

**REPUBLIC OF KENYA**  
**MACHAKOS COUNTY ASSEMBLY**

**OFFICIAL REPORT**

**Wednesday, 11<sup>th</sup> August, 2021**

The House met at 10.17 a.m.

*[The Deputy Speaker (Hon. Museku) in the Chair]*

**PRAYERS**

**Hon. Deputy Speaker:** Can you call for me those Hon. Members outside there, please. I think I have seen chair, Budget and some other Members. Can you tell them to get in we start, please. Let us get everybody inside here please; I don't want any Hon. Member in the tent. Let us get all Hon. Members inside the chamber, please.

**PAPER LAID**

APPROVAL OF REPORT ON ACCOMPLISHMENTS OF  
THE MACHAKOS COUNTY PUBLIC SERVICE BOARD IN 2020

**Hon. Deputy Speaker:** Hon. Members, under this Order we have one Paper to be laid on behalf of Hon. Francis Kalumu, the Chairperson, Committee on Labour, ICT and Public Service, by Hon. Thomas Mutinda.

**Hon. Mutinda:** Hon. Speaker, I wish to lay the following paper on the Table of the House today, Wednesday 11th August 2021: Report of the Labour, Public Service and ICT Committee on Annual Accomplishments of the Machakos County Public Service Board in the calendar year 2020.

**NOTICE OF MOTION**

APPROVAL OF REPORT ON ACCOMPLISHMENTS OF  
THE MACHAKOS COUNTY PUBLIC SERVICE BOARD IN 2020

**Hon. Deputy Speaker:** Again Hon. Members, under this Order we have one business to be transacted by Hon. Thomas Mutinda.

**Hon. Mutinda:**

Hon. Speaker, that aware THAT the County Assembly's oversight function is one of the cornerstones of democracy;

Aware THAT oversight is a means for holding the County executive accountable for its actions and for ensuring that it implements policies in accordance with the laws and budget passed by the County Assembly;

Hon. Speaker, acknowledging THAT Article 183(3) of the Constitution of Kenya, 2010 provides that the County Executive Committee shall provide the County Assembly with full and regular reports on matters relating to the County;

Further aware THAT Article 185(3) states that the County Assembly, while respecting the principle of separation of powers, may exercise oversight over the County Executive Committee and any other County Executive organs;

Hon. Speaker, cognizant of the fact THAT Standing Order 190(5) (b) mandates sectoral Committees to study the programmes and policy objectives of the departments and the effectiveness of the implementation;

Aware THAT the Committee on Labour, Public Service and ICT is mandated to oversee all matters relating to Labour, trade union relations, manpower or human resource planning; information, Communication and Technology;

The committee received an Annual Report 2020 from the County Public Service Board for the year 2020, engaged the Chair, County Public Service Board and compiled a report;

Hon. Speaker, I wish to give notice of motion THAT, this honorable House discusses and approves the Report of the Labour, ICT and Public Service Committee on the Annual Accomplishments of the Machakos County Public Service Board in the calendar year 2020.

Thank you, Hon. Speaker.

**Hon. Deputy Speaker:** Thank you very much, Hon. Mutinda.

### MOTION

#### REPORT ON THE ASSEMBLY BROADCASTING POLICY

**Hon. Deputy Speaker:** Hon. Members, under this Order we have one business to be transacted by Hon. Jacinta Luka on behalf of the Vice Chair of the Broadcasting & Library Services committee, Hon. Abdirahman Ali and you may read it from where you are. Go ahead and process it from there.

**Hon. (Ms.) Luka:**

Hon. Speaker, that aware THAT Article 10 of the Constitution of Kenya, 2010 provides that the national values and principles of governance bind all state organs, officers and persons when interpreting the Constitution and when making or implementing public policy decisions. These values include rule of law, participation of the people and transparency;

Hon. Speaker, acknowledging THAT Article 35 of the same Constitution recognizes that every citizen has the right of access to information, which is held by the State or another person which is further effected by the Access to Information Act No. 31 of 2016;

Aware THAT Standing Order 215(3)(a) of the Machakos County Assembly Standing Orders mandates the Committee on Broadcasting and Library Services to consider and report on all matters relating to broadcasting of Assembly proceedings; these include reporting on rules, policies and procedures and any other matters relating to broadcasting in plenary, committees and events;

Hon. Speaker, cognizant of the fact THAT the said committee considered the Assembly Broadcasting Policy which provides guidelines on how the Assembly proceedings shall be regulated both internally and externally. This is in accordance with the Constitution of Kenya, 2010 County Governments Act, 2012 Access to Information Act, 2016 and the Fair Administrative Action Act, the County Assembly Standing Orders, Speakers Rules and other written laws;

Hon Speaker, I wish to move the motion THAT, this Hon. House discusses and approves the Broadcasting and Library Services Committee Report on the Assembly Broadcasting Policy.

