

REPUBLIC OF KENYA
MACHAKOS COUNTY ASSEMBLY

OFFICIAL REPORT

Tuesday, 13th November, 2018

The House met at 10.38 a.m.

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

PRAYERS

Hon. Speaker: Serjeant at Arms, stop the bell please. So, Hon. Members we start our business for this morning, Mr. Clerk, proceed.

COMMUNICATION FROM THE CHAIR

Hon. Speaker: Hon. Members, under this order the Chair will be doing a brief communication but that will be stayed for a while so we can move on to the other business. Mr. Clerk, proceed

PAPER LAID

REPORT OF SUSPENSION OF SAND HARVESTING IN THE COUNTY FOR ONE YEAR

Hon. Speaker: Hon. Members, under this Order, we have one business by the Hon. Maitha, Hon. Maitha?

Hon. Maitha: Madam Speaker, I beg to lay the following paper on the table of the Assembly today, Tuesday the 13th November, 2018; the Report of joint Committees on Justice and Legal Affairs and Energy, Lands and Natural Resources on suspension of sand harvesting in the County for a period of one year to allow the County Government to rehabilitate the exploited sites and also implement the Machakos County Sand Harvesting Act 2014. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Maitha, Mr. Clerk, proceed.

NOTICE OF MOTION

REPORT OF SUSPENSION OF SAND HARVESTING IN THE COUNTY FOR ONE YEAR

Hon. Speaker: Hon. Members under this Order, we have one business by Hon. Maitha.

Hon. Maitha:

Madam Speaker, that aware that the preamble to the Kenya Constitution provides that Kenyans are respectful of the environment which is their heritage and determined to sustain it for the benefit of future generations. Article 42(a) of the Constitution provides that every person has the right to a clean and healthy environment, which includes the right to have the environment protected for the benefit of present and future generations through legislative and other measures;

Aware that Machakos County Assembly enacted the Machakos County Sand Harvesting Act, 2014 whose section 3 states the objectives and purpose of the act which is to provide legislative framework for regulating sand harvesting and to provide for the rehabilitation and protection of the environment from harmful effects of sand harvesting and related activities;

Further aware that the Environment Management and Coordination Act, 1999 provides that sand harvesting can only take place after a proper Environmental Impact Assessment has been carried out with the approval of technical sand harvesting committees;

Aware that the sand harvesting management committee which is responsible for the proper management of the environment within the County has not been gazetted;

I wish to give the notice of motion that this House discusses and approves a joint committee report on suspension of sand harvesting in Machakos County for a period of one year to allow the County Government to rehabilitate the exploited sites and also implement the Machakos County Sand harvesting Act, 2014.

Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Maitha. Mr. Clerk, proceed.

MOTION

DISBURSEMENT OF BURSARIES IN ACCORDANCE WITH MACHAKOS COUNTY (BURSARY FUND) REGULATIONS, 2014

Hon. Speaker: Hon. Members, under this Order, we have one business by Hon. Daniel Kiilu.

Hon. Kiilu: Thank you, Madam Speaker.

Hon. Speaker, that aware that section 116(1) of the Public Finance Management Act, 2012 mandates that the County Executive Committee Member for finance may establish public funds with the approval of the County Executive Committee and the County Assembly;

Aware that this Hon. House enacted the Machakos County (Bursary fund) Regulations, 2014 whose main objective is to provide for a bursary scheme for the provision of financial assistance to needy students;

Further aware that the County Executive is currently issuing bursary to the residents of the County using the area Chiefs and Sub-Chiefs;

Acknowledging that this contradicts the provisions of the regulations which give the Ward bursary Committees the responsibility to receive and consider applications for bursaries;

Cognizant of the fact that non-compliance to the enacted regulations poses chances of misappropriation of the funds.

Hon. Speaker, I wish to move the motion that this Hon. House discusses and approves that;

1. The disbursement of bursaries be done as stipulated in the Machakos County (Bursary fund) regulations, 2014.
2. Any allocation done by unrecognized body will be termed null and void.
3. The area Hon. Member of County Assembly be able to confirm the names of the committee members appointed to avoid conflict of interest in duty performance.

Thank you, Madam Speaker. I wish to call upon Hon. Helen Ndeti to second my motion. Thank you.

Hon. Speaker: Thank you, Hon. Kiilu. Hon. Helen Ndeti.

