

MACHAKOS COUNTY ASSEMBLY**OFFICIAL REPORT****Thursday, 31st March, 2016**

The House met at 2.34 p.m.

*(The Speaker (Mr. Mung'ata) in the Chair)***PRAYERS****Hon. Speaker:** Good afternoon Hon. Members. Let us proceed, clerk.**COMMUNICATION FROM THE CHAIR****GROSS DISORDERLY CONDUCT**

Hon. Speaker: Hon. Members, there is communication dated today on the matter of gross disorderly conduct. Hon. Members, you are aware that debate in this House in the past few weeks has not been decorous and the rules of debate have largely been breached. I am equally concerned at the very fast degeneration in propriety of manners, behavior and speeches. We have witnessed some Members creating actual disorder, causing and creating violence against colleagues and abusing their privilege.

We have seen behavior that has bordered on disrespect for the presiding officers during proceedings in the Assembly. Some Members have in the recent past exchanged insults in the most despicable ways and even attempted to rough up colleagues. Other Members even threatened to take away the Mace.

You are well aware that as Members of the Assembly, are representatives of more than 1 million residents of County and the current state of affairs, which is unacceptable, will surely erode public confidence and bring the institution of the County Assembly to disrepute. Instances of Members holding the Speaker hostage while insisting that they must know the contents of his communications beforehand, which is against the norm, have been witnessed.

The Speaker has been accused of supporting and holding meetings with opposers of one faction of the Assembly. Accusations have also been leveled against the Speaker that he has been bribed by the Governor of Machakos County to favorably consider some Members' desires, situations which go against the authority assigned to the Speaker vide Chapter Six of the Constitution, which the Speaker is very much aware of.

On Thursday last week, a Hon. Member in the company of about 10 members of the public, followed the Speaker and accosted his driver and security officer, demanding to know why the

Speaker was being chauffeured with the double cabin not his official vehicle, yet he knew that the Speaker's vehicle is undergoing some repairs.

Later on, another Member took it upon himself to authorize members of his committee to travel to Mombasa without official authority, behavior that borders on disrespect for authority.

The Speaker has also been receiving messages, with hostile undertones and I quote one from Hon. Maitha that reads as follows: "It is unfortunate that this is happening to serve the interests of your masters. My team and I are determined to end this impunity and mischief. We expected you to unite the Assembly but instead you are applying divisionary tactics. Nothing will stop us from pursuing our justice and the justice and rights of our people. *Aluta continua.*"

Threats have also been issued to the effect that the Assembly will be ungovernable if there is a change in leadership. Hon. Members, I have said time and again that it should be noted that both the Majority and Minority parties of the House are the ones obligated to make party decisions and the decisions of the parties should not be a cause for disharmony in the House.

I take this opportunity to implore on you to once again familiarize yourselves with the provisions of the Standing Orders regarding rules of debate and order in the House, and particularly Standing Orders 103 through 108 which should provide you with the requisite guidance on the breaches and sanctions that follow disorderly conduct in the House.

Section 14 of the County Governments Act, on procedure and committees of the county assembly states that 'a county assembly may make Standing Orders consistent with the Constitution and the Act regulating the procedure of the county assembly including, in particular, orders for the proper conduct of proceedings.'

A House of Parliament has completed authority concerning its procedures so far as it is not limited by the Constitution and any other relevant law enacted by Parliament. Any action taken by the House on a Member under its Standing Orders, whenever such its rules are breached, cannot be challenged by any other authority.

One main duty of the Presiding officers in the House is to maintain order and if the rules are breached or the situation deteriorates, would recourse to a removal of a Member from the House for a certain period, and if the situation worsens, the offending Member or Members may be named and suspended from the House altogether.

Standing Order 103 defines "grossly disorderly conduct" as where "a Member concerned creates actual disorder, knowingly raises a false point of order, uses or threatens violence against a Member or other person, and persists in making serious allegations without, in the Speaker's opinion, adequate substantiation, otherwise abuses his or her privileges, deliberately gives false information to the House, votes more than once in breach of the Standing Orders, or commits any serious breach of the Standing Orders or acts in any other way to the serious detriment of the dignity or orderly procedure of the House."

If the situation was to get worse, the Speaker or the Chairperson deems that his or her powers are inadequate, the Speaker or the Chairperson may name such a Member or Members resulting in a suspension in accordance with Standing Order 105.

Hon. Members, it is important that we acquaint ourselves with Standing Orders 105 which states that:-

1. Whenever a member has been named in accordance with Standing Order 104, the Speaker shall order the Member to withdraw from the Chamber and the precincts of the Assembly.
2. Any Member who is ordered to withdraw under Standing Order 103 or who is suspended from the service of the Assembly under Standing Order 104, shall forthwith withdraw from the precincts of the Assembly and shall during the period of such withdrawal or suspension forfeit the right to access thereto and shall forfeit all allowances payable during the period of such suspension.
3. Any Member who demonstrates or makes disruptive utterances against the suspension of Member shall be deemed to be disorderly in accordance with Standing Order 108 (Grave Disorder).

I wish to remind you of the need to honour the symbols of authority for the orderly conduct of the House. The Mace of the Assembly has come to be associated with the authority of the Speaker and the House as a whole. While the Speaker is officiating over the House, the Mace must be in its proper place on the Table before him. No business may be conducted in the House unless the Mace is present.

The punishment for disgracing or removing a Mace is severe. An offender will face the full wrath of the House and would be considered a grave disorderly conduct that may attract expulsion from the Sittings of the House for a period that, under Article 103 of the Constitution of Kenya, may lead to loss of a seat. Thus, Members are reminded that certain actions that we take for granted have grave implications.

With the foregoing in mind therefore, I hereby remind you that as communicated on 15th March, this year, any form of disorderly conduct by Hon. Members will not be tolerated and I therefore proceed to suspend the following Members from the service of the House and order them to withdraw from the Chamber and the precincts of the Assembly forthwith, for eight sitting days, including today, as per Standing Order 106. These are:-

Hon. Dominic Maitha.
Hon. Isaac Muinde.
Hon. Cornelius Kitheka.
Hon. (Ms.) Rachael Nduku.
Hon. Francis Matheka.
Hon. (Ms.) Amina Mutio.
Hon. Stephen Muthuka.
Hon. Kyalo Kyuli.
Hon. (Ms.) Phoebe Koki.
Hon. (Ms.) Anne Wairimu.

Hon. Members, let us remember that this August House, which word connotes 'honour and dignity,' has an obligation to espouse decorum, behavior and deportment which bespeak of Honorable members and we owe this to the society. I also wish to remind you that your presiding
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officers are your leaders, the face of your Assembly, who carry your image and dignity and I encourage you to respect them and to honor their decisions.

ADJOURNMENT

Hon. Speaker: Hon. Members, the House will adjourn awaiting compliance.

The House rose at 2.42 p.m.