Hon. Speaker, I wish to call Hon. Nyawira to second.

**Hon. (Ms.) Nyawira:** I stand to second the motion.

**Hon. Deputy Speaker:** Thank you very much. Hon. Jacinta you may now read the report.

**Hon. (Ms.) Luka:** Hon. Speaker, The County Assembly of Machakos, being a constitutional body established by Article 176(1) and 177 of the Constitution of Kenya, 2010 is a state organ and hence is bound by the national values and principles of governance. To ensure effective performance of its duties, various committees, regulated by the Assembly Standing Orders, are constituted and must conduct their business in an open manner and facilitate public participation and involvement in their activities, except in special circumstances that are justifiable.

#### *Committee Mandate*

Hon. Speaker, the Broadcasting and Library committee is established under Standing Order 215 of the County Assembly of Machakos Standing Orders to counter the lack of awareness accompanied by a general public opinion that Parliament is an opaque institution devoid of transparency and accountability.

The Committee creates an avenue that would lead to greater public awareness and appreciation of the work of the County Assembly, better public attitude and perception towards parliament and greater involvement of the public in Parliamentary debates, hence helping in making politicians more accountable.

Hon. Speaker, the Broadcasting and Library committee is a select committee mandated under Standing Order 215(3) to undertake the following duties: -

- Consider and report on all matters relating to broadcasting of Assembly proceedings. These include reporting on rules, policies and procedures and any other matters relating to broadcasting in plenary, committees and events.
- Advise the Assembly on matters related to public participation in the Assembly. It is the duty of the committee to formulate guidelines to be followed when it comes to public participation in Assembly business.
- Make reports and recommendations to the Assembly, including proposed legislation on matters relating to broadcasting of Assembly proceedings and related matters.
- Recommend to and advise the Assembly on matters related to the provision of library, publications and research services in the Assembly. These include recommendations on how to ease access to available information, holding sensitization forums on services available to the members and the general public among other recommendations.
- Assist members of the County Assembly in utilizing the facilities provided by the library and research services including the use of information and communication technology. This refers to offering assistance in utilizing different tools to access both internal and external information on the Assembly as well as promoting uptake of the systems in place.

#### *Committee Membership*

Hon. Speaker, the current membership of the Broadcasting and Library committee is as follows:

Hon. Florence M. Mwangangi	Chairperson
Hon. Abdurrahman Ali	Vice Chairperson

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Hon. Eric W. Musembi	Member
Hon. Cosmas K. Muia	”
Hon. Jacinta N. Luka	”

### *Terms of Reference*

Hon. Speaker, the Committee undertook to come up with the broadcasting policy because of the following gaps identified during broadcast of plenary and committee proceedings.

1. Unregulated coverage of proceedings by media personnel. For example, it was noted that due to lack of proper regulation, the media was taking photographs and footage that is likely to cause embarrassment to Members of the County Assembly.
2. Furthermore, it was noted that the media personnel and members of the public were likely to infringe on the rights of the Members without the Members' knowledge. Therefore, this policy will serve as a guide to Members on their rights when it comes to broadcasting of their activities within the precincts of the Assembly.
3. The need to create greater public awareness and appreciation of the work of Parliament, and enhance better public attitude and perception towards the County Assembly.
4. The Members did not understand the types of shots which should be taken inside the chamber, hence the need to sensitize them. For instance, it is against the policy for media personalities to take close up shots of documents being used by Members or witnesses during debate or investigations.
5. There was no clear structure for the honorable members, staff, the public and the media on the procedure to be followed when one needs to access footage or broadcast the proceedings of the House and the committees.

### *Legal Framework*

Article 10 of the Constitution of Kenya, 2010 provides that the national values and principles of governance bind all state organs, officers and persons when interpreting the Constitution and when making or implementing public policy decisions. These values include rule of law, participation of the people and transparency

Hon. Speaker, Article 35 of the same Constitution recognizes that every citizen has the right of access to information, which is held by the State or another person, which is further effected by the Access to Information Act No. 31 of 2016.

Hon. Speaker, Article 196(1) of the Constitution of Kenya, 2010 stipulates that a county assembly shall—

- (a) Conduct its business in an open manner, and hold its sittings and those of its committees, in public;
  - (b) Facilitate public participation and involvement in the legislative and other business of the assembly and its committees.
- (2) A county assembly may not exclude the public, or any media, from any sitting unless in exceptional circumstances the speaker has determined that there are justifiable reasons for doing so.

