that we have gotten.

Hon. Speaker, from the background information there is a section which says the report was supposed to be given to the House.....in fact it is saying that the report came to the House two years down the line and a report is supposed to be brought to this House six months so that

was in contravention and that is why I was very cautious about that. Hon. Speaker, there is a saying which saying (.....inaudible) professionals who are fond of recommending the removal of a tooth but when it comes to their turn they do not like that recommendation.

Hon. Speaker, the County Assembly is the one that is always fond of doing oversight on the Executive and we forget that there are public funds within the Assembly. Hon. Speaker, the second reason why I was objecting this report is because the officer who was the accounting officer, who is supposed to give answers to this House on what transpired, left the service and is no more in this County Assembly. So Hon. Speaker, we are now going to be getting second-hand information from another person.

Hon. Speaker, there is a word which is being used here by the committee

(Hon. Brian Kisila spoke off record)

Allow me to conclude Madam Speaker. Each Member will have time to---

Hon. Speaker: Maybe it is in concern to what you are saying. Just give him time.

Hon. Brian Kisila (Makutano/Mwala, MCCC): Madam Speaker, this is a serious point of information. When you are a state officer, whether you are there or not, you are answerable to whatever you did and no one should ever imagine that they will get away with anything whether they are in office or not. I just wanted to inform that to the Hon. Member.

Hon. Speaker: Thank you very much, Hon. Member. Hon. Ndawa proceed.

Hon. Mbili Ndawa (Matuu, MCCC): Thank you, Hon. Speaker and Hon. Brian Kisila for that information. In fact, you are confirming that the law recognizes different types of persons and the Assembly is an artificial person so even if the officer is not here there is no lacuna things have to move. Hon. Speaker, there is a word used here; adverse opinion, Hon. Speaker. What is the meaning of this word? If you go to your google this is what it says. What is adverse opinion? An adverse opinion is a professional opinion made by an auditor indicating that a company's financial statements are misrepresented or mis-stated and do not accurately reflect its financial performance and health.

So Hon. Speaker, from this word we are being told by this Committee and this word they have borrowed it from the Auditor General. That is clear indication that things are not done in the way they are supposed to be done in this Assembly. I am now calling upon the Board which is in place we cannot continue doing things in the same way. We cannot continue repeating the same mistakes which were there.

Madam Speaker, this is the high time now to lead as an example of ensuring that there is what we call financial sanity. If we are not giving the right information on finances, how do we expect our sister department that is the Executive to give us the right information? So Hon. Speaker, I believe you are now the Chair of the County Assembly Service Board and these are mistakes which were done and I am recommending here now since we have agreed to handle the report as it is, we do not need to discuss the report and then let it rest.

As an Assembly we also need to recommend that if there are funds that are not seeing where they went, if there are funds which are not shown how they were spent, let the concerned person or parties carry their own cross and be surcharged for those funds because we are not

going to sit here as legislators and watch things being done the way they are not supposed to be done and we keep quiet. Hon. Speaker, there is a word we use in English milad (??). A milad (??) is a person who just sees things happen and has no ability either to make things move or stop. So the Assembly is not going to be a milady.

(Hon. Ndawa's cellpHon.e rung)

Sorry for that. We are not going to be docile. There are cows that are friendly especially the male cows. You can be able to touch each part of a male cow and it is just quiet and not moving as if it is enjoying. This Assembly is not going to be docile. We are not going to allow our internal parts to be touched by anyone. We must have authority, so those who are in that board and Hon. Johanna you represent the minority side, Mheshimiwa Katangi represents the majority side and the Clerk is the accounting officer; let us not get reports of this nature otherwise we will recommend somebody to go to jail. Hon. Speaker, I support the report.

Hon. Speaker: Thank you, very much Hon. Ndawa for those very important comments. There is never a vacuum or a lacuna in an office. There will always be...even when they bring about the issue of having a hiatus there can never be a lacuna. Therefore, somehow someone must be responsible. Hon. Ngunga then Hon. Deputy Speaker and Hon. Majority Leader.