Hon. (Ms.) Ndeti: Madam Speaker, I take this opportunity to support the motion.....to second the motion sorry; I have seconded the motion. Thank you.

Hon. Speaker: Thank you, Hon. Ndeti.

(Question proposed)

Hon. Members, the motion is open for debate Hon. Mueni.

Hon. (Ms.) Mueni: Thank you, Madam Speaker. I support the motion by our chair for education, I am a member. I ask the executive to be using the members of this House to distribute the bursary because if they do not use them, they are finishing them by not doing anything in the ward and they are the ones who know the people who are in need of the bursary but if it keep using the people who are in the ward who were elected by those we do not know, it is good to use the people who were elected and who are in this House to serve the people in the wards. Thank you, Madam Speaker.

Hon. Speaker: Thank you.

Hon. Muendo: Point of order, Madam Speaker.

Hon. Speaker: Point of order Hon. Majority Leader although Hon. Mueni has sat down; who is out of order?

Hon. Muendo: Madam Speaker, I want to move an amendment on this motion.

Hon. Speaker: You want to move an amendment.

Hon. Muendo: Yes.

Hon. Speaker: Under what Standing Order?

Hon. Muendo: Madam Speaker, under Standing Order 52(2) that despite paragraph one the Speaker, may, in exceptional circumstances, allow a member to move an amendment to a motion before the House at any time during consideration of that motion. Madam Speaker, I looked at the motion whereby I want to insert, further aware that the County Executive is currently issuing bursaries to the residents of the County using the area chiefs and the sub chiefs, I want to insert 'ward administrators' after chiefs. Thank you, Madam Speaker.

(Applause)

Hon. Speaker: Do you have a seconder to your proposal?

Hon. Muendo: Yes, I have a seconder; the Voice Hon. Katumo.

Hon. Katumo: Thank you, Madam Speaker. As I stand to second that amendment to this motion of Hon. Daniel Kiilu that it should read 'that further aware that the County Executive is currently issuing bursaries to the residents of the County using the area chiefs and sub chiefs to insert 'county administrators.' Thank you...administrators

Hon. Speaker: Ward administrators.

Hon. Katumo: Ward administrators.

Hon. Speaker: Hon. Kiilu, it is your child; what do you think just as a way of hearing the thinking on the proposed amendment.

Hon. Kiilu: Thank you, Madam Speaker. I wish more sincerely thank the Majority Leader for that observation. Actually, it was an error. I think it was omitted from the original statement, I believe.

Hon. Speaker: So how would you wish to---

Hon. Kiilu: I appreciate and I wish to acknowledge and accept that we insert the 'ward administrators' as he has proposed.

Hon. Speaker: Can you go to the paragraph and just read it out? It should be the second paragraph.

Hon. Kiilu:

Further aware that the County Executive is currently issuing bursary to the residents of the County using the area Chiefs, Sub Chiefs and Ward Administrators;

Acknowledging that this contradicts the provisions of the regulations which give the Ward bursary Committees the responsibility to receive and consider applications for bursaries;

Cognizant of the fact that non-compliance to the enacted regulations poses chances of misappropriation of the funds, Hon. Speaker, I wish to move the motion that this honorable house discusses and approves that;

1. The disbursement of bursaries be done as stipulated in the Machakos County (Bursary fund) regulations, 2014.
2. Any allocation done by unrecognized body will be termed null and void.
3. The area Hon. Member of County Assembly is able to confirm the names of the committee members appointed to avoid conflict of interest in duty performance.

Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Kiilu. Any other member who has a view on the request for amendment? Hon. Members, under Standing Order 52(2) the Speaker, allows the amendment and so I will read the question again although I notice the question is not affected by the amendment. What we have is an amendment on the body of the motion but the record purposes, let the Speaker, propose the question a second time. Hon. Members I now propose the question.

(Question of amendment proposed)

Hon. Members the debate is open. Hon. Kituku.

Hon. Kituku: Thank you, Madam Speaker for giving me this opportunity to air my views as far as this motion is concerned. I want to thank the Hon. Member for Muthesya for having tough of this motion and tabling it before this Hon. House. This issue of bursary is a thorny issue because each and every time our electorates are asking us on where the bursaries are, the modalities and the like.

Actually, Madam Speaker, I have been wondering why most of the things in this county are taking place in the wrong manner and what is the problem in doing what is right or doing things in the right manner. For example, we have the ward bursary committees which were put in place just the other day and these people are directly involved in this exercise. When we hear of the ward administrators, village administrators, chiefs, sub-chiefs and in my case, I even have a *WhatsApp* message that even my former MCA is also involved in the exercise.