Section 87(a) of County Governments Act, 2012 states that one of the principles of citizen participation in counties is timely access to information, data, documents and other information relevant to or related to policy formulation and implementation.

Hon. Speaker, this policy thus provides guidelines on how the Assembly proceedings shall be regulated both internally and externally in accordance with the Constitution of Kenya, 2010, County Governments Act, 2012, Access to Information Act, 2016 and the Fair Administrative Action Act, the County Assembly Standing Orders, Speakers Rules and other written laws.

This policy provides clear guidelines on how the Assembly proceedings are to be broadcast, both in the committees and in the House. Further, it also provides for procedure to be used where strangers violate and infringe the provisions of this policy.

#### *The Machakos Broadcasting Policy*

Hon. Speaker, the policy contains the following:

1. The guidelines to be followed by the Assembly broadcasting unit when broadcasting the committee and plenary proceedings.
2. Principles relating to broadcasting of proceedings
3. Conditions for approval of media related activities
4. Media coverage of the committee and assembly proceedings
5. Editing and broadcasting of the proceedings
6. Monitoring and archiving as well as the procedure to be followed in cases of non-compliance with the policy.

Hon. Speaker, telecasting and broadcasting Assembly proceedings not only gives first-hand political education to constituents, it also provides them with an opportunity of seeing for themselves the role being played by their elected representatives in ventilating their grievances.

This Broadcasting Policy is thereby devised to ensure that the House retains control over how it is portrayed on television and publicly by providing essential guidelines for audio visual direction of its plenary and committee proceedings.

Hon. Speaker, while the media is a core partner of the Assembly, it should practice responsible reporting of issues, upholding the dignity of the House and Members at all times as envisioned in Article 28 of the Constitution of Kenya, 2010.

#### *Objective of the Broadcasting Policy*

Hon. Speaker, the objective of this policy is to promote the delivery of quality and efficient broadcasting of the County Assembly of Machakos proceedings, committee work, video documentation and archiving of the generated content.

This policy seeks to establish a framework that shall offer guidance to the County Assembly Service Board, the County Assembly and the public so as to promote diversity, good governance, human rights and democracy.

#### *Rationale for the Policy*

Hon. Speaker, this policy provides a framework for filming activities within the County Assembly and its precincts, and is underpinned by the following principles:

1. Openness and accessibility of the House;
2. Facilitation of fair and accurate reporting by the media of Assembly proceedings; and
3. Non-interference with the operations of the House or the ability of the Speaker, Members, and other authorized persons to fulfil their duties.
4. This policy applies to all authorized persons and visitors to the Assembly precincts.

#### *Roles and Responsibilities*

Hon. Speaker, the Broadcasting policy bestows the various roles and responsibilities to different officer bearers:-

- a) The Speaker is responsible for the control and management of the Assembly chamber and all other areas of the Assembly.
- b) The Clerk is responsible for administration of the policy

- c) The Broadcasting Unit with the assistance of the Serjeant-at-Arms 'Office shall implement the policy.
- d) Members and Staff of the Assembly are responsible for ensuring that persons signed-in to the County Assembly are aware of, and comply with, this policy.
- e) Compliance with this policy is a license condition for all accredited media personnel who conduct activities within the County Assembly.
- f) Compliance with this policy is a condition of entry for all visitors to the County Assembly.

#### *Coverage of County Assembly Committees*

Hon. Speaker, broadcasting of proceedings of committees is subject to resolutions of the House. External media access will require the consent of the relevant committee and compliance with conditions set out in the policy.

#### *Non-Compliance*

Hon. Speaker, on matters dealing with powers and privileges of County Assembly staff and any person admitted into precincts of assembly, this policy relies on laws and regulations that govern it. This includes the Constitution of Kenya, the County Governments Act, County Assemblies Powers and Privileges Act, Fair Administrative Act, Machakos County Assembly Standing Orders and Speakers Rules.

Breach of the laws and regulations on matters relating to broadcasting of assembly proceedings shall be dealt with in accordance with the relevant laws and regulations.