Hon. Francis Ngunga (Mua, MCCP): Thank you, Madam Speaker. I would like to make my presentation from this point that...I will be straining because of my height. This is good enough. Madam Speaker, I want to start by asking Members to be keen on this report because it touches entirely on operations here. Maybe one of the things I would have wanted to ask but I think has been overtaken by time is I wish we had read this report all of it because I think it raises very pertinent issues that Members have been grumbling about around the streets of the Assembly and they are here.

They have not been raised, she gave us the background information, committee observations but a few things I would like these Members to look at. For example, this Committee got a report from the Auditor General and one of the things that are adversely as he says it is an adverse opinion, is on our Memorandum of Understanding between ourselves and the Fund Managers or the person running the fund. That is previously the Chase Bank and now the SBM Bank and one of the things they raised was the issue of the fund administrative expenses. That Madam Speaker, will be found on page 13.

There are issues that have been raised there about the fund administrative expenses captured on paragraph 34. It is talking about an interest of Ksh. 4.4 million that is accruing from the 3 percent the members are charged when they borrow these funds. A question arises about how that money has been spent. This, Madam Speaker, has not been responded to because when you look at the management response on page 36, they are saying, during the financial year under review the interest income was that Ksh. 4.48 million which is the interest charged. The Assembly initially entered into a memorandum of understanding with Chase Bank and when SBM Bank acquired Chase Bank an MOU was also signed between them and the Assembly.

The question still lingers. How has this money being used? The Ksh. 4.4 million which is under adverse opinion and if you look at the committee and I want to commend the committee for being bold enough, the committee recommends that the Chase Bank, it says that the Chase Bank was observation chase that it was put under receivership, the administration of the fund

was taken over by SBM, that now we know and that the disclosed the change and the new MoU signed with SBM bank was not provided to the auditors as required by Section 9(1)(e). So in other words, you can see, there is no full disclosure on these interest adverse reports.

Lastly, Madam Speaker, is about what has also been bedeviling us; we have been talking about the issue of car loan and issue of the mortgage and if you look at that it comes on page 14, No. 39 the Auditor General raised the same issue,; merger of Machakos Assembly, car loan and mortgage scheme. If you look at that that was raised. They say management.....of course; we need to raise the question that was raised. The question that was raised is that there was a circular that was given by the SRC and in that circular and it is advising that the car loan and mortgage be lumped together. That is a question that is on page 37.

When that was asked to the management they responded at the time of the audit, the County Assembly was working on the merger of the two Regulations as per the SRC advisory. The Assembly has since merged the Regulations and is now preparing one set of financial statements for both car and mortgage and I don't know whether Madam Speaker you are the chairman of this Assembly Service Board. I don't know whether that is a position because members when we are receiving our loans the other time we received Car Loans independently and we also received mortgage funds independently.

This is a way off from the advisory of the SRC that this be treated as one fund totaling Ksh. 2 million plus Ksh. 3 million to Ksh. 5 million. This is the reason as to why these adverse resources are coming. Mheshimiwa Johana you sit in the CASB and while you want to correct me Mheshimiwa----

Hon. Johanna Munyao (Mutituni/Ngelani, MCCC): Madam Speaker, I am seeking for your protection.

Hon. Francis Ngunga (Mua, MCCC): I am at the verge; I am at the center of it. Madam Speaker, if you allow me I am at the center of it. This is to say---

Hon. Speaker: Just proceed.

Hon. Francis Ngunga (Mua, MCCC): Madam Speaker. Thank you. The committee itself sitting and of course, we have agreed that our committee when a committee is given a responsibility, they are doing it on our behalf. When that committee was sitting they made the following observation; the Assembly operates to independent funds as raised in the query. It is therefore in breach of Regulation 3(1) of the County Assembly Service Car loan and Mortgage Scheme Fund Regulations of 2018, and SRC recommendation circular that one that recognizes both mortgage and car loan is one fund.

Madam Speaker, this is not Mheshimiwa Ngunga speaking; these are the observations of the PAIC committee sitting and I am sure we must have funded them to sit and come up with this observation. The Committee recommends the Assembly should implement the advisory of the salaries and remuneration commission, circular number that one and also to the provision of Regulations of the County Assembly service of the 2018 when merging the housing scheme fund---

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Madam Speaker, point of information.