These things are turning political and we won't accept things to be done in the wrong way or manner so that we can be told we are good and not get in to battles. We are not battling anybody but things cannot be done in the wrong manner so that we please an individual. To my case I say no and I repeat no. I am made to understand that the bursaries are even in the recurrent expenditure and this means the bursaries for this financial year should be available; the Ksh. 4 million. Meaning that we should also be aware of the amount that is going to be disbursed; others are saying it is Ksh. 400,000, others Ksh. 600,000 others Ksh. 1 million.

Again on the same exercise, there are some Members aligned to a certain political party that in their area, this issue of chiefs and ward administrators are not involved in the exercise and

we won't accept. Madam Speaker, this is an irregularity; there are regulations for various Acts and they have to be followed to the letter and we will not soothe anybody. If somebody gets in the wrong, we will say and we will not stop,

So, Madam Speaker, let this issue be dealt with in the possible terms and I ask the Hon. Members not to sleep; let us continue being awake, let us hold the people who are sleeping on their toes because actually our electorates are crying and we will not accept see people doing things in the wrong manner. Sometimes when I remember that I took an oath, I feel very sorry for this county. We have very good structures, very good Motions but implementation is an issue and we will not sleep. As an individual, I will not sleep. Thank you, Madam Speaker, let me stop at that point.

Hon. Speaker: Thank you, Hon. Kituku. Hon. Mulatya.

Hon. Mulatya: Thank you, Madam Speaker. It is with a lot of regret; here comes again comes the same Executive politicizing on issues important to our people. You can note that these bursary disbursements are pure politics. As Hon. Member from Ndithini has just said, bursaries are in recurrent expenditures and when our children closed schools, immediately they started giving out the forms.

We had two months in school when our kids were being chased away for school fees; where was our government and recurrent was being released? Madam Speaker, look at it; the chief and sub-chief who are representing the national government being dragged in between county proceedings. This is politics, it is not allowed and we are not going to allow it and it is a big shame for a whole Governor to bring chiefs to this exercise whereby we asked for names for this board for the bursaries.

In my place, I gave out the names and other Members gave out too for the board members who were supposed to be in charge of these bursaries. But a chief or sub-chief distributing these forms; it is a very big shame for Machakos County. All the time we are hitting the news, fighting but as an Assembly we are saying like for example, Madam Speaker, if the bursaries were given to the board or the committees at the grassroots according to the law, what can we criticize; there would be nothing to criticize.

Actually, we are going to applaud the Governor and say he is doing a good job but these type of exercises in our county we are not going to allow them and they should know that the finance CEC is going home whether they like it or not. Thank you.

Hon. Speaker: Thank you Hon. Mulatya. Hon. Muthoka.

Hon. Muthoka: Thank you, Madam Speaker. Let me congratulate our chairman education. As a representative of Mitaboni ward, up to today, I have not seen a single shilling going to Mitaboni for bursary and we came here, we passed a supplementary budget, we allocated each ward Ksh. 2 million, we passed the main budget here and we allocated each ward Ksh. 3 million; that is a total of Ksh. 5 million.

You know when you see something like this, there is someone who wants to hide the truth; these money has been diverted and they know if they involve us we are going to know this money has been diverted because up to today, I don't know what is happening with the supplementary budget. The Ksh. 2 million we allocated. We were here with Members of Kilifi

County and they confirmed to us, they have received Ksh. 2.5 million for their bursaries in this main budget; you can imagine.

So how long are our people going to suffer in the expense of two people sitting in the office? This House has said no and I think we are sending a message and they should learn from what we are doing; we have impeached the CEC finance.....chairman, go and communicate with your CO and tell him he is next. If he doesn't call off this exercise and we do it according to the law, I am ready to bring a motion to impeach that CO next week because we will not sit and see our funds being misused by the Executive.

Madam Speaker, let me tell the people of Mitaboni from here and I think our news people here should be disseminating this information down to the wards; up to today, I have not even known the board of my ward, I don't know the composition and somebody is purporting to be distributing bursaries through the chief. Chiefs should be doing security work; we have been paid to go and identify the poor people there at the end of the day these bursaries will land to the workers of Machakos County and it has happened.

