

PARLIAMENTARY SERVICE COMMISSION



COMMISSION PAPER NO. 87

ON

COMMENTS BY THE PARLIAMENTARY SERVICE
COMMISSION ON THE REPORT OF THE TRIBUNAL.

PRESENTED TO THE COMMISSION

ON

4TH FEBRUARY, 2003

PARLIAMENT BUILDINGS
NAIROBI

PARLIAMENTARY SERVICE COMMISSION

COMMISSION PAPER NO. 85

SUMMARY OF THE SUBJECT

The contents of Commission Paper No.85 relate to:

- (i) a synopsis of all the deliberations held by the Parliamentary Service Commissioners at the various Commission meetings convened to consider the Report of the Justice Cockar Tribunal upon the said Report being submitted to Mr. Speaker on behalf of the Commission.
- (ii) resolution sought from the Commission.

COMMENTS BY THE PARLIAMENTARY SERVICE COMMISSION ON THE REPORT OF THE TRIBUNAL CHAIRED BY FORMER CHIEF JUSTICE COCKAR TO LOOK INTO THE TERMS AND CONDITIONS OF SERVICE OF MEMBERS OF PARLIAMENT

Upon the handing over of the Tribunal's Report to Mr. Speaker on 22nd November, 2002, the Parliamentary Service Commission held a meeting to deliberate on the recommendations of the Tribunal as stipulated under Section 23 of the Parliamentary Service Act which states that:

- “(1) The Commission shall, from time to time, appoint an independent body of experts to review the terms and conditions of service of Members and employees of the National Assembly.”
- “(2) The Commission shall upon receipt of the report of experts appointed under subsection (1), transmit the report together with its comments thereon, if any, to the National Assembly.”

What follows herebelow are the comments that the Commission has made on the Report in keeping with the stipulation of section 23(2) of the Parliamentary Service Act quoted above.

1. The Proposed Remuneration Package for Members of Parliament

The Commission was of the view that the proposed package is appropriate. It would have been better if the Constituency Allowance took into account the population and geographical size of each constituency but noted that this would have involved complicated calculations that would be difficult to work out and understand.

The Commission was further of the view that paying Members Kshs.5,000/= per sitting would greatly improve attendance of the proceedings of the House thereby eliminating the quorum problem.

However, the political Party Leaders and Party Whips will have to urge their Members to attend the sittings of the House and remain in the Chamber to participate in the proceedings. The Commission recommended that workshops and seminars would be held for Members to urge them take their responsibilities more seriously.

On meetings of Parliamentary Committees, the Commission further recommended the following:-

- (a) While on overseas tours, Members should be paid Attendance Allowance if such a Committee on an overseas tour holds a meeting and the Secretary of the delegation takes minutes. Such Attendance Allowance will be in addition to the per diem paid to the Members.
- (b) Payment of Attendance Allowance to Members of a Parliamentary Committee should be done after the Chairman of such a Committee has certified and confirmed the list of Members present prepared by the Secretary of the Committee.
- (c) Members of Parliament should also be paid a Winding Up Allowance at the rate of Kshs.300,000/= per year served at the end of each Parliamentary term.

2. The Proposed Remuneration Package for Whips and other Recognized Whips

The Commission considered critically the proposed package for Whips and other Recognized Whips and made the following recommendations:

- (a) Due to the fact that the Government Chief Whip is in charge of a larger number of Members, his/her total package should be equivalent to that of a Cabinet Minister. Indeed, he/she should be a Minister without portfolio so that he/she could attend cabinet meetings.
- (b) Deputy Government Chief Whip and the Chief Whip of the Official Opposition Party should get a total package equivalent to that of an Assistant Minister.
- (c) The Standing Orders should be amended to create the two posts for Parliamentary Party Leaders for the third and fourth largest parties in the House to be at the same level with Assistant Ministers. In other words, the third and fourth largest Parliamentary Parties would not have Party Whips but Parliamentary Leaders so that the issue of the Other Recognized Whips recommended in the Tribunal's Report does not arise.

3. The Proposed Remuneration Package for Chairmen of Parliamentary Committees

The Commission recommended that the total package for the Chairmen of the Departmental (portfolio) Committees be equivalent to that of an Assistant Minister.