Hon. Speaker: Okay, proceed.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Thank you, Madam Speaker. This report, we all know is for the financial year ending June, 2019, and it is an adverse opinion. So I would just want to inform the Hon. Member that I am the chairman of Car and Mortgage Scheme and I know we have since merged the Scheme, it is one. Thank you, Madam Speaker. So we don't need to belabor that.

Hon. Speaker: Okay. Hon. Ngunga.

Hon. Francis Ngunga (Mua, MCCC): Yes, Madam Speaker. I do not know. In fact, I was worried when I was raised to speak because the Majority Leader had moved out because I wanted him to listen to this and I wonder whether actually, it is true because maybe they merged on the paper but not in practice. Why I am saying so---

Hon. Johana Munyao (Mutituni/Ngelani, MCCC): I am sure the member did not apply for Car Loan separately and the mortgage. We applied for Ksh. 5 million for both and we received as one package. So I think the fund has since been merged and that is why you received Ksh. 5 million Thank you.

Hon. Francis Ngunga (Mua, MCCC): Oh.

Hon. Speaker: That is the position it has been merged.

Hon. Francis Ngunga (Mua, MCCC): Thank you. You know the reason why Madam Speaker, I wanted to awaken the Members is because there has been a tendency that is coming up and wonders to see whether we can be able to start running away from that, where we want run away, and we have reports we want to rush we want to read the first page of the report, we want to go to the last page. You know, these are some of the nitty gritty Members; I am a high school teacher and I wanted these members to awaken up and say, you can go to the recommendation and leave the body of the matter inside here. So members, it is a challenge next time you have a report here, let us go through it. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Ngunga. Hon. Deputy Speaker then Hon. Majority Leader.

Hon. Stephen Mwanthi (Ekalakala, WDM-K): Thank you, Madam Speaker. Madam Speaker, sometimes I find it laughable in this County Assembly and I believe in our Standing Orders. Our Standing Orders requires that we should or a Member should not contribute in anticipation of a report or a motion that is coming. Madam Speaker, today this morning, I noted there was a debate on anticipation of the report that had not been read and to me, I believe that that was not right because at the end of the day, it was found that there was a lot to be done in the report especially by my dear brother who is the Minority Leader who was so suggesting that we should not go through the report and he is the one who first spoke and contributed.

(Laughter)

Hon. Mbili Ndawa (Matuu, MCCC): Point of information, Madam Speaker. It is important. Kindly allow me to---

Hon. Stephen Mwanthi (Ekalakala, WDM-K): It is on a light note.

Hon. Speaker: That is what I also thought.

Hon. Stephen Mwanthi (Ekalakala, WDM-K): So that next time we don't do or repeat some of the things that we are doing. Madam Speaker, it is something that I have been noting, sometimes even we discuss on reports that are not there and we have procedures that are laid down to be followed by the House. It is funny when we debate for 5 to 10 minutes on a report that we do not know or something that has not happened. I believe in the future, we need to check on that let us wait for the reports and debate accordingly.

On this one Madam Speaker, if I come back to the report by this committee, I do appreciate what the committee has done but it is also good to note that you see, you realize that the Member was contributing based on a report that has been written. I know it goes through our staff and to me, it was a misinformation that there were two funds running and now you see the consequences of such information that has not been well-researched. I think that was miscommunication because we all received the Ksh. 5 million from the same account but when you check at the report, you will also realize there were anomalies during that time.

I happened to have been in the Second Assembly, and these are some of the things that we used to say and try to advise that things were not going on well and now here the report on Auditor General has come and found some anomalies which need to be corrected and followed to whoever did a mistake or misappropriation of funds in this County Assembly. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Member. Hon. Majority Leader.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Thank you. Thank you, Madam Speaker. I will be very brief because I think what I wanted to say has been repeated over and over again but I also want to congratulate the committee for being Hon.est for presenting this as an adverse opinion and also stating that it does not present fairly all the material aspects of the financial position. So I think them having been that Hon.est, we should not beat them so much but also want to look at some of the general observations on page 15.