#### *Committee Recommendations*

Hon. Speaker, The committee recommends that in addition to the annexed policy, the following recommendations be approved:

1. The members resolved that all interviews for members should be done with the approval of the Hon. Speaker to prevent unauthorized media personnel from giving wrong information.
2. Members of the press should provide their accreditation to the Assembly through the media houses they represent to avoid cases of fake or rogue journalists engaging in unprofessional conduct within the Assembly precincts.
3. A clear structure should be set on the procedure of accessing information.
4. Members should be sensitized on how to handle themselves in the chamber to avoid embarrassment.
5. The process of live streaming and broadcasting of the assembly proceedings should be fast-tracked for easy access of the assembly proceedings both internally and externally

#### *Conclusion and Acknowledgement*

Hon. Speaker, the approval of this policy will give the Assembly a legal framework on conduct of Members of the County Assembly, media personnel, the Members of public and the County Assembly Staff during broadcast of the proceedings of the House and the Committees of the County Assembly.

Hon. Speaker, I wish to acknowledge all the parties that participated in the formulation of this policy and compilation of this report. I therefore wish to present this report on behalf of the committee on Broadcasting and Library Services to this Honorable House for approval. Thank you, Hon. Speaker.

**Hon. Deputy Speaker:** Thank you very much, Hon. Jacinta Luka, for that report ably-read. I now propose the question that this House discusses and approves the Broadcasting and Library Services Committee report on the Assembly Broadcasting Policy. Hon. Members, you may comment and discuss on the report. Hon. Thomas Mutinda.

**Hon. Mutinda:** Mr. Speaker, I stand to support the report and thank the Chair in absentia and the committee for the good job done and really appreciate that this committee is doing a very good job. Mr. Speaker, remember we have this *Bunge Mashinani* which we have started through the efforts of this committee and they are showing what the County Assembly is able to do for its people. So, I think supporting this House to approve this report will go a long way to having our people know what we are doing here.

Mr. Speaker, as you are noting that this time round we have televisions which are around this town and I think it's the high time Mr. Speaker we have our proceedings covered live so that our people can see what we are doing. Actually, I want to appreciate the Speaker and the Hon. House for the efforts so far achieved because now we can get the County Assembly on YouTube and that means everybody in the world can see what we are doing, and that goes a long way to even attracting donors; those people who would wish to help us in one way or the other in service delivery.

So, I think now that that everybody is able to see us in the whole world and our people down there, they should be able also to see us through the local TV channels and radio stations so that we may be able to see and hear what we do here and why we are here.

Mr. Speaker, I think our people so far have not even realized or recognized what we do. Sometimes when they see His Excellency on the TV giving a waiver, they see yes, a very good thing has been done, but they are not aware that those processes have passed through this House.

So Mr. Speaker, most of what reflects to the people from the Executive side is actually the end result of the processes which have passed through this House. So, through this broadcasting, we are able to show what we do, we are able to show what we stand for as pertains to this County and the actually the region as a whole.

So Mr. Speaker, I support and say that it's important that even the employees who we have here should be able to say what we do because we are running together with them, so that we don't have information known worldwide, information known all over the County and even the staff here might not be aware of what we do. So, it is important that everybody is on board and whatever we do is known and we will be able to move at the same pace. Thank you, Hon. Speaker, for the opportunity and I do support.

**Hon. Deputy Speaker:** Thank you. Hon. Munyasya.

**Hon. (Ms.) Munyasya:** Hon. Speaker, I would like to thank Hon. Jacinta for a very well presented document and articulately put. Hon. Speaker, I would like to appreciate the fact that the committee has captured a lot of information that Hon. Members may not be aware of. We have seen even in international parliaments and Houses where Members are caught unawares resting their eyes or engaging in matters that are not appropriate in the House. So Hon. Speaker, it is in order that this Broadcasting Committee has taken the initiative of going through those issues and informing Members accordingly.

Hon. Speaker, security is also not left behind because we realize that people coming in, you might just find somebody with a camera and you don't know where they are from, and they are entering the Assembly precincts.

So it is very well captured here that Members of the press should identify themselves when they come into the Assembly precincts and they should also be identified with the institutions that they work for. That will avoid people who are not authorized to enter the Assembly precincts and it will protect both the House and the Members of the Assembly. Thank you, Hon. Speaker.

**Hon. Deputy Speaker:** Thank you, Hon. Angela. Hon. Moffat Maitha.

**Hon. Maitha:** Thank you, Hon. Speaker. I want to commend the committee for a job well done. Two, I want to thank Hon. Jacinta for elaborating and reading the committee's report very ably. Hon. Speaker, I want to say that it is very important for any institution to have policy in hand and this is so by this Broadcasting Unit of the Assembly. Without policies, anything can go wrong. Like if for example as we have said, those reporters, many of them might be bogus; some bogus reporters can come here and without the authority of the Speaker, anything bad can be said about this Assembly.