4. The Proposed Remuneration Package for the Parliamentary Service Commissioners

The Commission recommended that the total package for Members of the Parliamentary Service Commission from the backbench be equivalent to that of an Assistant Minister but that if in case the Chairman of the Commission is not the

Speaker of the National Assembly, he/she should get a total package equivalent to that of a Cabinet Minister.

5. The Proposed Remuneration Package for the President

The Commission was happy with the proposed total package of Kshs.2,000,000/= per month for the President but recommended the following adjustments.

Since the President should be living in State House(s) and nowhere else, it would be irregular to pay him/her a House Allowance. The proposed House Allowance of Kshs.400,000/= per month should therefore be removed and the same amount of money applied to enhance Allowances as suggested herebelow:-

| | |
|---------------------------|-------------------------|
| Entertainment Allowance | Kshs.600,000/=per month |
| Extraneous Duty Allowance | Kshs.600,000/=per month |

The Commission supported the package for a retired President.

6. The Proposed Remuneration package for the Vice President

The Commission was happy with the proposed package for the Vice President except that there should be an institutional house for the occupant of that office so that the proposed for House Allowance of Kshs.200,000/= per month be applied to enhance the following Allowances as suggested herebelow:-

| | |
|---------------------------|--------------------------|
| Entertainment Allowance | Kshs.300,000/= per month |
| Extraneous Duty Allowance | Kshs.300,000/= per month |

The Commission supported the package for a retired Vice President.

7. The Proposed Remuneration Package for the Speaker

The Commission was happy with the proposed package for the Speaker except the House Allowance, which should not be paid because the Commission has already bought an Institutional House for the Speaker.

The Commission therefore recommended that the proposed Kshs.200,000/= for House Allowance be applied to boost the following Allowances as suggested herebelow:-

| | |
|----------------------------|--------------------------|
| Entertainment Allowance· | Kshs.300,000/= per month |
| Extraneous Duty Allowance· | Kshs.300,000/= per month |

The Commission further recommended that on retirement, the Speaker be given a monthly Petrol Allowance of Kshs.50,000/= instead of the Kshs.25,000/= recommended by the Tribunal.

8. The Proposed allowance for buying cars

The Commission noted that there will be need to effect amendments to the various sections of Chapter 5, Laws of Kenya, in order to give legal effect to the new rates that the Tribunal has recommended for Members of Parliament on different and new Allowances.

The Commission was of the view that in order to ensure that the amount of Kshs.3.3 million advanced to each Member to buy a car at the beginning of a Parliamentary term is put to the intended purpose, the amount should be paid directly to the car dealers.

The Commission recommended that in case a Member loses his/her seat before the end of his/her Parliamentary term, especially through death or election court petition, there should be some contingency fund to provide the incoming

Member with the same facility and that such fund should cater for about 20 cases in each Parliamentary term.

The Commission further recommended that the Car Loan Scheme for Members be abolished and degazetted immediately the Tribunal's recommendation of Kshs.3.3 million to be given to each Member for buying a car is implemented.

The Commission endorsed the Tribunal's view that Medical Insurance and Group Personal Accident cover be paid for by the State. In order to ensure continuity of the Group Personal Accident and the AAR Health Scheme, the Commission resolved that the two Schemes be renewed under the old terms in early January, 2003.

On the establishment of Constituency Offices, the Commission recommended that a Constituency Liaison Committee be created and the Standing Orders amended accordingly. That Committee would be dealing with matters arising from the Constituency Offices and advise the Commission on offices' staffing, renting and other related matters.

The Commission noted that the Tribunal reported widespread public criticism of Members of Parliament due to apparent lack of commitment to their core functions of legislation, representation and oversight.

In order to address this anomaly, the Commission supported the Tribunal's view that the Sitting hours of the House be extended, attendance register of Members be kept and made available to the public, Committee hearings be opened to the public, support be provided to Private Members' Bills and the Parliamentary Budget Office and Implementation Committee be established.

The Commission further noted that most of the changes suggested do not have financial implications as they merely require various amendments to the Standing Orders.

9. Resolution sought

The Commission is requested to study very carefully the comments it made in its various meetings convened to deliberate on the Report and resolve to lay the Report on the Table of the House together with its comments on the Report which have been captured and summarized in this Paper.