You realize that some, almost all the recommendations are just very, very administrative and I just wondered why. For example, observation A most of the disclosure documents were not availed, by the then office. You know, it leaves a lot to be desired that an Auditor would request for a document that is a public document and is not availed and also the issue raised by the Auditor on the management letter and the draft report were not properly implemented.

So, going forward, under your leadership, Madam Speaker, I wish because Audit is no longer a death sentence for institutions, Audit is for the sole purpose again is for continual improvement of the whole system and processes in the institution, I pray under your leadership, some of these small administrative issues are going to be so we resolved the onset so that the

Third Assembly will be remembered as the most improved compared to the First and the Second Assemblies in terms of improving processes and system of financial management. Thank you, Madam Speaker.

Hon. Speaker: Thank you very much, Hon. Member. Hon. Maitha, then Hon. Brian; in that order.

Hon. Dominic Maitha (Muthwani, WDM-K): Thank you, Madam Speaker. I just want to make some just some small observations and recommendations on this report. Madam Speaker, the report before us is discussing about our conferred benefit to the Hon. Members of this House. I happen to have served as the first chairman of the Public Accounts Committee, Madam Speaker, and the audit process is very simple, extremely simple. It is just a matter of compliance. I want to come to your House I want to meet you and I need the following. So what I would like to say is that the committee observations and the Auditor General observations recommendations are very explicit that as an institution that is constitutionally vested with the powers of oversight, we should be leading by example.

If this Assembly cannot provide requisite documents and requirements to some of the highest constitutional offices, then that leaves more questions than answers. So, I would beg in future and I will request in future that this Assembly led by the accounting officer, the second senior most officer in this Assembly, who is the Clerk should just follow the recommendations and the management letters from the Auditor General's office and once that is done Madam Speaker, then it will not even give this House any work to labor because we must lead by example.

Madam Speaker, public participation is of essence. In this Assembly, some of the issues raised in this report, Madam Speaker, are also some of the issues that also Hon. Members are saying that we also need to be doing public participation in this Assembly, whereby as the oversight body of the County government of Machakos, amongst other government agencies and bodies, even in this Assembly, we should be holding the Clerk who is the Chief Accounting Officer of this Assembly accountable to even disseminate information to Members so that they can understand on what is happening.

For example, Madam Speaker, if you allow me even the budget that will pass and adopt for this Assembly, Members should be meant to understand of the contents of that budget so that when it is been executed, Madam Speaker, we understand so that it can be an Assembly-owned budget and not an individual or department owned budget such that we avoid these internal meetings, even in the process when we are running our Assembly in every financial year. So that one I really highly request your indulgence so that we can avoid this in future Madam Speaker so that we can have our Assembly-owned budget whereby every single member of this Assembly understands the contents of the budget of an Assembly.

For example, Madam Speaker, the issue of the current mortgage loan. Madam Speaker, if these Hon. Members will be Hon.est, they will attest to you. It is easier to secure a facility with the available financial institutions within Machakos County than securing that facility that is a benefit conferred to members. Madam Speaker, this benefit that has been given and confirmed to Hon. Members should be as accessible as easily as possible because the guarantee to this payment or to pay this facility is your pay slip. The moment the Hon. members have been sworn in and confirmed as duly elected and nominated members of this Assembly, they enjoy that benefit without any prerequisite conditions outright and the pay slip is final.

So, Madam Speaker, in the future, we want to ensure that whoever will be the accounting officer in the future because already we have incurred this benefit that the process be made as simple as possible but within the law.

Finally, Madam Speaker, the financial institution that is conferring this benefit, if there is a feeling that maybe it is not able to subsequently administer the fund, the options are available; there can be another MoU between the Assembly and other financial institutions. Maybe they are even able to offer convenient, efficient and better services than that financial institution. So I would request that Madam Speaker, going forward, we make some of these provisions and these some of these benefits that have been given to members as open as possible so that we can avoid audit queries, complaints by members because members cannot afford to keep on meeting their constitutional and electoral requirements while in the Assembly where they are operating things are so difficult to meet. Let us make the work as simple as final.