So, Madam Speaker, we really pray that this exercise be stopped and we do it according to the law. Thank you, Madam Speaker.

Hon. Speaker: Thank you Hon. Muthoka, Hon. Mutinda.

Hon. Mutinda: Thank you, Madam Speaker. I wish to thank the chairman of education for this motion and I want to say that since we entered this House we have had an opportunity to give bursaries to our people and that has been a problem in the wards. We have been asked where the bursaries are and now at this time of the year when the schools have closed is when we are talking of disbursing bursaries.

Madam Speaker, there is what we call time value for money and that time value for money is not missing in this process, because these bursaries should have been disbursed in January this year. That financial year ended, the allocation was Ksh. 2 million, now we have an allocation of Ksh. 3 million; that comes to a total of Ksh. 5 million, Madam Speaker. I would wish to say, this issue of giving other people like chiefs, sub-chiefs and ward administrators to distribute bursaries is a way of running away from accountability and transparency and this House should not allow that because it is us who know the allocated funds and those who are distributing those funds are giving bursaries to the people might not even be aware of the amounts they should give.

So, I think we should say no to this process and those chiefs who are giving these bursaries, we write to the County Commissioner to stop them from this because I think this is not part of their work. There is their work and there is our work and everybody should do his/her work.

The other thing is that the county government should observe that the laws we have made we should obey them. I tend to believe that these bursary regulations were assented to by none other than the Governor then and he is still the Governor now. If he assented to the regulations and the Act, then I don't see why we should run away from that. The board which has been gazetted for each ward should take control and the board I know is chaired by the area MCA so that we ensure our people get the right share of the bursary.

So, it is the high time we say no and ensure that the county government through this House follows the law to ensure that each resident gets the benefits of their taxes by ensuring our people get their bursaries and in time. Thank you, Madam Speaker.

Hon. Speaker: Thank you Hon. Mutinda, Hon. Musau,

Hon. Wambua: Thank you Madam Speaker for giving me this chance. Laws, rules and regulations are meant to govern and if they cannot be followed to the letter Madam Speaker, then we should not waste time to enact them. In 2014, an Act was passed in this House and it was meant to give directions and to guide how the bursaries should be disbursed.

In total breach of the same, it is now we are seeing chiefs and assistant chiefs coming in; reasons not known to this House yet, Madam Speaker. In total disregard of the same, loopholes have been made for some people outside my ward and other wards to benefit from the same kitty through dubious means not known to us, Madam Speaker.

Madam Speaker, I was sharing with my Chairman, Education committee, in a list he has for the beneficiaries of the scholarships Madam Speaker, almost a half of them are not from that Ward. The same case happens to many of us, Madam Speaker. It is a loophole for some beneficiaries to be sneaked into your Ward incognito. Madam Speaker, for how long are we going to endure this? Are we not the same Members who passed the budget? Then how come we cannot have a say, we cannot have a chance to say this one does not come from my Ward.

(Applause)

Is the same Executive likely to bring another budget this June for us to pass? I think by such a time, Madam Speaker, a lot of good words, a lot of enticing words will be used to pass the same but the moment you pass that budget on behalf of your Ward, then you are irrelevant. Madam Speaker, it is painful, it is hurting; at the time of need you are very important, when the need is over then you are almost a useless Member. Madam Speaker, it is very bad.

I am being attracted by the third concern of the Mover of this Motion Madam Speaker, that the Hon. Member of County Assembly be able to confirm because Madam Speaker, it is a loop hole being used. You are being told 50 students have benefited from your Ward, you are given the list, you can only trace 20, the other 30 are unknown to you and on following up Madam Speaker, you are told it was applied online.

Probably, Madam Speaker, such an applicant had an ID reading Mbiuni Ward, my Ward, but probably Madam Speaker they migrated; they are in Mheshimiwa's Ward and we have residents of Mbiuni Ward who are there permanently. So, somebody in the name of the ID is in Mbiuni Ward, is benefiting while other persons in my Ward are suffering. It lives more questions than answers, Madam Speaker.

There are regulations on how to disperse these bursaries and if they are not to be followed, then the issue will be returned to this House to be repealed such that we know that they are non-existent Madam Speaker, but so long as they are in place Madam Speaker, there is no reason why they should be violated, why they should be breached, why they should be watered down Madam Speaker.