So, I support that when interviews are being done, let them get consent from the Speaker. I too wish to request that we have live broadcasts so that our people down there can see what their Hon. Members are doing. In fact when it is live, many of us here will wake up and speak because they will be ashamed not to be seen by their electorates articulating issues here on the floor of the House.

**Hon. Deputy Speaker:** Thank you, Hon. Moffat Maitha. Hon. Irene Mbivya.

**Hon. (Ms.) Mwende:** Thank you, Hon. Speaker. Hon. Maitha is a bit funny when he says that some of us will be ashamed so we have to talk. Anyway, on a light note. I commend *Mheshimiwa* Jacinta for the elaborate report that she's brought to this House. Indeed, we support that Broadcasting and Library Services committee should have a policy guiding it in its matters, because without policies, it is very easy to abuse or take advantage of the digital world that we are in right now, because with access to internet, you can access any information, but we need guidelines to put boundaries on how far we can get and what information should be sent out on air, so that the Assembly and the matters that go out are protected.

I support Hon. Maitha's comment that we need to be on air almost everywhere within our county. We can have TV sets or the advertisements that are usually on the spaces, either in the markets or where it's possible to advertise that we can run through our scripts so that our people may know what we usually do in the precincts of the Assembly. With those few remarks, I wish to support the report. Thank you, Mr. Speaker.

**Hon. Deputy Speaker:** Thank you very much. Hon. Mulu.

**Hon. Mulu:** Hon. Speaker, I would like to echo the effort of the committee on Broadcasting through the leadership of its chair, Madam Speaker. First, the notion that the Members are not attending the Assembly proceedings is out, now that we are being livestreamed. Secondly Hon. Speaker, the Members now know the right procedure, the right channels being followed when broadcasting the footages in the Assembly proceedings, and also the Members are aware of the shots being taken by the media personality. Thank you Hon. Speaker. With that, I support the report.

**Hon. Deputy Speaker:** Thank you very much. May the mover of the motion respond, please?

**Hon. (Ms.) Luka:** Thank you, Hon. Speaker. I want to thank Members for their contributions towards the report and I urge the report to be implemented because it is a matter of policies and responsibilities to the Assembly and I want to answer Hon. Maitha that we are live on YouTube and the Assembly is trying still to be live in other areas and we are planning to have a screen in Machakos bus park and in other areas where necessary. We are working on that and I within no time, everything will be in order. Thank you, Hon. Speaker.

**Hon. Deputy Speaker:** Thank you very much, Hon. Jacinta Luka.



*(Question put and agreed to)*

Hon. Members, now that you have adopted I just want to make a comment, first of all to thank the Hon. Member and the committee for this policy. If you look at that document attached to it, it is the actual policy document and I would request Hon. Members to be able to go through it. On the website, you will find it has been posted, the Assembly Broadcasting Policy.

This report summarizes the policy and you should be able to go through the policy which has been posted on our website, for you to be able to familiarize yourself with what are the requirements in as far as broadcasting is concerned.

The issue on identification of members of the press is key, especially during where we are heading to now. You know we are heading towards elections. It only needs to get your opponent to bring somebody here with a camera, they sit there, and they wait until you are resting your eyes and they take your photo and they go circulate it you know where, just for character assassination.

So, it is good that they will need to be identified before they can be allowed into the premises, so that we know it's only the official press members who are allowed to come in. Through the online YouTube which we are doing, and I also appreciate Hon. Jacinta Luka for highlighting that it is the intention of the Broadcasting committee to put up a huge billboard which will be transmitting live at Machakos Bus Park and also at the market place. If that is done, it will go a long way in ensuring that civic education is done to our people on the roles and responsibilities of this August House.

It is important for them to understand because you will find that, like Hon. Thomas Mutinda mentioned, if the Governor goes and says he has given a waiver and he stops there, the people don't understand that actually that waiver is being given by the Hon. Members of this House because this is the only legally allowed organ which can be able to give tax waivers and that the Governor cannot, as a Governor, give tax waivers; but the August House here is able to give tax waivers. When he goes out there and says 'I have given a waiver,' unless there is civic education being done to know that it is the people's representatives who are giving that waiver, then our people might not be aware of that and that leads to misinformation and lack of proper recognition on the roles and responsibilities of Members of this Hon. House.

So, I congratulate the committee and the Chair who is the Hon. Speaker of the House, Hon. Florence Mwangangi, for the good job they have done in ensuring that this report and the policy is presented to the House.

### **ADJOURNMENT**

**Hon. Deputy Speaker:** With that Hon. Members, the House is adjourned to resume on Wednesday, the 11th day of August, 2021, at 2.30 p.m. Enjoy the rest of your morning.

The House rose at 11.00 a.m.