Finally, Madam Speaker, this report, this report was supposed to have landed in this House as per the Constitutional requirements; six months is supposed to be dispensed. Madam Speaker, I want you to note that we are experiencing serious challenges especially the Committee on Implementation. Whenever resolutions of this House have been passed and adopted, we communicate the same to the Executive and within a period of not more than as per our Standing Orders, within a period of not more than six months, all those recommendations are supposed to have been implemented but it is the other way around, Madam Speaker.

So I want you to note and I want the Office of the Clerk to note that we need to have proper communication even on the other side so that we meet our constitutional mandate whereby if a resolution of this House has been passed within six months that service is confined to the intended beneficiary of the same.

(Applause)

So, Madam Speaker, as we analyze and adopt this report, let us make sure that the recommendations also apply to other resolutions made in this House and especially for the benefit of these members and the electorate who made us to be where we are. Thank you, Madam Speaker.

(Applause)

Hon. Speaker: Thank you very much Hon. Member. I cannot agree more with your sentiments. Members, full disclosure of material facts is very key when it comes to issues of accounts, accountability and budgets. So what Mheshimiwa has said is really well taken and it should be implemented and implementation is also why should we also make so difficult for members to access facilities of a loan that we are holding? It is our baby, it is within us. Why should it be made so complicated? So I truly support what you have said Mheshimiwa. Mheshimiwa Brian.

Hon. Brian Kisila (Makutano/Mwala, MCCC): Madam Speaker, I congratulate the Committee for a belated work well done and as much as we also questioning why this report is late, we should ask ourselves what do our Standing Orders say? Madam Speaker, we are here as an Assembly and we need to start taking our job seriously. I want to refer members to Page 6 of the report 2.2.3; the County Assembly of Machakos Standing Orders. This is a very well-thought

report. Standing Order 185 mandates the Committee on Public Accounts and Investment to examine reports, accounts, and workings of County public investments.

Madam Speaker, I was in the Second Assembly and the reason why we are failing as an Assembly is that the committees are not working and we are giving people open cheques to do whatever they want to do. We have CASB as a body and the last Assembly CASB never gave us one report to the Assembly. Never give us one report despite us asking for reports. My member would present me in CASB has just walked out and the other Member is not here; it is only the Madam Speaker who is here.

Obviously, I don't know if we have done our reports, for the first six months of our financial statements for this Assembly. It is obvious that we actually either the committee which is giving us report is not asking for reports or we have given the County Assembly Service Board a free mandate to do whatever they want to do and Mheshimiwa Maitha has just come for me here and he has said a very good point. Even public participation on the way we are planning to spend our Ksh. 1 billion has not been done. We are not being called to discuss how we are planning to spend our Ksh.1 billion and we are just about to pass a budget and we should be evade there should be a detailed way of how we are going to approve that budget for the Assembly.

Madam Speaker, I kind of agree with Minority Leader and he is right. We should not be discussing our report. This report should not be we should not be discussing it here because it contravenes the constitution. Let us be fair when we are doing things. Go to page---

Hon. Speaker: They have captured it in their recommendations, Mheshimiwa.

Hon. Brian Kisila (Makutano/Mwala, MCCP): No, no Madam Speaker. Go to page 9, point No. 4; let us read it because I do not think we have read this report. *Tumekimbia sana*. It is good to know that while observing the Constitutional requirement, page 5, point No. 4; it is good to know that while observing the Constitutional requirement, this report should have been received in the Assembly latest by end 2020 hence the report was late by two years. This is a contravention of Section 8(1) of Public Audit Act 2015 that requires the Auditor General to audit and report on accounts.

So that by itself means we are debating a report which is outdated when we have so much. So, how do we get out this? My suggestion is, we already have a body which you are chairing, Madam Speaker. Have a look at some of these issues which are there especially on the point Mheshimiwa Ngunga raised on the Ksh. 4.4 million interest. Where does this money---

Hon. Speaker: Hon. Brian.