It is pathetic, that a Chief in my Ward has an upper hand in bursaries; who elected the Chief? I was elected by more than 5,000 votes, how many votes did the Chief have? Whom does he represent? Will he come to this House to pass the same budget? Madam Speaker, so many questions are going through my mind unanswered. I think it is the high time Members we call a spade a spade and not a big spoon. Despite how many years it will be on this earth, it will never be a spade, Hon. Members.

Madam Speaker, if you allow me, may I thank these Members for standing with the truth and the truth only.

(Applause)

Allow me to thank them once again for putting the 2022 ambitions aside and walking there people at this time, Madam Speaker.

(Applause)

The greater part of this House, Madam Speaker has stood for mwananchi. Thank you, Madam Speaker and thank you, Hon. Members. God bless us all. Thank you, Madam.

(Applause)

Hon. Speaker: Thank you, Hon. Musau. Hon. Majority Leader Mark Muendo.

Hon. Muendo: Thank you, Madam Speaker. Let me also thank our able Chair, education committee for seeing what is eating us both Minority, Majority in our Wards; bursary everywhere. Madam Speaker, if you allow me, I want to point out that the Chiefs and Ward Administrators are not in the Machakos County Act of bursary. If you allow me I will read the part for the Hon. Members who do not have a copy.

‘There is established of each Ward of a Committee to be known as the Ward Bursary Committee. The Committee shall consist of one person with experience in education matters who ordinarily resides in the Ward who shall be the Chairperson, the County Officer responsible for matters relating to education in the Ward who shall be the Secretary.

The elected Member of the County Assembly from the Ward.

One person representing Faith-based Organizations involved in the education matters in the Ward.

Three persons who ordinarily reside in the Ward representing marginalized groups.

The persons referred in paragraph 2(a)(c) and 2(f), shall be nominated by the Chief Officer responsible for the matters of education in the County.

In nominating the person referred to paragraph 2(a), (c) and (f), the Chief Officer shall take into consideration gender balance in the Committee.

The persons referred in the paragraph 2(a), (c) and (f), shall serve the single term of three years and they shall be illegible for nomination for one further term of three years.’

Madam Speaker, I was trying to look at the Act, I do not see any Chief, I do not see any Assistant Chief and I do not even see the Ward Administrator in the setup. Madam Speaker, I think impunity is being entrenched in Machakos to an area whereby we are going to succumb, we are going to mix the legislation and(inaudible) if we do not stand firm. Hon. Speaker, in my area the Chiefs and the Assistant Chiefs are making a lot of money from mwananchi; these forms were given to them, they photocopied and they are asking mwananchi to give them Ksh. 500 for them to be issued with the bursary form.

Madam Speaker, when we go to that level you can see how the County is moving backwards. Let me say Madam Speaker, this bursary issue is becoming a problem in Machakos; we passed the supplementary budget here and it goes that we are making our people suffocate because we are not passing supplementary budget. We did here and everybody in this House, all the Members voted for that supplementary budget which had Ksh. 2 million for bursaries.

Madam Speaker, this year we passed a budget here with Ksh. 3 million for bursaries for our people. Let me say that the Ksh. 5 million we were asking for, I do not see whether we are going to get it. Hon. Members, it is actually our duty to do what we are supposed to do, we must oversight what is the Executive doing on this money we pass here. Madam Speaker, I will feel a bit out of place when imagine why I come into this Assembly, why was I voted to be a Member of this Machakos County Assembly whereby at the end of the day the Executive is not following what is supposed to be done.

You cannot allow a Chief to distribute bursary, it has never heard of anywhere. It is only this County in the whole Country of Kenya which has not given bursary to its people. This is a shame to the Executive.

(Applause)

It is a shame and all this the County is being run through propaganda. When we say there are no bursaries, I do not see my Hon. Member from the other side why they are keeping quiet. Do they have bursaries at their place or they want to be sycophants; what do they mean? Vocal people like Hon. Ndawa is now seated majestically, he does not want to support anything because he does not want to lose that money they are getting from the Executive, from Governor Mutua.

(Applause)

Shame on you Members of this House, shame on you; getting that money---

Hon. (Ms.) C. Nzioki: Point of order.

Hon. Muendo: When you were sent here by the people to represent them, you are eating the money---

Hon. (Ms.) C. Nzioki: Point of order.

(Loud consultations)

Hon. Speaker: Hon. Majority Leader, Order! Everybody keep quiet. Order! You should listen all of you to the Chair. What is your point of order Hon. Constance Mbula.