Hon. Stephen Mwanthi (Ekalakala, WDM-K): Madam Speaker, I think it is important we note this; we are in the year 2023 and the report we are reading is for 2019 and sometimes according to the report that we are reading states well that the Assembly received this report in the year 2022 February from the Auditor General. PAIC deals with reports that have already been audited and in Kenya we know in most cases it takes three years for the Auditor General to bring these reports.

So, we should also agree that on Auditor General reports we will be dealing with them three years after the year ends but it is noted that the report came in the Assembly in the year 2022 during the Second Assembly and now it is eight months later. Yes, that is very late and it is

important we note that for auditors report, they come three years after the closure of the financial year. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Member for that information. Proceed Hon. Kisila.

Hon. Brian Kisila (Makutano/Mwala, MCCC): I am well informed but that notwithstanding, let us not accept things to be done for the sake of it. Let us adhere to the timelines that is the point I am driving. Mheshimiwa Ngunga raised a very pertinent point which Madam Speaker you are the Chair of that committee---

Hon. Speaker: Which Committee is that?

Hon. Brian Kisila (Makutano/Mwala, MCCC): The County Assembly Service Board.

Hon. Speaker: The Board?

Hon. Brian Kisila (Makutano/Mwala, MCCC): The Board itself. Where does this Ksh. 4.4 million and we are asking questions. If this money is not disclosed, are there other monies which have not been disclosed and can your Board look at this report in more details and in your financial report, you report this Assembly because we are holding you accountable and to represent us in this Board.

Madam Speaker, the last point is very important. To whom much is given, much would be required. Let us not look like all the time we are raising issues to do with the Executive na *kikulacho ki nguoni mwako*. Let us do things right here and then expect the Executive to follow suit. Not the other way round and if it is an officer and that is the point I was rising to inform my Minority Leader; if there is anyone who has contravened the constitution and has done the wrong thing Madam Speaker, they should be held liable and they should be called upon to answer questions which have emanated from this report and other reports. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Members. At this point, may I report to you Members that for as long as I am the Chair of the CASB, I will do everything within the law and I will make sure everything that is required to be tabled to this Chambers is done within the law and I will always do everything within the law because personally I am a lawyer and I know the consequences of getting out of the law. So be assured, nothing will go wrong; accountability will be observed, I have nothing to hide, I have repeated this to you Members. I have got nothing to hide whatsoever. I know we have the accounting officer is the Clerk but the Clerk is a member and a secretary of the Board. Therefore, be assured all be well. Thank you, Members.

May I at this point call upon Hon. Ruth to come and reply to the motion?

Hon. Ruth Kamau (Nominated, CCU): Thank you, Madam Speaker. I would like to thank Members for your input and contribution. I know indeed that this is an emotive matter because it touches on all of us as a House and I would like to assure you that as we interrogate and scrutinize the reports that are brought before us, we are doing it on your behalf and we are committed to do the right thing because at the end of the day, we are responsible for what we do.

To add, this report came to the Assembly in February, 2022 meaning the PAIC works with constitutional timelines and the previous Assembly should have dispensed the report but since we are the ones in office right now, we are going to deal with all the reports on our table and keep updating you because as of now we have received some subsequent reports and we can assure you that there is great improvement. Thank you, Hon. Members and Madam Speaker.

Hon. Speaker: Thank you very much.

(Applause)

(Question put and agreed to)

ALTERATION OF THE ASSEMBLY CALENDAR

Hon. Speaker: May I at this point invite Hon. Nicholas Nzioka, Leader of Majority to come and move this motion.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Thank you, Madam Speaker.

Hon. Speaker, that aware that the second Session of the Third Assembly commenced on 14th February, 2023;

Further aware that pursuant to Standing Order 25(1), the Assembly approved an Assembly calendar on 14th March, 2023 and altered it on 15th March, 26th April and through House resolutions;

Acknowledging that Standing Order 25(4) provides that despite the adjournment date as scheduled in the approved Assembly Calendar, the Assembly may by resolution, alter its Calendar or the adjournment date;

Further aware that Standing Order 151(6) provides for the mandate of the House Business Committee which amongst others, is to prepare and if necessary, from time to time adjust the Assembly Calendar with the Approval of the House;

Noting that there is need for Committees to consider the budget estimates for FY 2023/2024 and subsequently report to the House before 30th June, 2023.