Hon. (Ms.) C. Nzioki: Thank you, Madam Speaker. My point of order Madam Speaker, why is the Hon. Member calling us---

Hon. Mulatya: Let the Member---

Hon. (Ms.) C. Nzioki: Can I finish---

Hon. Speaker: Hon. Member, who gave you the authority to speak?

Hon. (Ms.) C. Nzioki: Why is he speaking like we are all fools here?

Hon. Mulatya: Point of order.

Hon. Speaker: Hon. Mbula, please make your point.

Hon. (Ms.) C. Nzioki: Can he also shut up, I make my point?

Hon. Speaker: You do not need to give instructions Hon. Mbula; the Chair is in control. Proceed.

Hon. (Ms.) C. Nzioki: When the Hon. Member stands and starts saying other Members here are keeping quiet, they are not talking, does he want us to stand and talk when he is talking?

Hon. Speaker: So, the point is that you cannot talk because he is on his feet?

Hon. (Ms.) C. Nzioki: Yes.

Hon. Speaker: Alright sit down. Noted the point of order? Proceed.

Hon. Muendo: Thank you, Madam Speaker, I have noted---

Hon. Speaker: And make sure that you are within order.

Hon. Muendo: Thank you, Madam Speaker.

Hon. Speaker: I am not going to allow another point of order, Hon. Ndawa. Let us proceed.

Hon. Muendo: Thank you, Madam Speaker. I was saying this before I was interrupted that it is a shame for this Government of Machakos giving propaganda when they want to run the County. Madam Speaker, we have seen a lot and we have heard the Governor of this County branding this House---

Hon. Speaker: Hon. Majority Leader, can you stick to the Motion.

Hon. Muendo: Okay. Thank you, Madam Speaker. I would like to say, these bursaries should not be given through the Chiefs, through the Ward Administrators, through the Assistant Chiefs.

(Applause)

It should be given to the right Committee which I have read through here, Madam Speaker. Thank you, Madam Speaker.

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

Hon. Ndawa: Thank you, Madam Speaker. I want also to give my views on the Motion before us. Madam Speaker, I fail to understand what the Hon. Members are talking about this bursary is true because in my Ward that is Matuu, I have never seen any Assistant Chief or any Chief or any Ward Administrator being involved in this distribution of forms.

Hon. Kituku: Point of information, Madam Speaker.

Hon. Speaker: Point of information from Hon. Kituku, Hon. Ndawa.

Hon. Kituku: Madam Speaker, during my contribution, I want to inform my Hon. Member, that is Hon. Ndawa from Matuu; during my contribution I said that, this one is not common in the parties that are aligned to Maendeleo Chap Chap. So I wanted to clear that.

(Applause)

Hon. Speaker: Point of information given. Hon. Ndawa, proceed.

Hon. Ndawa: Thank you for that information but again Madam Speaker, it looks awkward, it looks stupid for a Hon. Ndawa to stand here---

Hon. Speaker: Hon. Ndawa.

Hon. Ndawa: Give information---

Hon. Speaker: Hon. Ndawa, you are out of order. Do we have any Member here who is stupid? We do not have Hon. Members who are stupid. Can you withdraw that?

Hon. Ndawa: Madam Speaker---

Hon. Speaker: Hon. Ndawa, are you going to withdraw that remark of stupidity?

Hon. Ndawa: Madam Speaker, I better withdraw from the Chamber than withdrawing that point.

Hon. Speaker: Alright, proceed. Just please yourself; withdraw. Thank you, very much.

(Applause)

(Hon. Ndawa withdrew from the House)

Hon. Speaker: Thank you, very much. Hon. Members, order in the House. Order. Alright? Hon. Angela.

Hon. (Ms.) Munyasya: Thank you, Madam Speaker.

Hon. Speaker: Your microphone is not on; is it on?

Hon. (Ms.) Munyasya: Is it working? I do not know.

Hon. Speaker: Apparently; make sure that you are on the HANSARD.

Hon. (Ms.) Munyasya: Thank you, Madam Speaker. I stand to congratulate Hon Chair for education a committee which I sit and I would like to say that his motion is timely and well welcome to this Hon House. Madam Speaker, I would like to applaud our members seated here in because when they were elected duly and honestly by their electorates, they were elected to serve them.

The electorates at the grassroots they are aware that it is through these Hon. Members that they should be getting their bursaries. Madam Speaker, it is difficult to explain to this woman at the grassroots an old woman who has never been into school that they cannot get bursaries through their elected member of County Assembly whom they queued the whole day to elect expecting that they will be served just like they were served below by a previous MCA. What has changed, Madam Speaker?

It is going to be difficult to explain to the electorate that I cannot walk to my Hon MCA Bw. Musau, give him a list of the students I know are honestly needy and expect to get some response from him as my Hon. MCA. What I am saying, Madam Speaker, is that we need to exalt our integrity. In leadership, you can only lead by integrity and the people at the grassroots elected members to be served. The questions of bursaries, Madam Speaker is very well stipulated in law that the committee should be formed and headed by the local MCA; it was not by default that this rule was enacted and it is not in order for anybody whether in the executive or in the Assembly to change that and start diverting responsibilities to people who are not legally supposed to disburse those funds.

An area chief or sub-chief has their duties which are stipulated; it becomes even difficult for them to distribute bursary funds because a chief can just be posted in to your village they may not even know who requires the bursary and how will the area MCA ever establish who got the bursary and who did not when they are completely cut off from the exercise?

It is out of order, Madam Speaker. What I would like to end up by saying is that we need to follow the established rules and we need the executive to know that whether the bursaries are distributed in the right manner or not, this Hon. House has a responsibility and they are answerable to the electorate to enable them know that the electorates deserve their bursaries in the amounts that have been passed by this Assembly, of course, in collaboration with the executive and the full amounts should be disbursed to the needy electorates who have been waiting and have not got their bursaries.

How do we explain to the electorate why for a whole year they have not been able to get their bursary? That child who has not been able to go to school because they have not been able to get a bursary, how do you explain to him that after a whole year that they have been out of

school that their bursary was not allocated in the proper way and they have already been out of school, Madam Speaker?

Getting that child to go back to school, they have already lost a whole year. How do you even get that child back to school? Madam Speaker, it is a high time that this House said no and stood up to protect the electorate and the needy people of the Machakos County. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Kiilu, the mover of the motion, please reply.

Hon. Kiilu: Thank you, Madam Speaker. Allow me to thank the Hon. Members for going through the motion actually deliberating and although there has been some hiccups. It is good that we swallow some of these things; actually I do not know why we are becoming bitter about it. One thing is that I know truth is bitter; when you get to tell somebody the truth, Madam Speaker, it does not go just like that.

(Applause)

Allow me to inform this House that when issues Madam Speaker started to emerge in the education committee and when members started to complain to my committee, I always consulted. You know consulting is the bottom line, consultation before you give out any information and one thing I made sure that before I go to the Chief Officer, I always went with a group of people; I never went alone. I used to select from various committees a person two of us or three of us what I know is that the Chief Officer is aware that this bursary is being awarded by some ward Administrators and the chiefs and the information that he gave me is that before we hand out as Hon. Member has said, we will have to consolidate and give a final list, where the ward administrator is not involved.

So let us accept that there are rules and regulations of running this bursary. Otherwise, Madam Speaker, allow me to thank the Hon. Members for participating in this motion. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Kiilu.

(Question put and agreed to)

(Applause)

Hon. Members, the motion having been approved by the House is committed to the committee on implementation and the committee should report to the House in or before the 12th day February, 2019; please note that there is a long recess in between that is why you find the day is going far.

COMMUNICATION FROM THE CHAIR **THE ROLE OF THE SPEAKER IN THE HOUSE**

Hon. Speaker: Hon. Members, as we started this sitting I indicated that I had a communication that I was going to do and that it was going to be later and the communication is as follows; Hon. Members, the attention of the Speaker has been drawn to publications by a few

of the members here as to the role of the Speaker in this House and also on other matters that pertain the business of the House. I want to communicate as follows:

The public is being misled that the Speaker is writing motions; that the Speaker is doing duties which she is not supposed to do. That one is, as a matter of fact, interesting because this House has its Standing Orders that clearly give the Speaker the work; indeed to write motions for members and I just want to refer to the Standing Orders.

Hon. Members, under Standing Order 44(2) and (3) and I ask you to check on that one so that even when you are outside there, you can also inform the public accordingly:

(2) A member who wishes to seek leave to raise a matter under the Standing Order shall;

This is on statements sorry, Hon. Members, on motions is on (4), I am reading. Notice of Motion under Standing Order 44(3) but you start from (2) any member who wants to give notice of Motion, is to give that notice to the Clerk. That is Standing Order 44(2).