Hon. Speaker, I wish to move the Motion THAT notwithstanding the resolutions of the Assembly made on 14th March, 2023 (Approval of Assembly Calendar), 15th March, 2023 and 26th April, 2023 (alteration of the Assembly Calendar) and pursuant to Standing Order 25(4), the Assembly resolves to alter its Calendar (Regular Sessions) for the Second Session of the Third Assembly to adjourn its sitting from today 13th June, 2023 (morning sitting) and resume its regular sittings on Tuesday, 20th June, 2023 and that the Assembly Calendar (Regular Sessions) for the Second Session be altered accordingly.

Thank you, Madam Speaker. I call upon Hon. Ngunga, father of the House to second.

Hon. Mbili Ndawa (Matuu, MCCP): Point of information Hon. Speaker.

(Laughter)

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Madam Speaker, I am sorry, I call upon the leader of the Minority side---

(Laughter)

The seconder-in-chief, to second my motion.

Hon. Speaker: Hon. Ndawa, minority Leader.

Hon. Mbili Ndawa (Matuu, MCCC): Thank you, Madam Speaker. The Majority Leader was about to make a very big blunder, because first he is calling a Member who is not a Member of the HBC and the Standing Order is very clear. This motion can only be moved and seconded by either the Majority Leader, Minority Leader or a Member of the HBC. My brother be informed.

So, Hon. Speaker, I want to second the motion and I want this to be noted, that we are breaking to go and handle the issue of budget. I want it to be very clear that the Assembly side has not yet done its public participation. So, let the concerned person and parties ensure that they conduct public participation otherwise if we go to the committee of budget, we might be forced by circumstances to remove funds that we do not feel that they are supposed to be where they are placed.

During public participation held in our ward, I saw Ksh. 50 million for parking and I remember very well during a *Kamukunji* which was attended by almost all the Members, the members made it very clear that parking was not a priority. There are other better priorities. So, let the concerned person ensure public participation is conducted. Thank you, Madam Speaker. I second the motion.

Hon. Speaker: Thank you, Hon. Member. Hon. Ngunga.

Hon. Francis Ngunga (Mua, MCCC): Yes, I want to thank the Member for seconding the motion and Madam Speaker, I had really lobbied that I second this motion but I am happy he has been able to say what I wanted to say. So, in unison we are saying I want to second the fact that we need to adjourn but while we are adjourning to look at the Budget Estimates and all that, there are units that do their budget here; one being the Executive and one being the County Assembly Service Board.

Madam Speaker, it has been the practice, any other time that we are about to do the budget highlights, the Vice Chairman of the CASB comes to the Assembly and presents their Budget Estimates as will have been looked by the budget committee so that Members can also be privy and ventilate on the issues that are there.

Madam Speaker, we are trying to run from a situation where we are at the edge of our timelines and then Members are here shooting down proposals that are there. It is a proposal that we look at time on that same Tuesday when we are looking at the pronouncements highlights of the budget and the revenue raising measures by the CECM, I guess Madam Speaker, we can also look at time so that we put in some moment for the Vice Chairman of the CASB to give us the budget highlights of what he intends to or where they are supposed to collect their money, monies coming from the Exchequer and how are they intending to use that money. Members, Madam Speaker, we are the greatest stakeholder at the Assembly.

So, during our public participation that was in the other day (...*inaudible*) how the Assembly was going to spend the allocation. There were the issues of parking, members were asking Ksh. 50 million, really on parking; they were not thinking that was a very big priority. Some were even thinking we should pick that money and donate it to the Executive to use it. Madam Speaker, these are some of the things that will need to be canvassed in the House so that even if we are to go that way, there is justification for the same.

Otherwise, when you see a figure like that, Members have the authority, this is the General Assembly, and the Assembly has a way of trying to say we will not do that, we will do this. Let us not do it at the edge because that is not going to augur very well. So, I guess the Leader of Minority can look at a way while we support this adjournment, we apportion that particular element so that the Vice Chairman gives us what they are intending to do with their budget. Madam Speaker, thank you for allowing me to speak.