Standing Order 44(3), if the Speaker is of the opinion after receiving the motion from the clerk that any proposed Motion—

(a) is one which infringes of the debate, or the debate on which is likely to infringe, any of these Standing Orders, is contrary to the Constitution, is too long, is framed in terms which are inconsistent with the dignity of the House, contains or implies allegations which the Speaker is not satisfied that the Mover can substantiate or calls for the commitment of public funds for which no provision is made in the Annual Estimates as adopted by the Assembly, the Speaker shall reject the motion.

(Applause)

Hon. Members, I just want us to appreciate that there is no way a Speaker can make those decisions unless they read that motion and unless they direct the member to do it appropriately and if that is which is being referred to as the Speaker writing motions for members, then it is the wrong position Hon. Members.

(Applause)

Hon. Members, under Standing Order 40(2) on Statements; a member who wishes to seek leave to raise a matter under this Standing Order, that is on statements shall, before 3.00 p.m. on the day of the Statement is to be made, hand to the Speaker a written notification of the matter, but the Speaker shall refuse to allow the request unless satisfied that the matter may be properly discussed in the House.

There is no way a Speaker will be satisfied on a Statement unless that Speaker reads the statement and directs the member to correct the Statement and that is what the Speaker is required to do.

Hon. Members on bills, Standing Order 110(1), the Bills that are proposed are to be brought to the Speaker and the Speaker to approve, and the Speaker is not a conveyer belt; the Speaker must read, I must tell the member to correct the Bill where they feel it is wrong.

Hon. Members, petitions even from the members of the public under Standing Order 195(5), petitions are brought to the Speaker and the Speaker is to approve, and as a matter of

fact, if a petition is brought by a member who is not coming through their representative in this Assembly, it is the Speaker who is to read and prosecute that petition in the House.

So, Hon. Members, when allegations are being made and sadly so by some few members of this very House that the Speaker is writing motions, that the Speaker is doing work that they are not supposed to be doing, it is not honest, it is not the truth, and it is against your own Standing Orders and it is against the practice of Assemblies everywhere because Speakers everywhere are supposed to approve, are supposed to discuss, are supposed to advice members on the business of the House.

So, let members get that clear and in case the public wants to know then you can inform them accordingly from an informed point of view; tell them it is the work of the Speaker to do that work because that is what the Standing Orders require. If you do not want the Speaker to do that, change the Standing Orders but remember you are just part of a big community of the world where Speakers are allowed to do that work.

Hon. Members, the other issue is on debate; personally, I saw clips of members who are alleging, which is not true, that the Speaker is impartial in allowing debate in the House and actually they referred to the HANSARD; yes the HANSARD is available for the members of the public and they will confirm that members debating as and when they want. The House debate is open for every member of the House and the Speaker makes sure that any member who wants to contribute is given that opportunity and the HANSARD will bear that position out.

(Applause)

So, let the public also know from you members that the Speaker allows every member to debate and to contribute on the floor of the House every member who wants to contribute, but the Speaker cannot force members who do not want to contribute and the HANSARD also tells that it is evident that if you come here to the House and sit down, you do not make any contribution, the members of the public are watching and some day they will hold you accountable for sitting here and not doing the work they sent you here to do and only doing that which is the opposite of what you should be doing, Hon. Members.

Finally, Hon. Members, I want to thank many of the members who dutifully attend sessions of the plenary and sit through long hours in the mornings and even sit through when time is extended and also sit through in the afternoons until the business is done, but Hon. Members, there are some very few members amongst you who make what we call technical appearances in these plenary.

(Applause)

I have been sitting here and I note the particular members that I have noted; one enters in and in 10 minutes they are walking out. Let your conscience guide you; is it really right even when you go and receive that allowance, no matter how little it is, for sitting in the House 10 minutes and walking out and not sitting through as many of the others are sitting to transact the business of the House?

Even if nobody sees you, we begin the Assembly sittings with a word of prayer; doesn't God see what is in your heart? Doesn't God see what you do? Ask yourselves those questions. That is the communication Hon. Members from the Chair and I wish you a good day.

ADJOURNMENT

Hon. Speaker: At this point the sitting of this House is adjourned to resume on the 13th day of November, 2018 at 2.30 p.m. that is today afternoon.

The House rose at 11.47 a.m.