Hon. Speaker: I will always tell you Members that it is always good to dialogue to discuss things before we start fighting them. It is important to discuss things and understand what the justification is. There could be some justification, isn't it? So, Members let us not just fight, let us dialogue. Hon. Maitha and then Hon. Brian.

Hon. Dominic Maitha (Muthwani, WDM-K): Thank you, Madam Speaker for catching my eye.

Hon. Speaker: Hon. Majority, you wanted to say something?

Hon. Dominic Maitha (Muthwani, WDM-K): Madam Speaker, I just want to make an observation. According to parliamentary practice, precedence is given in terms of seniority and I want this House to note that in most cases a matter of discussion in the floor of the House is concluded by the Majority Leader and maybe the mover of that motion with a submission response.

The Majority Leader is a very senior person in this House, he should wait for the other Members to talk and mudsling on everything and people who are supposed to climax any discussion in this House. Madam Speaker, I want in future we respect positions. The Hon. Majority Leader and Minority Leader are not even supposed to speak in between a motion; they are supposed to conclude at the tail-end of that motion because they have listened to the Members---

(Applause)

Hon. Mbili Ndawa (Matuu, MCCP): Point of information, Madam Speaker. Allow, allow; it is very important.

Hon. Speaker: Minority Leader please.

Hon. Mbili Ndawa (Matuu, MCCP): Thank you, Madam Speaker. We must appreciate that this Assembly has been using resources take Members for workshops. During those workshops it was made clear by one of the facilitators by the name Kalama, he said that the

ranking Members, either the Majority Leader, Minority Leader and any other Member who is serving for the longest time should be given the first priority and it was made very clear, if I raise my hand and Mheshimiwa Dominic raises his, because I am ranking Member, you take precedence.

So, Hon. Speaker, unless Hon. Dominic is trying to undo what was done that time, please, we do not go to workshops just for the sake of going. Whatever we learn there we must put it into practice. Thank you, Hon. Speaker.

Hon. Speaker: The point is taken and I will---

Hon. Dominic Maitha (Muthwani, WDM-K): Well-informed, Madam Speaker. Let me go back to the subject of discussion. Madam Speaker---

Hon. Speaker: Hon. Maitha please, let me just address you on the issue of time---

Hon. Dominic Maitha (Muthwani, WDM-K): Yes, Madam Speaker.

Hon. Speaker: We only have three minutes to go; so, kindly hasten.

Hon. Dominic Maitha (Muthwani, WDM-K): What I want to say is this Madam Speaker, we are adjourning for the purpose of going to scrutinize the budget. For the last several months we have had push and pull and Mheshimiwa Ngunga listen to me. Madam Speaker, for the last five or six months we have had push and pull in terms of implementing our budgets and I want to request this Hon. Members; there comes a time when some matters are quite important. We are making a decision that is going to be very critical in the implementing of our promises to the electorates.

Once we have adjourned because of budget Madam Speaker, I want to implore all Members to make sure that they take serious time to go through the budget proposals such that; when come to adopt them we are sure of what is going to be implemented by every department. This is a time we cannot joke, the only time we will be reconvening here to speak about the budget is when we come to speak about supplementary budget.

So, I want to implore all Hon. Members however much they may have some commitments here and there, it is a very critical moment Madam Speaker this time we cannot afford to have an item being inserted in the budget without the knowledge of the Members.

Finally, the budget for this Assembly is critical and to avoid the push and pull as you have said Madam Speaker, let us take one single day or a session of the period we will be adjourning to understand properly, the budget requirements and outlines of the Assembly so that in future we do not even have to engage the Clerk on matters to do with Members welfare. Such that, Members are guaranteed that their welfare is well taken care of in the budget as explained by the accounting officer such that if he goes against that, then he will be ready to answer to Members why he went against what he promised during the public participation by the Hon. Members. I support Madam Speaker.

Hon. Speaker: Thank you, Hon., Member

(Question put and agreed to)

ADJOURNMENT

Hon. Speaker: The House adjourns to Tuesday, 20th June, 2023 at 10.00 a.m. Thank you, Members.

The House rose at 12.30 p.m.